

House Bill 831

By: Representatives Willard of the 51st, Lindsey of the 54th, Bruce of the 61st, Pruett of the 149th, Jacobs of the 80th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 elections and primaries generally, so as to provide for the nonpartisan election of judges of
3 probate court and chief magistrates; to provide that, if a municipal judge is elected, such
4 election shall be nonpartisan; to provide for related matters; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by revising Code Section 21-2-138, relating to nonpartisan
10 elections for judicial offices, as follows:

11 "21-2-138.

12 The names of all candidates who have qualified with the Secretary of State for the office
13 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
14 of this state and the names of all candidates who have qualified with the election
15 superintendent for the office of judge of a state court, judge of probate court, or chief
16 magistrate shall be placed on the ballot in a nonpartisan election to be held and conducted
17 jointly with the general primary in each even-numbered year. No candidates for any such
18 office shall be nominated by a political party or by a petition as a candidate of a political
19 body or as an independent candidate. Candidates for any such office shall have their names
20 placed on the nonpartisan portion of each ballot by complying with the requirements
21 prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and
22 by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates
23 shall be listed on the official ballot in a nonpartisan election as provided in Code
24 Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this
25 chapter, the procedures to be employed in conducting the nonpartisan election of chief
26 magistrates, judges of probate courts, judges of state courts, judges of superior courts,

27 Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly
 28 as practicable to the procedures governing general elections; and such general election
 29 procedures as are necessary to complete this nonpartisan election process shall be adopted
 30 in a manner consistent with such nonpartisan elections."

31 **SECTION 2.**

32 Said chapter is further amended by revising subsections (a) and (c) of Code
 33 Section 21-2-139, relating to the authorization of other nonpartisan elections, as follows:

34 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
 35 Assembly may provide by local Act for the election in nonpartisan elections of candidates
 36 to fill county judicial offices not otherwise provided for in Code Section 21-2-138, offices
 37 of local school boards, and offices of consolidated governments which are filled by the vote
 38 of the electors of said county or political subdivision. Except as otherwise provided in this
 39 Code section, the procedures to be employed in such nonpartisan elections shall conform
 40 as nearly as practicable to the procedures governing nonpartisan elections as provided in
 41 this chapter. Except as otherwise provided in this Code section, the election procedures
 42 established by any existing local law which provides for the nonpartisan election of
 43 candidates to fill county offices shall conform to the general procedures governing
 44 nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be
 45 conducted in accordance with the applicable provisions of this chapter, notwithstanding the
 46 provisions of any existing local law. For those offices for which the General Assembly,
 47 pursuant to this Code section, provided by local Act for election in nonpartisan primaries
 48 and elections, such offices shall no longer require nonpartisan primaries. Such officers
 49 shall be elected in nonpartisan elections held and conducted in conjunction with the general
 50 primary in even-numbered years in accordance with this chapter without a prior
 51 nonpartisan primary. This Code section shall apply to all nonpartisan elections for
 52 members of consolidated governments. All nonpartisan elections for members of
 53 consolidated governments shall be governed by the provisions of this Code section and
 54 shall be considered county elections and not municipal elections for the purposes of this
 55 Code section. Nonpartisan elections for municipal offices shall be conducted on the dates
 56 provided in the municipal charter."

57 "(c) Municipalities may provide by their charter or by ordinance that no political party
 58 shall conduct primaries for the purpose of nominating candidates for municipal elections;
 59 provided, however, that the existing provisions of any charter or ordinance prohibiting
 60 primaries by political parties shall not be repealed by this subsection. When a municipal
 61 charter provides for the election of municipal judges, such judges shall be elected on a
 62 nonpartisan basis as provided in this chapter."

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SECTION 3.

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

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SECTION 4.

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