

Senate Bill 84

By: Senators Staton of the 18th, Williams of the 19th, Chapman of the 3rd, Rogers of the 21st,
Chance of the 16th and others

AS PASSED SENATE

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

14 **SECTION 2.**

15 Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally, is amended by
16 striking subsection (c) of Code Section 21-2-220, relating to application for registration, and
17 inserting in lieu thereof a new subsection (c) to read as follows:

18 "(c) Except as otherwise provided in this subsection, electors who register to vote for the first time
19 in this state by mail must present current and valid identification either when registering to vote
20 by mail or when voting for the first time after registering to vote by mail. The current and valid
21 identification shall be one or more of those forms of identification provided in subsection (c) of
22 Code Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original
23 forms of identification submitted by applicants and return the originals to the applicants. The
24 requirement to submit identification shall not apply to:

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

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

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

2 **SECTION 3.**

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

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

21 **SECTION 4.**

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

25 "(b) All data collected and maintained on electors whose names appear on the list of electors
26 maintained by the Secretary of State pursuant to this article shall be available for public inspection
27 with the exception of bank statements submitted pursuant to subsection ~~(b)~~ (c) of Code Section
28 21-2-220 and subsection (c) of Code Section 21-2-417 and the social security numbers of the
29 electors and the locations at which the electors applied to register to vote which shall remain
30 confidential and be used only for voter registration purposes; provided, however, that social
31 security numbers of electors may be made available to other state agencies if the agency is
32 authorized to maintain information by social security number and the information is used only to
33 identify the elector on the receiving agency's data base and is not disseminated further and
34 remains confidential."

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

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

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

12 SECTION 6.

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

15 "21-2-417.

16 (a) Each Except as provided in subsection (c) of this Code section, each elector shall present
 17 proper identification to a poll worker at or prior to completion of a voter's certificate at any
 18 polling place and prior to such person's admission to the enclosed space at such polling place.

19 Proper identification shall consist of any one of the following:

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

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

24 (3) A valid United States passport;

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

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

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

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

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

36 ~~(9)~~(5) A valid United States military identification card;

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

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

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

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

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

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

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

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

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

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

37 SECTION 7.

38 Code Section 40-5-103 of the O.C.G.A., relating to fee for identification cards, is amended by
39 adding a new subsection (d) to read as follows:

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

3 (1) Who swears under oath that he or she is indigent and cannot pay the fee for an identification
4 card, that he or she desires an identification card in order to vote in a primary or election in
5 Georgia, and that he or she does not have any other form of identification that is acceptable
6 under Code Section 21-2-417 for identification at the polls in order to vote; and

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

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

9 **SECTION 8.**

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

12 **SECTION 9.**

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