

House Bill 248

By: Representatives Alexander of the 66th, Trammell of the 132nd, Oliver of the 82nd, Shannon of the 84th, Nguyen of the 89th, 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 delivery of absentee ballots to disabled
3 electors; to provide for assistance for disabled absentee electors; to provide for notice of
4 advance voting times, dates, and locations; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by revising Code Section 21-2-385, relating to procedure for
10 voting by absentee ballot and advance voting, as follows:

11 "21-2-385.

12 (a) At any time after receiving an official absentee ballot, but before the day of the primary
13 or election, except electors who are confined to a hospital on the day of the primary or
14 election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose
15 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
16 This envelope shall then be placed in the second one, on which is printed the form of the
17 oath of the elector, the name, relationship, and oath of the person assisting, if any, and other
18 required identifying information. The elector shall then fill out, subscribe, and swear to the
19 oath printed on such envelope. Such envelope shall then be securely sealed and the elector
20 shall then mail or personally deliver same to the board of registrars or absentee ballot clerk,
21 provided that delivery by a physically disabled elector may be made by any adult person
22 upon satisfactory proof that such adult person is either a resident of the State of Georgia
23 or is such elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son,
24 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
25 father-in-law, brother-in-law, sister-in-law, or an individual residing in the household of
26 such disabled elector; provided, however, that a physically disabled elector shall not

27 receive assistance from such elector's employer, any agent of such employer, or an agent
 28 or officer of such elector's union. An elector who is confined to a hospital on a primary or
 29 election day to whom an absentee ballot is delivered by the registrar or absentee ballot
 30 clerk shall then and there vote the ballot, seal it properly, and return it to the registrar or
 31 absentee ballot clerk. If the elector registered to vote for the first time in this state by mail
 32 and has not previously provided the identification required by Code Section 21-2-220 and
 33 votes for the first time by absentee ballot and fails to provide the identification required by
 34 Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated as
 35 a 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.

38 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
 39 ballot from ~~one of the following: any elector who is qualified to vote in the same county~~
 40 ~~or municipality as the disabled or illiterate elector; an attendant care provider or a person~~
 41 ~~providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,~~
 42 ~~spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,~~
 43 ~~mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate~~
 44 ~~elector~~ any person of the elector's choosing other than such elector's employer, any agent
 45 of such employer, or an agent or officer of such elector's union. The person rendering
 46 assistance to the elector in preparing the ballot shall sign the oath printed on the same
 47 envelope as the oath to be signed by the elector. ~~If the disabled or illiterate elector is~~
 48 ~~sojourning outside his or her own county or municipality, a notary public of the jurisdiction~~
 49 ~~may give such assistance and shall sign the oath printed on the same envelope as the oath~~
 50 ~~to be signed by the elector. No person shall assist more than ten such electors in any~~
 51 ~~primary, election, or runoff in which there is no federal candidate on the ballot. Any~~
 52 person who willfully violates this subsection shall be guilty of a felony and, upon
 53 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 54 ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

55 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
 56 been printed, the absentee ballot may be issued to the elector at the time of the application
 57 therefor within the confines of the registrar's or absentee ballot clerk's office if such
 58 application is made during the advance voting period as provided in subsection (d) of this
 59 Code section or may be mailed to the elector, depending upon the elector's request. If the
 60 ballot is issued to the elector at the time of application, the elector shall then and there
 61 within the confines of the registrar's or absentee ballot clerk's office vote and return the
 62 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
 63 persons voting in accordance with subsection (d) of this Code section, the board of

64 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
65 privacy of the elector while voting his or her absentee ballot.

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

67 (A) On the fourth Monday immediately prior to each primary or election;

68 (B) On the fourth Monday immediately prior to a runoff from a general primary;

69 (C) On the fourth Monday immediately prior to a runoff from a general election in
70 which there are candidates for a federal office on the ballot in the runoff; and

71 (D) As soon as possible prior to a runoff from any other general election in which there
72 are only state or county candidates on the ballot in the runoff

73 and shall end on the Friday immediately prior to each primary, election, or runoff.

74 Voting shall be conducted during normal business hours on weekdays during such period

75 and shall be conducted on the second Saturday prior to a primary or election during the

76 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

77 in which there are no federal or state candidates on the ballot, no Saturday voting hours

78 shall be required; and provided, further, that, if such second Saturday is a public and legal

79 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and

80 legal holiday occurring on the Thursday or Friday immediately preceding such second

81 Saturday, or if such second Saturday immediately precedes a public and legal holiday

82 occurring on the following Sunday or Monday, such advance voting shall not be held on

83 such second Saturday but shall be held on the third Saturday prior to such primary or

84 election. Except as otherwise provided in this paragraph, counties and municipalities

85 may extend the hours for voting beyond regular business hours and may provide for

86 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the

87 electors of the jurisdiction at their option.

88 (2) The registrars or absentee ballot clerk, as appropriate, shall provide ~~reasonable~~ notice

89 14 days prior to the period of advance voting to the electors of their jurisdiction of the

90 availability of advance voting as well as the times, dates, and locations at which advance

91 voting will be conducted. In addition, the registrars or absentee ballot clerk shall notify

92 the Secretary of State in the manner prescribed by the Secretary of State of the times,

93 dates, and locations at which advance voting will be conducted."

94 **SECTION 2.**

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