

Senate Bill 3 - Prefile

By: Senator Carter of the 1st

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 provide for the nonpartisan election of district
3 attorneys, solicitors-general, sheriffs, tax commissioners, tax receivers, tax collectors, clerks
4 of superior court, and county commissioners; to provide for the qualifying for such offices;
5 to provide for related matters; 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 by revising subsection (c) and paragraph (1) of subsection (i)
10 of Code Section 21-2-132, relating to filing notices of candidacy, nomination petitions, and
11 affidavits, as follows:

12 "(c) Except as provided in subsection (i) of this Code section, all candidates seeking
13 election in a nonpartisan election shall file their notice of candidacy and pay the prescribed
14 qualifying fee by the date prescribed in this subsection in order to be eligible to have their
15 names placed on the nonpartisan election ballot by the Secretary of State or election
16 superintendent, as the case may be, in the following manner:

17 (1) Each candidate for the office of district attorney, judge of the superior court, Judge
18 of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,
19 desiring to have his or her name placed on the nonpartisan election ballot shall file a
20 notice of candidacy, giving his or her name, residence address, and the office sought, in
21 the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in
22 April immediately prior to the election and no later than 12:00 Noon on the Friday
23 following the fourth Monday in April, notwithstanding the fact that any such days may
24 be legal holidays;

25 (2) Each candidate for a county ~~judicial~~ office, a local school board office, or an office
26 of a consolidated government, or the candidate's agent, desiring to have his or her name

27 placed on the nonpartisan election ballot shall file notice of candidacy in the office of the
 28 superintendent no earlier than 9:00 A.M. on the fourth Monday in April immediately
 29 prior to the election and no later than 12:00 Noon on the Friday following the fourth
 30 Monday in April, notwithstanding the fact that any such days may be legal holidays;

31 (3) Each candidate for a nonpartisan municipal office or a designee shall file a notice of
 32 candidacy in the office of the municipal superintendent of such candidate's municipality
 33 during the municipality's nonpartisan qualifying period. Each municipal superintendent
 34 shall designate the days of such qualifying period, which shall be no less than three days
 35 and no more than five days. The days of the qualifying period shall be consecutive days.
 36 Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last
 37 Monday in August immediately preceding the general election and shall end no later than
 38 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal
 39 nonpartisan qualifying period shall commence no earlier than the date of the call and shall
 40 end no later than 25 days prior to the election; and

41 (4) In any case where an incumbent has filed notice of candidacy and paid the prescribed
 42 qualifying fee in a nonpartisan election to succeed himself or herself in office but
 43 withdraws as a candidate for such office prior to the close of the applicable qualifying
 44 period prescribed in this subsection, qualifying for candidates other than such incumbent
 45 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding
 46 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following
 47 such reopening, notwithstanding the fact that any such days may be legal holidays."

48 "(1) All candidates seeking election in a nonpartisan election shall file their notice of
 49 candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph
 50 in order to be eligible to have their names placed on the nonpartisan election ballot by the
 51 Secretary of State or election superintendent, as the case may be, in the following
 52 manner:

53 (A) Each candidate for the office of district attorney, judge of the superior court, Judge
 54 of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent,
 55 desiring to have his or her name placed on the nonpartisan election ballot shall file a
 56 notice of candidacy, giving his or her name, residence address, and the office sought,
 57 in the office of the Secretary of State at the same time as candidates for party
 58 nomination in the general primary as provided in paragraph (1) of subsection (c) of
 59 Code Section 21-2-153, notwithstanding the fact that any such days may be legal
 60 holidays;

61 (B) Each candidate for a county ~~judicial~~ office, a local school board office, or an office
 62 of a consolidated government, or the candidate's agent, desiring to have his or her name
 63 placed on the nonpartisan election ballot shall file a notice of candidacy in the office

64 of the superintendent at the same time as candidates for party nomination in the general
 65 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,
 66 notwithstanding the fact that any such days may be legal holidays; and

67 (C) In any case where an incumbent has filed notice of candidacy and paid the
 68 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in
 69 office but withdraws as a candidate for such office prior to the close of the applicable
 70 qualifying period prescribed in this paragraph, qualifying for candidates other than such
 71 incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of
 72 the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday
 73 immediately following such reopening, notwithstanding the fact that any such days may
 74 be legal holidays;".

75

SECTION 2.

76 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating
 77 to the authorization of nonpartisan elections, as follows:

78 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 79 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 80 to fill the offices of district attorney, solicitor-general, sheriff, tax commissioner, tax
 81 receiver, tax collector, clerk of superior court, and county commissioner; county judicial
 82 offices; offices of local school boards; and offices of consolidated governments which are
 83 filled by the vote of the electors of said county or political subdivision. Except as
 84 otherwise provided in this Code section, the procedures to be employed in such nonpartisan
 85 elections shall conform as nearly as practicable to the procedures governing nonpartisan
 86 elections as provided in this chapter. Except as otherwise provided in this Code section,
 87 the election procedures established by any existing local law which provides for the
 88 nonpartisan election of candidates to fill county offices shall conform to the general
 89 procedures governing nonpartisan elections as provided in this chapter, and such
 90 nonpartisan elections shall be conducted in accordance with the applicable provisions of
 91 this chapter, notwithstanding the provisions of any existing local law. For those offices for
 92 which the General Assembly, pursuant to this Code section, provided by local Act for
 93 election in nonpartisan primaries and elections, such offices shall no longer require
 94 nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and
 95 conducted in conjunction with the general primary in even-numbered years in accordance
 96 with this chapter without a prior nonpartisan primary. This Code section shall apply to all
 97 nonpartisan elections for members of consolidated governments. All nonpartisan elections
 98 for members of consolidated governments shall be governed by the provisions of this Code
 99 section and shall be considered county elections and not municipal elections for the

100 purposes of this Code section. Nonpartisan elections for municipal offices shall be
101 conducted on the dates provided in the municipal charter."

102 **SECTION 3.**

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