

Senate Bill 92

By: Senators McKoon of the 29th, Williams of the 19th, Bethel of the 54th, Staton of the 18th, Ligon, Jr. of the 3rd and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

or

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

SECTION 2.

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

"(a)(1) The superintendent ~~must~~ shall, at least 45 days prior to any general primary or general election other than a municipal general primary or general election, as soon as

possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election, prepare, obtain, and deliver an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election. Envelopes and other supplies as required by this article may be ordered by the superintendent, the board of registrars, or the absentee ballot clerk for use in the primary or election.

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

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

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

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

(b) ~~In~~ Except for ballots voted within the confines of the registrar's or absentee ballot clerk's office, in addition to the mailing envelope, the superintendent, board of registrars, 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 if such application is made during the advance voting period as provided in subsection (d) of this Code section or may be mailed to the elector, depending upon the elector's request. 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. ~~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 Saturday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff. No advance voting shall occur on Sundays, and Saturday voting shall not be mandatory but shall be at the option of the registrars or absentee ballot clerk. Voting shall be conducted from 9:00 A.M. until 5:00 P.M. on weekdays during such period and may be conducted on the second and third Saturdays prior to the primary or election from

99 8:00 A.M. until 6:00 P.M. Except as otherwise provided in this paragraph, counties and
100 municipalities may extend the hours for voting beyond regular business hours and may
101 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the
102 needs of the electors of the jurisdiction at their option.

103 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
104 to the electors of their jurisdiction of the availability of advance voting as well as the
105 times, dates, and locations at which advance voting will be conducted. In addition, the
106 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
107 prescribed by the Secretary of State of the times, dates, and locations at which advance
108 voting will be conducted."

109 **SECTION 4.**

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

112 "21-2-385.1.

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

123 **SECTION 5.**

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