

## **Georgia Poll Workers: Rules and Constraints**

In Georgia, poll workers<sup>1</sup> perform critical election duties such as opening and closing polling places, setting up voting machines, and processing and assisting voters. Like other states across the country, Georgia has [faced](#) poll worker shortages in recent years. For elections to function well, each voting location must have enough qualified poll workers. It is equally important, however, that these poll workers fulfill their duties impartially and adhere strictly to the law.

In the last election cycle, media [reports](#) identified a troubling nationwide trend of recruiting individuals who subscribe to falsehoods about elections and the integrity of the democratic process as poll workers. To be sure, government officials cannot and should not prevent poll workers from participating in the election process solely because of their political viewpoints or beliefs. But they can take reasonable steps to ensure that poll workers do not act beyond their legal authority on Election Day.

Georgia, like other states, already has many guardrails in place to prevent those who seek to disrupt elections from qualifying as poll workers. In advance of the 2024 election cycle, these guardrails are detailed below along with other procedures, prohibitions, and expectations that govern the proper administration of elections in Georgia.

### **Legal Constraints on Poll Workers**

#### **Eligibility**

**Applicants must meet certain eligibility requirements under Georgia law.** In Georgia, each county election superintendent<sup>2</sup> appoints individuals to serve as one of two main types of poll workers: **managers** (chief managers and assistant managers) and **clerks**.<sup>3</sup> Georgia law requires that poll workers be: (1) “judicious, intelligent, and upright” U.S. citizens; (2) residents of or employed by the county in which the poll worker is appointed; (3) 16 years of age or older; (4) able to read, write, and speak English; (5) neither currently holding public office, except for a political party office, nor a candidate for office; and (6) not an immediate relative of a candidate for public office whose name appears on the ballot in the precinct in which they serve.<sup>4</sup>

Individuals may not serve as poll workers if they were previously convicted of malfeasance in office, a fraudulent violation of primary or election laws, or a felony involving moral turpitude — unless their civil rights have been restored and at least 10 years have passed since the completion of their sentence.<sup>5</sup>

**Poll workers must take an oath to follow applicable laws and procedures.** Georgia law requires all poll workers to take an oath before opening the polls.<sup>6</sup> In relevant part, managers and assistant managers must affirm that they will: admit to the polls those who they believe are registered and entitled to vote; not delay or refuse voters access to voting machines; aim to

prevent fraud, deceit, and abuse; and “truly, impartially, and faithfully perform” their duties.<sup>7</sup> Similarly, clerks must promise to use their “best endeavors to prevent any fraud, deceit, or abuse” in administering the election and perform their duties “truly, impartially, and faithfully.”<sup>8</sup> Pursuant to these oaths, superintendents may refuse to appoint applicants who demonstrate that they are unwilling to perform their duties impartially and follow applicable laws and instructions. In fact, acting as a poll worker without taking the oath is a misdemeanor under Georgia law.<sup>9</sup> Superintendents should not, however, turn away applicants solely on the basis of their viewpoints or beliefs so long as they are consistent with laws governing elections.<sup>10</sup>

**Poll workers must receive training.** Georgia law requires that superintendents provide training for all poll workers regarding the use of voting equipment and procedures, “all aspects of state and federal law applicable to conducting elections,” and the poll workers’ duties in connection with those laws.<sup>11</sup> Applicants cannot serve as poll workers unless they receive this training, are found qualified to operate the type of voting equipment used in their jurisdiction, and obtain a certificate to that effect from their superintendent.<sup>12</sup> Certain exceptions exist for vacancies that arise on or the day before Election Day.<sup>13</sup>

### **Chain of Command**

**Poll workers must answer only to their county election officials.** Under Georgia law, poll workers are appointed and compensated by their superintendents, who maintain authority to make and issue rules, regulations, and instructions (consistent with the law) as they see fit for guiding poll workers.<sup>14</sup> Superintendents are also responsible for overseeing poll workers and polling locations such that elections run “honestly, efficiently, and uniformly.”<sup>15</sup> Accordingly, poll workers must answer only to their superintendent (or, in practice, delegates in the superintendent’s office), rather than to their political party or any party official, and those who refuse to comply may be removed and replaced by their superintendent.<sup>16</sup>

**Georgia law creates a clear chain of command structure among poll workers.** In Georgia, each polling location operates under a board consisting of one chief manager and two assistant managers, all of whom are assisted by clerks.<sup>17</sup> Generally, chief managers — under the superintendent’s supervision — are responsible for overseeing a polling location’s operations, ensuring adequate staffing, and assigning tasks.<sup>18</sup> They may have added responsibilities prior to Election Day, such as picking up supplies and inspecting the polling location. Assistant managers have thorough knowledge of all poll procedures, support the chief manager with any problems or questions that arise, and supervise clerks and relieve them for breaks.<sup>19</sup> Clerks’ duties may include greeting voters, verifying eligibility, and assisting voters as needed throughout the day.<sup>20</sup> Counties may provide additional guidance as to how poll workers divide up tasks as well as create additional roles, such as line monitors and technicians, within the chain of command structure as needed.<sup>21</sup>

## **Following Applicable Laws**

Poll workers are further constrained by their duty to support and protect local, state, and federal laws. Failure to do so may violate their oath of office, warrant removal, and result in criminal liability.<sup>22</sup> These applicable laws include the following constraints:

**No person, including poll workers, may intimidate or harass voters.** Federal law prohibits actual or attempted intimidation, threats, or coercion against a voter for the purpose of interfering with the right to vote.<sup>23</sup> Violators are subject to significant civil and criminal liability.<sup>24</sup> Georgia law similarly makes it a felony offense to use force or violence to intimidate any person in relation to their vote or voter registration.<sup>25</sup> Examples of prohibited intimidation may include, without limitation, using insulting, offensive, or threatening language or raising one's voice.<sup>26</sup> Similarly, Georgia law further prohibits any person, including poll workers, from soliciting votes within 150 feet of any polling location or within 25 feet of any voter.<sup>27</sup>

**Poll workers may not disrupt elections through disinformation.** Pursuant to the oath required by Georgia law, poll workers must "truthfully, impartially, and faithfully perform" their duties.<sup>28</sup> Poll workers also may not prevent any other poll worker from performing their duties under Georgia law, nor may they interfere with, hinder, or delay any other person's election duties.<sup>29</sup> Accordingly, spreading false information about who can vote, how and when they can vote, and other aspects of voter eligibility and voting such that it disrupts election administration processes may violate state law.

**Poll workers do not have the discretion to determine who can vote.** Georgia law does not provide a substantive role for poll workers in the challenge process.<sup>30</sup> They have no independent right and no discretion to determine who can vote and which ballots can count, other than following the law and instructions of their county's board of registrars, which rules on challenges.<sup>31</sup> Specifically, Georgia law makes clear that poll workers may not: (1) knowingly refuse to permit any registered and qualified person to vote, or (2) knowingly permit any unregistered or unqualified person to vote.<sup>32</sup>

**Poll workers must not commit or assist others in committing fraud.** Georgia law makes it a felony offense for poll workers to commit or assist others in committing fraud, including, but not limited to: (1) making a false return of the votes; (2) destroying or altering any ballot, voter certificate, or electors list; (3) tampering with any voting machine, direct recording electronic equipment, electronic ballot marker, or tabulating machine or device; or (4) failing to return official election items to proper election officials, such as keys to a voting machine, ballot boxes, ballots, or tabulating machine memory cards.<sup>33</sup>

**Poll workers must complete certain tasks in multiple-person teams.** To ensure impartiality and fairness, state rules and procedures require that certain tasks be completed in teams of several poll workers. For example, after the close of the polls, Georgia State Election Board rules require that poll workers must account for all voted, canceled and spoiled, and unused provisional ballots.<sup>34</sup> In doing so, one poll worker — along with two other poll workers as witnesses — must count the number of provisional ballots and compare that number to the list of

provisional ballot voters, seal the voted provisional ballots in a container for transfer, and complete and sign a provisional ballot recap sheet.<sup>35</sup>

## **Available Enforcement Mechanisms**

**Screening process.** As noted above, the election superintendent maintains control over the poll worker appointment process.<sup>36</sup> Consistent with this authority, superintendents can refuse to appoint individuals who cannot meet or are unwilling to follow the above eligibility criteria and constraints.

**Training content.** As noted above, state law requires the superintendent to provide a comprehensive training for poll workers, determine that each poll worker is qualified to perform their duties in connection with the type of voting equipment to be used in that jurisdiction, and issue a certificate to that effect.<sup>37</sup> These training sessions provide an opportunity for superintendents to clearly and fully explain the checks in place to prevent voter fraud or manipulation of the election process, and to provide context to correct common rumors and misperceptions.

**Assigning poll workers.** Given the chief manager and assistant managers' roles in overseeing election administration and poll workers, superintendents should choose — to the extent possible — to appoint managers with substantive previous poll official experience and demonstrated knowledge of voting procedures to serve in this role. If they do not already, local officials can aim to track where first-time poll workers are placed, distribute first-time poll workers across the jurisdiction, and ensure that every polling location has at least one poll worker with previous experience. In the event that vacancies occur, superintendents may choose to create lists of backup poll workers to cover staffing shortages.

**Dispute resolution.** From time to time, poll workers may disagree over election rules and procedures. Superintendents may choose to create a set procedure for reporting disputes up the chain of command so that they can be resolved quickly. To minimize disruptions to the election process, superintendents also can train poll workers — especially managers — in effective dispute resolution methods.

**Oaths of office.** The oaths of office for managers and clerks provide a strong legal basis for preventing and addressing abuses by poll workers.<sup>38</sup>

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- <sup>1</sup> Georgia statutes formally refer to poll workers as “poll officers.” *See, e.g.*, O.C.G.A. § 21-2-2(26).
- <sup>2</sup> Depending on the county, the election superintendent role may be filled by the judge of the probate court of a county, the county board of elections, the county board of elections and registration, the joint city-county board of elections, or the joint city-county board of elections and registration. O.C.G.A. § 21-2-2(35)(A). Municipal election superintendents appoint poll workers for municipal elections. O.C.G.A. § 21-2-2(35)(B)–(C).
- <sup>3</sup> O.C.G.A. §§ 21-2-2(26), 21-2-70(6), 21-2-90, 21-2-91, and 21-2-92. Political parties also may choose to submit a list of qualified managers and assistant managers for the superintendent to consider, although the superintendent maintains ultimate approval authority. O.C.G.A. §§ 21-2-2(26), 21-2-70(6), 21-2-90. When such lists are submitted, the superintendent — whenever possible — must make appointments to ensure equal political party representation at each polling location. O.C.G.A. § 21-2-90. In practice, political parties rarely submit these lists.
- <sup>4</sup> O.C.G.A. § 21-2-92. Residents of one county also may serve in a neighboring county provided that they receive approval from their county election superintendent. O.C.G.A. § 21-2-92(a)(2).
- <sup>5</sup> O.C.G.A. § 21-2-8. With respect to the 10-year period, the statute specifies: “and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.” *Id.*
- <sup>6</sup> O.C.G.A. §§ 21-2-93, 21-2-405(a).
- <sup>7</sup> O.C.G.A. § 21-2-94.
- <sup>8</sup> O.C.G.A. § 21-2-95.
- <sup>9</sup> O.C.G.A. § 21-2-584.
- <sup>10</sup> *See generally*, U.S. CONST. amend. I.
- <sup>11</sup> O.C.G.A. §§ 21-2-70(8), 21-2-99(a)–(b).
- <sup>12</sup> O.C.G.A. § 21-2-99(b).
- <sup>13</sup> *Id.*
- <sup>14</sup> O.C.G.A. §§ 21-2-70(6)–(7), 21-2-98.
- <sup>15</sup> O.C.G.A. § 21-2-70(8).
- <sup>16</sup> *See generally* O.C.G.A. § 21-2-70 (detailing superintendents’ authority over poll officers).
- <sup>17</sup> O.C.G.A. § 21-2-90; *see also* GEORGIA SEC’Y OF STATE OFFICE, POLL WORKER MANUAL 8 (May 2021) <https://georgiapollworkers.sos.ga.gov/Shared%20Documents/Georgia%20Poll%20Worker%20Manual%202021.pdf> (last visited Mar. 15, 2024).
- <sup>18</sup> *See, e.g.*, DEKALB CNTY. VOTER REGISTRATION & ELECTIONS, POLL MANAGER’S JOB DESCRIPTION, <https://www.dekalbcountyga.gov/sites/default/files/manager.pdf> (last visited Mar. 15, 2024).
- <sup>19</sup> *See, e.g.*, DEKALB CNTY. VOTER REGISTRATION & ELECTIONS, ASSISTANT POLL MANAGER’S JOB DESCRIPTION, <https://www.dekalbcountyga.gov/sites/default/files/assismgr.pdf> (last visited Mar. 15, 2024).
- <sup>20</sup> *See, e.g.*, DEKALB CNTY. VOTER REGISTRATION & ELECTIONS, CLERK’S JOB DESCRIPTION, <https://www.dekalbcountyga.gov/sites/default/files/clerk.pdf> (last visited Mar. 15, 2024); GEORGIA SEC’Y OF STATE OFFICE, POLL WORKER MANUAL 37 (May 2021).
- <sup>21</sup> *See, e.g.*, FULTON CNTY. REGISTRATION & ELECTIONS, ELECTION DAY POLL WORKERS (2022), <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections/become-a-poll-worker/election-day-poll-workers> (last visited Mar. 15, 2024).
- <sup>22</sup> O.C.G.A. §§ 21-2-94, 21-2-95, 21-2-598, 21-2-599, 21-2-600.
- <sup>23</sup> *See, e.g.*, 52 U.S.C. §§ 10101(b), 10307(b); 42 U.S.C. § 1985(3); 18 U.S.C. § 594.
- <sup>24</sup> *Id.*
- <sup>25</sup> O.C.G.A. § 21-2-567. Georgia law defines intimidation to include undertaking or pursuing “a knowing and willful course of conduct which causes emotional distress by placing another person in reasonable fear for such person’s safety or for the safety of another person and which serves no legitimate purpose.” O.C.G.A. § 21-2-567(b).
- <sup>26</sup> *See, e.g.*, U.S. DEP’T OF JUSTICE, FEDERAL LAW CONSTRAINTS ON POST-ELECTION “AUDITS” (July 8, 2021), <https://www.justice.gov/opa/press-release/file/1417796/download> (explaining federal voter intimidation laws and that intimidation may be in the form of both physical and non-physical threats); *see also* INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION, GEORGETOWN LAW, FACT SHEET: PROTECTING AGAINST VOTER INTIMIDATION, <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/10/Voter-Intimidation-Fact-Sheet.pdf> (last visited Mar. 15, 2024).
- <sup>27</sup> O.C.G.A. § 21-2-414(a).
- <sup>28</sup> O.C.G.A. §§ 21-2-94, 21-2-95.
- <sup>29</sup> O.C.G.A. §§ 21-2-569, 21-2-597.
- <sup>30</sup> *See generally* O.C.G.A. §§ 21-2-229, 21-2-230.

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<sup>31</sup> O.C.G.A. § 21-2-230(b), (h).

<sup>32</sup> O.C.G.A. § 21-2-590.

<sup>33</sup> O.C.G.A. § 21-2-587.

<sup>34</sup> GA. COMP. R. & REGS. 183-1-12-.18(9).

<sup>35</sup> *Id.*

<sup>36</sup> O.C.G.A. §§ 21-2-70(6), 21-2-90, 21-2-91, 21-2-92.

<sup>37</sup> O.C.G.A. § 21-2-99.

<sup>38</sup> O.C.G.A. §§ 21-2-93, 21-2-405(a).