



SB 202

Where we go from here



GEORGIA DEMOCRATS

PRESENTATION OUTLINE



What does SB 202 do?



Lawsuits and federal legislation

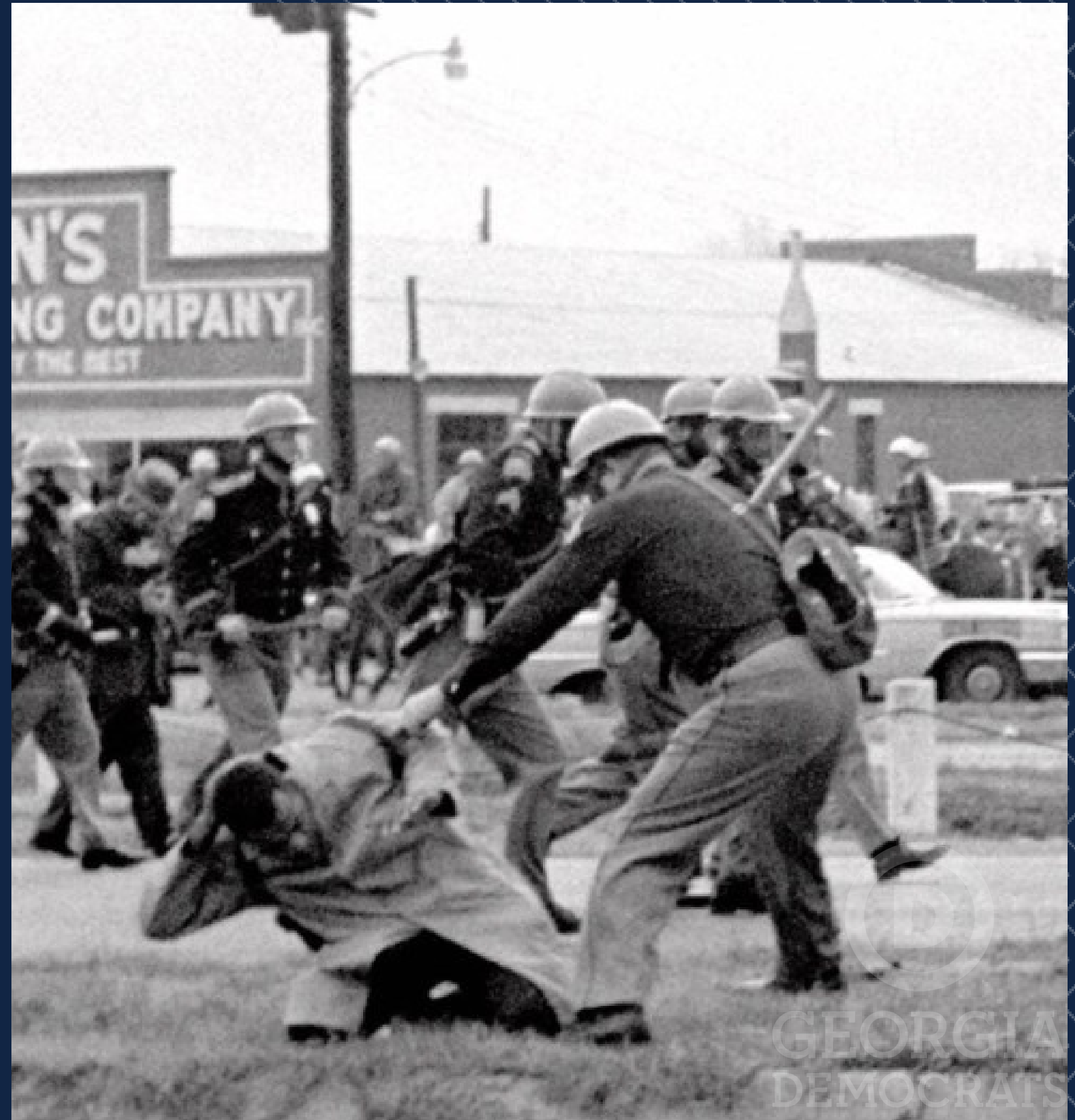


What can we do?



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***SB 202 IS AN ATTACK ON
THE FUNDAMENTAL
FAIRNESS OF GEORGIA'S
ELECTIONS.***





WHAT DOES SB 202 DO?



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WHAT DOES SB 202 DO?

MAIL IN VOTING

EARLY IN PERSON VOTING

ELECTION DAY VOTING

***COUNTY
ADMINISTRATION***

STATE ELECTION BOARD

OTHER CHANGES



COMPRESSED APPLICATION TIMELINE

MAIL IN VOTING

SB 202

- You can apply for your ballot **78 days** before an election.
Revises §21-2-381, S.B. 202 §25(a)(1)(A).
- Deadline to apply is **11 days** before the election. *Id.*

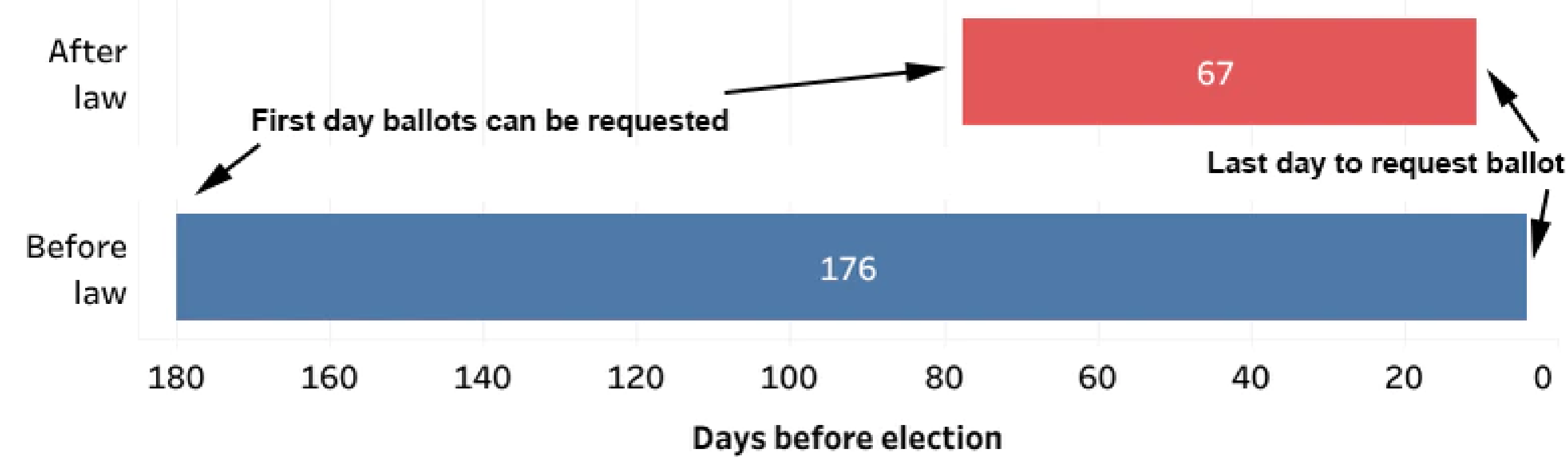
2020

- You could apply for your ballot **180 days** before an election.
- Deadline to apply was **3 days** before the election.



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Absentee ballot application deadlines



COMPRESSED BALLOT RETURN TIMELINE

MAIL IN VOTING

SB 202

- Counties cannot mail out ballots until 4 weeks before the election. Revises §21-2-384, S.B. 202 §27(a)(2).

2020

- Counties could mail out ballots 7 weeks before the election.



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ID REQUIREMENTS TO APPLY

MAIL IN VOTING

SB 202

- To request a ballot, you'll need to include your driver's license number, state ID number or, if you don't have those, a copy of acceptable voter ID. Revises §21-2-381, S.B. 202 §25(a)(1)(C).
- DOB also required

2020

- You were required to sign your application, and your signature was verified. Your DL and DOB were not required.



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ID REQUIREMENTS TO VOTE

MAIL IN VOTING

SB 202

- The outer envelope requires your printed name, signature, driver's license or state ID number (or last 4 digits of SSN) and date of birth. No SSN? Copy of ID. Revises §21-2-384, S.B. 202 §27(b); §28

2020

- You were required to sign the outer envelope, and your signature was verified. Your DL was not required.



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NO ONLINE PORTAL?

MAIL IN VOTING

SB 202

- Likely no. The application requires "usual signature with pen and ink." Revises §21-2-381, S.B. 202 §25(a)(1)(C).

2020

- The SOS created an absentee ballot application portal from which you could request your absentee ballot using your GA DL.



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WHO CAN PROVIDE APPLICATIONS

MAIL IN VOTING

SB 202

- No government entity can send voters an application to vote by mail.
- Third party groups still can, but cannot pre-fill the applications. Disclaimer required. Revises §21-2-381, S.B. 202 §25(a)(1)(C)(ii).

2020

- Election officials at the state and county levels, as well as third party groups, mailed pre-filled applications to voters.



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DROP BOXES

MAIL IN VOTING

SB 202

- Drop boxes must be located in early vote sites and are accessible only during site hours. Revises §21-2-382, S.B. 202 §26.
- Drop boxes are capped at one per 100,000 active voters or one per EV site (whichever is fewer). *Id.*
- Each county must have one. *Id.*

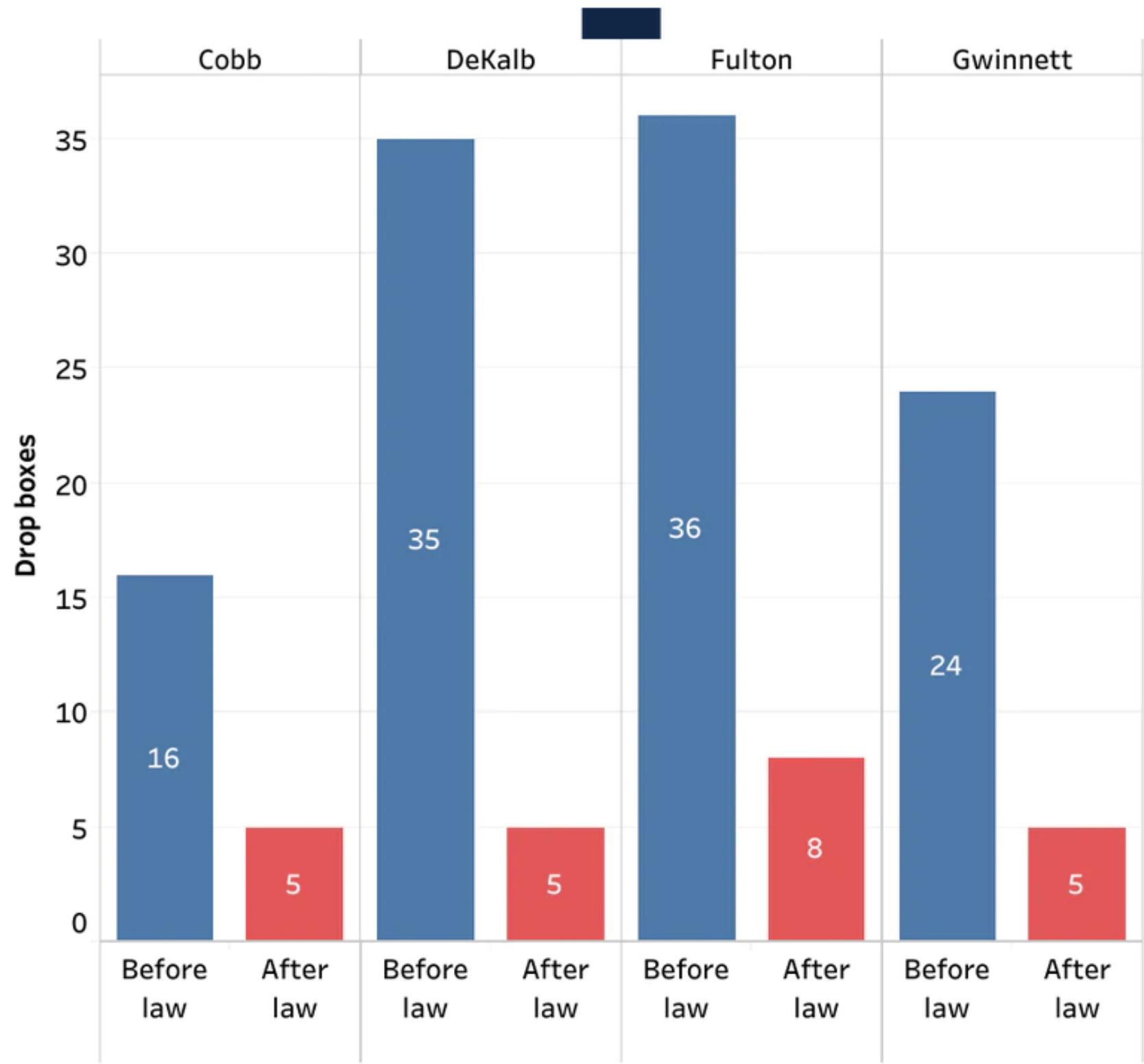
2020

- Drop boxes could be located outdoors and accessible 24/7.
- No cap on number of drop boxes.
- No requirement that counties offer a drop box.



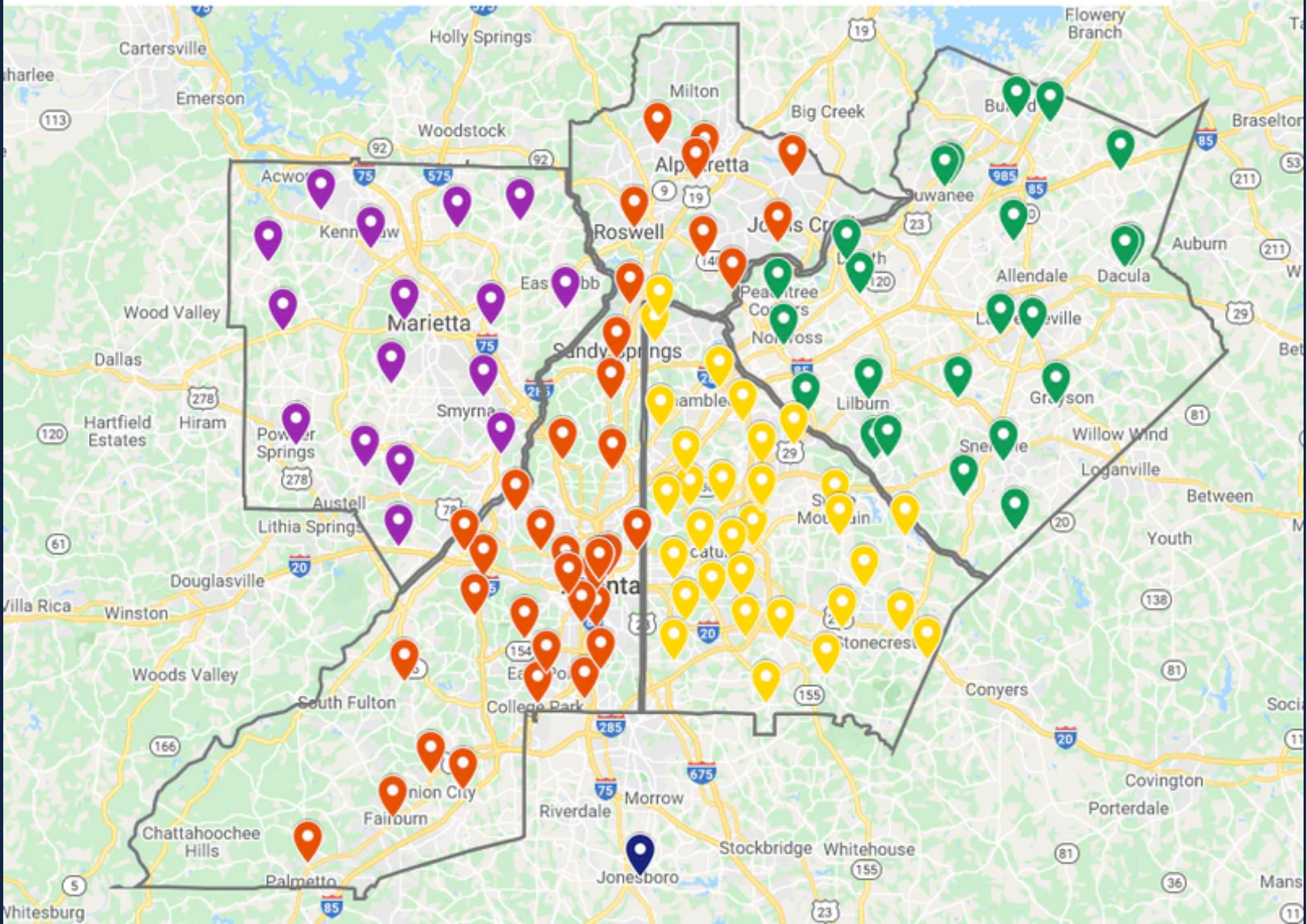
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Ballot drop boxes in metro Atlanta



Graphics Credit: AJC

Metro Atlanta ballot drop boxes in 2020



WHAT HAS NOT CHANGED?

MAIL IN VOTING

SB 202

- Absentee voting is still "No Excuse"
- Eligible voters can still opt in to the Roll Over List
- Timeline for counties to send ballots to UOCAVA voters (primaries and general)



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HOURS EXPANDED IN SMALL COUNTIES, CAPPED



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EARLY IN PERSON VOTING

SB 202

- EV sites must be open on weekdays from 9am - 5pm. Can extend to 7am - 7 pm. Revises §21-2-385, S.B. 202 §28.
- Second mandatory Saturday. *Id.*
- **Sundays remain optional. *Id.***
- Primary and General Elections Only

2020

- EV sites were open "during normal business hours" on weekdays, and authorized to expand beyond those hours.
- one mandatory Saturday
- Sundays were optional

NO MOBILE VOTING UNITS

EARLY IN PERSON VOTING

SB 202

- Prohibits mobile voting units.
Revises §21-2-266, S.B. 202
§20(b).

2020

- Did not prohibit mobile
voting units



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Graphics Credit: AJC, Steve Schaefer

EDAY PROVISIONAL BALLOTS

ELECTION DAY VOTING

SB 202

- Out of precinct provisional ballots will not count unless cast after 5 pm and voters signs a statement saying they cannot make it to correct precinct in time. Revises §21-2-418, S.B. 202 §34.

2020

- Out of precinct provisional ballots count.



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EARLY PROCESSING OF ABSENTEE BALLOTS

COUNTY ADMINISTRATION

SB 202

- Counties may begin processing absentee ballots as early as two weeks before election day. Revises §21-2-386, S.B. 202 §29(a)(2).

2020

- Counties could begin processing absentee ballots as early as two weeks before election day after the passage of the emergency rule.



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BALLOT PROCESSING DEADLINE

COUNTY ADMINISTRATION

SB 202

- Counties must count all the ballots nonstop as soon as polls close. Revises §21-2-493, S.B. 202 §41.
- Counties must complete count by 5 pm the day after the election or be subject to SEB sanction. Revises §21-2-386, S.B. 202 §29(d).
- Certification is Monday after election. §21-2-493, S.B. 202 §41.

2020

- Counties could take breaks counting ballots.
- Counties could count ballots until certification deadline.
- Certification is two Fridays after election



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OUTSIDE FUNDING

COUNTY ADMINISTRATION

SB 202

- No outside funding permitted directly to election office.
- Role of in kind donations?

2020

- Counties were permitted to receive grants and in kind donations



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EQUIPMENT ALLOCATION

COUNTY ADMINISTRATION

SB 202

- One Ballot Marking Device per 250 active registered voters for statewide general elections.
Revises §21-2-367, S.B. 202 §22.
- Precincts with over 2000 voters and wait times over an hour will have to make changes. Revises §21-2-263, S.B. 202 §18.

2020

- One Ballot Marking Device per 250 active registered voters for any race.



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POLL WATCHING AND WORKING

COUNTY ADMINISTRATION

SB 202

- Poll watchers must receive training from party . Revises §21-2-408(e), S.B. 202 §32.
- Poll Workers may serve in adjoining counties. Revises §21-2-92, S.B. 202 §11.

2020

- Poll watchers were not required to go through training by the state - but DPG always required training.
- Poll workers were limited to working in the county in which they were registered.



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SOS ROLE IS DIMINISHED

STATE ELECTION BOARD

SB 202

- SOS will no longer chair SEB, and has a non-voting ex-officio role. Revises §21-2-30, S.B. 202 §5.

2020

- SOS chaired SEB and was a voting member.



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STATE TAKEOVER OF COUNTY ELECTIONS

STATE ELECTION BOARD

SB 202

- Allows the state legislature to take over county elections through control of the SEB and the Secretary of State's office. Revises §21-2-33.1, S.B. 202 §6.

2020

- Superintendents could not be removed by the legislature.



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CHALLENGES

OTHER CHANGES

SB 202

- Challenges must be heard in a timely matter and there is no limit on the number. Revises §21-2-299, S.B. 202 §15.

2020

- The law was more ambiguous.



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RUNOFFS

OTHER CHANGES

SB 202

- Runoff will be four weeks long.
Revises §21-2-501, S.B. 202 §42(a)(1).
- EV can be as short as 3-5 days. §21-2-385(d)(1)
- No more "jungle primary"
- Likely no new registrations

2020

- Runoffs were nine weeks long.
- Early in person voting lasted three weeks.



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RANKED CHOICE VOTING

OTHER CHANGES

SB 202

- UOCAVA voters can RCV. Revises §21-2-384, S.B. 202 §27(e)(6).

2020

- No RCV



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RESTRICTIONS ON NON PARTISAN LINE WARMING

OTHER CHANGES

SB 202

- Prohibits line warming activity within 150 ft of polling place or 25 ft of a voter in line. Revises §21-2-414, S.B. 202 §33(a).

2020

- Permitted line warming activity within 150 ft of polling place or 25 ft of a voter in line



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AG HOTLINE

OTHER CHANGES

SB 202

- The AG has the authority to set up a hotline for people to file complaints about voter intimidation and illegal election activities.

2020

- 888-730-5816 is the DPG voter protection hotline. It's still the first number to call!



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LAWSUITS AND FEDERAL LEGISLATION



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LAWSUITS

New Georgia Project v. Raffensperger

- SB 202 is based on false claim of voter fraud; lack justification for their burdensome and discriminatory effects.

Georgia NAACP v. Raffensperger

- Alleges SB202 is an effort to suppress the participation of Black voters and other voters of color

AME Church v. Kemp

- Alleges SB202 intentionally discriminates against non-white voters

Asian Americans Advancing Justice – Atlanta v. Kemp

- Alleges SB202 will have a disparate impact on AAPI voters who mainly voted by mail in 2020

VoteAmerica v. Raffensperger

- Alleging provisions around third parties sending absentee ballot applications are unconstitutionally vague and overbroad.

Concerned Black Clergy v. Raffensperger

- Alleging SB202 targets voting practices disproportionately used by voters of color.

FEDERAL LEGISLATION

HR 1 FOR THE PEOPLE ACT OF 2021

- EXPANDS VOTING REGISTRATION AND ACCESS

HR 4 THE JOHN LEWIS VOTING RIGHTS ADVANCEMENT ACT

- AMENDS THE VOTING RIGHTS ACT



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NOT A CURE-ALL!



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WHAT CAN WE DO?

***NEXT STEPS AS INDIVIDUALS AND
ORGANIZERS***

Our Voting Strategy Must Pivot.



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STRATEGY

May 2021

ENCOURAGE EARLY IN PERSON VOTING AS A FIRST CHOICE

SB202 makes VBM and Election Day Voting more difficult. For those who can vote in person, EIPV should be the preferred option.

EXPAND EARLY IN PERSON VOTING

Data driven decisions about how many locations and where. County Commissions have to provide funding.

SUPPORT LIKELY VBM VOTERS

Messaging about VBM should be targeted to likely VBM voters. Key changes about VBM should be emphasized.

WHY PIVOT AWAY FROM VBM?

***CONDENSED TIMELINE/
NO WAIT & SEE PERIOD***

***DROP BOXES:
FUNCTIONALLY USELESS***



MANY FAILURE POINTS

LATE NOTICE OF REJECTION

WHO REMAINS A LIKELY VBM VOTER?

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● ROLL OVER VOTERS

● VOTERS OUT OF TOWN
DURING EV

● VOTERS WITHOUT
TRANSPORTATION

● VOTERS WITH CARETAKING
RESPONSIBILITIES OR OTHER
OBLIGATIONS THAT MAKE IT
DIFFICULT TO GO TO THE
POLLS

● VOTERS WITH LANGUAGE
BARRIERS*

● VOTERS FOR WHOM LEAVING
THE HOME IS DIFFICULT

WHAT CAN YOU DO?

KEEP REGISTERING VOTERS

This is something
you can do now!

GET IDS

If you encounter a
likely VBM voter, ask
about ID situation.

Assist voters to get
county voter IDs now

AMPLIFY MESSAGING

Messaging about
how, when and
where to vote will
go out. Amplify the
message.
Clear, concise
messaging is
critical.

FOLLOW LOCAL BOE

Compensate for VBM
restrictions by expanding
EV options and
convenience

BOE needs to be pro voter,
supported by budget

Report concerns to us

ELECTION CALENDARS

2021 State Elections & Voter Registration Calendar

Elections	Voter Registration Deadline	Election Date
General Election Runoff for Federal Offices	December 7, 2020	January 5, 2021
Special Election Date	February 15, 2021	March 16, 2021
Special Election Runoff Date	February 15, 2021	April 13, 2021
Special Election Date	May 17, 2021	June 15, 2021
Special Election Runoff Date	May 17, 2021	July 13, 2021
Special Election Date	August 23, 2021	September 21, 2021
Special Election Runoff Date	August 23, 2021	October 19, 2021
General Election/Special Election Date	October 4, 2021	November 2, 2021
General Election/Special Election Runoff Date	October 4, 2021	November 30, 2021

2022 State Elections & Voter Registration Calendar

Elections	Voter Registration Deadline	Election Date
Special Election Date	February 14, 2022	March 15, 2022
Special Election Runoff Date	February 14, 2022	April 12, 2022
General Primary Election, Nonpartisan General Election and Special Election Date	April 25, 2022	May 24, 2022
General Primary Election, Nonpartisan General Election and Special Election Runoff Date	April 25, 2022	July 26, 2022
General Primary Election Runoff Date for Federal Races	June 27, 2022	July 26, 2022
General Election/Special Election Date	October 10, 2022	November 8, 2022
General Election/Special Election Runoff Date	October 10, 2022	December 6, 2022
General Election Runoff Date for Federal Races	December 12, 2022	January 10, 2023*

*Subject to change due to proposed legislation.



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SAIRA DRAPER

Saira@georgiademocrat.org

DAVID GOLDMAN

David@georgiademocrat.org

JAMIL FAVORS

Jamil@georgiademocrat.org



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CONTACT INFO

DEMOCRATIC PARTY OF GEORGIA
VOTER PROTECTION TEAM

thank you!



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