ACLU of Georgia Post Crossover Day Recap
Wednesday, March 10, 2021

Summary
This legislative session, there has been a multitude of legislation impacting the civil rights and civil liberties of Georgians. At the ACLU of Georgia, we have been engaging in a wide range of advocacy efforts on bills dealing with voter rights, First Amendment rights, immigrant rights, LGBTQ+ rights, and the criminal legal system. Although we did not stop every bad bill from passing on Crossover Day, we did stop a number of bills from crossing over, that would undoubtedly infringe on the civil rights and civil liberties of Georgians. Of the bills that did pass, we will continue our advocacy efforts through the remainder of the 2021 Legislative Session to ensure civil liberties are protected in Georgia.

The following bills passed either the House or the Senate Chamber on or before Crossover Day, March 8, 2021.

Voter Rights Bills
HB 531 - House omnibus anti-voter rights bill
Summary:
• This Bill bans election boards and superintendents from accepting private funding or any private gifts
• Places limits on absentee voting, it requires photo ID for absentee ballots, shortens the time period of requesting an absentee ballot, and the time period to receive an absentee ballot is shortened.
• This bill also invalidates any provisional ballot on the day of the election that is out of the precinct.
• This bill cuts weekend voting.
Status: HOUSE PASSED 97-72; Senate Committee on Ethics
Position: OPPOSE

SB 241 - Senate omnibus anti-voter rights bill.
Sponsored by: Senator Dugan et al.
Summary:
• No-excuse absentee balloting is repealed: must have 1 of 7 excuses to vote absentee.
  o Physical disability and age (65+) are the broadest excuses
• Absentee application requires DL/ID# or a photocopy of an approved ID if the voter does not have a state-issued ID.
• Absentee ballot envelope must include DL/ID# or last four digits of SS# or a photocopy of an approved ID if the voter has neither.
• Bans mobile voting units from being used during early vote and limits them on election day.
• Requires legislative approval for state consent agreements and emergency rule changes, establishes voter fraud hotline, allows legislative delegations to suspend elections supervisors, regulates timeline for processing mail ballots, etc.

Status: SENATE PASSED 29-20 House Special Committee on Election Integrity
Position: OPPOSE

**SB 202** - Restricts absentee ballot application distribution to voters who have not already applied, received, or voted by absentee ballot.

**Sponsored By:** Senator Max Burns, et al.

**Summary:**
- Requires that third party organizations compare their mailing list to the “most current registered electors list maintained by the Secretary of State,” and remove anyone on the mailing list who is not on the SOS list.
- Requires that third parties compare their mailing list with the “most recent information available” about voters who have already requested, been issued, or voted by absentee ballot, and remove anyone on the mailing list who falls into these categories.
- Imposes monetary penalties on violations of the above provisions administered by the State Election Board.

Status: SENATE PASSED 32-20; Special Committee on Election Integrity
Position: OPPOSE

**SB 72** - Voter roll cleanup bill

**Sponsored by:** Senator Jeff Mullins, et al

**Summary:**
- Requires coroners, judges of the probate court, and funeral homes to provide information about persons who have passed away during the previous month free of charge to county registrars for the purpose of “cleaning” voter rolls.
- Could help more accurately clean up voter rolls, but it has the potential to overwhelm local elections staff.

Status: SENATE PASSED 48-5; House Special Committee on Election Integrity
Position: MONITORING

**SB 74** - Increased access for poll watchers bill

**Sponsored by:** Senator Jeff Mullins, et al

**Summary:**
- Provides poll watchers access to all areas of the tabulation center (where ballots and election results are received and processed).
- This bill incorrectly protects poll observers, and not local elections officials, who are subject to ongoing intimidation and harassment

Status: SENATE PASSED 36-18; House Special Committee on Election Integrity
Position: OPPOSE
SB67 - Revises the absentee ballot application process with an emphasis on submitting a photo ID with absentee ballot application.

**Sponsored By:** Senator Larry Walker III et al.

**Summary:**
- Places restrictions on the absentee ballot process. Must submit photocopies of voter identification documents for absentee ballot application.

**Status:** SENATE PASSED 35-18; Senate Committee on Ethics

**Position:** OPPOSE

SB 253 - Polling location changes notice bill

**Sponsored By:** Senator Nikki Merritt, et al.

**Summary:**
- Ensures that if a polling location is moved, notices of the new location must be posted during the seven days before the day of the election, and on Election Day. (Changes from only requiring a notice posted during Election Day)
- Removes the burden of last-minute precinct changes or confusion, ensuring voters have a clear understanding of where they can vote.

**Status:** SENATE PASSED 53-0; Special Committee on Election Integrity

**Position:** SUPPORT

SB 62 - Handling of absentee ballots, list maintenance

**Sponsored By:** Senator Lindsey Tippins, et al.

**Summary:**
- Provides precinct name and designation appears on every ballot; provides the use of holographic security devices on ballots; provides for the storage and retention of absentee ballots by precinct with chain of custody; provides for the manner of handling and processing ballots requiring duplication for processing; provides for the maintenance of certain lists of absentee voters

**Status:** SENATE PASSED 37-15; House Special Committee on Election Integrity

**Position:** OPPOSE

SB 89 - Chief Elections Assistance Officer; procedures to address “low performing” county elections officials

**Sponsored By:** Senator Butch Miller, et al.

**Summary:**
- Creates Chief Elections Assistance Officer position within the SOS office; allows the state to identify, suspend, and replace "low performing" county elections officials

**Status:** SENATE PASSED 35-18; House Special Committee on Election Integrity

**Position:** OPPOSE

SB 184 - Timeline for entering credit for voting data

**Sponsored By:** Senator Bill Cowsert, et al.

**Summary:**
• Board of registrars must enter the credit for voting data into the statewide voter registration system within 30 days election
Status: SENATE PASSED 37-15; House Special Committee on Election Integrity
Position: NEUTRAL

SB 184 - Timeline for entering credit for voting data
Sponsored By: Senator Bill Cowsert, et al.
Summary:
• Board of registrars must enter the credit for voting data into the statewide voter registration system within 30 days election
Status: SENATE PASSED 37-15; House Special Committee on Election Integrity
Position: NEUTRAL

Criminal Legal System and Policing Bills
HB 479 - Repeals the citizen’s arrest statute.
Summary:
• Repeals the statute allowing for arrest by private persons.
Status: HOUSE PASSED 173-0; House Committee on Judiciary
Position: SUPPORT

HB 286 - Anti-police reform and accountability bill
Summary:
• Penalizes counties and municipalities for reducing police budgets.
• Limits the ability for local governments to set budget priorities based on the needs of their constituents and communities.
Status: HOUSE PASSED 101-69; Senate Committee on Government Oversight
Position: OPPOSE

SB 115 - Anti-police accountability/civilian interactions with police bill
Sponsored by: Senator Randy Robertson, et al.
Summary:
• Teach students best practices of what to do when stopped by a law enforcement officer.
• Requires DDS and DPS to work together to design and offer a training course to teach civilians what to do when stopped by a law enforcement officer.
Status: SENATE PASSED 36-13; House Committee on Motor Vehicles
Position: OPPOSE

SB 105 - Early termination of probation
Sponsored by: Brian Strickland, et al.
Summary:
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- Establishes guidelines to allow for early termination of probation in certain circumstances.
Status: SENATE PASSED 53-0; House Committee on Judiciary
Position: SUPPORT

**First Amendment Bills**

**SB 200** - Religious exemptions bill
**Sponsored by:** Senator Jason Anavitarte et al.
- Exemptions religious services from restrictions enacted during public emergencies.
- Exempting worship services from neutral and generally applicable restrictions enacted during public emergencies would harm others and is the type of religious preference that the Constitution forbids. Religious freedom is not a license to endanger other people and the public.
Status: SENATE PASSED 32-17; House Committee on Judiciary
Position: OPPOSE

**Anti-Voter Rights Bills: Did Not Crossover**

**SB 69** - Repeal of automatic voter registration
**Sponsored by:** Senator Jeff Mullins, et al.
**Summary:**
- SB 69 eliminates Georgia’s automatic voter registration (AVR) system, which registers voters or updates voter registration information when eligible Georgians apply for a driver’s licenses, renews driver’s licenses, or submit change of address information with the Georgia Department of Driver Services (DDS).
Status: Did not crossover
Position: OPPOSE

**SB 71** - Repeals no-excuse absentee ballot voting.
**Sponsored By:** Senator Jeff Mullis et al.
**Summary:**
- Eliminates no-excuse absentee voting, and sets strict requirements to qualify to vote absentee.
Status: Did not crossover
Position: OPPOSE

**SR 100** - Statewide grand juries to investigate election law violations bill
**Sponsored By:** Senator Steve Gooch, et al.
**Summary:**
- Calls for an amendment to the Georgia Constitution that would set up statewide grand juries to investigate and hand down indictments over any election law violation.
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**Status:** Did not crossover  
**Position:** OPPOSE

**HB 59** - Ranked choice voting and runoff timeline bill  
**Sponsored By:** Rep. Wes Cantrell, et al.  
**Summary:**
- Allows UOCAVA (military and overseas) voters to vote in primaries and general elections by ranked-choice so that in the case of a primary or general election runoff, their vote in the runoff can be determined from their separate “special” ranked-choice ballot—that they submit at the same time as their regular ballot—instead of requiring UOCAVA voters to submit another absentee ballot for the runoff.  
- Mandates that all runoff elections, federal and state, will be held just 28 days after primary or general elections.  
**Status:** Did not crossover  
**Position:** OPPOSE

**HB 64** - Procedures for death of a candidate bill  
**Sponsored By:** Rep. Houston Gaines, Rep. Marcus Wiedower  
**Summary:**
- Addresses the situation in a nonpartisan election where a candidate dies before the election. In this situation, this bill calls for the candidate to stay on the ballot, and if the candidate wins the election or qualifies for a runoff, the vacancy will be filled through either a special election or a runoff between the next two highest vote-getters.  
**Status:** Did not crossover  
**Position:** MONITORING

**HB 136** - Procedures for counties without boards of elections bill  
**Sponsored By:** Rep. Eddie Lumsden, et al.  
**Committee:** House Special Committee on Election Integrity  
**Summary:**
- Establishes procedures for when a county does not have a board of elections and there is a vacancy in the office of judge of the probate court or the judge of the probate court is unable to perform the duties of the election superintendent, the chief judge of the superior court in the circuit to which the county is assigned shall appoint a qualified individual to serve as the acting election superintendent.  
**Status:** Did not crossover  
**Position:** MONITORING

**HB 270** - Shortens absentee voting by mail bill  
**Sponsored By:** Rep. Barry Fleming, et al.  
**Committee:** House Special Committee on Election Integrity  
**Summary:**
Shortens the absentee application window from four days prior to ending 11 days prior to an election. The bill also mandates that local elections offices must mail out absentee ballots within three days of receiving an application.

**Status:** Did not crossover  
**Position:** **OPPOSE**

**HB 701** - Shortens absentee voting by mail bill  
**Sponsored By:** Rep. Barry Fleming  
**Committee:** House Special Committee on Election Integrity  
**Summary:**
- Adds to the existing definition of “superintendent”: an individual appointed by the State Election Board to exercise the power of election superintendent  
- The State Election Board may suspend county or municipal superintendents and appoint an individual to take their place. The appointed superintendent may exercise all the powers and duties of a superintendent, including personnel decisions regarding the director of elections, the election supervisor, and all poll officers.  
- Outlines provisions for petitioning, conducting hearings, suspension, and other procedures.

**Status:** Did not crossover  
**Position:** **OPPOSE**

**SB 93** - Effectively bans mobile voting units  
**Sponsored By:** Senator Jeff Mullis et al.  
**Summary:**
- Renders mobile voting units effectively useless, which nearly eliminates a secure and popular method of voting without solving a real problem.

**Status:** Did not crossover  
**Position:** **OPPOSE**

**SB 141** - Tabulation bill  
**Sponsored By:** Senator Jason Anavitarte, et al.  
**Summary:**
- Requires that poll officials complete the required accounting documentation, tabulate the number of ballots cast and the total number of provisional ballots cast after the polls close.  
- The vote counting process should not be rushed and counties should have flexibility in ensuring accurate counts within certification windows.

**Status:** Did not crossover  
**Position:** **OPPOSE**

**SB 178** - Restrictions on sending out absentee ballot applications bill  
**Sponsored By:** Senator Jeff Mullis et al.  
**Committee:** Senate Ethics Committee  
**Summary:**
• Prohibits the Secretary of State and local election officials from sending out unsolicited absentee ballot applications. If the Secretary of State wishes to send out absentee ballot applications, they must obtain written approval from the Speaker of the House of Representatives and the Lieutenant Governor. There were no previous restrictions on the Secretary of State’s ability to mail out unsolicited absentee ballot applications.

Status: Did not crossover  
Position: **OPPOSE**

**SB 232** - Unnecessary additions for ballot tracking  
**Sponsored By:** Senator Marty Harbin, et al.  
**Committee:** Senate Ethics Committee  
**Summary:**  
• Adds a barcode and accompanying tracking number to all absentee ballots and envelopes that has the potential to violate voters’ privacy.

Status: Did not crossover  
Position: **OPPOSE**

**Anti-First Amendment Rights Bills: Did Not Crossover**  
**HB 1** - eliminating campus free speech zones; revisions to free speech access on college campuses  
**Sponsored by:** Josh Bonner, et al  
**Summary:**  
• Eliminates free speech zones on college campuses.  
• Contains potentially harmful definitions.  
• Places some restrictions on the ability to exercise First Amendment rights on college campuses.

Status: Did not crossover  
Position: **Neutral**

**HB547** - Student-led prayer in public schools.  
**Sponsored by:** Rep. Sharon Henderson  
**Committee:** House Committee on Education  
**Summary:**  
• Creates a 60 second quiet reflection time in public schools that focuses on promoting a secular religion.  
• The bill states, “The moment of quiet reflection authorized by subsection (a) of this Code section is not intended to be and shall not be conducted as a religious service or exercise,” yet it “invite[s] those who elect to participate to stand, and the student may lead the group in...prayer.” The prayer explicitly states, “We ask these blessings through Jesus Christ our Lord.”

Status: Did not crossover  
Position: **OPPOSE**
SB171 - Anti-protest bill  
Sponsored by: Senator Randy Robertson et al.  
Summary:  
- Incentivizes counties and municipalities to crack down on protests or prevent them from occurring in the first place and places restrictions on the right to protest.  
- Punishes counties and municipalities from meaningfully reining in the police  
- Provides protections for drivers who injure or kill protesters.  
Status: Did not crossover  
Position: OPPOSE

Anti-Immigrant Rights Bills: Did Not Crossover  
HB228 - Scarlet letter on immigrant driver’s licenses  
Summary:  
- Requires a non-citizen marker on the driver’s licenses of non-U.S. citizens  
- Includes Georgia in the inaccurate for E-Verify program of the U.S. Department of Homeland Security, which employers use to ascertain whether their employees are eligible to work in the country.  
Status: Did not crossover  
Position: OPPOSE

Anti-LGBTQ+ Rights Bills: Did Not Crossover  
SB 266 - anti-trans sports bill  
Sponsored by: Senator Harbin et al.  
Summary:  
- Discriminates based on transgender status and sex in violation of the U.S. Constitution and Title IX of the Civil Rights Act.  
Status: Did not crossover  
Position: OPPOSE