Senate Bill 377

By: Senators Burns of the 23rd, Williams of the 25th, Jones II of the 22nd, Hickman of the 4th, Harrell of the 40th and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to authorize curbside voting for certain voters who because of disability or age cannot enter a polling place or are unable to wait in line to vote; to provide procedures for form, collection, and tabulation of ballots for such electors; to provide for a pilot program; to revise reporting provisions to reference such ballots; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by adding a new Code section to read as follows:

"21-2-409.2.

(a) Notwithstanding any other provision of Code Section 21-2-300 to the contrary, and except as otherwise provided by subsection (d) of Code Section 21-2-418, any elector who because of disability or age:

(1) Cannot enter the polling place; or

(2) Is unable to wait in line to vote

17 shall be entitled to cast a physical ballot pursuant to this Code section so as to vote outside
18 of such polling place in the closest available parking area, which shall be designated and
19 clearly marked, utilizing the vehicle in which such elector has been driven or has driven
20 to the polling place; provided, however, that such elector's name appears on the list of
21 registered electors and he or she has presented proper identification pursuant to Code
22 Section 21-2-417.
23 (b) When the poll manager at a precinct is informed that a disabled elector who cannot
24 enter the polling place or cannot wait in line to vote is exercising his or her right to cast a
25 ballot while remaining in his or her vehicle pursuant to subsection (a) of this Code section,
26 the poll manager or a poll worker shall request to review such elector's proper identification
27 as required by subsection (a) of Code Section 21-2-417. Upon verification of the elector's
28 eligibility, at least two poll workers shall take a physical voter's certificate and ballot to the
29 elector in the vehicle in the designated area outside the polling place. The poll manager
30 shall notify any poll watchers present at such precinct that a ballot will be cast pursuant to
31 subsection (a) of this Code section, and such poll watchers may, at their discretion,
32 accompany the poll workers as observers.
33 (c) No person other than the elector shall be in the vehicle in which the elector is casting
34 his or her ballot unless the elector is entitled to assistance pursuant to subsection (a) of
35 Code Section 21-2-409.
36 (d)(1) An elector qualified pursuant to subsection (a) of this Code section to cast a
37 physical ballot while remaining within his or her vehicle shall cast such ballot on the
38 same type of ballot that is used for absentee ballots pursuant to subsection (a) of Code
39 Section 21-2-383.
40 (2) Upon the elector hand marking the ballot provided for in paragraph (1) of this
41 subsection, such ballot shall not be sealed in the envelopes provided for in Code Section
42 21-2-384, but shall be folded so that the secrecy of the ballot is preserved and the elector
43 shall then return such folded ballot to the poll worker waiting outside the vehicle. The

poll worker shall immediately carry such ballot inside the precinct and deposit the ballot in a secure, sealed ballot box maintained for such ballots.

(e) Upon the closing of the polls and the last elector voting, ballots cast pursuant to this Code section shall be tabulated at the precinct in the same manner provided for in Code Section 21-2-483.

(f) The election superintendent shall provide at each polling place:

(1) Sufficient physical ballots, voter certificates, ballot boxes, and other necessary equipment so as to allow electors opting to cast a ballot pursuant to this Code section the ability to cast such ballot in secrecy;

(2) Sufficient equipment for the counting and tabulation of any ballots cast pursuant to this Code section; and

(3) Designated areas for vehicles used to cast a ballot pursuant to this Code section with clearly marked signage indicating such voting area.

(g) Notwithstanding any other provision of this Code section or other law to the contrary, the Secretary of State shall conduct on the Tuesday following the first Monday in November, 2025, as part of either the state-wide special general election or the general municipal election, a pilot program to test and evaluate the use of curbside voting in primaries and elections in this state. The Secretary of State shall review the results of such pilot program and, within 90 days following such election date, shall provide the standing committees of each house of the General Assembly tasked with election matters a comprehensive report on the pilot program."

SECTION 2.

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

68 ″21-2-420.

69 (a) After the time for the closing of the polls and the last elector voting, the poll officials
70 in each precinct shall complete the required accounting and related documentation for the
71 precinct and shall advise the election superintendent of the total number of ballots cast at
72 such precinct, the total number of ballots cast pursuant to Code Section 21-2-409.2, and the
73 total number of provisional ballots cast. The chief manager and at least one assistant
74 manager shall post a copy of the tabulated results for the precinct on the door of the
75 precinct and then immediately deliver all required documentation and election materials
76 to the election superintendent. The election superintendent shall then ensure that such
77 ballots are processed, counted, and tabulated as soon as possible and shall not cease such
78 count and tabulation until all such ballots are counted and tabulated.

79 (b) The election superintendent shall ensure that each precinct notifies the election
80 superintendent of the number of ballots cast, the number of ballots cast pursuant to Code
81 Section 21-2-409.2, and the number of provisional ballots cast as soon as possible after the
82 time for the closing of the polls and the last elector votes. The election superintendent shall
83 post such information publicly. The State Election Board shall promulgate rules and
84 regulations regarding how such information shall be publicly posted to ensure
85 transparency, accuracy, and security.″

86 **SECTION 3.**

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