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.

Fundamentally in our elections system, Georgia voters cast their ballots securely and legally in exactly 3 ways: 1) Absentee by mail; 2) Early in-person; and 3) on Election Day.

At its core, HB 531 makes considerable cuts to each of these forms of voting without justification.

We believe that any proposed cuts to voting access can only be justified by overwhelming evidence beyond a reasonable doubt. We also believe that elections policymaking should be a deliberate, precise, and evidence-based process. We have not seen such a process unfold for HB 531, so we urge this committee to reject HB 531 as drafted.

First, when it comes to absentee by mail voting, we continue to share many of the concerns that have been raised, including:

- New requirements to provide sensitive personal information with applications and ballots, which puts absentee voters, who are disproportionately seniors and Georgians with disabilities, at risk of identity theft;
- Various unfunded mandates like requiring security paper for ballots;
- AND the fact that even Governor Brian Kemp, who was in quarantine for COVID-19 the Friday before the election, would not have been able to vote in the General Election under the absentee timeline in this bill.

1 All section numbers in this testimony refer to sections of document LC 28 0264S, the version of HB 531 that passed the Georgia House on March 1, 2021.
Second, the cuts in this bill to early in-person voting are deeply alarming. Section 18 of the bill would cut weekend voting hours in the five most populous counties in Georgia by 40%. Gwinnett County voters themselves would lose two-thirds of their weekend voting hours. To put this into further perspective, HB 531 would cut early voting access for well over 3 million active voters in Georgia, which is 41% of all voters in the entire state.

The bill also creates an impossible choice for counties between 1) no Sunday voting at all, or 2) the extremely confusing situation of “no Saturday voting the first weekend, and no Sunday voting the second weekend.” When nearly 400,000 Georgians of all stripes, political persuasions, and ethnic backgrounds cast their ballots on the weekend during the general election and runoff, these cuts cannot be justified.

The bill also makes a large cut to early voting access for federal runoffs -- it would have limited early voting in our most recent runoff to just three days. How would the 2.1 million Georgia voters who voted early in the runoff over three weeks -- be expected to vote in just three days? The cascading effects of such a drastic cut to early voter access would paralyze our elections system.

But I would like to focus especially on one of the barriers that this bill places on election day voting -- the proposal to toss out tens of thousands of Election Day ballots that were cast by eligible voters within their counties of residence, outside of their one precinct.

The justification offered for this proposal, a concern for down ballot races, is not only unwarranted given the current capabilities of Georgia’s ballot-marking devices to print full ballots, but the justification is also fundamentally at odds with the constitutional right of every Georgia voter to choose the races in which they want to vote.

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2 Analysis done by the VAP Team.
In the 2020 Georgia general election, 5 million votes were cast for president. 99.8% of these votes were cast on regular ballots, which by definition, include every single down ballot candidate.

- Yet, the total number of votes cast in Georgia for State House was 4.55 million.
- And the State Senate saw 4.5 million (4,501,950) votes in total.

This means that 1 out of 10 voters in Georgia decided, for themselves, of their own accord, to vote for president and refrain from voting in their downballot Georgia State Senate race.

When half-a-million (500,000) Georgia voters exercised their right to vote for president and skip downballot races, how can we justify trampling upon the right of 10,000 provisional voters to, at worst, do the exact same? Why should provisional voters not be allowed the choice that every other voter in Georgia gets?

The First Amendment considerations of such a paternalistic, pretextual justification for throwing out valid ballots is especially offensive to us as the ACLU of Georgia.

As long as an in-county, out-of-precinct provisional voter is informed that their ballot may or may not include a few down ballot races, they should be able to exercise their informed decision to vote in the races of their choosing, just as any other Georgia voter can, instead of being completely disenfranchised.

For elections like statewide runoffs that do not include any downballot races, like our most recent runoff on January 5, throwing provisional ballots out and disenfranchising these voters is even less justifiable. And just so this process is grounded in actual facts and evidence, 7,966 provisional ballots were counted statewide for Georgia State Senate races in the General Election. Which means that the vast majority of provisional ballots that were cast and counted in this state included downballot races,
and the vast majority of provisional voters decided, for themselves, to vote in those races. As is their right.

**HB 531** does not reflect the will of Georgia voters or the results of a deliberate, evidence-based process. We urge the committee to consider these concerns and reject the bill as written.

Thank you, I yield for any questions.