

Senate Bill 192

By: Senators Jeffares of the 17th, Stone of the 23rd, Albers of the 56th and Mullis of the 53rd

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 of
24 education office, or an office of a consolidated government, or the candidate's agent,
25 desiring to have his or her name placed on the nonpartisan election ballot shall file notice
26 of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the Monday

27 of the eleventh week immediately prior to the election and no later than 12:00 Noon on
 28 the Friday immediately following such Monday, notwithstanding the fact that any such
 29 days may 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; boards of education;
 61 and offices of consolidated governments which are filled by the vote of the electors of said
 62 county or political subdivision. Except as otherwise provided in this Code section, the

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