

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 84:

A BILL TO BE ENTITLED  
AN ACT

1 To revise the forms of identification that are acceptable in order to register and to vote in this  
2 state; to provide a short title; to amend Chapter 2 of Title 21 of the Official Code of Georgia  
3 Annotated, relating to primaries and elections generally, so as to change the forms of  
4 identification that are acceptable for voter registration, for absentee voting, and for voting  
5 at the polls; to require the Secretary of State to ensure that certain information is contained  
6 on the lists of electors used at polling places; to provide for the confidentiality of certain  
7 information; to amend Code Section 40-5-103 of the Official Code of Georgia Annotated,  
8 relating to fee for identification cards, so as to provide that fees for identification cards for  
9 persons who are indigent and need an identification card in order to vote shall be waived  
10 under certain circumstances; to provide for related matters; to provide an effective date; to  
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 This Act shall be known and may be cited as the "Joe Burton Voter Act of 2005."

15 style="text-align:center">**SECTION 2.**

16 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
17 elections generally, is amended by striking subsection (c) of Code Section 21-2-220, relating  
18 to application for registration, and inserting in lieu thereof a new subsection (c) to read as  
19 follows:

20 "(c) Except as otherwise provided in this subsection, electors who register to vote for the  
21 first time in this state by mail must present current and valid identification either when  
22 registering to vote by mail or when voting for the first time after registering to vote by  
23 mail. The current and valid identification shall be one or more of those forms of  
24 identification provided in subsection (c) of Code Section 21-2-417 or a legible copy  
25 thereof. The registrars shall make copies of any original forms of identification submitted

1 by applicants and return the originals to the applicants. The requirement to submit  
2 identification shall not apply to:

3 (1) Persons who submit identifying information with their applications that the registrars  
4 are able to match to information contained on a state ~~database~~ data base available to such  
5 registrars containing the same number, name, and date of birth as contained in the  
6 application;

7 (2) Persons who are entitled to vote by absentee ballot under the federal Uniformed and  
8 Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, et seq.; or

9 (3) Persons who are entitled to vote otherwise than in person under any other federal  
10 law."

### 11 SECTION 3.

12 Said chapter is further amended by striking subsection (g) of Code Section 21-2-224, relating  
13 to official list of electors, and inserting in lieu thereof a new subsection (g) to read as follows:

14 "(g) The official list of electors and the official list of inactive electors prepared and  
15 distributed to the poll officers of each precinct shall include only the elector's name,  
16 address, ZIP Code, date of birth, voter identification number, a designation of whether the  
17 elector registered for the first time in this state by mail and is required to comply with Code  
18 Sections 21-2-220 and 21-2-417, congressional district, state Senate district, state House  
19 district, county commission district, if any, county or independent board of education  
20 district, if any, and municipal governing authority district designations, if any, and such  
21 other voting districts, if any. The official list of electors and the official list of inactive  
22 electors prepared and distributed to the poll officers of each precinct may also include  
23 codes designating that an elector has voted by absentee ballot, has been challenged, or has  
24 been sent mail by the registrars which has been returned marked undeliverable. No person  
25 whose name does not appear on the official list of electors shall vote or be allowed to vote  
26 at any election, except as otherwise provided in this article. The Secretary of State shall  
27 ensure that the information required to notify poll officers that an elector registered to vote  
28 for the first time in this state by mail and must comply with subsection (c) of Code Section  
29 21-2-220 and subsection (c) of Code Section 21-2-417 is placed on each list of electors to  
30 be used at a polling place."

### 31 SECTION 4.

32 Said chapter is further amended by striking subsection (b) of Code Section 21-2-225, relating  
33 to confidentiality of original registration applications, and inserting in lieu thereof a new  
34 subsection (b) to read as follows:



1 (D) An elector who registered to vote by mail, but did not comply with subsection (c)  
 2 of Code Section 21-2-220, and who votes for the first time in this state by absentee  
 3 ballot shall include with his or her application for an absentee ballot or in the outer oath  
 4 envelope of his or her absentee ballot either one of the forms of identification listed in  
 5 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank  
 6 statement, government check, paycheck, or other government document that shows the  
 7 name and address of such elector. If such elector does not provide any of the forms of  
 8 identification listed in this subparagraph with his or her application for an absentee  
 9 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a  
 10 provisional ballot and such ballot shall only be counted if the registrars are able to  
 11 verify current and valid identification of the elector as provided in this subparagraph  
 12 within the time period for verifying provisional ballots pursuant to Code Section  
 13 21-2-419.

14 (E) Three copies of the numbered list of voters shall also be prepared for such rejected  
 15 absentee electors, giving the name of the elector and the reason for the rejection in each  
 16 case. Three copies of the numbered list of certified absentee voters and three copies of  
 17 the numbered list of rejected absentee voters for each precinct shall be turned over to  
 18 the poll manager in charge of counting the absentee ballots and shall be distributed as  
 19 required by law for numbered lists of voters.

20 (F) All absentee ballots returned to the board or absentee ballot clerk after the closing  
 21 of the polls on the day of the primary or election shall be safely kept unopened by the  
 22 board or absentee ballot clerk and then transferred to the appropriate clerk for storage  
 23 for the period of time required for the preservation of ballots used at the primary or  
 24 election and shall then, without being opened, be destroyed in like manner as the used  
 25 ballots of the primary or election.

26 (G) The board of registrars or absentee ballot clerk shall promptly notify the elector by  
 27 first-class mail that the elector's ballot was returned too late to be counted and that the  
 28 elector will not receive credit for voting in the primary or election.

29 (H) All such late absentee ballots shall be delivered to the appropriate clerk and stored  
 30 as provided in Code Section 21-2-390."

### 31 **SECTION 6.**

32 Said chapter is further amended by striking Code Section 21-2-417, relating to form of  
 33 proper identification at polls, and inserting in lieu thereof a new Code Section 21-2-417 to  
 34 read as follows:

1 "21-2-417.

2 (a) Each Except as provided in subsection (c) of this Code section, each elector shall  
 3 present proper identification to a poll worker at or prior to completion of a voter's  
 4 certificate at any polling place and prior to such person's admission to the enclosed space  
 5 at such polling place. Proper identification shall consist of any one of the following:

6 (1) A valid Georgia driver's license;

7 (2) A valid identification card issued by a branch, department, agency, or entity of the  
 8 State of Georgia, any other state, or the United States authorized by law to issue personal  
 9 identification, provided that such identification card contains a photograph of the elector;

10 (3) A valid United States passport;

11 (4) A valid employee identification card containing a photograph of the elector and  
 12 issued by any branch, department, agency, or entity of the United States government, this  
 13 state, or any county, municipality, board, authority, or other entity of this state; or

14 ~~(5) A valid employee identification card containing a photograph of the elector and  
 15 issued by any employer of the elector in the ordinary course of such employer's business;~~

16 ~~(6) A valid student identification card containing a photograph of the elector from any  
 17 public or private college, university, or postgraduate technical or professional school  
 18 located within the State of Georgia;~~

19 ~~(7) A valid Georgia license to carry a pistol or revolver;~~

20 ~~(8) A valid pilot's license issued by the Federal Aviation Administration or other  
 21 authorized agency of the United States;~~

22 ~~(9)~~(5) A valid United States military identification card;.

23 ~~(10) A certified copy of the elector's birth certificate;~~

24 ~~(11) A valid social security card;~~

25 ~~(12) Certified naturalization documentation;~~

26 ~~(13) A certified copy of court records showing adoption, name, or sex change;~~

27 ~~(14) A current utility bill, or a legible copy thereof, showing the name and address of the  
 28 elector;~~

29 ~~(15) A bank statement, or a legible copy thereof, showing the name and address of the  
 30 elector;~~

31 ~~(16) A government check or paycheck, or a legible copy thereof, showing the name and  
 32 address of the elector; or~~

33 ~~(17) A government document, or a legible copy thereof, showing the name and address  
 34 of the elector.~~

35 (b) If Except as provided in subsection (c) of this Code section, if an elector is unable to  
 36 produce any of the items of identification listed in subsection (a) of this Code section, he  
 37 or she shall sign a statement under oath in a form approved by the Secretary of State,

1 ~~separate and distinct from the elector's voter certificate, swearing or affirming that he or~~  
 2 ~~she is the person identified on the elector's voter certificate. Such person shall not be~~  
 3 ~~allowed to vote, without undue delay, provided, however, that an elector who registered~~  
 4 ~~for the first time in this state by mail and did not provide one of the forms of identification~~  
 5 ~~set forth in subsection (a) of this Code section at the time of registration and who is voting~~  
 6 ~~for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon~~  
 7 ~~swearing or affirming that the elector is the person identified in the elector's voter~~  
 8 ~~certificate. Such provisional ballot shall only be counted if the registrars are able to verify~~  
 9 ~~current and valid identification of the elector as provided in this Code section within the~~  
 10 ~~time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely~~  
 11 ~~swearing or affirming such statement under oath shall be punishable as a felony, and the~~  
 12 ~~penalty shall be distinctly set forth on the face of the statement Any elector without valid~~  
 13 ~~identification as provided in this Code section may leave the polling place and return at any~~  
 14 ~~time prior to the close of the polls with valid identification as provided in this Code section~~  
 15 ~~and then be allowed to vote.~~

16 (c) An elector who registered to vote by mail, but did not comply with subsection (c) of  
 17 Code Section 21-2-220, and who votes for the first time in this state shall present to the poll  
 18 workers either one of the forms of identification listed in subsection (a) of this Code section  
 19 or a copy of a current utility bill, bank statement, government check, paycheck, or other  
 20 government document that shows the name and address of such elector. If such elector  
 21 does not have any of the forms of identification listed in this subsection, such elector may  
 22 vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming  
 23 that the elector is the person identified in the elector's voter certificate. Such provisional  
 24 ballot shall only be counted if the registrars are able to verify current and valid  
 25 identification of the elector as provided in this subsection within the time period for  
 26 verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or  
 27 affirming such statement under oath shall be punishable as a felony, and the penalty shall  
 28 be distinctly set forth on the face of the statement."

## 29 SECTION 7.

30 Code Section 40-5-103 of the Official Code of Georgia Annotated, relating to fee for  
 31 identification cards, is amended by adding a new subsection (d) to read as follows:

32 "(d) The department shall not be authorized to collect a fee for an identification card from  
 33 any person:

- 34 (1) Who swears under oath that he or she is indigent and cannot pay the fee for an  
 35 identification card, that he or she desires an identification card in order to vote in a  
 36 primary or election in Georgia, and that he or she does not have any other form of

1 identification that is acceptable under Code Section 21-2-417 for identification at the  
2 polls in order to vote; and

3 (2) Who produces evidence that he or she is registered to vote in Georgia.

4 This subsection shall not apply to a person who has been issued a driver's license in this  
5 state."

6 **SECTION 8.**

7 This Act shall become effective upon its approval by the Governor or upon its becoming law  
8 without such approval.

9 **SECTION 9.**

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