

House Bill 48

By: Representatives Petrea of the 166th, Gullett of the 19th, Gunter of the 8th, Stephens of the 164th, and Collins of the 71st

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 provide that district attorneys and
3 solicitors-general of state courts shall be elected in nonpartisan elections; to provide for
4 related matters; to 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 primaries and
8 elections generally, is amended by revising paragraph (1) of subsection (c) of Code
9 Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit,
10 payment of qualifying fee, pauper's affidavit and qualifying petition for exemption from
11 qualifying fee, and military service, as follows:

12 "(1) Each candidate for the office of district attorney, solicitor-general of state court,
13 judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme
14 Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan
15 election ballot shall file a notice of candidacy, giving his or her name, residence address,
16 and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on

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17 the Monday of the eleventh week immediately prior to the election and no later than
18 12:00 Noon on the Friday immediately following such Monday, notwithstanding the fact
19 that any such days may be legal holidays;"

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SECTION 2.

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

23 "21-2-138.

24 The names of all candidates who have qualified with the Secretary of State for the office
25 of district attorney, solicitor-general of state court, judge of a superior court, Judge of the
26 Court of Appeals, or Justice of the Supreme Court of this state and the names of all
27 candidates who have qualified with the election superintendent for the office of judge of
28 a state court shall be placed on the ballot in a nonpartisan election to be held and conducted
29 jointly with the general primary in each even-numbered year. No candidates for any such
30 office shall be nominated by a political party or by a petition as a candidate of a political
31 body or as an independent candidate. Candidates for any such office shall have their names
32 placed on the nonpartisan portion of each ballot by complying with the requirements
33 prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and
34 by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates
35 shall be listed on the official ballot in a nonpartisan election as provided in Code
36 Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this
37 chapter, the procedures to be employed in conducting the nonpartisan election of judges
38 of state courts, district attorneys, solicitors-general of state courts, judges of superior
39 courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall conform
40 as nearly as practicable to the procedures governing general elections; and such general
41 election procedures as are necessary to complete this nonpartisan election process shall be
42 adopted in a manner consistent with such nonpartisan elections."

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SECTION 3.

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