

House Bill 850

By: Representatives Mayo of the 84<sup>th</sup>, Mitchell of the 88<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Carter of the 92<sup>nd</sup>, Smith of the 125<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 for election day voter registration and  
3 voting; to provide for procedures and methods; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**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  
 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."

**SECTION 3.**

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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 the registrar's office or the office of the absentee ballot clerk, as appropriate, 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 (c) of Code Section 21-2-417 or a legible copy thereof.

(c) For a person at his or her polling place, upon fully completing the voter registration application and providing the appropriate identification, the person 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. For a person at the registrar's office or the office of the absentee ballot clerk, as appropriate, during the period specified under subsection (d) of Code Section 21-2-385, upon fully completing the voter registration application and providing the appropriate identification, the registrars shall either determine the person's qualifications immediately and, if found qualified, allow such person to vote in the same manner as other electors or, if there is insufficient time for whatever reason for the registrars to make such determination or if the person is attempting to vote at the absentee ballot clerk's office, the person shall be issued a provisional ballot in the same manner as persons whose names are not on the electors list at the polling places under Code Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons at the polls.

(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.**

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

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

104     (2) If the registrars determine after the polls close, but not later than three days following  
105 the primary or election, that the person voting the provisional ballot timely registered and  
106 was eligible and entitled to vote in the primary or election or properly applied to register  
107 to vote pursuant to Code Section 21-2-224.1 on the day of the primary or election or  
108 during the advance voting period under subsection (d) of Code Section 21-2-385 and met  
109 the qualifications to register to vote, but voted in the wrong precinct or voted the wrong  
110 ballot style or district combination, then the board of registrars shall notify the election  
111 superintendent. The superintendent shall count such person's votes which were cast for  
112 candidates in those races for which the person was entitled to vote but shall not count the  
113 votes cast for candidates in those races in which such person was not entitled to vote.  
114 The superintendent shall order the proper election official at the tabulating center or  
115 precinct to prepare an accurate duplicate ballot containing only those votes cast by such  
116 person in those races in which such person was entitled to vote for processing at the  
117 tabulating center or precinct, which shall be verified in the presence of a witness. Such  
118 duplicate ballot shall be clearly labeled with the word 'Duplicate,' shall bear the  
119 designation of the polling place, and shall be given the same serial number as the original  
120 ballot. The original ballot shall be retained.

121     (3) If the registrars determine that the person casting the provisional ballot did not timely  
122 register to vote or was not eligible or entitled to vote in such primary or election or ~~shall~~  
123 ~~be~~ are unable to determine within three days following such primary or election whether  
124 such person timely registered to vote and was eligible and entitled to vote in such primary  
125 or election, the registrars shall so notify the election superintendent, and such ballot shall  
126 not be counted. The election superintendent shall mark or otherwise document that such  
127 ballot was not counted and shall deliver and store such ballots with all other ballots and  
128 election materials as provided in Code Section 21-2-500.

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

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

138 **SECTION 5.**

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