

House Bill 227

By: Representatives Hawkins of the 27th, Dunahoo of the 30th, Barr of the 103rd, and Dubnik of the 29th

**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 submission of identification in
3 connection with absentee ballot applications; to provide for the submission of photocopies
4 of voter identification documents for absentee ballot applications; to provide for requesting
5 of absentee ballot applications through a web portal; to provide for disclaimers on certain
6 publications distributed by nongovernmental entities; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
11 primaries generally, is amended by revising Code Section 21-2-381, relating to making of
12 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of
13 applications to colleges and universities, and persons entitled to make application, as follows:
14 "21-2-381.

15 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180
16 days prior to the date of the primary or election, or runoff of either, in which the elector

17 desires to vote, any absentee elector may make, either by mail, by facsimile
18 transmission, by electronic transmission, or in person in the registrar's or absentee ballot
19 clerk's office, an application for an official ballot of the elector's precinct to be voted
20 at such primary, election, or runoff.

21 (B) In the case of an elector residing temporarily out of the county or municipality or
22 a physically disabled elector residing within the county or municipality, the application
23 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made
24 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
25 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
26 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

27 (C) The application shall be in writing and shall contain sufficient information for
28 proper identification of the elector; the permanent or temporary address of the elector
29 to which the absentee ballot shall be mailed; the identity of the primary, election, or
30 runoff in which the elector wishes to vote; and the name and relationship of the person
31 requesting the ballot if other than the elector. Except for an elector who is entitled to
32 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee
33 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, the application shall also
34 provide either:

35 (i) The elector's date of birth and the elector's Georgia driver's license number or the
36 elector's personal identification card number for a personal identification card that is
37 issued pursuant to Article 5 of Chapter 5 of Title 40; or

38 (ii) A photocopy of one of the forms of identification specified in subsection (a) of
39 Code Section 21-2-417.

40 If the elector registered to vote by mail but did not comply with subsection (c) of Code
41 Section 21-2-220 and is voting for the first time in this state, the application shall
42 contain a photocopy of one of the forms of identification specified in subsection (c) of
43 Code Section 21-2-417. If the elector fails to include a photocopy of one of the forms

44 of identification required in this subparagraph or if the photocopy is not legible, the
45 registrar or absentee ballot clerk shall so advise the elector promptly and the elector
46 shall be allowed to correct the problem. Electors who vote at an advance voting
47 location during the period of advance voting specified in Code Section 21-2-385 shall
48 comply with the identification requirements of this subparagraph by exhibiting the
49 appropriate form of identification to poll officials at the advance voting location.

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

55 (E) Relatives applying for absentee ballots for electors must also sign an oath stating
56 that facts in the application are true.

57 (F) If the elector is unable to fill out or sign such elector's own application because of
58 illiteracy or physical disability, the elector shall make such elector's mark, and the
59 person filling in the rest of the application shall sign such person's name below it as a
60 witness.

61 (G) Any elector meeting criteria of advanced age or disability specified by rule or
62 regulation of the State Election Board or any elector who is entitled to vote by absentee
63 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
64 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
65 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
66 and for a primary as well as for any runoffs resulting therefrom and for the election for
67 which such primary shall nominate candidates as well as any runoffs resulting
68 therefrom. If not so requested by such person, a separate and distinct application shall
69 be required for each primary, run-off primary, election, and run-off election. Except

as otherwise provided in this subparagraph, a separate and distinct application for an absentee ballot shall always be required for any special election or special primary.

(2) A properly executed registration card submitted under the provisions of subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in which the registrant is entitled to vote, shall be considered to be an application for an absentee ballot under this Code section, or for a special absentee ballot under Code Section 21-2-381.1, as appropriate.

(3) Reserved.

(4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar or absentee ballot clerk shall determine if the applicants are eligible to vote under this Code section and shall either mail or issue the absentee ballots for the election for representative in the United States Congress to an individual entitled to make application for absentee ballot under subsection (d) of this Code section the same day any such application is received, so long as the application is received by 3:00 P.M., otherwise no later than the next business day following receipt of the application. Any valid absentee ballot shall be accepted and processed so long as the ballot is received by the registrar or absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent uniformed services voter or overseas voter, but in no event later than 11 days following the date of the election.

(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk shall determine, in accordance with the provisions of this chapter, if the applicant is eligible to vote in the primary or election involved. In order to be found eligible to vote an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the identifying information on the application with the information on file in the registrar's or absentee ballot clerk's office and, if the application is signed by the elector, compare the signature or mark of the elector on the application with the signature or mark of the

97 elector on the elector's voter registration card, as well as verifying the elector's identity
98 based upon the identification provided by the elector in accordance with this Code
99 section. In order to be found eligible to vote an absentee ballot in person at the registrar's
100 office or absentee ballot clerk's office, such person shall show one of the forms of
101 identification listed in Code Section 21-2-417 and the registrar or absentee ballot clerk
102 shall compare the identifying information on the application with the information on file
103 in the registrar's or absentee ballot clerk's office.

104 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
105 proper place on the application and then:

106 (A) Shall mail the ballot as provided in this Code section;

107 (B) If the application is made in person, shall issue the ballot to the elector within the
108 confines of the registrar's or absentee ballot clerk's office as required by Code Section
109 21-2-383 if the ballot is issued during the advance voting period established pursuant
110 to subsection (d) of Code Section 21-2-385; or

111 (C) May deliver the ballot in person to the elector if such elector is confined to a
112 hospital.

113 (3) If found ineligible, the registrar or absentee ballot clerk ~~or the board of registrars~~
114 shall deny the application by writing the reason for rejection in the proper space on the
115 application and shall promptly notify the applicant in writing of the ground of
116 ineligibility, a copy of which notification should be retained on file in the registrar's
117 ~~office of the board of registrars or absentee ballot clerk~~ clerk's office for at least one year.
118 However, an absentee ballot application shall not be rejected due to an apparent mismatch
119 between the signature of the elector on the application and the signature of the elector on
120 file ~~with the board of registrars~~ in the registrar's or absentee ballot clerk's office. In such
121 cases, the ~~board of registrars~~ registrar or absentee ballot clerk shall send the elector a
122 provisional absentee ballot with the designation 'Provisional Ballot' on the outer oath
123 envelope and information prepared by the Secretary of State as to the process to be

124 followed to cure the signature discrepancy. If such ballot is returned to the ~~board of~~ registrars registrar or absentee ballot clerk prior to the closing of the polls on the day of
125 the primary or election, the elector may cure the signature discrepancy by submitting an
126 affidavit to the ~~board of registrars~~ registrar or absentee ballot clerk, along with a copy of
127 one of the forms of identification enumerated in subsection (c) of Code Section 21-2-417,
128 before the close of the period for verifying provisional ballots contained in subsection (c)
129 of Code Section 21-2-419. If the ~~board of registrars~~ registrar or absentee ballot clerk finds
130 the affidavit and identification to be sufficient, the absentee ballot shall be counted
131 as other absentee ballots. If the ~~board of registrars~~ registrar or absentee ballot clerk finds
132 the affidavit and identification to be insufficient, then the procedure contained in Code
133 Section 21-2-386 shall be followed for rejected absentee ballots.

135 (4) If the registrar or absentee ballot clerk is unable to determine the identity of the
136 elector from information given on the application, the registrar or absentee ballot clerk
137 should promptly write to request additional information.

138 (5) In the case of an unregistered applicant who is eligible to register to vote, the registrar
139 or absentee ballot clerk ~~or the board~~ shall immediately mail a blank registration card as
140 provided by Code Section 21-2-223, and such applicant, if otherwise qualified, shall be
141 deemed eligible to vote by absentee ballot in such primary or election, if the registration
142 card, properly completed, is returned to the registrar or absentee ballot clerk ~~or the board~~
143 on or before the last day for registering to vote in such primary or election. If the closing
144 date for registration in the primary or election concerned has not passed, the registrar or
145 absentee ballot clerk ~~or registrar~~ shall also mail a ballot to the applicant, as soon as it is
146 prepared and available; and the ballot shall be cast in such primary or election if returned
147 to the registrar or absentee ballot clerk ~~or board~~ not later than the close of the polls on the
148 day of the primary or election concerned.

149 (c) In those counties or municipalities in which the registrar or absentee ballot clerk ~~or~~
150 ~~board of registrars~~ provides application forms for absentee ballots, the registrar or absentee

151 ballot clerk or board shall provide such quantity of the application form to the dean of each
152 college or university located in that county as said dean determines necessary for the
153 students of such college or university.

154 (d)(1) A citizen of the United States permanently residing outside the United States is
155 entitled to make application for an absentee ballot from Georgia and to vote by absentee
156 ballot in any election for presidential electors and United States senator or representative
157 in Congress:

158 (A) If such citizen was last domiciled in Georgia immediately before his or her
159 departure from the United States; and

160 (B) If such citizen could have met all qualifications, except any qualification relating
161 to minimum voting age, to vote in federal elections even though, while residing outside
162 the United States, he or she does not have a place of abode or other address in Georgia.

163 (2) An individual is entitled to make application for an absentee ballot under
164 paragraph (1) of this subsection even if such individual's intent to return to Georgia may
165 be uncertain, ~~as so~~ long as:

166 (A) He or she has complied with all applicable Georgia qualifications and requirements
167 which are consistent with the federal Uniformed and Overseas Citizens Absentee
168 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, concerning absentee
169 registration for and voting by absentee ballots;

170 (B) He or she does not maintain a domicile, is not registered to vote, and is not voting
171 in any other state or election district of a state or territory or in any territory or
172 possession of the United States; and

173 (C) He or she has a valid passport or card of identity and registration issued under the
174 authority of the Secretary of State of the United States or, in lieu thereof, an alternative
175 form of identification consistent with the federal Uniformed and Overseas Citizens
176 Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, and applicable

177 state requirements, if a citizen does not possess a valid passport or card of identity and
178 registration.

179 (e) The State Election Board is authorized to promulgate reasonable rules and regulations
180 for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules
181 and regulations may include provisions for the limitation of opportunities for fraudulent
182 application, including, but not limited to, comparison of voter registration records with
183 death certificates.

184 (f) The Secretary of State is authorized to establish a web portal by which an elector who
185 has a Georgia driver's license or a personal identification card issued pursuant to Article 5
186 of Chapter 5 of Title 40 may submit a request for an absentee ballot by giving such elector's
187 date of birth and either such elector's Georgia driver's license number or a personal
188 identification card number for personal identification cards issued pursuant to Article 5 of
189 Chapter 5 of Title 40. Upon verifying such information, the Secretary of State shall
190 forward such information to the elector's county of residence for the issuance of an
191 absentee ballot. The Secretary of State shall not issue absentee ballots.

192 (g) Any person, organization, or other entity, other than the Secretary of State or a county
193 election or registration official, who distributes or publishes any document or material to
194 electors that is designed to be used by such electors as an application for an absentee ballot
195 shall have a disclaimer prominently displayed on the document or material in at least 20
196 point type which states:

197 'This is not an official government publication and was not provided to you by any
198 governmental entity. It is being distributed by [insert name of person, organization, or
199 other entity distributing such document or material].'

200 **SECTION 2.**

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