Senate Bill 25

By: Senators Fort of the 39th, Davenport of the 44th, Henson of the 41st, James of the 35th, Seay of the 34th 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 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
- application to a registrar or deputy registrar of such person's county of residence in person,
- 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
- 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
- as provided in Code Section 21-2-221.2, by making application through designated offices
- 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 <u>at the polling place for the precinct in which such person's residence is located on the day</u>
- 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
- primary, such person shall make application as provided in this article by the close of
- business on the fifth Monday or, if such Monday is a legal holiday, by the close of business
- on the following business day prior to the date of such general primary, general election,
- 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
- special election, excluding Saturdays, Sundays, and legal holidays of this state, or the close
- 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:
- 44 (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,
- 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
- 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
- 57 business day."

58 SECTION 3.

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

60 "<u>21-2-224.1.</u>

65

66

67

68

69

70

71

78

80

81

82

83

84

61 (a) Notwithstanding any provision of law to the contrary, any person may register and vote

62 <u>in accordance with this Code section on the day of a primary or election or during the</u>

63 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

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

72 <u>legible copy thereof.</u>

73 (c) For a person at his or her polling place, upon fully completing the voter registration

74 application and providing the appropriate identification, the person shall be issued a

75 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

77 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

79 <u>application and providing the appropriate identification, the registrars shall either determine</u>

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

85 Section 21-2-418 and shall vote such provisional ballot in the same manner as such persons

at the polls.

87 (d) Persons in line waiting to complete voter registration applications at the time of the

88 closing of the polls shall be permitted to complete the voter registration application,

89 provide the appropriate identification, and vote a provisional ballot.

90 (e) The poll officer verifying the person's identification shall initial the person's voter

91 <u>registration application."</u>

92 SECTION 4.

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

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:

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

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

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

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 <u>21-2-224.1 or</u> 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.**

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