

House Bill 136

By: Representatives Carter of the 159<sup>th</sup>, Levitas of the 82<sup>nd</sup>, and Stephens of the 164<sup>th</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 district  
3 attorneys; to provide for the qualifying for such offices; to provide for related matters; to  
4 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 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
8 primaries generally, is amended by revising subsection (c) and paragraph (1) of subsection (i)  
9 of Code Section 21-2-132, relating to filing notices of candidacy, nomination petitions, and  
10 affidavits, as follows:

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

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

24 (2) Each candidate for a county ~~judicial~~ office, a local school board office, or an office  
25 of a consolidated government, or the candidate's agent, desiring to have his or her name  
26 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the

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

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

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

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

49 **SECTION 2.**

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

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

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

71 **SECTION 3.**

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