

House Bill 1770

By: Representative Shanahan of the 10<sup>th</sup>

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 elections and primaries generally, so as to permit absentee voting without qualification  
3 during a certain period preceding an election or primary provided the elector shows proper  
4 identification; to provide for definitions; to define the on-site absentee voting period; to  
5 provide that the registrar's and absentee ballot clerk's offices shall be open for extended  
6 hours during the on-site absentee voting period; to provide that absentee voting without  
7 qualification shall be optional for municipalities; to provide a procedure for establishing  
8 additional sites for receiving absentee ballots; to provide procedures for on-site absentee  
9 voting; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
13 primaries generally, is amended by striking subsection (c) of Code Section 21-2-215, relating  
14 to the main office of the board of registrars, and inserting in lieu thereof a new subsection (c)  
15 to read as follows:

16 "(c) Except as otherwise provided in Code Section 21-2-382.1, the ~~The~~ main office of the  
17 board of registrars in each county shall remain open for business during regular office  
18 hours on each business day, except Saturday. The main office, or such other offices, shall  
19 be open at such designated times other than the normal business hours as shall reasonably  
20 be necessary to facilitate registration and at such other hours as will suit the convenience  
21 of the public."

22 **SECTION 2.**

23 Said chapter is further amended by striking Code Section 21-2-380, relating to definition of  
24 absentee elector, and inserting in lieu thereof a new Code Section 21-2-380 to read as  
25 follows:

1 "21-2-380.

2 (a) As used in this article, the term 'absentee elector' means an elector of this state or a  
3 municipality thereof who:

4 (1) Is required to be absent from his or her precinct during the time of the primary or  
5 election he or she desires to vote in;

6 (2) Will perform any of the official acts or duties set forth in this chapter in connection  
7 with the primary or election he or she desires to vote in;

8 (3) Because of physical disability or because of being required to give constant care to  
9 someone who is physically disabled, will be unable to be present at the polls on the day  
10 of such primary or election;

11 (4) Because the election or primary falls upon a religious holiday observed by such  
12 elector, will be unable to be present at the polls on the day of such primary or election;

13 (5) Is required to remain on duty in his or her place of employment for the protection of  
14 the health, life, or safety of the public during the entire time the polls are open when such  
15 place of employment is within the precinct in which the voter resides; ~~or~~

16 (6) Is 75 years of age or older; or

17 (7) Votes an absentee ballot without qualification during the on-site absentee voting  
18 period.

19 (b) As used in this article, the term 'on-site absentee voting period' means the Friday and  
20 Saturday prior to a primary or election when absentee voting without qualification is  
21 permitted pursuant to Code Section 21-2-385.

22 (c) As used in this article, the term 'qualified absentee elector' means any absentee elector  
23 who meets one or more of the qualifications listed in paragraphs (1) through (6) of  
24 subsection (a) of this Code section."

### 25 SECTION 3.

26 Said chapter is further amended by striking subsections (a) and (d) of Code Section 21-2-381,  
27 relating to making of application for an absentee ballot, and inserting in lieu thereof new  
28 subsections (a) and (d) to read as follows:

29 "(a)(1) Not more than 180 days prior to the date of the primary or election, or runoff of  
30 either, in which the elector desires to vote, any qualified absentee elector may make,  
31 either by mail, by facsimile transmission, or in person in the registrar's or absentee ballot  
32 clerk's office, an application for an official ballot of the elector's precinct to be voted at  
33 such primary, election, or runoff. In the case of an elector residing temporarily out of the  
34 county or municipality or a physically disabled elector residing within the county or  
35 municipality, the application for the elector's absentee ballot may, upon satisfactory proof  
36 of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister,

1 brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,  
2 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.  
3 The application shall be in writing and shall contain sufficient information for proper  
4 identification of the elector; the permanent or temporary address of the elector to which  
5 the absentee ballot shall be mailed; the identity of the primary, election, or runoff in  
6 which the elector wishes to vote; the reason for requesting the absentee ballot; and the  
7 name and relationship of the person requesting the ballot if other than the elector. Except  
8 in the case of physically disabled electors residing in the county or municipality, no  
9 absentee ballot shall be mailed to an address other than the permanent mailing address  
10 of the elector as recorded on the elector's voter registration record or a temporary  
11 out-of-county or out-of-municipality address. Relatives applying for absentee ballots for  
12 electors must also sign an oath stating that facts in the application are true. If the elector  
13 is unable to fill out or sign such elector's own application because of illiteracy or physical  
14 disability, the elector shall make such elector's mark, and the person filling in the rest of  
15 the application shall sign such person's name below it as a witness. One timely and  
16 proper application for an absentee ballot for use in a primary shall be sufficient to require  
17 the mailing of the absentee ballot for such primary as well as for any runoffs resulting  
18 therefrom and for the election for which such primary shall nominate candidates and any  
19 runoffs resulting therefrom to an eligible qualified absentee elector who lives outside the  
20 county or municipality in which the election is held and is also a member of the armed  
21 forces of the United States, a member of the merchant marine of the United States, or a  
22 spouse or dependent of a member of the armed forces or the merchant marine residing  
23 with or accompanying said member or overseas citizen. Any elector meeting ~~criteria~~ the  
24 criterion of advanced age or disability specified by rule or regulation of the Secretary of  
25 State may request in writing on one application a ballot for a primary as well as for any  
26 runoffs resulting therefrom and for the election for which such primary shall nominate  
27 candidates as well as any runoffs resulting therefrom. If not so requested by such person  
28 a separate and distinct application shall be required for each primary, run-off primary,  
29 election, and run-off election. Notwithstanding the foregoing, a separate and distinct  
30 application for an absentee ballot shall always be required for the presidential preference  
31 primary held pursuant to Article 5 of this chapter and for any special election or special  
32 primary.

33 (2) A properly executed registration card submitted under the provisions of  
34 subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or  
35 election in which the registrant is entitled to vote, shall be considered to be an application  
36 for an absentee ballot under this Code section, or for a special absentee ballot under Code  
37 Section 21-2-381.1, as appropriate.

1 (3) All applications for an official absentee ballot that are distributed by a person, entity,  
 2 or organization shall list thereon all of the legally acceptable categories of qualified  
 3 absentee electors contained in paragraphs (1) through (6) of subsection (a) of Code  
 4 Section 21-2-380 and shall require the elector to select the category which qualifies the  
 5 elector to vote by absentee ballot."

6 "(d)(1) A citizen of the United States permanently residing outside the United States is  
 7 entitled to make application for an absentee ballot from Georgia and to vote by absentee  
 8 ballot in any election for presidential electors and United States senator or representative  
 9 in Congress:

10 (A) If such citizen was last domiciled in Georgia immediately before his or her  
 11 departure from the United States; and

12 (B) If such citizen could have met all qualifications, except any qualification relating  
 13 to minimum voting age, to vote in federal elections even though, while residing outside  
 14 the United States, he or she does not have a place of abode or other address in Georgia.

15 (2) An individual is entitled to make application for an absentee ballot under  
 16 paragraph (1) of this subsection even if such individual's intent to return to Georgia may  
 17 be uncertain, as long as:

18 (A) He or she has complied with all applicable Georgia qualifications and requirements  
 19 which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for  
 20 and voting by absentee ballots;

21 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting  
 22 in any other state or election district of a state or territory or in any territory or  
 23 possession of the United States; and

24 (C) He or she has a valid passport or card of identity and registration issued under the  
 25 authority of the Secretary of State of the United States or, in lieu thereof, an alternative  
 26 form of identification consistent with 42 U.S.C. Section 1973ff and applicable state  
 27 requirements, if a citizen does not possess a valid passport or card of identity and  
 28 registration."

#### 29 SECTION 4.

30 Said chapter is further amended by striking Code Section 21-2-382, relating to additional  
 31 sites as additional registrar's office or place of registration for absentee ballots, and inserting  
 32 in lieu thereof new Code Sections 21-2-382 and 21-2-382.1 to read as follows:

33 "21-2-382.

34 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of  
 35 registrars or municipal governing authority, as appropriate, may establish by unanimous  
 36 vote additional sites as additional registrar's offices, absentee ballot clerk's offices, or

1 places of registration for the purpose of receiving absentee ballots under Code Section  
 2 21-2-381 and for the purpose of voting absentee ballots under Code Section 21-2-385,  
 3 provided that any such site is a branch of the county courthouse, a courthouse annex, a  
 4 government service center providing general government services, an authorized polling  
 5 place, or another government building generally accessible to the public.

6 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of  
 7 this state having a population of 550,000 or more or having a population between 88,000  
 8 and 90,000 according to the United States decennial census of 1990 or any future such  
 9 census, any branch of the county courthouse or courthouse annex established within any  
 10 such county shall be an additional registrar's office or place of registration for the purpose  
 11 of receiving absentee ballots under Code Section 21-2-381 and for the purpose of voting  
 12 absentee ballots under Code Section 21-2-385.

13 21-2-382.1.

14 During the on-site absentee voting period and for the purpose of absentee voting without  
 15 qualification, the main office of the board of registrars, the absentee ballot clerk's office,  
 16 and other such locations within the city or county as may be designated by the board of  
 17 registrars or the governing authority of the municipality for the purpose of absentee voting  
 18 without qualification shall be open as follows:

19 (1) On the Friday before a primary or election, from 9:00 A.M. until 6:00 P.M.

20 (2) On the Saturday before a primary or election, from 10:00 A.M. until 4:00 P.M."

21 **SECTION 5.**

22 Said chapter is further amended by adding a new subsection (d) to Code Section 21-2-385,  
 23 relating to procedure for voting by absentee ballot, to read as follows:

24 "(d) Absentee voting without qualification is permitted in state, county, and federal  
 25 elections during the on-site absentee voting period which shall be held on the Friday and  
 26 Saturday immediately prior to a primary or election as provided in Code Section  
 27 21-2-382.1. Municipalities may establish by a duly passed ordinance absentee voting  
 28 without qualification for municipal elections in compliance with this chapter. During the  
 29 on-site absentee voting period, an elector may vote an absentee ballot without meeting any  
 30 of the qualifications listed in paragraphs (1) through (6) of subsection (a) of Code Section  
 31 21-2-380 by appearing in person at the main office of the board of registrars or absentee  
 32 ballot clerk or at any other such location within the city or county as may be designated  
 33 pursuant to Code Section 21-2-382, presenting proper identification as defined in Code  
 34 Section 21-2-417, and requesting an absentee ballot. If the elector is found qualified to  
 35 vote, the elector shall be issued an absentee ballot and shall then and there vote and return

1 such ballot as provided in this Code section. The board of registrars or absentee ballot  
2 clerk shall furnish accommodations to the elector to ensure the privacy of the elector while  
3 voting his or her absentee ballot. In those locations in which direct recording electronic  
4 (DRE) voting equipment is available, an elector may cast an absentee ballot without  
5 qualification on such DRE equipment so long as the registrars and absentee ballot clerks  
6 adhere to the procedures specified by the State Election Board for operating DRE  
7 equipment during the on-site absentee voting period."

8 **SECTION 6.**

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