

Senate Bill 177

By: Senators Mullis of the 53rd, Gooch of the 51st, Harper of the 7th, Miller of the 49th, Walker III of the 20th 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 revise the definition of "absentee elector"; to
3 provide for reasons for voting by absentee ballot; to provide for certain exceptions; to
4 provide for related matters; to repeal conflicting laws; and for 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 Code Section 21-2-380, relating to "absentee
9 elector" defined and when reason for absentee ballot not required, as follows:

10 "21-2-380.

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

14 (1) Is required to be absent from his or her precinct during the time of the primary,
15 election, or runoff in which he or she desires to vote and attests under oath the reason for
16 such absence;

17 (2) Will perform any of the official acts or duties set forth in this chapter in connection
18 with the primary, election, or runoff in which he or she desires to vote and provides a
19 letter from his or her supervisor attesting to such fact;

20 (3) Because of physical disability or because of being required to give constant care to
21 someone who is physically disabled, will be unable to be present at the polls on the day
22 of such primary, election, or runoff and provides a letter from a physician attesting to
23 such disability or need for constant care of a disabled person by such elector;

24 (4) Because the primary, election, or runoff falls upon a religious holiday observed by
25 such elector, will be unable to be present at the polls on the day of such primary, election,
26 or runoff and provides a letter from his or her minister, priest, pastor, rabbi, or other
27 religious leader attesting to such observance and resulting inability to vote on such date;

28 (5) Is required to remain on duty in his or her place of employment for the protection of
29 the health, life, or safety of the public during the entire time the polls are open when such
30 place of employment is within the precinct in which the elector resides and provides a
31 letter from his or her employer or supervisor attesting to such required duty and inability
32 to vote during the time that the polls are open; or

33 (6) Is 65 years of age or older.

34 ~~(b) An elector who votes by absentee ballot shall not be required to provide a reason in~~
35 ~~order to cast an absentee ballot in any primary, election, or runoff~~ casts an absentee ballot
36 in person at the registrar's or absentee ballot clerk's office or other authorized location
37 during the advance voting period immediately preceding the date of a primary, election,
38 or runoff as specified in subsection (d) of Code Section 21-2-385 shall not be required to
39 demonstrate a reason as provided in subsection (a) of this Code section in order to cast such
40 ballot."

41 **SECTION 2.**

42 Said chapter is further amended by revising subparagraph (a)(1)(C) of Code
43 Section 21-2-381, relating to making of application for absentee ballot, determination of
44 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
45 entitled to make application, as follows:

46 "(C) The application shall be in writing and shall contain sufficient information for
47 proper identification of the elector; the permanent or temporary address of the elector
48 to which the absentee ballot shall be mailed; the identity of the primary, election, or
49 runoff in which the elector wishes to vote; ~~and~~ the name and relationship of the person
50 requesting the ballot if other than the elector; and the reason for requesting the absentee
51 ballot as provided in Code Section 21-2-380 and the required supporting
52 documentation, if any."

53 **SECTION 3.**

54 Said chapter is further amended by revising paragraph (1) of subsection (d) of Code
55 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
56 follows:

57 "(d)(1) There shall be a period of advance voting during which persons may vote in
58 person without specifying any of the reasons stated in subsection (a) of Code
59 Section 21-2-380 that shall commence:

- 60 (A) On the fourth Monday immediately prior to each primary or election;
61 (B) On the fourth Monday immediately prior to a runoff from a general primary;
62 (C) On the fourth Monday immediately prior to a runoff from a general election in
63 which there are candidates for a federal office on the ballot in the runoff; and
64 (D) As soon as possible prior to a runoff from any other general election in which there
65 are only state or county candidates on the ballot in the runoff but no later than the
66 second Monday immediately prior to such runoff

67 and shall end on the Friday immediately prior to each primary, election, or runoff.
68 Voting shall be conducted during normal business hours on weekdays during such period
69 and shall be conducted on the second Saturday prior to a primary or election during the
70 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
71 in which there are no federal or state candidates on the ballot, no Saturday voting hours
72 shall be required; and provided, further, that, if such second Saturday is a public and legal
73 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
74 legal holiday occurring on the Thursday or Friday immediately preceding such second
75 Saturday, or if such second Saturday immediately precedes a public and legal holiday
76 occurring on the following Sunday or Monday, such advance voting shall not be held on
77 such second Saturday but shall be held on the third Saturday prior to such primary or
78 election. Except as otherwise provided in this paragraph, counties and municipalities
79 may extend the hours for voting beyond regular business hours and may provide for
80 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
81 electors of the jurisdiction at their option."

82

SECTION 4.

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