

Senate Bill 413

By: Senators Robertson of the 29th, Dolezal of the 27th, Summers of the 13th, Harbin of the 16th, Payne of the 54th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-540 of the Official Code of Georgia Annotated, relating to
2 conduct of special primaries and special elections generally, so as to revise provisions
3 relating to dates for certain special elections related to sales and use taxes; to provide for
4 related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

15 (A) In odd-numbered years, any such special primary or special election shall only be
16 held on:

- 17 (i) The third Tuesday in March;
18 (ii) The third Tuesday in June;
19 (iii) The third Tuesday in September; or
20 (iv) The Tuesday after the first Monday in November; and
21 (B) In even-numbered years, any such special primary or special election shall only be
22 held on:
23 (i) The third Tuesday in March; provided, however, that in the event that a special
24 primary or special election is to be held under this provision in a year in which a
25 presidential preference primary is to be held, then any such special primary or special
26 election shall be held on the date of and in conjunction with the presidential
27 preference primary;
28 (ii) The date of the general primary; or
29 (iii) The Tuesday after the first Monday in November;
30 provided, however, that, in the event that a special primary or special election to fill a
31 federal or state office on a date other than the dates provided in this paragraph has been
32 scheduled and it is possible to hold a special primary or special election to fill a vacancy
33 in a county, municipal, or school board office in conjunction with such special primary
34 or special election to fill a federal or state office, the special primary or special election
35 to fill such county, municipal, or school board office may be held on the date of and in
36 conjunction with such special primary or special election to fill such federal or state
37 office, provided all other provisions of law regarding such primaries and elections are
38 met.
39 (2) Notwithstanding any other provision of law to the contrary, a special election to
40 present a question to the voters shall be held only on one of the following dates which is
41 at least 29 days after the date of the call for the special election:
42 (A) In odd-numbered years, any such special election shall only be held on the third
43 Tuesday in March or on the Tuesday after the first Monday in November; and

- 44 (B) In even-numbered years, any such special election shall only be held on:
- 45 (i) The date of and in conjunction with the presidential preference primary if one is
- 46 held that year;
- 47 ~~(ii) The third Tuesday in March; provided, however, that such special election shall~~
- 48 ~~occur prior to July 1, 2024, and present a question to the voters on sales and use taxes~~
- 49 ~~authorized by Articles 5, 5A, and 5B of Chapter 8 of Title 48;~~
- 50 ~~(iii)(ii)~~ (ii) The date of the general primary; or
- 51 ~~(iv)(iii)~~ (iii) The Tuesday after the first Monday in November.
- 52 (3) Notwithstanding any other provision of law to the contrary, no special election shall
- 53 present a question to the voters on sales and use taxes authorized by Articles 2, 2A, 3, 4,
- 54 5, 5A, and 5B of Chapter 8 of Title 48, except on the Tuesday after the first Monday in
- 55 November in even numbered years.
- 56 ~~(3)(4)~~ (4) The provisions of this subsection shall not apply to:
- 57 (A) Special elections held pursuant to Chapter 4 of this title, the 'Recall Act of 1989,'
- 58 to recall a public officer or to fill a vacancy in a public office caused by a recall
- 59 election; and
- 60 (B) Special primaries or special elections to fill vacancies in federal or state public
- 61 offices."

62 **SECTION 2.**

63 This Act shall become effective on July 1, 2024.

64 **SECTION 3.**

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