

House Bill 205

By: Representatives Morgan of the 39<sup>th</sup>, Brooks of the 63<sup>rd</sup>, Mangham of the 94<sup>th</sup>, and Mosby of the 90<sup>th</sup>

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 **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 revising subsection (a) of Code Section 21-2-220, relating  
10 to applications for voter registration, as follows:

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

22 **SECTION 2.**

23 Said chapter is further amended by revising subsections (a) and (b) of Code Section  
24 21-2-224, relating to registration deadlines, as follows:

1 "(a) If Except as otherwise provided in Code Section 21-2-224.1, if any person whose  
 2 name is not on the list of registered electors maintained by the Secretary of State under this  
 3 article desires to vote at any general primary, general election, or presidential preference  
 4 primary, such person shall make application as provided in this article by the close of  
 5 business on the fifth Monday or, if such Monday is a legal holiday, by the close of business  
 6 on the following business day prior to the date of such general primary, general election,  
 7 or presidential preference primary.

8 (b) If any person whose name is not on the list of registered electors maintained by the  
 9 Secretary of State under this article desires to vote at any special primary or special  
 10 election, such person shall make application as provided in this article no later than the  
 11 close of business on the fifth day after the date of the call for the special primary or special  
 12 election, excluding Saturdays, Sundays, and legal holidays of this state; except that:

13 (1) If such special primary or special election is held in conjunction with a general  
 14 primary, general election, or presidential preference primary, the registration deadline for  
 15 such special primary or special election shall be the same as the registration deadline for  
 16 the general primary, general election, or presidential preference primary in conjunction  
 17 with which the special primary or special election is being conducted; or

18 (2) If Except as otherwise provided in Code Section 21-2-224.1, if such special primary  
 19 or special election is not held in conjunction with a general primary, general election, or  
 20 presidential preference primary but is held on one of the dates specified in Code Section  
 21 21-2-540 for the conduct of special elections to present a question to the voters or special  
 22 primaries or elections to fill vacancies in elected county or municipal offices, the  
 23 registration deadline for such a special primary or election shall be at the close of  
 24 business on the fifth Monday prior to the date of the special primary or election or, if such  
 25 Monday is a legal holiday, by the close of business on the following business day."

### 26 SECTION 3.

27 Said chapter is further amended by adding a new Code Section 21-2-224.1 to read as follows:

28 "21-2-224.1.

29 (a) Notwithstanding any provision of law to the contrary, any person may register and vote  
 30 in accordance with this Code section on the day of a primary or election or during the  
 31 period of advance voting as specified in subsection (b) of Code Section 21-2-380.

32 (b) A person who is not registered to vote or did not register by the deadlines specified in  
 33 Code Section 21-2-224 may go to the polling place for the precinct in which such person's  
 34 residence is located on the day of a primary or election or to the registrar's office or the  
 35 office of the absentee ballot clerk, as appropriate, during the period specified under  
 36 subsection (b) of Code Section 21-2-380 and register to vote by completing an official

1 voter registration application as provided in subsection (a) of Code Section 21-2-219 and  
2 providing to the poll officers, registrars, or absentee ballot clerk, as the case may be, one  
3 of the following forms of identification:

4 (1) A Georgia driver's license, a Georgia voter identification card issued under Code  
5 Section 21-2-417.1, or other valid identification card issued by a branch, department,  
6 agency, or entity of the State of Georgia authorized by law to issue personal  
7 identification, provided that such identification card contains a photograph of the person;

8 (2) A valid tribal identification card containing a photograph of the elector and the  
9 current address of the person; provided, however, that, if the identification card does not  
10 contain the current address of the person, the person may supply in addition to the  
11 identification card a utility bill which contains the person's name and current address and  
12 for which payment is or was due within 30 days of the date of the primary or election in  
13 which such person is attempting to register and vote;

14 (3) A valid United States military identification card, provided that such identification  
15 card contains a photograph of the person, and a utility bill which contains the person's  
16 name and current address and for which payment is or was due within 30 days of the date  
17 of the primary or election in which such person is attempting to register and vote;

18 (4) A valid student identification card containing a photograph of the person and issued  
19 by any school, college, university, or technical school in this state; or

20 (5) A valid employee identification card containing a photograph of the person and a  
21 utility bill which contains the person's name and current address and for which payment  
22 is or was due within 30 days of the date of the primary or election in which such person  
23 is attempting to register and vote.

24 (c) For a person at his or her polling place, upon fully completing the voter registration  
25 application and providing the appropriate identification, the person shall be issued a  
26 provisional ballot in the same manner as persons whose names are not on the electors list  
27 for the polling place under Code Section 21-2-418. For a person at the registrar's office  
28 or the office of the absentee ballot clerk, as appropriate, during the period specified under  
29 subsection (b) of Code Section 21-2-380, upon fully completing the voter registration  
30 application and providing the appropriate identification, the registrars shall either determine  
31 the person's qualifications immediately and, if found qualified, allow such person to vote  
32 in the same manner as other electors or, if there is insufficient time for whatever reason for  
33 the registrars to make such determination or if the person is attempting to vote at the  
34 absentee ballot clerk's office, the person shall be issued a provisional ballot in the same  
35 manner as persons whose names are not on the electors list at the polling places under Code  
36 Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons  
37 at the polls.

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

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

#### 6 SECTION 4.

7 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of  
 8 provisional ballots, and inserting in lieu thereof a new Code Section 21-2-419 to read as  
 9 follows:

10 "21-2-419.

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

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

25 (c)(1) If the registrars determine after the polls close, but not later than two days  
 26 following the primary or election, that the person casting the provisional ballot timely  
 27 registered to vote and was eligible and entitled to vote in such primary or election or  
 28 properly applied to register to vote on the day of the primary or election or during the  
 29 advance voting period under subsection (b) of Code Section 21-2-380 under Code Section  
 30 21-2-224.1 and met the qualifications to register to vote, the registrars shall notify the  
 31 election superintendent and the provisional ballot shall be counted and included in the  
 32 county or municipality's certified election results.

33 (2) If the registrars determine after the polls close, but not later than two days following  
 34 the primary or election, that the person voting the provisional ballot timely registered and  
 35 was eligible and entitled to vote in the primary or election or properly applied to register  
 36 to vote on the day of the primary or election or during the advance voting period under

1 subsection (b) of Code Section 21-2-380 under Code Section 21-2-224.1 and met the  
 2 qualifications to register to vote, but voted in the wrong precinct or voted the wrong  
 3 ballot style or district combination, then the board of registrars shall notify the election  
 4 superintendent. The superintendent shall count such person's votes which were cast for  
 5 candidates in those races for which the person was entitled to vote but shall not count the  
 6 votes cast for candidates in those races in which such person was not entitled to vote.  
 7 The superintendent shall order the proper election official at the tabulating center or  
 8 precinct to prepare an accurate duplicate ballot containing only those votes cast by such  
 9 person in those races in which such person was entitled to vote for processing at the  
 10 tabulating center or precinct, which shall be verified in the presence of a witness. Such  
 11 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the  
 12 designation of the polling place, and shall be given the same serial number as the original  
 13 ballot. The original ballot shall be retained.

14 (3) If the registrars determine that the person casting the provisional ballot did not timely  
 15 register to vote or was not eligible or entitled to vote in such primary or election or shall  
 16 be unable to determine within two days following such primary or election whether such  
 17 person timely registered to vote and was eligible and entitled to vote in such primary or  
 18 election, the registrars shall so notify the election superintendent and such ballot shall not  
 19 be counted. The election superintendent shall mark or otherwise document that such  
 20 ballot was not counted and shall deliver and store such ballots with all other ballots and  
 21 election materials as provided in Code Section 21-2-500.

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

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

## 31 SECTION 5.

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