

House Bill 1109

By: Representatives Byrd of the 20th, Kahaian of the 81st, Dunahoo of the 31st, and Barrett of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to
2 presentation of proper identification to poll workers, swearing of statement when unable to
3 produce, use of provisional ballots, and penalty for false swearing, so as to provide that
4 certain driver's licenses and identification cards shall not be proper identification for
5 presentation to a poll worker; to amend Article 2 of Chapter 5 of Title 40 of the Official Code
6 of Georgia Annotated, relating to issuance, expiration, and renewal of licenses, so as to
7 require the term "BEARER NOT A U.S. CITIZEN - NOT VOTER ID" to be included on
8 certain licenses, permits, and special identification cards; to require that certain license,
9 permit, or special identification card numbers be appended with the prefix "NC" to reflect
10 that such cards are held by noncitizens; to provide for duties of the Department of Driver
11 Services; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to presentation
15 of proper identification to poll workers, swearing of statement when unable to produce, use

16 of provisional ballots, and penalty for false swearing, is amended by revising subsection (a)
17 as follows:

18 "(a)(1) Except as provided in subsection (c) of this Code section, each elector shall
19 present proper identification to a poll worker at or prior to completion of a voter's
20 certificate at any polling place and prior to such person's admission to the enclosed space
21 at such polling place.

22 (2) Proper identification required under paragraph (1) of this subsection shall ~~consist~~:

23 (A) Consist of any one of the following:

24 ~~(1)~~(i) A Georgia driver's license in a physical format which was properly issued by
25 the Department of Driver Services, except as provided for in subparagraph (B) of this
26 paragraph;

27 ~~(2)~~(ii) A valid Georgia voter identification card issued under Code Section
28 21-2-417.1 or other valid identification card issued by a branch, department, agency,
29 or entity of the State of Georgia, any other state, or the United States authorized by
30 law to issue personal identification, provided that such identification card contains a
31 photograph of the elector, except as provided for in subparagraph (B) of this
32 paragraph;

33 ~~(3)~~(iii) A valid United States passport;

34 ~~(4)~~(iv) A valid employee identification card containing a photograph of the elector
35 and issued by any branch, department, agency, or entity of the United States
36 government, this state, or any county, municipality, board, authority, or other entity
37 of this state;

38 ~~(5)~~(v) A valid United States military identification card, provided that such
39 identification card contains a photograph of the elector; or

40 ~~(6)~~(vi) A valid tribal identification card containing a photograph of the elector; and

41 (B) Not consist of a driver's license or special identification card issued to a noncitizen,
 42 including, but not limited to, a driver's license or identification card issued pursuant to
 43 Code Section 40-5-21.1."

44 **SECTION 2.**

45 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
 46 issuance, expiration, and renewal of licenses, is amended in Code Section 40-5-21.1, relating
 47 to temporary licenses, permits, or special identification cards, foreign licenses or
 48 identification cards as evidence of legal presence in the United States, and extensions, by
 49 revising subsection (a) and adding new subsections to read as follows:

50 "(a) Notwithstanding any other provision of this title, an applicant ~~who~~ may be issued a
 51 temporary license, permit, or special identification card if such applicant presents in person
 52 valid documentary evidence of:

- 53 (1) Admission to the United States in a valid, unexpired nonimmigrant status;
- 54 (2) A pending or approved application for asylum in the United States;
- 55 (3) Admission into the United States in refugee status;
- 56 (4) An approved application for temporary protected status in the United States;
- 57 (5) Approved deferred action status;
- 58 (6) Other federal documentation verified by the United States Department of Homeland
 59 Security to be valid documentary evidence of lawful presence in the United States under
 60 federal immigration law; or
- 61 (7) Verification of lawful presence as provided by Code Section 40-5-21.2

62 ~~may be issued a temporary license, permit, or special identification card.~~

63 (a.1) Any Such temporary license, permit, or special identification card issued pursuant
 64 to subsection (a) of this Code section shall be valid only during the period of time of the
 65 applicant's authorized stay in the United States or five years, whichever occurs first;
 66 provided, however, that any temporary license, permit, or special identification card issued

67 on or after the effective date of subsection (d) of this Code section and which does not
68 conform to the requirements of subsection (d) of this Code section shall be valid until
69 December 31, 2026."

70 "(d) A temporary license, permit, or special identification card issued pursuant to this Code
71 section on or after August 1, 2027, shall:

72 (1) Include, in a prominent location, the term 'BEARER NOT A U.S. CITIZEN - NOT
73 VOTER ID'; and

74 (2) Have a license, permit, or special identification card number that has been appended
75 with the prefix 'NC' to reflect that such license, permit, or special identification card is
76 held by a noncitizen.

77 (e) The department shall on its public website include a page that provides explanation as
78 to the difference in the characteristics of licenses, permits, or special identification cards
79 provided for under subsections (a) and (d) of this Code section from the licenses, permits,
80 or special identification cards not issued under this Code section."

81 **SECTION 3.**

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