House Resolution 251

I. Introduction

- Introduction of guests
    - Judge Scott Chastain of Gilmer County and Kevin Holder, the executive director of the Council of Probate Court Judges of Georgia. Judge Chastain served as CPCJ's president in 2025-26 and is the Immediate Past President and current co-chair of CPCJ's Legislative Committee.
- Current joint effort to address the nonpartisan election of judges
    - Earlier this year, House Resolution 251 achieved final passage in the Georgia General Assembly and this legislation was the second part of a multi-year collaboration between the Council of Magistrate Court Judges and Council of Probate Court Judges. This collaboration began in 2023 as a consequence of a conversation between Mr. Holder and Ms. Sharon Reiss, the executive director of the Council of Magistrate Judges, as both councils recognized that, unlike other classes of court, they still had several judges (40 magistrates and 53 probate judges) who were still qualifying as partisan. Subsequent to that conversation, a process started which included both councils surveying their judges who still run as partisan to gauge their level of support for the prospective legislative concept, taking the idea through each council's legislative approval process, seeking the support of the Judicial Council, and with the support both then-Chief Justice Michael Boggs and current Chief Justice Nels Peterson, pursuing a multi-year that required multiple pieces of legislation (HB 426, HB 999, and HR 251).
    - Nearly two decades ago, the Council of Probate Judges pursued a similar initiative, but the initiative was not done in conjunction with the Council of Magistrate Court Judges and it did not enjoy enough support within the Council in order for it to proceed forward.
    - Special recognition and gratitude to former Georgia governors Nathan Deal and Roy Barnes who both signed on to a letter in support of this effort.

II. Legislative History

- Introduced during the 2025–2026 legislative session
    - Both House Bill 426 and House Resolution 251 were sponsored by State Representative Kimberly New (R – Villa Rica) in the first year of the 25-26 biennium session. HB 426 received bipartisan support in both chambers (passed the House 111-59 and passed the Senate 43-11). **Note:** State Senator Rick Williams (R – Milledgeville) was the bill's sponsor in the Senate. Signed into law by Governor Brian Kemp on May 14, 2025.
    - In 2025, HR 251 passed unanimously out the House Judiciary Committee and never made it out of the House Rules Committee for consideration of the full House. In 2026, HR 251 passed again unanimously out of the House

Judiciary Committee, made it out of the House Rules Committee, achieved bipartisan passage in the House 147-20. In the Senate, HR 251 passed unanimously out of the Senate Judiciary Committee, passed of the Senate Rules Committee, failed to achieve the required two-thirds approval of the Senate by a vote of 31-18, a motion for reconsideration passed 32-5, and finally, achieved final passage in the Senate 46-0. Though it was not necessary, Governor Brian Kemp signed the resolution on May 12, 2026. **Note:** State Senator Brian Strickland (R – McDonough) was sponsor of HR 251 in the Senate.

- The final step of the process is the constitutional amendment will be placed on the ballot during this year's November election for Georgia voters to decide. If the initiative achieves the requisite approval of the voters, then the Georgia constitution will be amended to reflect the change in the manner of how probate judges are elected in Georgia.

III. What HR 251 Does

- Proposed amendment to the Georgia Constitution
    - Amends Article VI, Section VII, Paragraph I to insert the following language: "All probate judges shall be elected on a nonpartisan basis for terms as provided for in Article IX, Section I, Paragraph III."
    - What is the ballot question that voters will see: "Shall the Constitution of Georgia be amended so as to require that all probate court judges be elected in nonpartisan elections?"
- Requires all probate judges to be elected on a nonpartisan basis. Currently, there are 53 probate judges who run in partisan elections. The passage of this constitutional amendment would not only impact those judges, but also are judges who run as nonpartisan because currently their nonpartisan
- Aligns probate judge elections with the state's existing nonpartisan elections for:
    - Georgia Supreme Court justices
    - Georgia Court of Appeals judges
    - Superior court judges
    - State court judges
    - Magistrate court judges
    - Juvenile court judges (some are elected)

IV. Arguments Supporting HR 251

- Reduces the influence of political parties in judicial elections
    - The reach of politics is ubiquitous in public life and this is a rare opportunity for Georgia voters to remove politics from an important branch of government
    - Our main argument has been that the first act of any judicial candidate who runs in a partisan judicial race is to violate the Code of Judicial Conduct. The

first canon establishes the foundational principle that judges must uphold the independence, integrity, and impartiality of the judiciary and avoid impropriety and the appearance of impropriety.

- Encourages voters to focus on qualifications rather than party affiliation
    - Party labels create a perception that court decisions are politically motivated. Even if a judge acts impartially, public confidence may suffer if citizens believe judges are operating as actors of any political party
- Promotes judicial independence and public confidence
    - Judges are different from legislators or other elected officials, as judges have the responsibility to decides matters based on the law, constitution, facts of the case, and judicial precedent
    - Courts depend heavily on public trust because they generally lack the political and enforcement powers possessed by the legislative and executive branches.
- Creates greater consistency among Georgia's judicial election systems
    - Uniform judicial identity - If all judges run without party labels, the judiciary will fulfill its high obligation of being impartial and independent, regardless of the class of court
    - Consistent ethical expectations – The Georgia Code of Judicial Conducts applies broadly across the judiciary and applies to judges and judicial candidates alike.
- Concerns about lower voter participation or less transparency
    - Some say that without a party label next to candidates on the ballot, voters may know less about those candidates
    - Those in support of nonpartisan judicial elections support this notion of judicial candidates being assessed in other ways including their legal experience, judicial temperament, professional qualifications, and if running for re-election, judicial performance in office.

V. Conclusion

- Summary of the proposal
- Importance of voter consideration when the amendment appears on the ballot