

Senate Bill 95

By: Senators Millar of the 40th, Staton of the 18th, Shafer of the 48th and Cowsert of the 46th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated,
2 relating to county governing authorities, and Code Section 21-2-139 of the Official Code of
3 Georgia Annotated, relating to the authorization for and conduct of nonpartisan elections, so
4 as to provide that, in counties that utilize a chief executive officer/county commission form
5 of government, all elections for the chief executive officer shall be conducted on a
6 nonpartisan basis; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to
11 county governing authorities, is amended by revising Code Section 36-5-23, which was
12 previously reserved, as follows:

13 "36-5-23.

14 ~~Reserved~~ Notwithstanding any local law to the contrary, in counties that utilize a chief
15 executive officer/county commission form of government, the election of the chief
16 executive officer shall be conducted on a nonpartisan basis. This Code section shall not
17 affect the term of office of any chief executive officer in office on the effective date of this
18 Code section, but shall apply to the next election to fill such office."

19 **SECTION 2.**

20 Code Section 21-2-139 of the Official Code of Georgia Annotated, relating to the
21 authorization for and conduct of nonpartisan elections, is amended by revising subsection (a)
22 as follows:

23 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
24 Assembly may provide by local Act for the election in nonpartisan elections of candidates
25 to fill county judicial offices, offices of local school boards, offices of chief executive

26 officers of county governing authorities utilizing a chief executive officer/county
27 commission form of government, and offices of consolidated governments which are filled
28 by the vote of the electors of said county or political subdivision. Except as otherwise
29 provided in this Code section, the procedures to be employed in such nonpartisan elections
30 shall conform as nearly as practicable to the procedures governing nonpartisan elections
31 as provided in this chapter. Except as otherwise provided in this Code section, the election
32 procedures established by any existing local law which provides for the nonpartisan
33 election of candidates to fill county offices shall conform to the general procedures
34 governing nonpartisan elections as provided in this chapter, and such nonpartisan elections
35 shall be conducted in accordance with the applicable provisions of this chapter,
36 notwithstanding the provisions of any existing local law. For those offices for which the
37 General Assembly, pursuant to this Code section, provided by local Act for election in
38 nonpartisan primaries and elections, such offices shall no longer require nonpartisan
39 primaries. Such officers shall be elected in nonpartisan elections held and conducted in
40 conjunction with the general primary in even-numbered years in accordance with this
41 chapter without a prior nonpartisan primary. This Code section shall apply to all
42 nonpartisan elections for members of consolidated governments. All nonpartisan elections
43 for members of consolidated governments shall be governed by the provisions of this Code
44 section and shall be considered county elections and not municipal elections for the
45 purposes of this Code section. Nonpartisan elections for municipal offices shall be
46 conducted on the dates provided in the municipal charter."

47 **SECTION 3.**

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