

GEORGIA | A Democracy

Crisis in The Making

Georgia Legislation Increasing the Risk of Election Subversion

In the 21 months since the 2020 presidential election, legislatures across the country have moved to seize power from professional, non-partisan election administrators and to needlessly expose the running of elections to partisan influence and disruption. This effort increases the risk of a crisis in which the outcome of an election could be decided contrary to the will of the people. [This year alone](#), lawmakers across 30 states have introduced hundreds of new bills that increase the likelihood of election subversion, whether directly or indirectly. In some cases, the potential subversion is quite direct—for example, bills that give the legislature the power to choose a victor contrary to the voters’ will. In others, the impact is less direct but still dangerous. Some bills would introduce dysfunction and chaos into the election system and could lead to delay, uncertainty, and confusion, all of which could provide cover for subversion. This factsheet spotlights the status of election subversion legislation and other efforts in Georgia.

[In our report on this trend](#), we analyzed legislation introduced in Georgia and determined whether they might fall into one of several types of proposals that increase the risk of election subversion. These categories include:

#1: Requiring partisan or unprofessional “audits” or reviews.

Legislation proposing unprofessional or biased reviews of election results has surged in 2022. These bills call for procedures that are vague or subject to abuse, and in some cases hand the power to call for audits to political parties or the legislature. These bills threaten to call election outcomes perpetually into doubt. They would tie up election administrators and likely would amount to state-sponsored vehicles for disinformation.

As of July 31, we have found 1 bill in this category that was introduced this year in Georgia or carried over from last year.

- [SB 441](#)



#2: Creating unworkable burdens in election administration.

These bills increase the risk of subversion by intruding on the granular details of election administration. One particularly dangerous flavor of these bills, under consideration in Georgia, would require all ballots to be counted by hand, practically guaranteeing delays, higher rates of counting error, and increased risk of tampering by bad actors.

As of July 31, we have found 3 bills in this category that were introduced this year in Georgia or carried over from last year.

- [HB 1359](#)
- [HB 1402](#)
- [HB 1464](#)

#3: Imposing disproportionate criminal or other penalties.

Legislatures have proposed criminal prosecution of election officials for poorly defined offenses and have created criminal and civil liability for steps that election officials routinely take to help voters cast ballots. States are also escalating the enforcement of election laws by creating entirely new law enforcement agencies, which can breed distrust in elections and election officials and interfere with effective election administration.

As of July 31, we have found 2 bills in this category that were introduced this year in Georgia or carried over from last year.

- [HB 1392](#)
- [HB 1464](#)

Georgia Legislative Spotlight

The impact of SB 202

One of the earliest bills that captured national attention by increasing the risk of election subversion was Georgia's SB 202 (enacted in 2021). SB 202 included many voter [suppression provisions](#), some of which are currently being challenged by lawsuits. It also contained elements that our [first Report](#) identified as increasing the risk of election subversion by enlarging the power of the legislature to oversee elections and threatening the independence of election administrators statewide. SB 202 stripped the secretary of state from their role as chair of the State Elections Board and replaced them with the legislature's selection. SB 202 also further empowered the Board to investigate and replace local election officials.

■ The State Elections Board has used its new authority under SB 202 to remove local election officials only in an area of Georgia that typically votes for Democrats and has a significant population of voters of color. Fulton County, which includes most of Atlanta, was the Board's first investigative target. In summer 2021, State Senator Butch Miller and approximately two dozen other Republican state senators [sent a letter](#) to the Board requesting an investigation of that county's election administrators. The Board appointed a bipartisan investigation panel, which had been expected to release its conclusions in May 2022 but has not yet.

County election board transformations

In 2021, the Georgia legislature also enacted county-specific legislation that [materially reshaped](#) several counties' election boards. In eight rural counties, some with significant Black populations, the legislature restructured their election boards with a distinctly partisan tilt.

Subversion from Beyond the Statehouse

Threats against election officials

In [Gwinnett County](#), a volatile political environment that includes death threats directed at election workers, has driven away more than half of the permanent election staff.

Election Deniers

As 2022 began, more than 100 so-called election deniers were in the [running](#) to be either governor, attorney general, or secretary of state. Many of them are [campaigning](#) on lies and conspiracy theories.