

House Bill 494

By: Representatives Burchett of the 176<sup>th</sup>, Corbett of the 174<sup>th</sup>, Watson of the 172<sup>nd</sup>, Smith of the 18<sup>th</sup>, and Williams of the 148<sup>th</sup>

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 photocopies of voter  
3 identification documents for absentee voting; to provide for related matters; to repeal  
4 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 elections and  
8 primaries generally, is amended by revising Code Section 21-2-381, relating to making of  
9 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of  
10 applications to colleges and universities, and persons entitled to make application, as follows:

11 "21-2-381.

12 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180  
13 days prior to the date of the primary or election, or runoff of either, in which the elector  
14 desires to vote, any absentee elector may make, either by mail, by facsimile  
15 transmission, by electronic transmission, or in person in the registrar's or absentee ballot

16 clerk's office, an application for an official ballot of the elector's precinct to be voted  
17 at such primary, election, or runoff.

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

24 (C) The application shall be in writing and shall contain sufficient information for  
25 proper identification of the elector; the permanent or temporary address of the elector  
26 to which the absentee ballot shall be mailed; the identity of the primary, election, or  
27 runoff in which the elector wishes to vote; and the name and relationship of the person  
28 requesting the ballot if other than the elector. Except for an elector who is entitled to  
29 vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee  
30 Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, the application shall contain  
31 a photocopy of one of the forms of identification specified in subsection (a) of Code  
32 Section 21-2-417 or, if the elector registered to vote by mail but did not comply with  
33 subsection (c) of Code Section 21-2-220 and is voting for the first time in this state, the  
34 application shall contain a photocopy of one of the forms of identification specified in  
35 subsection (c) of Code Section 21-2-417. If the elector fails to include a photocopy of  
36 one of the forms of identification required in this subparagraph or if the photocopy is  
37 not legible, the registrar or absentee ballot clerk shall so advise the elector within three  
38 days by telephone or first-class mail and the elector shall be allowed to correct the  
39 problem by delivering a legible photocopy of the required identification to the registrar  
40 or absentee ballot clerk before the close of the period for issuing absentee ballots.  
41 Upon verification of the elector's identity by the registrar or absentee ballot clerk, the  
42 photocopy of the identification shall be destroyed. Electors who vote at an advance

43 voting location during the period of advance voting specified in Code Section 21-2-385  
44 shall comply with the identification requirements of this subparagraph by exhibiting the  
45 one of the forms of identification specified in subsection (a) of Code Section 21-2-417  
46 to the poll officials at the advance voting location.

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

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

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

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

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

74 (3) Reserved.

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

86 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee  
87 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk  
88 shall determine, in accordance with the provisions of this chapter, if the applicant is  
89 eligible to vote in the primary or election involved. In order to be found eligible to vote  
90 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the  
91 identifying information on the application with the information on file in the registrar's  
92 office and, if the application is signed by the elector, compare the signature or mark of  
93 the elector on the application with the signature or mark of the elector on the elector's  
94 voter registration card as well as verifying the elector's identity based upon the  
95 identification provided by the elector in accordance with this Code section. In order to

96 be found eligible to vote an absentee ballot in person at the registrar's office or absentee  
97 ballot clerk's office, such person shall show one of the forms of identification listed in  
98 Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the  
99 identifying information on the application with the information on file in the registrar's  
100 office.

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

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

104 (B) If the application is made in person, shall issue the ballot to the elector within the  
105 confines of the registrar's or absentee ballot clerk's office as required by Code Section  
106 21-2-383 if the ballot is issued during the advance voting period established pursuant  
107 to subsection (d) of Code Section 21-2-385; or

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

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

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

132 (4) If the registrar or absentee ballot clerk is unable to determine the identity of the  
133 elector from information given on the application, the registrar or absentee ballot clerk  
134 should promptly write to request additional information within three days by first-class  
135 mail.

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

147 (c) In those counties or municipalities in which the registrar or absentee ballot clerk ~~or~~  
148 ~~board of registrars~~ provides application forms for absentee ballots, the registrar or absentee  
149 ballot clerk ~~or board~~ shall provide such quantity of the application form to the dean of each

150 college or university located in that county as said dean determines necessary for the  
151 students of such college or university.

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

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

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

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

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

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

171 (C) He or she has a valid passport or card of identity and registration issued under the  
172 authority of the Secretary of State of the United States or, in lieu thereof, an alternative  
173 form of identification consistent with the federal Uniformed and Overseas Citizens  
174 Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended, and applicable  
175 state requirements, if a citizen does not possess a valid passport or card of identity and  
176 registration.

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

182 **SECTION 2.**

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