

Prepared Remarks on SB 202
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Senate Ethics Committee
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Good morning Chairman Burns and Members of the Ethics Committee.

My name is Christopher Bruce, and I am the Political Director for the ACLU of Georgia. The ACLU of Georgia is a non-partisan organization dedicated to protecting the civil liberties of all Georgians; the right to vote is one of the most sacred civil liberties we have as Americans.

The ACLU of Georgia recognizes that the sponsors of this bill, SB 202, are attempting to ensure that those who receive absentee ballot applications are voters who, at the exact time they receive the application, could actually use it to request a ballot.

We share this desire. We understand that the futility in a voter receiving an absentee ballot application if they have already requested a ballot. And we further recognize that there's no point to a county elections office receiving multiple applications for the same voter.

But we ask the committee not to pass this bill as written because it would impose a substantial burden on organizations and campaigns that encourage voter participation and civic engagement, while not being well-designed or proportional to the harms addressed.

First, we must specifically consider the harm NOT addressed. There is no evidence that voters who submit multiple absentee ballot applications receive multiple ballots. The state uses a centralized elections system to ensure that each ballot entry corresponds to a registered voter, and only one ballot entry is allowed -- whether a voter submits two applications they received in the mail, or whether they use snail mail, email, or the absentee portal to submit multiple applications themselves without anyone's help.

To put a fine point on it, the evidence shows that this bill is aimed at an annoyance, not at election integrity. We cannot let misinformation or imagination get in the way of that fact.

Second, even if this provision were implemented, enforcement will be extremely complicated due to various factors including inconsistencies in how counties update their absentee voter and registered voter information, as well as the ways in which this information is actually delivered to the public, including the purchase and delivery of voter rolls.

The notion that mailing lists for absentee ballot applications must continually be compared to the voter rolls and the absentee rolls sounds good in theory, but completely falls apart once the actual details of such a process are considered. We would encourage far deeper consideration of such details before a proposal like this is advanced.

Third, the organizations and campaigns that would be affected by this bill played an integral role this past cycle. During the 2020 General Election, 1.3 million Georgians voted absentee by mail -- nearly 30% of the general election's total voters. These voters were able to stay safe and help keep our polling locations from becoming COVID-19 hotspots because they voted absentee.

Many Georgians worked tirelessly to ensure that all of their neighbors had the option to vote safely and securely via absentee ballot. Because of the difficulties that these proposed changes would create for Georgians, the imposition of a stiff monetary penalty seems inequitable to the issue at hand. The definition of an "occurrence" of a violation (line 30) within this bill is also vague and would lead to further compliance and enforcement headaches.

SB 202 attempts to address an annoyance for local elections offices, but seems to inadvertently create a cumbersome process that would interfere with important activity within our democracy and penalize Georgians who are just trying to encourage civic engagement in their communities. Creating hoops for these organizations to jump through,

and then imposing monetary penalties when mistakes are made won't remedy the logistical issues that motivated the creation of this bill.

We urge this committee to reject the bill as drafted for the aforementioned reasons. If this bill were to be improved, we would ask the committee 1) to consider removing the monetary penalty in favor of State Election Board discretionary enforcement, and 2) to require greater standardization in the ways that counties enter absentee information and how the public accesses this absentee information and our state's voter rolls.

But we reiterate that we do not believe the harm being addressed by the proposal rises to the level of changing Georgia's Elections Code. Operational process improvements and rulemaking bodies are better suited for this issue.

Thank you. I yield for any questions.