

House Bill 57

By: Representatives Kendrick of the 93rd, Beverly of the 143rd, Scott of the 76th, Jones of the 53rd, Marin of the 96th, 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 that all eligible electors shall be mailed
3 an absentee ballot for each primary, election, and runoff in which they are eligible to vote;
4 to provide for procedures; to provide for cancellation of such ballots under certain
5 circumstances; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
10 elections generally, is amended by revising Code Section 21-2-219, relating to registration
11 cards, form, registration by members of armed forces or merchant marine and permanent
12 overseas citizen, Secretary of State to provide information regarding registration and
13 absentee ballot procedures, and reports regarding absentee ballots, as follows:

14 "21-2-219.

15 (a) The registration cards for use by persons in making application to register to vote shall
16 be in a form as specified by the Secretary of State, which shall include printed forms, forms
17 made available through electronic means, or otherwise. Except as provided in
18 subsection (b) of this Code section and Code Section 21-2-221.2, only registration cards
19 issued or authorized for use by the Secretary of State or the national voter registration card
20 promulgated under the provisions of the National Voter Registration Act of 1993, 42
21 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration.

22 (b) A person who is a legal resident of this state and a citizen of the United States; who is
23 a member of the armed forces of the United States or the merchant marine, is a spouse or
24 dependent of a member of the armed forces or the merchant marine residing with or
25 accompanying said member, or is temporarily or permanently residing overseas; and who
26 will be absent from such person's county of residence until after the time for registering for

27 an ensuing primary or election may make proper application for voter registration on the
 28 official post card or write-in absentee ballot provided for by the Uniformed and Overseas
 29 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

30 (c) Permanent overseas citizens shall only be authorized to vote for presidential electors
 31 and United States senator or representative in Congress. Permanent overseas citizens shall
 32 be deemed to be residents of the precinct in which the county courthouse is located.

33 (d) ~~A properly executed registration card submitted under the provisions of subsection (b)~~
 34 ~~of this Code section shall be considered to be an application for an absentee ballot under~~
 35 ~~Code Section 21-2-381 or a special absentee ballot under Code Section 21-2-381.1, as~~
 36 ~~appropriate~~ Reserved.

37 (e) A person who is a United States citizen, permanently residing overseas, who has never
 38 lived in the United States, may register and vote in this state in the county of residence of
 39 either of such person's parents under the limitations of subsection (c) of this Code section
 40 if either of the person's parents is registered to vote in this state. Such person shall be
 41 deemed to reside at the same location as the parent for voting purposes.

42 (f) The office of the Secretary of State is designated as the office, under the federal Help
 43 America Vote Act, to be responsible for providing information on registration and absentee
 44 ballot procedures for use by absent uniformed services and overseas voters, including the
 45 use of the federal write-in absentee ballot.

46 (g) The registrars of each county shall report to the Secretary of State within 60 days after
 47 a general election in which federal candidates were on the ballot, the combined number of
 48 absentee ballots that were transmitted to absent uniformed services and overseas voters in
 49 such election, as well as ~~and~~ the combined number of such ballots that were returned by
 50 such voters and cast in such election.

51 (h) The Secretary of State shall report to the federal Election Assistance Commission
 52 within 90 days after a general election in which federal candidates were on the ballot ~~report~~
 53 ~~to the federal Election Assistance Commission~~, on such form as may be prescribed by such
 54 commission, the combined number of absentee ballots that were transmitted to absent
 55 uniformed services and overseas voters in such election, as well as ~~and~~ the combined
 56 number of such ballots that were returned by such voters and cast in such election."

57 SECTION 2.

58 Said chapter is further amended by revising Code Section 21-2-380, relating to definitions
 59 and when reason for absentee ballot not required, as follows:

60 "21-2-380.

61 (a) As used in this article, the term 'absentee elector' means an elector of this state or a
62 municipality thereof who casts a ballot in a primary, election, or runoff other than in person
63 at the polls on the day of such primary, election, or runoff.

64 ~~(b) An elector who votes by absentee ballot shall not be required to provide a reason in
65 order to cast an absentee ballot in any primary, election, or runoff."~~

66 **SECTION 3.**

67 Said chapter is further amended by revising Code Section 21-2-381, relating to making of
68 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of
69 applications to colleges and universities, and persons entitled to make application, as follows:

70 "21-2-381.

71 ~~(a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180 days
72 prior to the date of the primary or election, or runoff of either, in which the elector desires
73 to vote, any absentee elector may make, either by mail, by facsimile transmission, by
74 electronic transmission, or in person in the registrar's or absentee ballot clerk's office, an
75 application for an official ballot of the elector's precinct to be voted at such primary,
76 election, or runoff The board of registrars or absentee ballot clerk shall mail to each elector
77 eligible to vote in an election an absentee ballot and the necessary instructions and
78 envelopes to return such ballot not more than 49 days but not less than 45 days prior to any
79 presidential preference primary, general primary other than a municipal general primary,
80 general election other than a municipal general election, or special primary or special
81 election in which there is a candidate for a federal office on the ballot; 22 days prior to any
82 municipal general primary or municipal general election; as soon as possible prior to any
83 runoff; and, in the case of all other special primaries or special elections, within three days
84 after the receipt of such ballots and supplies.~~

85 ~~(B) In the case of an elector residing temporarily out of the county or municipality or
86 a physically disabled elector residing within the county or municipality, the application
87 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made
88 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
89 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
90 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.~~

91 ~~(C) The application shall be in writing and shall contain sufficient information for
92 proper identification of the elector; the permanent or temporary address of the elector
93 to which the absentee ballot shall be mailed; the identity of the primary, election, or
94 runoff in which the elector wishes to vote; and the name and relationship of the person
95 requesting the ballot if other than the elector.~~

96 ~~(D) Except in the case of physically disabled electors residing in the county or~~
 97 ~~municipality, no absentee ballot shall be mailed to an address other than the permanent~~
 98 ~~mailing address of the elector as recorded on the elector's voter registration record or~~
 99 ~~a temporary out-of-county or out-of-municipality address.~~

100 ~~(E) Relatives applying for absentee ballots for electors must also sign an oath stating~~
 101 ~~that facts in the application are true.~~

102 ~~(F) If the elector is unable to fill out or sign such elector's own application because of~~
 103 ~~illiteracy or physical disability, the elector shall make such elector's mark, and the~~
 104 ~~person filling in the rest of the application shall sign such person's name below it as a~~
 105 ~~witness.~~

106 ~~(G) Any elector meeting criteria of advanced age or disability specified by rule or~~
 107 ~~regulation of the State Election Board or any elector who is entitled to vote by absentee~~
 108 ~~ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42~~
 109 ~~U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application~~
 110 ~~a ballot for a presidential preference primary held pursuant to Article 5 of this chapter~~
 111 ~~and for a primary as well as for any runoffs resulting therefrom and for the election for~~
 112 ~~which such primary shall nominate candidates as well as any runoffs resulting~~
 113 ~~therefrom. If not so requested by such person, a separate and distinct application shall~~
 114 ~~be required for each primary, run-off primary, election, and run-off election. Except~~
 115 ~~as otherwise provided in this subparagraph, a separate and distinct application for an~~
 116 ~~absentee ballot shall always be required for any special election or special primary.~~

117 ~~(2) A properly executed registration card submitted under the provisions of subsection~~
 118 ~~(b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in~~
 119 ~~which the registrant is entitled to vote, shall be considered to be an application for an~~
 120 ~~absentee ballot under this Code section, or for a special absentee ballot under Code~~
 121 ~~Section 21-2-381.1, as appropriate.~~

122 ~~(3) Reserved.~~

123 ~~(4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar~~
 124 ~~or absentee ballot clerk shall determine if the applicants are eligible to vote under this~~
 125 ~~Code section and shall either mail or issue the absentee ballots for the election for~~
 126 ~~representative in the United States Congress to an individual entitled to make application~~
 127 ~~for absentee ballot under subsection (d) of this Code section the same day any such~~
 128 ~~application is received, so long as the application is received by 3:00 P.M., otherwise no~~
 129 ~~later than the next business day following receipt of the application. Any valid absentee~~
 130 ~~ballot shall be accepted and processed so long as the ballot is received by the registrar or~~
 131 ~~absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent~~

132 ~~uniformed services voter or overseas voter, but in no event later than 11 days following~~
 133 ~~the date of the election.~~

134 ~~(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee~~
 135 ~~ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk~~
 136 ~~shall determine, in accordance with the provisions of this chapter, if the applicant is eligible~~
 137 ~~to vote in the primary or election involved. In order to be found eligible to vote an~~
 138 ~~absentee ballot by mail, the registrar or absentee ballot clerk shall compare the identifying~~
 139 ~~information on the application with the information on file in the registrar's office and, if~~
 140 ~~the application is signed by the elector, compare the signature or mark of the elector on the~~
 141 ~~application with the signature or mark of the elector on the elector's voter registration card.~~
 142 ~~In order to be found eligible to vote an absentee ballot in person at the registrar's office or~~
 143 ~~absentee ballot clerk's office, such person shall show one of the forms of identification~~
 144 ~~listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the~~
 145 ~~identifying information on the application with the information on file in the registrar's~~
 146 ~~office After mailing the absentee ballots as required in subsection (a) of this Code section,~~
 147 ~~the board of registrars or absentee ballot clerk shall thereafter, as electors register to vote~~
 148 ~~and are found eligible to vote in such primary, election, or runoff, mail absentee ballots and~~
 149 ~~necessary instructions and envelopes to such electors.~~

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

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

153 ~~(B) If the application is made in person, shall issue the ballot to the elector to be voted~~
 154 ~~on a direct recording electronic (DRE) voting system within the confines of the~~
 155 ~~registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the~~
 156 ~~ballot is issued during the advance voting period established pursuant to subsection (d)~~
 157 ~~of Code Section 21-2-385; or~~

158 ~~(C) May deliver the ballot in person to the elector if such elector is confined to a~~
 159 ~~hospital.~~

160 ~~(3) If found ineligible, the clerk or the board of registrars shall deny the application by~~
 161 ~~writing the reason for rejection in the proper space on the application and shall promptly~~
 162 ~~notify the applicant in writing of the ground of ineligibility, a copy of which notification~~
 163 ~~should be retained on file in the office of the board of registrars or absentee ballot clerk~~
 164 ~~for at least one year.~~

165 ~~(4) If the registrar or clerk is unable to determine the identity of the elector from~~
 166 ~~information given on the application, the registrar or clerk should promptly write to~~
 167 ~~request additional information.~~

168 ~~(5) In the case of an unregistered applicant who is eligible to register to vote, the clerk~~
 169 ~~or the board shall immediately mail a blank registration card as provided by Code Section~~
 170 ~~21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by~~
 171 ~~absentee ballot in such primary or election, if the registration card, properly completed,~~
 172 ~~is returned to the clerk or the board on or before the last day for registering to vote in~~
 173 ~~such primary or election. If the closing date for registration in the primary or election~~
 174 ~~concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,~~
 175 ~~as soon as it is prepared and available; and the ballot shall be cast in such primary or~~
 176 ~~election if returned to the clerk or board not later than the close of the polls on the day of~~
 177 ~~the primary or election concerned.~~

178 ~~(c) In those counties or municipalities in which the absentee ballot clerk or board of~~
 179 ~~registrars provides application forms for absentee ballots, the clerk or board shall provide~~
 180 ~~such quantity of the application form to the dean of each college or university located in~~
 181 ~~that county as said dean determines necessary for the students of such college or university~~
 182 Such absentee ballots shall be mailed to the most recent address of the elector as shown on
 183 the list of registered electors.

184 ~~(d)(1) A citizen of the United States permanently residing outside the United States is~~
 185 ~~entitled to make application for an absentee ballot from Georgia and to vote by absentee~~
 186 ~~ballot in any election for presidential electors and United States senator or representative~~
 187 ~~in Congress:~~

188 ~~(A) If such citizen was last domiciled in Georgia immediately before his or her~~
 189 ~~departure from the United States; and~~

190 ~~(B) If such citizen could have met all qualifications, except any qualification relating~~
 191 ~~to minimum voting age, to vote in federal elections even though, while residing outside~~
 192 ~~the United States, he or she does not have a place of abode or other address in Georgia.~~

193 ~~(2) An individual is entitled to make application for an absentee ballot under paragraph~~
 194 ~~(1) of this subsection even if such individual's intent to return to Georgia may be~~
 195 ~~uncertain, as long as:~~

196 ~~(A) He or she has complied with all applicable Georgia qualifications and requirements~~
 197 ~~which are consistent with 42 U.S.C. Section 1973ff concerning absentee registration for~~
 198 ~~and voting by absentee ballots;~~

199 ~~(B) He or she does not maintain a domicile, is not registered to vote, and is not voting~~
 200 ~~in any other state or election district of a state or territory or in any territory or~~
 201 ~~possession of the United States; and~~

202 ~~(C) He or she has a valid passport or card of identity and registration issued under the~~
 203 ~~authority of the Secretary of State of the United States or, in lieu thereof, an alternative~~
 204 ~~form of identification consistent with 42 U.S.C. Section 1973ff and applicable state~~

205 ~~requirements, if a citizen does not possess a valid passport or card of identity and~~
 206 ~~registration~~ Reserved.

207 (e) The State Election Board is authorized to promulgate reasonable rules and regulations
 208 for the implementation of ~~paragraph (1) of subsection (a) this Code section. Said rules and~~
 209 ~~regulations may include provisions for the limitation of opportunities for fraudulent~~
 210 ~~application, including, but not limited to, comparison of voter registration records with~~
 211 ~~death certificates."~~

212 **SECTION 4.**

213 Said chapter is further amended by revising Code Section 21-2-384, relating to preparation
 214 and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting
 215 absentee electors, master list of ballots sent, challenges, and electronic transmission of
 216 ballots, as follows:

217 "21-2-384.

218 (a)(1) The superintendent shall, in consultation with the board of registrars or absentee
 219 ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this
 220 subsection an adequate supply of official absentee ballots to the board of registrars or
 221 absentee ballot clerk for use in the primary or election or as soon as possible prior to a
 222 runoff. Envelopes and other supplies as required by this article may be ordered by the
 223 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary
 224 or election.

225 (2) The board of registrars or absentee ballot clerk shall mail or issue official absentee
 226 ballots to all eligible ~~applicants~~ electors not more than 49 days but not less than 45 days
 227 prior to any presidential preference primary, general primary other than a municipal
 228 general primary, general election other than a municipal general election, or special
 229 primary or special election in which there is a candidate for a federal office on the ballot;
 230 22 days prior to any municipal general primary or municipal general election; and as soon
 231 as possible prior to any runoff. In the case of all other special primaries or special
 232 elections, the board of registrars or absentee ballot clerk shall mail or issue official
 233 absentee ballots to all eligible ~~applicants~~ electors within three days after the receipt of
 234 such ballots and supplies, but no earlier than 22 days prior to the election; ~~provided,~~
 235 ~~however, that should any elector of the jurisdiction be permitted to vote by absentee~~
 236 ~~ballot beginning 49 days prior to a primary or election, all eligible applicants of such~~
 237 ~~jurisdiction shall be entitled to vote by absentee ballot beginning 49 days prior to such~~
 238 ~~primary or election.~~ As additional ~~applicants~~ electors are determined to be eligible, the
 239 board or clerk shall mail or issue official absentee ballots to such additional ~~applicants~~
 240 electors immediately upon determining their eligibility; provided, however, that no

241 absentee ballot shall be mailed by the registrars or absentee ballot clerk on the day prior
 242 to a primary or election and provided, further, that no absentee ballot shall be issued on
 243 the day prior to a primary or election. The board of registrars shall, within the same time
 244 periods specified in this subsection, electronically transmit official absentee ballots to all
 245 electors who have requested to receive their official absentee ballot electronically and are
 246 entitled to vote such absentee ballot under the federal Uniformed and Overseas Citizens
 247 Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

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

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

254 (5) In the event an absentee ballot which has been mailed by the board of registrars or
 255 absentee ballot clerk is not received by the applicant, the applicant may notify the board
 256 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot
 257 has not been received. The board of registrars or absentee ballot clerk shall then issue a
 258 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit
 259 shall be ~~attached to the original application. A second application for an absentee ballot~~
 260 ~~shall not be required~~ a part of the records of the registrar's or absentee ballot clerk's
 261 office.

262 (b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
 263 office, in addition to the mailing envelope, the superintendent, board of registrars, or
 264 absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such
 265 size and shape as shall be determined by the Secretary of State, in order to permit the
 266 placing of one within the other and both within the mailing envelope. On the smaller of
 267 the two envelopes to be enclosed in the mailing envelope shall be printed the words
 268 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes
 269 to be enclosed within the mailing envelope shall be printed the form of oath of the elector
 270 and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and
 271 the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599
 272 for violations of oaths; and on the face of such envelope shall be printed the name and
 273 address of the board of registrars or absentee ballot clerk. The mailing envelope addressed
 274 to the elector shall contain the two envelopes; the official absentee ballot; the uniform
 275 instructions for the manner of preparing and returning the ballot, in form and substance as
 276 provided by the Secretary of State; and a notice in the form provided by the Secretary of
 277 State of all withdrawn, deceased, and disqualified candidates and any substitute candidates

278 pursuant to Code Sections 21-2-134 and 21-2-155; and nothing else. The uniform
 279 instructions shall include information specific to the voting system used for absentee voting
 280 concerning the effect of overvoting or voting for more candidates than one is authorized
 281 to vote for a particular office and information concerning how the elector may correct
 282 errors in voting the ballot before it is cast, including information on how to obtain a
 283 replacement ballot if the elector is unable to change the ballot or correct the error.

284 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
 285 the following form:

286 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 287 the State of Georgia; that my residence address, for voting purposes, is _____
 288 County, Georgia; that I possess the qualifications of an elector required by the laws of
 289 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 290 in the primary or election in which this ballot is to be cast; ~~that I am eligible to vote by~~
 291 ~~absentee ballot~~; that I have not marked or mailed any other absentee ballot, nor will I
 292 mark or mail another absentee ballot for voting in such primary or election; nor shall
 293 I vote therein in person; and that I have read and understand the instructions
 294 accompanying this ballot; and that I have carefully complied with such instructions in
 295 completing this ballot. I understand that the offer or acceptance of money or any other
 296 object of value to vote for any particular candidate, list of candidates, issue, or list of
 297 issues included in this election constitutes an act of voter fraud and is a felony under
 298 Georgia law.

299 _____
 300 Elector's Residence Address

301 _____
 302 Year of Elector's Birth

303 _____
 304 _____
 305 Signature or Mark of Elector

306 Oath of Person Assisting Elector (if any):

307 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 308 marking such elector's absentee ballot as such elector personally communicated such
 309 elector's preference to me; and that such elector is entitled to receive assistance in
 310 voting under provisions of subsection (a) of Code Section 21-2-409.

311 This, the _____ day of _____, _____.

312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347

Signature of Person Assisting
 Elector -- Relationship

Reason for assistance (Check appropriate square):

- Elector is unable to read the English language.
- Elector requires assistance due to physical disability.

The forms upon which such oaths are printed shall contain the following information:

Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall assist more than ten electors in any primary, election, or runoff in which there is no federal candidate on the ballot.

Georgia law further provides that any person who knowingly falsifies information so as to vote illegally by absentee ballot or who illegally gives or receives assistance in voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony.

(2) In the case of absent uniformed services or overseas voters, if the presidential designee under Section 705(b) of the federal Help America Vote Act promulgates a standard oath for use by such voters, the Secretary of State shall be required to use such oath on absentee ballot materials for such voters and such oath shall be accepted in lieu of the oath set forth in paragraph (1) of this subsection.

~~(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection a master list, arranged by precincts, setting forth the name and residence of every elector to whom an official absentee ballot has been sent. Absentee electors whose names appear on the master list may be challenged by any elector prior to 5:00 P.M. on the day before the primary or election~~ Reserved.

(e) The State Election Board shall by rule or regulation establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for 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, and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically. If no preference is stated, the ballot shall be transmitted by mail. The State Election Board shall by rule or regulation establish procedures to ensure to the extent practicable that the procedures for transmitting such ballots shall protect the security and integrity of such ballots and shall ensure that the privacy of the identity and other personal data of such 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, to whom a blank absentee ballot is transmitted under this Code section, is protected throughout the process of such transmission."

348

SECTION 5.

349 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
 350 voting by absentee ballot and advance voting, as follows:

351 "21-2-385.

352 (a) At any time after receiving an official absentee ballot, but before the day of the primary
 353 or election, ~~except electors who are confined to a hospital on the day of the primary or~~
 354 ~~election~~, the elector shall vote his or her absentee ballot, then fold the ballot and enclose
 355 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
 356 This envelope shall then be placed in the second one, on which is printed the form of the
 357 oath of the elector; the name, relationship, and oath of the person assisting, if any; and
 358 other required identifying information. The elector shall then fill out, subscribe, and swear
 359 to the oath printed on such envelope. Such envelope shall then be securely sealed and the
 360 elector shall then mail or personally deliver same to the board of registrars or absentee
 361 ballot clerk, provided that delivery by for a physically disabled elector may be made by any
 362 adult person upon satisfactory proof that such adult person is such elector's mother, father,
 363 grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece, nephew, grandchild,
 364 son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, or
 365 an individual residing in the household of such disabled elector. ~~An elector who is~~
 366 ~~confined to a hospital on a primary or election day to whom an absentee ballot is delivered~~
 367 ~~by the registrar or absentee ballot clerk shall then and there vote the ballot, seal it properly,~~
 368 ~~and return it to the registrar or absentee ballot clerk.~~ If the elector registered to vote for the
 369 first time in this state by mail and has not previously provided the identification required
 370 by Code Section 21-2-220 and votes for the first time by absentee ballot and fails to
 371 provide the identification required by Code Section 21-2-220 with such absentee ballot,
 372 such absentee ballot shall be treated as a provisional ballot and shall be counted only if the
 373 registrars are able to verify the identification and registration of the elector during the time
 374 provided pursuant to Code Section 21-2-419.

375 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
 376 ballot from one of the following: any elector who is qualified to vote in the same county
 377 or municipality as the disabled or illiterate elector; an attendant care provider or a person
 378 providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,
 379 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
 380 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate
 381 elector. The person rendering assistance to the elector in preparing the ballot shall sign the
 382 oath printed on the same envelope as the oath to be signed by the elector. If the disabled
 383 or illiterate elector is sojourning outside his or her own county or municipality, a notary
 384 public of the jurisdiction may give such assistance and shall sign the oath printed on the

385 same envelope as the oath to be signed by the elector. No person shall assist more than ten
 386 such electors in any primary, election, or runoff in which there is no federal candidate on
 387 the ballot. Any person who willfully violates this subsection shall be guilty of a felony
 388 and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor
 389 more than ten years or to pay a fine not to exceed \$100,000.00, or both, for each such
 390 violation.

391 ~~(c) When an elector applies in person for an absentee ballot, after the absentee ballots have
 392 been printed, the absentee ballot may be issued to the elector at the time of the application
 393 therefor within the confines of the registrar's or absentee ballot clerk's office if such
 394 application is made during the advance voting period as provided in subsection (d) of this
 395 Code section or may be mailed to the elector, depending upon the elector's request. If the
 396 ballot is issued to the elector at the time of application, the elector shall then and there
 397 within the confines of the registrar's or absentee ballot clerk's office vote and return the
 398 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
 399 persons voting in accordance with subsection (d) of this Code section, the board of
 400 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
 401 privacy of the elector while voting his or her absentee ballot. Reserved.~~

402 (d)(1) There shall be a period of advance voting that shall commence:

- 403 (A) On the fourth Monday immediately prior to each primary or election;
- 404 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 405 (C) On the fourth Monday immediately prior to a runoff from a general election in
 406 which there are candidates for a federal office on the ballot in the runoff; and
- 407 (D) As soon as possible prior to a runoff from any other general election in which there
 408 are only state or county candidates on the ballot in the runoff

409 and shall end on the Friday immediately prior to each primary, election, or runoff.
 410 Voting shall be conducted during normal business hours on weekdays during such period
 411 and shall be conducted on the second Saturday prior to a primary or election during the
 412 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
 413 in which there are no federal or state candidates on the ballot, no Saturday voting hours
 414 shall be required; and provided, further, that, if such second Saturday is a public and legal
 415 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
 416 legal holiday occurring on the Thursday or Friday immediately preceding such second
 417 Saturday, or if such second Saturday immediately precedes a public and legal holiday
 418 occurring on the following Sunday or Monday, such advance voting shall not be held on
 419 such second Saturday but shall be held on the third Saturday prior to such primary or
 420 election. Except as otherwise provided in this paragraph, counties and municipalities
 421 may extend the hours for voting beyond regular business hours and may provide for

422 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
423 electors of the jurisdiction at their option.

424 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
425 to the electors of their jurisdiction of the availability of advance voting as well as the
426 times, dates, and locations at which advance voting will be conducted. In addition, the
427 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
428 prescribed by the Secretary of State of the times, dates, and locations at which advance
429 voting will be conducted.

430 (3) If an elector chooses to vote in person during the advance voting period for the
431 primary, election, or runoff, the elector shall do so by first applying for cancellation of
432 the absentee ballot mailed to him or her and:

433 (A) If the elector is in possession of the absentee ballot, by surrendering such ballot to
434 the poll manager of the precinct in which the elector's name appears on the electors list
435 and then casting an advance voting ballot. The poll manager shall mark 'Canceled' and
436 the date and time across the face of the absentee ballot and shall initial same. The poll
437 manager shall also make appropriate notations beside the name of the elector on the
438 electors list. All such canceled absentee ballots shall be returned with other ballots to
439 the superintendent; or

440 (B) If the elector has not received the ballot or if the elector has returned the ballot but
441 the registrars have not received the ballot, by appearing in person before the registrars
442 or the absentee ballot clerk and requesting in writing that the envelope containing the
443 elector's absentee ballot be marked 'Canceled.' After having satisfied themselves as to
444 the identity of such elector, the registrars or the absentee ballot clerk shall grant the
445 request and shall notify the managers of the advance voting precinct as to such action
446 so as to permit the elector to vote in person in that precinct. If the absentee ballot is
447 in the mail or its exact location is unknown, the registrar or the absentee ballot clerk
448 shall write 'Canceled' beside the elector's name on the master list of absentee voters and
449 shall cancel the ballot itself as soon as it is received. Canceled absentee ballots shall
450 be disposed of in the same manner as provided in subsection (a) of Code
451 Section 21-2-386 for absentee ballots returned too late to be cast."

452 **SECTION 6.**

453 Said chapter is further amended by revising Code Section 21-2-386, relating to safekeeping,
454 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
455 manager, duties of managers, precinct returns, and notification of challenged elector, as
456 follows:

457 "21-2-386.

458 (a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
459 and stored in a manner that will prevent tampering and unauthorized access all official
460 absentee ballots received from absentee electors prior to the closing of the polls on the
461 day of the primary or election except as otherwise provided in this subsection.

462 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
463 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
464 identifying information on the oath with the information on file in his or her office,
465 shall compare the signature or mark on the oath with the signature or mark on the
466 absentee elector's voter registration card or the most recent update to such absentee
467 elector's voter registration card and application for absentee ballot or a facsimile of said
468 signature or mark taken from said card or application, and shall, if the information and
469 signature appear to be valid and other identifying information appears to be correct, so
470 certify by signing or initialing his or her name below the voter's oath. Each elector's
471 name so certified shall be listed by the registrar or clerk on the numbered list of
472 absentee voters prepared for his or her precinct.

473 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
474 valid, or if the elector has failed to furnish required information or information so
475 furnished does not conform with that on file in the registrar's or clerk's office, or if the
476 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
477 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
478 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
479 which notification shall be retained in the files of the board of registrars or absentee
480 ballot clerk for at least two years.

481 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
482 of Code Section 21-2-220, and who votes for the first time in this state by absentee
483 ballot shall include ~~with his or her application for an absentee ballot or~~ in the outer oath
484 envelope of his or her absentee ballot either one of the forms of identification listed in
485 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
486 statement, government check, paycheck, or other government document that shows the
487 name and address of such elector. If such elector does not provide any of the forms of
488 identification listed in this subparagraph ~~with his or her application for an absentee~~
489 ~~ballot or~~ with the absentee ballot, such absentee ballot shall be deemed to be a
490 provisional ballot and such ballot shall only be counted if the registrars are able to
491 verify current and valid identification of the elector as provided in this subparagraph
492 within the time period for verifying provisional ballots pursuant to Code
493 Section 21-2-419.

494 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
 495 absentee electors, giving the name of the elector and the reason for the rejection in each
 496 case. Three copies of the numbered list of certified absentee voters and three copies of
 497 the numbered list of rejected absentee voters for each precinct shall be turned over to
 498 the poll manager in charge of counting the absentee ballots and shall be distributed as
 499 required by law for numbered lists of voters.

500 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
 501 of the polls on the day of the primary, ~~or~~ election, or runoff shall be safely kept
 502 unopened by the board or absentee ballot clerk and then transferred to the appropriate
 503 clerk for storage for the period of time required for the preservation of ballots used at
 504 the primary, ~~or~~ election, or runoff and shall then, without being opened, be destroyed
 505 in like manner as the used ballots of the primary, ~~or~~ election, or runoff. The board of
 506 registrars or absentee ballot clerk shall promptly notify the elector by first-class mail
 507 that the elector's ballot was returned too late to be counted and that the elector will not
 508 receive credit for voting in the primary, ~~or~~ election, or runoff. All such late absentee
 509 ballots shall be delivered to the appropriate clerk and stored as provided in Code
 510 Section 21-2-390.

511 (G) Notwithstanding any provision of this chapter to the contrary, until the United
 512 States Department of Defense notifies the Secretary of State that the Department of
 513 Defense has implemented a system of expedited absentee voting for those electors
 514 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
 515 eligible absentee electors who reside outside the county or municipality in which the
 516 primary, election, or runoff is held and are members of the armed forces of the United
 517 States, members of the merchant marine of the United States, spouses or dependents of
 518 members of the armed forces or merchant marine residing with or accompanying such
 519 members, or overseas citizens, that are postmarked by the date of such primary,
 520 election, or runoff and are received within the three-day period following such primary,
 521 election, or runoff, if proper in all other respects, shall be valid ballots and shall be
 522 counted and included in the certified election results.

523 (2) After the opening of the polls on the day of the primary, election, or runoff, the
 524 registrars or absentee ballot clerks shall be authorized to open the outer envelope on
 525 which is printed the oath of the elector in such a manner as not to destroy the oath printed
 526 thereon; provided, however, that the registrars or absentee ballot clerk shall not be
 527 authorized to remove the contents of such outer envelope or to open the inner envelope
 528 marked 'Official Absentee Ballot,' except as otherwise provided in this Code section. At
 529 least three persons who are registrars, deputy registrars, poll workers, or absentee ballot
 530 clerks ~~must~~ shall be present before commencing; and three persons who are registrars,

531 deputy registrars, or absentee ballot clerks shall be present at all times while the outer
 532 envelopes are being opened. After opening the outer envelopes, the ballots shall be safely
 533 and securely stored until the time for tabulating such ballots.

534 (3) The process for opening the inner envelopes of and tabulating absentee ballots on the
 535 day of a primary, election, or runoff as provided in this subsection shall be a confidential
 536 process to maintain the secrecy of all ballots and to protect the disclosure of any balloting
 537 information before 7:00 P.M. on election day. No absentee ballots shall be tabulated
 538 before 7:00 A.M. on the day of a primary, election, or runoff.

539 ~~(3)~~(4) A county election superintendent may, in his or her discretion, after 7:00 A.M. on
 540 the day of the primary, election, or runoff, open the inner envelopes in accordance with
 541 the procedures prescribed in this subsection and begin tabulating the absentee ballots. If
 542 the county election superintendent chooses to open the inner envelopes and begin
 543 tabulating such ballots prior to the close of the polls on the day of the primary, election,
 544 or runoff, the superintendent shall notify in writing, at least seven days prior to the
 545 primary, election, or runoff, the Secretary of State of the superintendent's intent to begin
 546 the absentee ballot tabulation prior to the close of the polls. The county executive
 547 committee or, if there is no organized county executive committee, the state executive
 548 committee of each political party and political body having candidates whose names
 549 appear on the ballot for such election in such county shall have the right to designate two
 550 persons to act as monitors, and each independent and nonpartisan candidate whose name
 551 appears on the ballot for such election in such county shall have the right to designate one
 552 person to act as ~~monitors~~ a monitor for such process. In the event that the only issue to
 553 be voted upon in an election is a referendum question, the superintendent shall also notify
 554 in writing the chief judge of the superior court of the county who shall appoint two
 555 electors of the county to monitor such process.

556 ~~(4)~~(5) The county election superintendent shall publish a written notice in the
 557 superintendent's office of the superintendent's intent to begin the absentee ballot
 558 tabulation prior to the close of the polls and publish such notice at least one week prior
 559 to the primary, election, or runoff in the legal organ of the county.

560 ~~(5) The process for opening the inner envelopes of and tabulating absentee ballots on the~~
 561 ~~day of a primary, election, or runoff as provided in this subsection shall be a confidential~~
 562 ~~process to maintain the secrecy of all ballots and to protect the disclosure of any balloting~~
 563 ~~information before 7:00 P.M. on election day. No absentee ballots shall be tabulated~~
 564 ~~before 7:00 A.M. on the day of a primary, election, or runoff.~~

565 (6) All persons conducting the tabulation of absentee ballots during the day of a primary,
 566 election, or runoff, including the vote review panel required by Code Section 21-2-483,
 567 and all monitors and observers shall be sequestered until the time for the closing of the

568 polls. All such persons shall have no contact with the news media; shall have no contact
569 with other persons not involved in monitoring, observing, or conducting the tabulation;
570 shall not use any type of communication device including radios, telephones, and cellular
571 telephones; shall not utilize computers for the purpose of ~~e-mail~~ email, instant messaging,
572 or other forms of communication; and shall not communicate any information concerning
573 the tabulation until the time for the closing of the polls; provided, however, that
574 supervisory and technical assistance personnel shall be permitted to enter and leave the
575 area in which the tabulation is being conducted but shall not communicate any
576 information concerning the tabulation to anyone other than the ~~county~~ election
577 superintendent; the staff of the superintendent; those persons conducting, observing, or
578 monitoring the tabulation; and those persons whose technical assistance is needed for the
579 tabulation process to operate.

580 (7) The absentee ballots shall be tabulated in accordance with the procedures of this
581 chapter for the tabulation of absentee ballots. As such ballots are tabulated, they shall be
582 placed into locked ballot boxes and may be transferred to locked ballot bags, if needed,
583 for security. The persons conducting the tabulation of the absentee ballots shall not cause
584 the tabulating equipment to produce any count, partial or otherwise, of the absentee votes
585 cast until the time for the closing of the polls.

586 (b) As soon as practicable after 7:00 A.M. on the day of the primary, election, or runoff,
587 in precincts other than those in which optical scanning tabulators are used, a registrar or
588 absentee ballot clerk shall deliver the official absentee ballot of each certified absentee
589 elector, each rejected absentee ballot, applications for such ballots, and copies of the
590 numbered lists of certified and rejected absentee electors to the manager in charge of the
591 absentee ballot precinct of the county or municipality, which shall be located in the
592 precincts containing the county courthouse or polling place designated by the municipal
593 superintendent. In those precincts in which optical scanning tabulators are used, such
594 absentee ballots shall be taken to the tabulation center or other place designated by the
595 superintendent, and the official receiving such absentee ballots shall issue his or her receipt
596 therefor. Except as otherwise provided in this Code section, in no event shall the counting
597 of the ballots begin before the polls close.

598 (c) Except as otherwise provided in this Code section, after the close of the polls on the
599 day of the primary, election, or runoff, a manager shall then open the outer envelope in
600 such manner as not to destroy the oath printed thereon and shall deposit the inner envelope
601 marked 'Official Absentee Ballot' in a ballot box reserved for absentee ballots. In the event
602 that an outer envelope is found to contain an absentee ballot that is not in an inner
603 envelope, the ballot shall be sealed in an inner envelope, initialed and dated by the person
604 sealing the inner envelope, and deposited in the ballot box and counted in the same manner

605 as other absentee ballots, provided that such ballot is otherwise proper. Such manager with
 606 two assistant managers; appointed by the superintendent, with such clerks as the manager
 607 deems necessary, shall count the absentee ballots following the procedures prescribed by
 608 this chapter for other ballots, insofar as practicable, and prepare an election return for the
 609 county or municipality showing the results of the absentee ballots cast in such county or
 610 municipality.

611 (d) All absentee ballots shall be counted and tabulated in such a manner that returns may
 612 be reported by precinct; and separate returns shall be made for each precinct in which
 613 absentee ballots were cast showing the results by each precinct in which the electors reside.

614 (e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall
 615 write 'Challenged,' the elector's name, and the alleged cause of challenge on the outer
 616 envelope and shall deposit the ballot in a secure, sealed ballot box; and it shall be counted
 617 as other challenged ballots are counted. Where direct recording electronic voting systems
 618 are used for absentee balloting and a challenge to an elector's right to vote is made prior to
 619 the time that the elector votes, the elector shall vote on a paper or optical scanning ballot
 620 and such ballot shall be handled as provided in this subsection. The board of registrars or
 621 absentee ballot clerk shall promptly notify the elector of such challenge.

622 (f) It shall be unlawful at any time prior to the close of the polls for any person to disclose
 623 or for any person to receive any information regarding the results of the tabulation of
 624 absentee ballots except as expressly provided by law."

625 SECTION 7.

626 Said chapter is further amended by revising Code Section 21-2-388, relating to cancellation
 627 of absentee ballots of electors who are present in election precinct during primaries and
 628 elections, as follows:

629 "21-2-388.

630 When an absentee ballot which has been voted ~~shall be~~ is returned to and received by the
 631 board of registrars, it shall be deemed to have been voted then and there; and no other
 632 ballot shall be issued to the same elector except as provided in this Code section. If an
 633 elector ~~has requested to vote by absentee ballot and has not received such absentee ballot,~~
 634 ~~has such ballot in his or her possession, or has returned such ballot but the registrars have~~
 635 ~~not received such ballot, such elector may have the absentee ballot canceled and vote in~~
 636 ~~person on the day of the primary, election, or runoff in one of the following ways~~ chooses
 637 to vote in person during the advance voting period or in person at the polls on the day of
 638 the primary, election, or runoff, the elector may do so by applying for cancellation of the
 639 absentee ballot mailed to him or her and:

640 (1) If the elector is in possession of the absentee ballot, by surrendering ~~the absentee~~
641 such ballot to the poll manager of the precinct in which the elector's name appears on the
642 electors list and then ~~being permitted to vote the~~ casting a regular ballot. The poll
643 manager shall mark 'Canceled' and the date and time across the face of the absentee ballot
644 and shall initial same. The poll manager shall also make appropriate notations beside the
645 name of the elector on the electors list. All such canceled absentee ballots shall be
646 returned with other ballots to the superintendent; or

647 (2) If the elector has not received the ballot or if the elector has returned the ballot but
648 the registrars have not received the ballot, by appearing in person before the registrars or
649 the absentee ballot clerk and requesting in writing that the envelope containing the
650 elector's absentee ballot be marked 'Canceled.' After having satisfied themselves as to
651 the identity of such elector, the registrars or the absentee ballot clerk shall grant the
652 request and shall notify the managers of the elector's precinct as to such action so as to
653 permit the elector to vote in person in that precinct. If the absentee ballot is in the mail
654 or its exact location is unknown, the registrar or the absentee ballot clerk shall write
655 'Canceled' beside the elector's name on the master list of absentee voters and shall cancel
656 the ballot itself as soon as it is received. Canceled absentee ballots shall be disposed of
657 in the same manner as provided in subsection (a) of Code Section 21-2-386 for absentee
658 ballots returned too late to be cast."

659

SECTION 8.

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