

Senate Bill 53

By: Senators Parent of the 42nd, Butler of the 55th, Lucas of the 26th, Harrell of the 40th and Jones II of the 22nd

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 a permanent absentee voter list; to
3 provide for procedures regarding such list; to provide for maintenance of such list; 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 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising paragraph (1) of subsection (a) 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 or for advance
13 voting described in subsection (d) of Code Section 21-2-385, not earlier than 78 days
14 or less than 11 days prior to the date of the primary or election, or runoff of either, in
15 which the elector desires to vote, any absentee elector may make, either by mail, by
16 facsimile transmission, by electronic transmission, or in person in the registrar's or
17 absentee ballot clerk's office, an application for an official ballot of the elector's

18 precinct to be voted at such primary, election, or runoff. To be timely received, an
19 application for an absentee-by-mail ballot shall be received by the board of registrars
20 or absentee ballot clerk no later than 11 days prior to the primary, election, or runoff.
21 For advance voting in person, the application shall be made within the time period set
22 forth in subsection (d) of Code Section 21-2-385.

23 (B) In the case of an elector residing temporarily out of the county or municipality or
24 a physically disabled elector residing within the county or municipality, the application
25 for the elector's absentee ballot may, upon satisfactory proof of relationship, be made
26 by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
27 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
28 father-in-law, brother-in-law, or sister-in-law of the age of 18 or over.

29 (C)(i) Any person applying for an absentee-by-mail ballot shall make application in
30 writing on the form made available by the Secretary of State. In order to confirm the
31 identity of the voter, such form shall require the elector to provide his or her name,
32 date of birth, address as registered, address where the elector wishes the ballot to be
33 mailed, and the number of his or her Georgia driver's license or identification card
34 issued pursuant to Article 5 of Chapter 5 of Title 40. If such elector does not have a
35 Georgia driver's license or identification card issued pursuant to Article 5 of Chapter 5
36 of Title 40, the elector shall affirm this fact in the manner prescribed in the application
37 and the elector shall provide a copy of a form of identification listed in subsection (c)
38 of Code Section 21-2-417. The form made available by the Secretary of State shall
39 include a space to affix a photocopy or electronic image of such identification. The
40 Secretary of State shall develop a method to allow secure electronic transmission of
41 such form. The application shall also include the identity of the primary, election, or
42 runoff in which the elector wishes to vote and a place to select the option to receive
43 future absentee ballots pursuant to subparagraph (H) of this paragraph; the name and
44 relationship of the person requesting the ballot if other than the elector; and an oath

45 for the elector or relative to write his or her usual signature with a pen and ink
46 affirming that the elector is a qualified Georgia elector and the facts presented on the
47 application are true. Submitting false information on an application for an absentee
48 ballot shall be a violation of Code Sections 21-2-560 and 21-2-571.

49 (ii) A blank application for an absentee ballot shall be made available online by the
50 Secretary of State and each election superintendent and registrar, but neither the
51 Secretary of State, election superintendent, board of registrars, other governmental
52 entity, nor employee or agent thereof shall send absentee ballot applications directly
53 to any elector except upon request of such elector or a relative authorized to request
54 an absentee ballot for such elector. No person or entity other than a relative
55 authorized to request an absentee ballot for such elector or a person signing as
56 assisting an illiterate or physically disabled elector shall send any elector an absentee
57 ballot application that is prefilled with the elector's required information set forth in
58 this subparagraph. No person or entity other than the elector, a relative authorized to
59 request an absentee ballot for such elector, a person signing as assisting an illiterate
60 or physically disabled elector with his or her application, a common carrier charged
61 with returning the ballot application, an absentee ballot clerk, a registrar, or a law
62 enforcement officer in the course of an investigation shall handle or return an elector's
63 completed absentee ballot application. Handling a completed absentee ballot
64 application by any person or entity other than as allowed in this subsection shall be
65 a misdemeanor. Any application for an absentee ballot sent to any elector by any
66 person or entity shall utilize the form of the application made available by the
67 Secretary of State and shall clearly and prominently disclose on the face of the form:
68 "This is NOT an official government publication and was NOT provided to you by any
69 governmental entity and this is NOT a ballot. It is being distributed by [insert name and
70 address of person, organization, or other entity distributing such document or material]."

71 (iii) The disclaimer required by division (ii) of this subparagraph shall be:

- 72 (I) Of sufficient font size to be clearly readable by the recipient of the
73 communication;
- 74 (II) ~~Be contained~~ Contained in a printed box set apart from the other contents of the
75 communication; and
- 76 (III) ~~Be printed~~ Printed with a reasonable degree of color contrast between the
77 background and the printed disclaimer.
- 78 (D) Except in the case of physically disabled electors residing in the county or
79 municipality or electors in custody in a jail or other detention facility in the county or
80 municipality, no absentee ballot shall be mailed to an address other than the permanent
81 mailing address of the elector as recorded on the elector's voter registration record or
82 a temporary out-of-county or out-of-municipality address. Upon request, electors held
83 in jails or other detention facilities who are eligible to vote shall be granted access to
84 the necessary personal effects for the purpose of applying for and voting an absentee
85 ballot pursuant to this chapter.
- 86 (E) Relatives applying for absentee ballots for electors must also sign an oath stating
87 that facts in the application are true.
- 88 (F) If the elector is unable to fill out or sign such elector's own application because of
89 illiteracy or physical disability, the elector shall make such elector's mark, and the
90 person filling in the rest of the application shall sign such person's name below it as a
91 witness.
- 92 (G) Any elector meeting criteria of advance age or disability specified by rule or
93 regulation of the State Election Board or any elector who is entitled to vote by absentee
94 ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42
95 U.S.C. Section 1973ff, et seq., as amended, may request in writing on one application
96 a ballot for a presidential preference primary held pursuant to Article 5 of this chapter
97 and for a primary as well as for any runoffs resulting therefrom and for the election for
98 which such primary shall nominate candidates as well as any runoffs resulting

99 therefrom. If not so requested by such person pursuant to subparagraph (H) of this
100 paragraph, a separate and distinct application shall be required for each primary, run-off
101 primary, election, and run-off election. Except as otherwise provided in this
102 ~~subparagraph~~ paragraph, a separate and distinct application for an absentee ballot shall
103 always be required for any special election or special primary.

104 (H)(i) Notwithstanding any provision of law to the contrary, an elector may request
105 to receive absentee ballots for all future regularly scheduled primaries, elections, and
106 runoffs in which such elector is eligible to vote. Each absentee ballot application
107 prepared by the Secretary of State for electors to use to request an absentee ballot
108 shall contain a place for the elector to select this option. If an elector selects this
109 option, it shall not be necessary for such elector to make subsequent application for
110 an absentee ballot for regularly scheduled primaries, elections, and runoffs unless:

111 (I) The elector is moved to the inactive list of electors as prescribed by Code
112 Section 21-2-235; provided, however, that, if an elector returns a confirmation
113 notice pursuant to Code Section 21-2-234 and verifies or updates his or her address
114 inside of the State of Georgia, the address to which the elector's absentee ballot is
115 mailed shall likewise be verified or updated; or

116 (II) The elector opts out of receiving absentee ballots without having to make an
117 application as provided in this Code section.

118 (ii) Whether or not an elector has selected the option to receive absentee ballots for
119 all future regularly scheduled primaries, elections, and runoffs in which such elector
120 is eligible to vote shall be included in the data collected and maintained on electors
121 by the Secretary of State and available for public inspection pursuant to Code
122 Section 21-2-225."

123 **SECTION 2.**

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