

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

**AS PASSED SENATE**

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 unsolicited

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17 applications for absentee ballots to electors in a primary, election, or runoff shall mail  
18 such 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. A person or entity shall not be liable for any  
27 violation of this subparagraph if such person or entity relied upon data made available  
28 by the Secretary of State within five business days prior to when such applications are  
29 mailed.

30 (B) A person or entity in violation of subparagraph (A) of this paragraph shall be  
31 subject to sanctions by the State Election Board which, in addition to all other possible  
32 sanctions, may include requiring such person or entity to pay restitution to each affected  
33 county or municipality in an amount up to \$100.00 per duplicate absentee ballot  
34 application processed by the county or municipality resulting from such person's or  
35 entity's violation of subparagraph (A) of this paragraph or the actual cost incurred in  
36 each affected county or municipality for the processing of such duplicate absentee  
37 ballot applications. Reserved."

38 **SECTION 2.**

39 All laws and parts of laws in conflict with this Act are repealed.