

HOUSE SUBSTITUTE TO SENATE BILL 84

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, and Title
2 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to
3 authorize the State Election Board to conduct certain voter education programs; to change
4 provisions relating to required presentation of identification by voters; to specify the types
5 of identification which may be used; to provide for Georgia voter identification cards to be
6 issued by each county board of registrars to persons who do not have a valid driver's license
7 or identification card issued by the Department of Driver Services; to provide for the contents
8 and appearance of such cards; to provide for applications and supporting documentation; to
9 provide for the supply of equipment and the adoption of rules and regulations by the State
10 Election Board; to change provisions relating to issuance of free identification cards by the
11 Department of Driver Services; to provide for other related matters; to provide an effective
12 date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections
16 generally, is amended by striking Code Section 21-2-31, relating to the duties of the State
17 Election Board, and inserting in lieu thereof a new Code Section 21-2-31 to read as follows:
18 "21-2-31.

19 It shall be the duty of the State Election Board:

- 20 (1) To supervise and coordinate the work of the office of the Secretary of State,
21 superintendents, registrars, deputy registrars, poll officers, and other officials so as to
22 obtain uniformity in their practices and proceedings and legality and purity in all
23 primaries and elections;
- 24 (2) To formulate, adopt, and promulgate such rules and regulations, consistent with law,
25 as will be conducive to the fair, legal, and orderly conduct of primaries and elections;

1 and, upon the adoption of each rule and regulation, the board shall promptly file certified
2 copies thereof with the Secretary of State and each superintendent;

3 (3) To publish and furnish to primary and election officials, from time to time, a
4 sufficient number of indexed copies of all primary and election laws and pertinent rules
5 and regulations then in force;

6 (4) To publish and distribute such explanatory pamphlets regarding the interpretation and
7 application of primary and election laws as in the opinion of the board should be
8 distributed to the electorate;

9 (5) To investigate, or authorize the Secretary of State to investigate, when necessary or
10 advisable the administration of primary and election laws and frauds and irregularities in
11 primaries and elections and to report violations of the primary and election laws either
12 to the Attorney General or the appropriate district attorney who shall be responsible for
13 further investigation and prosecution. Nothing in this paragraph shall be so construed as
14 to require any complaining party to request an investigation by the board before such
15 party might proceed to seek any other remedy available to that party under this chapter
16 or any other provision of law;

17 (6) To make such recommendations to the General Assembly as it may deem advisable
18 relative to the conduct and administration of primaries and elections;

19 (7) To promulgate rules and regulations to define uniform and nondiscriminatory
20 standards concerning what constitutes a vote and what will be counted as a vote for each
21 category of voting system used in this state;

22 (8) To employ such assistants as may be necessary; and

23 (9) Subject to funds being specifically appropriated by the General Assembly, to
24 formulate and conduct a voter education program concerning voting procedures for
25 voting by absentee ballot and at the polls with particular emphasis on the proper types of
26 identification required for voting; and

27 (10) To take such other action, consistent with law, as the board may determine to be
28 conducive to the fair, legal, and orderly conduct of primaries and elections."

29 SECTION 2.

30 Said title is further amended by striking Code Section 21-2-417, relating to presentation of
31 identification by voters, and inserting in its place new Code Sections 21-2-417 and
32 21-2-417.1 to read as follows:

33 "21-2-417.

34 (a) Except as provided in subsection (c) of this Code section, each elector shall present
35 proper identification to a poll worker at or prior to completion of a voter's certificate at any

1 polling place and prior to such person's admission to the enclosed space at such polling
2 place. Proper identification shall consist of any one of the following:

3 (1) A Georgia driver's license which was properly issued by the appropriate state
4 agency;

5 (2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or
6 other valid identification card issued by a branch, department, agency, or entity of the
7 State of Georgia, any other state, or the United States authorized by law to issue personal
8 identification, provided that such identification card contains a photograph of the elector;

9 (3) A valid United States passport;

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

13 (5) A valid United States military identification card, provided that such identification
14 card contains a photograph of the elector; or

15 (6) A valid tribal identification card containing a photograph of the elector.

16 (b) Except as provided in subsection (c) of this Code section, if an elector is unable to
17 produce any of the items of identification listed in subsection (a) of this Code section, he
18 or she shall be allowed to vote a provisional ballot pursuant to Code Section 21-2-418 upon
19 swearing or affirming that the elector is the person identified in the elector's voter
20 certificate. Such provisional ballot shall only be counted if the registrars are able to verify
21 current and valid identification of the elector as provided in subsection (a) of this Code
22 section within the time period for verifying provisional ballots pursuant to Code Section
23 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as
24 a felony, and the penalty shall be distinctly set forth on the face of the statement.

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

1 21-2-417.1.

2 (a) Each county board of registrars shall provide at least one place in the county at which
3 it shall accept applications for and issue Georgia voter identification cards which shall
4 under state law be valid only for purposes of voter identification under Code Section
5 21-2-417. No fee shall be charged or collected for the application for or issuance of a
6 Georgia voter identification card.

7 (b) No person shall be eligible for a Georgia voter identification card if such person has
8 a valid unexpired driver's license or identification card issued under Code Section
9 40-5-100.

10 (c) The Georgia voter identification card shall be captioned 'GEORGIA VOTER
11 IDENTIFICATION CARD' and shall contain a prominent statement that under Georgia
12 law it is valid only as identification for voting purposes. The Georgia voter identification
13 card shall be laminated, shall contain a digital color photograph of the applicant, and shall
14 include the following information:

15 (1) Full legal name;

16 (2) Address of residence;

17 (3) Birth date;

18 (4) Date identification card was issued;

19 (5) Sex;

20 (6) Height;

21 (7) Weight;

22 (8) Eye color;

23 (9) County where the identification card was issued including a county number to be
24 assigned for each county by the Secretary of State; and

25 (10) Such other information or identification as required by rule of the State Election
26 Board.

27 (d) The application for a Georgia voter identification card shall elicit the information
28 required under subsection (c) of this Code section and such other information as may be
29 required by rule of the State Election Board. The application shall be signed and sworn to
30 by the applicant and any falsification or fraud in the making of the application shall
31 constitute a felony offense under Code Section 16-10-71, relating to the offense of false
32 swearing.

33 (e) The board of registrars shall require presentation and verification of the following
34 information before issuing a Georgia voter identification card to a person:

35 (1) A photo identity document, except that a nonphoto identity document is acceptable
36 if it includes both the person's full legal name and date of birth;

37 (2) Documentation showing the person's date of birth;

1 (3) Proof of the person's social security account number; and

2 (4) Documentation showing the person's name and address of principal residence.

3 (f) A Georgia voter identification card shall remain valid so long as a person resides at the
 4 same address and remains qualified to vote. It shall be the duty of a person who moves his
 5 or her residence within the State of Georgia to surrender his or her card to the board of
 6 registrars of the county of his or her new residence; and such person may after such
 7 surrender apply for and receive a new card if such person is otherwise eligible under this
 8 Code section. It shall be the duty of a person who moves his or her residence outside the
 9 State of Georgia or who ceases to be qualified to vote to surrender his or her card to the
 10 board of registrars by which it was issued.

11 (g) The State Election Board shall provide each county board of registrars with the
 12 necessary equipment, forms, supplies, and training for the production of the Georgia voter
 13 identification cards and shall maintain such equipment.

14 (h) The State Election Board shall adopt rules and regulations for the administration of this
 15 Code section and, without limiting the generality of the foregoing, such rules and
 16 regulations may further define or prescribe the types of documentation required under
 17 subsection (e) of this Code section."

18 SECTION 3.

19 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 20 amended in Code Section 40-5-103, relating to fees for personal identification cards for
 21 persons without driver's licenses, by striking subsection (d) and inserting in its place a new
 22 subsection to read as follows:

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

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

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

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

33 SECTION 4.

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

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SECTION 5.

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