

Senate Bill 80

By: Senators Williams of the 19th, Staton of the 18th, Goggans of the 7th, Tolleson of the 20th, Johnson of the 1st and others

AS PASSED SENATE

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 sheriffs;
3 to provide for the qualifying for such offices; to provide for related matters; to provide an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

21 "(B) Each candidate for a county judicial office, the office of sheriff, a local school
22 board office, or an office of a consolidated government, except those offices which on
23 July 1, 2001, were covered by local Acts of the General Assembly which provided for
24 election in a nonpartisan election without a prior nonpartisan primary, or the
25 candidate's agent, desiring to have his or her name placed on the nonpartisan election
26 ballot shall file notice of candidacy in the office of the superintendent no earlier than

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

4 **SECTION 2.**

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

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

30 **SECTION 3.**

31 This Act shall become effective upon its approval by the Governor or upon its becoming law
32 without such approval.

33 **SECTION 4.**

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