

Senate Bill 26

By: Senators Williams of the 19th, Lee of the 29th, Jackson of the 50th and Tolleson of the 18th

AS PASSED SENATE

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, so as to provide that the office of sheriff shall be elected on a
3 nonpartisan basis; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 21-2-138 of the Official Code of Georgia Annotated, relating to nonpartisan
8 elections, is amended by striking the Code section in its entirety and inserting in lieu thereof
9 a new Code Section 21-2-138 to read as follows:

10 "21-2-138.

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

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

14

SECTION 2.

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