

House Bill 92 (AS PASSED HOUSE AND SENATE)

By: Representatives Hamilton of the 23rd, Meadows of the 5th, England of the 108th, Mosby of the 90th, Heard of the 114th, and others

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) Shall mail the ballot as provided in this Code section;

14 (B) If the application is made in person, shall or issue the ballot to the elector to be
15 voted within the confines of the registrar's or absentee ballot clerk's office if issued
16 during the advance voting period established pursuant to subsection (d) of Code Section
17 21-2-385; or

18 (C) May deliver the ballot in person to the elector if such elector is confined to a
19 hospital."

20 **SECTION 2.**

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

24 "(a)(1) The superintendent ~~must~~ shall, at least 45 days prior to any general primary or
25 general election other than a municipal general primary or general election, as soon as
26 possible prior to a runoff, and at least 21 days prior to any municipal general primary or

27 general election, prepare, obtain, and deliver an adequate supply of official absentee
 28 ballots to the board of registrars or absentee ballot clerk for use in the primary or election.
 29 Envelopes and other supplies as required by this article may be ordered by the
 30 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
 31 or election.

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

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

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

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

58 (b) ~~In~~ Except for ballots voted within the confines of the registrar's or absentee ballot
 59 clerk's office, in addition to the mailing envelope, the superintendent, board of registrars,
 60 or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of
 61 such size and shape as shall be determined by the Secretary of State, in order to permit the
 62 placing of one within the other and both within the mailing envelope. On the smaller of
 63 the two envelopes to be enclosed in the mailing envelope shall be printed the words

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

78 **SECTION 3.**

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

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

92 (d)(1) There shall be a period of advance voting that shall commence on the fourth
 93 Monday immediately prior to each primary or election and as soon as possible prior to
 94 a runoff and shall end on the Friday immediately prior to each primary, election, or
 95 runoff. Voting shall be conducted during normal business hours on weekdays during
 96 such period and shall be conducted on the second Saturday prior to a primary or election
 97 during the hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries
 98 and elections in which there are no federal or state candidates on the ballot, no Saturday
 99 voting hours shall be required. Except as otherwise provided in this paragraph, counties

100 and municipalities may extend the hours for voting beyond regular business hours and
 101 may 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.