

House Bill 88

By: Representatives Powell of the 29<sup>th</sup> and Levitas of the 82<sup>nd</sup>

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 clerks of  
3 the superior court, sheriffs, tax receivers, tax collectors, and tax commissioners; to provide  
4 for the qualifying for such offices; to provide for related matters; to provide an effective date;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
9 primaries generally, is amended by revising paragraph (2) of subsection (c) and subparagraph  
10 (i)(1)(B) of Code Section 21-2-132, relating to filing notices of candidacy, nomination  
11 petitions, and affidavits, as follows:

12 "(2) Each candidate for a county ~~judicial~~ office, a local school board office, or an office  
13 of a consolidated government which is filled by a nonpartisan election, or the candidate's  
14 agent, desiring to have his or her name placed on the nonpartisan election ballot shall file  
15 notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the  
16 fourth Monday in June immediately prior to the election and no later than 12:00 Noon on  
17 the Friday following the fourth Monday in June, notwithstanding the fact that any such  
18 days may be legal holidays."

19 "(B) Each candidate for a county ~~judicial~~ office, a local school board office, or an  
20 office of a consolidated government which is filled by a nonpartisan election, or the  
21 candidate's agent, desiring to have his or her name placed on the nonpartisan election  
22 ballot shall file a notice of candidacy in the office of the superintendent no earlier than  
23 9:00 A.M. on the last Monday in July immediately prior to the election and no later  
24 than 12:00 Noon on the Friday following the last Monday in July, notwithstanding the  
25 fact that any such days may be legal holidays;".

26 **SECTION 2.**

27 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating  
28 to the authorization of nonpartisan elections, as follows:

29 "(a) The offices of sheriff, judge of the probate court, tax receiver, tax collector, tax  
30 commissioner, and clerk of superior court shall be filled by election in nonpartisan  
31 elections. Notwithstanding any other provisions of this chapter to the contrary, the General  
32 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
33 to fill county judicial offices, offices of local school boards, and offices of consolidated  
34 governments which are filled by the vote of the electors of said county or political  
35 subdivision. Except as otherwise provided in this Code section, the procedures to be  
36 employed in such nonpartisan elections shall conform as nearly as practicable to the  
37 procedures governing nonpartisan elections as provided in this chapter. Except as  
38 otherwise provided in this Code section, the election procedures established by any existing  
39 local law which provides for the nonpartisan election of candidates to fill county offices  
40 shall conform to the general procedures governing nonpartisan elections as provided in this  
41 chapter, and such nonpartisan elections shall be conducted in accordance with the  
42 applicable provisions of this chapter, notwithstanding the provisions of any existing local  
43 law. For those offices for which the General Assembly, pursuant to this Code section,  
44 provided by local Act for election in nonpartisan primaries and elections, such offices shall  
45 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan  
46 elections held and conducted in conjunction with the November general election in  
47 accordance with this chapter without a prior nonpartisan primary. Nonpartisan elections  
48 for municipal offices shall be conducted on the dates provided in the municipal charter."

49 **SECTION 3.**

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

52 **SECTION 4.**

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