

Senate Bill 184

By: Senators McKoon of the 29th, Mullis of the 53rd, Miller of the 49th, Thompson of the 5th, Ligon, Jr. of the 3rd 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 primaries and elections generally, so as to provide that all offices in this state shall be elected
3 on a partisan basis; to provide for exceptions; to provide for certain referendums and
4 procedures; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising Code Section 21-2-139, relating to the
9 authorization for and conduct of nonpartisan elections, as follows:

10 "21-2-139.

11 ~~(a) Notwithstanding any other provisions of this chapter to the contrary, the General~~
12 ~~Assembly may provide by local Act for the election in nonpartisan elections of candidates~~
13 ~~to fill county judicial offices, offices of local school boards, and offices of consolidated~~
14 ~~governments which are filled by the vote of the electors of said county or political~~
15 ~~subdivision. Except as otherwise provided in Code Section 21-2-138 and this Code section~~
16 ~~and notwithstanding any local Act to the contrary, on and after January 1, 2015, all~~
17 ~~elections for congressional, state, and county offices in this state shall be conducted on a~~
18 ~~partisan basis.~~

19 (b) Elections for any county judicial office, local school board office, or consolidated
20 government office for which a local Act was in effect as of June 30, 2014 to allow such
21 office to be voted upon on a nonpartisan basis may continue to be conducted on a
22 nonpartisan basis provided that such jurisdiction complies with subsection (c) of this Code
23 section.

24 (c)(1) A jurisdiction in which there was a local Act in effect as of June 30, 2014, to allow
25 elections for a county judicial office, local school board office, or consolidated
26 government office to be elected on a nonpartisan basis that wishes to continue to elect
27 such offices on a nonpartisan basis shall conduct a referendum in conjunction with the

28 2014 November general election to submit to the electors of the jurisdiction the question
 29 of whether such offices should be elected in partisan elections.

30 (2) For county judicial offices, a resolution shall be passed by the county governing
 31 authority authorizing the conduct of such referendum and delivered to the county election
 32 superintendent at least 90 days prior to the 2014 November general election. The election
 33 superintendent shall then issue the call for the referendum and conduct the referendum
 34 in accordance with the provisions of this chapter and shall advertise the date and purpose
 35 of the referendum once a week for two weeks immediately preceding the election in the
 36 legal organ of the county. The ballot shall have written or printed thereon the words:

37 '() YES Shall the office of (name of office) be elected in partisan elections?'

38 () NO

39 All persons desiring to vote in favor of electing such office in partisan elections shall vote
 40 'Yes,' and all persons desiring to vote against electing such office in partisan elections
 41 shall vote 'No.' If more than one-half of the votes cast on such question are for electing
 42 such office in partisan elections or there is a tie in the number of votes cast for and
 43 against such question or if the election is not conducted as provided in this paragraph, the
 44 provisions of the local Act authorizing the election of such office on a nonpartisan basis
 45 shall be repealed by operation of law on January 1, 2015, and such office shall thereafter
 46 be elected on a partisan basis. If more than one-half of the votes cast on such question
 47 are against electing such office in partisan elections, the provision of the local Act
 48 authorizing such office to be elected on a nonpartisan basis shall continue in force and
 49 effect, and such office shall continue to be elected on a nonpartisan basis. The expense
 50 of such election shall be borne by the county. It shall be the election superintendent's
 51 duty to certify the result thereof to the Secretary of State. Each county judicial office
 52 shall be voted upon separately.

53 (3) For local school board offices, a resolution shall be passed by the local school board
 54 authorizing the conduct of such referendum and delivered to the county election
 55 superintendent at least 90 days prior to the 2014 November general election. The election
 56 superintendent shall then issue the call for the referendum and conduct the referendum
 57 in accordance with the provisions of this chapter and shall advertise the date and purpose
 58 of the referendum once a week for two weeks immediately preceding the election in the
 59 legal organ of the county. The ballot shall have written or printed thereon the words:

60 '() YES Shall the board of education of (name of school district) be elected in partisan

61 () NO elections?'

62 All persons desiring to vote in favor of electing such offices in partisan elections shall
 63 vote 'Yes,' and all persons desiring to vote against electing such offices in partisan

64 elections shall vote 'No.' If more than one-half of the votes cast on such question are for
 65 electing such offices in partisan elections or there is a tie in the number of votes cast for
 66 and against such question or if the election is not conducted as provided in this paragraph,
 67 the provisions of the local Act authorizing the election of such offices on a nonpartisan
 68 basis shall be repealed by operation of law on January 1, 2015, and such offices shall
 69 thereafter be elected on a partisan basis. If more than one-half of the votes cast on such
 70 question are against electing such offices in partisan elections, the provision of the local
 71 Act authorizing such offices to be elected on a nonpartisan basis shall continue in force
 72 and effect, and such offices shall continue to be elected on a nonpartisan basis. The
 73 expense of such election shall be borne by the local school board. It shall be the election
 74 superintendent's duty to certify the result thereof to the Secretary of State.

75 (4) For consolidated government offices, a resolution shall be passed by the consolidated
 76 government authorizing the conduct of such referendum and delivered to the county
 77 election superintendent at least 90 days prior to the 2014 November general election. The
 78 election superintendent shall then issue the call for the referendum and conduct the
 79 referendum in accordance with the provisions of this chapter and shall advertise the date
 80 and purpose of the referendum once a week for two weeks immediately preceding the
 81 election in the legal organ of the county. The ballot shall have written or printed thereon
 82 the words:

83 '() YES Shall the members of the consolidated government of (name of jurisdiction)
 84 () NO be elected in partisan elections?'

85 All persons desiring to vote in favor of electing such offices in partisan elections shall
 86 vote 'Yes,' and all persons desiring to vote against electing such offices in partisan
 87 elections shall vote 'No.' If more than one-half of the votes cast on such question are for
 88 electing such offices in partisan elections or there is a tie in the number of votes cast for
 89 and against such question or if the election is not conducted as provided in this paragraph,
 90 the provisions of the local Act authorizing the election of such offices on a nonpartisan
 91 basis shall be repealed by operation of law on January 1, 2015, and such offices shall
 92 thereafter be elected on a partisan basis. If more than one-half of the votes cast on such
 93 question are against electing such offices in partisan elections, the provision of the local
 94 Act authorizing such offices to be elected on a nonpartisan basis shall continue in force
 95 and effect, and such offices shall continue to be elected on a nonpartisan basis. The
 96 expense of such election shall be borne by the consolidated government. It shall be the
 97 election superintendent's duty to certify the result thereof to the Secretary of State.

98 (d) For those offices which continue to be elected on a nonpartisan basis, except Except
 99 as otherwise provided in this Code section, the procedures to be employed in such
 100 nonpartisan elections shall conform as nearly as practicable to the procedures governing

101 nonpartisan elections as provided in this chapter. Except as otherwise provided in this
 102 Code section, the election procedures established by any existing local law which provides
 103 for the nonpartisan election of candidates to fill county offices shall conform to the general
 104 procedures governing nonpartisan elections as provided in this chapter, and such
 105 nonpartisan elections shall be conducted in accordance with the applicable provisions of
 106 this chapter, notwithstanding the provisions of any existing local law. For those offices for
 107 which the General Assembly, ~~pursuant to this Code section,~~ provided by local Act for
 108 election in nonpartisan primaries and elections and which were continued as nonpartisan
 109 offices in accordance with the provisions of this Code section, such offices shall no longer
 110 require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held
 111 and conducted in conjunction with the general primary in even-numbered years in
 112 accordance with this chapter without a prior nonpartisan primary. ~~This Code section shall~~
 113 ~~apply to all nonpartisan elections for members of consolidated governments. All~~
 114 ~~nonpartisan elections for members of consolidated governments shall be governed by the~~
 115 ~~provisions of this Code section and shall be considered county elections and not municipal~~
 116 ~~elections for the purposes of this Code section.~~ Nonpartisan elections for municipal offices
 117 shall be conducted on the dates provided in the municipal charter.

118 ~~(b)~~(e) Except as otherwise provided in this Code section, Either a political party, ~~as~~
 119 ~~defined in this chapter,~~ or a nonpartisan municipal executive committee duly registered
 120 with the city clerk may conduct a municipal primary for the purpose of electing its own
 121 officials or nominating candidates for municipal elections. Every primary held for such
 122 purpose shall be presided over and conducted in the manner prescribed by the rules and
 123 regulations of such party or nonpartisan municipal executive committee, not inconsistent
 124 with the law and the rules and regulations of the State Election Board; provided, however,
 125 that all such primaries ~~must~~ shall be conducted in such manner as to guarantee the secrecy
 126 of the ballot.

127 ~~(c)~~(f) Municipalities may provide by their charter or by ordinance that no political party
 128 shall conduct primaries for the purpose of nominating candidates for municipal elections;
 129 provided, however, that the existing provisions of any charter or ordinance prohibiting
 130 primaries by political parties shall not be repealed by this subsection."

131 **SECTION 2.**

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