

The Senate Committee on Ethics offered the following substitute to SB 202:

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

applications for absentee ballots to electors in a primary, election, or runoff shall mail such applications only to eligible registered electors who have not already requested, received, or voted an absentee ballot in the primary, election, or runoff. Any such person or entity shall compare the mail distribution list being used by the person or entity for such mailing with the most current registered electors list maintained by the Secretary of State and remove all persons from the list who are not registered electors. Any such entity shall also compare the mail distribution list with the most recent information available on which electors have requested, been issued, or voted an absentee ballot in the primary, election, or runoff and shall remove the names of such electors from the mail distribution list. A person or entity shall not be liable for any violation of this subparagraph if such person or entity relied upon data made available by the Secretary of State within five business days prior to when such applications are mailed.

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

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.