

SENATE SUBSTITUTE TO HB 156

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated,
 2 relating to magistrates, so as to provide that elected magistrate judges who are performing
 3 ordered military duty may continue in office and be eligible for reelection during such duty;
 4 to provide for qualifying for election by mail, messenger, or agent during such duty; to
 5 amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries
 6 and elections generally, so as to provide that elected public officials who are performing
 7 ordered military duty may continue in office and be eligible for reelection during such duty;
 8 to provide for qualifying for election by mail, messenger, or agent during such duty; to
 9 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
 10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
 13 magistrates, is amended by adding a new Code section as follows:

14 "15-10-20.1.

15 (a) Any elected chief magistrate or elected magistrate who is performing ordered military
 16 duty, as defined in Code Section 38-2-279, of more than 21 days in length shall be eligible
 17 for reelection in any primary or general election which may be held to elect a successor for
 18 the next term of office, and may qualify in absentia as a candidate for reelection to such
 19 office. The performance of ordered military duty shall not create a vacancy in such office
 20 during the term for which such judge was elected.

21 (b) Where the giving of written notice of candidacy is required, any elected chief
 22 magistrate or elected magistrate who is performing ordered military duty may deliver such
 23 notice by mail, agent, or messenger to the proper elections official. Any other act required
 24 by law of a candidate for the office of chief magistrate or magistrate judge may, during the
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26 time such official is on ordered military duty, be performed by an agent designated in
 27 writing by the absent chief magistrate or magistrate judge."

28 **SECTION 2.**

29 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
 30 elections generally, is amended by revising Code Section 21-2-132, relating to filing notice
 31 of candidacy, nomination petition, and affidavit, by adding a new subsection to read as
 32 follows:

33 "(j)(1) Notwithstanding any provision of law to the contrary, any elected public officer
 34 who is performing ordered military duty, as defined in Code Section 38-2-279, of more
 35 than 21 days in length shall be eligible for reelection in any primary or general election
 36 which may be held to elect a successor for the next term of office, and may qualify in
 37 absentia as a candidate for reelection to such office. The performance of ordered military
 38 duty shall not create a vacancy in such office during the term for which such public
 39 officer was elected.

40 (2) Where the giving of written notice of candidacy is required, any elected public officer
 41 who is performing ordered military duty may deliver such notice by mail, agent, or
 42 messenger to the proper elections official. Any other act required by law of a candidate
 43 may, during the time such officer is on ordered military duty, be performed by an agent
 44 designated in writing by the absent public officer."

45 **SECTION 3.**

46 Said chapter is further amended by revising Code Section 21-2-153, relating to qualification
 47 of candidates for party nomination in a state or county primary, by adding a new subsection
 48 to read as follows:

49 "(g)(1) Notwithstanding any provision of law to the contrary, any elected public officer
 50 who is performing ordered military duty, as defined in Code Section 38-2-279, of more
 51 than 21 days in length shall be eligible for reelection in any primary or general election
 52 which may be held to elect a successor for the next term of office, and may qualify in
 53 absentia as a candidate for reelection to such office. The performance of ordered military
 54 duty shall not create a vacancy in such office during the term for which such public
 55 officer was elected.

56 (2) Where the giving of written notice of candidacy is required, any elected public officer
 57 who is performing ordered military duty may deliver such notice by mail, agent, or
 58 messenger to the proper elections official. Any other act required by law of a candidate
 59 may, during the time such officer is on ordered military duty, be performed by an agent
 60 designated in writing by the absent public officer."

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SECTION 4.

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This Act shall become effective upon its approval by the Governor or upon its becoming law

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without such approval.

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SECTION 5.

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