



GEORGIA

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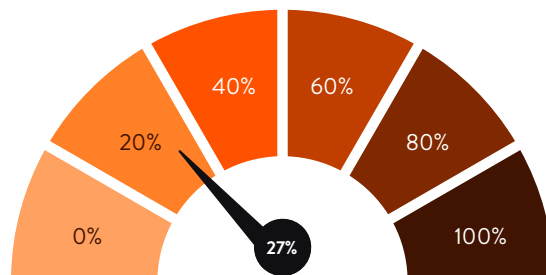
Protecting Voter Registration

An Assessment of Voter
Purge Policies in Ten States

Georgia

Removal Practices

FIGURE 13
Georgia Removal Practices



Georgia scored 27% for its removal practices. Georgia has codified in statute some data points that must be transmitted to election officials for removals for felony conviction, adjudication of mental incapacity, death, and determination of non-citizenship,⁷⁴ but state law does not require that specific criteria must match for removal. Voters are entitled to some form of notice for each type of removal, but in most cases, that notice comes only after the voter has been removed from the rolls, and there is no opportunity to contest.⁷⁵ The exception is removals for felony convictions; a person flagged for removal on those grounds must be notified before being removed,⁷⁶ and has 30 days to request a hearing before the board of registrars to contest their removal.⁷⁷ And Georgia law does not require notice to the individual or to election officials when someone has their eligibility to register and vote restored after having previously been disenfranchised because of a felony conviction or adjudication of mental incapacity.⁷⁸

⁷⁴ Ga. Code §§ 21-2-231(a)-(d), 21-2-231(a.1). For removal based on felony conviction, these data points include dates of birth and social security numbers, but for removal based on death, citizenship status, or adjudication of mental incapacity, the only specific data points enumerated are age and address.

⁷⁵ Id.

⁷⁶ Ga. Code §§ 21-2-231(c)

⁷⁷ Ga. Code §§ 21-2-231(c)(2)

⁷⁸ Id. at (c)(1),(e),(e.1)

Further, Georgia employs a “use it or lose it” system whereby the process of placing a voter on the “inactive” list is triggered simply because that voter has not voted or had other contact with the election system for five years.⁷⁹ Georgia law also grants any voter the power to challenge an unlimited number of other voters’ registrations—if they live in the same county--and grants county boards of registrars the ability to examine and remove registration records at any time if they believe a voter is unqualified under a basic standard of removal.⁸⁰ The breadth of Georgia’s challenge practices has led to litigation alleging that some groups and individuals are misusing such challenges to intimidate qualified voters and deter them from voting.⁸¹

Table 13: Removal Practices

Reason for Removal	Felony Conviction	Death	Citizenship Status	Adjudication of Mental Incapacity	Other Reasons for Removal
Matching Criteria	2	2	2	2	Inactivity 5
Notice of Removal	4	2	2	2	Catch-all Removal Authority 0
Procedures to Contest	4	0	0	0	Caging / Mass Challenges 0
Notice of Restoration to Voter	0	n/a	n/a	0	Total 27/100 = 27%
Notice of Restoration to Elec. Official	0	n/a	n/a	0	

⁷⁹ Ga. Code §§ 21-2-234(a)-(c), 21-2-235.

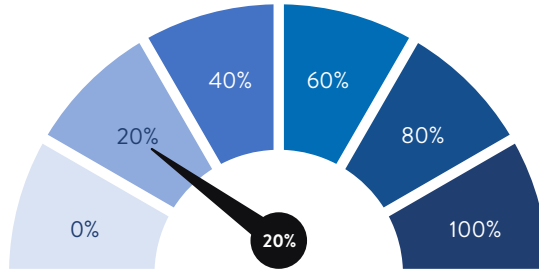
⁸⁰ Ga. Code §§ 21-2-228, 21-2-230.

⁸¹ Fair Fight, Inc., et al. v True the Vote, et al., No. 2:20-cv-00302-SCJ (N.D. Ga).

Safeguards Against Erroneous Removal

FIGURE 14

Georgia Safeguards from Removal



Georgia scored only 20% for safeguards to protect voters who do not learn that their registrations have been canceled or marked inactive until they attempt to vote at election time. The state does allow voters who have been marked inactive based on a suspected change of address⁸² to cast a regular (as opposed to a provisional) ballot if they affirm that they continue to reside at the same address. However, Georgia does not offer same-day registration during early voting or on Election Day, the most important safeguard for ensuring eligible Georgians can cast a ballot that will count if they have been erroneously purged.⁸³

Table 14: Safeguards Against Erroneous Removal

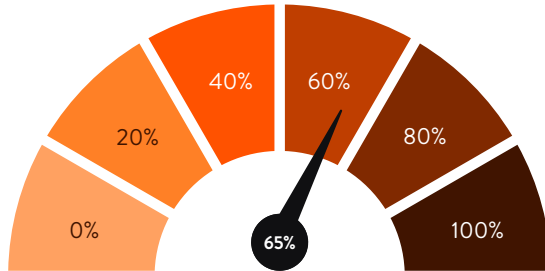
Safeguard	
Scope of Same-Day Registration (SDR)	0
SDR Identification Requirements	0
Regular or Provisional Ballot for SDR Voter	0
Regular or Provisional Ballot for Correcting Inactive Status	20
Total	20/100 = 20%

⁸² Ga. Code § 21-2-235(c)(1).

⁸³ Ga. Code § 21-2-224 (providing that registration application must generally be submitted by fifth Monday before the election).

Data Accessibility

FIGURE 15
Georgia Data Accessibility



Georgia scored 65% for data accessibility, as a partial version of the file can be requested by anyone, comes within 1-2 weeks of ordering, and is in an electronic format.⁸⁴ However, the whole file costs \$250.⁸⁵ Georgia does provide access to review public data on registrants (minus much personal identifying information) at no cost.⁸⁶

Table 15: Data Accessibility

Indicator of Accessibility	
Complete File Available	0
Who Can Request File	20
Cost	5
Timeline	20
Format	20
Total	65/100 = 65%

⁸⁴ Ga. Code § 21-2-225; see also Georgia Secretary of State, “Voter List,” available at <https://georgiasecretaryofstate.net/collections/voter-list-1>

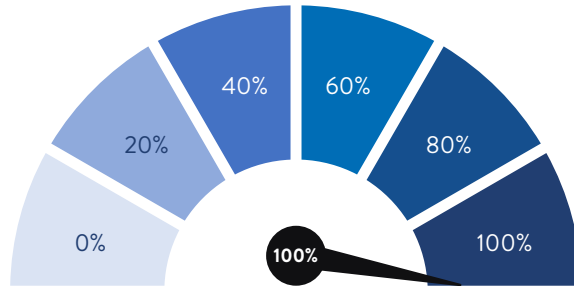
⁸⁵ Georgia Secretary of State, “Statewide Voter List,” available at <https://georgiasecretaryofstate.net/collections/voter-list-1/products/state-wide-voter-list>

⁸⁶ Ga. Code § 21-2-225(b).

Data Transparency

FIGURE 16

Georgia Data Transparency



Georgia scored 100% for data transparency because all scored fields are included in the file for purchase.⁸⁷ The only other state to include all the fields is North Carolina. These files help advocates identify potential purges based on a voter's status and identify discriminatory purges by analyzing the voter's status, reason code, and race. For example, advocates can use this data to analyze if a purge for inactivity has disparately impacted Black voters in a specific jurisdiction.

Table 16: Data Transparency

Indicator of Transparency	
Race	20
Voter ID Number	20
Voter Status	20
Status Reason Code	20
Date Last Voted	20
Total	100/100 = 100%

Current Political Context

In 2021, the Georgia legislature enacted an anti-voter law (Senate Bill 202⁸⁸) that, among other harmful provisions, expressly provides that there is no limit on the number of voters whose eligibility can be challenged by a single voter, and that requires registrars to hold hearings on these challenges

⁸⁷Georgia Secretary of State, "Order Voter Registration Lists and Files," available at <https://sos.ga.gov/page/order-voter-registration-lists-and-files>.

⁸⁸GA SB 202, amending Ga. Code § 21-2-229.

within ten days of the challenge being filed. SB 202 made even more explicit that it was possible to raise limitless challenges after over 360,000 voter challenges were filed in the leadup to the January 2021 Senate runoff election.⁸⁹ The law also authorized the state boards of election to sanction county registrars for failure to comply with the new voter registration challenge procedures. Georgia also enacted a new law which, among other things, expanded the authority of the Georgia Bureau of Investigation to investigate alleged election fraud and election crimes.⁹⁰

Thus, despite Georgia's high score for data transparency, the changes encouraging mass voter challenges are likely to mean the removal of many eligible voters before advocates can even use data in the voter file to detect or prevent purges. Fair Fight Action estimates that 92,000 voter challenges were filed in 2022 across the state.⁹¹ As with many provisions in the law, the changes to list maintenance may disproportionately impact voters of color.⁹² Unfortunately, a bill introduced in the 2023 session, SB 221, could make mass voter challenges even more dangerous by allowing registrars to treat the appearance of a person's name in a USPS change-of-address database, by itself, as proof to uphold a challenge.⁹³

Several other bills that would have changed Georgia's list maintenance processes failed in 2022. These included bills that would have increased the frequency with which elections officials must check for deceased voters, a bill that would allow for elections officials to be fired for failure to perform sufficient list maintenance,⁹⁴ and a bill that would allow for additional efforts to remove voters presumed to have moved.⁹⁵ On the flip side, bills to improve Georgia's voter list maintenance also failed in the 2022 session. For example, a bill introduced in February 2022 that would have eliminated Georgia's "use it or lose it" practice failed in the House.⁹⁶

⁸⁹ Mark Neisse, "Eligibility of 364,000 Georgia voters challenged before Senate runoff," *The Atlanta Journal-Constitution* December 22, 2020.

⁹⁰ GA SB 441 (2021), available at <https://legiscan.com/GA/text/SB441/2021>.

⁹¹ Jane C. Timm, "Fraud hunters challenged 92,000 voter registrations last year," NBC News, February 27, 2023 (noting that analysis of Cobb County challenges showed disproportionate impact on Black voters and young voters), available at <https://www.nbcnews.com/politics/elections/fraud-hunters-challenged-92k-georgia-voter-registrations-2022-rcna71668>.

⁹² *Id.*

⁹³ Available at <https://legiscan.com/GA/text/SB221/2023>. See also Jane C. Timm, "Georgia Republicans want to make it easier to challenge voters' eligibility," NBC News, February 28, 2023.

⁹⁴ "GA Assembly Bill 537," Voting Rights Lab, last updated Jul 19, 2021, <https://tracker.votingrightslab.org/pending/search/GA2021H537>. See also https://legiscan.com/GA/bill/HB537/2021?utm_campaign=rss&guid=4Vx0v0hUjCOjI5eEO37Hb

⁹⁵ "GA Assembly Bill 472," Voting Rights Lab, last updated Feb 18, 2021, <https://tracker.votingrightslab.org/pending/search/GA2021H472>. See also <https://legiscan.com/GA/bill/HB472/2021>.

⁹⁶ GA HB 280; available at <https://legiscan.com/GA/bill/HB280/2021>.

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