

House Bill 911

By: Representatives Mills of the 25th, Williams of the 4th, Maxwell of the 17th, Amerson of the 9th, Franklin of the 43rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Georgia Taxpayer and Citizen Protection Act"; to provide a short title; to state
2 legislative findings; to amend Title 21 of the Official Code of Georgia Annotated, relating
3 to elections, so as to require proof of citizenship to register to vote; to amend Title 49 of the
4 Official Code of Georgia Annotated, relating to social services, so as to provide that in order
5 to receive certain public assistance benefits an applicant must provide proof that the applicant
6 is a United States citizen or, if not a United States citizen, is lawfully present in the United
7 States under federal law; to provide for temporary benefits to be paid in cases where the
8 applicant cannot provide proof at the time of application; to provide for administrative
9 procedure and civil remedies; to require certain state agencies to cooperate with local
10 governments and the United States Department of Homeland Security to develop a system
11 for verifying lawful presence in the United States; to provide that a person who willfully
12 employs an individual who is indigent and is not lawfully present in the United States shall
13 be responsible for the cost of certain medically necessary services; to provide for other
14 related matters; to provide for effective dates and applicability; to repeal conflicting laws;
15 and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 This Act shall be known and may be cited as the "Georgia Taxpayer and Citizen Protection
19 Act."

20 **SECTION 2.**

21 This state finds that illegal immigration is causing economic hardship and lawlessness in this
22 state and that illegal immigration is encouraged by public agencies within this state that
23 provide public benefits without verifying immigration status. This state further finds that
24 illegal immigrants have been harbored and sheltered in this state and encouraged and induced
25 to reside in this state through the issuance of identification cards that are issued without

1 verifying immigration status, and that these practices impede and obstruct federal
2 immigration law, undermine the security of our borders, and impermissibly restrict the
3 privileges and immunities of the citizens of Georgia. Therefore, the people of this state
4 declare that it is a compelling public interest of this state to discourage illegal immigration
5 by requiring all public agencies within this state to cooperate with federal immigration
6 authorities.

7 **SECTION 3.**

8 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
9 adding after Code Section 21-2-217 a new Code section to read as follows:

10 "21-2-217.1.

11 (a) A county board of registrars shall reject any application for registration that is not
12 accompanied by satisfactory evidence of United States citizenship. The requirements of
13 this Code section are in addition to those of Code Section 21-2-220.

14 (b) The State Election Board shall, within 180 days of the effective date of this Code
15 section, compile and publish a list of approved documents, or a combination of approved
16 documents, that establish satisfactory evidence of United States citizenship. Such process
17 shall be subject to the following conditions:

18 (1) The State Election Board may, at least 180 days prior to the date of a general
19 election, amend the list of approved documents;

20 (2) In compiling or amending the list of approved documents, the State Election Board
21 shall give due consideration to facilitating voter registration by all citizens as well as the
22 deterrence and prevention of fraudulent registration by unauthorized persons, and shall
23 provide an opportunity for submission of public comments by interested citizens; and

24 (3) The State Election Board shall ensure that the list of approved documents conforms
25 to all relevant federal and state laws protecting the voting rights of United States citizens.

26 (c) Notwithstanding subsection (a) of this Code section, any person who is registered in
27 this state on the effective date of this Code section is deemed to have provided satisfactory
28 evidence of citizenship and shall not be required to resubmit evidence of citizenship unless
29 the person is registering in another county.

30 (d) For the purposes of this Code section, proof of voter registration from another state or
31 county is not satisfactory evidence of citizenship.

32 (e) After a person has submitted satisfactory evidence of citizenship, the board of registrars
33 shall indicate this information in the person's permanent voter file. After two years, the
34 board of registrars may destroy all documents that were submitted as evidence of
35 citizenship."

SECTION 4.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by adding after Code Section 49-4-4 a new Code section to read as follows:

"49-4-4.1.

(a) At the time of application for public assistance or for an identification document issued by the state or political subdivision of the state, an applicant shall provide affirmative proof that the applicant is a citizen of the United States or is lawfully present in the United States under federal immigration law. The affirmative proof shall consist of any valid document or combination of valid documents recognized for purposes of issuance of drivers' licenses. The state or local government agency responsible for administering a program of public assistance shall not provide public assistance program benefits to an applicant unless or until the applicant has met the requirements of this Code section. A state or local government agency administering public assistance benefits shall not accept an identification card issued by a state or local government agency to establish identity or determine eligibility for public assistance unless the state or local government agency that issued the card has verified the immigration status of the applicant.

(b) An applicant who cannot provide the proof required under this Code section at the time of application may alternatively sign an affidavit under oath, attesting to either United States citizenship or to classification by the United States as an alien lawfully admitted for permanent residence, in order to receive temporary benefits or a temporary identification document as provided in this Code section. The affidavit shall be on or consistent with forms prepared by the state or local government agency administering the public assistance benefits program, and shall include the applicant's social security number and an explanation of the penalties under state law for fraudulently obtaining public assistance benefits. An applicant that knowingly provides false information on the affidavit or application for public assistance benefits is subject to criminal penalties applicable in this state for fraudulently obtaining public assistance program benefits. An applicant who has provided the sworn affidavit required by this subsection is eligible to receive temporary public assistance program benefits as follows:

(1) For 90 days or until such time that it is determined that the applicant is not lawfully present in the United States, whichever is earlier; or

(2) Indefinitely if the applicant provides a copy of a completed application for a Georgia birth certificate that is pending. An extension granted under this paragraph shall terminate upon the applicant's receipt of a birth certificate or a determination that a birth certificate does not exist because the applicant is not a United States citizen.

An applicant who has provided the sworn affidavit in accordance with this subsection is eligible to receive a temporary identification document for either 30 days or until such time

1 that it is determined that the applicant is not lawfully present in the United States,
2 whichever is earlier.

3 (c) A state or local government agency shall report in writing to the Attorney General of
4 this state and to a federal immigration law enforcement office designated by the Attorney
5 General of this state an applicant or beneficiary described in this Code section who fails
6 to verify the applicant's or beneficiary's own legal presence in the United States. An
7 employee of a state or local government agency who knowingly and willfully fails to report
8 violations of federal immigration law is guilty of a misdemeanor. A supervisor of an
9 employee who knows of the employee's failure to report and fails to direct the employee
10 to make the report is guilty of a misdemeanor.

11 (d) This Code section does not apply to state or local public assistance program benefits
12 that are excepted from verification of eligibility under federal law or where federal law
13 preempts the operation of this Code section.

14 (e) This Code section shall be enforced without regard to race, religion, gender, ethnicity,
15 or national origin.

16 (f)(1) Any person who believes that a state or local government agency has failed to
17 comply with this Code section in the administration of public assistance program benefits
18 may file a complaint in writing with the state or local government agency charged with
19 administering the program.

20 (2) The state or local government agency shall provide a written response within 60 days
21 of receipt of the complaint, or within 30 days if the complaint alleges an erroneous
22 determination that the person is not lawfully present in the United States.

23 (3) A person with reasonable cause to believe that a state or local government agency has
24 failed to cease an act or practice in violation of this Code section may, within 75 days
25 after receipt of the agency's written response to the person's complaint, institute a
26 proceeding for injunction or mandamus to remedy the violation giving rise to the
27 complaint.

28 (g) All state agencies administering programs of public assistance in this state shall
29 cooperate with local governments and the United States Department of Homeland Security
30 to develop a system to facilitate verification of an individual's lawful presence in the
31 United States in furtherance of this Code section. The system developed may include all
32 or part of the Systematic Alien Verification Entitlements Program operated by the United
33 States Department of Homeland Security."

34 SECTION 5.

35 Said Title 49 is further amended by adding after Code Section 49-4-148 a new Code section
36 to read as follows:

1 "49-4-148.1.
2 Any person who knowingly and willfully employs a non-United States citizen who is not
3 lawfully present in the United States shall be responsible for the cost of providing
4 medically necessary services for those persons or members of the household who are
5 medically indigent, if the medical condition leading to medically necessary services arises
6 during the course of employment. A cause of action for reimbursement plus costs and
7 attorneys' fees shall accrue against an employer of the medically indigent person to the
8 state for services provided under the state plan and to any county or health care provider
9 that provides health care services to the indigent person. A person who, in good faith, relies
10 on documentation establishing employment authorization in the United States, where the
11 document appears to be authentic on its face, is not subject to this Code section."

12 **SECTION 6.**

13 Section 3 of this Act is effective with respect to voters registering on or after January 1,
14 2006. The remainder of this Act becomes effective January 1, 2007, and applies to
15 applications for public assistance programs submitted on and after that date.

16 **SECTION 7.**

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