

## **QUALIFYING FEES FOR 2022 ELECTIONS**

### **In General**

The county governing authority is required to set and publish the qualifying fees for 2022 elections for salaried or non-salaried county offices (*i.e.*, members of county boards of commissioners, members of the governing authority of consolidated governments, sole commissioners, sheriffs, tax commissioners, superior court clerks, magistrates, probate judges, state court judges, solicitors general, coroners, surveyors, and school board members) by February 1, 2022.<sup>1</sup> A county governing authority should adopt a resolution setting the qualifying fee for each office. Calculation of qualifying fees is explained below.

Although state law does not specify the particular method of publication, it might be a best practice to publish the fees in the legal organ rather than in a newspaper of general circulation. In addition to publication in physical media, the fees could also be posted on the county's website.

### **County Constitutional Officers and Magistrates**

Qualifying fees to run for the offices of superior court clerk, probate judge, sheriff, and tax commissioner (county constitutional officers) and magistrates must be set at 3 percent of the minimum base salary specified in state law for each county based on the county's population under the 2020 census.<sup>2</sup> The effective date of the 2020 census for this purpose is January 1, 2022.<sup>3</sup> Note that if a county's population decreases according to a more recent census below its population according to an earlier census, then, notwithstanding any other provision of law, any officer who is compensated under a minimum salary law and who is in office on January 1, 2022 continues during his or her entire tenure in such office (including any future terms of office in such office) to be compensated on the basis of the county's population according to such earlier census. In such case, the qualifying fee would be set at 3% of the minimum base salary according to the 2010 census.<sup>4</sup>

Note that in calculating the qualifying fee for the county constitutional officers and magistrates, the minimum base salary is not to be adjusted to reflect supplements, cost-of-living increases, or longevity increases.

### **County Governing Authorities and Chairs**

Qualifying fees to run for the office of members of the county governing authority (including the members and chair of a board of commissioners or governing body of a consolidated government, but not including sole commissioners) must be set at 3 percent of the base salary established by local Act of the General Assembly unless the county governing authority has set a higher salary using the process allowed by general law (see below).

The qualifying fee to run for sole commissioner is 3 percent of the salary set by local Act of the General Assembly or by the state minimum salary law for sole commissioners,<sup>5</sup> whichever is applicable.

In those counties where the governing authority has exercised its general-law power to increase its members' base salary,<sup>6</sup> the qualifying fee is 3% of that salary. As with the county officers and magistrates, the qualifying fee for commissioners is not adjusted to reflect the training supplement, cost-of-living increases, or longevity increases.

### **All Other Elected County Offices**

The qualifying fee to run for all other county offices, including but not limited to, the offices of coroner, state court judge, surveyor, or school board member, is 3% of the total gross salary of the office paid in 2021, including all supplements authorized by law.<sup>7</sup> If the elected official is not paid a salary, the county governing authority must set a fee that is not more than 3 percent of the income that the elected official earned from the office in 2021.

### **State Officials**

Qualifying fees for state officials (*e.g.*, legislators, superior court judges, district attorneys) are set by the Georgia Secretary of State.

For more information, please contact the Elections Division of the Secretary of State's office at (404) 656-2871.

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<sup>1</sup> O.C.G.A. § 21-2-131.

<sup>2</sup> O.C.G.A. § 21-2-131(a)(1)(B) references: O.C.G.A. § 15-6-88(a) for superior court clerks; O.C.G.A. § 15-9-63(a)(1) for probate judges; O.C.G.A. § 15-10-23(a) for magistrates; O.C.G.A. § 15-16-20(a)(1) for sheriffs; and O.C.G.A. § 48-5-183(b)(1) for tax commissioners. Also, be aware of any 2022 legislation which revises the base schedules set forth in the Code sections. The effective date(s) of such legislation could impact whether the current or new base schedules are to be used.

<sup>3</sup> O.C.G.A. § 1-3-1(d)(2)(A).

<sup>4</sup> *Id.*

<sup>5</sup> O.C.G.A. § 36-5-25.

<sup>6</sup> O.C.G.A. § 36-5-24.

<sup>7</sup> O.C.G.A. § 21-2-131(a)(1)(A).