

Senate Bill 67

By: Senators Walker III of the 20th, Miller of the 49th, Mullis of the 53rd, Kennedy of the 18th, Gooch of the 51st and others

AS PASSED SENATE

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 the submission of identification in
3 connection with absentee ballot applications; to provide for the submission of photocopies
4 of voter identification documents for absentee ballot applications; to remove signature
5 comparisons; to provide for requesting of absentee ballot applications through a web portal;
6 to provide for related matters; 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 elections and
10 primaries generally, is amended by revising Code Section 21-2-381, relating to making of
11 application for absentee ballot, determination of eligibility by ballot clerk, furnishing of
12 applications to colleges and universities, and persons entitled to make application, as follows:
13 "21-2-381.

14 (a)(1)(A) Except as otherwise provided in Code Section 21-2-219, not more than 180
15 days prior to the date of the primary or election, or runoff of either, in which the elector
16 desires to vote, any absentee elector may make, either by mail, by facsimile
17 transmission, by electronic transmission, or in person in the registrar's or absentee ballot

clerk's office, an application for an official ballot of the elector's precinct to be voted at such primary, election, or runoff.

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

(C) The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; the identity of the primary, election, or runoff in which the elector wishes to vote; and the name and relationship of the person requesting the ballot if other than the elector. Except for an elector who is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., as amended, the application shall also provide either:

(i) The elector's date of birth and the elector's Georgia driver's license number or the elector's personal identification card number for a personal identification card that is issued pursuant to Article 5 of Chapter 5 of Title 40; or

(ii) A photocopy of one of the forms of identification specified in subsection (a) of Code Section 21-2-417.

If the elector registered to vote by mail but did not comply with subsection (c) of Code Section 21-2-220 and is voting for the first time in this state, the application shall contain a photocopy of one of the forms of identification specified in subsection (c) of Code Section 21-2-417. If the elector fails to include a photocopy of one of the forms of identification required in this subparagraph or if the photocopy is not legible, the registrar or absentee ballot clerk shall so advise the elector promptly and the elector

shall be allowed to correct the problem. Electors who vote at an advance voting location during the period of advance voting specified in Code Section 21-2-385 shall comply with the identification requirements of this subparagraph by exhibiting the appropriate form of identification to poll officials at the advance voting location.

(D) Except in the case of physically disabled electors residing in the county or municipality or electors in custody in a jail or other detention facility in the county or municipality, no absentee ballot shall be mailed to an address other than the permanent mailing address of the elector as recorded on the elector's voter registration record or a temporary out-of-county or out-of-municipality address.

(E) Relatives applying for absentee ballots for electors must also sign an oath stating that facts in the application are true.

~~(F) If the elector is unable to fill out or sign such elector's own application because of illiteracy or physical disability, the elector shall make such elector's mark, and the person filling in the rest of the application shall sign such person's name below it as a witness~~ Reserved.

(G) Any elector meeting criteria of advanced age or disability specified by rule or regulation of the State Election Board or any elector who is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20301, et seq., as amended, may request in writing on one application a ballot for a presidential preference primary held pursuant to Article 5 of this chapter and for a primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates as well as any runoffs resulting therefrom. If not so requested by such person, a separate and distinct application shall be required for each primary, run-off primary, election, and run-off election. Except as otherwise provided in this subparagraph, a separate and distinct application for an absentee ballot shall always be required for any special election or special primary.

(2) A properly executed registration card submitted under the provisions of subsection (b) of Code Section 21-2-219, if submitted within 180 days of a primary or election in which the registrant is entitled to vote, shall be considered to be an application for an absentee ballot under this Code section, or for a special absentee ballot under Code Section 21-2-381.1, as appropriate.

(3) Reserved.

(4) In extraordinary circumstances as described in Code Section 21-2-543.1, the registrar or absentee ballot clerk shall determine if the applicants are eligible to vote under this Code section and shall either mail or issue the absentee ballots for the election for representative in the United States Congress to an individual entitled to make application for absentee ballot under subsection (d) of this Code section the same day any such application is received, so long as the application is received by 3:00 P.M., otherwise no later than the next business day following receipt of the application. Any valid absentee ballot shall be accepted and processed so long as the ballot is received by the registrar or absentee ballot clerk not later than 45 days after the ballot is transmitted to the absent uniformed services voter or overseas voter, but in no event later than 11 days following the date of the election.

(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk shall determine, in accordance with the provisions of this chapter, if the applicant is eligible to vote in the primary or election involved. In order to be found eligible to vote an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the identifying information on the application with the information on file in the registrar's or absentee ballot clerk's office and, ~~if the application is signed by the elector, compare the signature or mark of the elector on the application with the signature or mark of the elector on the elector's voter registration card~~ verify the elector's identity based upon the identification provided by the elector in accordance with this Code section. In order to

be found eligible to vote an absentee ballot in person at the registrar's office or absentee ballot clerk's office, such person shall show one of the forms of identification listed in Code Section 21-2-417 and the registrar or absentee ballot clerk shall compare the identifying information on the application with the information on file in the registrar's or absentee ballot clerk's office.

(2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the proper place on the application and then:

(A) Shall mail the ballot as provided in this Code section;

(B) If the application is made in person, shall issue the ballot to the elector within the confines of the registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the ballot is issued during the advance voting period established pursuant to subsection (d) of Code Section 21-2-385; or

(C) May deliver the ballot in person to the elector if such elector is confined to a hospital.

(3) If found ineligible, the registrar or absentee ballot clerk ~~or the board of registrars~~ shall deny the application by writing the reason for rejection in the proper space on the application and shall promptly notify the applicant in writing of the ground of ineligibility, a copy of which notification should be retained on file in the registrar's office of the board of registrars or absentee ballot clerk clerk's office for at least one year. ~~However, an absentee ballot application shall not be rejected due to an apparent mismatch between the signature of the elector on the application and the signature of the elector on file with the board of registrars. In such cases, the board of registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with the designation 'Provisional Ballot' on the outer oath envelope and information prepared by the Secretary of State as to the process to be followed to cure the signature discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk prior to the closing of the polls on the day of the primary or election, the elector may cure the signature discrepancy by~~

submitting an affidavit to the board of registrars or absentee ballot clerk along with a copy of one of the forms of identification enumerated in subsection (c) of Code Section 21-2-417 before the close of the period for verifying provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be counted as other absentee ballots. If the board of registrars or absentee ballot clerk finds the affidavit and identification to be insufficient, then the procedure contained in Code Section 21-2-386 shall be followed for rejected absentee ballots.

(4) If the registrar or absentee ballot clerk is unable to determine the identity of the elector from information given on the application, the registrar or absentee ballot clerk should promptly write to request additional information.

(5) In the case of an unregistered applicant who is eligible to register to vote, the registrar or absentee ballot clerk ~~or the board~~ shall immediately mail a blank registration card as provided by Code Section 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by absentee ballot in such primary or election, if the registration card, properly completed, is returned to the registrar or absentee ballot clerk ~~or the board~~ on or before the last day for registering to vote in such primary or election. If the closing date for registration in the primary or election concerned has not passed, the registrar or absentee ballot clerk ~~or registrar~~ shall also mail a ballot to the applicant, as soon as it is prepared and available; and the ballot shall be cast in such primary or election if returned to the registrar or absentee ballot clerk ~~or board~~ not later than the close of the polls on the day of the primary or election concerned.

(c) In those counties or municipalities in which the registrar or absentee ballot clerk ~~or board of registrars~~ provides application forms for absentee ballots, the registrar or absentee ballot clerk ~~or board~~ shall provide such quantity of the application form to the dean of each college or university located in that county as said dean determines necessary for the students of such college or university.

(d)(1) A citizen of the United States permanently residing outside the United States is entitled to make application for an absentee ballot from Georgia and to vote by absentee ballot in any election for presidential electors and United States senator or representative in Congress:

(A) If such citizen was last domiciled in Georgia immediately before his or her departure from the United States; and

(B) If such citizen could have met all qualifications, except any qualification relating to minimum voting age, to vote in federal elections even though, while residing outside the United States, he or she does not have a place of abode or other address in Georgia.

(2) An individual is entitled to make application for an absentee ballot under paragraph (1) of this subsection even if such individual's intent to return to Georgia may be uncertain, ~~as~~ so long as:

(A) He or she has complied with all applicable Georgia qualifications and requirements which are consistent with the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff 52 U.S.C. Section 20301, et seq., as amended, concerning absentee registration for and voting by absentee ballots;

(B) He or she does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of a state or territory or in any territory or possession of the United States; and

(C) He or she has a valid passport or card of identity and registration issued under the authority of the Secretary of State of the United States or, in lieu thereof, an alternative form of identification consistent with the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff 52 U.S.C. Section 20301, et seq., as amended, and applicable state requirements, if a citizen does not possess a valid passport or card of identity and registration.

(e) The State Election Board is authorized to promulgate reasonable rules and regulations for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules

180 and regulations may include provisions for the limitation of opportunities for fraudulent
181 application, including, but not limited to, comparison of voter registration records with
182 death certificates.

183 (f) The Secretary of State is authorized to establish a web portal by which an elector who
184 has a Georgia driver's license or a personal identification card issued pursuant to Article 5
185 of Chapter 5 of Title 40 may submit a request for an absentee ballot by giving such elector's
186 date of birth and either such elector's Georgia driver's license number or a personal
187 identification card number for personal identification cards issued pursuant to Article 5 of
188 Chapter 5 of Title 40. Upon verifying such information, the Secretary of State shall
189 forward such information to the elector's county of residence for the issuance of an
190 absentee ballot. The Secretary of State shall not issue absentee ballots."

191 **SECTION 2.**

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