







Analysis of HB 316's Effect on Amended Complaint

Specific Allegations	HB 316 Provision	Effect of HB 316	Adequately Addressed?
Voter Registration List Problems: Use It or Lose It Purges			
<p>Using voting inactivity as trigger for removal of voters from registration rolls for changing residences</p> <ul style="list-style-type: none"> unreasonably burdens voters' right to vote, violates voters' First Amendment rights to send a political message by not voting, and disparately impacts minority voters. <p>(AC ¶¶ 69–81, 163, 175, 189, 205, 213; PR ¶¶ 4, 8, 11(a)).</p>	<ul style="list-style-type: none"> Period of inactivity before purge extended to five years Additional forms of contact with state qualify as activity Adds notice before purge is finalized. §§ 11, 12. 	<ul style="list-style-type: none"> Fails to eliminate use of voting inactivity as a trigger for removal of voters from the registration rolls. Does not address that past and future voter purges violate the due process, equal protection and First Amendment rights of state voters improperly removed from rolls. Fails to prevent future purge of voters with accurate registration information. Provides inadequate notice of removal. Purging voters whose registration information remains accurate creates inaccuracy in the voter rolls. Continues to penalize infrequent voters who are disproportionately people of color. 	
<p>Using voting inactivity as trigger for removing voters from registration rolls creates inaccuracy in voter rolls because voting inactivity is not a reasonable proxy for a residence change and it removes voters whose residence information on the rolls remains accurate. (AC ¶¶ 72, 73, 163, 175, 189, 205, 213; PR ¶¶ 4, 8, 11(a)).</p>		<p>Fails to improve accuracy of purge process for the same reasons as above.</p>	
<p>No ability to cure if voter learns of removal near or on Election Day. (AC ¶¶ 74, 77, 163, 175, 189, 205, 213; PR ¶¶ 4, 8, 11(a)).</p>		<p>Does not provide for reinstatement of wrongfully purged voters through same-day registration or other means.</p>	
<p>Removal for inactivity is subject to manipulation for political benefit. (AC ¶¶ 78, 80, 163, 175, 189, 205, 213; PR ¶¶ 4, 8, 11(a)).</p>		<p>Fails to constrain the Secretary of State from manipulating voter purges for political benefit.</p>	
Voter Registration List Problems: Exact Match Policy			
<p>The Secretary of State removes and prevents voter registrations by implementing the “exact match” policy, an unreasonable interpretation of the “match” statute. This policy severely burdens the right to vote and disparately impacts minority voters. (AC ¶¶ 82–93, 163, 175, 189, 213; PR ¶¶ 9, 11(a))</p>	<p>Applicants whose information doesn't match the system are now allowed to register to vote, but subsequently must verify identity with acceptable, matching identification before casting a ballot. § 6.</p>	<p>Fails to change Secretary of State's use of “exact match” policy during voter registration to flag voters and prevent them from voting.</p>	
Voter Registration List Problems: Inaccurate Voter Rolls			
<p>The Secretary fails to maintain functioning, accurate, and secure voter registration lists. (AC ¶¶ 111–12, 163, 175, 189, 213, 238; PR ¶¶ 7, 11(a), (b))</p>	<p>Secretary of State “may” join multi-state electronic registration information system. § 7.</p>	<ul style="list-style-type: none"> Leaves to Secretary of State's discretion whether to join such a system. Does not increase security of vulnerable voter rolls. 	
<p>Family members with the same address are frequently told to vote at different polling places. (AC ¶¶ 113–15, 163, 175, 189, 213, 238; PR ¶¶ 7, 11(a), (b))</p>	None.	None.	
<p>Georgians who register to vote shortly before the deadline are often not on the voter rolls. (AC ¶¶ 116–17, 163, 175, 189, 213, 238; PR ¶¶ 7, 11(a), (b))</p>	None.	None.	
<p>Voter information for voters who have voted at the same polling places for years is inaccurate. (AC ¶¶ 118–119, 163, 175, 189, 213, 238; PR ¶¶ 7, 11(a), (b))</p>	None.	None.	
<p>Georgians who register to vote via the Motor Voter Act are not appearing on voter rolls. (AC ¶ 120, 163, 175, 189, 213, 238; PR ¶¶ 7, 11(a), (b))</p>	None.	None.	
Deficient Voting Resources: Insecure Voting Technology			
<p>Georgia's voter registration data lacks adequate security, imposing a severe burden on Georgians' right to vote. (AC ¶¶ 94–96, 163, 175, 189, 213, 238; PR ¶¶ 7, 11(a), (b))</p>	None.	None.	
<p>Georgia uses a paperless voting system that creates no paper trail, let alone a voter-verified paper trail, creating a system where votes cannot be reviewed or audited, imposing a severe burden on the right to vote. (AC ¶¶ 97–101, 163, 175, 189, 213, 234; PR ¶¶ 7, 10, 11(e))</p>	<ul style="list-style-type: none"> Authorizes purchase of new voting machines “as soon as possible” that provide “paper ballots which are marked with an elector's choice in a format readable by the elector.” §§ 18, 24. Precertification audits required for 2020 general election. § 42. “Risk-limiting” audits designed to detect sophisticated state hacking required by November 2024. § 42. 	<ul style="list-style-type: none"> New machines are not “voter-verified,” meaning they do not provide a verifiable paper record confirming that the electronic tallies produced by the voting system accurately reflect the voter's intention. No definitive time set for implementation. New machines will not be used in 2019 elections. No audits required for the 2019 elections, and hand counted audits of statistical samples (“risk-limited” audits) not required until 2024. 	

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Deficient Voting Resources: Unreliable Voting Technology			
Georgia's unreliable election system resulted in voting machines switching votes. (AC ¶¶ 103–04, 163, 175, 189, 213, 234; PR ¶¶ 7, 10, 11(e))	<ul style="list-style-type: none"> Authorizes purchase of new voting machines "as soon as possible" that provide a paper printout. §§ 18, 24 Precertification tabulation audits conducted by "manual inspection of random samples of the paper official ballots." § 42. 	<ul style="list-style-type: none"> Because the Secretary of State has not identified the cause of vote switching, it is unclear if the new machines will solve the problem. Paper printout will not allow voters to determine if their votes are reflected accurately. No definitive time set for implementation. New machines will not be used in 2019 elections. 	
The statistically anomalous under-vote in the Lieutenant Governor's race shows the unreliability of the system. (AC ¶¶ 105, 163, 175, 189, 213, 234; PR ¶¶ 7, 10, 11(e))		As with vote switching, neither new machines nor audits without voter-verified paper trails provide means to identify or eliminate errors in casting ballots.	
Deficient Voting Resources: Closing/Moving Precincts and Polling Places			
Georgia disproportionately consolidates and closes precincts with high proportions of minority voters. (AC ¶¶ 109, 175, 213; PR ¶¶ 11(e)–(g), 11(k), 11(l))	Increases, from 10 to 30 days, the time between when a superintendent can implement a precinct change after notification. § 13.	Does not prevent harms of consolidating precincts with disproportionately high populations of voters of color; it only puts a timeframe on notice of changes.	
Precinct and polling place changes have left voters without enough places to vote, disproportionately affecting minority voters. (AC ¶¶ 108–10, 175, 213; PR ¶¶ 11(e), 11(f)–(g), 11(k), 11(l))	Prohibits changing polling places "on a day in which a primary, election, or runoff is held or during the 60 day period prior to any general primary or general election" or "in the 30 day period prior to" certain special elections, except in emergencies. § 14.	Does not address failure to provide sufficient precincts and polling places, and the specific drought in communities of color.	
Deficient Voting Resources: Insufficient Voting Tools and Materials			
Defendants fail to advise counties on sufficient numbers of voting machines, provisional ballots, and other supplies necessary to meet turnout expectations; these failures impose severe burdens on the right to vote, and particularly the rights of minority voters. (AC ¶¶ 121–31, 163–64, 175, 189, 213; PR ¶ 11(e), (f))	Reduces the number of voting booths per person from at least one for every 200 voters to at least one for every 250 voters. § 20.	<ul style="list-style-type: none"> Does not address whether polling places have sufficient resources, like voting machines, provisional ballots, and other necessary voting tools; instead, the change exacerbates a problem by reducing number of voting booths. Does not address inadequate resources disproportionately occurring in places with high populations of voters of color 	
The Secretary fails to inform counties of the need for additional resources, including ensuring sufficient staffing at polling places; these failures impose severe burdens on the right to vote, and particularly the rights of minority voters. (AC ¶¶ 129–31, 163–64, 175, 189, 213; PR ¶ 11(e), (f), (h)–(j))	None.	None.	
Inadequate Oversight and Training of Elections Officials: Provisional Ballots			
Defendants' failure to oversee, train, and provide guidance to elections officials on proper administration of provisional ballots creates pervasive problems for voters who are entitled by law to cast a provisional ballot. (AC ¶¶ 132–34, 138–39, 163–64, 175–76, 189–90, 213–14, 236; PR ¶¶ 11(e), (f), (h)–(j))	"At the earliest time possible after the casting of a provisional ballot, the election superintendent shall notify the Secretary of State that an elector cast a provisional ballot, whether such ballot was counted, and, if such ballot was not counted, the reason why such ballot was not counted." § 37.	Does not address elections officials' systemic failures in administering provisional ballots in accordance with Georgia law, and only imposes additional requirements for the registrars to inform the Secretary of State of the status of provisional ballots.	
Elections officials misinform voters who appear at the wrong polling places, and this inconsistent and arbitrary treatment of provisional ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 135, 138–39, 163–64, 175–76, 189–90, 213–14, 236; PR ¶¶ 11(c), (e), (h)–(k))	None.	None.	
Elections officials fail to provide provisional ballots to voters who cannot confirm their registration or identification, and this inconsistent and arbitrary treatment of provisional ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 136, 138–39, 163–64, 175–76, 189–90, 213–14, 236; PR ¶¶ 11(c), (e), (h)–(k))	None.	None.	
Elections officials misinform voters about when they can cast provisional ballots, and this inconsistent and arbitrary treatment of provisional ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 137, 138–39, 163–64, 175–76, 189–90, 213–14, 236; PR ¶¶ 11(c), (e), (h)–(k))	None.	None.	

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Inadequate Oversight and Training of Elections Officials: Absentee Ballots			
Defendants' failure to oversee, train, and provide guidance to elections officials on proper administration of absentee ballots creates pervasive problems for voters to cast an absentee ballot and have it counted. (AC ¶¶ 140, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶ 11(d))	None.	None.	
Some absentee ballots are mailed in an untimely manner, disenfranchising voters—particularly minority voters. (AC ¶¶ 142, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶ 11(d))	None.	None.	
Some voters are incorrectly told that their absentee ballot had been counted when, in fact, it had not been counted. This inconsistent and arbitrary treatment of absentee ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 147, 150, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶¶ 11(d), (h)–(k))	None.	None.	
Some voters are not promptly notified that absentee ballots were rejected, and this inconsistent and arbitrary treatment of absentee ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 147, 150, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶¶ 11(d), (h)–(k))	None.	None.	
Some absentee ballots are rejected for improper reasons, including immaterial errors and omissions like failure to state birth date on the oath. These rejections disenfranchised voters—particularly minority voters. (AC ¶¶ 143–46, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶¶ 11(d), (h)–(k))	<p>Requires elector's oath to be "substantially the following form," and removes elector's residence address and year of birth for the elector's oath. § 30.</p> <p>Provides opportunity to cure absentee ballots rejected for failure to sign the oath, invalid signature, or missing information. § 32.</p>	<ul style="list-style-type: none"> Cure provision does not specify when an affidavit and supporting identification may be deemed insufficient. Cure provision does not apply to voters' whose information does not "conform" to the registrars' information, making these voters vulnerable to the "exact match" policy. Fails to address disproportionately high rejection rates for ballots cast by voters of color. Defendants' past and continuing failures to enforce other statutory absentee ballot provisions shows that the existence of a statute does not remedy Plaintiffs' allegations about Defendants' failures to enforce provisions of the Georgia Election Code. 	
Some voters are not permitted to cancel absentee ballots and vote in person, and this inconsistent and arbitrary treatment of absentee ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 149, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶¶ 11(d), (h)–(k))	<p>Provides that voters who have "not yet returned" absentee ballots can cancel their ballots and vote in person. § 33.</p>	<ul style="list-style-type: none"> Expressly permits voters who have not yet returned their ballots to vote in person, but Defendants' past and continuing failures to enforce other statutory absentee ballot provisions shows that the existence of a statute does not remedy Plaintiffs' allegations about Defendants' failures to enforce provisions of the Georgia Election Code. Does not address that preventing voters from cancelling absentee ballots occurred disproportionately in places with high populations of voters of color. 	
Inconsistent and arbitrary counting of absentee ballots and other votes also violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 150, 153–55, 163–64, 175–76, 189–90, 213–14; PR ¶¶ 11(d), (h)–(k))	None.	None.	
Some voters who hand deliver ballots are given inaccurate information, and this inconsistent and arbitrary treatment of absentee ballots violates voters' equal opportunity to cast a ballot, with a disparate impact on minority voters. (AC ¶¶ 148, 150, 154–55, 163–64, 175–76, 189–90, 213–14; PR ¶¶ 11(d), (h)–(k))	None.	None.	