

House Bill 138

By: Representative Maddox of the 172nd

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 limitations on when in-person absentee
3 balloting may be conducted; to provide for a period of advance voting; to provide for
4 procedures; to provide for exceptions; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
9 elections generally, is amended by revising paragraph (2) of subsection (b) of Code
10 Section 21-2-381, relating to making application for an absentee ballot, as follows:

11 "(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
12 proper place on the application and shall either then:

13 (A) Mail ~~mail~~ the ballot as provided in this Code section;

14 (B) If the application is made in person, ~~or~~ issue the ballot to the elector to be voted
15 within the confines of the registrar's or absentee ballot clerk's office if issued during the
16 advance voting period established pursuant to subsection (d) of Code Section 21-2-385;

17 (C) Issue the ballot to the elector to be returned to the registrar's or absentee ballot
18 clerk's office after being voted at some other location in accordance with Code
19 Section 21-2-385; or

20 (D) Deliver ~~deliver~~ the ballot in person to the elector if such elector is confined to a
21 hospital."

22 **SECTION 2.**

23 Said chapter is further amended by revising subsections (a) and (b) of Code
24 Section 21-2-384, relating to preparation and delivery of absentee ballots and supplies, as
25 follows:

26 "(a)(1) The superintendent ~~must shall~~, at least 45 days prior to any general primary or
27 general election other than a municipal general primary or general election, as soon as
28 possible prior to a runoff, and at least 21 days prior to any municipal general primary or
29 general election, prepare, obtain, and deliver an adequate supply of official absentee
30 ballots to the board of registrars or absentee ballot clerk for use in the primary or election.
31 Envelopes and other supplies as required by this article may be ordered by the
32 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
33 or election.

34 (2) The board of registrars or absentee ballot clerk shall, within two days after the receipt
35 of such ballots and supplies, mail or issue official absentee ballots to all eligible
36 applicants. As additional applicants are determined to be eligible, the board or clerk shall
37 mail or issue official absentee ballots to such additional applicants immediately upon
38 determining their eligibility; provided, however, that no absentee ballot shall be mailed
39 by the registrars or absentee ballot clerk on the day prior to a primary or election and
40 provided, further, that no absentee ballot shall be issued on the day prior to a primary or
41 election. The board of registrars shall, at least 45 days prior to any general primary, or
42 general election other than a municipal general primary or general election, as soon as
43 possible prior to a runoff, and at least 21 days prior to any municipal general primary or
44 general election, mail or electronically transmit official absentee ballots to all electors
45 who are entitled to vote by absentee ballot under the federal Uniformed and Overseas
46 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

47 (3) The date a ballot is voted in the ~~registrars' registrar's~~ or absentee ballot clerk's office
48 or the date a ballot is mailed or issued to an elector and the date it is returned shall be
49 entered on the application record therefor.

50 (4) The delivery of an absentee ballot to a person confined in a hospital may be made by
51 the registrar or clerk on the day of a primary or election or during a five-day period
52 immediately preceding the day of such primary or election.

53 (5) In the event an absentee ballot which has been mailed by the board of registrars or
54 absentee ballot clerk is not received by the applicant, the applicant may notify the board
55 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
56 has not been received. The board of registrars or absentee ballot clerk shall then issue a
57 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
58 shall be attached to the original application. A second application for an absentee ballot
59 shall not be required.

60 (b) In Except for ballots voted within the confines of the registrar's or absentee ballot
61 clerk's office, in addition to the mailing envelope, the superintendent, board of registrars,
62 or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of

such size and shape as shall be determined by the Secretary of State, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes to be enclosed within the mailing envelope shall be printed the form of oath of the elector and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the name and address of the board of registrars or absentee ballot clerk. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, and the uniform instructions for the manner of preparing and returning the ballot, in form and substance as provided by the Secretary of State and nothing else. The uniform instructions shall include information specific to the voting system used for absentee voting concerning the effect of overvoting or voting for more candidates than one is authorized to vote for a particular office and information concerning how the elector may correct errors in voting the ballot before it is cast including information on how to obtain a replacement ballot if the elector is unable to change the ballot or correct the error."

SECTION 3.

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

"(c) When an elector applies in person for an absentee ballot, after the absentee ballots have been printed, the absentee ballot may be issued to the elector at the time of the application therefor within the confines of the registrar's or absentee ballot clerk's office or may be mailed to the elector, depending upon the elector's request. If Except as provided in subsection (d) of this Code section, if the ballot is issued to the elector at the time of application, the elector shall ~~then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot as provided in subsections (a) and (b) of this Code section~~ take the absentee ballot and vote and return it as provided in subsections (a) and (b) of this Code section at a later time. The In the case of persons voting in accordance with subsection (d) of this Code section, the board of registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the privacy of the elector while voting his or her absentee ballot.

(d)(1) There shall be a period of advance voting that shall commence on the third Monday immediately prior to each primary or election and as soon as possible prior to a runoff and that shall end on the Friday immediately prior to each primary, election, or runoff. Voting shall be conducted during normal business hours during such period;

provided, however, that counties and municipalities may extend the hours for voting beyond regular business hours, may provide for additional advance voting times in addition to the period prescribed in this subsection, and may provide for addition voting locations pursuant to Code Section 21-2-382 to suit the needs of the electors of the jurisdiction at their option.

(2) During any period of advance voting under this subsection, when an absentee ballot is issued to the elector at the time of application, the elector shall then and there within the confines of the registrar's or absentee ballot clerk's office vote and return the absentee ballot.

(3) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice to the electors of their jurisdiction of the availability of advance voting as well as the times, dates, and locations at which advance voting will be conducted."

SECTION 4.

Said chapter is further amended by revising Code Section 21-2-385.1, relating to preferential treatment for older and disabled voters, as follows:

"21-2-385.1.

Each During the period of advance voting established pursuant to subsection (d) of Code Section 21-2-385, each elector who is 75 years of age or older or who is disabled and requires assistance in casting an absentee ballot in person at the registrar's office, absentee ballot clerk's office, or other locations as provided for in Code Section 21-2-382; shall, upon request to a designated office employee or other individual, be authorized to vote immediately at the next available voting compartment or booth without having to wait in line if such location utilizes direct recording electronic voting systems or be authorized to go to the head of any line necessary to cast a written absentee ballot. Notice of the provisions of this Code section shall be prominently displayed in the registrar's office or absentee ballot clerk's office."

SECTION 5.

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