

House Bill 113

By: Representatives Alexander of the 66th, Hugley of the 136th, Park of the 101st, Dreyer of the 59th, Douglas of the 78th, 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 for same day registration and voting; to
3 provide for procedures and notices; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **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 subsection (a) of Code Section 21-2-220, relating
9 to application for registration, identification requirement, rejection for failure to provide
10 required information or for submission of false information, and aid to disabled or illiterate,
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
15 Section 21-2-219, by making application through the Department of Driver Services as
16 provided in Code Section 21-2-221, by making application through the Department of

17 Natural Resources as provided in Code Section 21-2-221.1, by making application online
18 as provided in Code Section 21-2-221.2, by making application through designated offices
19 as provided in Code Section 21-2-222, ~~or~~ by making application by mail as provided in
20 Code Section 21-2-223, or by applying as provided in Code Section 21-2-224.1 in person
21 at the polling place for the precinct in which such person's residence is located on the day
22 of the primary or election or at the office of the registrar or absentee ballot clerk during the
23 advance voting period specified under subsection (d) of Code Section 21-2-385."

24 SECTION 2.

25 Said chapter is further amended by revising subsections (a) and (b) of Code
26 Section 21-2-224, relating to registration deadlines, restrictions on voting in primaries,
27 official list of electors, and voting procedure when portion of county changed from one
28 county to another, as follows:

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

36 (b) If any person whose name is not on the list of registered electors maintained by the
37 Secretary of State under this article desires to vote at any special primary or special
38 election, such person shall make application as provided in this article no later than either
39 the close of business on the fifth day after the date of the call for the special primary or
40 special election, excluding Saturdays, Sundays, and legal holidays of this state, ~~or~~ the close
41 of business on the fifth Monday prior to the date of the special primary or special election

or, if such Monday is a legal holiday, by the close of business on the following business day, whichever is later; except that:

(1) If Except as otherwise provided in Code Section 21-2-224.1, if such special primary or special election is held in conjunction with a general primary, general election, or presidential preference primary, the registration deadline for such special primary or special election shall be the same as the registration deadline for the general primary, general election, or presidential preference primary in conjunction with which the special primary or special election is being conducted; or

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

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"21-2-224.1.

(a) Notwithstanding any provision of law to the contrary, any person may register and vote in accordance with this Code section on the day of a primary or election or during the period of advance voting as specified in subsection (d) of Code Section 21-2-385.

(b) A person who is not registered to vote or did not register by the deadlines specified in Code Section 21-2-224 may go to the polling place for the precinct in which such person's residence is located on the day of a primary or election or to any advance voting location in his or her county of residence during the period specified under subsection (d) of Code

Section 21-2-385 and register to vote by completing an official voter registration application as provided in subsection (a) of Code Section 21-2-219 and providing to the poll officers, registrars, or absentee ballot clerk, as the case may be, one of the forms of identification as provided in subsection (a) of Code Section 21-2-417 or a legible copy thereof and shall demonstrate proof of residency by the presentation of a Georgia driver's license, government issued photo identification card bearing the person's name and current address, current public or private college photo identification card with proof of residence on the campus of such institution, or current utility bill, bank statement, government check, payroll check, or other government document showing the person's name and current address.

(c) A person at his or her polling place or an advance voting location, upon fully completing the voter registration application and providing the appropriate identification and proof of residency, shall be issued a provisional ballot in the same manner as persons whose names are not on the electors list for the polling place under Code Section 21-2-418. The board of registrars shall, within three business days, verify the person's application for voter registration and, if such person is found eligible and qualified to vote, shall add such person to the list of registered voters and shall count such person's provisional ballot. If such person is not found eligible and qualified to vote, such person's application to register to vote shall be rejected and the person shall be notified of the rejection and the reason or reasons for such rejection within three business days. If such person's application is rejected, his or her provisional ballot shall not be counted.

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

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

SECTION 4.

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

"(e) Notwithstanding any provision of this chapter to the contrary, during the advance voting period as described in subsection (d) of this Code section, a person who is qualified to register to vote in this state but is not registered in his or her county of residence may make application to register to vote at any advance voting location in the county of his or her residence. The person shall demonstrate proof of residency by the presentation of a Georgia driver's license, government issued photo identification card bearing the person's name and current address, current public or private college photo identification card with proof of residence on the campus of such institution, or current utility bill, bank statement, government check, payroll check, or other government document showing the person's name and current address. Upon the completion of the application for voter registration, the person shall be permitted to cast a provisional ballot at such location. Within three business days, the board of registrars of the person's county of residence shall verify the person's application for voter registration and, if such person is found eligible and qualified to vote, shall add such person to the list of registered voters and shall count such person's provisional ballot. If such person is not found eligible and qualified to vote, such person's application to register to vote shall be rejected and the person shall be notified of the rejection and the reason or reasons for such rejection within three business days. If such person's application is rejected, his or her provisional ballot shall not be counted."

SECTION 5.

Said chapter is further amended by revising subsections (c) and (d) of Code Section 21-2-419, relating to validation of provisional ballots and reporting to Secretary of State, as follows:

119 "(c)(1) If the registrars determine after the polls close, but not later than three days
120 following the primary or election, that the person casting the provisional ballot timely
121 registered to vote and was eligible and entitled to vote in such primary or election or
122 properly applied to register to vote pursuant to Code Section 21-2-224.1 on the day of the
123 primary or election or during the advance voting period under subsection (d) of Code
124 Section 21-2-385 and met the qualifications to register to vote, the registrars shall notify
125 the election superintendent and the provisional ballot shall be counted and included in the
126 county's or municipality's certified election results.

127 (2) If the registrars determine after the polls close, but not later than three days following
128 the primary or election, that the person voting the provisional ballot timely registered and
129 was eligible and entitled to vote in the primary or election or properly applied to register
130 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or
131 during the advance voting period under subsection (d) of Code Section 21-2-385 and met
132 the qualifications to register to vote, but voted in the wrong precinct or voted the wrong
133 ballot style or district combination, then the board of registrars shall notify the election
134 superintendent. The superintendent shall count such person's votes which were cast for
135 candidates in those races for which the person was entitled to vote but shall not count the
136 votes cast for candidates in those races in which such person was not entitled to vote.
137 The superintendent shall order the proper election official at the tabulating center or
138 precinct to prepare an accurate duplicate ballot containing only those votes cast by such
139 person in those races in which such person was entitled to vote for processing at the
140 tabulating center or precinct, which shall be verified in the presence of a witness. Such
141 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the
142 designation of the polling place, and shall be given the same serial number as the original
143 ballot. The original ballot shall be retained.

144 (3) If the registrars determine that the person casting the provisional ballot did not timely
145 register to vote or was not eligible or entitled to vote in such primary or election or shall

be unable to determine within three days following such primary or election whether such person timely registered to vote and was eligible and entitled to vote in such primary or election, the registrars shall so notify the election superintendent and such ballot shall not be counted. The election superintendent shall mark or otherwise document that such ballot was not counted and shall deliver and store such ballots with all other ballots and election materials as provided in Code Section 21-2-500.

(d)(1) At the earliest time possible after a determination is made regarding a provisional ballot, the board of registrars shall notify in writing those persons whose provisional ballots were not counted that their ballots were not counted because of the inability of the registrars to verify that the persons timely registered to vote or other proper reason. The registrars shall process the official voter registration application form completed by such persons pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found qualified in order that such persons may vote in future primaries and elections.

(2) At the earliest time possible after a determination is made regarding a provisional ballot, the board of registrars shall notify in writing those electors who voted in the wrong precinct and whose votes were partially counted of their correct precinct."

SECTION 6.

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