

House Bill 403

By: Representatives Jackson of the 161st, Stephens of the 164th, Bordeaux of the 162nd, Bryant of the 160th, and Carter of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide for the nonpartisan election of clerks of
3 superior court and coroners; to provide for the qualifying for such offices; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by striking paragraph (2) of subsection (c) and subparagraph
9 (i)(1)(B) of Code Section 21-2-132, relating to filing notices of candidacy, nomination
10 petitions, and affidavits, and inserting in lieu thereof a new paragraph (2) and subparagraph
11 (B) to read as follows:

12 "(2) Each candidate for a county judicial office, the office of clerk of superior court, the
13 office for coroner, a local school board office, or an office of a consolidated government,
14 except those offices which on July 1, 2001, were covered by local Acts of the General
15 Assembly which provided for election in a nonpartisan election without a prior
16 nonpartisan primary, or the candidate's agent, desiring to have his or her name placed on
17 the nonpartisan election ballot shall file notice of candidacy in the office of the
18 superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately
19 prior to the election and no later than 12:00 Noon on the Friday following the fourth
20 Monday in April, notwithstanding the fact that any such days may be legal holidays."

21 "(B) Each candidate for a county judicial office, the office of clerk of superior court,
22 the office of coroner, a local school board office, or an office of a consolidated
23 government, except those offices which on July 1, 2001, were covered by local Acts of
24 the General Assembly which provided for election in a nonpartisan election without a
25 prior nonpartisan primary, or the candidate's agent, desiring to have his or her name
26 placed on the nonpartisan election ballot shall file notice of candidacy in the office of

1 the superintendent no earlier than 9:00 A.M. on the third Wednesday in June
2 immediately prior to the election and no later than 12:00 Noon on the Friday following
3 the third Wednesday in June, notwithstanding the fact that any such days may be legal
4 holidays;”.

5 **SECTION 2.**

6 Said chapter is further amended by striking subsection (a) of Code Section 21-2-139, relating
7 to the authorization of nonpartisan elections, and inserting in lieu thereof a new subsection
8 (a) to read as follows:

9 “(a) Notwithstanding any other provisions of this chapter to the contrary, the General
10 Assembly may provide by local Act for the election in nonpartisan elections of candidates
11 to fill county judicial offices, clerks of superior court, coroners, offices of local school
12 boards, and offices of consolidated governments which are filled by the vote of the electors
13 of said county or political subdivision. Except as otherwise provided in this Code section,
14 the procedures to be employed in such nonpartisan elections shall conform as nearly as
15 practicable to the procedures governing nonpartisan elections as provided in this chapter.
16 Except as otherwise provided in this Code section, the election procedures established by
17 any existing local law which provides for the nonpartisan election of candidates to fill
18 county offices shall conform to the general procedures governing nonpartisan elections as
19 provided in this chapter, and such nonpartisan elections shall be conducted in accordance
20 with the applicable provisions of this chapter, notwithstanding the provisions of any
21 existing local law. For those offices for which the General Assembly as of July 1, 2001,
22 pursuant to this Code section, provided by local Act for election in nonpartisan primaries
23 and elections, such offices shall no longer require nonpartisan primaries. Such officers
24 shall be elected in nonpartisan elections held and conducted in conjunction with the general
25 primary in accordance with this chapter without a prior nonpartisan primary. For those
26 offices for which the General Assembly as of July 1, 2001, provided by local Act for
27 election in a nonpartisan election without a prior nonpartisan primary, such offices shall
28 be elected in nonpartisan elections held and conducted in conjunction with the November
29 general election without a prior nonpartisan primary. Nonpartisan elections for municipal
30 offices shall be conducted on the dates provided in the municipal charter.”

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.