

House Bill 426

By: Representatives New of the 40th, Efstration of the 104th, Burchett of the 176th, Smith of the 18th, Scoggins of the 14th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
2 magistrate courts, so as to provide for nonpartisan election of magistrates; to amend Chapter
3 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries
4 generally, so as to revise provisions related to nonpartisan elections of judges of the probate
5 court and magistrates; to provide for related matters; to provide for an effective date, a
6 contingent effective date and automatic repeal; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate
11 courts, is amended in Code Section 15-10-20, relating to number, selection, term, filling
12 vacancies, chief magistrate, and bonds, by revising subsection (c) as follows:

13 "(c) Unless otherwise provided by local law, all magistrates taking office on or after
14 January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall
15 be elected by the voters of the county at the general election next preceding the expiration
16 of the term of the incumbent chief magistrate, in a ~~partisan~~ nonpartisan election in the same

17 manner as county judicial officers are elected, for a term beginning on the first day of
18 January following his or her election. As of July 1, 2025, no local Act providing for
19 partisan election of a chief magistrate or other magistrate shall be enacted or enforceable.
20 His or her successors shall likewise be elected quadrennially thereafter for terms beginning
21 on the first day of January following their election. Magistrates other than the chief
22 magistrate shall be appointed by the chief magistrate with the consent of the judges of
23 superior court. The term of a magistrate so appointed shall run concurrently with the term
24 of the chief magistrate by whom he or she was appointed."

25 **SECTION 2.**

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

29 "21-2-138.

30 The names of all candidates who have qualified with the Secretary of State for the office
31 of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court
32 of this state and the names of all candidates who have qualified with the election
33 superintendent for the office of judge of a state court, office of judge of a probate court,
34 office of chief magistrate, or office of magistrate, when nonpartisan elections have been
35 authorized by law for such county judicial office, shall be placed on the ballot in a
36 nonpartisan election to be held and conducted jointly with the general primary in each
37 even-numbered year. No candidates for any such office shall be nominated by a political
38 party or by a petition as a candidate of a political body or as an independent candidate.
39 Candidates for any such office shall have their names placed on the nonpartisan portion of
40 each ballot by complying with the requirements prescribed in Code Section 21-2-132
41 specifically related to such nonpartisan candidates and by paying the requisite qualifying
42 fees as prescribed in Code Section 21-2-131. Candidates shall be listed on the official

43 ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1,
44 respectively. Except as otherwise specified in this chapter, the procedures to be employed
45 in conducting the nonpartisan election of judges of probate courts, chief magistrates,
46 magistrates, judges of state courts, judges of superior courts, Judges of the Court of
47 Appeals, and Justices of the Supreme Court shall conform as nearly as practicable to the
48 procedures governing general elections; and such general election procedures as are
49 necessary to complete this nonpartisan election process shall be adopted in a manner
50 consistent with such nonpartisan elections."

51 **SECTION 3.**

52 Said chapter is further amended in Code Section 21-2-139, relating to nonpartisan elections
53 authorized and conduct, by revising subsection (a) as follows:

54 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
55 Assembly may provide by local Act for the election in nonpartisan elections of candidates
56 to fill ~~county judicial~~ offices of judges of probate courts, offices of local boards of
57 education, and offices of consolidated governments which are filled by the vote of the
58 electors of said county or political subdivision. Except as otherwise provided in this Code
59 section, the procedures to be employed in such nonpartisan elections shall conform as
60 nearly as practicable to the procedures governing nonpartisan elections as provided in this
61 chapter. Except as otherwise provided in this Code section, the election procedures
62 established by any existing local law which provides for the nonpartisan election of
63 candidates to fill county offices shall conform to the general procedures governing
64 nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be
65 conducted in accordance with the applicable provisions of this chapter, notwithstanding the
66 provisions of any existing local law. For those offices for which the General Assembly,
67 pursuant to this Code section, provided by local Act for election in nonpartisan primaries
68 and elections, such offices shall no longer require nonpartisan primaries. Such officers

69 shall be elected in nonpartisan elections held and conducted in conjunction with the general
70 primary in even-numbered years in accordance with this chapter without a prior
71 nonpartisan primary. This Code section shall apply to all nonpartisan elections for
72 members of consolidated governments. All nonpartisan elections for members of
73 consolidated governments shall be governed by the provisions of this Code section and
74 shall be considered county elections and not municipal elections for the purposes of this
75 Code section. Nonpartisan elections for municipal offices shall be conducted on the dates
76 provided in the municipal charter."

77 **SECTION 4.**

78 Said chapter is further amended in said Code section as effective on January 1, 2027, by
79 revising subsection (a) as follows:

80 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
81 Assembly may provide by local Act for the election in nonpartisan elections of candidates
82 to fill ~~offices of judges of probate courts,~~ offices of local boards of education; and offices
83 of consolidated governments which are filled by the vote of the electors of said county or
84 political subdivision. Except as otherwise provided in this Code section, the procedures
85 to be employed in such nonpartisan elections shall conform as nearly as practicable to the
86 procedures governing nonpartisan elections as provided in this chapter. Except as
87 otherwise provided in this Code section, the election procedures established by any existing
88 local law which provides for the nonpartisan election of candidates to fill county offices
89 shall conform to the general procedures governing nonpartisan elections as provided in this
90 chapter, and such nonpartisan elections shall be conducted in accordance with the
91 applicable provisions of this chapter, notwithstanding the provisions of any existing local
92 law. For those offices for which the General Assembly, pursuant to this Code section,
93 provided by local Act for election in nonpartisan primaries and elections, such offices shall
94 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan

95 elections held and conducted in conjunction with the general primary in even-numbered
96 years in accordance with this chapter without a prior nonpartisan primary. This Code
97 section shall apply to all nonpartisan elections for members of consolidated governments.
98 All nonpartisan elections for members of consolidated governments shall be governed by
99 the provisions of this Code section and shall be considered county elections and not
100 municipal elections for the purposes of this Code section. Nonpartisan elections for
101 municipal offices shall be conducted on the dates provided in the municipal charter.”

102 **SECTION 5.**

103 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
104 on July 1, 2025.

105 (b) Section 4 of this Act shall become effective on January 1, 2027, following the ratification
106 of an amendment to the Constitution of Georgia providing that all judges of the probate court
107 shall be elected in nonpartisan elections; provided, however, that to the extent this Act
108 conflicts with law in effect at the time of ratification, this Act and such amendment shall
109 control, and to the extent such law is not in conflict, the law in effect at the time of
110 ratification shall control and shall remain in full force and effect. If such amendment is not
111 so ratified, then this Act shall stand automatically repealed.

112 **SECTION 6.**

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