

Senate Bill 517

By: Senators Jones of the 25th, Brass of the 28th, Beach of the 21st, Dolezal of the 27th and 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 primaries and elections generally, so as to provide for qualifications for absentee electors;
3 to eliminate drop boxes for the return of absentee ballots; to revise the information to
4 provided on the outer absentee ballot envelope; to revise the requirement to provide certain
5 notices and reports regarding absentee balloting; to provide for related matters; to provide
6 an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
10 elections generally, is amended by revising Code Section 21-2-380, relating to "absentee
11 elector" defined and when reason for absentee ballot not required, as follows:

12 "21-2-380.

13 (a) As used in this article, the term 'absentee elector' means an elector of this state or a
14 municipality thereof who casts a ballot in a primary, election, or runoff other than in person
15 at the polls on the day of such primary, election, or runoff.

16 (b) ~~An elector who votes by absentee ballot shall not be required to provide a reason in~~
17 ~~order to cast an absentee ballot in any primary, election, or runoff~~ Any qualified and duly
18 registered elector of this state may vote by absentee ballot in any general or special primary
19 or general or special election held under the provisions of this chapter. Votes cast by
20 absentee ballot pursuant to this chapter shall be counted in the total for the election precinct
21 in which the elector is registered if the elector is unable to appear at the polling place of the
22 elector's election precinct because:

23 (1) Such elector is in the public service of the United States or of this state, or is a citizen
24 of the United States temporarily residing outside the territorial limits of the United States
25 and the District of Columbia, or such elector's spouse or dependents when residing with
26 or accompanying the elector, or is absent from this state because of illness or injury
27 received while serving in the armed forces of the United States;

28 (2) Such elector is in the armed forces of the United States or the merchant marine of the
29 United States, or attached to and serving with the armed forces of the United States in the
30 American Red Cross or United Service Organizations;

31 (3) The nature of such person's business or occupation, including the business or
32 occupation of providing care to his or her parent, spouse, or child who is living at home
33 and requires constant care due to illness, disability, or injury;

34 (4) Such elector is sick or physically disabled;

35 (5) Such elector is absent from the precinct while on vacation;

36 (6) Such elector is unable to vote at a certain time or on a certain day due to the tenets
37 or teachings of that elector's religion;

38 (7) Such person is otherwise authorized pursuant to the federal Uniformed and Overseas
39 Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. Section 20301, et seq., to vote by
40 absentee ballot; or

41 (8) Such person is otherwise authorized by federal law to vote by absentee ballot."

42

SECTION 2.

43 Said chapter is further amended by repealing subsection (c) of Code Section 21-2-382,
44 relating to additional buildings as additional registrar's office or place of registration for
45 receiving absentee ballots and for advance voting and drop boxes, in its entirety.

46

SECTION 3.

47 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
48 voting by absentee ballot and advance voting, as follows:

49 "21-2-385.

50 (a) At any time after receiving an official absentee ballot, but before the day of the primary
51 or election, except electors who are confined to a hospital on the day of the primary or
52 election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose
53 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
54 This envelope shall then be placed in the second one, on which is printed the form of the
55 oath of the elector; the name and oath of the person assisting, if any; and other required
56 identifying information. The elector shall then fill out, subscribe, and swear to the oath
57 printed on such envelope. ~~In order to verify that the absentee ballot was voted by the~~
58 ~~elector who requested the ballot, the elector shall print the number of his or her Georgia~~
59 ~~driver's license number or identification card issued pursuant to Article 5 of Chapter 5 of~~
60 ~~Title 40 in the space provided on the outer oath envelope. The elector shall also print his~~
61 ~~or her date of birth in the space provided in the outer oath envelope. If the elector does not~~
62 ~~have a Georgia driver's license or state identification card issued pursuant to Article 5 of~~
63 ~~Chapter 5 of Title 40, the elector shall so affirm in the space provided on the outer oath~~
64 ~~envelope and print the last four digits of his or her social security number in the space~~
65 ~~provided on the outer oath envelope. If the elector does not have a Georgia driver's license,~~
66 ~~identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or a social security~~
67 ~~number, the elector shall so affirm in the space provided on the outer oath envelope and~~

68 ~~place a copy of one of the forms of identification set forth in subsection (c) of Code~~
69 ~~Section 21-2-417 in the outer envelope.~~ Such envelope shall then be securely sealed and
70 the elector shall then personally mail or personally deliver same to the board of registrars
71 or absentee ballot clerk, provided that mailing or delivery may be made by the elector's
72 mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter, niece,
73 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
74 brother-in-law, sister-in-law, or an individual residing in the household of such elector.
75 The absentee ballot of a disabled elector may be mailed or delivered by the caregiver of
76 such disabled elector, regardless of whether such caregiver resides in such disabled
77 elector's household. The absentee ballot of an elector who is in custody in a jail or other
78 detention facility may be mailed or delivered by any employee of such jail or facility
79 having custody of such elector. An elector who is confined to a hospital on a primary or
80 election day to whom an absentee ballot is delivered by the registrar or absentee ballot
81 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or
82 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail
83 and has not previously provided the identification required by Code Section 21-2-220 and
84 votes for the first time by absentee ballot and fails to provide the identification required by
85 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as
86 a provisional ballot and shall be counted only if the registrars are able to verify the
87 identification and registration of the elector during the time provided pursuant to Code
88 Section 21-2-419.

89 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
90 ballot from any person of the elector's choice other than such elector's employer or the
91 agent of such employer or an officer or agent of such elector's union; provided, however,
92 that no person whose name appears on the ballot as a candidate at a particular primary,
93 election, or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse,
94 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,

95 father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance
 96 during such primary, election, or runoff under the provisions of this Code section to any
 97 elector who is not related to such candidate. For the purposes of this subsection, the term
 98 'related to such candidate' shall mean such candidate's mother, father, grandparent, aunt,
 99 uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
 100 daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person
 101 rendering assistance to the elector in preparing the ballot shall sign the oath printed on the
 102 same envelope as the oath to be signed by the elector. Any person who willfully violates
 103 this subsection shall be guilty of a felony and, upon conviction thereof, shall be sentenced
 104 to imprisonment for not less than one nor more than ten years or to pay a fine not to
 105 exceed \$100,000.00, or both, for each such violation.

106 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
 107 been printed, the absentee ballot may be issued to the elector at the time of the application
 108 therefor within the confines of the registrar's or absentee ballot clerk's office if such
 109 application is made during the advance voting period as provided in subsection (d) of this
 110 Code section or may be mailed to the elector, depending upon the elector's request. If the
 111 ballot is issued to the elector at the time of application, the elector shall then and there
 112 within the confines of the registrar's or absentee ballot clerk's office vote and return the
 113 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
 114 persons voting in accordance with subsection (d) of this Code section, the board of
 115 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
 116 privacy of the elector while voting his or her absentee ballot.

117 (d)(1) There shall be a period of advance voting that shall commence:

118 (A) ~~On the fourth Monday immediately~~ Twelve days prior to each primary or election;

119 and

120 (B) Twelve days prior to a runoff from a general primary;

121 (C) Twelve days prior to a runoff from a general election in which there are candidates
122 for a federal office on the ballot in the runoff; and
123 ~~(B)~~(D) As soon as possible prior to a runoff from any other general primary or election
124 but no later than the second Monday immediately prior to such runoff in which there
125 are only state or county candidates on the ballot in the runoff but no later than 12 days
126 prior to such runoff
127 and shall end on the Friday immediately prior to each primary, election, or runoff.
128 Voting shall be conducted ~~beginning at 9:00 A.M. and ending at 5:00 P.M. on weekdays,~~
129 ~~other than observed state holidays, during such period and shall be conducted on the~~
130 ~~second and third Saturdays during the hours of 9:00 A.M. through 5:00 P.M. and, if the~~
131 ~~registrar or absentee ballot clerk so chooses, the second Sunday, the third Sunday, or both~~
132 ~~the second and third Sundays prior to a primary or election during hours determined by~~
133 ~~the registrar or absentee ballot clerk, but no longer than 7:00 A.M. through 7:00 P.M.~~
134 during normal business hours on weekdays during such period and shall be conducted on
135 the second Saturday prior to a primary or election during the hours of 9:00 A.M. through
136 4:00 P.M.; provided, however, that in primaries and elections in which there are no
137 federal or state candidates on the ballot, no Saturday voting hours shall be required;
138 provided, however further, that, if such second Saturday is a public and legal holiday
139 pursuant to Code Section 1-4-1, if such second Saturday follows a public and legal
140 holiday occurring on the Thursday or Friday immediately preceding such second
141 Saturday, or if such second Saturday immediately precedes a public and legal holiday
142 occurring on the following Sunday or Monday, such advance voting shall not be held on
143 such second Saturday but shall be held on the third Saturday prior to such primary or
144 election beginning at 9:00 A.M. and ending at 5:00 P.M. Except as otherwise provided
145 in this paragraph, the registrars counties and municipalities may extend the hours for
146 voting to permit advance voting from 7:00 A.M. until 7:00 P.M. beyond regular business
147 hours and may provide for additional voting locations pursuant to Code Section 21-2-382

148 to suit the needs of the electors of the jurisdiction at their option; ~~provided, however, that~~
149 ~~voting shall occur only on the days specified in this paragraph and counties and~~
150 ~~municipalities shall not be authorized to conduct advance voting on any other days.~~

151 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
152 to the electors of their jurisdiction of the availability of advance voting as well as the
153 times, dates, and locations at which advance voting will be conducted. In addition, the
154 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
155 prescribed by the Secretary of State of the times, dates, and locations at which advance
156 voting will be conducted.

157 (3) ~~The board of registrars shall publish the dates, times, and locations of the availability~~
158 ~~of advance voting in its jurisdiction on the homepage of the county's publicly accessible~~
159 ~~website associated with elections or registrations, or if the county does not have such a~~
160 ~~website, in a newspaper of general circulation, and by posting in a prominent location in~~
161 ~~the county, no later than 14 days prior to the beginning of the advance voting period for~~
162 ~~a general primary, special primary, general election, or special election and no later than~~
163 ~~seven days prior to the beginning of the advance voting period for any run-off election.~~
164 ~~Any new advance voting locations added after that deadline shall be published in the~~
165 ~~same manner as soon as possible. The board of registrars shall not remove any advance~~
166 ~~voting location after the notice of such location is published, except in the case of an~~
167 ~~emergency or unavoidable event that renders a location unavailable for use. Any changes~~
168 ~~that are made due to an emergency or unavoidable event after a notice of a location has~~
169 ~~been published shall be published as soon as possible in the same manner set forth in this~~
170 ~~paragraph.~~

171 (e) ~~On each day of an absentee voting period, each county board of registrars or municipal~~
172 ~~absentee ballot clerk shall report for the county or municipality to the Secretary of State~~
173 ~~and post on the county or municipal website, or if the county or municipality does not~~
174 ~~maintain such a website, a place of public prominence in the county or municipality, not~~

175 ~~later than 10:00 A.M. on each business day the number of persons to whom absentee~~
176 ~~ballots have been issued, the number of persons who have returned absentee ballots, and~~
177 ~~the number of absentee ballots that have been rejected. Additionally, on each day of an~~
178 ~~advance voting period, each county board of registrars or municipal absentee ballot clerk~~
179 ~~shall report to the Secretary of State and post on the county or municipal website, or if the~~
180 ~~county or municipality does not maintain such a website, a place of public prominence in~~
181 ~~the county or municipality, not later than 10:00 A.M. on each business day the number of~~
182 ~~persons who have voted at the advance voting sites in the county or municipality. During~~
183 ~~the absentee voting period and for a period of three days following a primary, election, or~~
184 ~~runoff, each county board of registrars or municipal absentee ballot clerk shall report to the~~
185 ~~Secretary of State and post on the county or municipal website, or if the county or~~
186 ~~municipality does not maintain such a website, a place of public prominence in the county~~
187 ~~or municipality, not later than 10:00 A.M. on each business day the number of persons who~~
188 ~~have voted provisional ballots, the number of provisional ballots that have verified or cured~~
189 ~~and accepted for counting, and the number of provisional ballots that have been rejected."~~

190 **SECTION 4.**

191 This Act shall become effective on January 1, 2023.

192 **SECTION 5.**

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