

House Bill 998 (AS PASSED HOUSE AND SENATE)

By: Representatives Royal of the 140th, Scott of the 138th, Rynders of the 137th, and Houston of the 139th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act making provisions for the Magistrate Court of Colquitt County, approved
2 March 14, 1984 (Ga. L. 1984, p. 4190), so as to change the manner of selecting the chief
3 magistrate; to provide for nonpartisan elections held at the time of certain November general
4 elections; to provide for submission of this Act for preclearance pursuant to Section 5 of the
5 federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for
6 a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act making provisions for the Magistrate Court of Colquitt County, approved March 14,
11 1984 (Ga. L. 1984, p. 4190), is amended by striking Sections 1 and 2 and inserting in their
12 place new Sections 1 and 2 to read as follows:

13 **"SECTION 1.**

14 (a) All elections for the office of chief magistrate of the Magistrate Court of Colquitt County
15 shall be nonpartisan elections as provided for in Code Section 21-2-139 of the O.C.G.A. and
16 shall be conducted at the November general election immediately preceding the expiration
17 of the term of such respective office. Such nonpartisan elections shall be held and conducted
18 as provided in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

19 (b) The first chief magistrate elected under this Act shall be elected at a nonpartisan election
20 on the date of the November, 2006, state-wide general election. Such chief magistrate shall
21 take office on January 1 following such chief magistrate's election for a term of four years
22 and until such chief magistrate's successor is elected and qualified. Successors to such chief
23 magistrate shall be elected at a nonpartisan election on the date of the state-wide general
24 election next preceding the expiration of such term of office and shall take office on January

1 1 following their election for a term of four years and until their successors are elected and
2 qualified.

3 **SECTION 2.**

4 Nothing in this Act shall affect the term of office of the chief magistrate in office on the
5 effective date of this Act. The sitting chief magistrate shall serve out the respective terms of
6 office for which such person was appointed and shall be eligible to succeed himself or herself
7 as provided in this Act."

8 **SECTION 2.**

9 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
10 superintendent of Colquitt County shall call and conduct an election as provided in this
11 section for the purpose of submitting this Act to the electors of Colquitt County for approval
12 or rejection. The election superintendent shall conduct that election on the date of the
13 November, 2004, state-wide general election and shall issue the call and conduct that election
14 as provided by general law. The superintendent shall cause the date and purpose of the
15 election to be published once a week for two weeks immediately preceding the date thereof
16 in the official organ of Colquitt County. The ballot shall have written or printed thereon the
17 words:

18 "() YES Shall the Act be approved which provides for the nonpartisan election of the
19 () NO chief magistrate of the Magistrate Court of Colquitt County?"

20 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
21 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
22 cast on such question are for approval of the Act, then Section 1 of this Act shall become of
23 full force and effect immediately. If Section 1 of this Act is not so approved or if the election
24 is not conducted as provided in this section, Section 1 of this Act shall not become effective
25 and this Act shall be automatically repealed on the first day of January immediately
26 following that election date. The expense of such election shall be borne by Colquitt County.
27 It shall be the election superintendent's duty to certify the result thereof to the Secretary of
28 State.

29 **SECTION 3.**

30 The governing authority of Colquitt County shall through its legal counsel cause this Act to
31 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
32 such submission shall be made to the United States Department of Justice or filed with the

1 appropriate court no later than 45 days after the date on which this Act is approved by the
2 Governor or otherwise becomes law without such approval.

3 **SECTION 4.**

4 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
5 its approval by the Governor or upon its becoming law without such approval.

6 **SECTION 5.**

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