

Senate Bill 436

By: Senators Mullis of the 53rd, Anderson of the 24th and Heath of the 31st

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 revise the law regarding authorizing nonpartisan
3 elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

9 "21-2-139.

10 (a) ~~Notwithstanding any other provisions of this chapter to the contrary, the General~~
11 ~~Assembly may provide by local Act for the election in nonpartisan elections of candidates~~
12 ~~to fill county judicial offices, offices of local boards of education, and offices of~~
13 ~~consolidated governments which are filled by the vote of the electors of said county or~~
14 ~~political subdivision. Except as otherwise provided in this Code section, the procedures~~
15 ~~to be employed in such nonpartisan elections shall conform as nearly as practicable to the~~
16 ~~procedures governing nonpartisan elections as provided in this chapter. Except as~~
17 ~~otherwise provided in this Code section, the election procedures established by any existing~~
18 ~~local law which provides provide for the nonpartisan election of candidates to fill county~~
19 ~~offices shall conform to the general procedures governing nonpartisan elections as provided~~
20 ~~in this chapter, and such nonpartisan elections shall be conducted in accordance with the~~
21 ~~applicable provisions of this chapter, notwithstanding the provisions of any existing local~~
22 ~~law. For those offices for which the General Assembly, pursuant to this Code section,~~
23 ~~provided by local Act for election in nonpartisan primaries and elections, such offices shall~~
24 ~~no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan~~
25 ~~elections held and conducted in conjunction with the general primary in even-numbered~~
26 ~~years in accordance with this chapter without a prior nonpartisan primary. This Code~~

27 section shall apply to all nonpartisan elections for members of consolidated governments.
28 All nonpartisan elections for members of consolidated governments shall be governed by
29 the provisions of this Code section and shall be considered county elections and not
30 municipal elections for the purposes of this Code section. Nonpartisan elections for
31 municipal offices shall be conducted on the dates provided in the municipal charter.

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

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

44 **SECTION 2.**

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