



Georgia

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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 Department of Motor Vehicles, 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 the 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.
- 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

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.

⁸ H.R. 1, Title I, Subtitle A.



- Gives voters the option of early in person voting for a full 15 days before a federal 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 but not required to offer early voting on 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.
- Requires election officials to transmit mail-in ballot applications to all registered voters at least 60 days before Election Day.¹² Current Georgia law makes it illegal for an election official to send a mail-in ballot application to anyone who has not already requested it.¹³
- Prohibits states from requiring voters to submit any form of identification in order to receive an absentee ballot other than a signature or similar affirmation.¹⁴ Georgia's new law demands that vote-by-mail applicants provide the number of his or her Georgia driver's license or identification card or if they do not have one a copy of alternate identification.¹⁵
- Deems ballots postmarked by Election Day valid and require that they must be counted if delivered up to ten days after the election.¹⁶ 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.¹⁷
- 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.¹⁸ In 2020, Georgia authorized but did not require counties to establish drop boxes up to 49 days before an election.¹⁹ In 2020, some counties provided drop boxes outside and available 24-hours a day while other counties did not use drop boxes. The new Georgia law would limit the number of drop boxes a county could use, require that they be placed inside voting facilities and only available during the hours when the facility is open.²⁰
- Mandates drop boxes also have clearly posted information to help voters track ballots and make sure their vote is counted.²¹

Protecting & Expanding Ballot Access

⁹ H.R. 1, Title I, Subtitle H.

¹⁰ O.C.G.A. § 21-2-385.

¹¹ *Id.*

¹² H.R. 1, Title I, Subtitle I.

¹³ O.C.G.A. § 21-2-381.

¹⁴ H.R. 1, Title I, Subtitle I.

¹⁵ O.C.G.A. § 21-2-381.

¹⁶ O.C.G.A. § 21-2-385.

¹⁷ O.C.G.A. § 21-2-386; Ga. State Election Board Rule 183-1-14-.10.

¹⁸ H.R. 1, Title I, Subtitle N, Part 1.

¹⁹ Ga. State Election Board Rule 183-1-14.

²⁰ O.C.G.A. § 21-2-382.

²¹ *Id.*



- Makes Election Day a federal holiday.²²
- Requires states take steps to ensure that voters do not wait more than 30 minutes to vote.²³ Current Georgia law addresses wait times only for voters who are over 75 or disabled.²⁴
- Precludes challenges to a voter's eligibility based on race, ethnicity, or age by non-election officials. Prohibits challenges on Election Day other than by an election official, and requires a challenger to submit an affidavit of good cause based on personal knowledge.²⁵ Current Georgia law does not require challenges to be sworn or based on personal knowledge and allows an unlimited number of electors to be challenged at any time.²⁶

Creating an Alternative to “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.²⁷ Under current Georgia law, voters are required to present a compliant photo ID in order to cast an in-person ballot.²⁸ 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 states from requiring voters to submit a photo ID in order to receive an absentee ballot.²⁹ 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.³⁰

Restoring Civil Rights

- Requires Georgia to restore voting rights to people with felony convictions once they are released from prison, and to offer voter registration materials upon eligibility.³¹ Currently, Georgians with felony convictions for offenses involving moral turpitude can vote only after they have completed their sentences.³²

Strengthening Election Security & Trust in Elections

²² Title I, Subtitle N, Part 1.

²³ H.R. 1, Title I, Subtitle N.

²⁴ O.C.G.A. § 21-2-409.1.

²⁵ H.R. 1, Title I, Subtitle C.

²⁶ O.C.G.A. § 21-2-230.

²⁷ H.R. 1, Title I, Subtitle N, Part 1.

²⁸ O.C.G.A. § 21-2-417.

²⁹ H.R. 1, Title I, Subtitle I.

³⁰ O.C.G.A. § 21-2-385.

³¹ H.R. 1, Title I, Subtitle E.

³² O.C.G.A. § 21-2-216.



- 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.³³
- Prohibits 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.³⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.³⁵
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.³⁶
- Permits the security of drop boxes through remote or electronic surveillance.³⁷

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.³⁸
 - Require consideration of “communities of interest” when drawing districts.³⁹
 - Counts incarcerated Georgians as residents of their home community for purposes of representation, ending Georgia’s prison gerrymanders.⁴⁰

³³ Amendment 5 to H.R.1, Part B.

³⁴ Amendment 26 to H.R.1, Part B.

³⁵ Amendment 27 to H.R.1, Part B.

³⁶ H.R. 1, Title I, Subtitle F.

³⁷ Amendment 9 to H.R.1, Part B.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*