

Senate Bill 235

By: Senator McKoon of the 29th

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 dates for conducting certain special
3 elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
7 primaries generally, is amended by revising subsection (c) of Code Section 21-2-540, relating
8 to the conduct of special elections generally, as follows:

9 "(c)(1) Notwithstanding any other provision of law to the contrary, a special primary or
10 special election to fill a vacancy in a county or municipal office shall be held only on one
11 of the following dates which is at least 29 days after the date of the call for the special
12 election:

13 (A) In odd-numbered years, any such special election shall only be held on:

- 14 (i) The third Tuesday in March;
- 15 (ii) The third Tuesday in June;
- 16 (iii) The third Tuesday in September; or
- 17 (iv) The Tuesday after the first Monday in November; and

18 (B) In even-numbered years, any such special election shall only be held on:

- 19 (i) The third Tuesday in March; provided, however, that in the event that a special
20 election is to be held under this provision in a year in which a presidential preference
21 primary is to be held, then any such special election shall be held on the date of and
22 in conjunction with the presidential preference primary;
- 23 (ii) The date of the general primary; or
- 24 (iii) The Tuesday after the first Monday in November.

25 (2) Notwithstanding any other provision of law to the contrary, a special election to
26 present a question to the voters, other than a question which is for the purpose of raising
27 revenue, shall be held only on one of the following dates which is at least 29 days after
28 the date of the call for the special election:

29 (A) In odd-numbered years, any such special election shall only be held on the third
 30 Tuesday in March or on the Tuesday after the first Monday in November; and

31 (B) In even-numbered years, any such special election shall only be held on:

32 (i) The date of and in conjunction with the presidential preference primary if one is
 33 held that year;

34 (ii) The date of the general primary; or

35 (iii) The Tuesday after the first Monday in November.

36 (3) Notwithstanding any other provision of law to the contrary, a special election to
 37 present a question to the voters for the purpose of raising revenue shall be held only on
 38 the Tuesday after the first Monday in November of each year, provided that such date is
 39 at least 29 days after the date of the call for such special election.

40 ~~(3)~~(4) The provisions of this subsection shall not apply to:

41 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
 42 to recall a public officer or to fill a vacancy in a public office caused by a recall
 43 election; and

44 (B) Special primaries or special elections to fill vacancies in federal or state public
 45 offices."

46 **SECTION 2.**

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