

House Bill 1590

By: Representative Mathis of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To repeal the amendment to the Constitution of Georgia providing that the county officers
2 of Telfair County shall be ineligible to hold office under certain conditions; to provide for
3 legislative intent; to provide for a referendum, effective dates, automatic repeal, mandatory
4 execution of election, and judicial remedies regarding failure to comply; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The amendment to the Constitution of Georgia providing that the county officers of Telfair
9 County shall be ineligible to hold office under certain circumstances, which amendment was
10 proposed by 1963 House Resolution No. 102-230, Resolution Act No. 76 (Ga. L. 1963,
11 p. 705) and was continued in force and effect by an Act approved March 25, 1986
12 (Ga. L. 1986, p. 4527), is hereby repealed.

13 **SECTION 2.**

14 The election superintendent of Telfair County shall call and conduct an election as provided
15 in this section for the purpose of submitting this Act to the electors of Telfair County for

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16 approval or rejection. The election superintendent shall conduct such election on the date
17 of the 2026 general election and shall issue the call and conduct such election as provided
18 by general law. The election superintendent shall cause the date and purpose of the election
19 to be published once a week for two weeks immediately preceding the date thereof in the
20 official organ of Telfair County. The ballot shall have written or printed thereon the words:

21 "() YES Shall the Act be approved which repeals the amendment to the Constitution
22 () NO of Georgia that provided for term limits for the county officers of Telfair
23 County?"

24 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
25 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
26 such question are for approval of the Act, Section 1 of this Act shall become of full force and
27 effect immediately. If this Act is not so approved or if the election is not conducted as
28 provided in this section, Section 1 of this Act shall not become effective, and this Act shall
29 be automatically repealed on the 365th calendar day following the election date provided for
30 in this section. The expense of such election shall be borne by Telfair County. It shall be
31 the election superintendent's duty to certify the result thereof to the Secretary of State. The
32 provisions of this section shall be mandatory upon the election superintendent and are not
33 intended as directory. If the election superintendent fails or refuses to comply with this
34 section, any elector of Telfair County may apply for a writ of mandamus to compel the
35 election superintendent to perform his or her duties under this section. If the court finds that
36 the election superintendent has not complied with this section, the court shall fashion
37 appropriate relief requiring the election superintendent to call and conduct such election on
38 the date required by this section or on the next date authorized for special elections provided
39 for in Code Section 21-2-540 of the O.C.G.A.

40

SECTION 3.

41 In repealing this local constitutional amendment, it is the intent of the General Assembly to
42 remove the term limits for the county officers of Telfair County who are the sheriff, the clerk
43 of superior court, the judge of the probate court, the tax commissioner, the magistrate judge,
44 and the coroner. The repeal of this local constitutional amendment shall not affect the term
45 limits for the members of the Board of Commissioners of Telfair County who shall remain
46 subject to the term limit provisions of Section 20 of an Act approved June 3, 2003
47 (Ga. L. 2003, p. 3992), as amended.

48

SECTION 4.

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