

House Bill 1165

By: Representatives Morgan of the 39th, Williams of the 89th, Heckstall of the 62nd, Gardner of the 57th, Watson of the 91st, 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 election day registration; to provide
3 for procedures; to provide for registration at polling places; to provide for absentee
4 registration; to provide for voting after such registration; to provide for related matters; to
5 repeal 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 striking subsection (a) of Code Section 21-2-220, relating
10 to applications for voter registration, and inserting in lieu thereof a new subsection (a) to read
11 as follows:

12 "(a) Any person desiring to register as an elector shall apply to do so by making
13 application to a registrar or deputy registrar of such person's county of residence in person,
14 by submission of the federal post card application form as authorized under Code Section
15 21-2-219, by making application through the Department of Driver Services as provided
16 in Code Section 21-2-221, by making application through the Department of Natural
17 Resources as provided in Code Section 21-2-221.1, by making application through
18 designated offices as provided in Code Section 21-2-222, ~~or~~ by making application by mail
19 as provided in Code Section 21-2-223, or by applying as provided in Code Section
20 21-2-224.1 in person at the polling place for the precinct containing his or her residence on
21 the day of the primary or election or at the office of the registrar or absentee ballot clerk
22 during the period specified in subsection (b) of Code Section 21-2-380."

1 (b) A person who is not registered to vote or did not register by the deadlines specified in
 2 Code Section 21-2-224 may go to the polling place for the precinct in which such person's
 3 residence is located on the day of a primary or election or to the registrar's office or the
 4 office of the absentee ballot clerk, as appropriate, during the period specified under
 5 subsection (b) of Code Section 21-2-380 and register to vote by completing an official
 6 voter registration application as provided in subsection (a) of Code Section 21-2-219 and
 7 providing the identification required by subsection (c) of Code Section 21-2-417 to the poll
 8 officers, registrars, or absentee ballot clerk, as the case may be.

9 (c) For a person at his or her polling place, upon fully completing the voter registration
 10 application and providing the appropriate identification, the person shall be issued a
 11 provisional ballot in the same manner as persons whose names are not on the electors list
 12 for the polling place under Code Section 21-2-418. For a person at the registrar's office
 13 or the office of the absentee ballot clerk, as appropriate, during the period specified under
 14 subsection (b) of Code Section 21-2-380, upon fully completing the voter registration
 15 application and providing the appropriate identification, the registrars shall either determine
 16 the person's qualifications immediately and, if found qualified, allow such person to vote
 17 in the same manner as other electors or, if there is insufficient time for whatever reason for
 18 the registrars to make such determination or if the person is attempting to vote at the
 19 absentee ballot clerk's office, the person shall be issued a provisional ballot in the same
 20 manner as persons whose names are not on the electors list at the polling places under Code
 21 Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons
 22 at the polls.

23 (d) Persons in line waiting to complete voter registration applications at the time of the
 24 closing of the polls shall be permitted to complete the voter registration application,
 25 provide the appropriate application, and vote a provisional ballot.

26 (e) The poll officer verifying the person's identification shall initial the person's voter
 27 registration application."

28 **SECTION 4.**

29 Said chapter is further amended by striking Code Section 21-2-419, relating to validation of
 30 provisional ballots, and inserting in lieu thereof a new Code Section 21-2-419 to read as
 31 follows:

32 "21-2-419.

33 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
 34 county or municipality for mail-in absentee ballots. Such provisional ballot shall be sealed
 35 in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the
 36 person casting such ballot in a secure, sealed ballot box.

1 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
2 the day after the primary or election in which such provisional ballot was cast, the board
3 of registrars of the county or municipality, as the case may be, shall be notified by the
4 election superintendent that provisional ballots were cast in the primary or election and the
5 registrars shall be provided with the documents completed by the person casting the
6 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
7 securely maintained by the election superintendent until a determination has been made
8 concerning their status. The board of registrars shall immediately examine the information
9 contained on such documents and make a good faith effort to determine whether the person
10 casting the provisional ballot was entitled to vote in the primary or election.

11 (c)(1) If the registrars determine after the polls close, but not later than two days
12 following the primary or election, that the person casting the provisional ballot timely
13 registered to vote and was eligible and entitled to vote in such primary or election or
14 properly applied to register to vote on the day of the primary or election under Code
15 Section 21-2-224.1 and met the qualifications to register to vote, the registrars shall notify
16 the election superintendent and the provisional ballot shall be counted and included in the
17 county or municipality's certified election results.

18 (2) If the registrars determine after the polls close, but not later than two days following
19 the primary or election, that the person voting the provisional ballot timely registered and
20 was eligible and entitled to vote in the primary or election or properly applied to register
21 to vote on the day of the primary or election under Code Section 21-2-224.1 and met the
22 qualifications to register to vote, but voted in the wrong precinct or voted the wrong
23 ballot style or district combination, then the board of registrars shall notify the election
24 superintendent. The superintendent shall count such person's votes which were cast for
25 candidates in those races for which the person was entitled to vote but shall not count the
26 votes cast for candidates in those races in which such person was not entitled to vote.
27 The superintendent shall order the proper election official at the tabulating center or
28 precinct to prepare an accurate duplicate ballot containing only those votes cast by such
29 person in those races in which such person was entitled to vote for processing at the
30 tabulating center or precinct, which shall be verified in the presence of a witness. Such
31 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the
32 designation of the polling place, and shall be given the same serial number as the original
33 ballot. The original ballot shall be retained.

34 (3) If the registrars determine that the person casting the provisional ballot did not timely
35 register to vote or was not eligible or entitled to vote in such primary or election or shall
36 be unable to determine within two days following such primary or election whether such
37 person timely registered to vote and was eligible and entitled to vote in such primary or

1 election, the registrars shall so notify the election superintendent and such ballot shall not
2 be counted. The election superintendent shall mark or otherwise document that such
3 ballot was not counted and shall deliver and store such ballots with all other ballots and
4 election materials as provided in Code Section 21-2-500.

5 (d)(1) The board of registrars shall notify in writing those persons whose provisional
6 ballots were not counted that their ballots were not counted because of the inability of the
7 registrars to verify that the persons timely registered to vote or other proper reason. The
8 registrars shall process the official voter registration application form completed by such
9 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to
10 the electors list if found qualified in order that such persons may vote in future primaries
11 and elections.

12 (2) The board of registrars shall notify in writing those electors who voted in the wrong
13 precinct and whose votes were partially counted of their correct precinct."

14 **SECTION 5.**

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