

Senate Bill 274

By: Senators Mangham of the 55th, Jones II of the 22nd, Jackson of the 41st, Parent of the 44th, Halpern of the 39th 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 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 elections and  
8 primaries 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, election, or runoff or at the office of the registrar or absentee ballot clerk  
23 during the 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

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

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

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

58

### SECTION 3.

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

60 "21-2-224.1.

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

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

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

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

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

92 (e) The poll officer, registrar, or absentee ballot clerk verifying the person's identification  
93 shall initial the person's voter registration application."

94

**SECTION 4.**

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

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

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**SECTION 5.**

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

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

129 (2) If the registrars determine after the polls close, but not later than three days following  
130 the primary or election, that the person voting the provisional ballot timely registered and  
131 was eligible and entitled to vote in the primary or election or properly applied to register  
132 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or  
133 during the advance voting period under subsection (d) of Code Section 21-2-385 and met  
134 the qualifications to register to vote but voted in the wrong precinct or voted the wrong  
135 ballot style or district combination, then the board of registrars shall notify the election  
136 superintendent only if such person voted between the hours of 5:00 P.M. and the regular  
137 time for the closing of the polls on the day of the primary, election, or runoff and  
138 provided the sworn statement required by subsection (b) of Code Section 21-2-418. The  
139 superintendent shall count such person's votes which were cast for candidates in those  
140 races for which the person was entitled to vote but shall not count the votes cast for  
141 candidates in those races in which such person was not entitled to vote. The  
142 superintendent shall order the proper election official at the tabulating center or precinct  
143 to prepare an accurate duplicate ballot containing only those votes cast by such person  
144 in those races in which such person was entitled to vote for processing at the tabulating  
145 center or precinct, which shall be verified in the presence of a witness. Such duplicate  
146 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the

147 polling place, and shall be given the same serial number as the original ballot. The  
148 original ballot shall be retained and the sworn statement required by subsection (b) of  
149 Code Section 21-2-418 shall be transmitted to the Secretary of State with the certification  
150 documents required by paragraph (4) of subsection (a) of Code Section 21-2-497 and  
151 such statement shall be reviewed by the State Election Board.

152 (3) If the registrars determine that the person casting the provisional ballot did not timely  
153 register to vote or was not eligible or entitled to vote in the precinct in which he or she  
154 voted in such primary or election or shall be unable to determine within three days  
155 following such primary or election whether such person timely registered to vote and was  
156 eligible and entitled to vote in such primary or election, the registrars shall so notify the  
157 election superintendent and such ballot shall not be counted. The election superintendent  
158 shall mark or otherwise document that such ballot was not counted and shall deliver and  
159 store such ballots with all other ballots and election materials as provided in Code  
160 Section 21-2-500.

161 (d)(1) At the earliest time possible after a determination is made regarding a provisional  
162 ballot, the board of registrars shall notify in writing those persons whose provisional  
163 ballots were not counted that their ballots were not counted because of the inability of the  
164 registrars to verify that the persons timely registered to vote or other proper reason. The  
165 registrars shall process the official voter registration application form completed by such  
166 persons pursuant to Code Section 21-2-224.1 or 21-2-418 and shall add such persons to  
167 the electors list if found qualified in order that such person may vote in future primaries  
168 and elections.

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

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**SECTION 6.**

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