

The Senate Committee on Ethics offered the following substitute to HB 369:

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 for the nonpartisan election of county
3 officers and district attorneys in certain counties; to provide for the qualifying for such
4 offices; to provide for definitions; to provide for related matters; to provide for an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended in by revising paragraph (2) of subsection (c) of Code
10 Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit,
11 reopening qualifying period, payment of qualifying fee, and pauper's affidavit and qualifying
12 petition for exemption from qualifying fee, as follows:

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

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

20 **SECTION 2.**

21 Said chapter is further amended by adding a new Code section to read as follows:

22 "21-2-140.

23 (a) As used in this Code section, the term:

24 (1) 'Consolidated law enforcement county' means any county where the elected office
25 of county coroner has been abolished.

26 (2) 'County office' means any office where the electors of a county elected the
27 officeholder. Such term shall include, but not be limited to, members of a county
28 governing authority, tax commissioners, clerks of superior court, solicitor-generals, and
29 where such offices are elected by the electors of such county, clerk of the state court and
30 county surveyor.

31 (b) Except as provided for in subsection (c) of this Code section, all candidates to fill
32 elected county offices in a consolidated law enforcement county shall be elected in
33 nonpartisan elections.

34 (c) The provisions of this Code section shall not apply to:

35 (1) The office of county sheriff; or

36 (2) Offices of county governing authorities established pursuant to or authorized by a
37 local constitutional amendment.

38 (d) County officers provided for in subsection (b) of this Code section shall be elected in
39 nonpartisan elections held and conducted in conjunction with the general primary in
40 even-numbered years in accordance with this chapter without a prior nonpartisan primary.
41 Except as otherwise provided in this Code section, the procedures employed in such
42 elections shall conform as nearly as practicable to the procedures governing nonpartisan

43 elections as provided in this chapter. Except as otherwise provided in this Code section,
44 the election procedures established by any existing local law which provides for the
45 partisan election of candidates to fill elected county offices shall be repealed and elections
46 for such county offices shall be conducted as nonpartisan elections accordance with the
47 applicable provisions of this chapter, notwithstanding the provisions of any existing local
48 law.

49 (e) Notwithstanding any other provision of this chapter to the contrary, all candidates to
50 fill the office of district attorney for a judicial circuit comprised solely of a consolidated
51 law enforcement county shall be elected in nonpartisan elections to be held as part of the
52 November election as that term is defined in paragraph (15) of Code Section 21-2-2
53 without a prior nonpartisan primary. No candidate for any such office shall be nominated
54 by a political party or by a petition as a candidate of a political body or as an independent
55 candidate. Except as otherwise provided in this subsection, the procedures employed in
56 such elections shall conform as nearly as practicable to the procedures governing
57 nonpartisan elections as provided in this chapter. All candidates to fill the office of district
58 attorney for a judicial circuit comprised solely of a consolidated law enforcement county
59 shall qualify with the Secretary of State in the same manner and at the same time as
60 provided for candidates to qualify for the office of judge in Code Section 21-2-138."

61 **SECTION 3.**

62 This Act shall become effective on January 1, 2028.

63 **SECTION 4.**

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