

The House Committee on Science and Technology offers the following substitute to SB 406:

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 provide that an incumbent may qualify for
3 reelection as an independent candidate or as the candidate of a political body without filing
4 a nomination petition; to provide for online voter registration; to provide for procedures; to
5 amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers'
6 licenses, so as to provide for the use of certain information maintained by the Department of
7 Driver Services to identify certain voter registration applicants; to provide for related matters;
8 to provide for severability; to provide an effective date; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
13 elections generally, is amended by revising subsection (e) of Code Section 21-2-132, relating
14 to filing notice of candidacy, nomination petition, and affidavit, as follows:

15 "(e) Except as provided in subsection (i) of this Code section, each candidate required to
16 file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth
17 Monday in June immediately prior to the election and no later than 12:00 Noon on the
18 second Tuesday in July immediately prior to the election, file with the same official with
19 whom he or she filed his or her notice of candidacy a nomination petition in the form
20 prescribed in Code Section 21-2-170, except that such petition shall not be required if such
21 candidate is:

- 22 (1) A nominee of a political party for the office of presidential elector when such party
23 has held a national convention and therein nominated candidates for President and Vice
24 President of the United States;
- 25 (2) Seeking office in a special election;

26 (3) An incumbent qualifying as a candidate to succeed ~~such incumbent if, prior to the~~
 27 ~~election in which such incumbent was originally elected to the office for which such~~
 28 ~~incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination~~
 29 ~~petition as required by this chapter~~ himself or herself;

30 (4) A candidate seeking election in a nonpartisan election; or

31 (5) A nominee for a state-wide office by a duly constituted political body convention,
 32 provided that the political body making the nomination has qualified to nominate
 33 candidates for state-wide public office under the provisions of Code Section 21-2-180."

34 **SECTION 2.**

35 Said chapter is further amended by revising subsection (a) of Code Section 21-2-219, relating
 36 to registration cards, as follows:

37 "(a) The registration cards for use by persons in making application to register to vote shall
 38 be in a form as specified by the Secretary of State, which shall include printed forms, forms
 39 made available through electronic means, or otherwise. Except as provided in
 40 subsection (b) of this Code section and Code Section 21-2-221.2, only registration cards
 41 issued or authorized for use by the Secretary of State or the national voter registration card
 42 promulgated ~~by the Federal Election Commission~~ under the provisions of the National
 43 Voter Registration Act of 1993, 42 U.S.C. Section 1973gg-7, shall be accepted for
 44 purposes of voter registration."

45 **SECTION 3.**

46 Said chapter is further amended by revising subsection (a) of Code Section 21-2-220, relating
 47 to application for registration, as follows:

48 "(a) Any person desiring to register as an elector shall apply to do so by making
 49 application to a registrar or deputy registrar of such person's county of residence in person,
 50 by submission of the federal post card application form as authorized under Code Section
 51 21-2-219, by making application through the Department of Driver Services as provided
 52 in Code Section 21-2-221, by making application through the Department of Natural
 53 Resources as provided in Code Section 21-2-221.1, by making application online as
 54 provided in Code Section 21-2-221.2, by making application through designated offices
 55 as provided in Code Section 21-2-222, or by making application by mail as provided in
 56 Code Section 21-2-223."

57 **SECTION 4.**

58 Said chapter is further amended by adding a new Code section to read as follows:

59 "21-2-221.2.

60 (a) A person who is qualified to register to vote in this state and who has a valid Georgia
61 driver's license or identification card may submit a voter registration application on the
62 Internet website of the Secretary of State. The Secretary of State shall, in conjunction with
63 the Department of Driver Services, design and implement a system to allow for such online
64 voter registration.

65 (b) An application submitted pursuant to this Code section shall contain:

66 (1) The applicant's name and residence address;

67 (2) The applicant's driver's license or identification card number;

68 (3) The applicant's date of birth;

69 (4) An affirmation by the applicant that the applicant is a citizen of the State of Georgia
70 and of the United States;

71 (5) An affirmation by the applicant that the information provided is truthful and that the
72 applicant is eligible to vote in the State of Georgia;

73 (6) An assent by the applicant to the use of his or her signature from his or her driver's
74 license or identification card; and

75 (7) Such other information the Secretary of State deems necessary to establish the
76 identity of the applicant.

77 (c) Upon the submission of an application through the website pursuant to this Code
78 section, the software used by the Secretary of State for processing applications through the
79 website shall provide for immediate verification of all of the following:

80 (1) That the applicant has a valid Georgia driver's license or identification card and that
81 the number for that driver's license or identification card provided by the applicant
82 matches the number for the applicant's driver's license or identification card that is on file
83 with the Department of Driver Services;

84 (2) That the date of birth provided by the applicant matches the date of birth that is on
85 file with the Department of Driver Services; and

86 (3) That the applicant is a citizen of the State of Georgia and of the United States and
87 that the information provided by the applicant matches the information on file with the
88 Department of Driver Services.

89 If any of these items does not match or if the application is incomplete, the application shall
90 be void and shall be rejected and the applicant shall be notified of such rejection either
91 electronically or by mail within five days after such application is rejected.

92 (d) If all of the items enumerated in subsection (c) of this Code section are verified, the
93 Secretary of State shall obtain an electronic copy of the applicant's signature from the
94 applicant's driver's license or identification card directly from the Department of Driver
95 Services. The application shall then be processed in the same manner as applications under

96 Code Section 21-2-221. Except as otherwise provided by this Code section, the application
 97 shall be deemed to have been made as of the date that the information was provided by the
 98 applicant through the Internet website.
 99 (e) The matching of information pursuant to subsection (c) of this Code section shall
 100 satisfy the requirements of subsection (c) of Code Section 21-2-220 and subsection (g) of
 101 Code Section 21-2-216.
 102 (f) The Secretary of State shall employ security measures to ensure the accuracy and
 103 integrity of voter registration applications submitted electronically pursuant to this Code
 104 section."

105 **SECTION 5.**

106 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 107 is amended by revising paragraph (6) of subsection (f) of Code Section 40-5-2, relating to
 108 driving records, as follows:

109 "(6)(A) The information required to be made available regarding voter registration
 110 pursuant to Code Section 21-2-221 and for the purposes set forth in such Code section;
 111 and
 112 (B) Information sufficient for use in verifying a registered voter's identity or the
 113 identity of an applicant for voter registration by the Secretary of State, the county
 114 election superintendent, or the county registrar, including name, address, date of birth,
 115 gender, driver identification number, photograph, and signature; and".

116 **SECTION 6.**

117 If any section of this Act fails to be approved by the United States Department of Justice as
 118 required by the federal Voting Rights Act of 1965, the remaining sections shall nevertheless
 119 become effective.

120 **SECTION 7.**

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

123 **SECTION 8.**

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