

Senate Bill 32

By: Senators Smith of the 52nd, Mullis of the 53rd, Tolleson of the 20th, Kemp of the 46th, Hill of the 32nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-9-1 of the Official Code of Georgia Annotated, relating to
2 election and term of judges of the probate court, so as to provide that the office of judge of
3 probate court shall be elected on a nonpartisan basis; to amend Code Section 21-2-138 of the
4 Official Code of Georgia Annotated, relating to nonpartisan elections for judicial offices,
5 so as to provide for the election of judges of probate court at nonpartisan elections; to provide
6 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 15-9-1 of the Official Code of Georgia Annotated, relating to election and term
10 of judges of the probate court, is amended by striking the Code section and inserting in lieu
11 thereof a new Code Section 15-9-1 to read as follows:

12 "15-9-1.

13 The judges of the probate courts are elected by the people of their respective counties in
14 nonpartisan elections at the time and in the manner prescribed by law. They shall hold
15 their offices for four years and until their successors are elected and qualified, unless
16 sooner removed. Their terms shall begin on January 1 and expire on January 1 four years
17 next thereafter."

18 **SECTION 2.**

19 Code Section 21-2-138 of the Official Code of Georgia Annotated, relating to nonpartisan
20 elections for judicial offices, is amended by striking the Code section and inserting in its
21 place a new Code Section 21-2-138 to read as follows:

22 "21-2-138.

23 The names of all candidates who have qualified with the Secretary of State for the office
24 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
25 of this state and the names of all candidates who have qualified with the election
26 superintendent for the office of judge of a state court or judge of a probate court shall be

1 placed on the ballot in a nonpartisan election to be held and conducted jointly with the
2 general primary in each even-numbered year; provided that nonpartisan elections for the
3 office of judge of the state court or judge of a probate court which was covered on July 1,
4 2001, by a local Act of the General Assembly which provided for election in a nonpartisan
5 election without a prior nonpartisan primary shall be held and conducted jointly with the
6 general election in even-numbered years. No candidates for any such office shall be
7 nominated by a political party or by a petition as a candidate of a political body or as an
8 independent candidate. Candidates for any such office, except offices which were covered
9 on July 1, 2001, by a local Act of the General Assembly which provided for election in a
10 nonpartisan election without a prior nonpartisan primary, shall have their names placed on
11 the nonpartisan portion of each political party ballot by complying with the requirements
12 prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and
13 by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. The
14 Secretary of State may provide for the printing of independent ballots containing the names
15 of the nonpartisan candidates for those voters not affiliated with a political party.
16 Candidates shall be listed on the official ballot in a nonpartisan election as provided in
17 Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in
18 this chapter, the procedures to be employed in conducting the nonpartisan election of
19 judges of probate courts, judges of state courts, judges of superior courts, Judges of the
20 Court of Appeals, and Justices of the Supreme Court shall conform as nearly as practicable
21 to the procedures governing general primaries and general elections; and such general
22 primary and general election procedures as are necessary to complete this nonpartisan
23 election process shall be adopted in a manner consistent with such nonpartisan elections."

24 **SECTION 3.**

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