

Election Statute Navigator: Georgia

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/georgia/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day **§ 21-2-224**
 - By the close of business on the fifth Monday before the election; if that day is a holiday, then the close of business the next day
 - For a special election called for in fewer than five weeks, registration must occur by the close of business on the fifth day after the election is announced, excluding Saturdays, Sundays, and legal holidays
- Online registration available **§ 21-2-221.2**
- Registration via mail available **§ 21-2-223**
- In-Person registration available **§ 21-2-222**
- Automatic Voter Registration
 - **See generally, § 21-2-221**, but not officially established in any bill, just through practices established at the agencies
 - Participating Agencies: Department of Driver Services and Office of Attorney General
- Preregistration allowed **§ 21-2-216**
 - Applicant must be 17.5 years of age and must turn 18 before the next election
- Residency requirement **§ 21-2-217**
- Prior conviction eligibility **§ 21-2-216(b)**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote **§ 21-2-216(b)**
- Voter list maintenance guidelines **§§ 21-2-231; 21-2-232; 21-2-233**

State Absentee, Early, and Mail Voting

- Early voting allowed **§ 21-2-385**
 - October 12, 2020 – October 30, 2020
- No-excuse absentee voting **§ 21-2-380**
- Online absentee ballot application available **§ 21-2-381**
- Absentee ballot application is verified **§ 21-2-381**
- Copy of Voter ID required with absentee ballot **§ 21-2-385**

- Proper form of ID required if voting for the first time in Georgia and registered by mail
- Absentee ballot verification details **§ 21-2-386**
- State allows voters to correct signature discrepancies **§ 21-2-386**
- Error must be caught before election day
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 21-2-385**
- Deadline by which election official must receive absentee/mailed ballots **§ 21-2-386(a)(1)(F)**
- Election day, before polls close
- State is required to provide secrecy sleeve for absentee/mail ballot **§ 21-2-384(e)**
- Absentee/Mail ballot processing and counting procedures **§ 21-2-386**
- Absentee ballots are reported separately from precinct totals **§ 21-2-386(d)**
- Spoiling/Replacement/Correction ballot restrictions **§ 21-2-384(b)**

In-Person Voter ID

- Photo ID requirements **§ 21-2-417**
- Options for voters without ID **§ 21-2-417(b)**
 - They may vote with a provisional ballot and confirm their identity with a proper form of identification up to three days later

Provisional Voting

- Provisional ballot availability **§ 21-2-418**
- Time allotted to determine the status of provisional ballot **§ 21-2-419(c)(1)**
 - No later than 3 days following the election
- Provisional ballot rejection reasons **§ 21-2-419(c)(3)**
 - Not registered
 - Not otherwise eligible
 - Registrar unable to determine registration or eligibility within 3 days
- Method for informing voters whether provisional vote was counted **§ 21-2-419(d)**

Polling Place

- Polling Place availability and requirements **§ 21-2-265; § 21-2-266; § 21-2-267**
- Electioneering or campaigning must not be closer than 150 feet to the entrance of the polling place or within 25 feet of any voter standing in line to vote **§ 21-2-414(a)**
- Rules governing poll observers **§ 21-2-408**
- Poll watcher qualification **§ 21-2-408**
 - Prohibits candidates from serving as poll workers
 - Must wear badge saying “Official Poll Watcher”

- Police presence **§ 21-2-413(i)**
 - Makes reference to peace officers and security guards who can have a firearm near the polling place
- Firearms prohibitions in election code (other state laws may apply) **§ 21-2-413(i)**
- Photography restrictions **§ 21-2-413(e)**

State Emergency Rules and How Elections are Affected

- Governor has authority to set rules and procedures (after declaring “election emergency”) **§ 38-3-51(d)(1)**
 - Allows the governor to suspend regulatory statutes, including those related to elections
- Listed triggers for Emergency Rules **§ 38-3-51(d)**
 - Impending emergency or disaster of natural or human origin
 - Pandemic
 - Impending or actual enemy attack
 - Public health emergency
- Explicit remedies in election statute
 - **§ 21-2-50.1** - The Secretary of State may extend filing deadlines for candidates in a state of emergency
 - **§ 21-2-265** - If an emergency occurs within 10 days of an election, the superintendent of the county may move the polls to another location inside or outside the precinct
 - **§ 21-2-418** - Provisional ballots may be used to cast votes if an emergency renders machines unusable

Counting Rules

- Voting system requirements
 - **§ 21-2-322** - General Requirements as to voting machines
 - **§ 21-2-325** - Form of ballots on voting machines
- Counting procedures
 - **§ 21-2-493** - Computation of returns by superintendent; certification
 - **§ 21-2-499** - Secretary of State to tabulate, compute, canvass, and certify certain returns

Contest/Protest, Recount Rules

- Candidate protesting **§ 21-2-524**
- Contest filing guidelines **§ 21-2-522**
- Challenging a candidate **§ 21-2-522(2)**
- Challenging a voter **§ 21-2-230**
- Contest/Protest recount **§ 21-2-495**

- May be requested if the difference between the winning candidate and the requesting candidate is no greater than 1%