

House Bill 113

By: Representatives Willard of the 51st, Powell of the 171st, Caldwell of the 131st, Weldon of the 3rd, and Welch of the 110th

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, chief magistrate judges, and certain other magistrate judges; to provide that,
4 if a municipal judge is elected, such election shall be nonpartisan; to provide for related
5 matters; to provide 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 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 school boards, and offices of consolidated governments which are filled by the vote
 41 of the electors of said county or political subdivision. Except as otherwise provided in this
 42 Code section, the procedures to be employed in such nonpartisan elections shall conform
 43 as nearly as practicable to the procedures governing nonpartisan elections as provided in
 44 this chapter. Except as otherwise provided in this Code section, the election procedures
 45 established by any existing local law which provides for the nonpartisan election of
 46 candidates to fill county offices shall conform to the general procedures governing
 47 nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be
 48 conducted in accordance with the applicable provisions of this chapter, notwithstanding the
 49 provisions of any existing local law. For those offices for which the General Assembly,
 50 pursuant to this Code section, provided by local Act for election in nonpartisan primaries
 51 and elections, such offices shall no longer require nonpartisan primaries. Such officers
 52 shall be elected in nonpartisan elections held and conducted in conjunction with the general
 53 primary in even-numbered years in accordance with this chapter without a prior
 54 nonpartisan primary. This Code section shall apply to all nonpartisan elections for
 55 members of consolidated governments. All nonpartisan elections for members of
 56 consolidated governments shall be governed by the provisions of this Code section and
 57 shall be considered county elections and not municipal elections for the purposes of this
 58 Code section. Nonpartisan elections for municipal offices shall be conducted on the dates
 59 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.