

The House Committee on Governmental Affairs offers the following substitute to HB 1073:

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 primaries and elections generally, so as to provide for the provision of absentee ballots to  
3 uniformed and overseas voters and the use of special write-in ballots; to provide that absentee  
4 ballots may be requested by electronic transmission; to provide that the State Election Board  
5 shall establish by rule or regulation procedures for the transmission of blank absentee ballots  
6 to uniformed and overseas voters; to provide for related matters; to repeal conflicting laws;  
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
11 elections generally, is amended by revising subsection (b) of Code Section 21-2-219, relating  
12 to registration by members of armed forces or merchant marine and permanent overseas  
13 citizens, as follows:

14 "(b) A person who is a legal resident of this state and a citizen of the United States; who  
15 is a member of the armed forces of the United States or the merchant marine, is a spouse  
16 or dependent of a member of the armed forces or the merchant marine residing with or  
17 accompanying said member, or is temporarily or permanently residing overseas; and who  
18 will be absent from such person's county of residence until after the time for registering for  
19 an ensuing primary or election may make proper application for voter registration on the  
20 official post card or write-in absentee ballot provided for by the Uniformed and Overseas  
21 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended."

22 **SECTION 2.**

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

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

34 (B) In the case of an elector residing temporarily out of the county or municipality or  
35 a physically disabled elector residing within the county or municipality, the application  
36 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made  
37 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,  
38 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,  
39 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

40 (C) The application shall be in writing and shall contain sufficient information for  
41 proper identification of the elector; the permanent or temporary address of the elector  
42 to which the absentee ballot shall be mailed; the identity of the primary, election, or  
43 runoff in which the elector wishes to vote; the reason for requesting the absentee ballot,  
44 if applicable; and the name and relationship of the person requesting the ballot if other  
45 than the elector.

46 (D) Except in the case of physically disabled electors residing in the county or  
47 municipality, no absentee ballot shall be mailed to an address other than the permanent  
48 mailing address of the elector as recorded on the elector's voter registration record or  
49 a temporary out-of-county or out-of-municipality address.

50 (E) Relatives applying for absentee ballots for electors must also sign an oath stating  
51 that facts in the application are true.

52 (F) If the elector is unable to fill out or sign such elector's own application because of  
53 illiteracy or physical disability, the elector shall make such elector's mark, and the  
54 person filling in the rest of the application shall sign such person's name below it as a  
55 witness.

56 (G) ~~One timely and proper application for an absentee ballot for use in a primary or~~  
57 ~~election shall be sufficient to require the mailing of the absentee ballot for such primary~~  
58 ~~or election as well as for any runoffs resulting therefrom and for all primaries and~~  
59 ~~elections for federal offices and any runoffs therefrom, including presidential~~  
60 ~~preference primaries, held during the period beginning upon the receipt of such~~  
61 ~~absentee ballot application and extending through the second regularly scheduled~~

62 ~~general election in which federal candidates are on the ballot occurring thereafter to an~~  
 63 ~~eligible absentee elector who lives outside the county or municipality in which the~~  
 64 ~~election is held and is also a member of the armed forces of the United States, a~~  
 65 ~~member of the merchant marine of the United States, or a spouse or dependent of a~~  
 66 ~~member of the armed forces or the merchant marine residing with or accompanying~~  
 67 ~~said member or overseas citizen.~~

68 (H) Any elector meeting criteria of advanced age or disability specified by rule or  
 69 regulation of the State Election Board or any elector who is entitled to vote by absentee  
 70 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act,  
 71 42 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one  
 72 application a ballot for a primary as well as for any runoffs resulting therefrom and for  
 73 the election for which such primary shall nominate candidates as well as any runoffs  
 74 resulting therefrom. If not so requested by such person, a separate and distinct  
 75 application shall be required for each primary, run-off primary, election, and run-off  
 76 election. Except as otherwise provided in this subparagraph, a separate and distinct  
 77 application for an absentee ballot shall always be required for the presidential  
 78 preference primary held pursuant to Article 5 of this chapter and for any special  
 79 election or special primary."

80

### SECTION 3.

81 Said chapter is further amended by revising Code Section 21-2-381.1, relating to procedures  
 82 for voting with special write-in absentee ballots by qualified absentee electors, as follows:

83 "21-2-381.1.

84 (a) Notwithstanding any other provisions of this chapter, a qualified absentee elector, as  
 85 defined in Code Section 21-2-380, ~~may apply not earlier than 180 days before an election~~  
 86 ~~for a special write-in absentee ballot. This ballot shall be for presidential electors and~~  
 87 ~~United States senator or representative in Congress in general, special, primary, and run-off~~  
 88 elections, who is entitled to vote by absentee ballot under the federal Uniformed and  
 89 Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, and  
 90 who makes timely application for but does not receive an official absentee ballot may vote  
 91 by completing, signing, and mailing a federal write-in absentee ballot promulgated under  
 92 the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
 93 Section 1973ff, et seq., as amended.

94 (b)(1) ~~The application for a special write-in absentee ballot may be made on the federal~~  
 95 ~~post card application form or on a form prescribed by the Secretary of State~~ Any elector  
 96 who is entitled to vote by absentee ballot under the federal Uniformed and Overseas  
 97 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, when voting

98 a federal write-in absentee ballot for a federal general, special, or run-off election, may  
99 designate a candidate by writing in the name of the candidate or by writing in a party  
100 preference for each office. A written designation of the political party shall be counted as  
101 a vote for the candidate of that party.

102 (2) Except as provided in paragraph (3) of this subsection, an elector who is entitled to  
103 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
104 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, may vote in any election for  
105 a public office other than for a federal office by using the addendum provided in the  
106 federal write-in absentee ballot and writing in the title of the office and the name of the  
107 candidate for whom the elector is voting. In a general, special, or run-off election, the  
108 elector may alternatively designate a candidate by writing in a party preference for each  
109 office, the names of specific candidates for each office, or the name of the person who  
110 the elector prefers for each office. A written designation of the political party shall be  
111 counted as a vote for the candidate of that party.

112 (3) If the elector is voting in a primary or primary runoff, the elector shall identify the  
113 political party for which the elector has requested a ballot in the appropriate section of  
114 the federal write-in absentee ballot. A vote cast by writing in the name of a candidate  
115 who is not affiliated with the identified political party ballot is void and shall not be  
116 counted.

117 (c) Except as otherwise provided in this Code section, a federal write-in absentee ballot  
118 shall be submitted and processed in the same manner as provided for official absentee  
119 ballots. A federal write-in absentee ballot of any elector who is entitled to vote by absentee  
120 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
121 Section 1973ff, et seq., as amended, shall not be counted:

122 (1) In the case of a ballot submitted by an overseas elector who is not an absent  
123 uniformed services elector, if the ballot is submitted from any location in the United  
124 States;

125 (2) If the application of an elector who is entitled to vote by absentee ballot under the  
126 federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
127 Section 1973ff, et seq., as amended, for an absentee ballot is received by the appropriate  
128 board of registrars after two days prior to a general, special, primary, or run-off election;  
129 or

130 (3) If an official absentee ballot of an elector who is entitled to vote by absentee ballot  
131 under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
132 Section 1973ff, et seq., as amended, is received by the appropriate board of registrars not  
133 later than the deadline for receipt of absentee ballots under subparagraph (a)(1)(G) of  
134 Code Section 21-2-386.

135 ~~(c)(d) In order to qualify for a special write-in absentee ballot, the voter must state that he~~  
 136 ~~or she is unable to vote by regular absentee ballot or in person due to requirements of~~  
 137 ~~military service or due to living in isolated areas or extremely remote areas of the world.~~  
 138 ~~This statement may be made on the federal post card application or on a form prepared by~~  
 139 ~~the Secretary of State and supplied and returned with the special write-in absentee ballot~~  
 140 The following rules shall apply with respect to federal write-in absentee ballots:

141 (1) In completing the ballot, an elector who is entitled to vote by absentee ballot under  
 142 the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
 143 Section 1973ff, et seq., as amended, may designate a candidate by writing in the name  
 144 of the candidate or by writing in the name of a political party, in which case the ballot  
 145 shall be counted for the candidate of that political party;

146 (2) In the case of the offices of President and Vice President, a vote for a named  
 147 candidate or a vote by writing in the name of a political party shall be counted as a vote  
 148 for the electors supporting the candidate involved; and

149 (3) Any abbreviation, misspelling, or other minor variation in the form of the name of  
 150 the candidate or a political party shall be disregarded in determining the validity of the  
 151 ballot, if the intention of the elector can be ascertained.

152 ~~(d)(e) Upon receipt of said application, the registrars shall issue the special write-in~~  
 153 ~~absentee ballot which shall be prescribed and provided by the Secretary of State. Such~~  
 154 ~~ballot shall permit the elector to vote by writing in a party preference for each office, the~~  
 155 ~~names of specific candidates for each office, or the name of the person whom the voter~~  
 156 ~~prefers for each office~~ Any elector who is entitled to vote by absentee ballot under the  
 157 federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff,  
 158 et seq., as amended, who submits a federal write-in absentee ballot and later receives an  
 159 official absentee ballot, may submit the official absentee ballot. An elector who is entitled  
 160 to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
 161 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, who submits a federal write-in  
 162 absentee ballot and later receives and submits an official absentee ballot should make every  
 163 reasonable effort to inform the appropriate board of registrars that the elector has submitted  
 164 more than one ballot.

#### 165 **SECTION 4.**

166 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code  
 167 Section 21-2-384, relating to preparation and delivery of absentee ballot supplies, as follows:

168 "(2) The board of registrars or absentee ballot clerk shall, within two days after the  
 169 receipt of such ballots and supplies, mail or issue official absentee ballots to all eligible  
 170 applicants. As additional applicants are determined to be eligible, the board or clerk shall

171 mail or issue official absentee ballots to such additional applicants immediately upon  
 172 determining their eligibility; provided, however, that no absentee ballot shall be mailed  
 173 by the registrars or absentee ballot clerk on the day prior to a primary or election and  
 174 provided, further, that no absentee ballot shall be issued on the day prior to a primary or  
 175 election. The board of registrars shall, at least 45 days prior to any general primary, or  
 176 general election other than a municipal general primary or general election, and at least  
 177 21 days prior to any municipal general primary or general election, mail or electronically  
 178 transmit official absentee ballots to all electors who are entitled to vote by absentee ballot  
 179 under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.  
 180 Section 1973ff, et seq., as amended."

181 **SECTION 5.**

182 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation  
 183 and delivery of absentee ballot supplies, by adding a new subsection to read as follows:

184 "(e) The State Election Board shall by rule or regulation establish procedures for the  
 185 transmission of blank absentee ballots by mail and by electronic transmission for all  
 186 electors who are entitled to vote by absentee ballot under the federal Uniformed and  
 187 Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, and  
 188 by which such electors may designate whether the elector prefers the transmission of such  
 189 ballots by mail or electronically. If no preference is stated, the ballot shall be transmitted  
 190 by mail. The State Election Board shall by rule or regulation establish procedures to ensure  
 191 to the extent practicable that the procedures for transmitting such ballots shall protect the  
 192 security and integrity of such ballots and shall ensure that the privacy of the identity and  
 193 other personal data of such electors who are entitled to vote by absentee ballot under the  
 194 federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff,  
 195 et seq., as amended, to whom a blank absentee ballot is transmitted under this Code section  
 196 is protected throughout the process of such transmission."

197 **SECTION 6.**

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