

The Enclosed Space. O.C.G.A. § 21-2-267(a); O.C.G.A. § 21-2-413; O.C.G.A. § 21-2-1-414.

What is called the “Enclosed Space” in the statute is one of the most important tools in protecting voters from intimidation and ensuring the right to cast a secret ballot.

The concept of the Enclosed Space is set out in O.C.G.A. 21-2-267(a). It creates a final, inner layer of protection insulating voters from those who might wish to intimidate them or otherwise violate the voter’s right to a secret ballot. For this reason, Enclosed Space violations should be considered some of the most serious violations in regard to voter safety.

The Enclosed Space is primarily established in O.C.G.A. § 21-2-267(a). It consists of the inner portion of the polling place in which **no one** but properly admitted voters and specifically authorized persons essential to the voting process may enter “during the progress of the voting.” O.C.G.A. § 21-2-413(f). Even voters aren’t allowed in the Enclosed Space until the voter is found to be registered and otherwise qualified to vote. O.C.G.A. § 21-2-452(a). If no voter may enter the Enclosed Space until the voter identifies themselves and is admitted, it stands to reason that no member of the general public should be within the Enclosed Space at any time.

Properly credentialed poll watchers are allowed within the Enclosed Space but still must obey the instructions of the Poll Manager. Further, while within the Enclosed Space:

• No poll watcher may talk to voters;

• No poll watcher should check electors lists;

• No poll watcher may use photographic or other electronic monitoring or recording devices;

• No poll watcher may use cellular telephones;

• No poll watcher may participate in any form of campaigning.

O.C.G.A. § 21-2-408(d).

The statute states that it is desirable, but not required, that the polling place consist of a single room, “every part of which is within the unobstructed view of those present therein...” *Id.* The Enclosed Space is marked by a barrier (or guardrail) closing off the inner part of the polling place such that admission can be regulated. The barrier traditionally in most precincts consists of the table at which voters check in.

Only persons properly admitted to the Enclosed Space should ever be within six feet of a ballot box or a voting compartment (or voting machine).¹ And no ballot box, voting compartment or voting machine should be within six feet of the exterior lines of the Enclosed Space.² The purpose of this limitation is to keep those who are outside of the Enclosed Space from reaching any part of the election machinery or intimidating voters within the Enclosed Space.

No photography or recording is allowed in the Enclosed Space (except by poll officials for official purposes). It is especially important in preventing intimidation and fraud that no photography is allowed “of a ballot or the face of a voting machine or DRE unit or electronic ballot marker while an elector is voting such ballot or machine or DRE unit or using such electronic ballot marker...” O.C.G.A. § 21-2-413(e). Otherwise, voters could be intimidated by being required to provide photographic proof that they cast a ballot in a certain way for a certain candidate or candidates and prove it by providing their screen shots.

Once a properly admitted voter leaves the Enclosed Space, they are not to return “except to give assistance as provided [in the statute].” O.C.G.A. § 21-2-413(c).

¹ Some internet chatter has suggested that the enclosed space is a six feet circle around an individual voting machine. This interpretation is at odds with the plain language of the statute.

² *Id.*

Access to the Enclosed Space is ultimately controlled by the Poll Manager. O.C.G.A. § 21-2-413(h).