Senate Bill 5 - Prefile

By: Senator Carter of the 1st

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; to provide for the qualifying for such offices; to provide for related matters; to

4 repeal conflicting laws; and for other purposes.

5   BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6   **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and

8 primaries generally, is amended by revising subsection (c) and paragraph (1) of subsection (i)

9 of Code Section 21-2-132, relating to filing notices of candidacy, nomination petitions, and

10 affidavits, as follows:

11 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking

12   election in a nonpartisan election shall file their notice of candidacy and pay the prescribed

13   qualifying fee by the date prescribed in this subsection in order to be eligible to have their

14   names placed on the nonpartisan election ballot by the Secretary of State or election

15   superintendent, as the case may be, in the following manner:

16   (1) Each candidate for the office of <u>district attorney,</u> judge of the superior court, Judge

17   of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,

18   desiring to have his or her name placed on the nonpartisan election ballot shall file a

19   notice of candidacy, giving his or her name, residence address, and the office sought, in

20   the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in

21   April immediately prior to the election and no later than 12:00 Noon on the Friday

22   following the fourth Monday in April, notwithstanding the fact that any such days may

23   be legal holidays;

24   (2) Each candidate for a county ~~judicial~~ office, a local school board office, or an office

25   of a consolidated government, or the candidate's agent, desiring to have his or her name

26   placed on the nonpartisan election ballot shall file notice of candidacy in the office of the

27   superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately

28   prior to the election and no later than 12:00 Noon on the Friday following the fourth

29   Monday in April, notwithstanding the fact that any such days may be legal holidays;

30   (3) Each candidate for a nonpartisan municipal office or a designee shall file a notice of

31   candidacy in the office of the municipal superintendent of such candidate's municipality

32   during the municipality's nonpartisan qualifying period. Each municipal superintendent

33   shall designate the days of such qualifying period, which shall be no less than three days

34   and no more than five days. The days of the qualifying period shall be consecutive days.

35   Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last

36   Monday in August immediately preceding the general election and shall end no later than

37   4:30 P.M. on the following Friday; and, in the case of a special election, the municipal

38   nonpartisan qualifying period shall commence no earlier than the date of the call and shall

39   end no later than 25 days prior to the election; and

40   (4) In any case where an incumbent has filed notice of candidacy and paid the prescribed

41   qualifying fee in a nonpartisan election to succeed himself or herself in office but

42   withdraws as a candidate for such office prior to the close of the applicable qualifying

43   period prescribed in this subsection, qualifying for candidates other than such incumbent

44   shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding

45   qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following

46   such reopening, notwithstanding the fact that any such days may be legal holidays."

47   "(1) All candidates seeking election in a nonpartisan election shall file their notice of

48   candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph

49   in order to be eligible to have their names placed on the nonpartisan election ballot by the

50   Secretary of State or election superintendent, as the case may be, in the following

51   manner:

52   (A) Each candidate for the office of district attorney, judge of the superior court, Judge

53   of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,

54   desiring to have his or her name placed on the nonpartisan election ballot shall file a

55   notice of candidacy, giving his or her name, residence address, and the office sought,

56   in the office of the Secretary of State at the same time as candidates for party

57   nomination in the general primary as provided in paragraph (1) of subsection (c) of

58   Code Section 21-2-153, notwithstanding the fact that any such days may be legal

59   holidays;

60   (B) Each candidate for a county judicial office, a local school board office, or an office

61   of a consolidated government, or the candidate's agent, desiring to have his or her name

62   placed on the nonpartisan election ballot shall file a notice of candidacy in the office

63   of the superintendent at the same time as candidates for party nomination in the general

64   primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,

65   notwithstanding the fact that any such days may be legal holidays; and

66   (C)   In any case where an incumbent has filed notice of candidacy and paid the

67   prescribed qualifying fee in a nonpartisan election to succeed himself or herself in

68   office but withdraws as a candidate for such office prior to the close of the applicable

69   qualifying period prescribed in this paragraph, qualifying for candidates other than such

70   incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of

71   the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday

72   immediately following such reopening, notwithstanding the fact that any such days may

73   be legal holidays;".

74   **SECTION 2.**

75   Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating

76   to the authorization of nonpartisan elections, as follows:

77   "(a)   Notwithstanding any other provisions of this chapter to the contrary, the General

78   Assembly may provide by local Act for the election in nonpartisan elections of candidates

79   to fill the office of district attorney, county judicial offices, offices of local school boards,

80   and offices of consolidated governments which are filled by the vote of the electors of said

81   county or political subdivision. Except as otherwise provided in this Code section, the

82   procedures to be employed in such nonpartisan elections shall conform as nearly as

83   practicable to the procedures governing nonpartisan elections as provided in this chapter.

84   Except as otherwise provided in this Code section, the election procedures established by

85   any existing local law which provides for the nonpartisan election of candidates to fill

86   county offices shall conform to the general procedures governing nonpartisan elections as

87   provided in this chapter, and such nonpartisan elections shall be conducted in accordance

88   with the applicable provisions of this chapter, notwithstanding the provisions of any

89   existing local law. For those offices for which the General Assembly, pursuant to this

90   Code section, provided by local Act for election in nonpartisan primaries and elections,

91   such offices shall no longer require nonpartisan primaries. Such officers shall be elected

92   in nonpartisan elections held and conducted in conjunction with the general primary in

93   even-numbered years in accordance with this chapter without a prior nonpartisan primary.

94   This Code section shall apply to all nonpartisan elections for members of consolidated

95   governments. All nonpartisan elections for members of consolidated governments shall

96   be governed by the provisions of this Code section and shall be considered county elections

97   and not municipal elections for the purposes of this Code section. Nonpartisan elections

98   for municipal offices shall be conducted on the dates provided in the municipal charter."

99   **SECTION 3.**

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