



Georgia

An updated fact sheet to reflect the final passage of SB 202 is in progress. The fact sheet here was created on March 23, 2021.

If enacted in its current form, the For the People Act (H.R. 1/S.1) would make several changes to federal elections in Georgia which would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R. 1—including those relating to universal mail-in voting and early voting—already exist in some form in Georgia, although there are pending legislative proposals in the state that would alter current practice. Other requirements, such as those relating to voter registration and partisan gerrymandering, would more fundamentally change Georgia's procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Georgia:

Expanding & Protecting Voter Registration Opportunities

- Provides for Automatic Voter Registration by triggering such registration when a citizen over the age of 16 interacts with designated state or federal agencies, including the DMV, educational institutions, and the Social Security Administration, unless the citizen affirmatively declines to register.¹ Georgia law provides that an application for a driver's license or a fishing, hunting or trapping license by an applicant at least 17 and a half years old triggers an application for voter registration.² Georgia law also requires state offices administering public assistance programs or providing services to disabled to offer voting registration applications to people seeking such assistance and to offer help in filling out such applications.³
- Requires same-day voter registration.⁴ Georgia law currently requires registration by the fifth Monday preceding the election.⁵
- Provides for pre-registration of 16 and 17 year olds.⁶ Georgia law permits registration of voters who are at least 17 and a half years old.⁷ In both cases, the registrant must be 18 years old in order to cast a ballot.

¹ H.R. 1, Title I, Subtitle A.

² O.C.G.A. § 21-2-221.

³ O.C.G.A. § 21-2-222. The statute imposes the same requirement on recruitment offices for the armed services.

⁴ H.R. 1, Title I, Subtitle A.

⁵ O.C.G.A. § 21-2-224.

⁶ H.R. 1, Title I, Subtitle A.

⁷ O.C.G.A. § 21-2-221.1.; O.C.G.A. § 21-2-216.



- Prohibits states from removing a voter from the voting rolls without documentation that a voter is not a Georgia resident and creates strict standards to prevent removal of eligible voters from the voting rolls based on cross-checks of databases.⁸

Mandating Secure, Accessible Early Voting & Absentee Voting

- Provides voters the option of voting early for a full 15 days before an election, including opportunities before and after business hours, on weekends, and on the day before Election Day.⁹ Georgia currently provides for early voting beginning 22 days before the election and requires polling places to be open during business hours on weekdays and on at least one Saturday.¹⁰ Counties are permitted to offer early voting on weekends, including both Saturdays and Sundays, and to extend the hours during which polling places are open for early voting.¹¹ In 2020, some counties offered expanded early voting on weekends, including on Sundays, but others did not.
- Deems ballots postmarked by Election Day valid and require that they must be counted if delivered up to ten days after the election.¹² Under current Georgia law absentee ballots must be received by 7:00 p.m. on Election Day except for ballots cast by members of the armed forces, which are counted if received up to 3 days after Election Day.¹³
- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.¹⁴ Current Georgia law authorizes but does not require counties to establish drop boxes up to 49 days before an election.¹⁵ In 2020, some counties provided drop boxes, and some did not.
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.¹⁶

Protecting & Expanding Ballot Access

- Requires Georgia to eliminate wait times of more than 30 minutes to vote.¹⁷ Current Georgia law addresses wait times only for voters who are over 75 or disabled.¹⁸
- Mandates changes to polling place locations be announced seven days before Election Day.¹⁹ Current Georgia law has no comparable provision.

⁸ H.R. 1, Title I, Subtitle A.

⁹ H.R. 1, Title I, Subtitle H.

¹⁰ O.C.G.A. § 21-2-385.

¹¹ *Id.*

¹² *Id.*

¹³ Ga. State Election Board Rule 183-1-14-.10.

¹⁴ H.R. 1, Title I, Subtitle N, Part 1.

¹⁵ Ga. State Election Board Rule 183-1-14.

¹⁶ *Id.*

¹⁷ H.R. 1, Title I, Subtitle N.

¹⁸ O.C.G.A. § 21-2-409.1.

¹⁹ H.R. 1, Title I, Subtitle N.

- Requires challenges to voters other than by registrars to be sworn under oath and based on personal knowledge and prohibits challenges within 10 days of an election unless the voter registered within 20 days of the election and bars challenges based on race, ethnicity, or national origin.²⁰ Current Georgia law does not require challenges to be sworn or based on personal knowledge and may be made at any time before the elector votes.²¹

Creating an Alternative to Discriminatory “Voter ID” Laws

- Permits registered voters to vote without presenting an ID card if they provide a sworn written statement on a state form, confirming their identity and eligibility to vote in the election.²² Under current Georgia law voters are required to present a compliant photo ID in order to cast an in-person ballot.²³ Voters unable to present a valid ID must cast a provisional ballot, which is counted only if the registrar subsequently confirms the voter’s identification.
- Prohibits Georgia from requiring voters to submit a photo ID in order to receive an absentee ballot.²⁴ Current Georgia law requires a voter casting an absentee ballot to submit a photo ID if the voter is voting for the first time and did not submit a photo ID when he registered.²⁵

Restoring Civil Rights

- Requires Georgia to restore civil rights to people with felony convictions once they are released from prison, and to offer voter registration materials upon eligibility.²⁶ Currently, Georgians with felony convictions for offenses involving moral turpitude can vote only after they have completed their sentences.²⁷

Strengthening Election Security & Trust in Elections

- Requires Georgia to begin processing mail-in ballots received during the early voting period, as opposed to current law, which provides that the pre-canvassing process can begin no earlier than 7:00 a.m. on Election Day.²⁸ This will reduce the kinds of delays that were exploited in 2020 to spread distrust in Georgia’s counting process.

²⁰ H.R. 1, Title I, Subtitle C.

²¹ O.C.G.A. § 21-2-230.

²² H.R. 1, Title I, Subtitle N, Part 1.

²³ O.C.G.A. § 21-2-417.

²⁴ H.R. 1, Title I, Subtitle I.

²⁵ O.C.G.A. § 21-2-385.

²⁶ H.R. 1, Title I, Subtitle E.

²⁷ O.C.G.A. § 21-2-216.

²⁸ H.R. 1, Title I, Subtitle I; 25 P.S. § 3146.8.

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²⁹
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.³⁰
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³¹
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.³²
- Permits the security of drop boxes through remote or electronic surveillance.³³

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Current Georgia law permits the state legislature to establish congressional districts without public input and for partisan advantage. H.R.1/S.1 would do the following:
 - Requires Georgia to set up an independent commission to draw federal congressional districts no later than November 15, 2021 after receiving public input.
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts.³⁴
 - Require consideration of “communities of interest” when drawing districts.³⁵
 - Counts incarcerated Georgians as residents of their home community for purposes of representation, ending Georgia’s prison gerrymanders.³⁶

H.R.1/S.1 would preempt provisions of legislation pending in the Georgia legislature (S.B. 202 and H.B. 531) that would severely suppress voting rights.

- H.B. 531 would require already registered absentee voters to submit identification in order to obtain or submit an absentee ballot. Current Georgia law requires only a signed statement, except that if a voter registered without submitting identification and is voting for the first time, identification is required.³⁷ H.R.1/S.1 would prohibit states from requiring that absentee ballots be witnessed and from requiring proof of identification unless the voter registered without submitting identification and is voting for the first time.³⁸
- H.B. 531 would permit registered voters to request absentee ballots only during the period eleven weeks prior to election until two Fridays before the election. Current law

²⁹ Amendment 5 to H.R.1, Part B.

³⁰ Amendment 26 to H.R.1, Part B.

³¹ Amendment 27 to H.R.1, Part B.

³² H.R. 1, Title I, Subtitle F.

³³ Amendment 9 to H.R.1, Part B.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ O.C.G.A. § 21-2-385(a).

³⁸ H.R. 1, Title I, Subtitles I and N.

permits such a request anytime between 180 days before the election until Election Day.³⁹ H.R.1/S.1 requires states to honor requests until five days before Election Day.⁴⁰

- H.B. 531 would prohibit election officials from mailing absentee ballots until four weeks before the election. Current Georgia law requires prompt responses to requests for absentee ballots beginning between 45 and 49 days before Election Day.⁴¹ H.R.1/S.1 would require states to send absentee ballots to disabled voters not later than 45 days before the election.⁴²
- H.B. 531 would limit early voting to business hours during three weeks prior to Election Day, plus two weekend days, only one of which can be a Sunday. Current Georgia law requires early voting during business hours for 16 days (Monday through Friday of the three full weeks before the election plus the second Saturday) and permits counties to provide early voting during extended hours and on weekends.⁴³ In 2020, many counties permitted early voting on weekends, including Sundays. H.R.1/S.1 would require states to offer early voting for at least 15 consecutive days prior to the election for at least 10 hours per day, including on weekends and the day before the election.⁴⁴
- H.B. 531 would allow ballot drop boxes only inside early-voting sites, only when those sites are open, and would allow only one drop box per 200,000 registered voters. Current Georgia law places no such restrictions on the number, location or available hours of drop boxes counties may require.⁴⁵ H.R.1/S.1 would require at least one drop box per every 20,000 voters and require that they be available 24 hours per day.⁴⁶
- H.B. 531 would prohibit provisional ballots cast by registered voters at the wrong precinct from being counted. Current Georgia law requires such ballots to be counted for offices for which the voter was registered to vote.⁴⁷ H.R.1/S.1 would require such ballots to be counted.⁴⁸

³⁹ O.C.G.A. § 21-2-381.

⁴⁰ H.R. 1, Title I, Subtitle I.

⁴¹ O.C.G.A. § 21-2-384.

⁴² H.R. 1, Title I, Subtitle B.

⁴³ O.C.G.A. § 21-2-385.

⁴⁴ H.R. 1, Title I, Subtitle H.

⁴⁵ Ga. State Election Board Rule 183-1-14.

⁴⁶ H.R. 1, Title I, Subtitle N.

⁴⁷ O.C.G.A. § 21-2-385.

⁴⁸ H.R. 1, Title I, Subtitle G.