

House Bill 1125

By: Representatives Harrell of the 106th, Mitchell of the 88th, Setzler of the 35th, Glanton of the 75th, and Riley of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to
2 conduct of special elections generally, so as to provide that a special election to present a
3 question to the voters regarding the imposition or extension of a local option sales and use
4 tax under Article 2, 2A, 3, 4, or 5 of Chapter 8 of Title 48 or the approval of the issuance of
5 bonds shall be held only on the Tuesday after the first Monday in November of each year;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to conduct of
10 special elections generally, is amended by revising subsection (c) of the Code section as
11 follows:

12 "(c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
13 special election to fill a vacancy in a county or municipal office shall be held only on one
14 of the following dates which is at least 29 days after the date of the call for the special
15 election:

16 (A) In odd-numbered years, any such special election shall only be held on:

- 17 (i) The third Tuesday in March;
- 18 (ii) The third Tuesday in June;
- 19 (iii) The third Tuesday in September; or
- 20 (iv) The Tuesday after the first Monday in November; and

21 (B) In even-numbered years, any such special election shall only be held on:

- 22 (i) The third Tuesday in March; provided, however, that in the event that a special
23 election is to be held under this provision in a year in which a presidential preference
24 primary is to be held, then any such special election shall be held on the date of and
25 in conjunction with the presidential preference primary;
- 26 (ii) The date of the general primary; or

27 (iii) The Tuesday after the first Monday in November.

28 (2) Notwithstanding any other provision of law to the contrary, a special election to
 29 present a question to the voters other than the imposition or extension of a local option
 30 sales and use tax under Article 2, 2A, 3, 4, or 5 of Chapter 8 of Title 48 or the approval
 31 of the issuance of bonds shall be held only on one of the following dates which is at least
 32 29 days after the date of the call for the special election:

33 (A) In odd-numbered years, any such special election shall only be held on the third
 34 Tuesday in March or on the Tuesday after the first Monday in November; and

35 (B) In even-numbered years, any such special election shall only be held on:

36 (i) The date of and in conjunction with the presidential preference primary if one is
 37 held that year;

38 (ii) The date of the general primary; or

39 (iii) The Tuesday after the first Monday in November.

40 (3) Notwithstanding any other provision of law to the contrary, a special election to
 41 present a question to the voters regarding the imposition or extension of a local option
 42 sales and use tax under Article 2, 2A, 3, 4, or 5 of Chapter 8 of Title 48 or the approval
 43 of the issuance of bonds shall be held only on the Tuesday after the first Monday in
 44 November of each year, provided that such date is at least 29 days after the date of the
 45 call for the special election.

46 ~~(3)~~(4) The provisions of this subsection shall not apply to:

47 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
 48 to recall a public officer or to fill a vacancy in a public office caused by a recall
 49 election; and

50 (B) Special primaries or special elections to fill vacancies in federal or state public
 51 offices."

52 **SECTION 2.**

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