

Senate Bill 202

By: Senators Burns of the 23rd, Miller of the 49th, Dugan of the 30th, Ginn of the 47th,
Anderson of the 24th 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 elections and primaries generally, so as to provide that persons or entities that mail absentee
3 ballot applications shall mail such applications only to eligible registered electors who have
4 not already requested, been issued, or voted an absentee ballot; to require certain
5 comparisons to remove improper names from mail distribution lists; to provide for sanctions
6 for violations; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
11 primaries generally, is amended by revising paragraph (3) of subsection (a) of Code
12 Section 21-2-381, relating to making of application for absentee ballot, determination of
13 eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
14 entitled to make application, as follows:

15 "(3)(A) All persons or entities, other than the Secretary of State, election
16 superintendents, boards of registrars, and absentee ballot clerks, that send applications

17 for absentee ballots to electors in a primary, election, or runoff shall mail such
18 applications only to eligible registered electors who have not already requested,
19 received, or voted an absentee ballot in the primary, election, or runoff. Any such
20 person or entity shall compare the mail distribution list being used by the person or
21 entity for such mailing with the most current registered electors list maintained by the
22 Secretary of State and remove all persons from the list who are not registered electors.
23 Any such entity shall also compare the mail distribution list with the most recent
24 information available on which electors have requested, been issued, or voted an
25 absentee ballot in the primary, election, or runoff and shall remove the names of such
26 electors from the mail distribution list.

27 (B) Violations of this paragraph shall be subject to sanctions by the State Election
28 Board which, in addition to other possible sanctions, shall include the imposition of
29 restitution to each affected county or municipality in the amount of \$100.00 per
30 occurrence or the actual cost incurred in each affected county or municipality for the
31 processing of duplicate absentee ballot applications, whichever is higher. Reserved."

32 **SECTION 2.**

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