

Senate Bill 387

By: Senators Staton of the 18th, Chance of the 16th, Wiles of the 37th, Harp of the 29th,  
Moody of the 56th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,  
2 relating to absentee ballots, so as to allow electors to request and cast absentee ballots  
3 without stating a reason for doing so; to allow the electronic submission of absentee ballot  
4 requests by certain electors; to require registrars and absentee ballot clerks to determine the  
5 eligibility of electors to vote by absentee ballot; to provide for the safekeeping of absentee  
6 ballots; to provide for related matters; to provide an effective date; to repeal conflicting laws;  
7 and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
11 absentee ballots, is amended by revising Code Section 21-2-380, relating to the definition of  
12 an absentee elector and reasons for voting by absentee ballot, as follows:

13 "21-2-380.

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

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

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

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

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

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

4 (6) Is 75 years of age or older.

5 (b) An elector who requests an absentee ballot by mail or who, ~~during the period of~~  
 6 ~~Monday through Friday of the week immediately preceding the date of a primary, election,~~  
 7 ~~or run-off primary or election,~~ casts an absentee ballot in person at the registrar's office or  
 8 absentee ballot clerk's office shall not be required to provide a reason ~~as identified in~~  
 9 ~~subsection (a) of this Code section~~ in order to cast an absentee ballot in such any primary,  
 10 election, or run-off primary or election."

## 11 SECTION 2.

12 Said article is further amended by revising subparagraph (a)(1)(A) of Code Section 21-2-381,  
 13 relating to the making of application for absentee ballot, as follows:

14 "(a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180  
 15 days prior to the date of the primary or election, or runoff of either, in which the elector  
 16 desires to vote, any absentee elector may make, either by mail, by facsimile  
 17 transmission, or in person in the registrar's or absentee ballot clerk's office, an  
 18 application for an official ballot of the elector's precinct to be voted at such primary,  
 19 election, or runoff. Persons who are entitled to vote by absentee ballot under the federal  
 20 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et  
 21 seq., as amended, may additionally make application for an official ballot by electronic  
 22 transmission."

## 23 SECTION 3.

24 Said article is further amended by revising paragraph (1) of subsection (b) of Code  
 25 Section 21-2-381, relating to the making of application for absentee ballot, as follows:

26 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee  
 27 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk  
 28 and shall determine, in accordance with the provisions of this chapter, if the applicant is  
 29 eligible to vote in the primary or election involved. The registrar or absentee ballot clerk  
 30 shall then compare the identifying information on the application with the information  
 31 on file in the registrar's office and, if the application is signed by the elector, compare the  
 32 signature or mark of the elector on the application with the signature or mark of the  
 33 elector on the elector's voter registration card. In order to be found eligible to vote an  
 34 absentee ballot in person at the registrar's office or absentee ballot clerk's office, such

1 person shall, additionally, show one of the forms of identification listed in Code Section  
2 21-2-417."

3 **SECTION 4.**

4 Said article is further amended by revising subparagraph (a)(1)(A) of Code Section 21-2-386,  
5 relating to safekeeping, certification, and validation of absentee ballots, as follows:

6 "(a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, and  
7 unopened, and stored in a manner that will prevent tampering and unauthorized access  
8 all official absentee ballots received from absentee electors prior to the closing of the  
9 polls on the day of the primary or election except as otherwise provided in this  
10 subsection."

11 **SECTION 5.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law  
13 without such approval.

14 **SECTION 6.**

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