

House Bill 752

By: Representatives Mitchell of the 61st, Post 3, Mobley of the 58th, Gardner of the 42nd, Post 3, Mangham of the 62nd, and Watson of the 60th, Post 2

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 which conduct their own elections; to
8 provide a procedure for establishing additional sites for receiving absentee ballots; to provide
9 procedures for on-site absentee voting; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

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

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

1 primary held pursuant to Article 5 of this chapter and for any special election or special
2 primary.

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

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

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

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

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

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

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

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

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

1 general election day as provided in Code Section 21-2-382.1. Municipalities which
2 conduct their own elections may establish by a duly passed ordinance absentee voting
3 without qualification for municipal elections in compliance with this chapter. During the
4 on-site absentee voting period, an elector may vote an absentee ballot without meeting any
5 of the qualifications listed in paragraphs (1) through (6) of subsection (a) of Code Section
6 21-2-380 by appearing in person at the main office of the board of registrars or absentee
7 ballot clerk or at any other such location within the city or county as may be designated
8 pursuant to Code Section 21-2-382, presenting proper identification as defined in Code
9 Section 21-2-417, and requesting an absentee ballot. If the elector is found qualified to
10 vote, the elector shall be issued an absentee ballot and shall then and there vote and return
11 such ballot as provided in this Code section. The board of registrars or absentee ballot
12 clerk shall furnish accommodations to the elector to ensure the privacy of the elector while
13 voting his or her absentee ballot. In those locations in which direct recording electronic
14 (DRE) voting equipment is available, an elector may cast an absentee ballot without
15 qualification on such DRE equipment so long as the registrars and absentee ballot clerks
16 adhere to the procedures specified by the State Election Board for operating DRE
17 equipment during the on-site absentee voting period."

18

SECTION 6.

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