

House Bill 481

By: Representatives Kelley of the 16th, Leverett of the 123rd, Sainz of the 180th, Smith of the 18th, and Draper of the 90th

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 revise provisions related to the dates on which
3 special elections to present questions to the voters can be held; to provide for related matters;
4 to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended in Code Section 21-2-540, relating to conduct and timing
9 of special primaries and special elections generally, by revising subsection (b) and
10 paragraph (2) of subsection (c) as follows:

11 "(b) At least 29 days shall intervene between the call of a special primary and the holding
12 of same, and at least 29 days shall intervene between the call of a special election and the
13 holding of same. The period during which candidates may qualify to run in a special
14 primary or a special election shall remain open for a minimum of two and one-half days.
15 Special elections to present questions to the voters which are to be held in conjunction with
16 the presidential preference primary, a state-wide general primary, or state-wide general

17 election, state-wide special primary, or state-wide special election shall be called at least
 18 90 days prior to the date of such presidential preference primary, state-wide general
 19 primary, ~~or state-wide general election, state-wide special primary, or state-wide special~~
 20 election; provided, however, that this requirement shall not apply to special elections to
 21 present questions to the voters held on the same date as such presidential preference
 22 primary, state-wide general primary, ~~or state-wide general election, state-wide special~~
 23 primary, or state-wide special election but conducted completely separate and apart from
 24 such state-wide general primary or state-wide general election using different ballots or
 25 voting equipment, facilities, poll workers, and paperwork."

26 "(2) Notwithstanding any other provision of law to the contrary, a special election to
 27 present a question to the voters shall be held only on one of the following dates which is
 28 at least 29 days after the date of the call for the special election:

29 (A) In odd-numbered years, any such special election shall only be held on ~~the~~:

30 (i) The third Tuesday in March ~~or on the~~;

31 (ii) The Tuesday after the first Monday in November; ~~and or~~

32 (iii) The date of and in conjunction with any state-wide special primary or special
 33 election if one is held that year, regardless of whether or not such special primary or
 34 special election is held pursuant to the terms of this chapter; provided, however, that
 35 the 90 days call provision of subsection (b) of this Code section shall not apply to a
 36 special election held pursuant to this division; and

37 (B) In even-numbered years, any such special election shall only be held on:

38 (i) The date of and in conjunction with the presidential preference primary if one is
 39 held that year;

40 (ii) The third Tuesday in March; provided, however, that such special election shall
 41 occur prior to July 1, 2024, and present a question to the voters on sales and use taxes
 42 authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;

43 (iii) The date of the general primary; or

44 (iv) The Tuesday after the first Monday in November."

45 **SECTION 2.**

46 This Act shall become effective upon its approval by the Governor or upon its becoming law
47 without such approval.

48 **SECTION 3.**

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