

House Bill 776

By: Representatives Sims of the 119th, Harbin of the 118th, Maxwell of the 17th, and Ramsey of the 72nd

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 primaries and elections, so as to provide that nonpartisan elections for members of
3 consolidated governments shall be considered county elections and not municipal elections;
4 to provide for legislative intent; to provide an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
9 elections, is amended by revising subsection (a) of Code Section 21-2-139, relating to the
10 authorization and conduct of nonpartisan elections, as follows:

11 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
12 Assembly may provide by local Act for the election in nonpartisan elections of candidates
13 to fill county judicial offices, offices of local school boards, and offices of consolidated
14 governments which are filled by the vote of the electors of said county or political
15 subdivision. Except as otherwise provided in this Code section, the procedures to be
16 employed in such nonpartisan elections shall conform as nearly as practicable to the
17 procedures governing nonpartisan elections as provided in this chapter. Except as
18 otherwise provided in this Code section, the election procedures established by any existing
19 local law which provides for the nonpartisan election of candidates to fill county offices
20 shall conform to the general procedures governing nonpartisan elections as provided in this
21 chapter, and such nonpartisan elections shall be conducted in accordance with the
22 applicable provisions of this chapter, notwithstanding the provisions of any existing local
23 law. For those offices for which the General Assembly, pursuant to this Code section,
24 provided by local Act for election in nonpartisan primaries and elections, such offices shall
25 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
26 elections held and conducted in conjunction with the general primary in even-numbered

27 years in accordance with this chapter without a prior nonpartisan primary. This Code
28 section shall apply to all nonpartisan elections for members of consolidated governments.
29 All nonpartisan elections for members of consolidated governments shall be governed by
30 the provisions of this Code section and shall be considered county elections and not
31 municipal elections for the purposes of this Code section. Nonpartisan elections for
32 municipal offices shall be conducted on the dates provided in the municipal charter."

33 **SECTION 2.**

34 This Act is not intended by the General Assembly to create any new provision of law but
35 only to clarify the intent of the General Assembly in passing the original legislation.

36 **SECTION 3.**

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

39 **SECTION 4.**

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