

House Bill 351

By: Representative Peake of the 141<sup>st</sup>

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 elections and primaries generally, so as to provide for the nonpartisan election of district  
3 attorneys, sheriffs, coroners, tax commissioners, and clerks of superior court; to provide for  
4 the qualifying for such offices; to provide for related matters; 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 elections and  
9 primaries generally, is amended by revising subsection (c) of Code Section 21-2-132, relating  
10 to filing notices of candidacy, nomination petitions, and affidavits, as follows:

11 "(c) All candidates seeking election in a nonpartisan election shall file their notice of  
12 candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection  
13 in order to be eligible to have their names placed on the nonpartisan election ballot by the  
14 Secretary of State or election superintendent, as the case may be, in the following manner:

15 (1) Each candidate for the office of district attorney, judge of the superior court, Judge  
16 of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,  
17 desiring to have his or her name placed on the nonpartisan election ballot shall file a  
18 notice of candidacy, giving his or her name, residence address, and the office sought, in  
19 the office of the Secretary of State no earlier than 9:00 A.M. on the Monday of the  
20 eleventh week immediately prior to the election and no later than 12:00 Noon on the  
21 Friday immediately following such Monday, notwithstanding the fact that any such days  
22 may be legal holidays;

23 (2) Each candidate for a nonpartisan county ~~judicial~~ office, a local school board office,  
24 or an office of a consolidated government, or the candidate's agent, desiring to have his  
25 or her name placed on the nonpartisan election ballot shall file notice of candidacy in the  
26 office of the superintendent no earlier than 9:00 A.M. on the Monday of the eleventh

27 week immediately prior to the election and no later than 12:00 Noon on the Friday  
 28 immediately following such Monday, notwithstanding the fact that any such days may  
 29 be legal holidays;

30 (3)(A) Each candidate for a nonpartisan municipal office or a designee shall file a  
 31 notice of candidacy in the office of the municipal superintendent of such candidate's  
 32 municipality during the municipality's nonpartisan qualifying period. Each municipal  
 33 superintendent shall designate the days of such qualifying period, which shall be no less  
 34 than three days and no more than five days. The days of the qualifying period shall be  
 35 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30  
 36 A.M. on the third Monday in August immediately preceding the general election and  
 37 shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special  
 38 election, the municipal nonpartisan qualifying period shall commence no earlier than  
 39 the date of the call and shall end no later than 25 days prior to the election.

40 (B) In any case in which no individual has filed a notice of candidacy and paid the  
 41 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,  
 42 the governing authority of the municipality shall be authorized to reopen qualifying for  
 43 candidates at 9:00 A.M. on the Monday next following the close of the preceding  
 44 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately  
 45 following such Monday, notwithstanding the fact that such days may be legal holidays;  
 46 and

47 (4) In any case where an incumbent has filed notice of candidacy and paid the prescribed  
 48 qualifying fee in a nonpartisan election to succeed himself or herself in office but  
 49 withdraws as a candidate for such office prior to the close of the applicable qualifying  
 50 period prescribed in this subsection, qualifying for candidates other than such incumbent  
 51 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding  
 52 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following  
 53 such reopening, notwithstanding the fact that any such days may be legal holidays."

54 **SECTION 2.**

55 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating  
 56 to the authorization of nonpartisan elections, as follows:

57 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General  
 58 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
 59 to fill the offices of district attorney, sheriff, coroner, tax commissioner, and clerk of  
 60 superior court; county judicial offices; offices of local school boards; and offices of  
 61 consolidated governments which are filled by the vote of the electors of said county or  
 62 political subdivision. Except as otherwise provided in this Code section, the procedures

63 to be employed in such nonpartisan elections shall conform as nearly as practicable to the  
64 procedures governing nonpartisan elections as provided in this chapter. Except as  
65 otherwise provided in this Code section, the election procedures established by any existing  
66 local law which provides for the nonpartisan election of candidates to fill county offices  
67 shall conform to the general procedures governing nonpartisan elections as provided in this  
68 chapter, and such nonpartisan elections shall be conducted in accordance with the  
69 applicable provisions of this chapter, notwithstanding the provisions of any existing local  
70 law. For those offices for which the General Assembly, pursuant to this Code section,  
71 provided by local Act for election in nonpartisan primaries and elections, such offices shall  
72 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan  
73 elections held and conducted in conjunction with the general primary in even-numbered  
74 years in accordance with this chapter without a prior nonpartisan primary. This Code  
75 section shall apply to all nonpartisan elections for members of consolidated governments.  
76 All nonpartisan elections for members of consolidated governments shall be governed by  
77 the provisions of this Code section and shall be considered county elections and not  
78 municipal elections for the purposes of this Code section. Nonpartisan elections for  
79 municipal offices shall be conducted on the dates provided in the municipal charter."

80

**SECTION 3.**

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