

The House Committee on Governmental Affairs offers the following substitute to HB 520:

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 change the date of the nonpartisan general election  
3 for certain offices; to provide for related matters; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
8 elections generally, is amended by revising subsection (c) of Code Section 21-2-132, relating  
9 to filing notice of candidacy, nomination petition, and affidavit, payment of qualifying fee,  
10 pauper's affidavit and qualifying petition for exemption from qualifying fee, and military  
11 service, as follows:

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

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

24 (2) Each candidate for a county judicial office, a local board of education office in a  
25 county other than a county with a consolidated government, a local board of education  
26 office in a county with a consolidated government for which no local Act has been passed

27 under Code Section 21-2-139 to move such election to the November general election,  
 28 or an office of a consolidated government for which no local Act has been passed under  
 29 Code Section 21-2-139 to move such election to the November general election, or the  
 30 candidate's agent, desiring to have his or her name placed on the nonpartisan election  
 31 ballot shall file a notice of candidacy in the office of the superintendent no earlier than  
 32 9:00 A.M. on the Monday of the eleventh week immediately prior to the election and no  
 33 later than 12:00 Noon on the Friday immediately following such Monday,  
 34 notwithstanding the fact that any such days may be legal holidays;

35 (3) Each candidate for a local board of education office in a county with a consolidated  
 36 government for which a local Act has been passed under Code Section 21-2-139 to move  
 37 such election to the November general election or an office of a consolidated government  
 38 for which a local Act has been passed under Code Section 21-2-139 to move such  
 39 election to the November general election, or the candidate's agent, desiring to have his  
 40 or her name placed on the nonpartisan election ballot shall file a notice of candidacy in  
 41 the office of the superintendent no earlier than 9:00 A.M. on the Monday of the  
 42 thirty-fifth week immediately prior to the election and no later than 12:00 Noon on the  
 43 Friday immediately following such Monday, notwithstanding the fact that any such days  
 44 may be legal holidays;

45 ~~(3)~~(4)(A) Each candidate for a nonpartisan municipal office or a designee shall file a  
 46 notice of candidacy in the office of the municipal superintendent of such candidate's  
 47 municipality during the municipality's nonpartisan qualifying period. Each municipal  
 48 superintendent shall designate the days of such qualifying period, which shall be no less  
 49 than three days and no more than five days. The days of the qualifying period shall be  
 50 consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30  
 51 A.M. on the third Monday in August immediately preceding the general election and  
 52 shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special  
 53 election, the municipal nonpartisan qualifying period shall commence no earlier than  
 54 the date of the call and shall end no later than 25 days prior to the election.

55 (B) In any case in which no individual has filed a notice of candidacy and paid the  
 56 prescribed qualifying fee to fill a particular office in a nonpartisan municipal election,  
 57 the governing authority of the municipality shall be authorized to reopen qualifying for  
 58 candidates at 9:00 A.M. on the Monday next following the close of the preceding  
 59 qualifying period and cease such qualifying at 5:00 P.M. on the Tuesday immediately  
 60 following such Monday, notwithstanding the fact that any such days may be legal  
 61 holidays; and

62 ~~(4)~~(5) In any case where an incumbent has filed a notice of candidacy and paid the  
 63 prescribed qualifying fee in a nonpartisan election to succeed himself or herself in office

64 but withdraws as a candidate for such office prior to the close of the applicable qualifying  
 65 period prescribed in this subsection, qualifying for candidates other than such incumbent  
 66 shall be reopened at 9:00 A.M. on the Monday next following the close of the preceding  
 67 qualifying period and shall cease at 5:00 P.M. on the Tuesday immediately following  
 68 such reopening, notwithstanding the fact that any such days may be legal holidays."

69 **SECTION 2.**

70 Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating  
 71 to nonpartisan elections authorized and the conduct thereof, as follows:

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

99

**SECTION 3.**

100 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of  
101 ballot in nonpartisan elections, run-off election, and declaration of prevailing candidate as  
102 duly elected, as follows:

103 "21-2-285.1.

104 (a) The names of all candidates for offices which the General Assembly has by general law  
105 or local Act provided for election in a nonpartisan election at the time of the general  
106 primary shall be printed on each official primary ballot; and insofar as practicable such  
107 offices to be filled in the nonpartisan election shall be separated from the names of  
108 candidates for party nomination to other offices by being listed last on each ballot, with the  
109 top of that portion of each official general primary ballot relating to the nonpartisan  
110 election to have printed in prominent type the words 'OFFICIAL NONPARTISAN  
111 ELECTION BALLOT.' In addition, there shall be a ballot that contains just the official  
112 nonpartisan election ballot available for electors who choose not to vote in a party primary.  
113 Directions that explain how to cast a vote, how to write in a candidate, and how to obtain  
114 a new ballot after the elector spoils his or her ballot shall appear immediately under the  
115 caption, as specified by rule or regulation of the State Election Board. Immediately under  
116 the directions, the name of each such nonpartisan candidate shall be arranged alphabetically  
117 by last name under the title of the office for which they are candidates and be printed  
118 thereunder. The incumbency of a candidate seeking election for the public office he or she  
119 then holds shall be indicated on the ballot. No party designation or affiliation shall appear  
120 beside the name of any candidate for nonpartisan office. An appropriate space shall also  
121 be placed on the ballot for the casting of write-in votes for such offices. In the event that  
122 no candidate in such nonpartisan election receives a majority of the total votes cast for such  
123 office, there shall be a nonpartisan election runoff between the candidates receiving the two  
124 highest numbers of votes; and the names of such candidates shall be placed on the official  
125 ballot at the general primary runoff in the same manner as prescribed in this Code section  
126 for the nonpartisan election and there shall be a separate official nonpartisan election runoff  
127 ballot for those electors who do not choose or are not eligible to vote in the general primary  
128 runoff. In the event that only nonpartisan candidates are to be placed on a run-off ballot,  
129 the form of the ballot shall be as prescribed by the Secretary of State or election  
130 superintendent in essentially the same format as prescribed for the nonpartisan election.  
131 The candidate having a majority of the votes cast in the nonpartisan election or the  
132 candidate receiving the highest number of votes cast in the nonpartisan election runoff shall  
133 be declared duly elected to such office.

134 (b) The names of all candidates for local board of education offices in counties with  
135 consolidated governments or consolidated government offices which the General Assembly

136 has by local Act provided for election in a nonpartisan election held at the time of the  
 137 November general election shall be printed on each official general election ballot; and  
 138 insofar as practicable such offices to be filled in the nonpartisan election shall be separated  
 139 from the names of candidates for partisan offices by being listed last on each ballot, with  
 140 the top of that portion of each official election ballot relating to the nonpartisan election to  
 141 have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION  
 142 BALLOT.' Directions that explain how to cast a vote, how to write in a candidate, and how  
 143 to obtain a new ballot after the elector spoils his or her ballot shall appear immediately  
 144 under the caption, as specified by rule or regulation of the State Election Board.  
 145 Immediately under the directions, the name of each such nonpartisan candidate shall be  
 146 arranged alphabetically by last name under the title of the office for which they are  
 147 candidates and be printed thereunder. The incumbency of a candidate seeking election for  
 148 the public office he or she then holds shall be indicated on the ballot. No party designation  
 149 or affiliation shall appear beside the name of any candidate for nonpartisan office. An  
 150 appropriate space shall also be placed on the ballot for the casting of write-in votes for such  
 151 offices. In the event that no candidate in such nonpartisan election receives a majority of  
 152 the total votes cast for such office, there shall be a nonpartisan election runoff between the  
 153 candidates receiving the two highest numbers of votes; and the names of such candidates  
 154 shall be placed on the official ballot at the general election runoff in the same manner as  
 155 prescribed in this Code section for the nonpartisan election. In the event that only  
 156 nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be  
 157 as prescribed by the Secretary of State or election superintendent in essentially the same  
 158 format as prescribed for the nonpartisan election. The candidate having a majority of the  
 159 votes cast in the nonpartisan election or the candidate receiving the highest number of votes  
 160 cast in the nonpartisan election runoff shall be declared duly elected to such office."

161 **SECTION 4.**

162 Said chapter is further amended by revising subsections (g) and (h) of Code  
 163 Section 21-2-325, relating to form of ballot labels generally, as follows:

164 "(g) ~~The~~ In elections, the names of all candidates of a party or body shall appear in the  
 165 same row or column, and no other names shall appear in the same row or column. The  
 166 names of candidates and independent candidates shall be arranged under or opposite the  
 167 title of the office for which they are candidates and shall appear in the order prescribed by  
 168 subsection (c) and the second sentence of subsection (e) of Code Section 21-2-285. The  
 169 rows or columns occupied by the names of the candidates of political parties and bodies  
 170 shall be arranged according to the priority prescribed by subsection (c) of Code  
 171 Section 21-2-285. When voting machines are used on which the titles of offices are

172 arranged horizontally, the names of all candidates for the same office shall appear within  
173 the same vertical lines. If a nonpartisan election is being held in conjunction with a  
174 partisan election, each partisan ballot label shall be clearly marked to indicate that the  
175 elector may vote in the nonpartisan election also. In nonpartisan elections, the ballot labels  
176 shall include a separate portion for the names of candidates seeking election in such  
177 nonpartisan election and the heading and arrangement of such candidates shall be as  
178 prescribed by Code Section 21-2-285.1 insofar as practicable. At the top of the separate  
179 portion shall be printed in prominent type the words 'OFFICIAL NONPARTISAN  
180 ELECTION BALLOT.'

181 (h) In primaries, the ballot labels containing the names of candidates seeking nomination  
182 by a political party shall be segregated on the face of the machine in adjacent rows or  
183 columns by parties, the priority of such political parties on the ballot labels to be  
184 determined in the order prescribed by subsection (c) of Code Section 21-2-285. If a  
185 nonpartisan election is being held in conjunction with a partisan primary, each partisan  
186 ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan  
187 election also. In nonpartisan elections, the ballot labels shall include a separate portion for  
188 the names of candidates seeking election in a nonpartisan election and the heading and  
189 arrangement of such candidates shall be as prescribed by Code Section 21-2-285.1 insofar  
190 as practicable. At the top of the separate portion shall be printed in prominent type the  
191 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'"

192 **SECTION 5.**

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