

# Georgia General Assembly

## 2011-2012 Regular Session [HB 92]

### House Vote #47 (PASSAGE)

Yea (Y): 148    Nay (N): 20    Not Voting (-): 4    Excused (E): 8

N : ABDUL-SALAAM, 74TH	Y : GORDON, 162ND	Y : NIX, 69TH
Y : ABRAMS, 84TH	Y : GREENE, 149TH	Y : O' NEAL, 146TH
Y : ALLISON, 8TH	Y : HAMILTON, 23RD	Y : OLIVER, 83RD
Y : AMERSON, 9TH	Y : HANNER, 148TH	Y : PAK, 102ND
Y : ANDERSON, 117TH	Y : HARBIN, 118TH	Y : PARENT, 81ST
Y : ASHE, 56TH	Y : HARDEN, 147TH	Y : PARRISH, 156TH
Y : ATWOOD, 179TH	Y : HARDEN, 28TH	Y : PARSONS, 42ND
Y : AUSTIN, 10TH	Y : HARRELL, 106TH	Y : PEAKE, 137TH
Y : BAKER, 78TH	Y : HATCHETT, 143RD	Y : POWELL, 171ST
Y : BATTLES, 15TH	Y : HATFIELD, 177TH	Y : POWELL, 29TH
Y : BEARDEN, 68TH	Y : HEARD, 114TH	Y : PRUETT, 144TH
N : BEASLEY-TEAGUE, 65TH	N : HECKSTALL, 62ND	Y : PURCELL, 159TH
Y : BELL, 58TH	Y : HEMBREE, 67TH	- : RALSTON, 7TH
Y : BENFIELD, 85TH	Y : HENSON, 87TH	Y : RAMSEY, 72ND
Y : BENTON, 31ST	E : HILL, 21ST	E : RANDALL, 138TH
Y : BLACK, 174TH	Y : HOLCOMB, 82ND	Y : REECE, 11TH
Y : BRADDOCK, 19TH	Y : HOLMES, 125TH	Y : RICE, 51ST
Y : BROCKWAY, 101ST	Y : HOLT, 112TH	Y : RILEY, 50TH
N : BROOKS, 63RD	Y : HORNE, 71ST	Y : ROBERTS, 154TH
N : BRUCE, 64TH	Y : HOUSTON, 170TH	Y : ROGERS, 26TH
Y : BRYANT, 160TH	Y : HOWARD, 121ST	Y : RYNDERS, 152ND
Y : BUCKNER, 130TH	Y : HUCKABY, 113TH	Y : SCOTT, 2ND
Y : BURNS, 157TH	Y : HUDSON, 124TH	N : SCOTT, 76TH
E : BYRD, 20TH	N : HUGLEY, 133RD	Y : SETZLER, 35TH
Y : CARTER, 175TH	Y : JACKSON, 142ND	Y : SHAW, 176TH
Y : CASAS, 103RD	Y : JACOBS, 80TH	Y : SHELDON, 105TH
E : CHANNELL, 116TH	Y : JAMES, 135TH	Y : SIMS, 119TH
Y : CHEOKAS, 134TH	Y : JASPERSE, 12TH	Y : SIMS, 169TH
Y : CLARK, 104TH	Y : JERGUSON, 22ND	N : SMITH, 122ND
Y : CLARK, 98TH	E : JOHNSON, 37TH	Y : SMITH, 129TH
Y : COLEMAN, 97TH	N : JONES, 44TH	Y : SMITH, 131ST
Y : COLLINS, 27TH	E : JONES, 46TH	Y : SMITH, 168TH
Y : COOKE, 18TH	Y : JORDAN, 77TH	Y : SMITH, 70TH
Y : COOMER, 14TH	Y : KAISER, 59TH	Y : SMYRE, 132ND
Y : COOPER, 41ST	N : KENDRICK, 94TH	Y : SPENCER, 180TH
Y : CRAWFORD, 16TH	Y : KIDD, 141ST	Y : STEPHENS, 161ST
Y : DAVIS, 109TH	Y : KNIGHT, 126TH	Y : STEPHENS, 164TH
Y : DAWKINS-HAIGLER, 93RD	Y : LANE, 167TH	N : STEPHENSON, 92ND
Y : DEMPSEY, 13TH	Y : LINDSEY, 54TH	Y : TALTON, 145TH
N : DICKERSON, 95TH	Y : LONG, 61ST	Y : TANKERSLEY, 158TH
Y : DICKSON, 6TH	N : LUCAS, 139TH	Y : TAYLOR, 173RD
Y : DOBBS, 53RD	Y : MADDOX, 127TH	N : TAYLOR, 55TH
Y : DOLLAR, 45TH	Y : MADDOX, 172ND	Y : TAYLOR, 79TH
Y : DRENNER, 86TH	Y : MANNING, 32ND	Y : TEASLEY, 38TH
Y : DUDGEON, 24TH	E : MARIN, 96TH	Y : THOMAS, 100TH
E : DUKES, 150TH	Y : MARTIN, 47TH	N : TINUBU, 60TH
Y : DUTTON, 166TH	Y : MAXWELL, 17TH	- : VACANT
Y : EHRHART, 36TH	N : MAYO, 91ST	- : VACANT
Y : ENGLAND, 108TH	Y : MCBRAYER, 153RD	Y : WALKER, 107TH
Y : EPPS, 128TH	Y : MCCALL, 30TH	Y : WATSON, 163RD
Y : EPPS, 140TH	Y : MCKILLIP, 115TH	Y : WELCH, 110TH
N : EVANS, 40TH	Y : MEADOWS, 5TH	- : WELDON, 3RD
Y : FLOYD, 99TH	Y : MILLS, 25TH	N : WILKERSON, 33RD
Y : FLUDD, 66TH	Y : MITCHELL, 88TH	Y : WILKINSON, 52ND
N : FRANKLIN, 43RD	N : MORGAN, 39TH	Y : WILLARD, 49TH
Y : FRAZIER, 123RD	Y : MORRIS, 155TH	Y : WILLIAMS, 165TH
Y : FULLERTON, 151ST	Y : MOSBY, 90TH	Y : WILLIAMS, 4TH
Y : GARDNER, 57TH	Y : MURPHY, 120TH	Y : WILLIAMS, 89TH
Y : GEISINGER, 48TH	Y : NEAL, 1ST	Y : WILLIAMSON, 111TH
Y : GOLICK, 34TH	Y : NEAL, 75TH	Y : YATES, 73RD

# Georgia General Assembly

## 2011-2012 Regular Session - HB 92 Elections; in-person absentee balloting; provide limitations

### Sponsored By

(1) Hamilton, Mark 23rd	(2) Meadows, John 5th	(3) England, Terry 108th
(4) Mosby, Howard 90th	(5) Heard, Keith 114th	(6) Sheldon, Donna 105th

### Sponsored In Senate By

Butterworth, Jim 50th

### Committees

HC: Governmental Affairs

SC: State and Local Governmental Operations

### First Reader Summary

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

### Status History

Jul/01/2011 - Effective Date  
 May/13/2011 - Act 241  
 May/13/2011 - House Date Signed by Governor  
 Apr/21/2011 - House Sent to Governor  
 Apr/11/2011 - Senate Passed/Adopted  
 Apr/11/2011 - Senate Third Read  
 Apr/11/2011 - Senate Engrossed  
 Mar/23/2011 - Senate Read Second Time  
 Mar/22/2011 - Senate Committee Favorably Reported  
 Feb/23/2011 - Senate Read and Referred  
 Feb/22/2011 - House Passed/Adopted By Substitute  
 Feb/22/2011 - House Third Readers  
 Feb/16/2011 - House Committee Favorably Reported By Substitute  
 Feb/01/2011 - House Second Readers  
 Jan/31/2011 - House First Readers  
 Jan/27/2011 - House Hopper

### Footnotes





2/22/2011 Modified Structured Rule; 2/22/2011 Passed House by Rules Committee Substitute; 4/11/2011 Engrossed upon 3rd reading in Senate

### Votes

Apr/11/2011 - Senate Vote #254	Yea(34)	Nay(20)	NV(2)	Exc(0)
Apr/11/2011 - Senate Vote #250	Yea(33)	Nay(19)	NV(3)	Exc(1)
Feb/22/2011 - House Vote #47	Yea(148)	Nay(20)	NV(4)	Exc(8)

**Versions**

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-  HB 92/AP\*
-  LC 28 5559S/rcs
-  LC 28 5479S/hs
-  LC 28 5416/a

House Bill 92 (AS PASSED HOUSE AND SENATE)

By: Representatives Hamilton of the 23<sup>rd</sup>, Meadows of the 5<sup>th</sup>, England of the 108<sup>th</sup>, Mosby of the 90<sup>th</sup>, Heard of the 114<sup>th</sup>, 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 limitations on when in-person absentee  
3 balloting may be conducted; to provide for a period of advance voting; to provide for  
4 procedures; to provide for exceptions; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
9 elections generally, is amended by revising paragraph (2) of subsection (b) of Code  
10 Section 21-2-381, relating to making application for an absentee ballot, as follows:

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

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

14 (B) If the application is made in person, shall or issue the ballot to the elector to be  
15 voted within the confines of the registrar's or absentee ballot clerk's office if issued  
16 during the advance voting period established pursuant to subsection (d) of Code Section  
17 21-2-385; or

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

20 **SECTION 2.**

21 Said chapter is further amended by revising subsections (a) and (b) of Code

27 general election, prepare, obtain, and deliver an adequate supply of official absentee  
28 ballots to the board of registrars or absentee ballot clerk for use in the primary or election.  
29 Envelopes and other supplies as required by this article may be ordered by the  
30 superintendent, the board of registrars, or the absentee ballot clerk for use in the primary  
31 or election.

32 (2) The board of registrars or absentee ballot clerk shall, within two days after the receipt  
33 of such ballots and supplies, mail or issue official absentee ballots to all eligible  
34 applicants. As additional applicants are determined to be eligible, the board or clerk shall  
35 mail or issue official absentee ballots to such additional applicants immediately upon  
36 determining their eligibility; provided, however, that no absentee ballot shall be mailed  
37 by the registrars or absentee ballot clerk on the day prior to a primary or election and  
38 provided, further, that no absentee ballot shall be issued on the day prior to a primary or  
39 election. The board of registrars shall, at least 45 days prior to any general primary, or  
40 general election other than a municipal general primary or general election, as soon as  
41 possible prior to a runoff, and at least 21 days prior to any municipal general primary or  
42 general election, mail or electronically transmit official absentee ballots to all electors  
43 who are entitled to vote by absentee ballot under the federal Uniformed and Overseas  
44 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

45 (3) The date a ballot is voted in the ~~registrars'~~ registrar's or absentee ballot clerk's office  
46 or the date a ballot is mailed or issued to an elector and the date it is returned shall be  
47 entered on the application record therefor.

48 (4) The delivery of an absentee ballot to a person confined in a hospital may be made by  
49 the registrar or clerk on the day of a primary or election or during a five-day period  
50 immediately preceding the day of such primary or election.

51 (5) In the event an absentee ballot which has been mailed by the board of registrars or  
52 absentee ballot clerk is not received by the applicant, the applicant may notify the board  
53 of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot  
54 has not been received. The board of registrars or absentee ballot clerk shall then issue a  
55 second absentee ballot to the applicant and cancel the original ballot issued. The affidavit  
56 shall be attached to the original application. A second application for an absentee ballot  
57 shall not be required.

58 (b) ~~In~~ Except for ballots voted within the confines of the registrar's or absentee ballot

64 'Official Absentee Ballot' and nothing else. On the back of the larger of the two envelopes  
65 to be enclosed within the mailing envelope shall be printed the form of oath of the elector  
66 and the oath for persons assisting electors, as provided for in Code Section 21-2-409, and  
67 the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579, and 21-2-599  
68 for violations of oaths; and on the face of such envelope shall be printed the name and  
69 address of the board of registrars or absentee ballot clerk. The mailing envelope addressed  
70 to the elector shall contain the two envelopes, the official absentee ballot, and the uniform  
71 instructions for the manner of preparing and returning the ballot, in form and substance as  
72 provided by the Secretary of State and nothing else. The uniform instructions shall include  
73 information specific to the voting system used for absentee voting concerning the effect of  
74 overvoting or voting for more candidates than one is authorized to vote for a particular  
75 office and information concerning how the elector may correct errors in voting the ballot  
76 before it is cast including information on how to obtain a replacement ballot if the elector  
77 is unable to change the ballot or correct the error."

78 **SECTION 3.**

79 Said chapter is further amended by revising subsection (c) of Code Section 21-2-385, relating  
80 to procedure for voting by absentee ballot, and adding a new subsection to read as follows:

81 "(c) When an elector applies in person for an absentee ballot, after the absentee ballots  
82 have been printed, the absentee ballot may be issued to the elector at the time of the  
83 application therefor within the confines of the registrar's or absentee ballot clerk's office  
84 if such application is made during the advance voting period as provided in subsection (d)  
85 of this Code section or may be mailed to the elector, depending upon the elector's request.  
86 If the ballot is issued to the elector at the time of application, the elector shall then and  
87 there within the confines of the registrar's or absentee ballot clerk's office vote and return  
88 the absentee ballot as provided in subsections (a) and (b) of this Code section. ~~The~~ In the  
89 case of persons voting in accordance with subsection (d) of this Code section, the board of  
90 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the  
91 privacy of the elector while voting his or her absentee ballot.

92 (d)(1) There shall be a period of advance voting that shall commence on the fourth  
93 Monday immediately prior to each primary or election and as soon as possible prior to  
94 a runoff and shall end on the Friday immediately prior to each primary, election, or

100 and municipalities may extend the hours for voting beyond regular business hours and  
101 may provide for additional voting locations pursuant to Code Section 21-2-382 to suit the  
102 needs of the electors of the jurisdiction at their option.

103 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice  
104 to the electors of their jurisdiction of the availability of advance voting as well as the  
105 times, dates, and locations at which advance voting will be conducted. In addition, the  
106 registrars or absentee ballot clerk shall notify the Secretary of State in the manner  
107 prescribed by the Secretary of State of the times, dates, and locations at which advance  
108 voting will be conducted."

109 **SECTION 4.**

110 Said chapter is further amended by revising Code Section 21-2-385.1, relating to preferential  
111 treatment for older and disabled voters, as follows:

112 "21-2-385.1.

113 Each During the period of advance voting established pursuant to subsection (d) of Code  
114 Section 21-2-385, each elector who is 75 years of age or older or who is disabled and  
115 requires assistance in casting an absentee ballot in person at the registrar's office, absentee  
116 ballot clerk's office, or other locations as provided for in Code Section 21-2-382; shall,  
117 upon request to a designated office employee or other individual, be authorized to vote  
118 immediately at the next available voting compartment or booth without having to wait in  
119 line if such location utilizes direct recording electronic voting systems or be authorized to  
120 go to the head of any line necessary to cast a written absentee ballot. Notice of the  
121 provisions of this Code section shall be prominently displayed in the registrar's office or  
122 absentee ballot clerk's office."

123 **SECTION 5.**

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