

House Bill 138

By: Representative Maddox of the 172<sup>nd</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 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

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

80

### SECTION 3.

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

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

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

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

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

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

111 **SECTION 4.**

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

114 "21-2-385.1.

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

125 **SECTION 5.**

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