

House Bill 466

By: Representatives Carson of the 46th, Ehrhart of the 36th, and Dollar of the 45th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding selection and qualification of candidates
3 and presidential electors, so as to provide for nonpartisan elections for clerks of state courts
4 and clerks of superior courts; 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 Part 1 of Article 4 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
9 relating to general provisions regarding selection and qualification of candidates and
10 presidential electors, is amended by revising paragraph (2) of subsection (c) of Code Section
11 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, payment
12 of qualifying fee, pauper's affidavit and qualifying petition for exemption from qualifying
13 fee, and military service, as follows:

14 "(2) Each candidate for the office of clerk of a superior court, the office of clerk of a state
15 court, a county judicial office, a local board of education office, or an office of a
16 consolidated government, or the candidate's agent, desiring to have his or her name
17 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
18 superintendent no earlier than 9:00 A.M. on the Monday of the eleventh week
19 immediately prior to the election and no later than 12:00 Noon on the Friday immediately
20 following such Monday, notwithstanding the fact that any such days may be legal
21 holidays;"

22 **SECTION 2.**

23 Said part is further amended by revising subsection (a) of Code Section 21-2-139, relating
24 to authorization and conduct of nonpartisan elections, as follows:

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

48 **SECTION 3.**

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