House Bill 8EX (AS PASSED HOUSE AND SENATE)
By: Representatives Scoggins of the 14th, Dempsey of the 13th, and Lumsden of the 12th

A BILL TO BE ENTITLED
AN ACT

To reconstitute and reestablish the board of elections and registrations for Floyd County, Georgia; to provide for the powers and duties of the board; to provide for the appointment, resignation, and removal of its members; to provide for meetings and special meetings of the board; to provide an administrative office for elections and registrations; to staff such office with an elections supervisor, clerical assistants, and other employees; to provide compensation for administrative personnel and members of the board; to provide definitions; to provide for related matters; to provide a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) Pursuant to Code Section 21-2-40 of the O.C.G.A., as of December 1, 2021, the Floyd County Board of Elections and Registration shall be reconstituted and reestablished, and such board shall have the powers and duties of the election superintendent of Floyd County relating to the conduct of elections and the powers and duties of the board of registrars relating to the registration of voters and absentee balloting procedures.
(b) The board provided for in subsection (a) of this section shall be the successor to the
Floyd County Board of Elections and Registration, provided for in an Act to provide for
a Floyd County Board of Elections and Registration, approved March 28, 1986

SECTION 2.

The terms "election," "elector," "primary," and "public office" shall have the same meanings
as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless
otherwise clearly apparent from the text of this Act; the term "commissioners" means the
Board of Commissioners of Floyd County; the term "county" means Floyd County; and the
term "governing authority" means the Board of Commissioners of Floyd County.

SECTION 3.

(a) The board shall be composed of five members, each of whom shall be an elector, who
shall be appointed by the Board of Commissioners of Floyd County, also known as the
appointing authority.
(b) Four members shall be appointed by the appointing authority from nominations made
as follows:
(1) Two members appointed shall be from a list of persons nominated by the county
executive committee of the political party whose candidate for governor at the last
election preceding such nomination received the largest number of votes in the county;
and
(2) Two members appointed shall be from a list of persons nominated by the county
executive committee of the political party whose candidate for governor at such election
received the next largest number of votes in the county.
(c) The fifth member shall be appointed by the appointing authority and shall be deemed
to be a member at large and shall be the chairperson of the board.
(d)(1) Except as provided for in paragraph (2) of this subsection, each member of the board shall serve for a term of four years and until a successor is appointed and qualified.  

(2)(A) The initial members of the board shall be appointed for terms of office beginning December 1, 2021.  

(B) The appointing authority shall designate one of the initial members appointed pursuant to paragraph (1) of subsection (b) of this section and one of the initial members appointed pursuant to paragraph (2) of subsection (b) of this section to serve for a term ending on December 31, 2022, and until a successor is appointed and qualified.  

(C) The appointing authority shall designate one of the initial members appointed pursuant to paragraph (1) of subsection (b) of this section and one of the initial members appointed pursuant to paragraph (2) of subsection (b) of this section to serve for a term ending on December 31, 2024, and until a successor is appointed and qualified.  

(D) The initial member appointed pursuant to subsection (c) of this section shall serve for a term ending on December 31, 2024.  

(e) The appointing authority shall have the power to reject any or all persons on a list of nominees submitted pursuant to subsection (b) of this section and to request that the nominating political party submit a new list of nominees.

SECTION 4.  

(a) No person who holds elective public office or any member of his or her immediate family shall be eligible to serve as a member of the board during the term of such elective service. The position of any member of the board shall be deemed vacant upon such member's, or a member of such member's immediate family, qualifying as a candidate for elective public office. Further, there shall be no members of the same immediate family serving on the board or on the staff of the board at the same time.
(b) For the purpose of this section, immediate family members shall be defined as a spouse, mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother, sister, stepbrother, stepsister, half-brother, half-sister, mother-in-law, father-in-law, brother-in-law, and sister-in-law.

(c) Board members must have been registered to vote in Floyd County prior to the date of appointment.

SECTION 5.

Each member of the board shall:

(1) Be eligible to be reappointed to succeed such member;

(2) Have the right to resign at any time by giving written notice of such resignation to the governing authority and to the clerk of the superior court;

(3) Serve until his or her successor is appointed and qualified; and

(4) Be subject to removal for good cause by the appointing authority at any time after prior notice and a hearing in the same manner and by the same authority as is provided for the removal of registrars.

SECTION 6.

(a) The appointing authority shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 30 days preceding the date upon which such members are to take office, and such affidavit shall state the name and residential address of the person appointed and certify that such member has been duly appointed as provided in this Act.

(b) The clerk of the superior court shall record each such affidavit on the minutes of the superior court, shall certify the name of each such appointed member to the Secretary of State, and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.
SECTION 7.

In the event a vacancy occurs in the office of any board member before the expiration of his or her term, by removal, death, resignation, or otherwise, the appointing authority shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and shall record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Three members shall constitute a quorum, and decisions by the board shall be by a majority of the members of the board.

(b) The board shall fix and establish directives, by appropriate resolution entered on its minutes, governing the execution of matters within its jurisdiction. The board shall hold a minimum of quarterly meetings at times, dates, and places as determined by the board but shall be authorized to meet more frequently if necessary. Any special meeting shall be called by the chairperson or any two members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review. All meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings.
SECTION 10.

The board shall have the authority to contract with any municipality located within the county for the holding by the board of any primary or election to be conducted within such municipality.

SECTION 11.

(a) There shall be an election supervisor who shall generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board.

(b) The election supervisor shall not be a member of the board, shall be and act in all respects only as a delegate of the board, and shall not be subject to the qualification provisions for board members, election superintendents, or registrars.

(c) The election supervisor shall be appointed by the Floyd County Board of Commissioners after receiving and considering the recommendation of the board. The commissioners shall establish the compensation for the position and shall have the power to appoint an interim election supervisor for a period not to exceed 90 days in the event the board is unable to make a recommendation for the position of election supervisor.

(d) The election supervisor shall be an employee of Floyd County, Georgia; shall be deemed a county department head subject to direction, evaluation, and corrective action by the county manager; and shall be an at-will, full-time employee of Floyd County subject to county personnel policy in regard to pay, benefits, sick leave, vacation, termination of employment, and other purposes. The county manager shall not direct or control the election supervisor with respect to his or her duties as a delegate of the board with respect to the conduct of elections and registration of voters.

(e) The election supervisor shall serve as staff support for the board, attend meetings of the board, assist the board in fulfilling its duties of voter registration and the conduct of
elections as its delegate, and provide daily supervision of other county employees who assist the board.

SECTION 12.
Compensation for members of the board and election employees shall be fixed by the governing authority of the county. Such compensation shall be paid wholly from county funds.

SECTION 13.
The governing authority of the county shall provide the board with such proper and suitable offices, equipment, materials, and supplies as the governing authority deems appropriate.

SECTION 14.
The local election officials of Floyd County shall attend the training as required by Code Section 21-2-100 of the O.C.G.A., as amended, and the governing authority of the county shall pay the cost of such training.

SECTION 15.
This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, provided that an Act amending an Act to create a board of elections and registration for Floyd County and provide for its powers and duties, approved March 28, 1986 (Ga. L. 1986, p. 5289), as amended, is enacted in the 2021 special session of the General Assembly providing for the abolition of such board of elections and registration. If such abolition Act is not so approved, this Act shall not become effective and shall be automatically repealed on January 1, 2022.
SECTION 16.

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