



OFFICIAL ELECTION BULLETIN

October 26, 2020

TO: County Election Officials and County Registrars
FROM: Chris Harvey, Elections Division Director
RE: Polling Place Concerns

Even with record-breaking voter turnout numbers for advance voting, we are expecting historic and record-breaking voter turnout on Election Day. There have been several persistent questions around several topics, so I want to give some direction on three topics: militias or civil unrest; Covid-19 awareness; and voters receiving refreshments in line.

1. Civil Unrest or "Militias" at or near polling places

I encourage you to continue to keep regular communications with your local law enforcement agencies in the days before the election and on election day. Your first responders (sheriff or police) should know the locations of all of your polling places and should be prepared to respond to events as necessary with the foreknowledge that the location is a polling place.

As you are aware, it is against the law to carry a firearm within 150' of a polling place (O.C.G.A. 21-2-413(i)) unless the person is a law enforcement officer or certified security guard.

Questions of voter intimidation can sometimes be difficult to discern. If you suspect or receive reports of voter intimidation, report the circumstances to local law enforcement and seek assistance in documenting the events with pictures and videos if possible.

2. Voters Receiving Refreshments While in Line to Vote

You know that voters cannot receive anything of value in exchange for voting. Though it is not expressly mentioned in the law, candidates, campaigns, or third-parties offering refreshments to voters in line could violate that provision, but it is a fact dependent inquiry. All other prohibitions against campaigning, soliciting votes, and interfering with voters are still effective, and must be prevented. Poll officers (as opposed to candidates, campaigns, or third-party groups) may hand out refreshments to voters in line.

Voters standing in line, even beyond the 150' mark are should generally be free of approaches from bystanders, even those with good intentions of offering refreshment, for at least 25'. A better option would be to have any group who wants to offer refreshments to

anyone, not only those voting, set up an area, outside of the 150' line and 25' away from voters in line where voters could approach the group to receive refreshments.

The simpler, the better on this subject. Bottles of water and crackers or peanuts is reasonable, but if the refreshments get fancier, the appearance could be that voters are being rewarded for voting with beverages and food. Also, depending on the organization that is distributing water, there could arise allegations or perceptions of having a political agenda. Maintain fairness and consistency as you are making decisions about what is allowable. Polling places are meant to be a sanctuary from political influence, and I think it better to sacrifice some refreshments than to allow a perception of political influence from any group, if it comes to that. OCGA 21-2-414 allows poll managers to manage people in the polling place to prevent confusion, congestion, and inconvenience to voters, and I believe the spirit of this provision allows poll managers to manage and instruct groups who are outside the polling place approaching or interacting with voters waiting in line to vote.

3. Covid-19 Awareness

You have been through this drill before. You know that PPE, barriers, hand sanitizer and distance, when possible, create a safer polling place. However, voters need to vote efficiently on election day, and the possibility of not having optimum social distances at every venue should not always override voters voting with the minimum amount of wait time. The CDC has published polling place guidelines, and your county health departments should be on your list of agencies to consult before Election Day to make sure you are keeping your poll workers and voters as safe as possible while still recognizing the primacy of voting on election day.

As you know, we are expecting historic turnout levels. Election Officials and voters will have to adjust to these situations, and others with patience, leadership, and creativity. Remember that emergency situations should initially be handled by appropriate first responders