
Passed: Election Integrity Act of 2021

“Elections and Primaries; persons or entities that mail absentee ballot applications shall mail such application only to eligible registered electors.”

– Georgia General Assembly, S. B. 202, Act No. 9

S.B. 202 Election Integrity Act of 2021, introduced February 18, 2021 by chairman of the Senate Ethics Committee Senator Max Burns, was rewritten twice before the final version of 98 pages passed March 25th. The Senate substitute passed March 8th and went to the House; the House substitute passed the House March 25th. Also on March 25th, when the Senate agreed to the House substitute, the bill, finally, passed. When Governor Kemp signed it late afternoon of March 25th, it became Act 9. S.B. 202 is so comprehensive that the introduction required the bill’s first two and one-half pages to mention the many changes made to Georgia Election Law.

Brief Excerpts from S.B. 202

- Georgia’s Attorney General will create/maintain an election complaint telephone hotline.
- The General Assembly will elect a non-partisan chairman of the State Board of Elections.
- State Election Board reports to the General Assembly any proposed donation for elections.
- It provides for two Saturday voting days and two optional Sunday voting days.
- Advance voting begins the 4th Monday before the election, ends Friday before the election.
- An outline is included for handling the death of a candidate, if it occurs before the election.
- It addresses voter registration changes for voters who move out of state or are deceased, etc.
- The number of voters in precincts is restricted to 2,000 to limit wait-time to one hour.
- If the number of voters exceeds 2,000 in a precinct, another precinct must be created.
- Advance voting sites are in buildings; portable units are allowed ONLY in emergencies.
- Ballots must be printed on security paper, except for electronic ballots sent to eligible voters.
- Absentee ballot application requires (a) name, birthdate, address; (b) number on Georgia driver’s license, government ID or other document; (c) oath; and (d) pen-and-ink signature.
- Incarcerated individuals who are eligible voters may apply for absentee ballots.
- Absentee ballots are sent to previous recipients, others upon request and last-election voters.
- A drop box is allowed for each 100,000 voters, or up to the number of advance voting sites.
- Drop box construction is prescribed; their placement must be in lighted surveillance areas.
- Poll hours may be extended, if a judge issues written findings that support the change.
- By 10:00 pm Election Day, election superintendents must report to the Secretary of State the number of ballots (a) cast that day, (b) cast at advance voting, (c) returned and received by the deadline, (d) provisional ballots cast, plus (e) any other uncounted ballots.
- After polls close, vote counting begins and proceeds until all are counted: advance votes, absentee ballots, and those cast on Election Day. Results are released to the public.
- Counting of provisional and other absentee ballots continues day-to-day until completed.
- Run-off elections will be held 28 days after the preceding election.
- At least 29 days must be between the call of a special primary and holding a special primary.

Water Dispute about Georgia's Election Integrity Act

To prevent encroachment of the “no campaigning zone” at polls, Georgia’s Election Integrity Act of 2021 prohibits soliciting votes from people in line at the polls. Such solicitation cannot be done with money, gifts, food, drink, literature, personal contact or conversation. S.B. 202, clearly, debunks the outrageous accusation of with-holding water from voters. The maligned “water” provision of S.B. 202 is quoted verbatim, as follows:

S.B. 202, Page 73, Lines 1872 – 1880

“(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, 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

S.B. 202, Page 74, Lines 1881 – 1889

“(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.

“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.”

ACTION – Share the above with friends.

Passed: Georgia Application for Year-Round Daylight Savings Time

S.B. 100 Year-Round Daylight Savings Time introduced by Senator Ben Watson February 8th, passed the Senate February 24th. The House committee substitute passed March 29th, and the Senate adopted the House version March 31st. With that, Georgia joins 15 other states with similar laws or such legislation in progress. Georgia previously passed a non-binding resolution urging Congress to allow states to observe daylight savings time year-round.

S.B. 100 is a law that IS binding and will go into effect as follows:

“This Code section shall become effective only if the United States Congress amends 15 U.S.C. Section 260a to authorize states to observe daylight savings time year round.”

Passed: Vaccination Registry

S.B. 46 Georgia Registry of Immunization Transactions & Services, Vaccination Registry by Senator Dean Burke says *unless a person opts out* (pp. 11,12), (a) identifiable data of children under age 18 may be sent to the health department and released to others “**without the consent** of the person or the person’s parents or guardians.” (b) Exemption from the state-wide registry may be requested by those who (c) *are aware of*, (d) *apply for and* (e) *receive exemption* or (e) *data will not remain private*. **Informed consent forms** must be signed/dated/collected when recipients receive the vaccine (p. 22) and the Vaccine Information Statement (p.17). Those with vaccine contraindications must sign an **informed consent form** listing contraindications (p. 24).

Passed: Hemp Farming

H.B. 336 Hemp Farming introduced by Representative John Corbett authorizes “disposal of” lots of hemp with over 0.3 percent THC, instead of the current law to “destroy” such lots. With or without the governor’s signature, it will become law July 1st and will be subject to U.S. Domestic Hemp Production Program rules that took effect March 22, 2021. Those rules define hemp disposal as, “plowing under, mulching / composting, disking, bush mowing, deep burial or burning.” Food for thought: Why would anyone pay a farmer half of his expenses for growing a “hot” lot, then dispose of it as required by such new federal rules?

Passed: Police Funding

H.B. 286 Funding for Local Police Departments by Representative Houston Gaines limits to no more than five percent any reduction in the annual funding of county, municipal and consolidated government police forces that have at least 25 full-time or part-time certified law enforcement officers. Also, local police force appropriations may not decrease over five percent during a “rolling five year period.” These restrictions do not apply if (a) local revenue decreases more than five percent in the applicable fiscal year or the (b) local government made a one-time capital public safety purchase during the applicable fiscal year.

Passed: Illegal Drag Racing

H.B. 534 Offense and Penalty for Promoting & Laying Drags introduced by Representative Josh Bonner February 22, 2021 makes it a crime to promote or organize an exhibition of illegal drag racing or laying drags. (a) Under this, reckless stunt driving is a misdemeanor of a high and aggravated nature, subject to a sliding scale of penalties – driver’s license suspensions for increasingly longer periods, and fine increases for subsequent offenses. More serious crimes are (b) drag racing with reckless disregard for the safety of persons on a highway or (c) doing so on private property without the property owner’s express permission. Conviction means a higher sliding scale of penalties and fines from \$300- \$750, plus ten days to six months in jail, with subsequent punishment increasingly severe. Vehicles may be forfeited. If forfeiture is a family hardship, the title may be transferred to a family member that has a driver’s license.

Passed: Sexual Assault, Raise Age of Consent

H.B. 258 Sexual Offenses, Age of Consent introduced February 4th by Representative Steven Sainz increases from 10 to 16 the legal age of consent for sexual contact *if age is a defense in cases of assault*. The original bill concerned sodomy, only, but that was amended and moved from the sodomy law into the sexual battery law. So, now, it applies to assault “for the purpose of sexual arousal” for sex acts. This applies “(e) when the alleged victim is under age 16, consent of the victim shall not be a defense to a prosecution under this Code section.”

Passed: Georgia Telehealth Act

H.B. 307 Georgia Telehealth Act introduced February 8th by Representative Sharon Cooper authorizes healthcare providers to conduct telemedicine services from their homes to patients at home or in the workplace or in school, whether services are televised or by audio-only. It prohibits additional restrictions on prescribing medication through telemedicine.

Georgia Legislation Left in Committee Remains Alive for 2022

Bills listed on page four were addressed in *Georgia Insight*, but did not pass, weren’t defeated, and are alive for the 2022 session. Un-listed election bills were incorporated into S.B. 202.

Alive for 2022 Session – House Bills (H.B.) and Resolutions (H.R.)

H.B. 1 Forming Open and Robust University Minds (FORUM) Act
H.B. 9 Physical and Mental “Telehealth” for Students in School
H.B. 12 Amount of Legal Marijuana Possession Doubled, Penalty: No Jail, 3/10th Current Fine
H.B. 21 Criminalizes “Bias” Thought
H.B. 71 Mandatory Pre-Kindergarten and Kindergarten
H.B. 86 Georgia Lottery Mobile Sports Wagering Integrity Act
H.B. 120 Georgia Resident In-State Tuition Act
H.B. 147 Licensure of Professionals, Reciprocate
H.B. 212 Parental Consent Non-Resuscitation of Minor
H.B. 276 School Athletes Compete According to Biological ID
H.B. 290 Prohibit Visitation Limits in Hospitals & Health Care, Long Term Care Facilities
H.B. 295 “Driving Cards” for Non-Citizens
H.B. 308 Counties May Adopt Marijuana Possession Ordinances
H.B. 372 High School Athletes Compete According to Biological ID
H.B. 373 Deaths, Report Monthly to County
H.B. 413 Prohibit Mandatory Vaccination
H.B. 516 Materials Harmful to Minors
H.R. 4 Georgia General Assembly Term Limits for Representatives and Senators
H.R. 13 Remove Cannabis (Marijuana) from Federal Controlled Substances Act
H.R. 14 Replace Stephens Statue with John Lewis Statue
H.R. 23 Urge Congress to Reject Actions to Increase Justices on Supreme Court
H.R. 30 Casino Destination Resort Facilities
H.R. 39 Constitutional Convention for Term Limits
H.R. 55 Independent Non-partial Committee to Reapportion Districts

Alive for 2022 Session – Senate Bills (S.B.) and Resolutions (S.R.)

S.B. 3 Raise Mandatory School Age from 16 to 17
S.B. 17 Whole Child Model Schools Act
S.B. 30 Rural Georgia Jobs and Growth Act
S.B. 37 Agreement Among States, Elect President by National Popular Vote
S.B. 39 Moral Turpitude Law, Delete Purchase/Possession of Controlled Substance
S.B. 45 Licensure of Professionals, Reciprocate
S.B. 72 Deaths, Report Monthly to County Registrars
S.B. 77 Marijuana Possession Amount Doubled, Penalty Unchanged
S.B. 142 Georgia Lottery Mobile Sports Wagering Integrity Act
S.R. 20 Independent Commission to Re-draw Districts for State and Congress
S.R. 26 Improvement Loans or Grants to Governments/Commissions Owning Airports
S.R. 28 Article V Constitutional Convention U.S. House & Senate Term Limits
S.R. 29 Article V Constitutional Convention for a Balanced Budget
S.R. 36 General Assembly Elects 14, Governor Appoints 5 to Board of Regents
S.R. 83 Increase Terms for Members of General Assembly

¹ This newsletter addressed the above this session. Other legislation, also, remains alive for the 2022 legislative session.