

House Bill 639

By: Representatives Randall of the 107th, Walker of the 115th, Stokes of the 72nd and Powell of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-138 of the Official Code of Georgia Annotated, relating to
2 nonpartisan elections for judicial offices, so as to provide that the offices of chief magistrate
3 and magistrate shall be elected on a nonpartisan basis; to amend Code Section 15-10-20 of
4 the Official Code of Georgia Annotated, relating to magistrates and chief magistrates, so as
5 to provide that the office of chief magistrate and magistrate shall be elected on a nonpartisan
6 basis; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 21-2-138 of the Official Code of Georgia Annotated, relating to nonpartisan
10 elections for judicial offices, is amended by striking the Code section and inserting in its
11 place the following:

12 "21-2-138.

13 The names of all candidates who have qualified with the Secretary of State for the office
14 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
15 of this state and the names of all candidates who have qualified with the election
16 superintendent for the office of judge of a state court or chief magistrate or magistrate of
17 a magistrate court shall be placed on the ballot in a nonpartisan election to be held and
18 conducted jointly with the general primary in each even-numbered year, provided that
19 nonpartisan elections for the office of judge of the state court which was covered on July
20 1, 2001, by a local Act of the General Assembly which provided for election in a
21 nonpartisan election without a prior nonpartisan primary shall be held and conducted
22 jointly with the general election in even-numbered years. No candidates for any such office
23 shall be nominated by a political party or by a petition as a candidate of a political body or
24 as an independent candidate. Candidates for any such office, except offices which were
25 covered on July 1, 2001, by a local Act of the General Assembly which provided for
26 election in a nonpartisan election without a prior nonpartisan primary, shall have their

1 names placed on the nonpartisan portion of each political party ballot by complying with
 2 the requirements prescribed in Code Section 21-2-132 specifically related to such
 3 nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code
 4 Section 21-2-131. The Secretary of State may provide for the printing of independent
 5 ballots containing the names of the nonpartisan candidates for those voters not affiliated
 6 with a political party. Candidates shall be listed on the official ballot in a nonpartisan
 7 election as provided in Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as
 8 otherwise specified in this chapter, the procedures to be employed in conducting the
 9 nonpartisan election of judges of state courts, judges of superior courts, chief magistrates
 10 and magistrates of magistrate courts, Judges of the Court of Appeals, and Justices of the
 11 Supreme Court shall conform as nearly as practicable to the procedures governing general
 12 primaries and general elections; and such general primary and general election procedures
 13 as are necessary to complete this nonpartisan election process shall be adopted in a manner
 14 consistent with such nonpartisan elections."

15 **SECTION 2.**

16 Code Section 15-10-20 of the Official Code of Georgia Annotated, relating to magistrates
 17 and chief magistrates, is amended by striking subsection (d) and inserting in its place the
 18 following:

19 "(d) Unless otherwise provided by local law, all magistrates taking office on or after
 20 January 1, 1985, shall be selected as provided in this subsection. Notwithstanding any
 21 local law, any magistrate who is elected by the voters of a county shall be elected in a
 22 nonpartisan election in the same manner as county officers are elected. The chief
 23 magistrate shall be elected by the voters of the county at the general election next preceding
 24 the expiration of the term of the incumbent chief magistrate, in a ~~partisan~~ nonpartisan
 25 election in the same manner as county officers are elected, for a term beginning on the first
 26 day of January following his or her election. His or her successors shall likewise be elected
 27 quadrennially thereafter for terms beginning on the first day of January following their
 28 election. Magistrates other than the chief magistrate or an elected magistrate shall be
 29 appointed by the chief magistrate with the consent of the judges of superior court. The term
 30 of a magistrate so appointed shall run concurrently with the term of the chief magistrate by
 31 whom he or she was appointed."

32 **SECTION 3.**

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