

Senate Bill 370

By: Senators Dolezal of the 27th, Anavitarte of the 31st, Beach of the 21st and Moore of the 53rd

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 closed primaries; to provide for
3 checking the partisan affiliation of electors prior to the delivery of absentee ballots for a
4 partisan primary; to provide for the list of partisan affiliation on elector lists for partisan
5 primaries; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by revising Code Section 21-2-151, relating to conduct of
10 political party primaries, as follows:

11 "21-2-151.

12 (a) A political party shall nominate its candidates for public office in a primary. Except
13 for substitute nominations as provided in Code Section 21-2-134 and nomination of
14 presidential electors, all nominees of a political party for public office shall be nominated
15 in the primary preceding the general election in which the candidates' names will be listed
16 on the ballot.

17 (b) The primary held for such purposes shall be conducted by the superintendent in the
18 same manner as prescribed by law and by rules and regulations of the State Election Board
19 and the superintendent for general elections. Primaries of all political parties shall be
20 conducted jointly.

21 (c) Only those electors who have registered pursuant to subsection (d) of this Code section
22 with the Secretary of State as affiliating with a political party may vote in the primaries of
23 such political party.

24 (d) The Secretary of State shall develop a web portal to allow electors to designate an
25 affiliation with a political party. Such web portal shall then electronically transmit such
26 designation to the appropriate political party and county election superintendent and
27 registrars.

28 (e) To vote in a primary, an elector must designate a party affiliation pursuant to
29 subsection (c) of this Code section no later than 30 days before the period of advance
30 voting provided for in Code Section 21-2-385 for such primary.

31 (f) The State Election Board may adopt rules and regulations for the proper and efficient
32 administration of this Code section."

33 **SECTION 2.**

34 Said chapter is further amended in Code Section 21-2-381, relating to making of application
35 for absentee ballot, determination of eligibility by ballot clerk, furnishing of applications to
36 colleges and universities, and persons entitled to make application, by revising paragraph (1)
37 of subsection (b) as follows:

38 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
39 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
40 shall verify the identity of the applicant and determine, in accordance with the provisions
41 of this chapter, if the applicant is eligible to vote in the primary or election involved. In
42 order to verify the identity of the applicant, the registrar or absentee ballot clerk shall

43 compare the applicant's name, date of birth, and number of his or her Georgia driver's
44 license or identification card issued pursuant to Article 5 of Chapter 5 of Title 40, and for
45 an application for an absentee ballot for a primary election the partisan registration
46 pursuant to Code Section 21-2-151, on the application with the information on file in the
47 registrar's office. If the application does not contain the number of the applicant's
48 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5
49 of Title 40, the registrar or absentee ballot clerk shall verify that the identification
50 provided with the application identifies the applicant. In order to be found eligible to
51 vote an absentee ballot in person at the registrar's office or absentee ballot clerk's office,
52 such person shall show one of the forms of identification listed in Code Section 21-2-417
53 and the registrar or absentee ballot clerk shall compare the identifying information on the
54 application with the information on file in the registrar's office."

55

SECTION 3.

56 Said chapter is further amended in Code Section 21-2-401, relating to delivery of forms and
57 supplies to precincts, distribution of copy of certified electors list, contents of list,
58 authentication, return receipts, master list of county or municipal electors, and items to be
59 provided at polling place, by revising subsection (b) as follows:

60 "(b) The registrars shall, prior to the hour appointed for opening the polls, place in the
61 possession of the managers in each precinct one copy of the certified electors list for such
62 precinct, such list to contain all the information required by law. The list shall indicate the
63 name of any elector who has been mailed or delivered an absentee ballot. For a partisan
64 primary, such list shall also indicate the affiliation to a political party, as provided for by
65 Code Section 21-2-151, if any, for each elector on such list. The list for a given precinct
66 may be divided into as many alphabetical sections as is deemed necessary. Such list of
67 electors shall be authenticated by the signatures of at least two of the registrars. In a
68 municipal primary, where the parties do not agree to have only one set of managers for a

69 precinct, the electors list shall be delivered to the chief manager of the political party which
70 polled the highest number of votes in the precinct in the immediately preceding election
71 of the presiding officer of the governing authority. In addition, the registrars shall at the
72 same time place in the possession of the managers in each precinct one copy of the list of
73 inactive electors for such precinct. The managers of the respective precincts shall, on
74 delivery to them of such electors lists, return receipts therefor to the registrars, who shall
75 keep a record of the time when and the manner in which the electors lists are delivered.
76 The registrars may, in their discretion, require the managers of the respective precincts to
77 call at their office to obtain such lists."

78 **SECTION 4.**

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