

Senate Bill 487

By: Senator McKoon of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-139 of the Official Code of Georgia Annotated, relating to the
2 authorization and conduct of nonpartisan elections, so as to provide that elected municipal
3 court judges shall be elected on a nonpartisan basis; to provide for related matters; to provide
4 for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 21-2-139 of the Official Code of Georgia Annotated, relating to the
8 authorization and conduct of nonpartisan elections, is amended by revising the Code section
9 as follows:

10 "21-2-139.

11 (a) Notwithstanding any other provisions of this chapter to the contrary, the General
12 Assembly may provide by local Act for the election in nonpartisan elections of candidates
13 to fill county judicial offices, offices of local school boards, and offices of consolidated
14 governments which are filled by the vote of the electors of said county or political
15 subdivision. Except as otherwise provided in this Code section, the procedures to be
16 employed in such nonpartisan elections shall conform as nearly as practicable to the
17 procedures governing nonpartisan elections as provided in this chapter. Except as
18 otherwise provided in this Code section, the election procedures established by any existing
19 local law which provides for the nonpartisan election of candidates to fill county offices
20 shall conform to the general procedures governing nonpartisan elections as provided in this
21 chapter, and such nonpartisan elections shall be conducted in accordance with the
22 applicable provisions of this chapter, notwithstanding the provisions of any existing local
23 law. For those offices for which the General Assembly, pursuant to this Code section,
24 provided by local Act for election in nonpartisan primaries and elections, such offices shall
25 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
26 elections held and conducted in conjunction with the general primary in even-numbered

27 years in accordance with this chapter without a prior nonpartisan primary. Nonpartisan
28 elections for municipal offices shall be conducted on the dates provided in the municipal
29 charter. Municipal court judges who are elected by the vote of the electors of the
30 municipality shall be elected on a nonpartisan basis.

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

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

43 **SECTION 2.**

44 This Act shall become effective upon its approval by the Governor or upon its becoming law
45 without such approval.

46 **SECTION 3.**

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