

Senate Bill 28

By: Senators Fort of the 39th, Davenport of the 44th, Butler of the 55th, Jones of the 10th, Sims of the 12th and others

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 remove certain requirements regarding proof of
3 voter identity at the polls; to provide for related matters; to provide an effective date; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
8 elections generally, is amended by revising paragraph (1) of subsection (b) of Code
9 Section 21-2-381, relating to making of application for absentee ballot, determination of
10 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
11 entitled to make application, as follows:

12 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
13 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
14 shall determine, in accordance with the provisions of this chapter, if the applicant is
15 eligible to vote in the primary or election involved. In order to be found eligible to vote
16 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the
17 identifying information on the application with the information on file in the registrar's
18 office and, if the application is signed by the elector, compare the signature or mark of
19 the elector on the application with the signature or mark of the elector on the elector's
20 voter registration card. In order to be found eligible to vote an absentee ballot in person
21 at the registrar's office or absentee ballot clerk's office, such person shall show one of the
22 forms of identification listed in subsection (c) of Code Section 21-2-417, if applicable,
23 and the registrar or absentee ballot clerk shall compare the identifying information on the
24 application with the information on file in the registrar's office."

25 **SECTION 2.**

26 Said chapter is further amended by revising subparagraph (a)(1)(D) of Code
 27 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
 28 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
 29 notification of challenged elector, as follows:

30 "(D) An elector who registered to vote by mail, but did not comply with subsection (c)
 31 of Code Section 21-2-220, and who votes for the first time in this state by absentee
 32 ballot shall include with his or her application for an absentee ballot or in the outer oath
 33 envelope of his or her absentee ballot ~~either one of the forms of identification listed in~~
 34 ~~subsection (a) (c) of Code Section 21-2-417 or a copy of a current utility bill, bank~~
 35 ~~statement, government check, paycheck, or other government document that shows the~~
 36 ~~name and address of such elector.~~ If such elector does not provide any of the forms of
 37 identification listed in ~~this subparagraph~~ such subsection with his or her application for
 38 an absentee ballot or with the absentee ballot, such absentee ballot shall be deemed to
 39 be a provisional ballot, and such ballot shall only be counted if the registrars are able
 40 to verify current and valid identification of the elector as provided in this subparagraph
 41 within the time period for verifying provisional ballots pursuant to Code
 42 Section 21-2-419."

43 **SECTION 3.**

44 Said chapter is further amended in Code Section 21-2-417, relating to presentation of
 45 identification to poll workers, form of proper identification, swearing of statement when
 46 unable to produce proper identification, provisional ballots for those, and penalty for false
 47 statement under oath, by striking and reserving subsections (a) and (b) and revising
 48 subsection (c) as follows:

49 "(c) An elector who registered to vote by mail, but did not comply with subsection (c) of
 50 Code Section 21-2-220, and who votes for the first time in this state shall present to the poll
 51 workers ~~either one of the forms of identification listed in subsection (a) of this Code section~~
 52 ~~or a~~ any one or more of the following:

- 53 (1) A Georgia driver's license which was properly issued by the appropriate state agency;
 54 (2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or
 55 other valid identification card issued by a branch, department, agency, or entity of this
 56 state, any other state, or the United States authorized by law to issue personal
 57 identification, provided that such identification card contains a photograph of the elector;
 58 (3) A valid United States passport;

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

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

64 (6) A valid tribal identification card containing a photograph of the elector; or

65 (7) A copy of a current utility bill, bank statement, government check, paycheck, or other
 66 government document that shows the name and address of such elector.

67 If such elector does not have any of the forms of identification listed in this subsection,
 68 such elector may vote a provisional ballot pursuant to Code Section 21-2-418 upon
 69 swearing or affirming that the elector is the person identified in the elector's voter
 70 certificate. Such provisional ballot shall only be counted if the registrars are able to verify
 71 current and valid identification of the elector as provided in this subsection within the time
 72 period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely
 73 swearing or affirming such statement under oath shall be punishable as a felony, and the
 74 penalty shall be distinctly set forth on the face of the statement."

75 **SECTION 4.**

76 Said chapter is further amended by revising subsection (b) of Code Section 21-2-418, relating
 77 to provisional ballots, as follows:

78 "(b) Such person voting a provisional ballot shall complete an official voter registration
 79 form and a provisional ballot voting certificate which shall include information about the
 80 place, manner, and approximate date on which the person registered to vote. The person
 81 shall swear or affirm in writing that he or she previously registered to vote in such primary
 82 or election, is eligible to vote in such primary or election, has not voted previously in such
 83 primary or election, and meets the criteria for registering to vote in such primary or
 84 election. The form of the provisional ballot voting certificate shall be prescribed by the
 85 Secretary of State. The person shall also present the identification required by subsection
 86 (c) of Code Section 21-2-417, if applicable."

87 **SECTION 5.**

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

90 **SECTION 6.**

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