

House Bill 1306

By: Representatives May of the 111th, Hembree of the 67th, Smith of the 113th, Roberts of the 154th, Reese of the 98th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to
2 conduct of special elections generally, so as to provide that special elections regarding the
3 imposition of sales and use taxes shall be held only on the Tuesday after the first Monday in
4 November in even-numbered years; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of
9 special elections generally, is amended by striking the Code section and inserting in lieu
10 thereof a new Code Section 21-2-540 to read as follows:

11 "21-2-540.

12 (a) Every special election shall be held and conducted in all respects in accordance with
13 the provisions of this chapter relating to general elections; and the provisions of this
14 chapter relating to general elections shall apply thereto insofar as practicable and as not
15 inconsistent with any other provisions of this chapter. All special elections held at the time
16 of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll
17 officers by the use of the same equipment and facilities, so far as practicable, as are used
18 for such general election.

19 (b) At least 29 days shall intervene between the call of a special primary and the holding
20 of same, and at least 29 days shall intervene between the call of a special election and the
21 holding of same. The period during which candidates may qualify to run in a special
22 primary or a special election shall remain open for a minimum of two and one-half days.
23 Special elections which are to be held in conjunction with a state-wide general primary or
24 state-wide general election shall be called at least 60 days prior to the date of such
25 state-wide general primary or state-wide general election; provided, however, that this
26 requirement shall not apply to special elections held on the same date as such state-wide

1 general primary or state-wide general election but conducted completely separate and apart
 2 from such state-wide general primary or state-wide general election using different ballots
 3 or voting equipment, facilities, poll workers, and paperwork.

4 (c)(1) Notwithstanding any other provision of law to the contrary, except as otherwise
 5 provided in this subsection, a special election to present a question to the voters or a
 6 special primary or special election to fill a vacancy in a county or municipal office shall
 7 be held only on one of the following dates which is at least 29 days after the date of the
 8 call for the special election:

9 (A) In odd-numbered years any such special election shall only be held on:

- 10 (i) The third Tuesday in March;
- 11 (ii) The third Tuesday in June;
- 12 (iii) The third Tuesday in September; or
- 13 (iv) The Tuesday after the first Monday in November; and

14 (B) In even-numbered years any such special election shall only be held on:

- 15 (i) The third Tuesday in March; provided, however, that in the event that a special
 16 election is to be held under this provision in a year in which a presidential preference
 17 primary is to be held, then any such special election shall be held on the date of and
 18 in conjunction with the presidential preference primary;
- 19 (ii) The date of the general primary;
- 20 (iii) The third Tuesday in September; or
- 21 (iv) The Tuesday after the first Monday in November.

22 (2) The provisions of this subsection shall not apply to:

- 23 (A) Special elections held pursuant to Chapter 4 of this title, the "Recall Act of 1989,"
 24 to recall a public officer or to fill a vacancy in a public office caused by a recall
 25 election; and
- 26 (B) Special primaries or special elections to fill vacancies in federal or state public
 27 offices.

28 (3) Special elections to present questions to the voters on the approval or rejection of the
 29 imposition of sales and use taxes shall only be conducted on the Tuesday after the first
 30 Monday in November in even-numbered years.

31 (d) Except as otherwise provided by this chapter, the superintendent of each county or
 32 municipality shall publish the call of the special election.

33 (e) Candidates in special elections for partisan offices shall be listed on the ballot
 34 according to party affiliation."

35 SECTION 2.

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