

Senate Bill 457

By: Senators Mullis of the 53rd, Loudermilk of the 52nd, Unterman of the 45th, Bethel of the 54th, Thompson of the 5th and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that all offices in this state shall be elected on a partisan basis; to provide for exceptions; to provide for certain referendums and procedures; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising Code Section 21-2-139, relating to the authorization for and conduct of nonpartisan elections, as follows:

"21-2-139.

~~(a) Notwithstanding any other provisions of this chapter to the contrary, the General Assembly may provide by local Act for the election in nonpartisan elections of candidates to fill county judicial offices, offices of local school boards, and offices of consolidated governments which are filled by the vote of the electors of said county or political subdivision~~ Except as otherwise provided in Code Section 21-2-138 and this Code section and notwithstanding any local Act to the contrary, on and after January 1, 2013, all elections for congressional, state, and county offices in this state shall be conducted on a partisan basis.

(b) Elections for any county judicial office, local school board office, or consolidated government office for which a local Act was in effect as of June 30, 2012, to allow such office to be voted upon on a nonpartisan basis may continue to be conducted on a nonpartisan basis provided that such jurisdiction complies with subsection (c) of this Code section.

(c)(1) A jurisdiction in which there was a local Act in effect as of June 30, 2012, to allow elections for a county judicial office, local school board office, or consolidated government office to be elected on a nonpartisan basis that wishes to continue to elect

such offices on a nonpartisan basis shall conduct a referendum in conjunction with the 2012 November general election to submit to the electors of the jurisdiction the question of whether such offices should be elected in partisan elections.

(2) For county judicial offices, a resolution shall be passed by the county governing authority authorizing the conduct of such referendum and delivered to the county election superintendent at least 60 days prior to the 2012 November general election. The election superintendent shall then issue the call for the referendum and conduct the referendum in accordance with the provisions of this chapter and shall advertise the date and purpose of the referendum once a week for two weeks immediately preceding the election in the legal organ of the county. The ballot shall have written or printed thereon the words:

"() YES Shall the office of (Insert name of office) be elected in partisan elections?"

() NO

All persons desiring to vote in favor of electing such office in partisan elections shall vote "Yes," and all persons desiring to vote against electing such office in partisan elections shall vote "No." If more than one-half of the votes cast on such question are for electing such office in partisan elections or there is a tie in the number of votes cast for and against such question or if the election is not conducted as provided in this paragraph, the provisions of the local Act authorizing the election of such office on a nonpartisan basis shall be repealed by operation of law on January 1, 2013, and such office shall thereafter be elected on a partisan basis. If more than one-half of the votes cast on such question are against electing such office in partisan elections, the provision of the local Act authorizing such office to be elected on a nonpartisan basis shall continue in force and effect and such office shall continue to be elected on a nonpartisan basis. The expense of such election shall be borne by the county. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State. Each county judicial office shall be voted upon separately.

(3) For local school board offices, a resolution shall be passed by the local school board authorizing the conduct of such referendum and delivered to the county election superintendent at least 60 days prior to the 2012 November general election. The election superintendent shall then issue the call for the referendum and conduct the referendum in accordance with the provisions of this chapter and shall advertise the date and purpose of the referendum once a week for two weeks immediately preceding the election in the legal organ of the county. The ballot shall have written or printed thereon the words:

"() YES Shall the board of education of (Insert name of school district) be elected in

() NO partisan elections?"

All persons desiring to vote in favor of electing such offices in partisan elections shall vote "Yes," and all persons desiring to vote against electing such offices in partisan elections shall vote "No." If more than one-half of the votes cast on such question are for electing such offices in partisan elections or there is a tie in the number of votes cast for and against such question or if the election is not conducted as provided in this paragraph, the provisions of the local Act authorizing the election of such offices on a nonpartisan basis shall be repealed by operation of law on January 1, 2013, and such offices shall thereafter be elected on a partisan basis. If more than one-half of the votes cast on such question are against electing such offices in partisan elections, the provision of the local Act authorizing such offices to be elected on a nonpartisan basis shall continue in force and effect and such offices shall continue to be elected on a nonpartisan basis. The expense of such election shall be borne by the local school board. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

(4) For consolidated government offices, a resolution shall be passed by the consolidated government authorizing the conduct of such referendum and delivered to the county election superintendent at least 60 days prior to the 2012 November general election. The election superintendent shall then issue the call for the referendum and conduct the referendum in accordance with the provisions of this chapter and shall advertise the date and purpose of the referendum once a week for two weeks immediately preceding the election in the legal organ of the county. The ballot shall have written or printed thereon the words:

"() YES Shall the members of the consolidated government of (Insert name of () NO jurisdiction) be elected in partisan elections?"

All persons desiring to vote in favor of electing such offices in partisan elections shall vote "Yes," and all persons desiring to vote against electing such offices in partisan elections shall vote "No." If more than one-half of the votes cast on such question are for electing such offices in partisan elections or there is a tie in the number of votes cast for and against such question or if the election is not conducted as provided in this paragraph, the provisions of the local Act authorizing the election of such offices on a nonpartisan basis shall be repealed by operation of law on January 1, 2013, and such offices shall thereafter be elected on a partisan basis. If more than one-half of the votes cast on such question are against electing such offices in partisan elections, the provision of the local Act authorizing such offices to be elected on a nonpartisan basis shall continue in force and effect and such offices shall continue to be elected on a nonpartisan basis. The expense of such election shall be borne by the consolidated government. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

(d) For those offices which continue to be elected on a nonpartisan basis, except Except as otherwise provided in this Code section, the procedures to be employed in such nonpartisan elections shall conform as nearly as practicable to the procedures governing nonpartisan elections as provided in this chapter. Except as otherwise provided in this Code section, the election procedures established by any existing local law which provides for the nonpartisan election of candidates to fill county offices shall conform to the general procedures governing nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be conducted in accordance with the applicable provisions of this chapter, notwithstanding the provisions of any existing local law. For those offices for which the General Assembly, ~~pursuant to this Code section,~~ provided by local Act for election in nonpartisan primaries and elections and which were continued as nonpartisan offices in accordance with the provisions of this Code section, such offices shall no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and conducted in conjunction with the general primary in even-numbered years in accordance with this chapter without a prior nonpartisan primary. Nonpartisan elections for municipal offices shall be conducted on the dates provided in the municipal charter.

~~(b)(c)~~ (e) ~~Either a~~ Except as otherwise provided in this Code section, a political party, as defined in this chapter, or a nonpartisan municipal executive committee duly registered with the city clerk may conduct a municipal primary for the purpose of electing its own officials or nominating candidates for municipal elections. Every primary held for such purpose shall be presided over and conducted in the manner prescribed by the rules and regulations of such party or nonpartisan municipal executive committee, not inconsistent with the law and the rules and regulations of the State Election Board; provided, however, that all such primaries must be conducted in such manner as to guarantee the secrecy of the ballot.

~~(e)(f)~~ (f) Municipalities may provide by their charter or by ordinance that no political party shall conduct primaries for the purpose of nominating candidates for municipal elections; provided, however, that the existing provisions of any charter or ordinance prohibiting primaries by political parties shall not be repealed by this subsection."

SECTION 2.

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