

The House Committee on Governmental Affairs offers the following substitute to SB 95:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated,
2 relating to county governing authorities, and Code Section 21-2-139 of the Official Code of
3 Georgia Annotated, relating to the authorization for and conduct of nonpartisan elections, so
4 as to provide that, in counties that utilize a chief executive officer/county commission form
5 of government, all elections for the chief executive officer, when such chief executive officer
6 is not a member of the board of commissioners, shall be conducted on a nonpartisan basis;
7 to amend Code Section 45-5-6 of the Official Code of Georgia Annotated, relating to public
8 official investigated by special commission upon indictment, gubernatorial review if
9 commission recommends suspension, suspension, reinstatement, and replacement officer, so
10 as to provide for the appointment of a temporary replacement officer under certain
11 circumstances; to provide for related matters; to provide for an effective date and
12 applicability; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to
16 county governing authorities, is amended by revising Code Section 36-5-23, which was
17 previously reserved, as follows:

18 "36-5-23.

19 ~~Reserved~~ Notwithstanding any local law to the contrary, in counties that utilize a chief
20 executive officer/county commission form of government, the election of the chief
21 executive officer, when such chief executive officer is not a member of the board of
22 commissioners, shall be conducted on a nonpartisan basis. This Code section shall not
23 affect the term of office of any chief executive officer in office on the effective date of this
24 Code section, but shall apply to the next election to fill such office."

25 **SECTION 2.**

26 Code Section 21-2-139 of the Official Code of Georgia Annotated, relating to the
 27 authorization for and conduct of nonpartisan elections, is amended by revising subsection (a)
 28 as follows:

29 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 30 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 31 to fill county judicial offices, offices of local school boards, offices of chief executive
 32 officers of county governing authorities utilizing a chief executive officer/county
 33 commission form of government, when such chief executive officer is not a member of the
 34 board of commissioners, and offices of consolidated governments which are filled by the
 35 vote of the electors of said county or political subdivision. Except as otherwise provided
 36 in this Code section, the procedures to be employed in such nonpartisan elections shall
 37 conform as nearly as practicable to the procedures governing nonpartisan elections as
 38 provided in this chapter. Except as otherwise provided in this Code section, the election
 39 procedures established by any existing local law which provides for the nonpartisan
 40 election of candidates to fill county offices shall conform to the general procedures
 41 governing nonpartisan elections as provided in this chapter, and such nonpartisan elections
 42 shall be conducted in accordance with the applicable provisions of this chapter,
 43 notwithstanding the provisions of any existing local law. For those offices for which the
 44 General Assembly, pursuant to this Code section, provided by local Act for election in
 45 nonpartisan primaries and elections, such offices shall no longer require nonpartisan
 46 primaries. Such officers shall be elected in nonpartisan elections held and conducted in
 47 conjunction with the general primary in even-numbered years in accordance with this
 48 chapter without a prior nonpartisan primary. This Code section shall apply to all
 49 nonpartisan elections for members of consolidated governments. All nonpartisan elections
 50 for members of consolidated governments shall be governed by the provisions of this Code
 51 section and shall be considered county elections and not municipal elections for the
 52 purposes of this Code section. Nonpartisan elections for municipal offices shall be
 53 conducted on the dates provided in the municipal charter."

54 **SECTION 3.**

55 Code Section 45-5-6 of the Official Code of Georgia Annotated, relating to public official
 56 investigated by special commission upon indictment, gubernatorial review if commission
 57 recommends suspension, suspension, reinstatement, and replacement officer, is amended by
 58 adding a new subsection to read as follows:

59 "(j) Unless otherwise provided by local law, in the event the Governor appoints a member
 60 of a governing authority as a temporary replacement for a suspended public official under

61 paragraph (1) of subsection (d) of this Code section, the member of the governing authority
62 so appointed shall nominate three qualified persons from whom the governing authority,
63 by majority vote of its remaining members, shall select a temporary replacement to fill such
64 member's seat on the governing authority until such time as the suspension of the public
65 official is terminated or the end of such member's current term on the governing authority,
66 whichever is earlier. The member making the nominations shall not vote on the selection
67 of such temporary replacement."

68 **SECTION 4.**

69 This Act shall become effective upon its approval by the Governor or upon its becoming law
70 without such approval, and Section 3 shall apply to all persons serving as temporary
71 replacements for suspended public officials on the effective date of this Act as well as all
72 persons appointed as temporary replacements for suspended public officials on and after the
73 effective date of this Act.

74 **SECTION 5.**

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