

House Bill 892

By: Representatives Smith of the 168th and Mosley of the 178th

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 that the General Assembly by local law
3 may provide for the nonpartisan election of clerks of the superior court, sheriffs, tax
4 receivers, tax collectors, tax commissioners, coroners, and county commissioners; to provide
5 for the qualifying for such offices; to provide for related matters; to provide an effective date;
6 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, a local school board office, or an office
15 of a consolidated government, except those offices which on July 1, 2001, were covered
16 by local Acts of the General Assembly which provided for election in a nonpartisan
17 election without a prior nonpartisan primary, or the candidate's agent, desiring to have
18 his or her name placed on the nonpartisan election ballot shall file notice of candidacy in
19 the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in April
20 immediately prior to the election and no later than 12:00 Noon on the Friday following
21 the fourth Monday in April, notwithstanding the fact that any such days may be legal
22 holidays."

23 "(B) Each candidate for a county ~~judicial~~ office, a local school board office, or an
24 office of a consolidated government, except those offices which on July 1, 2001, were
25 covered by local Acts of the General Assembly which provided for election in a
26 nonpartisan election without a prior nonpartisan primary, or the candidate's agent,

1 desiring to have his or her name placed on the nonpartisan election ballot shall file
 2 notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the
 3 third Wednesday in June immediately prior to the election and no later than 12:00 Noon
 4 on the Friday following the third Wednesday in June, notwithstanding the fact that any
 5 such days may be legal holidays;".

6 SECTION 2.

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

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

1 **SECTION 3.**

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

4 **SECTION 4.**

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