

## **Georgia: Protections Against Intimidation of Voters and Election Workers**

*This resource details state and federal laws protecting against the intimidation of voters and election workers and the disruption of the voting process.*

### **Voters in Georgia have the right to vote free from intimidation under federal and state law.<sup>1</sup>**

The federal protections that apply to all states are explained [here](#). The following actions are specifically prohibited by Georgia law:

- Willfully blocking or attempting to block the avenue to the door of any polling place.<sup>2</sup>
- Using or threatening violence in a manner that would prevent a reasonable elector from voting or actually prevents any elector from voting.<sup>3</sup>
- Using or threatening to use force and violence or acting in any other manner to intimidate any person to vote or refrain from voting, to vote or refrain from voting for or against a particular candidate or question, or to register or refrain from registering to vote.<sup>4</sup>

The below addresses the laws that serve as guardrails against specific threats of intimidation.

### **Voter Challenges**

Although Georgia permits any registered voter to challenge another voter's eligibility,<sup>5</sup> state law also provides for some guardrails:

- A challenge to a voter's right to vote must be made in writing and delivered to the board of registrars prior to the voter casting a ballot and must distinctly specify the grounds of the challenge.<sup>6</sup> Challenges [cannot be made to any poll worker at a polling place](#).
- A challenge [cannot move forward without probable cause](#).<sup>7</sup> The burden is on the challenger to establish probable cause, not on the challenged voter to prove their eligibility.

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<sup>1</sup> See, e.g., 18 U.S.C. §§ 594, 241; 52 U.S.C. § 10101(b); Ga. Code §§ 21-2-566(3)–(4), 21-2-567; see also Ga. Code § 21-2-593(1)–(2) (creating a criminal penalty for law enforcement officers who neglect or refuse to clear obstructions that prevent voters from entering polling places or to quell other polling place disturbances when called upon).

<sup>2</sup> Ga. Code § 21-2-566(3).

<sup>3</sup> Ga. Code § 21-2-566(4).

<sup>4</sup> Ga. Code § 21-2-567.

<sup>5</sup> Ga. Code §§ 21-2-229, 21-2-230.

<sup>6</sup> Ga. Code §§ 21-2-229(a), 21-2-230(a).

<sup>7</sup> See also Ga. Code § 21-2-230(b).

- A challenge that is either intended to intimidate or results in the intimidation of a voter constitutes a felony.<sup>8</sup>
- If a challenge meets the probable cause threshold but the voter cannot immediately appear before the board of registrars and answer the grounds of the challenge before the polls close, the voter should be allowed to cast a challenged (i.e., provisional) ballot.<sup>9</sup>

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter's registration.<sup>10</sup>
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.<sup>11</sup>

### **Intimidation of Poll Workers and Election Officials**

In addition to federal protections against the intimidation of election workers, it is a felony in Georgia to interfere with a poll worker performing their duties.<sup>12</sup> These protections for poll workers extend to the vote-counting process and all other aspects of election administration.

### **Voter Intimidation by Poll Workers**

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Georgia poll workers [here](#).

### **Intimidation by Poll Watchers**

In addition to Georgia's voter intimidation laws detailed above, state law places limits on who may serve as an observer and what they may and may not do:

- Poll watchers must be appointed in advance of the election by party or candidate representatives in Georgia.<sup>13</sup> Unauthorized watchers should not be permitted at polling places.
- A party may have no more than four poll watchers (two local and two statewide) in a precinct.<sup>14</sup>
- Watchers must wear an official badge while present in a polling place.<sup>15</sup>

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<sup>8</sup> Ga. Code § 21-2-567.

<sup>9</sup> Ga. Code § 21-2-230(i).

<sup>10</sup> 52 U.S.C. § 20507(c)(1)(B).

<sup>11</sup> 52 U.S.C. § 20507(c)(2)(A).

<sup>12</sup> Ga. Code §§ 21-2-569, 21-2-566(2), 21-2-593(3) (creating a criminal penalty for law enforcement officers who hinder or delay poll officers in the performance of their duties).

<sup>13</sup> Ga. Code § 21-2-408(b).

<sup>14</sup> Ga. Code § 21-2-408(b).

<sup>15</sup> Ga. Code § 21-2-408(d).

- Georgia law prohibits watchers from interfering with the conduct of an election in any way. Specifically, those serving as poll watchers may not talk to voters, use cell phones, take photos, record video, campaign, or check the electors list.<sup>16</sup>

Poll managers are authorized to remove any watcher for interfering or violating any of these rules.<sup>17</sup>

### **State and Local Law Enforcement**

It is a misdemeanor for law enforcement officers to neglect or refuse to clear obstructions that prevent voters from entering polling places or to quell other polling place disturbances when called upon to do so by a poll worker.<sup>18</sup> It is also a misdemeanor for law enforcement officers to willfully hinder or delay poll workers in the performance of their duties.<sup>19</sup>

### **Guns at Polling Locations**

Georgia prohibits guns, apart from those belonging to peace officers, within 150 feet of polling places.<sup>20</sup> The presence of any such firearm in or around a polling place should be treated as intimidation.

Even at locations where firearms are not expressly prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm while near a polling location or at a drop box or vote-counting site, displaying a concealed firearm during a discussion or argument with a voter or election worker, or approaching a voter or election worker while displaying a firearm.

### **Door-to-Door Intimidation**

Georgia and federal law prohibit canvassing efforts that are used to intimidate voters.<sup>21</sup> Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials.

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<sup>16</sup> Ga. Code § 21-2-408(d).

<sup>17</sup> Ga. Code § 21-2-408(d).

<sup>18</sup> Ga. Code § 21-2-593(1)–(2).

<sup>19</sup> Ga. Code § 21-2-593(3).

<sup>20</sup> Ga. Code §§ 21-2-413(i), 16-11-127(b)(7).

<sup>21</sup> 18 U.S.C. §§ 594, 241; Ga. Code § 21-2-567.