

## Senate Bill 318

By: Senators Jeffares of the 17th, Millar of the 40th, Stone of the 23rd, VanNess of the 43rd,  
Beach of the 21st 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 elections and primaries generally, so as to provide for the nonpartisan election of district  
3 attorneys, sheriffs, coroners, tax commissioners, and clerks of superior court; to provide for  
4 the qualifying for such offices; to provide for related matters; to repeal conflicting laws; and  
5 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) of Code Section 21-2-132, relating  
10 to filing notices of candidacy, nomination petitions, and affidavits, as follows:

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

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

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

27 week immediately prior to the election and no later than 12:00 Noon on the Friday  
 28 immediately following such Monday, notwithstanding the fact that any such days may be  
 29 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  
 37 than 4:30 P.M. on the following Friday; and, in the case of a special election, the  
 38 municipal nonpartisan qualifying period shall commence no earlier than the date of the  
 39 call and shall 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 **SECTION 2.**

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

50 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General  
 51 Assembly may provide by local Act for the election in nonpartisan elections of candidates  
 52 to fill the offices of district attorney, sheriff, coroner, tax commissioner, and clerk of  
 53 superior court; county judicial offices; offices of local school boards; and offices of  
 54 consolidated governments which are filled by the vote of the electors of said county or  
 55 political subdivision. Except as otherwise provided in this Code section, the procedures  
 56 to be employed in such nonpartisan elections shall conform as nearly as practicable to the  
 57 procedures governing nonpartisan elections as provided in this chapter. Except as  
 58 otherwise provided in this Code section, the election procedures established by any existing  
 59 local law which provides for the nonpartisan election of candidates to fill county offices  
 60 shall conform to the general procedures governing nonpartisan elections as provided in this  
 61 chapter, and such nonpartisan elections shall be conducted in accordance with the

62 applicable provisions of this chapter, notwithstanding the provisions of any existing local  
63 law. For those offices for which the General Assembly, pursuant to this Code section,  
64 provided by local Act for election in nonpartisan primaries and elections, such offices shall  
65 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan  
66 elections held and conducted in conjunction with the general primary in even-numbered  
67 years in accordance with this chapter without a prior nonpartisan primary. This Code  
68 section shall apply to all nonpartisan elections for members of consolidated governments.  
69 All nonpartisan elections for members of consolidated governments shall be governed by  
70 the provisions of this Code section and shall be considered county elections and not  
71 municipal elections for the purposes of this Code section. Nonpartisan elections for  
72 municipal offices shall be conducted on the dates provided in the municipal charter."

73

**SECTION 3.**

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