

House Bill 433

By: Representatives Coleman of the 144<sup>th</sup>, Crawford of the 127<sup>th</sup>, Cheokas of the 134<sup>th</sup>, Parrish of the 156<sup>th</sup>, Ray of the 136<sup>th</sup>, and others

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, sheriffs, tax collectors, tax receivers, tax commissioners, and coroners; to  
4 provide for the qualifying for such offices; to prohibit officers elected in nonpartisan  
5 elections from engaging in partisan political activity in their official capacities; to provide  
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

25 "(B) Each candidate for a county judicial office, the office of clerk of superior court,  
26 the office of sheriff, the office of tax collector, the office of tax receiver, the office of

1 tax commissioner, the office of coroner, a local school board office, or an office of a  
 2 consolidated government, except those offices which on July 1, 2001, were covered by  
 3 local Acts of the General Assembly which provided for election in a nonpartisan  
 4 election without a prior nonpartisan primary, or the candidate's agent, desiring to have  
 5 his or her name placed on the nonpartisan election ballot shall file notice of candidacy  
 6 in the office of the superintendent no earlier than 9:00 A.M. on the third Wednesday in  
 7 June immediately prior to the election and no later than 12:00 Noon on the Friday  
 8 following the third Wednesday in June, notwithstanding the fact that any such days may  
 9 be legal holidays;".

## 10 SECTION 2.

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

14 "(a)(1) Clerks of superior court, sheriffs, tax collectors, tax receivers, tax commissioners,  
 15 and coroners shall be elected in nonpartisan elections in accordance with this chapter.

16 Notwithstanding any other provisions of this chapter to the contrary, the General  
 17 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
 18 to fill county judicial offices, offices of local school boards, and offices of consolidated  
 19 governments which are filled by the vote of the electors of said county or political  
 20 subdivision. Except as otherwise provided in this Code section, the procedures to be  
 21 employed in such nonpartisan elections shall conform as nearly as practicable to the  
 22 procedures governing nonpartisan elections as provided in this chapter. Except as  
 23 otherwise provided in this Code section, the election procedures established by any  
 24 existing local law which provides for the nonpartisan election of candidates to fill county  
 25 offices shall conform to the general procedures governing nonpartisan elections as  
 26 provided in this chapter, and such nonpartisan elections shall be conducted in accordance  
 27 with the applicable provisions of this chapter, notwithstanding the provisions of any  
 28 existing local law. For those offices for which the General Assembly as of July 1, 2001,  
 29 pursuant to this Code section, provided by local Act for election in nonpartisan primaries  
 30 and elections, such offices shall no longer require nonpartisan primaries. Such officers  
 31 shall be elected in nonpartisan elections held and conducted in conjunction with the  
 32 general primary in accordance with this chapter without a prior nonpartisan primary. For  
 33 those offices for which the General Assembly as of July 1, 2001, provided by local Act  
 34 for election in a nonpartisan election without a prior nonpartisan primary, such offices  
 35 shall be elected in nonpartisan elections held and conducted in conjunction with the

1 November general election without a prior nonpartisan primary. Nonpartisan elections  
2 for municipal offices shall be conducted on the dates provided in the municipal charter.

3 (2) Officers elected in nonpartisan elections pursuant to this subsection shall not engage  
4 in any partisan political activity or event in their official capacities or use their titles or  
5 offices in conjunction with any partisan political activity or event."

6 **SECTION 3.**

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