

House Bill 1297

By: Representative Wilkinson of the 52<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 21-2-131 of the Official Code of Georgia Annotated, relating to  
2 fixing and publishing qualification fees, so as to nominally increase qualification fees; to  
3 provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 21-2-131 of the Official Code of Georgia Annotated, relating to fixing and  
7 publishing qualification fees; is amended by revising subsection (a) as follows:

8 "(a) Qualification fees for party and public offices shall be fixed and published as follows:

9 (1)(A) The governing authority of any county or municipality, not later than February  
10 1 of any year in which a general primary, nonpartisan election, or general election is to  
11 be held, and at least 35 days prior to the special primary or election in the case of a  
12 special primary or special election, shall fix and publish a qualifying fee for each  
13 county or municipal office to be filled in the upcoming primary or election. Except as  
14 otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent  
15 of the total gross salary of the office paid in the preceding calendar year including all  
16 supplements authorized by law if a salaried office plus \$75.00.

17 (B) For the offices of clerk of the superior court, judge of the probate court, sheriff, tax  
18 commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum  
19 salary specified in subsection (a) of Code Section 15-6-88, paragraph (1) of subsection  
20 (a) of Code Section 15-9-63, subsection (a) of Code Section 15-10-23, paragraph (1)  
21 of subsection (a) of Code Section 15-16-20, and paragraph (1) of subsection (b) of Code  
22 Section 48-5-183, exclusive of supplements, cost-of-living increases, and longevity  
23 increases plus \$75.00. For the office of members of the county governing authority, the  
24 qualifying fee shall be 3 percent of the base salary established by local Act of the  
25 General Assembly or by Code Section 36-5-25 as adjusted pursuant to Code Section  
26 36-5-24, if applicable, exclusive of compensation supplements for training provided for

27 in Code Section 36-5-27 and cost-of-living adjustments pursuant to Code Section  
28 36-5-28. If not a salaried office, a reasonable fee shall be set by the governing authority  
29 of such county or municipality, such fee not to exceed 3 percent of the income derived  
30 from such county office by the person holding the office for the preceding year or more  
31 than \$35.00 for a municipal office; provided, however, that on and after January 1,  
32 2011, such fee shall be increased by \$75.00;

33 (2) Within the same time limitation as provided in subparagraph (A) of paragraph (1) of  
34 this subsection, the Secretary of State shall fix and publish a qualifying fee for any  
35 candidate qualifying by this method with a state political party and for any candidate  
36 qualifying with the Secretary of State for a nonpartisan election and for any candidate  
37 filing with the Secretary of State his or her notice of candidacy for a general or special  
38 election. Such fee shall be 3 percent of the annual salary of the office if a salaried office  
39 plus \$75.00, except that the fee for members of the General Assembly shall be ~~\$400.00~~  
40 \$475.00. If not a salaried office, a reasonable fee shall be set by the Secretary of State,  
41 such fee not to exceed 3 percent of the income derived from such office by the person  
42 holding the office for the preceding year; provided, however, that on and after January  
43 1, 2011, such fee shall be increased by \$75.00;

44 (3) A reasonable qualifying fee may be set according to party rule for each political party  
45 office to be filled in a primary. Such fees shall be set and published by the county or state  
46 political party not later than February 1 of the year in which the primary is to be held for  
47 the filling of such party office."

48 **SECTION 2.**

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