

Georgia SB 202 The Election Integrity Act:



An issue guide to the rationale and
effects of GA SB 202

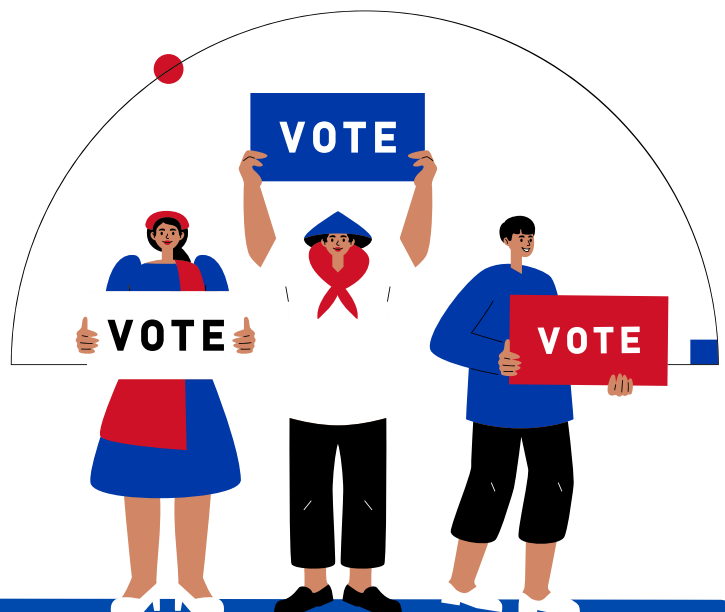
By: Veronica Kovach and Carter Lukes

This Issue Guide

Throughout this Issue Guide, a summary is provided covering Georgia Senate Bill 202 (SB 202), the Election Integrity Act. In this guide a comprehensive look is offered, covering the history and background that led to this decision, the changes created by the policy, outcomes, and recommendations for different policy options.

To provide a brief background of SB 202, it drastically altered election and voting rules within the state of Georgia. It changed requirements for early voting periods, absentee ballot windows, absentee ballot drop off location, providing food and water near polling locations, and run off election rules.

This bill predominantly affected people of color, creating additional barriers of entry for individuals to cast their ballot.



About SB 202

History & Framing

Early history of voting rights in the United States dates back to Civil Rights Act of 1870. Originally this act was used to protect from voter intimidation, specifically black voters from the Ku Klux Klan, The civil Rights Act was later amended in 1957, 1960, and 1964, with each amendment providing additional protections.

Georgia Governor Brian Kemp (R) faced pressure from former President Donald Trump and members of the legislature to "fix" the "broken" electoral system in a state that saw very few cases of voter fraud. This is a trend seen in many states at this time as 49 states introduced legislation that would limit citizen's voting ability. Much of these accusations were supported by conservative legislatures and conservative non profits providing money to elected officials. This bill was heavily supported by the Georgia Republican Party with 24 primary sponsors, all Republican, and passed in the Senate 32 to 20 and then again in the house 100 to 75. These votes showed a distinct divide based on party affiliation.

Policy Summary

With the passing of this policy, we saw an increased barrier of entry to Georgians. Prior to SB 202's passing, there were popular events held by Black Churches called Souls to the Polls, and during these events congregations would gather the Saturday before elections, and use the early voting period to cast their ballot. With the limitations to early voting period these events were effectively eliminated.

Additionally, this policy eliminated the ability for people to hand out food and water to people waiting in line to vote. In areas with limited access to polling locations, wait times to vote can be significantly long. This long wait times caused people to hand out food and water so voters would be encouraged to cast. While this could be an opportunity to coerce voters towards specific politicians, there have been no reports to substantiate this claim. The changes to this policy now make voting in underrepresented areas more difficult.

The final note regarding the impacts of this bill can be visualized in a comparison between voter turnout pre and post SB 202. Voter turnout actually increased by 23% after SB 202, which caused many politicians to challenge this notion that the bill is limiting people's voting abilities. Counters to this argument is that people are voting in spite of SB 202 to attempt to get their rights back. Even with the increase in voter turnout, SB 202 continues to be divisive so much to the point that the Department of Justice filed a legal complaint against the legislation. This complaint has not made any significant movement through the legal system since November of 2022.

Summary

Option #1 - Previous Election Code

The 2010 Georgia Code, Title 21, Chapter 2, the previous election code in place, was written with consideration for voters and their personal circumstances. Its fifteen articles supported unrestricted voting for Georgia residents while outlining "standard practice" election protocol.

ACTIONS

Revert back to the previous election code



Update election protocol that was previously set in place



Add an amendment to the law in place that expands accessible voting



What if nothing is done?



DRAWBACKS

Legislators voted to overturn this, most likely will not want to go back

Time consuming and costly

GA legislators voted against making voting more accessible

Georgia voters will continue to abide by the restrictive voting law which is GA SB 202

Summary

Option #2 - Kentucky HB 574

Permanently incorporating COVID-19 voting practices into Kentucky HB 574 gave voters a more secure way to vote. Receiving support from both political parties, this bill serves as an example for how to expand accessible voting practices in other states.

ACTIONS

Take the language from KY HB 574 and introduce a similar bill in GA

Add voter accessibility language into an amendment for GA SB 202

Take voting security measures and introduce an amendment to GA SB 202

Ignore the benefits in KY HB 574; keep GA SB 202 as is

DRAWBACKS

Lack of bipartisan support in GA will prevent the bill from passage

Amendment may be rejected by the majority party

Amendment may be rejected; GA legislature may take excessive security measures

Continue restrictive voting practices across GA

Recommendations

Through this analysis, the simplest solution the state legislature could have made was to maintain the current Georgia Election Code. The concerns of a rigged election were never truly verified and pushed a state to make legislative decisions that removed citizens' constitutional right. Citizens will adapt to the policies in place, creating opportunities to exercise their constitutional rights. While this is not an expansive policy, this allows citizens to continue to exercise their right to vote.

The second option as mentioned before is to offer expenses to state voting procedures to ensure that the barrier to entry for voting is low for all citizens. Georgia could have simply mirrored similar states and their voting procedures, then applied it appropriately to the state. Additional options could have been to explore additional voting opportunities that have yet to be popularized. This could have allowed Georgia to be a trailblazer for voting rights, incorporating technology to increase access and security simultaneously.

The final recommendation is for state law-makers to improve the cultural competency when law making. This was a distinct issue through the development of this bill. The lack of understanding of Georgian communities led directly to the Souls to the Polls events being erased. This lack of understanding led to additional resources and strategies being removed from potential voters. By engaging in cultural competency, future lawmaking in Georgia will be more representative, and apply better to a larger population.

Conclusion

This attempt to change voting policy in Georgia, has been a short sighted and is more detrimental then productive. Much of this could have been avoided by utilizing empathy, and cultural competency to prevent large policy decisions from affecting a singular population. Additionally, limiting constitutional rights to citizens will never be a right decision for a government body to make. In the future elected officials should consider these recommendations in order to represent their citizen adequately.

