

Senate Bill 68

By: Senators Mullis of the 53rd, Miller of the 49th, Gooch of the 51st, Walker III of the 20th, Albers of the 56th 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 revise the manner of delivery of voted absentee
3 ballots; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **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 subsection (a) of Code Section 21-2-385, relating
8 to procedure for voting by absentee ballot and advance voting, as follows:

9 "(a) At any time after receiving an official absentee ballot, but before the day of the
10 primary or election, except electors who are confined to a hospital on the day of the
11 primary or election, the elector shall vote his or her absentee ballot, then fold the ballot and
12 enclose and securely seal the same in the envelope on which is printed 'Official Absentee
13 Ballot.' This envelope shall then be placed in the second one, on which is printed the form
14 of the oath of the elector; the name and oath of the person assisting, if any; and other
15 required identifying information. The elector shall then fill out, subscribe, and swear to the
16 oath printed on such envelope. Such envelope shall then be securely sealed and the elector

17 shall then personally mail or personally deliver same to a registrar, deputy registrar, or
18 clerk of the board of registrars or the absentee ballot clerk or clerk in the office of the
19 absentee ballot clerk, provided that mailing or delivery as provided in this subsection may
20 be made by the elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse,
21 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
22 father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of
23 such elector. The absentee ballot of a disabled elector may be mailed or delivered as
24 provided in this subsection by the caregiver of such disabled elector, regardless of whether
25 such caregiver resides in such disabled elector's household. The absentee ballot of an
26 elector who is in custody in a jail or other detention facility may be mailed or delivered as
27 provided in this subsection by any employee of such jail or facility having custody of such
28 elector. An elector who is confined to a hospital on a primary or election day to whom an
29 absentee ballot is delivered by the registrar or absentee ballot clerk shall then and there vote
30 the ballot, seal it properly, and return it to the registrar or absentee ballot clerk as provided
31 in this subsection. If the elector registered to vote for the first time in this state by mail and
32 has not previously provided the identification required by Code Section 21-2-220 and votes
33 for the first time by absentee ballot and fails to provide the identification required by Code
34 Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as a
35 provisional ballot and shall be counted only if the registrars are able to verify the
36 identification and registration of the elector during the time provided pursuant to Code
37 Section 21-2-419. Absentee ballots shall not be delivered to the office of the board of
38 registrars or absentee ballot clerk through drop boxes or other receptacles but shall be
39 mailed or delivered personally to a registrar or absentee ballot clerk or other appropriate
40 staff member of the office of the board of registrars or absentee ballot clerk."

41 **SECTION 2.**

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