

Senate Bill 350

By: Senators Albers of the 56th, Beach of the 21st and Dixon of the 45th

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 authorize the General Assembly to provide by
3 local legislation for nonpartisan elections for any county offices; to provide procedures for
4 such nonpartisan general elections; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising Code Section 21-2-139, relating to nonpartisan
9 elections authorized and conduct, 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 boards of education, and offices of
14 consolidated governments which are filled by the vote of the electors of said county or
15 political subdivision. Except as otherwise provided in this Code section, the procedures
16 to be employed in such nonpartisan elections shall conform as nearly as practicable to the

17 procedures governing nonpartisan elections as provided in this chapter. Except as
18 otherwise provided in this Code section, the election procedures established by any existing
19 local law which provides for the nonpartisan election of candidates to fill county offices
20 shall conform to the general procedures governing nonpartisan elections as provided in this
21 chapter, and such nonpartisan elections shall be conducted in accordance with the
22 applicable provisions of this chapter, notwithstanding the provisions of any existing local
23 law. For those offices for which the General Assembly, pursuant to this Code section,
24 provided by local Act for election in nonpartisan primaries and elections, such offices shall
25 no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan
26 elections held and conducted in conjunction with the general primary in even-numbered
27 years in accordance with this chapter without a prior nonpartisan primary. This Code
28 section shall apply to all nonpartisan elections for members of consolidated governments.
29 All nonpartisan elections for members of consolidated governments shall be governed by
30 the provisions of this Code section and shall be considered county elections and not
31 municipal elections for the purposes of this Code section. Nonpartisan elections for
32 municipal offices shall be conducted on the dates provided in the municipal charter.

33 (b) Either a political party, as defined in this chapter, or a nonpartisan municipal executive
34 committee duly registered with the city clerk may conduct a municipal primary for the
35 purpose of electing its own officials or nominating candidates for municipal elections.
36 Every primary held for such purpose shall be presided over and conducted in the manner
37 prescribed by the rules and regulations of such party or nonpartisan municipal executive
38 committee, not inconsistent with the law and the rules and regulations of the State Election
39 Board; provided, however, that all such primaries must be conducted in such manner as to
40 guarantee the secrecy of the ballot.

41 (c) Municipalities may provide by their charter or by ordinance that no political party shall
42 conduct primaries for the purpose of nominating candidates for municipal elections;

43 provided, however, that the existing provisions of any charter or ordinance prohibiting
44 primaries by political parties shall not be repealed by this subsection."

45 **SECTION 2.**

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