

House Bill 156 (AS PASSED HOUSE AND SENATE)

By: Representatives Harbin of the 118th, Anderson of the 117th, and Sims of the 119th

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:

12 style="text-align:center">**SECTION 1.**

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

15 "15-10-20.1.

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

22 (b) Where the giving of written notice of candidacy is required, any elected chief
23 magistrate or elected magistrate who is performing ordered military duty may deliver such
24 notice by mail, agent, or messenger to the proper elections official. Any other act required
25 by law of a candidate for the office of chief magistrate or magistrate judge may, during the

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, shall be
 35 eligible for reelection in any primary or general election which may be held to elect a
 36 successor for the next term of office, and may qualify in absentia as a candidate for
 37 reelection to such office. The performance of ordered military duty shall not create a
 38 vacancy in such office during the term for which such public officer was elected.

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

44 **SECTION 3.**

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

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

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

59 **SECTION 4.**

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

62 **SECTION 5.**

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