

House Bill 43

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 21-2-220 of the Official Code of Georgia Annotated, relating to  
2 application for voter registration, so as to require an applicant to provide proof of citizenship  
3 when registering to vote; to provide for related matters; to repeal conflicting laws; and for  
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 21-2-220 of the Official Code of Georgia Annotated, relating to application for  
8 voter registration, is amended by revising the Code section as follows:

9 "21-2-220.

10 (a) Any person desiring to register as an elector shall apply to do so by making application  
11 to a registrar or deputy registrar of such person's county of residence in person, by  
12 submission of the federal post card application form as authorized under Code Section  
13 21-2-219, by making application through the Department of Driver Services as provided  
14 in Code Section 21-2-221, by making application through the Department of Natural  
15 Resources as provided in Code Section 21-2-221.1, by making application through  
16 designated offices as provided in Code Section 21-2-222, or by making application by mail  
17 as provided in Code Section 21-2-223.

18 (b) Notwithstanding any other provision of this title, whenever a person makes application  
19 to register in person or through the means specified in this Code section, the person  
20 authorized to offer registration shall inquire as to whether the individual seeking  
21 registration is a citizen of the United States, and the person offering registration shall not  
22 be required to offer registration to an individual who answers such inquiry with a negative  
23 response. If the person is a citizen of the United States, the person shall provide proof of  
24 such citizenship to the person offering registration by exhibiting his or her birth certificate,  
25 passport, or proof of naturalization. If the person does not provide such proof of  
26 citizenship and is applying to register in person through a registrar or deputy registrar, the

1 registrar or deputy registration shall not accept such application until such proof is  
 2 provided. If the person does not provide such proof of citizenship and is applying to  
 3 register in person by making application through the Department of Driver Services as  
 4 provided in Code Section 21-2-221, by making application through the Department of  
 5 Natural Resources as provided in Code Section 21-2-221.1, or by making application  
 6 through designated offices as provided in Code Section 21-2-222, the person offering such  
 7 registration shall note on the application that no proof of citizenship was provided and,  
 8 upon receipt of such application, the registrars shall notify the person that the person's  
 9 application will not be processed until and unless such proof is provided to the registrars.  
 10 If the person makes application for voter registration by submission of the federal post card  
 11 application form as authorized under Code Section 21-2-219 or by making application by  
 12 mail as provided in Code Section 21-2-223, the registrars shall notify the person that the  
 13 person's application will not be processed until and unless such proof is provided to the  
 14 registrars.

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

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

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

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

29 (d) If an applicant fails to provide all of the required information on the application for  
 30 voter registration with the exception of current and valid identification, the board of  
 31 registrars shall notify the registrant in writing of the missing information. The board of  
 32 registrars shall not determine the eligibility of the applicant until and unless all required  
 33 information is supplied by the applicant. If the initial application is received prior to the  
 34 close of voter registration prior to an election, if the applicant supplies the necessary  
 35 information on or prior to the date of the election, and if the applicant is found eligible to  
 36 vote, the applicant shall be added to the list of electors and shall be permitted to vote in the  
 37 election and any run-off elections resulting therefrom and subsequent elections; provided,

1 however, that voters who registered to vote for the first time in this state by mail must  
2 supply current and valid identification when voting for the first time as required in  
3 subsection (c) of this Code section. In the event the elector does not respond to the request  
4 for the missing information within 30 days, the application shall be rejected.

5 (e) If an applicant submits false information, the board of registrars shall reject the  
6 application and shall refer the application to the district attorney of the county for criminal  
7 prosecution. If the false information is not discovered until after the applicant's application  
8 has been approved and the applicant's name added to the list of electors, the giving of such  
9 false information shall be cause to challenge the applicant's right to remain on the list of  
10 electors, which, if sustained, shall result in such applicant's name being removed from the  
11 list and the application being submitted to the district attorney of the county for criminal  
12 prosecution.

13 (f) A person registering to vote who is disabled or illiterate may request assistance from  
14 any other person in completing the form for registration, but the person offering assistance  
15 shall sign the voter registration form in the space provided to identify the person offering  
16 assistance.

17 (g) The registrars shall note on their records and the electors list any elector who registers  
18 by mail for the first time in this state and does not provide the identification required by  
19 subsection (c) of this Code section."

20

## **SECTION 2.**

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