

House Bill 130

By: Representatives Carter of the 159th, Levitas of the 82nd, Lindsey of the 54th, Dickson of the 6th, Peake of the 137th, and others

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 district
3 attorneys, solicitors-general, sheriffs, tax commissioners, tax receivers, tax collectors, clerks
4 of superior court, and county commissioners; to provide for the qualifying for such offices;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**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 subsection (c) and paragraph (1) of subsection (i)
10 of Code Section 21-2-132, relating to filing notices of candidacy, nomination petitions, and
11 affidavits, as follows:

12 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking
13 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
14 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
15 names placed on the nonpartisan election ballot by the Secretary of State or election
16 superintendent, as the case may be, in the following manner:

17 (1) Each candidate for the office of district attorney, judge of the superior court, Judge
18 of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,
19 desiring to have his or her name placed on the nonpartisan election ballot shall file a
20 notice of candidacy, giving his or her name, residence address, and the office sought, in
21 the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in
22 June immediately prior to the election and no later than 12:00 Noon on the Friday
23 following the fourth Monday in June, notwithstanding the fact that any such days may
24 be legal holidays; and

25 (2) Each candidate for a county ~~judicial~~ office, a local school board office, or an office
26 of a consolidated government, or the candidate's agent, desiring to have his or her name

27 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
 28 superintendent no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to
 29 the election and no later than 12:00 Noon on the Friday following the fourth Monday in June,
 30 notwithstanding the fact that any such days may be legal holidays."

31 "(1) All candidates seeking election in a nonpartisan election shall file their notice of
 32 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
 33 in order to be eligible to have their names placed on the nonpartisan election ballot by the
 34 Secretary of State or election superintendent, as the case may be, in the following
 35 manner:

36 (A) Each candidate for the office of district attorney, judge of the superior court, Judge
 37 of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,
 38 desiring to have his or her name placed on the nonpartisan election ballot shall file a
 39 notice of candidacy, giving his or her name, residence address, and the office sought,
 40 in the office of the Secretary of State no earlier than 9:00 A.M. on the last Monday in
 41 July immediately prior to the election and no later than 12:00 Noon on the Friday
 42 following the last Monday in July, notwithstanding the fact that any such days may be
 43 legal holidays; and

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

50 SECTION 2.

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

53 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 54 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 55 to fill the offices of district attorney, solicitor-general, sheriff, tax commissioner, tax
 56 receiver, tax collector, clerk of superior court, and county commissioner, county judicial
 57 offices, offices of local school boards, and offices of consolidated governments which are
 58 filled by the vote of the electors of said county or political subdivision. Except as
 59 otherwise provided in this Code section, the procedures to be employed in such nonpartisan
 60 elections shall conform as nearly as practicable to the procedures governing nonpartisan
 61 elections as provided in this chapter. Except as otherwise provided in this Code section,
 62 the election procedures established by any existing local law which provides for the

63 nonpartisan election of candidates to fill county offices shall conform to the general
64 procedures governing nonpartisan elections as provided in this chapter, and such
65 nonpartisan elections shall be conducted in accordance with the applicable provisions of
66 this chapter, notwithstanding the provisions of any existing local law. For those offices for
67 which the General Assembly, pursuant to this Code section, provided by local Act for
68 election in nonpartisan primaries and elections, such offices shall no longer require
69 nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and
70 conducted in conjunction with the November general election in accordance with this
71 chapter without a prior nonpartisan primary. Nonpartisan elections for municipal offices
72 shall be conducted on the dates provided in the municipal charter."

73

SECTION 3.

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