

FIFTY REASONS WHY SB 202 IS A BAD BILL

[SB 202 Linked Here For Citations](#)

HYPERCRIMINALIZATION: Georgia's new law codifies mass disenfranchisement and intimidation and further expands criminalization policy in the voting process.

1. **Mass Challenges:** Codifies that a single person can challenge the voter registration of an unlimited # of voters at once, resulting in that voter being purged. (lines 575-576)
2. **Mass Challenges:** Codifies that a single person can challenge the rights of an unlimited # of voters to cast their ballot in the upcoming election. *364k Georgians were frivolously challenged in the runoffs. In just 29 counties, 15,000 Black voters, 2,000 Hispanic voters, and 1500 AAPI voters were challenged.*(lines 622-623)
3. **Mass Challenges:** Mandates counties hold mass challenge hearings that challenged voter must show up to-- within 10 days of frivolous challenge. (line 581)
4. **Line-warming/Criminalization:** Makes it a crime for volunteers or groups to hand water or snacks to voters in line. (lines 1873-1875)
5. **Line-warming/Criminalization:** Makes it a crime for *voters* in line to accept water or snacks from a volunteer or group. Bill later amended to allow an ‘unattended receptacle’ near line. (lines 1873-1875, lines 1887-1889)
6. **Criminalization:** Creates a new misdemeanor for voters if *the voter allows* someone other than those authorized under state/federal law to see them marking their ballot at home. (lines 1339, 1347-1349)
7. **Criminalization:** Creates a new felony for anyone that witnesses someone else mark their *absentee* ballot at home—unless they are providing legally authorized assistance or are a child. (lines 2449-2454)
8. **Criminalization:** Creates a new misdemeanor for handling a completed application for anyone not authorized by law to assist voter. (lines 979-981)
9. **Criminalization:** Adds new misdemeanor for photographing your own *absentee* ballot or someone else’s. (expanding existing law to ensure VBM also criminalized) (line 2460)
10. **Intimidation:** Creates new fraud hotline that will accept “anonymous tips” and AG can launch investigations or prosecute within 3 days. (lines 171-178)

POWER GRABS/CONSOLIDATION OF ELECTION AUTHORITY: Georgia's new law removes significant power from the Secretary of State and gives the GOP-led, gerrymandered state legislature majority control of the State Election Board.

11. **Removes SOS Power:** Removes the Secretary of State as Chair of the State Election Board (line 185).
12. **State Leg Controls SEB:** Grants state legislature power to appoint new chair of State Election Board (SEB). Meaning state leg will choose 3 out of 5 State Election Board members going forward, a majority. (lines 185 -189)
13. **Removes SOS Power:** Removes the SOS as a voting member of the State Election Board (lines 252-253).
14. **Removes SOS Power:** Bill amended at last second to remove SOS power to appoint members of performance review board. (lines 500-503, line 521, line 540 ||vs. lines 499-502, line 520, line 540 of bill as passed SEI cmte: LC280338S)
15. **Removes SOS Power:** Requires SOS provide all necessary support/assistance to SEB for county takeovers at the sole discretion of SEB (lines 270-281).
16. **Removes SOS Power:** Bans SOS/counties from proactively sending vote by mail applications without a request. (lines 966-970)
17. **Leg Power:** Allows state legislature to overrule any emergency election rule (lines 2491-2494)

COUNTY ELECTION BOARD TAKEOVERS: Georgia's new law removes judicial oversight from the county intervention process and grants a GOP-controlled State Election Board the power to replace county BOEs and local elections officials that have significant voter access and election certification responsibilities.

18. **No Judicial Oversight:** Removes judicial oversight from county takeover process. Georgia already had a process to deal with low-performing counties, but it required judicial oversight of the State Election Board (SEB). The new process replaces judicial oversight with opaque investigation/takeover powers. (See Georgia Code § 21-2-32 for previous process)
19. **Takeovers:** Allows SEB to replace entire county board of elections with a single individual. (lines 270-281)

20. **Takeovers:** Allows SEB to circumvent a performance review board process (see #21-24) and replace county BOE or county elections official “on its own motion.” (lines 289-292)
21. **Takeovers:** Allows SEB to use the results of ANY audit or ANY investigation from past or present as grounds for removal/suspension of a county board of elections. (line 518)
22. **Takeovers:** Grants SEB power to suspend county board of elections following a 3-person performance review board investigation & hearing. (lines 485-486, 517-519)
23. **Takeovers:** Grants SEB power to appoint all 3 members of performance review board. Including 2 local elections officials from ANY county. (lines 502-506)
24. **Takeovers:** Grants as few as 2-4 legislators from a county delegation, the county board of commissioners, or the SEB itself, the ability to petition for a performance review board investigation that can lead to a takeover after 30 days. However, SEB can call witness/request doc immediately (lines 490-499, 521, 351)
25. **Takeovers:** Allows SEB to begin performance review investigation/takeover process if county BOE does not report results by 5pm the day after the election. (lines 1802-1805)
26. **Takeovers:** Prohibits counties from using their budget to pay for their defense in takeover proceedings. (lines 357-360)
27. **Takeovers:** Requires counties pay any expenses incurred by performance review board. (lines 514-516, 533-535)

[**In addition to SB202, at least 7 counties passed local legislation this session to restructure their county boards of elections in ways that limit or remove democratic party representation or give GOP boards of commissioners increased authority to appoint BOE members]

SANCTIONS: Georgia's new voting law allows the State Election Board to sanction counties that don't accept unlimited challenges or fail to hold mass challenge hearings within 10 days.

28. **SEB Sanctions:** Grants SEB power to sanction organizations for sending VBM applications if voter already received one and organization can't prove they used recent SOS data. (lines 1033-1043)
29. **SEB Sanctions:** Grants SEB power to sanction county BOE for not accepting unlimited challenges or not holding challenge hearings within 10 days. (lines 607-608, 693-694)

PROVISIONAL BALLOTS: Georgia's new voting law bans most out-of-precinct provisional ballots. Over 20k provisional ballots were counted in the 2020 general & 2021 runoff elections and these ballots were nearly 70% dem voters

30. **Bans Most Out-Of-Precinct Ballots:** Bans out-of-precinct provisional ballots except for 5-7pm on Election Day: these provisional ballots make up the majority of the provisionals actually counted because they are “self-curing,” meaning no more action was required of the voter. Provisional ballots were nearly 70% democratic in 2020 general/runoff election. *Over 20K Georgians, disproportionately Black, successfully voted by provisional ballot in 2020 general and 2021 runoff elections. In the general, at least 58% of the 11,120 provisional ballots that counted were out-of-precinct (6,446 votes). Biden took 64% of provisionals and won by 11,779 total votes. Ossoff took 68% of 10,037 provisional ballots and Warnock took 69% of 10,034 provisional ballots.* (lines 1899-1904)
31. **Sworn Statement Required:** Requires out-of-precinct voters b/w 5-7pm to sign a sworn statement providing explicit reason for needing a provisional ballot/why they could not trek back to another polling place assigned to them. (lines 1905-1907)
32. **SEB Review:** Requires all sworn statements for out-of-precinct voters be sent to the State Election Board for “review.” (lines 1968-1972)

DROP BOX RESTRICTIONS: Georgia's new law completely eliminates over 300 hours of drop box availability relative to 2020. The law also significantly reduces the total number of drop boxes, using "uniformity" as an excuse to race to the bottom in voter access.

33. **Significantly Restricts Drop Box Hours:** Eliminates at least 300 hours of drop box access relative to last year. Because drop boxes are no longer available after hours or in the four days after early vote ends. (lines 1183-1185)
34. **Significantly Restricts Drop Box Locations:** Aggressively limits the number of drop boxes large counties can have relative to last year: sets min of 1/county, only allows 1 for every 100,000 voters or 1 for every advance voting location—whichever is LOWER. They are using “uniformity” as an excuse to a race to the bottom in voter access. (lines 1172-1179)
35. **Bans Drop Boxes From Being Outside:** Prevents drop boxes from being outside in almost all cases (unless the Governor has declared a public emergency). (lines 1180-1181, 1188-1191)
36. **Increases Cost To Counties:** Changes drop box security requirement from 24/7 camera surveillance to in-person security—substantially increasing costs to counties (lines 1187-1188)

[These changes will increase the burden on senior and disabled voters. These changes will lead to longer lines. Given absentee ballots can take days to arrive by mail, these restrictions also increase the chance that a ballot arrives after election day. Georgia republicans have chosen to replace a more secure drop box option (24/7 surveillance and shorter chain of custody) with a less secure mail option.]

VOTE BY MAIL RESTRICTIONS: Georgia's new law adds several new VBM burdens including: restrictions to absentee ballot applications that would have impacted 75K voters in 2020/2021 elections and new ID requirements that could impact over 200K Georgians.

37. **Shorten Request Period:** Shortens period to request a ballot by 109 days: *57,815 Georgians requested a ballot earlier than the new start date of 78 days prior to election.* (lines 927-929)
38. **Shorten Request Deadline:** Shortens ballot request deadline to 11 days before election, a full 5 days earlier than counties supported. *17,602 voters requested a ballot after this time last year.* (lines 933-937)
39. **New ID:** Adds new voter id requirement to application (if no DL/state id #). ****NOTE THERE IS NO SSN OPTION FOR VBM APPLICATIONS.**** If you cannot successfully request a ballot then you cannot cast one. *As many as 200,000 Georgians do not have these IDs.* (lines 951-954)
40. **New ID:** Adds new voter id requirement to ballot (if no DL/state id/SSN). (lines 1466-1468)
41. **Makes Requesting Harder:** Repeals law requiring ballot to be mailed to unregistered eligible voters who apply for VBM application. (lines 1115-1119)
42. **DOB Requirement:** Adds DOB requirement back to VBM envelope after removed in 2019. This requirement led to *Date vs. DOB* voter confusion and *two federal courts have ruled in GA cases that counties must count ballots with DOB issues* (which is why it was removed). (lines 1459-1460)

IN PERSON RESTRICTIONS: Georgia's new law cuts runoff elections by 5 weeks, reduces minimum early vote required for federal runoffs, likely eliminates runoff VBM options, and lowers the bar for early vote hours.

[Note: Reducing participation in already racist Jim Crow relic runoff elections is next level. See <https://t.co/eIAPC1p3zJ?amp=1>]

43. **Cuts Overall Runoff:** Shortens runoff period from 9 weeks to 4 weeks/28 days, likely eliminating VBM options for runoff elections: *1,380,807 Georgians voted during the weeks that have now been cut.* (line 2238)
44. **Prevents New Runoff Registrations:** Prevents newly eligible voters from voting in runoff elections given registration deadline in Georgia is *29 days* before an election. (line 2238)
45. **Reduces Minimum Early Vote in Federal Runoffs:** Reduces early vote mandatory minimum for federal runoffs from 3 weeks to 1 week. As such, it will also eliminate a mandatory Saturday of early vote for federal elections. (lines 1490-1496)
46. **Eliminates Mandatory Saturday in Federal Runoffs:** By reducing the mandatory minimum early vote for federal runoffs to 1 week (Mon-Fri), SB202 also eliminates the mandatory Saturday of early vote for federal runoff elections.(lines 1490-1499)
47. **Bans Mobile Voting:** Bans mobile voting units unless approved following a Governor declared state of emergency (lines 776-778)
48. **Lowers Standard For Early Voting Hours:** Codified a minimum of 8 early voting hours between 9am-5pm and a maximum of 12hrs/day between 7am-7pm. *In the 2020 general election, 87% of early vote locations and 78% of counties offered MORE THAN 8hrs. Setting the bar for access well below standard practice provides the 1-excuse 2-permission & 3-impetus for increasingly competitive counties with large demographic shifts to restrict early vote hours.* (line 1500, lines 1514-1515)

OTHER RESTRICTIONS: Georgia's new voting law also bans counties from accepting grant money to fund elections, limits voting resources, & more. While there are certainly provisions missed, these 50 clearly show that SB202, at its core, is a bill meant to restrict access & criminalize voting.

49. **County Election Funding:** Bans BOE's from accepting private grant money for any reason including to: open more locations, pay poll workers, add equipment, etc. (lines 430-435)
50. **Poll Extensions:** Makes extending poll hours past 9pm more difficult. (lines 1833-1839)

51. **Limits Voting Resources:** Allows counties to have fewer than 1 voting machine for every 250 voters in non-general elections. (lines 866-868)

52. **Count Till You Drop:** Requires 24/7 counting of ballots after polls close. (lines 2006-2008)

GOP TALKERS: Why do some claim it is not all bad? SB202 allows early tabulation, ends signature match, adds 1 Saturday early vote day (no diff for larger counties) & allows more people in adjoining counties to be poll workers (the bill also includes precinct splitting which is complicated so withholding as a positive here).

SUMMARY: While the full text shows SB202s true impact, the actual intent of this bill is clear from its origins: the same lies that fueled an insurrection, and the same policies first introduced at disinformation-filled hearings held by the Georgia state senate (12/3) & state house (12/23) that led to death threats & doxxing of black election workers.