

Senate Bill 5

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; to provide for the qualifying for such offices; to provide for related matters; to
4 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 by revising subsection (c) and paragraph (1) of subsection (i)
9 of Code Section 21-2-132, relating to filing notices of candidacy, nomination petitions, and
10 affidavits, as follows:

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

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

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

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

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

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

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

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

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

64 primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153,
65 notwithstanding the fact that any such days may be legal holidays; and
66 (C) In any case where an incumbent has filed notice of candidacy and paid the
67 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in
68 office but withdraws as a candidate for such office prior to the close of the applicable
69 qualifying period prescribed in this paragraph, qualifying for candidates other than such
70 incumbent shall be reopened at 9:00 A.M. on the Monday next following the close of
71 the preceding qualifying period and shall cease at 5:00 P.M. on the Tuesday
72 immediately following such reopening, notwithstanding the fact that any such days may
73 be legal holidays;".

74 **SECTION 2.**

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

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

99

SECTION 3.

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