

Senate Bill 29

By: Senator Anavitarte of the 31st

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 and absentee ballots; to provide  
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

145 "(a) At any time after receiving an official absentee ballot, but before the day of the  
 146 primary or election, except electors who are confined to a hospital on the day of the  
 147 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and  
 148 enclose and securely seal the same in the envelope on which is printed 'Official Absentee  
 149 Ballot.' This envelope shall then be placed in the second one, on which is printed the form

150 of the oath of the elector; the name and oath of the person assisting, if any; and other  
151 required identifying information. The elector shall then fill out, subscribe, and swear to the  
152 oath printed on such envelope and enclose in the outer envelope, in addition to, but not in,  
153 the ballot envelope, a photocopy of one of the forms of identification specified in  
154 subsection (a) of Code Section 21-2-417. Such envelope shall then be securely sealed and  
155 the elector shall then personally mail or personally deliver same to the board of registrars  
156 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's  
157 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,  
158 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,  
159 brother-in-law, sister-in-law, or an individual residing in the household of such elector.  
160 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of  
161 such disabled elector, regardless of whether such caregiver resides in such disabled  
162 elector's household. The absentee ballot of an elector who is in custody in a jail or other  
163 detention facility may be mailed or delivered by any employee of such jail or facility  
164 having custody of such elector. An elector who is confined to a hospital on a primary or  
165 election day to whom an absentee ballot is delivered by the registrar or absentee ballot  
166 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or  
167 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail  
168 and has not previously provided the identification required by Code Section 21-2-220 and  
169 votes for the first time by absentee ballot and fails to provide the identification required by  
170 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as  
171 a provisional ballot and shall be counted only if the registrars are able to verify the  
172 identification and registration of the elector during the time provided pursuant to Code  
173 Section 21-2-419."

174

**SECTION 3.**

175 Said chapter is further amended by revising subparagraphs (a)(1)(B) and (a)(1)(C) of Code  
176 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,  
177 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and  
178 notification of challenged elector, as follows:

179 "(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the  
180 receipt of the ballot on its envelope. The registrar or clerk shall then compare the  
181 identifying information on the oath with the information on file in his or her office,  
182 shall compare the signature or mark on the oath with the signature or mark on the  
183 absentee elector's voter registration card or the most recent update to such absentee  
184 elector's voter registration card and application for absentee ballot or a facsimile of said  
185 signature or mark taken from said card or application, shall open the outer oath  
186 envelope and verify the identity of the elector with the enclosed photocopy of one of  
187 the forms of identification specified in subsection (a) of Code Section 21-2-417, and  
188 shall, if the information and signature appear to be valid and other identifying  
189 information appears to be correct, so certify by signing or initialing his or her name  
190 below the voter's oath. Each elector's name so certified shall be listed by the registrar  
191 or clerk on the numbered list of absentee voters prepared for his or her precinct.

192 (C) If the elector has failed to sign the oath, or if the signature does not appear to be  
193 valid, or if the elector has failed to furnish required information or information so  
194 furnished does not conform with that on file in the registrar's or clerk's office, or if the  
195 elector is otherwise found disqualified to vote, the registrar or clerk shall write across  
196 the face of the envelope 'Rejected,' giving the reason therefor. If the elector fails to  
197 provide the photocopy of the identification specified in subsection (a) of Code  
198 Section 21-2-417 with such absentee ballot, such absentee ballot shall be treated as a  
199 provisional ballot and shall be counted only if the registrars are able to verify the  
200 identification and registration of the elector during the time provided pursuant to Code



201 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify  
202 the elector that such ballot is deemed a provisional ballot and shall provide information  
203 on the types of identification needed and how and when such identification is to be  
204 submitted to the board of registrars or absentee ballot clerk to verify the ballot. The  
205 board of registrars or absentee ballot clerk shall promptly notify the elector of such  
206 rejection, a copy of which notification shall be retained in the files of the board of  
207 registrars or absentee ballot clerk for at least two years. Such elector shall have until  
208 the end of the period for verifying provisional ballots contained in subsection (c) of  
209 Code Section 21-2-419 to cure the problem resulting in the rejection of the ballot. The  
210 elector may cure a failure to sign the oath, an invalid signature, or missing information  
211 by submitting an affidavit to the board of registrars or absentee ballot clerk along with  
212 a copy of one of the forms of identification enumerated in subsection (c) of Code  
213 Section 21-2-417 before the close of such period. The affidavit shall affirm that the  
214 ballot was submitted by the elector, is the elector's ballot, and that the elector is  
215 registered and qualified to vote in the primary, election, or runoff in question. If the  
216 board of registrars or absentee ballot clerk finds the affidavit and identification to be  
217 sufficient, the absentee ballot shall be counted."

218 **SECTION 4.**

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