

House Bill 401

By: Representatives Hatfield of the 177th, Jerguson of the 22nd, Harden of the 28th, Allison of the 8th, Davis of the 109th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
2 relating to elections, so as to enact the "Presidential Eligibility Assurance Act"; to state
3 legislative intent; to define terms; to provide that no person shall be eligible for placement
4 on any ballot as a candidate for President or Vice President unless the Secretary of State shall
5 have received and approved adequate evidence of such person's eligibility for election to
6 such office; to provide what constitutes adequate evidence of eligibility and provide for the
7 time and manner of presentation of such evidence; to provide for review by the Secretary of
8 State; to authorize any elector of this state to challenge the qualifications of a candidate; to
9 provide for the adoption of rules and regulations; to provide that it shall be a criminal offense
10 for any presidential elector from this state to cast his or her electoral college vote for a
11 candidate who is not approved by the Secretary of State as having submitted adequate
12 evidence of eligibility; to provide for related matters; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Article 1 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
17 elections, is amended by adding a new Code section to read as follows:

18 "21-2-5.1.

19 (a) This Code section shall be known and may be cited as the 'Presidential Eligibility
Assurance Act.'

21 (b) It is the intent of this Code section to ensure that in all elections and primaries held in
this state no person shall be eligible for placement on any ballot as a candidate for
President or Vice President unless the Secretary of State shall have received and approved
adequate evidence of such person's eligibility for election to such office; and such intent
and the provisions of this Code section shall prevail over any conflicting provisions of any
other law or regulation of this state.

27 (c) As used in this Code section, the term:

28 (1) 'Eligibility requirements' means the natural born citizenship, age, and residency
29 requirements prescribed by Article II, Section 1 of the United States Constitution for
30 eligibility for the office of President or Vice President of the United States.

31 (2) 'Evidence of eligibility' means an affidavit by a candidate stating that the candidate
32 meets each of the eligibility requirements accompanied by and including:

33 (A) A certified exact copy of the candidate's first original long-form birth certificate
34 that includes the candidate's date, time, and place of birth; the name of the specific
35 hospital or other location at which the candidate was born; the attending physician at
36 the candidate's birth; the names of the candidate's birth parents and their respective
37 birthplaces and places of residence; and signatures of the witness or witnesses in
38 attendance at the candidate's birth. If the foregoing described certified exact copy of the
39 candidate's first original long-form birth certificate is not attached and the candidate's
40 affidavit indicates that a first original long-form birth certificate for the candidate does
41 not exist, the candidate shall attach certified exact copies of other original
42 documentation, including, but not limited to, the candidate's birth records, adoption
43 records, baptism records, Social Security records, medical records, school and college
44 records, military records, and passport records showing, either individually or
45 collectively, that the candidate meets the natural born citizenship, age, and residency
46 requirements prescribed by Article II, Section 1 of the United States Constitution. The
47 candidate shall not attach certified or other copies of nonoriginal documents or records;

48 (B) Recitations in the affidavit attesting that the candidate has never been a citizen of
49 any country or nation other than the United States of America; that the candidate has
50 never held dual or multiple citizenship; and that the candidate has never owed
51 allegiance to any country or nation other than the United States of America; and

52 (C) Recitations in the affidavit that specifically identify the candidate's places of
53 residence in the United States for at least the preceding 14 years.

54 (d) When a state executive committee of a party notifies the Secretary of State of the
55 names of the candidates of the party to appear on the presidential preference primary ballot
56 as provided for in Code Section 21-2-193, such notification shall be accompanied by
57 evidence of eligibility of the candidates.

58 (e) When a nomination petition of presidential electors for a candidate for President or
59 Vice President is submitted to the Secretary of State as provided for in Code Sections
60 21-2-170 and 21-2-171, the nomination petition shall be accompanied by evidence of
61 eligibility of the candidate.

62 (f) If any person becomes a candidate for election as President or Vice President at the
63 general election without having previously submitted adequate evidence of eligibility under

64 subsection (d) or (e) of this Code section, the Secretary of State shall require the production
65 of adequate evidence of eligibility before placing such person's name on any ballot.

66 (g) The Secretary of State shall review the evidence of eligibility submitted under
67 subsection (d), (e), or (f) of this Code Section. The Secretary of State shall approve the
68 evidence of eligibility as adequate or if the Secretary of State finds reasonable cause to
69 believe that any candidate does not meet the natural born citizenship, age, and residency
70 requirements prescribed by Article II, Section 1 of the United States Constitution, the
71 Secretary of State shall not place such candidate's name on the ballot in this state.

72 (h) Evidence of eligibility submitted to the Secretary of State under this Code section shall
73 be a public document and shall be made available for public inspection and copying within
74 one business day after it is filed with the Secretary of State.

75 (i) Within two weeks after any evidence of eligibility is filed with the Secretary of State,
76 any elector of this state may challenge the eligibility of the candidate submitting the
77 evidence of eligibility in the manner prescribed by Code Section 21-2-5.

78 (j) The State Election Board may promulgate rules and regulations for the implementation
79 of this Code section in a manner consistent with the statement of intent in subsection (b)
80 of this Code section.

81 (k) It is unlawful for any presidential elector from this state to cast his or her electoral
82 college vote for a candidate who is not approved by the Secretary of State as having
83 submitted adequate evidence of eligibility. Any person who violates this Code section
84 shall upon conviction be guilty of a misdemeanor of a high and aggravated nature."

85 **SECTION 2.**

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