

House Bill 369 (AS PASSED HOUSE AND SENATE)

By: Representatives Sharper of the 177<sup>th</sup>, Hitchens of the 161<sup>st</sup>, LaHood of the 175<sup>th</sup>, Baker of the 64<sup>th</sup>, Cummings of the 39<sup>th</sup>, and others

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.