

House Bill 249

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 primaries and elections generally, so as to provide that prompt notice shall be provided to
3 electors of the rejection of their absentee ballots; to provide for the standard for reviewing
4 such ballots; to provide that electors shall have time to correct problems with absentee
5 ballots; to provide for the use of communications for notifying electors of rejected ballots;
6 to provide that the use of outdated forms is not a basis for rejection of absentee ballots; to
7 provide for the processing and counting of certain ballots for a period of seven days
8 following an election; to revise the dates for certifying election results; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
13 elections generally, is amended by revising paragraph (1) of subsection (a) of Code
14 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
15 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
16 notification of challenged elector, as follows:

17 "(a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely, unopened,
18 and stored in a manner that will prevent tampering and unauthorized access all official
19 absentee ballots received from absentee electors prior to the closing of the polls on the
20 day of the primary or election except as otherwise provided in this subsection.

21 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
22 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
23 identifying information on the oath with the information on file in his or her office,
24 shall compare the signature or mark on the oath with the signature or mark on the
25 absentee elector's voter registration card or the most recent update to such absentee
26 elector's voter registration card and application for absentee ballot or a facsimile of said

27 signature or mark taken from said card or application, and shall, if the information and
 28 signature appear to be valid and other identifying information appears to be correct, so
 29 certify by signing or initialing his or her name below the voter's oath. Each elector's
 30 name so certified shall be listed by the registrar or clerk on the numbered list of
 31 absentee voters prepared for his or her precinct.

32 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
 33 valid, or if the elector has failed to furnish required information or has provided
 34 information so furnished that does not conform with that on file in the registrar's or
 35 clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or
 36 clerk shall write 'Rejected' across the face of the envelope, '~~Rejected~~,' giving the
 37 specific, legitimate reason therefor. When a ballot is reviewed by the board of
 38 registrars or absentee ballot clerk, it shall not be rejected for a mere technicality if the
 39 board of registrars or absentee ballot clerk is satisfied that such ballot is legitimately
 40 that of a qualified elector. The board of registrars or absentee ballot clerk shall
 41 promptly notify the elector within two business days of such a rejection, and a copy of
 42 which the notification shall be retained in the files of the board of registrars or absentee
 43 ballot clerk for at least two years. In addition, the board of registrars or absentee ballot
 44 clerk shall attempt to contact the elector by telephone, by mail, and by email to notify
 45 him or her of any problem with the ballot, and the elector shall be allowed at least seven
 46 days to correct such problem. The board of registrars or absentee ballot clerk shall
 47 assist the elector as reasonably possible to resolve the problem that caused the initial
 48 rejection and validate the ballot. The board of registrars or absentee ballot clerk shall
 49 not use outdated forms for absentee ballots; however, the use of outdated forms shall
 50 not be a basis for rejection of an absentee ballot.

51 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
 52 of Code Section 21-2-220, and who votes for the first time in this state by absentee
 53 ballot shall include with his or her application for an absentee ballot or in the outer oath
 54 envelope of ~~his or her~~ the absentee ballot either one of the forms of identification listed
 55 in subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
 56 statement, government check, paycheck, or other government document that shows the
 57 name and address of such elector. If such elector does not provide any of the forms of
 58 identification listed in this subparagraph with his or her application for an absentee
 59 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
 60 provisional ballot and ~~such ballot~~ shall only be counted if the registrars are able to
 61 verify current and valid identification of the elector as provided in this subparagraph
 62 within the time period for verifying provisional ballots pursuant to Code
 63 Section 21-2-419.

64 (E) Three copies of the numbered list of voters shall also be prepared for such rejected
 65 absentee electors, giving the name of the elector and the reason for the rejection in each
 66 case. Three copies of the numbered list of certified absentee voters and three copies of
 67 the numbered list of rejected absentee voters for each precinct shall be turned over to
 68 the poll manager in charge of counting the absentee ballots and shall be distributed as
 69 required by law for numbered lists of voters.

70 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing
 71 of the polls on the day of the primary or election shall be safely kept unopened by the
 72 board or absentee ballot clerk and then transferred to the appropriate clerk for storage
 73 for the period of time required for the preservation of ballots used at the primary or
 74 election and shall then, without being opened, be destroyed in like manner as the used
 75 ballots of the primary or election. The board of registrars or absentee ballot clerk shall
 76 promptly notify the elector by first-class mail that the elector's ballot was returned too
 77 late to be counted and that the elector will not receive credit for voting in the primary
 78 or election. All such late absentee ballots shall be delivered to the appropriate clerk and
 79 stored as provided in Code Section 21-2-390.

80 (G) Notwithstanding any provision of this chapter to the contrary, until the United
 81 States Department of Defense notifies the Secretary of State that the Department of
 82 Defense has implemented a system of expedited absentee voting for those electors
 83 covered by this subparagraph, absentee ballots cast in a primary, election, or runoff by
 84 eligible absentee electors who reside outside the county or municipality in which the
 85 primary, election, or runoff is held and are members of the armed forces of the United
 86 States, members of the merchant marine of the United States, spouses or dependents of
 87 members of the armed forces or merchant marine residing with or accompanying such
 88 members, or overseas citizens, which ~~that~~ are postmarked by the date of such primary,
 89 election, or runoff and are received within the ~~three-day~~ seven-day period following
 90 such primary, election, or runoff, if proper in all other respects, shall be valid ballots
 91 and shall be counted and included in the certified election results."

92 **SECTION 2.**

93 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating
 94 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
 95 counts, recount procedure, certification of returns, and change in returns, as follows:

96 "(k) As the returns from each precinct are read, computed, and found to be correct or
 97 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 98 all the returns from the various precincts which are entitled to be counted shall have been
 99 duly recorded; then they shall be added together, announced, and attested by the assistants

100 who made and computed the entries respectively and shall be signed by the superintendent.
101 The consolidated returns shall then be certified by the superintendent in the manner
102 required by this chapter. Such returns shall be certified by the superintendent not later
103 than 5:00 P.M. on the ~~Monday~~ tenth day following the date on which such election was
104 held and such returns shall be immediately transmitted to the Secretary of State."

105 **SECTION 3.**

106 Said chapter is further amended by revising subsection (b) of Code Section 21-2-499, relating
107 to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state
108 and federal officers and certification of presidential electors by Governor, as follows:

109 "(b) The Secretary of State shall also, upon receiving the certified returns for presidential
110 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
111 presidential electors and shall immediately lay them before the Governor. Not later
112 than 5:00 P.M. on the ~~fourteenth~~ eighteenth day following the date on which such election
113 was conducted, the Secretary of State shall certify the votes cast for all candidates
114 described in subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted
115 for by the electors of more than one county and shall no later than that same time lay the
116 returns for presidential electors before the Governor. The Governor shall enumerate and
117 ascertain the number of votes for each person so voted and shall certify the slates of
118 presidential electors receiving the highest number of votes. The Governor shall certify the
119 slates of presidential electors no later than 5:00 P.M. on the ~~fifteenth~~ nineteenth day
120 following the date on which such election was conducted. Notwithstanding the deadlines
121 specified in this Code section, such times may be altered for just cause by an order of a
122 judge of superior court of this state."

123 **SECTION 4.**

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