

The House Committee on Governmental Affairs offers the following substitute to SB 84:

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

24 (1) Persons who submit identifying information with their applications that the registrars
25 are able to match to information contained on a state ~~database~~ data base available to such

1 registrars containing the same number, name, and date of birth as contained in the
2 application;

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

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

7 **SECTION 2.**

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

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

27 **SECTION 3.**

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

31 "(b) All data collected and maintained on electors whose names appear on the list of
32 electors maintained by the Secretary of State pursuant to this article shall be available for
33 public inspection with the exception of bank statements submitted pursuant to subsection
34 ~~(b)~~ (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417 and the

1 social security numbers of the electors and the locations at which the electors applied to
 2 register to vote which shall remain confidential and be used only for voter registration
 3 purposes; provided, however, that social security numbers of electors may be made
 4 available to other state agencies if the agency is authorized to maintain information by
 5 social security number and the information is used only to identify the elector on the
 6 receiving agency's data base and is not disseminated further and remains confidential."

7 SECTION 4.

8 Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section
 9 21-2-386, relating to safekeeping, certification, and validation of absentee ballots, and
 10 inserting in lieu thereof a new paragraph (1) to read as follows:

11 "(a)(1)(A) The board of registrars or absentee ballot clerk shall keep safely and
 12 unopened all official absentee ballots received from absentee electors prior to the
 13 closing of the polls on the day of the primary or election except as otherwise provided
 14 in this subsection.

15 (B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the
 16 receipt of the ballot on its envelope. The registrar or clerk shall then compare the
 17 identifying information on the oath with the information on file in his or her office,
 18 shall compare the signature or mark on the oath with the signature or mark on the
 19 absentee elector's application for absentee ballot or a facsimile of said signature or
 20 mark taken from said application, and shall, if the information and signature appear to
 21 be valid, so certify by signing or initialing his or her name below the voter's oath. Each
 22 elector's name so certified shall be listed by the registrar or clerk on the numbered list
 23 of absentee voters prepared for his or her precinct.

24 (C) If the elector has failed to sign the oath, or if the signature does not appear to be
 25 valid, or if the elector has failed to furnish required information or information so
 26 furnished does not conform with that on file in the registrar's or clerk's office, or if the
 27 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
 28 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
 29 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
 30 which notification shall be retained in the files of the board of registrars or absentee
 31 ballot clerk for at least one year.

32 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
 33 of Code Section 21-2-220, and who votes for the first time in this state by absentee
 34 ballot shall include with his or her application for an absentee ballot or in the outer oath
 35 envelope of his or her absentee ballot either one of the forms of identification listed in
 36 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank

1 statement, government check, paycheck, or other government document that shows the
 2 name and address of such elector. If such elector does not provide any of the forms of
 3 identification listed in this subparagraph with his or her application for an absentee
 4 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
 5 provisional ballot and such ballot shall only be counted if the registrars are able to
 6 verify current and valid identification of the elector as provided in this subparagraph
 7 within the time period for verifying provisional ballots pursuant to Code Section
 8 21-2-419.

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

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

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

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

26 SECTION 5.

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

30 "21-2-417.

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

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

- 1 (2) A valid identification card issued by a branch, department, agency, or entity of the
 2 State of Georgia, any other state, or the United States authorized by law to issue personal
 3 identification, provided that such identification card contains a photograph of the elector;
 4 (3) A valid United States passport;
 5 (4) A valid employee identification card containing a photograph of the elector and
 6 issued by any branch, department, agency, or entity of the United States government, this
 7 state, or any county, municipality, board, authority, or other entity of this state;
 8 ~~(5) A valid employee identification card containing a photograph of the elector and~~
 9 ~~issued by any employer of the elector in the ordinary course of such employer's business;~~
 10 ~~(6) A valid student identification card containing a photograph of the elector from any~~
 11 ~~public or private college, university, or postgraduate technical or professional school~~
 12 ~~located within the State of Georgia;~~
 13 ~~(7) A valid Georgia license to carry a pistol or revolver;~~
 14 ~~(8) A valid pilot's license issued by the Federal Aviation Administration or other~~
 15 ~~authorized agency of the United States;~~
 16 ~~(9)~~(5) A valid United States military identification card; provided that such
 17 identification card contains a photograph of the elector; or
 18 ~~(10)~~ (6) A certified copy of the elector's birth certificate; A valid tribal identification
 19 card containing a photograph of the elector.
 20 ~~(11) A valid social security card;~~
 21 ~~(12) Certified naturalization documentation;~~
 22 ~~(13) A certified copy of court records showing adoption, name, or sex change;~~
 23 ~~(14) A current utility bill, or a legible copy thereof, showing the name and address of the~~
 24 ~~elector;~~
 25 ~~(15) A bank statement, or a legible copy thereof, showing the name and address of the~~
 26 ~~elector;~~
 27 ~~(16) A government check or paycheck, or a legible copy thereof, showing the name and~~
 28 ~~address of the elector; or~~
 29 ~~(17) A government document, or a legible copy thereof, showing the name and address~~
 30 ~~of the elector.~~
 31 (b) If Except as provided in subsection (c) of this Code section, if an elector is unable to
 32 produce any of the items of identification listed in subsection (a) of this Code section, he
 33 or she ~~shall sign a statement under oath in a form approved by the Secretary of State,~~
 34 ~~separate and distinct from the elector's voter certificate, swearing or affirming that he or~~
 35 ~~she is the person identified on the elector's voter certificate. Such person shall be allowed~~
 36 ~~to vote without undue delay; provided, however, that an elector who registered for the first~~
 37 ~~time in this state by mail and did not provide one of the forms of identification set forth in~~

1 ~~subsection (a) of this Code section at the time of registration and who is voting for the first~~
 2 ~~time may vote~~ a provisional ballot pursuant to Code Section 21-2-418 upon swearing or
 3 affirming that the elector is the person identified in the elector's voter certificate. Such
 4 provisional ballot shall only be counted if the registrars are able to verify current and valid
 5 identification of the elector as provided in subsection (a) of this Code section within the
 6 time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely
 7 swearing or affirming such statement under oath shall be punishable as a felony, and the
 8 penalty shall be distinctly set forth on the face of the statement.

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

22 SECTION 6.

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

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

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

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

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

1 **SECTION 7.**

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

4 **SECTION 8.**

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