

2022 ELECTION GEORGIA LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key penal provisions found within the Georgia Election Code (§21-2-408 through §21-2-597) and other key provisions.

- ▶ Campaigning within 150 feet of building within which is a polling location is a misdemeanor.
- ▶ Carrying a firearm within 150 feet of a polling location is prohibited.
- ▶ Preventing a poll officer from performing their official duties is a felony.

**REPORT
SUSPICIOUS
BEHAVIOR TO**

**Secretary of State
Elections Division**

404-656-2871

Your Local Election Official

About this Guide

This guide was created to provide local law enforcement officers with a general understanding of state elections laws that contain criminal penalties for violations, recognizing that these statutes are not typically taught in police academies.

This short guide is not intended to provide a complete or comprehensive review of all Georgia election laws, but instead highlights potential violations that may be reported to local law enforcement. The role of local police and sheriff's offices is typically going to relate to public safety, interference with elections, elections facilities or elections officials. Keep in mind, minor violations (such as displaying electioneering materials at or near a polling location) are often handled directly by elections officials without involvement of law enforcement.

Keep in mind when responding to reports of election law violations that all other criminal statutes still apply and should be considered by investigating officers.

By establishing an open dialogue with elections officials prior to the commencing of the election process, local law enforcement serve as partners in ensuring safe and secure elections.

Definitions

Poll Officers

Ga. Code Ann. § 21-2-2(26)

"Poll officers" means the chief manager, assistant managers, and clerks required to conduct primaries and elections in any precinct in accordance with state law.

Precinct

Ga. Code Ann. § 21-2-2(28)

"Precinct" is synonymous with the term "voting precinct" and means a geographical area, established in accordance with this chapter, from which all electors vote at one polling place.

Elector

Ga. Code Ann. § 21-2-2(7)

"Elector" means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state, including applicable charter provisions, and shall have registered in accordance with this chapter.

Duties of Law Enforcement Officers

Ga. Code Ann. § 21-2-593

Any law enforcement officer who:

- (1) Willfully neglects or refuses to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from entering, when called upon to do so by any poll officer or elector of the precinct;
- (2) Willfully neglects or refuses to maintain order and quell any disturbance if such arises at any polling place upon the day of any primary or election, when called upon to do so by any poll officer or elector of the precinct; or
- (3) Willfully hinders or delays, or attempts to hinder or delay, any poll officer in the performance of any duty under this chapter

shall be guilty of a misdemeanor.

Intentional Interference

Ga. Code Ann. § 21-2-597

Any person who intentionally interferes with, hinders, or delays or attempts to interfere with, hinder, or delay any other person in the performance of any act or duty authorized or imposed by this chapter *shall be guilty of a misdemeanor.*

Conduct of voters, campaigners, and others at polling places

Ga. Code Ann. § 21-2-413

- (a) No elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another except when giving assistance as permitted by this chapter.
- (b) No elector shall remain in a voting compartment or voting machine booth an unreasonable length of time; and, if such elector shall refuse to leave after such

- period, he or she shall be removed by the poll officers.
- (c) No elector except a poll officer or poll watcher shall reenter the enclosed space after he or she has once left it except to give assistance as provided by this chapter.
 - (d) No person, when within the polling place, shall electioneer or solicit votes for any political party or body or candidate or question, nor shall any written or printed matter be posted within the room, except as required by this chapter. The prohibitions contained within Code Section 21-2-414 shall be equally applicable within the polling place and no elector shall violate the provisions of Code Section 21-2-414.
 - (e) No person shall use photographic or other electronic monitoring or recording devices, cameras, or cellular telephones while such person is in a polling place while voting is taking place; provided, however, that a poll manager, in his or her discretion, may allow the use of photographic devices in the polling place under such conditions and limitations as the election superintendent finds appropriate, and provided, further, that no photography shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot marker while an elector is voting such ballot or machine or DRE unit or using such electronic ballot marker, and no photography shall be allowed of an electors list, electronic electors list, or the use of an electors list or electronic electors list. This subsection shall not prohibit the use of photographic or other electronic monitoring or recording devices, cameras, or cellular telephones by poll officials for official purposes.
 - (f) All persons except poll officers, poll watchers, persons in the course of voting and such persons' children under 18 years of age or any child who is 12 years of age or younger accompanying such persons, persons lawfully giving assistance to electors, duly authorized investigators of the State Election Board, and peace

officers when necessary for the preservation of order, must remain outside the enclosed space during the progress of the voting.

- (g) When the hour for closing the polls shall arrive, all electors who have already qualified and are inside the enclosed space shall be permitted to vote; and, in addition thereto, all electors who are then in the polling place outside the enclosed space, or then in line outside the polling place, waiting to vote, shall be permitted to do so if found qualified, but no other persons shall be permitted to vote.
- (h) It shall be the duty of the chief manager to secure the observances of this Code section, to keep order in the polling place, and to see that no more persons are admitted within the enclosed space than are permitted by this chapter. Further, from the time a polling place is opened until the ballots are delivered to the superintendent, the ballots shall be in the custody of at least two poll officers at all times.
- (i) No person except peace officers regularly employed by the federal, state, county, or municipal government or certified security guards shall be permitted to carry firearms within 150 feet of any polling place as provided for in subsection (b) of Code Section 16-11-127.

Restrictions on campaign activities, giving of food or water, and public opinion polling within the vicinity of a polling place; cellular phone use prohibited; prohibition of candidates from entering certain polling places; penalty

Ga. Code Ann. § 21-2-414

- (a) No person shall solicit votes in any manner or by any means or method, nor shall any person distribute or

display any campaign material (as defined in OCGA 21-2-2(3.1)), nor shall any person give, offer to give, or participate in the giving of any money or gifts, including, but not limited to, food and drink, to an elector, nor shall any person solicit signatures for any petition, nor shall any person, other than election officials discharging their duties, establish or set up any tables or booths on any day in which ballots are being cast:

- (1) Within 150 feet of the outer edge of any building within which a polling place is established;
- (2) Within any polling place; or
- (3) Within 25 feet of any voter standing in line to vote at any polling place.

These restrictions shall not apply to conduct occurring in private offices or areas which cannot be seen or heard by such electors.

- (b) Rooms under the control or supervision of the board of registrars or absentee ballot clerk in which absentee ballots are being cast shall be considered polling places.
- (c)
 - (1) No person shall conduct any exit poll or public opinion poll with voters within 25 feet of the exit of any building in which a polling place is established on any day in which ballots are being cast.
 - (2) Except for credentialed poll watchers, poll workers, and law enforcement officers, poll managers may manage the number of persons allowed in the polling place to prevent confusion, congestion, and inconvenience to voters.
- (d) No person whose name appears as a candidate on the ballot being voted upon at a primary, election, special primary, or special election, except a judge of the probate court serving as the election superintendent,

- (d) shall physically enter any polling place other than the polling place at which that person is authorized to cast his or her ballot for that primary, election, special primary, or special election and, after casting his or her ballot, the candidate shall not return to such polling place.
- (e) This Code section shall not be construed to prohibit a poll officer from distributing materials, as required by law, which are necessary for the purpose of instructing electors or from distributing materials prepared by the Secretary of State which are designed solely for the purpose of encouraging voter participation in the election being conducted or from making available self-service water from an unattended receptacle to an elector waiting in line to vote.

Any person who violates this code section shall be guilty of a misdemeanor.

Interference with primaries and elections generally

Ga. Code Ann. § 21-2-566

Any person who:

- (1) Willfully prevents or attempts to prevent any poll officer from holding any primary or election under this chapter;
- (2) Uses or threatens violence in a manner that would prevent a reasonable poll officer or actually prevents a poll officer from the execution of his or her duties or materially interrupts or improperly and materially interferes with the execution of a poll officer's duties;
- (3) Willfully blocks or attempts to block the avenue to the door of any polling place;
- (4) Uses or threatens violence in a manner that would prevent a reasonable elector from voting or actually prevents any elector from voting;

- (5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not signed by the elector whose certificate it purports to be;
- (6) Knowingly deposits fraudulent ballots in the ballot box;
- (7) Knowingly registers fraudulent votes upon any voting machine; or
- (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters, ballot box, voting machine, direct recording electronic (DRE) equipment, electronic ballot marker, or tabulating machine

shall be guilty of a felony.

Interfering with poll officers

Ga. Code Ann. § 21-2-569

Any person, including any poll officer, who willfully prevents any poll officer from performing the duties imposed on him or her by this chapter *shall be guilty of a felony.*

Intimidation of electors

Ga. Code Ann. § 21-2-567

- (a) Any person who uses or threatens to use force and violence, or acts in any other manner to intimidate any other person, to:
 - (1) Vote or refrain from voting at any primary or election, or to vote or refrain from voting for or against any particular candidate or question submitted to electors at such primary or election; or
 - (2) Place or refrain from placing his or her name upon a register of electors

shall be guilty of a felony.

Giving or receiving, offering to give or receive, or participating in the giving or receiving of money or gifts for registering as a voter, voting, or voting for a particular candidate.

Ga. Code Ann. § 21-2-570

Any person who gives or receives, offers to give or receive, or participates in the giving or receiving of money or gifts for the purpose of registering as a voter, voting, or voting for a particular candidate in any primary or election *shall be guilty of a felony.*

Tampering with, damaging, improper preparation of, or prevention of proper operation of voting machines or electronic ballot markers or tabulating machines.

Ga. Code Ann. § 21-2-580

Any person who:

- (1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot marker or tabulating machine to be used or being used at any primary or election;
- (2) Willfully prepares a voting machine or an electronic ballot marker or tabulating machine for use in a primary or election in improper order for voting; or
- (3) Prevents or attempts to prevent the correct operation of such electronic ballot marker or tabulating machine or voting machine

shall be guilty of a felony.

Removal or destruction of election supplies or conveniences

Ga. Code Ann. § 21-2-583

Any person who:

- (1) Prior to any primary or election, willfully defaces, removes, or destroys any notice or list of candidates posted in accordance with this chapter;
- (2) During any primary or election, willfully defaces, tears down, removes, or destroys any card of instructions, notice of penalties, or diagram printed or posted for the instruction of electors; or
- (3) During any primary or election, willfully removes or destroys any of the supplies or conveniences furnished to any polling place in order to enable electors to vote or the poll officers to perform their duties

shall be guilty of a misdemeanor.

Poll watchers

Ga. Code Ann. § 21-2-408

- (d) Notwithstanding any other provisions of this chapter, a poll watcher may be permitted behind the enclosed space for the purpose of observing the conduct of the election and the counting and recording of votes. Such poll watcher shall in no way interfere with the conduct of the election, and the poll manager may make reasonable regulations to avoid such interference. Without in any way limiting the authority of poll managers, poll watchers are prohibited from talking to voters, checking electors lists, using photographic or other electronic monitoring or recording devices, using cellular telephones, or participating in any form of campaigning while they are behind the enclosed space. If a poll watcher persists in interfering with the conduct of the election or in violating any of the provisions

of this Code section after being duly warned by the poll manager or superintendent, he or she may be removed by such official. Any infraction or irregularities observed by poll watchers shall be reported directly to the superintendent, not to the poll manager. The superintendent shall furnish a badge to each poll watcher bearing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which the poll watcher shall serve, and either the precinct or tabulating center in which the poll watcher shall serve or a statement that such poll watcher is a state-wide poll watcher. The poll watcher shall wear such badge at all times while serving as a poll watcher.