

House Bill 767

By: Representatives Werkheiser of the 157th, Shaw of the 176th, Fleming of the 121st, Kirby of the 114th, and Jones of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to
2 requirements, procedures, and conditions for verification of lawful presence within the
3 United States, exceptions, regulations, and criminal and other penalties for violations, so as
4 to provide a method for such verification of lawful presence that may be utilized in
5 conjunction with the electronic filing of an application for unemployment insurance with the
6 Department of Labor; to provide for related matters; to provide for an effective date; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to requirements,
11 procedures, and conditions for verification of lawful presence within the United States,
12 exceptions, regulations, and criminal and other penalties for violations, is amended by
13 revising subsection (f) as follows:

14 "(f)(1) Except as provided in paragraph (5) of this subsection and in subsection (g) of this
15 Code section, an agency or political subdivision providing or administering a public
16 benefit shall require every applicant for such benefit to:

17 (A) Provide at least one secure and verifiable document, as defined in Code
18 Section 50-36-2, or a copy or facsimile of such document. Any document required by
19 this subparagraph may be submitted by or on behalf of the applicant at any time within
20 nine months prior to the date of application so long as the document remains valid
21 through the licensing or approval period or such other period for which the applicant
22 is applying to receive a public benefit; and

23 (B) Execute a signed and sworn affidavit verifying the applicant's lawful presence in
24 the United States under federal immigration law; provided, however, that if the
25 applicant is younger than 18 years of age at the time of the application, he or she shall

26 execute the affidavit required by this subparagraph within 30 days after his or her
27 eighteenth birthday. Such affidavit shall affirm that:

28 (i) The applicant is a United States citizen or legal permanent resident 18 years of age
29 or older; or

30 (ii) The applicant is a qualified alien or nonimmigrant under the federal Immigration
31 and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the
32 United States and provide the applicant's alien number issued by the Department of
33 Homeland Security or other federal immigration agency.

34 (2) The state auditor shall create affidavits for use under this subsection and shall keep
35 a current version of such affidavits on the Department of Audits and Accounts' official
36 website.

37 (3) Documents and copies of documents required by this subsection may be submitted
38 in person, by mail, or electronically, provided the submission complies with Chapter 12
39 of Title 10. Copies of documents submitted in person, by mail, or electronically shall
40 satisfy the requirements of this Code section. For purposes of this paragraph, electronic
41 submission shall include a submission via facsimile, Internet, electronic texting, or any
42 other electronically assisted transmitted method approved by the agency or political
43 subdivision.

44 (4) The requirements of this subsection shall not apply to any applicant applying for or
45 renewing an application for a public benefit within the same agency or political
46 subdivision if the applicant has previously complied with the requirements of this
47 subsection by submission of a secure and verifiable document, as defined in Code
48 Section 50-36-2, and a signed and sworn affidavit affirming that such applicant is a
49 United States citizen.

50 (5) The Department of Labor may require any applicant for unemployment insurance
51 filing electronically to satisfy the requirements of paragraphs (1) and (3) of this
52 subsection by providing the number of a verifiable and unexpired driver's license or
53 identification card issued to him or her by this state on or after July 1, 2012, which
54 complies with the requirements of paragraph (1) of subsection (g) of this Code section,
55 and his or her social security number. Unless the applicant is exempted under paragraph
56 (4) of this subsection, the applicant's name and the number and expiration date of the
57 applicant's driver's license or identification card shall be verified with the Department of
58 Driver Services and the applicant's social security number shall be verified by the
59 Department of Labor."

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SECTION 2.

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

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SECTION 3.

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