

House Bill 255

By: Representatives Williams of the 145th, Bruce of the 61st, Gullett of the 19th, Bentley of the 139th, Nelson of the 125th, 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 elections and primaries generally, so as to provide for the delivery of absentee ballots to
3 certain persons in custody; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
8 primaries generally, is amended by revising subparagraph (a)(1)(D) and subsection (b) of
9 Code Section 21-2-381, relating to making of application for absentee ballot, determination
10 of eligibility by ballot clerk, furnishing of applications to colleges and universities, and
11 persons entitled to make application, as follows:

12 "(D) Except in the case of physically disabled electors residing in the county or
13 municipality or electors in custody in a jail or other detention facility in the county or
14 municipality, no absentee ballot shall be mailed to an address other than the permanent
15 mailing address of the elector as recorded on the elector's voter registration record or
16 a temporary out-of-county or out-of-municipality address."

17 SECTION 2.

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

20 "(a) At any time after receiving an official absentee ballot, but before the day of the
21 primary or election, except electors who are confined to a hospital on the day of the
22 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
23 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
24 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
25 of the oath of the elector; the name, relationship, and oath of the person assisting, if any;

26 and other required identifying information. The elector shall then fill out, subscribe, and
27 swear to the oath printed on such envelope. Such envelope shall then be securely sealed
28 and the elector shall then mail or personally deliver same to the board of registrars or
29 absentee ballot clerk, provided that delivery by a physically disabled elector may be made
30 by any adult person upon satisfactory proof that such adult person is ~~such~~ the elector's
31 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,
32 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
33 brother-in-law, sister-in-law, or an individual residing in the household of such ~~disabled~~
34 elector. The absentee ballot of an elector who is in custody in a jail or other detention
35 facility may be mailed or delivered by any employee of such jail or facility having custody
36 of such elector. An elector who is confined to a hospital on a primary or election day to
37 whom an absentee ballot is delivered by the registrar or absentee ballot clerk shall then and
38 there vote the ballot, seal it properly, and return it to the registrar or absentee ballot clerk.
39 If the elector registered to vote for the first time in this state by mail and has not previously
40 provided the identification required by Code Section 21-2-220 and votes for the first time
41 by absentee ballot and fails to provide the identification required by Code Section 21-2-220
42 with such absentee ballot, such absentee ballot shall be treated as a provisional ballot and
43 shall be counted only if the registrars are able to verify the identification and registration
44 of the elector during the time provided pursuant to Code Section 21-2-419."

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SECTION 3.

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