

House Bill 723

By: Representatives Williams of the 145th, Gullett of the 19th, Kausche of the 50th, Hugley of the 136th, Bruce of the 61st, 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 elections and primaries generally, so as to clarify a term; to provide for related matters; to
3 provide an effective date; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
7 primaries generally, is amended by revising subparagraph (b)(2)(B) of Code
8 Section 21-2-381, relating to making of application for absentee ballot, determination of
9 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
10 entitled to make application, as follows:

11 "(B) If the application is made in person, shall issue the ballot to the elector to be voted
12 on a direct recording electronic (DRE) voting system within the confines of the
13 registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
14 ballot is issued during the advance voting or early voting period established pursuant
15 to subsection (d) of Code Section 21-2-385; or"

16 style="text-align:center">**SECTION 2.**

17 Said chapter is further amended by revising subsections (c) and (d) of Code
18 Section 21-2-385, relating to procedure for voting by absentee ballot and advance voting, as
19 follows:

20 "(c) When an elector applies in person for an absentee ballot, after the absentee ballots
21 have been printed, the absentee ballot may be issued to the elector at the time of the
22 application therefor within the confines of the registrar's or absentee ballot clerk's office
23 if such application is made during the advance voting or early voting period as provided
24 in subsection (d) of this Code section or may be mailed to the elector, depending upon the
25 elector's request. If the ballot is issued to the elector at the time of application, the elector

26 shall then and there within the confines of the registrar's or absentee ballot clerk's office
 27 vote and return the absentee ballot as provided in subsections (a) and (b) of this Code
 28 section. In the case of persons voting in accordance with subsection (d) of this Code
 29 section, the board of registrars or absentee ballot clerk shall furnish accommodations to the
 30 elector to ensure the privacy of the elector while voting his or her absentee ballot.

31 (d)(1) There shall be a period of advance voting or early voting that shall commence:

- 32 (A) On the fourth Monday immediately prior to each primary or election;
- 33 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 34 (C) On the fourth Monday immediately prior to a runoff from a general election in
 35 which there are candidates for a federal office on the ballot in the runoff; and
- 36 (D) As soon as possible prior to a runoff from any other general election in which there
 37 are only state or county candidates on the ballot in the runoff

38 and shall end on the Friday immediately prior to each primary, election, or runoff.
 39 Voting shall be conducted during normal business hours on weekdays during such period
 40 and shall be conducted on the second Saturday prior to a primary or election during the
 41 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
 42 in which there are no federal or state candidates on the ballot, no Saturday voting hours
 43 shall be required; and provided, further, that, if such second Saturday is a public and legal
 44 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
 45 legal holiday occurring on the Thursday or Friday immediately preceding such second
 46 Saturday, or if such second Saturday immediately precedes a public and legal holiday
 47 occurring on the following Sunday or Monday, such advance voting or early voting shall
 48 not be held on such second Saturday but shall be held on the third Saturday prior to such
 49 primary or election. Except as otherwise provided in this paragraph, counties and
 50 municipalities may extend the hours for voting beyond regular business hours and may
 51 provide for additional voting locations pursuant to Code Section 21-2-382 to suit the
 52 needs of the electors of the jurisdiction at their option.

53 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 54 to the electors of their jurisdiction of the availability of advance voting or early voting as
 55 well as the times, dates, and locations at which advance voting or early voting will be
 56 conducted. In addition, the registrars or absentee ballot clerk shall notify the Secretary
 57 of State in the manner prescribed by the Secretary of State of the times, dates, and
 58 locations at which advance voting or early voting will be conducted."

59 **SECTION 3.**

60 Said chapter is further amended by revising Code Section 21-2-385.1, relating to preferential
 61 treatment for older and disabled voters, as follows:

62 "21-2-385.1.
 63 During the period of advance voting or early voting established pursuant to subsection (d)
 64 of Code Section 21-2-385, each elector who is 75 years of age or older or who is disabled
 65 and requires assistance in casting an absentee ballot in person at the registrar's office,
 66 absentee ballot clerk's office, or other locations as provided for in Code Section 21-2-382
 67 shall, upon request to a designated office employee or other individual, be authorized to
 68 vote immediately at the next available voting compartment or booth without having to wait
 69 in line if such location utilizes direct recording electronic voting systems or be authorized
 70 to go to the head of any line necessary to cast a written absentee ballot. Notice of the
 71 provisions of this Code section shall be prominently displayed in the registrar's office or
 72 absentee ballot clerk's office."

73 **SECTION 4.**

74 Said chapter is further amended by revising subsection (a) of Code Section 21-2-408, relating
 75 to poll watchers, designation, duties, removal for interference with election, reports by poll
 76 watchers of infractions or irregularities, and ineligibility of candidates to serve as poll
 77 watchers, as follows:

78 "(a)(1) In a primary or run-off primary, each candidate entitled to have his or her name
 79 placed on the primary or run-off primary ballot may submit the name of one poll watcher
 80 for each precinct in which he or she wishes to have an observer to the chairperson or
 81 secretary of the appropriate party executive committee at least 21 days prior to such
 82 primary or 14 days prior to such run-off primary. The appropriate party executive
 83 committee shall designate at least seven days prior to such primary or run-off primary no
 84 more than two poll watchers for each precinct, such poll watchers to be selected by the
 85 committee from the list submitted by party candidates. Official poll watchers shall be
 86 given a letter signed by the party chairperson and secretary, if designated by a political
 87 party, containing the following information: name of official poll watcher, address,
 88 precinct in which he or she shall serve, and name and date of primary or run-off primary.
 89 At least three days prior to the primary, a copy of the letter shall be delivered to the
 90 superintendent of the county or municipality in which the poll watcher is to serve.

91 (2) In a primary or run-off primary, each candidate entitled to have his or her name
 92 placed on the primary or run-off primary ballot may submit the name of one poll watcher
 93 for each location at which advance voting or early voting is conducted pursuant to
 94 subsection (b) of Code Section 21-2-380 in which he or she wishes to have an observer
 95 to the chairperson or secretary of the appropriate party executive committee at least 21
 96 days prior to the beginning of the advance voting or early voting period for a primary
 97 or 14 days prior to such period in a run-off primary. The appropriate party executive

98 committee shall designate at least seven days prior to such advance voting or early voting
99 period for a primary or run-off primary no more than two poll watchers for each advance
100 voting or early voting location, such poll watchers to be selected by the committee from
101 the list submitted by party candidates. Official poll watchers shall be given a letter signed
102 by the party chairperson and secretary, if designated by a political party, containing the
103 following information: name of official poll watcher, address, precinct in which he or she
104 shall serve, and name and date of primary or run-off primary. At least three days prior
105 to the beginning of the advance voting or early voting period, a copy of the letter shall be
106 delivered to the superintendent and the chief registrar of the county or municipality in
107 which the poll watcher is to serve."

108 **SECTION 5.**

109 This Act shall become effective upon its approval by the Governor or upon its becoming law
110 without such approval.

111 **SECTION 6.**

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