

House Bill 568

By: Representatives Wilkerson of the 38<sup>th</sup>, Kendrick of the 93<sup>rd</sup>, McLaurin of the 51<sup>st</sup>, Wilson of the 80<sup>th</sup>, Moore of the 95<sup>th</sup>, 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 courts, chief magistrate judges, and certain other magistrate judges; to provide that  
4 elections for a municipal judge shall be nonpartisan; to provide for related matters; to provide  
5 for an effective date; to 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 a probate court, chief  
16 magistrate judge, or magistrate judge in those counties in which magistrate judges other  
17 than the chief magistrate are elected shall be placed on the ballot in a nonpartisan election  
18 to be held and conducted jointly with the general primary in each even-numbered year. No  
19 candidates for any such office shall be nominated by a political party or by a petition as a  
20 candidate of a political body or as an independent candidate. Candidates for any such  
21 office shall have their names placed on the nonpartisan portion of each ballot by complying  
22 with the requirements prescribed in Code Section 21-2-132 specifically related to such  
23 nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code  
24 Section 21-2-131. Candidates shall be listed on the official ballot in a nonpartisan election  
25 as provided in Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as  
26 otherwise specified in this chapter, the procedures to be employed in conducting the

27 nonpartisan election of chief magistrate judges, magistrate judges in those counties in  
 28 which magistrate judges other than the chief magistrate are elected, judges of probate  
 29 courts, judges of state courts, judges of superior courts, Judges of the Court of Appeals, and  
 30 Justices of the Supreme Court shall conform as nearly as practicable to the procedures  
 31 governing general elections; and such general election procedures as are necessary to  
 32 complete this nonpartisan election process shall be adopted in a manner consistent with  
 33 such nonpartisan elections."

34 **SECTION 2.**

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

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

60 "(c) Municipalities may provide by their charter or by ordinance that no political party  
 61 shall conduct primaries for the purpose of nominating candidates for municipal elections;  
 62 provided, however, that the existing provisions of any charter or ordinance prohibiting

63 primaries by political parties shall not be repealed by this subsection. When a municipal  
64 charter provides for the election of municipal judges, such judges shall be elected on a  
65 nonpartisan basis as provided in this chapter."

66 **SECTION 3.**

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

69 **SECTION 4.**

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