

House Bill 251

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 primaries and elections generally, so as to revise the persons who may assist electors in
3 voting; to provide for exceptions; to provide certain notices; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising paragraph (1) of subsection (c) of Code
9 Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath
10 of absentee electors and persons assisting absentee electors, master list of ballots sent,
11 challenges, and electronic transmission of ballots, as follows:

12 "(c)(1) The oaths referred to in subsection (b) of this Code section shall be in
13 substantially the following form:

14 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
15 the State of Georgia; that my residence address, for voting purposes, is _____
16 County, Georgia; that I possess the qualifications of an elector required by the laws of
17 the State of Georgia; that I am entitled to vote in the precinct containing my residence
18 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
19 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
20 mark or mail another absentee ballot for voting in such primary or election; nor shall
21 I vote therein in person; and that I have read and understand the instructions
22 accompanying this ballot; and that I have carefully complied with such instructions in
23 completing this ballot. I understand that the offer or acceptance of money or any other
24 object of value to vote for any particular candidate, list of candidates, issue, or list of
25 issues included in this election constitutes an act of voter fraud and is a felony under
26 Georgia law.

27 _____

28 Elector's Residence Address

29 _____

30 Year of Elector's Birth

31 _____

32 Signature or Mark of Elector

33 Oath of Person Assisting Elector (if any):

34 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
35 marking such elector's absentee ballot as such elector personally communicated such
36 elector's preference to me; and that such elector is entitled to receive assistance in
37 voting under provisions of subsection (a) of Code Section 21-2-409.

38 This, the _____ day of _____, _____.

39 _____

40 Signature of Person Assisting
41 Elector – Relationship

42 Reason for assistance (Check appropriate square):

43 Elector is unable to read the English language.

44 Elector requires assistance due to physical disability.

45 The forms upon which such oaths are printed shall contain the following information:

46 ~~Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person shall~~
47 ~~assist more than ten electors in any primary, election, or runoff in which there is no~~
48 ~~federal candidate on the ballot.~~

49 Georgia law ~~further~~ provides that any person who knowingly falsifies information so
50 as to vote illegally by absentee ballot or who illegally gives or receives assistance in
51 voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony."

52 **SECTION 2.**

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

55 "(b) A physically disabled or illiterate elector may receive assistance in preparing his or
56 her ballot from ~~one of the following: any elector who is qualified to vote in the same~~
57 ~~county or municipality as the disabled or illiterate elector; an attendant care provider or a~~
58 ~~person providing attendant care; or the mother, father, grandparent, aunt, uncle, brother,~~
59 ~~sister, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,~~

60 ~~mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate~~
 61 ~~elector~~ any person of the elector's choosing other than an officer or agent of the elector's
 62 employer or officer or agent of the elector's union. The person rendering assistance to the
 63 elector in preparing the ballot shall sign the oath printed on the same envelope as the oath
 64 to be signed by the elector. If the disabled or illiterate elector is sojourning outside his or
 65 her own county or municipality, a notary public of the jurisdiction may give such assistance
 66 and shall sign the oath printed on the same envelope as the oath to be signed by the elector.
 67 ~~No person shall assist more than ten such electors in any primary, election, or runoff in~~
 68 ~~which there is no federal candidate on the ballot.~~ Any person who willfully violates this
 69 subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced to
 70 imprisonment for not less than one nor more than ten years or to pay a fine not to exceed
 71 \$100,000.00, or both, for each such violation."

72

SECTION 3.

73 Said chapter is further amended by revising Code Section 21-2-409, relating to assisting
 74 electors who cannot read English or who have disabilities, as follows:

75 "21-2-409.

76 (a) No elector shall receive any assistance in voting at any primary or election unless he
 77 or she is unable to read the English language or he or she has a disability which renders
 78 him or her unable to see or mark the ballot or operate the voting equipment or to enter the
 79 voting compartment or booth without assistance. A person assisting an elector shall
 80 identify himself or herself to a poll worker who shall record such information on the
 81 disabled elector's voter certificate showing that such person provided assistance in voting
 82 to such elector.

83 ~~(b)(1) In elections in which there is a federal candidate on the ballot, any~~ Any elector who
 84 is entitled to receive assistance in voting under this Code section shall be permitted by the
 85 managers to select any person of the elector's ~~choice~~ choosing except an officer or agent
 86 of the such elector's employer ~~or agent of that employer~~ or officer or agent of ~~such~~ the
 87 elector's union. ~~(2) In all other elections, any elector who is entitled to receive assistance~~
 88 ~~in voting under this Code section shall be permitted by the managers to select:~~

89 ~~(A) Any elector, except a poll officer or poll watcher, who is a resident of the precinct~~
 90 ~~in which the elector requiring assistance is attempting to vote; or~~

91 ~~(B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,~~
 92 ~~niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,~~
 93 ~~brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive~~
 94 ~~assistance~~

95 ~~to enter the voting compartment or booth with him or her to assist in voting, such~~
96 ~~assistance to be rendered inside the voting compartment or booth. No person shall assist~~
97 ~~more than ten such electors in any primary, election, or runoff covered by this paragraph.~~
98 No person whose name appears on the ballot as a candidate at a particular election nor
99 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
100 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
101 brother-in-law, or sister-in-law of that candidate shall offer assistance during that
102 particular election under the provisions of this Code section to any voter who is not
103 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
104 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse,
105 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
106 father-in-law, brother-in-law, or sister-in-law. Notice of the availability of such
107 assistance shall be prominently posted at each polling place."

108

SECTION 4.

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