

House Bill 8EX (AS PASSED HOUSE AND SENATE)

By: Representatives Scoggins of the 14<sup>th</sup>, Dempsey of the 13<sup>th</sup>, and Lumsden of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 (a) Pursuant to Code Section 21-2-40 of the O.C.G.A., as of December 1, 2021, the Floyd  
12 County Board of Elections and Registration shall be reconstituted and reestablished, and  
13 such board shall have the powers and duties of the election superintendent of Floyd County  
14 relating to the conduct of elections and the powers and duties of the board of registrars  
15 relating to the registration of voters and absentee balloting procedures.

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16 (b) The board provided for in subsection (a) of this section shall be the successor to the  
17 Floyd County Board of Elections and Registration, provided for in an Act to provide for  
18 a Floyd County Board of Elections and Registration, approved March 28, 1986  
19 (Ga. L. 1986, p. 5289).

20 **SECTION 2.**

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

26 **SECTION 3.**

27 (a) The board shall be composed of five members, each of whom shall be an elector, who  
28 shall be appointed by the Board of Commissioners of Floyd County, also known as the  
29 appointing authority.

30 (b) Four members shall be appointed by the appointing authority from nominations made  
31 as follows:

32 (1) Two members appointed shall be from a list of persons nominated by the county  
33 executive committee of the political party whose candidate for governor at the last  
34 election preceding such nomination received the largest number of votes in the county;

35 and

36 (2) Two members appointed shall be from a list of persons nominated by the county  
37 executive committee of the political party whose candidate for governor at such election  
38 received the next largest number of votes in the county.

39 (c) The fifth member shall be appointed by the appointing authority and shall be deemed  
40 to be a member at large and shall be the chairperson of the board.

41 (d)(1) Except as provided for in paragraph (2) of this subsection, each member of the  
42 board shall serve for a term of four years and until a successor is appointed and qualified.

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

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

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

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

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

60 **SECTION 4.**

61 (a) No person who holds elective public office or any member of his or her immediate  
62 family shall be eligible to serve as a member of the board during the term of such elective  
63 service. The position of any member of the board shall be deemed vacant upon such  
64 member's, or a member of such member's immediate family, qualifying as a candidate for  
65 elective public office. Further, there shall be no members of the same immediate family  
66 serving on the board or on the staff of the board at the same time.

67 (b) For the purpose of this section, immediate family members shall be defined as a  
68 spouse, mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild,  
69 brother, sister, stepbrother, stepsister, half-brother, half-sister, mother-in-law, father-in-law,  
70 brother-in-law, and sister-in-law.

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

73 **SECTION 5.**

74 Each member of the board shall:

- 75 (1) Be eligible to be reappointed to succeed such member;  
76 (2) Have the right to resign at any time by giving written notice of such resignation to  
77 the governing authority and to the clerk of the superior court;  
78 (3) Serve until his or her successor is appointed and qualified; and  
79 (4) Be subject to removal for good cause by the appointing authority at any time after  
80 prior notice and a hearing in the same manner and by the same authority as is provided  
81 for the removal of registrars.

82 **SECTION 6.**

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

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

92 **SECTION 7.**

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

99 **SECTION 8.**

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

102 **SECTION 9.**

103 (a) The board shall be authorized to organize itself, determine its procedural rules and  
104 regulations, adopt bylaws, specify the functions and duties, and otherwise take such action  
105 as is appropriate for the management of the affairs committed to its supervision; provided,  
106 however, that no such action shall conflict with state law. Three members shall constitute  
107 a quorum, and decisions by the board shall be by a majority of the members of the board.  
108 (b) The board shall fix and establish directives, by appropriate resolution entered on its  
109 minutes, governing the execution of matters within its jurisdiction. The board shall hold  
110 a minimum of quarterly meetings at times, dates, and places as determined by the board but  
111 shall be authorized to meet more frequently if necessary. Any special meeting shall be  
112 called by the chairperson or any two members of the board. The board shall maintain a  
113 written record of policy decisions amended to include additions or deletions. Such written  
114 records shall be made available for the public to review. All meetings of whatever kind of  
115 the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A., relating  
116 to open meetings.

117 **SECTION 10.**

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

121 **SECTION 11.**

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

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

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

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

140 (e) The election supervisor shall serve as staff support for the board, attend meetings of  
141 the board, assist the board in fulfilling its duties of voter registration and the conduct of

142 elections as its delegate, and provide daily supervision of other county employees who  
143 assist the board.

144 **SECTION 12.**

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

148 **SECTION 13.**

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

151 **SECTION 14.**

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

155 **SECTION 15.**

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

163

**SECTION 16.**

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