

House Bill 296 (AS PASSED HOUSE AND SENATE)

By: Representatives May of the 111<sup>th</sup>, Williams of the 178<sup>th</sup>, Roberts of the 154<sup>th</sup>, Lane of the 167<sup>th</sup>, Hembree of the 67<sup>th</sup>, 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 to submit  
3 questions to the voters shall be held on certain dates; to provide for related matters; to  
4 provide an effective date; 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 Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of  
8 special elections generally, is amended by revising subsection (c) as follows:

9 "(c)(1) Notwithstanding any other provision of law to the contrary, ~~a special election to~~  
10 ~~present a question to the voters or a special primary or special election to fill a vacancy~~  
11 in a county or municipal office shall be held only on one of the following dates which is  
12 at least 29 days after the date of the call for the special election:

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

- 14 (i) The third Tuesday in March;
- 15 (ii) The third Tuesday in June;
- 16 (iii) The third Tuesday in September; or
- 17 (iv) The Tuesday after the first Monday in November; and

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

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

1 (2) Notwithstanding any other provision of law to the contrary, a special election to  
 2 present a question to the voters shall be held only on one of the following dates which is  
 3 at least 29 days after the date of the call for the special election:

4 (A) In odd-numbered years, any such special election shall only be held on the third  
 5 Tuesday in March or on the Tuesday after the first Monday in November; and

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

7 (i) The date of and in conjunction with the presidential preference primary if one is  
 8 held that year;

9 (ii) The date of the general primary; or

10 (iii) The Tuesday after the first Monday in November.

11 ~~(2)~~(3) The provisions of this subsection shall not apply to:

12 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'  
 13 to recall a public officer or to fill a vacancy in a public office caused by a recall  
 14 election; and

15 (B) Special primaries or special elections to fill vacancies in federal or state public  
 16 offices."

17 **SECTION 2.**

18 This Act shall become effective on January 1, 2010.

19 **SECTION 3.**

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