

House Bill 222

By: Representatives McLeod of the 105th, Trammell of the 132nd, Bruce of the 61st, Clark of the 108th, Lopez Romero of the 99th, and others

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 generally, so as to change the date of the nonpartisan general
3 election; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
7 elections generally, is amended by revising subsection (c) of Code Section 21-2-132, relating
8 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,
9 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military
10 service, 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 judge of the superior court, Judge of the Court of
16 Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his
17 or her name placed on the nonpartisan election ballot shall file a notice of candidacy,
18 giving his or her name, residence address, and the office sought, in the office of the
19 Secretary of State no earlier than 9:00 A.M. on the Monday of the ~~eleventh~~ thirty-fifth
20 week immediately prior to the election and no later than 12:00 Noon on the Friday
21 immediately following such Monday, notwithstanding the fact that any such days may
22 be legal holidays;

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

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

47 (4) In any case where an incumbent has filed a notice of candidacy and paid the
 48 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office
 49 but 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 21-2-133, relating
 56 to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy,
 57 and certification of candidates, as follows:

58 "(a) No person elected on a write-in vote shall be eligible to hold office unless notice of
 59 his or her intention of candidacy was filed and published no earlier than January 1 and no
 60 later than the Tuesday after the first Monday in September prior to the election for county,
 61 state, and federal elections; ~~no later than seven days after the close of the qualifying period~~
 62 ~~for nonpartisan elections in the case of nonpartisan elections for state or county offices; no~~

63 later than seven days after the close of the municipal qualifying period for municipal
 64 elections in the case of a general election; or no later than seven days after the close of the
 65 special election qualifying period for a special election by the person to be a write-in
 66 candidate or by some other person or group of persons qualified to vote in the subject
 67 election, as follows:

68 (1) In a state general or special election, notice shall be filed with the Secretary of State
 69 and published in a newspaper of general circulation in the state;

70 (2) In a general or special election of county officers, notice shall be filed with the
 71 superintendent of elections in the county in which he or she is to be a candidate and
 72 published in the official organ of the same county; or

73 (3) In a municipal general or special election, notice shall be filed with the
 74 superintendent and published in the official gazette of the municipality holding the
 75 election.

76 In the event that such intention of candidacy is filed and published by a person or group of
 77 persons other than the candidate, such person or group of persons shall also file a written,
 78 notarized authorization by the candidate for such filing and publication."

79 **SECTION 3.**

80 Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan
 81 elections for judicial offices, as follows:

82 "21-2-138.

83 The names of all candidates who have qualified with the Secretary of State for the office
 84 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
 85 of this state and the names of all candidates who have qualified with the election
 86 superintendent for the office of judge of a state court shall be placed on the ballot in a
 87 nonpartisan election to be held and conducted jointly with the general ~~primary~~ primary election in
 88 each even-numbered year. No candidates for any such office shall be nominated by a
 89 political party or by a petition as a candidate of a political body or as an independent
 90 candidate. Candidates for any such office shall have their names placed on the nonpartisan
 91 portion of each ballot by complying with the requirements prescribed in Code
 92 Section 21-2-132 specifically related to such nonpartisan candidates and by paying the
 93 requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed
 94 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
 95 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
 96 be employed in conducting the nonpartisan election of judges of state courts, judges of
 97 superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall
 98 conform as nearly as practicable to the procedures governing general elections; and such

99 general election procedures as are necessary to complete this nonpartisan election process
100 shall be adopted in a manner consistent with such nonpartisan elections."

101 **SECTION 4.**

102 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating
103 to nonpartisan elections authorized and the conduct thereof, as follows:

104 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
105 Assembly may provide by local Act for the election in nonpartisan elections of candidates
106 to fill county judicial offices, offices of local boards of education, and offices of
107 consolidated governments which are filled by the vote of the electors of said county or
108 political subdivision. Except as otherwise provided in this Code section, the procedures
109 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
110 procedures governing nonpartisan elections as provided in this chapter. Except as
111 otherwise provided in this Code section, the election procedures established by any existing
112 local law which provides for the nonpartisan election of candidates to fill county offices
113 shall conform to the general procedures governing nonpartisan elections as provided in this
114 chapter, and such nonpartisan elections shall be conducted in accordance with the
115 applicable provisions of this chapter, notwithstanding the provisions of any existing local
116 law. For those offices for which the General Assembly, pursuant to this Code section,
117 provided by local Act for election in nonpartisan primaries and elections, such offices shall
118 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
119 elections held and conducted in conjunction with the general primary election in
120 even-numbered years in accordance with this chapter without a prior nonpartisan primary.
121 This Code section shall apply to all nonpartisan elections for members of consolidated
122 governments. All nonpartisan elections for members of consolidated governments shall
123 be governed by the provisions of this Code section and shall be considered county elections
124 and not municipal elections for the purposes of this Code section. Nonpartisan elections
125 for municipal offices shall be conducted on the dates provided in the municipal charter."

126 **SECTION 5.**

127 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of
128 ballot in nonpartisan elections, run-off election, and declaration of prevailing candidate as
129 duly elected, as follows:

130 "21-2-285.1.

131 The names of all candidates for offices which the General Assembly has by general law or
132 local Act provided for election in a nonpartisan election shall be printed on each official
133 primary general election ballot; and insofar as practicable such offices to be filled in the

134 nonpartisan election shall be separated from the names of candidates for party nomination
 135 to other offices by being listed last on each ballot, with the top of that portion of each
 136 official primary general election ballot relating to the nonpartisan election to have printed
 137 in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' ~~In~~
 138 ~~addition, there shall be a ballot that contains just the official nonpartisan election ballot~~
 139 ~~available for electors who choose not to vote in a party primary.~~ Directions that explain
 140 how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the
 141 elector spoils his or her ballot shall appear immediately under the caption, as specified by
 142 rule or regulation of the State Election Board. Immediately under the directions, the name
 143 of each such nonpartisan candidate shall be arranged alphabetically by last name under the
 144 title of the office for which they are candidates and be printed thereunder. The incumbency
 145 of a candidate seeking election for the public office he or she then holds shall be indicated
 146 on the ballot. No party designation or affiliation shall appear beside the name of any
 147 candidate for nonpartisan office. An appropriate space shall also be placed on the ballot
 148 for the casting of write-in votes for such offices. In the event that no candidate in such
 149 nonpartisan election receives a majority of the total votes cast for such office, there shall
 150 be a nonpartisan election runoff between the candidates receiving the two highest numbers
 151 of votes; and the names of such candidates shall be placed on the official ballot at the
 152 general primary election runoff in the same manner as prescribed in this Code section for
 153 the nonpartisan election ~~and there shall be a separate official nonpartisan election runoff~~
 154 ~~ballot for those electors who do not choose or are not eligible to vote in the general primary~~
 155 ~~runoff.~~ In the event that only nonpartisan candidates are to be placed on a run-off ballot,
 156 the form of the ballot shall be as prescribed by the Secretary of State or election
 157 superintendent in essentially the same format as prescribed for the nonpartisan election.
 158 The candidate having a majority of the votes cast in the nonpartisan election or the
 159 candidate receiving the highest number of votes cast in the nonpartisan election runoff shall
 160 be declared duly elected to such office."

161 **SECTION 6.**

162 Said chapter is further amended by revising subsection (h) of Code Section 21-2-325, relating
 163 to form of ballot labels generally, as follows:

164 "(h) In primaries, the ballot labels containing the names of candidates seeking nomination
 165 by a political party shall be segregated on the face of the machine in adjacent rows or
 166 columns by parties, the priority of such political parties on the ballot labels to be
 167 determined in the order prescribed by subsection (c) of Code Section 21-2-285. ~~If a~~
 168 ~~nonpartisan election is being held in conjunction with a partisan primary, each partisan~~
 169 ~~ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan~~

170 ~~election also.~~ In nonpartisan elections, the ballot labels shall include a separate portion for
171 the names of candidates seeking election in a nonpartisan election and the heading and
172 arrangement of such candidates shall be as prescribed by Code Section 21-2-285.1 insofar
173 as practicable. At the top of the separate portion shall be printed in prominent type the
174 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'

175 **SECTION 7.**

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