

House Bill 774

By: Representatives Moore of the 95<sup>th</sup>, Wilkerson of the 38<sup>th</sup>, McLaurin of the 51<sup>st</sup>, Dreyer of the 59<sup>th</sup>, Wilensky of the 79<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

H. B. 774

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.