

House Bill 85

By: Representatives Powell of the 29th and Levitas of the 82nd

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 authorize the General Assembly by local law to
3 provide for the nonpartisan election of clerks of the superior court, sheriffs, tax receivers, tax
4 collectors, and tax commissioners; to provide for the qualifying for such offices; to provide
5 for related matters; to provide an effective date; to repeal conflicting laws; and for other
6 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 revising 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, as follows:

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

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

27 **SECTION 2.**

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

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

50 **SECTION 3.**

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

53 **SECTION 4.**

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