

Senate Bill 214

By: Senators Burns of the 23rd, Williams of the 25th, Moore of the 53rd, Harbin of the 16th,
Gooch of the 51st 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 authorize electors to cast physical absentee
3 on-request ballots as an alternative to using other authorized means of casting in-person
4 votes; to provide procedures for form, collection, and tabulation of such ballots; to revise
5 reporting provisions to reference such ballots; to provide for related matters; to repeal
6 conflicting laws; and for other 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 elections and
10 primaries generally, is amended by revising Code Section 21-2-416, which is reserved, as
11 follows:

12 "21-2-416.

13 (a) Notwithstanding any other provision of this chapter to the contrary except
14 subsection (d) of Code Section 21-2-418:

15 (1) If on the date of a primary, election, or runoff, an elector presents himself or herself
16 at the polling place in his or her designated precinct for the purpose of casting a ballot in
17 such primary, election, or runoff; or

18 (2) If during the period of advance voting provided for by subsection (d) of Code
19 Section 21-2-385, an elector presents himself or herself at an absentee polling place,
20 advance voting location, or registration office in his or her county of residence for the
21 purpose of casting a ballot in a primary, election, or runoff

22 and if the elector's name appears on the list of registered electors and he or she has
23 presented proper identification pursuant to Code Section 21-2-417, then such elector shall
24 be entitled to cast an absentee on-request ballot pursuant to this Code section.

25 (b) An elector qualified pursuant to subsection (a) of this Code section may request to cast
26 an absentee on-request ballot on the same physical type of ballot that is used for absentee
27 ballots pursuant to subsection (a) of Code Section 21-2-383.

28 (c) Upon the elector hand marking the ballot provided for in subsection (b) of this Code
29 section, such ballot shall not be sealed in the envelopes provided for in Code
30 Section 21-2-384, but shall be deposited by the elector casting such ballot in a secure,
31 sealed ballot box.

32 (d)(1) Upon the closing of the polls and the last elector voting, ballots cast pursuant to
33 paragraph (1) of subsection (a) of this Code section shall be tabulated at the precinct in
34 the same manner provided for in Code Section 21-2-483.

35 (2) Ballots cast pursuant to paragraph (2) of subsection (a) of this Code section shall be
36 kept, stored, processed, and tabulated in the same manner as absentee ballots pursuant to
37 Code Section 21-2-386, except that any provisions of that Code section relating to
38 envelopes, signatures, oaths, or curing defects shall not apply to any ballots cast pursuant
39 to this Code section.

40 (e) The election superintendent shall provide at each polling place, absentee polling place,
41 advance voting location, and registration office:

- 42 (1) Sufficient ballots and enclosures so as to allow electors opting to cast a ballot
43 pursuant to this Code section the ability to cast such ballot in secrecy; and
44 (2) Sufficient equipment for the counting and tabulation of any ballots cast pursuant to
45 this Code section. Reserved."

46 **SECTION 2.**

47 Said chapter is further amended by revising Code Section 21-2-420, relating to procedure for
48 counting and tabulation of ballots, as follows:

49 "21-2-420.

50 (a) After the time for the closing of the polls and the last elector voting, the poll officials
51 in each precinct shall complete the required accounting and related documentation for the
52 precinct and shall advise the election superintendent of the total number of ballots cast at
53 such precinct, the total number of ballots cast pursuant to Code Section 21-2-416, and the
54 total number of provisional ballots cast. The chief manager and at least one assistant
55 manager shall post a copy of the tabulated results for the precinct on the door of the
56 precinct and then immediately deliver all required documentation and election materials
57 to the election superintendent. The election superintendent shall then ensure that such
58 ballots are processed, counted, and tabulated as soon as possible and shall not cease such
59 count and tabulation until all such ballots are counted and tabulated.

60 (b) The election superintendent shall ensure that each precinct notifies the election
61 superintendent of the number of ballots cast, the number of ballots cast pursuant to Code
62 Section 21-2-416, and the number of provisional ballots cast as soon as possible after the
63 time for the closing of the polls and the last elector votes. The election superintendent shall
64 post such information publicly. The State Election Board shall promulgate rules and
65 regulations regarding how such information shall be publicly posted to ensure
66 transparency, accuracy, and security."

67

SECTION 3.

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