

Senate Bill 175

By: Senators Mullis of the 53rd, Gooch of the 51st, Harper of the 7th, Miller of the 49th,
Burke of the 11th 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 provide for the submission of certain forms of
3 identification by electors with absentee ballot applications; to provide for related matters; to
4 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 elections and
8 primaries generally, is amended by revising subsections (a) and (b) of Code
9 Section 21-2-381, relating to making of application for absentee ballot, determination of
10 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
11 entitled to make application, as follows:

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 also
31 include a photocopy of one of the forms of identification specified in subsection (a) of
32 Code Section 21-2-417. If the elector registered to vote by mail but did not comply
33 with subsection (c) of Code Section 21-2-220 and is voting for the first time in this
34 state, the application shall contain a photocopy of one of the forms of identification
35 specified in subsection (c) of Code Section 21-2-417. If the elector fails to include a
36 photocopy of one of the forms of identification required in this subparagraph or if the
37 photocopy is not legible, the registrar or absentee ballot clerk shall so advise the elector
38 promptly, and the elector shall be allowed to correct the problem. Electors who vote
39 at an advance voting location during the period of advance voting specified in Code
40 Section 21-2-385 shall comply with the identification requirements of this subparagraph
41 by exhibiting the appropriate form of identification to poll officials at the advance
42 voting location.

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

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

50 (F) If the elector is unable to fill out or sign ~~such elector's~~ his or her own application
51 because of illiteracy or physical disability, the elector shall make such elector's mark,
52 and the person filling in the rest of the application shall sign such person's name below
53 it as a witness.

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

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

70 (3) Reserved.

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

82 (b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
83 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
84 shall determine, in accordance with the provisions of this chapter, if the applicant is
85 eligible to vote in the primary or election involved. In order to be found eligible to vote
86 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the
87 identifying information on the application with the information on file in the registrar's
88 or absentee ballot clerk's office and, if the application is signed by the elector, compare
89 the signature or mark of the elector on the application with the signature or mark of the
90 elector on the elector's voter registration card, as well as verifying the elector's identity
91 based upon the identification provided by the elector in accordance with this Code
92 section. In order to be found eligible to vote an absentee ballot in person at the registrar's
93 office or absentee ballot clerk's office, such person shall show one of the forms of
94 identification listed in Code Section 21-2-417 and the registrar or absentee ballot clerk
95 shall compare the identifying information on the application with the information on file
96 in the registrar's office.

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

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

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

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

106 (3) If found ineligible, the registrar or absentee ballot clerk ~~or the board of registrars~~
107 shall deny the application by writing the reason for rejection in the proper space on the
108 application and shall promptly notify the applicant in writing of the ground of
109 ineligibility, a copy of which notification should be retained on file in the registrar's
110 ~~office of the board of registrars~~ or absentee ballot clerk clerk's office for at least one year.
111 However, an absentee ballot application shall not be rejected due to an apparent mismatch
112 between the signature of the elector on the application and the signature of the elector on
113 file ~~with the board of registrars~~ in the registrar's or absentee ballot clerk's office. In such
114 cases, the ~~board of registrars~~ registrar or absentee ballot clerk shall send the elector a
115 provisional absentee ballot with the designation 'Provisional Ballot' on the outer oath
116 envelope and information prepared by the Secretary of State as to the process to be
117 followed to cure the signature discrepancy. If such ballot is returned to the ~~board of~~
118 ~~registrars~~ registrar or absentee ballot clerk prior to the closing of the polls on the day of
119 the primary or election, the elector may cure the signature discrepancy by submitting an
120 affidavit to the ~~board of registrars~~ registrar or absentee ballot clerk along with a copy of
121 one of the forms of identification enumerated in subsection (c) of Code Section 21-2-417
122 before the close of the period for verifying provisional ballots contained in subsection (c)
123 of Code Section 21-2-419. If the ~~board of registrars~~ registrar or absentee ballot clerk

124 finds the affidavit and identification to be sufficient, the absentee ballot shall be counted
125 as other absentee ballots. If the ~~board of registrars~~ registrar or absentee ballot clerk finds
126 the affidavit and identification to be insufficient, then the procedure contained in Code
127 Section 21-2-386 shall be followed for rejected absentee ballots.

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

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

142 **SECTION 2.**

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