



Georgia

March 18, 2021

To Members of the Georgia House Special Committee on Election Integrity:

Thank you for the opportunity to testify today. My name is Aunna Dennis and I am the executive director of Common Cause Georgia. I am here in opposition to SB202. This measure burdens access to the ballot for valid Georgia voters, disproportionately voters of color and low income voters, and it strips local election authorities of tools they need to effectively administer elections.

Among its more problematic provisions, Sections 33 and 34 of the bill would eliminate the partial counting of provisional ballots cast in the correct county, but at the wrong precinct, except those casting ballots after 5pm on Election Day.¹ This would eliminate votes cast by valid voters in races in which they are fully eligible to vote, resulting in their total disenfranchisement. While the state may have an interest in directing voters to their correct precinct so they can cast ballots in down ballot races, this should not come at the expense of their right to vote entirely. Federal law, the Help America Vote Act ensures that voters whose eligibility cannot be immediately established can cast a provisional ballot. But HAVA does not anticipate that ballots of eligible voters would be rejected in races for which they are eligible, and certainly not on an arbitrary basis as the time they appear to vote.

Common Cause Georgia works directly with voters who cast provisional ballots to help ensure their ballots can be counted. During the 2020 election cycle, Common Cause Georgia assisted some 6,000 voters who cast provisional ballots to cure those ballots so they could be counted — most were cast because the voter appeared at the wrong precinct.

There are many reasons a voter may be at the wrong precinct:

- including inadequate voter education or notice
- discrepancies between early voting locations
- and last minute or poorly advertised polling place closures or reassignments.

Georgia saw significant polling place changes during the 2020 election cycle due to the pandemic, there were counties that experienced more than 90 polling place changes. The upcoming redistricting process will change precinct lines for many voters, increasing their likelihood of appearing in the wrong precinct. For many of these voters, particularly seniors, voters with disabilities, low wage workers, rural communities, and voters without ready

¹ GA S.B. 202 Sub, LC 28 0325S, Lines 1812-20, 1827-32; 1862-3, 1870; 1887-8



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transportation, traveling to and waiting in line to vote at another precinct after appearing and waiting in line at an existing precinct will be unduly burdensome, and for some, impossible. Georgia has no basis to exclude votes cast by valid voters on measures for which they are fully eligible to vote.

The bill's elimination of out of precinct provisional ballots for all but late-day voters will disproportionately exclude votes cast by voters of color and low income voters. During the fall General election the Georgia Secretary extended rule making procedures for Counties to be able count out of county and precinct ballots without these burdens. This provision creates burdens to the voter and county election offices. A study released this week by the Brennan Center for Justice found that voters of color and low income voters are more likely to move within their county, increasing the likelihood that they would appear in the correct jurisdiction, but wrong precinct to vote.² Black voters, and the neighborhoods they live in, will be hit especially hard by the elimination of the out-of-precinct voting allowance.

Those disparities also exist with respect to income and employment. Making it harder for voters to participate after moving within their county will disproportionately fall on more economically destitute voters.

In addition, we have concerns about Section 13 of the bill, which revises §21-2-212 (f) to prohibit county Boards of Registrars from accepting funding, grants, gifts from any non-government source. This limitation will significantly hamper the ability of local election authorities to address voter needs in the administration of elections, and will invariably lead to longer lines at the polls.

To be clear, there are other provisions of this omnibus legislation that are problematic as well. This bill cuts at every aspect of the voting process, making it more difficult, especially for Georgia's most vulnerable voters, to cast a ballot and have it count.

Accordingly, Common Cause Georgia urges the committee to vote NO on S.B. 202.

Sincerely,

² Brennan Center for Justice, Georgia's Attempt to Limit Out-of-Precinct Voting Will Hurt Black Neighborhoods, March 16, 2021, available at: <https://www.brennancenter.org/our-work/research-reports/georgias-attempt-limit-out-precinct-voting-will-hurt-black-neighborhoods>



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