

Georgia's Voting Law: AN ELECTION-INTEGRITY WARNING

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by Peter Rykowski - The New American
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In response to the numerous weaknesses in Georgia's election laws and the many credible claims of fraud in the 2020 elections, the state claimed it fixed its laws. It didn't do that.

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Election integrity is one of the top legislative priorities this year in statehouses across the nation, at least in those controlled by Republicans.

According to the left-wing Brennan Center, which closely tracks election-related legislation in all 50 states, 361 election-integrity bills had been introduced in 47 states this year by March 24, an increase of more than 100 from a month prior. Furthermore, 55 of those bills, in 24 states, were moving through their respective legislatures, while four states — Arkansas, Georgia, Iowa, and Utah — had already enacted pro-integrity bills. These numbers indicate an unusually strong level of interest in the subject, and since late March the number of bills has certainly risen.

Considering this intense activity, it is important to ask: Do these bills actually strengthen election integrity, or are they largely window dressing designed to appease dissatisfied voters without making substantial reforms? Unfortunately, a look at Georgia's recently signed election law — the most prominent and controversial of these — indicates the latter.

Background on Georgia's Election Law

Georgia's election law — Senate Bill 202 (S.B. 202), or the "Election Integrity Act of 2021" — has its background in the 2020 presidential election and the 2021 U.S. Senate runoff elections.

From 1996 through 2016, Georgia had consecutively voted for the Republican Party presidential nominee by wide margins. Beginning in 2005, both of its U.S. senators were Republicans. Knowledgeable individuals considered it a reliably Republican state.

This all changed in November 2020 and January 2021. Not only did Joe Biden become the first Democrat in nearly 30 years to win the state, but two months later, two far-left Democrats defeated the state's incumbent Republican U.S. senators. Demographic changes, including through immigration and public-school indoctrination, certainly played a role in this shift. However, the most immediate reason was Georgia's weak election laws, including policies allowing easy-to-obtain absentee ballots and a long early voting period. Multiple allegations of election fraud were reported, both in the presidential and senate elections.

In response, the Georgia General Assembly — still having a substantial Republican majority — began an effort to reform the state's election laws and make it harder to commit election fraud. These efforts culminated on March 25, 2021, when Georgia Governor Brian Kemp signed S.B. 202.

Immediately upon the law's enactment, the Left predictably attacked it as racist. President Joe Biden, for example, labeled it "un-American" and "Jim Crow in the 21st century." Meanwhile, "woke" corporations, including Georgia-based Delta Air Lines, lined up to condemn the law, while Major League Baseball announced a partial boycott of the state.

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Many Republicans and conservatives, however, praised S.B. 202's enactment. In a statement released on the same day the bill was signed, Heritage Action, the advocacy arm of the Heritage Foundation think tank, described S.B. 202 as "a model for the rest of the country." Other conservatives made similar statements.

A notable, negative conservative critique of S.B. 202 came from the individual arguably most affected by Georgia's poor election laws: Donald Trump. In two separate statements issued on April 5 and 6, the former president decried the law as "watereddown" and "far too weak and soft to ensure real ballot integrity." Trump noted that the law lacked several effective reforms, including ending no-excuse absentee voting, shortening the state's early voting period, and eliminating "ballot drop boxes."

Furthermore, Trump noted in both statements, Georgia officials had weakened the law's final provisions compared to its original iterations. Illustrating the futility of caving to the Left, he claimed, "Kemp also caved to the radical left-wing woke mob who threatened to call him racist if he got rid of weekend voting. Well, he kept it, and they still call him racist!"

S.B. 202's Provisions

Trump's criticisms of S.B. 202, while blunt, are backed up by the text and provisions of the law itself.

First, the former president is correct that the law was significantly weakened during the legislative process. For example, it originally included a provision that would have required voters to have a valid reason for requesting an absentee ballot, including being physically impaired or out of the area on election day. Republican legislators stripped this provision from the final version. Although the enacted law includes a voter ID requirement to receive an absentee ballot, legislators bypassed an opportunity to implement robust mailballot integrity in Georgia.

Additionally, while the original bill would have reduced the number of early weekend voting days, S.B. 202 increases them. Before the law's enactment, Georgia required that counties allow at least one Saturday for early voting, with up to three additional weekend days being optional. Although the original bill would have decreased the number of early weekend voting days, the enacted law increases the number of mandatory days to two, while still allowing counties to offer a total of four. This represents another instance where legislators watered down the bill, and this time, the enacted provision is worse than under the previous law.

S.B. 202 contains multiple worrisome provisions. One of these is a backdoor expansion of ballot drop boxes. If one believes the media, the law actually limits drop boxes in Georgia. To some extent, this is true; according to Fulton County, it would have eight drop boxes under the law compared to 38 in the 2020 presidential general election. Ignored, however, is the fact that ballot drop boxes did not exist in Georgia prior to mid-2020, when the State Election Board decreed their use for the 2020 election. The new law even admits as much on page 5. Although genuine election

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On the topic of vote-counting transparency, S.B. 202 takes another step backward. Specifically, the law restricts the ability of citizens and other observers to monitor vote-counting. For example, on page 67, it prohibits observers from “Using or bringing into the room any photographic or other electronic monitoring or recording devices, cellular telephones, or computers.” Similarly, page 96 of the law prohibits photographing or recording a completed ballot. These provisions strip observers of an effective means of providing evidence of fraud. In recent decades, state laws reduced vote-counting transparency. Rather than restoring the ability of observers to monitor vote-counting and collect evidence, S.B. 202 takes a step backward.

Furthermore, page 73 of the law adds a provision mandating that poll watchers complete “training provided by the political party, political body, or candidate designating the poll watcher.” Once again, this provision would limit who can observe vote-counting — when criteria instead should be expanded — by prohibiting independently trained individuals from participating. As election integrity expert Kurt Hyde relates, some of the best poll-watcher training courses are taught independent of political parties or candidates. S.B. 202’s provision risks creating an establishment monopoly over election observers, something that could hamper election-integrity efforts.

Additionally, the law does not change an existing provision, found on pages 68 and 69, that severely limits the ability of observers to communicate with those outside the vote-counting centers. The lack of provisions promoting vote-counting transparency — and the existence of new provisions that decrease transparency — is one of the most anti-integrity portions of S.B. 202.

Another worrisome provision within S.B. 202 is the enactment of ranked-choice voting for military and overseas voters. Ranked-choice voting, also called instant-runoff voting, is a complicated system that requires voters to assign a rank to each candidate on the ballot, regardless of whether they support that candidate. If no candidate is ranked first by a majority of voters, the lowest-performing candidate is eliminated. Voters who gave their highest ranking to the eliminated candidate then have their second choice counted instead. This process repeats until one candidate receives a majority.

As implied above, ranked-choice voting can lead to candidates with little genuine support winning elections. The system confuses voters, distracts from policy issues, and forces voters to vote for candidates they otherwise would not support. In the United States, ranked-choice voting was enacted in Maine in 2016 and Alaska in 2020. These efforts, primarily backed by liberals, led to Republican U.S. Representative from Maine Bruce Poliquin losing to Democrat Jared Golden in 2018 despite winning a plurality in the first round. Meanwhile, some political analysts believe that Alaska’s new system, which also eliminates party primaries, will enable liberal Republican Senator Lisa Murkowski’s reelection in 2022 despite her unpopularity among Republicans.

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Pages 5 and 6 of S.B. 202 claim this change will make it possible to shorten the length of time between the general election and the runoffs. However, the provision amounts to a sneaky way of introducing ranked-choice voting in Georgia, further compromising election integrity.
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To be clear, S.B. 202 does contain some positive measures. For example, the voter ID requirement to receive an absentee ballot is certainly a step in the right direction, along with a provision requiring counties to publicly report detailed absentee-ballot data each day during a voting period. Another positive change includes the establishment of a telephone hotline for citizens to report potential voter fraud and intimidation, which the state attorney general would then review, though this provision would have been more effective had the reports and determinations been open to public inspection.

Despite these pro-integrity provisions, the fact remains that the General Assembly watered down the bill. Furthermore, S.B. 202 contains a disappointingly large number of changes that undermine election integrity and make certain portions of Georgia's election code worse than before the law's enactment. S.B. 202 should act as an example — and as a warning — to voters and legislators across the Republic.

The Folly of Compromise

Trump's criticisms are correct: For proelection integrity reformers, S.B. 202 does not effectively crack down on election fraud, at least to the extent its proponents allege. As mentioned above, the former president brought up another point worth pondering: Georgia officials made the final law significantly weaker than its original version, and yet the Left reacted as if nothing had changed.

This illustrates the futility of compromising with, or caving to, the Left. Conservatives frequently fall for this, believing that compromise will make it easier to advance their policies and lead to a lessintense reaction from liberals. In reality, it inhibits a genuinely Americanist agenda while garnering the same leftist response.

It is imperative that conservatives stand up for what is right, without compromise or backing down. If Republican legislators in Georgia and other states do this, whether through pressure from citizens or another impetus, we will see legislation passed that robustly ensures true election integrity.

Peter Rykowski is a contributor for The New American. Used by permission from The New American, May 10, 2021 Issue.