

Senate Bill 22

By: Senators James of the 35th, Rhett of the 33rd and Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to absentee voting, so as to provide increased privacy and security to electors in
3 mailing absentee ballots to the board of registrars or absentee ballot clerk; to remove the
4 elector's oath and other identifying information of an elector from the larger outside mailing
5 envelope and instead include such oath and identifying information on the smaller inside
6 envelope that is mailed inside of such larger outside mailing envelope; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 10 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
11 absentee voting, is amended by revising subsection (b) of Code Section 21-2-384, relating
12 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and
13 persons assisting absentee electors, master list of ballots sent, challenges, and electronic
14 transmission of ballots, as follows:

15 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
16 office, in addition to the mailing envelope, the superintendent, board of registrars, or
17 absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such
18 size and shape as shall be determined by the Secretary of State, in order to permit the
19 placing of one within the other and both within the mailing envelope. On the smaller of
20 the two envelopes to be enclosed in the mailing envelope shall be printed the words
21 'Official Absentee Ballot' and ~~nothing else~~ the form of oath of the elector; the oath for
22 persons assisting electors, as provided for in Code Section 21-2-409; and the penalties
23 provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations
24 of oaths. On the ~~back~~ face of the larger of the two envelopes to be enclosed within the
25 mailing envelope shall be printed ~~the form of oath of the elector and the oath for persons~~
26 ~~assisting electors, as provided for in Code Section 21-2-409, and the penalties provided for~~

27 ~~in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599 for violations of oaths; and~~
 28 ~~on the face of such envelope shall be printed~~ the name and address of the board of
 29 registrars or absentee ballot clerk. The mailing envelope addressed to the elector shall
 30 contain the two envelopes, the official absentee ballot, the uniform instructions for the
 31 manner of preparing and returning the ballot, in form and substance as provided by the
 32 Secretary of State, and a notice in the form provided by the Secretary of State of all
 33 withdrawn, deceased, and disqualified candidates and any substitute candidates pursuant
 34 to Code Sections 21-2-134 and 21-2-155 and nothing else. The uniform instructions shall
 35 include information specific to the voting system used for absentee voting concerning the
 36 effect of overvoting or voting for more candidates than one is authorized to vote for a
 37 particular office and information concerning how the elector may correct errors in voting
 38 the ballot before it is cast including information on how to obtain a replacement ballot if
 39 the elector is unable to change the ballot or correct the error."

40

SECTION 2.

41 Said article is further amended by revising subsection (a) of Code Section 21-2-385, relating
 42 to procedure for voting by absentee ballot and advance voting, as follows:

43 "(a) At any time after receiving an official absentee ballot, but before the day of the
 44 primary or election, except electors who are confined to a hospital on the day of the
 45 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
 46 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
 47 Ballot:' and the form of the oath of the elector; the name, relationship, and oath of the
 48 person assisting, if any; and other required identifying information. The elector shall then
 49 fill out, subscribe, and swear to the oath printed on such envelope. This envelope shall then
 50 be placed in the second one, ~~on which is printed the form of the oath of the elector, the~~
 51 ~~name, relationship, and oath of the person assisting, if any, and other required identifying~~
 52 ~~information. The elector shall then fill out, subscribe, and swear to the oath printed on such~~
 53 ~~envelope.~~ Such second envelope having the name and address of the board of registrars
 54 or absentee ballot clerk on its face shall then be securely sealed and the elector shall then
 55 mail or personally deliver same to the board of registrars or absentee ballot clerk, provided
 56 that delivery by a physically disabled elector may be made by any adult person upon
 57 satisfactory proof that such adult person is such elector's mother, father, grandparent, aunt,
 58 uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
 59 daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or an
 60 individual residing in the household of such disabled elector. An elector who is confined
 61 to a hospital on a primary or election day to whom an absentee ballot is delivered by the
 62 registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly, and

63 return it to the registrar or absentee ballot clerk. If the elector registered to vote for the first
64 time in this state by mail and has not previously provided the identification required by
65 Code Section 21-2-220 and votes for the first time by absentee ballot and fails to provide
66 the identification required by Code Section 21-2-220 with such absentee ballot, such
67 absentee ballot shall be treated as a provisional ballot and shall be counted only if the
68 registrars are able to verify the identification and registration of the elector during the time
69 provided pursuant to Code Section 21-2-419."

70 **SECTION 3.**

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