

O.C.G.A. § 45-2-1

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*** Current through the 2017 Regular Session of the General Assembly. ***

TITLE 45. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 2. ELIGIBILITY AND QUALIFICATIONS FOR OFFICE
ARTICLE 1. GENERAL PROVISIONS

O.C.G.A. § 45-2-1 (2017)

§ 45-2-1. Persons ineligible to hold civil office; vacation of office; validity of acts performed while in office

The following persons are ineligible to hold any civil office; and the existence of any of the following facts shall be a sufficient reason for vacating any office held by such person; but the acts of such person, while holding a commission, shall be valid as the acts of an officer de facto, namely:

(1) Persons who are not citizens of this state and persons under the age of 21 years; provided, however, that upon passage of appropriate local ordinances, citizens of this state who are otherwise qualified and who have attained 18 years of age shall be eligible to hold any county or municipal office, except such offices of a judicial nature. The residency requirement for a candidate for any county office, except offices of a judicial nature, shall be 12 months residency within the county. The residency requirement for a candidate for any municipal office, except offices of a judicial nature, shall be 12 months residency within the municipality; provided, however, that municipalities may by charter provide for lesser residency requirements for candidates for municipal office, except offices of a judicial nature. Notwithstanding anything in this paragraph to the contrary, the General Assembly may provide by local law for a period of district residency for candidates for any county or municipal governing authority or board of education who are elected from districts not to exceed 12 months residency within the district from which each such candidate seeks election. Any local law previously enacted by the General Assembly providing for a period of district residency for candidates for county or municipal office which does not exceed 12 months shall be granted full force and effect;

(2) All holders or receivers of public money of this state or any county, school district, or municipality thereof who have refused or failed when called upon after reasonable opportunity to account for and pay over the same to the proper officer;

(3) Any person finally convicted and sentenced for any felony involving moral turpitude under the laws of this or any other state when the offense is also a felony in this state, unless restored to all his rights of citizenship by a pardon from the State Board of Pardons and Paroles;

(4) Persons holding any office of profit or trust under the government of the United States other than that of postmaster and officers and enlisted men of the reserve components of the armed forces of the United States, or of either of the several states, or of any foreign state; provided, however, that without prejudice to his right to hold public office, any person may accept appointment to, and may receive his expenses and compensation arising from, membership upon any commission, board, panel, or other fact-finding or policy-making agency appointed by the President of the United States or other federal authority, where such appointment is of a temporary nature and the duties are not such as to interfere materially with the person's duties as a public officer. Acceptance of such an appointment and receipt of the emoluments therefrom shall not bar the right of any person to hold office in this state or to accede to a state office;

(5) Persons of unsound mind and persons who, from advanced age or bodily infirmity, are unfit to discharge the duties of the office to which they are chosen or appointed;

(6) Those persons who have not been inhabitants of the state, county, district, or circuit for the period required by the Constitution and laws of this state;

(7) A person who has not been a bona fide citizen of the county in which that person shall be elected or appointed at least 12 months prior to that person's election or appointment and who is not a qualified voter entitled to vote; provided, however, that no prior state or county residency requirement shall be applicable to any appointed local superintendent of schools; or

(8) All persons who are constitutionally disqualified for any cause. All officers are eligible for reelection and reappointment and to hold other offices, unless expressly declared to the contrary by the Constitution or laws of Georgia.

HISTORY: Laws 1787, Cobb's 1851 Digest, p. 366; Laws 1823, Cobb's 1851 Digest, p. 209; Code 1863, § 125; Code 1868, § 120; Code 1873, § 129; Code 1882, § 129; Civil Code 1895, § 223; Ga. L. 1900, p. 42, § 1; Civil Code 1910, § 258; Ga. L. 1925, p. 77, § 1; Ga. L. 1931, p. 126, § 1; Code 1933, § 89-101; Ga. L. 1972, p. 868, § 1; Ga. L. 1976, p. 464, §§ 1, 2; Ga. L. 1982, p. 3, § 45; Ga. L. 1987, p. 3, § 45; Ga. L. 1988, p. 930, § 1; Ga. L. 1989, p. 596, § 1; Ga. L. 1992, p. 1138, § 1; Ga. L. 1993, p. 1279, § 15; Ga. L. 2016, p. 173, § 12/SB 199; Ga. L. 2016, p. 777, § 1/HB 73; Ga. L. 2017, p. 525, § 1/SB 258.