

Senate Bill 242

By: Senator Williams of the 6th

AS PASSED

AN ACT

To provide for the nonpartisan nomination and election of the chief magistrate of Montgomery County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for other matters relative to the foregoing; to provide for the authority for this Act; to repeal the Act providing for the appointment of the chief magistrate of Montgomery County, approved March 10, 1988 (Ga. L. 1988, p. 3843); to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The chief magistrate of Montgomery County shall be elected by the qualified voters of Montgomery County in a nonpartisan primary and election. Except as otherwise provided in this Act, the chief magistrate shall be elected pursuant to the general laws regarding elections of Georgia.

SECTION 2.

The chief magistrate in office on the effective date of this Act and such magistrate's successors in office shall serve until December 31, 2002. Beginning with the elections held in 2002 and every four years thereafter, the chief magistrate shall be elected at the nonpartisan primary and general election immediately preceding the expiration of the term of office of the chief magistrate and shall take office on January 1 immediately following such election for a term of four years and until such judge's successor is elected and qualified.

SECTION 3.

Candidates for the office of chief magistrate shall be nominated in a nonpartisan primary to be held at the same time as and in conjunction with the general primary every four years. A nominating petition shall not be required to place the name of any such candidate on the primary ballot. A candidate may have his or her name placed on the primary ballot by filing

a notice of candidacy with the county election superintendent and by paying the prescribed qualifying fee.

SECTION 4.

The candidate receiving a majority of votes in the nonpartisan primary shall be the nominee for the office of chief magistrate and shall be the only candidate for such office to have his or her name appear on the general election ballot. In the event no candidate receives a majority of the votes cast, the candidates receiving the two highest numbers of votes for the office shall be in a runoff to be held on the same day as a runoff from the general primary, as provided by state law, to determine which candidate will be on the general election ballot.

SECTION 5.

The names of all candidates for the office of chief magistrate shall appear along with the other nonpartisan candidates in a separate section of each primary and general election ballot of each elector. No party designation or affiliation shall appear beside the name of any such candidate on any primary or general election ballot, and no candidate for the office of chief magistrate shall be nominated by any political party.

SECTION 6.

This Act is enacted pursuant to the authority of Code Section 21-2-139 of the O.C.G.A.

SECTION 7.

The Act providing for the appointment of the chief magistrate of Montgomery County, approved March 10, 1988 (Ga. L. 1988, p. 3943), is repealed in its entirety.

SECTION 8.

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon it becoming law without such approval.

(b) Section 7 of this Act shall become effective on January 1, 2003.

SECTION 9.

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