

MEMORANDUM

TO: School Board, City & County Attorneys

DATE: January 21, 2014

RE: **Special Election Date May 20, 2014; Call Date March 19, 2014 (60 Days Prior)**
Special Election Date November 4, 2014; Call Date September 5, 2014 (60 Days Prior)

If a local government is planning on calling a special election in 2014 to present a question to the voters, i.e., county special purpose local option sales tax ("SPLOST"), sales tax for educational purposes ("ESPLOST"), the issuance of general obligation debt, and special tax districts including tax allocation districts ("TADs") and community improvement districts ("CIDs"), the only dates permitted will be **May 20, 2014**, the new date of the general primary, and **November 4, 2014**, the date of the general election.

On January 21, 2014, Governor Nathan Deal signed into law Act 343 (House Bill 310) which changed the date of the general primary from July 15, 2014 to May 20, 2014. This change is the result of a 2013 U.S. District Court order (M.D.Ga.) which mandated that the Georgia federal primary election date be moved up to allow for enough time for overseas ballots for a runoff election to be sent to (and received from) military personnel overseas and other expats.

In addition, Act 343 changed the call date for the 2014 elections to a 60-day call. If a special election is held in conjunction with the general primary or the general election the call of the election needs to be published not less than **60** days prior to the election date. See O.C.G.A. § 21-2-540. O.C.G.A. § 21-2-540(b) requires that at least 29 days shall intervene between the call of a special election and the holding of the same; however, any special election held in conjunction with a presidential preference primary, state-wide general primary or state-wide general election shall be called at least 90 days prior to the date of such state-wide general primary or general election. Act 343 makes an exception to the 90 day call requirement for the 2014 elections.

This means that if a special election is called in conjunction with the May 20, 2014 general primary, the call must be published on or before **March 19, 2014**. For the November 4, 2014 general election, the call must be published on or before **September 5, 2014**. The upcoming special election dates to present a question to the voters in years 2014 and 2015 are as follows:

2014 May 20, 2014 (date of the general primary)
 November 4, 2014 (date of the general election)

2015 March 17, 2015 (third Tuesday in March)
 November 3, 2015 (first Tuesday after the first Monday in November)