

Senate Bill 499

By: Senators Williams of the 39th, Parent of the 42nd, Harrell of the 40th, Butler of the 55th and Anderson of the 43rd

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 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."

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 or election or during the  
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  
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 or election or to any advance voting location  
67 in his or her county of residence during the period specified under subsection (d) of Code  
68 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 officers, registrars, 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 and shall demonstrate proof of residency by the presentation of a Georgia driver's  
73 license, government issued photo identification card bearing the person's name and current  
74 address, current public or private college photo identification card with proof of residence  
75 on the campus of such institution, or current utility bill, bank statement, government check,  
76 payroll check, or other government document showing the person's name and current  
77 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 verifying the person's identification shall initial the person's voter  
93 registration application."

94 **SECTION 4.**

95 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for  
 96 voting by absentee ballot and advance voting, by adding a new subsection to read as follows:  
 97 "(e) 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 photo identification card with  
 104 proof of residence on the campus of such institution, or current utility bill, bank statement,  
 105 government check, payroll check, or other government document showing the person's  
 106 name and current address. Upon the completion of the application for voter registration,  
 107 the person shall be permitted to cast a provisional ballot at such location. Within three  
 108 business days, the board of registrars of the person's county of residence shall verify the  
 109 person's application for voter registration and, if such person is found eligible and qualified  
 110 to vote, shall add such person to the list of registered voters and shall count such person's  
 111 provisional ballot. If such person is not found eligible and qualified to vote, such person's  
 112 application to register to vote shall be rejected and the person shall be notified of the  
 113 rejection and the reason or reasons for such rejection within three business days. If such  
 114 person's application is rejected, his or her provisional ballot shall not be counted."

115 **SECTION 5.**

116 Said chapter is further amended by revising subsections (c) and (d) of Code  
 117 Section 21-2-419, relating to validation of provisional ballots and reporting to Secretary of  
 118 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  
 126 the 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~~  
 146 ~~be~~ are unable to determine within three days following such primary or election whether  
 147 such person timely registered to vote and was eligible and entitled to vote in such primary  
 148 or election, the registrars shall so notify the election superintendent, and such ballot shall  
 149 not be counted. The election superintendent shall mark or otherwise document that such  
 150 ballot was not counted and shall deliver and store such ballots with all other ballots and  
 151 election materials as provided in Code Section 21-2-500.

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

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

163 **SECTION 6.**

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