



# ASK THE EXPERTS

## VOTER CHALLENGES IN GEORGIA



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### What are the voter challenge rules in Georgia in 2022?

A voter challenge takes place when an individual questions the eligibility of a voter to cast a ballot in a given election. Ineligibility can be based on numerous grounds, including being a non-citizen, a convicted felon whose voting rights have not been restored, or because the voter no longer meets residency requirements.

In addition, a registered voter can submit unlimited challenges to voters' eligibility to cast a vote on Election Day. Similar to a voter registration eligibility challenge, any registered voter in the county or municipality may submit a challenge of another person's right to vote in writing, specifying the grounds for

## What should I expect at a challenge hearing and how can I prepare?

Election procedures are not always applied uniformly by local election officials. The law does establish procedures for handling challenges, however. The burden of proof lies on the registered voter making the challenge of either a voter's registration or voting eligibility. The level of proof required for allowing a challenge to the right to vote is whether there is probable cause to sustain the challenge. If a voter's eligibility is challenged before Election Day and the voter is notified in advance about the upcoming hearing and why eligibility is challenged, then the voter may prepare documentation showing eligibility to register and cast a ballot.

Other than carrying all documentation that establishes the right to vote on Election Day, it is not clear how voters can prepare for a potential challenge on Election Day. Considering that Georgia requires an I to vote and inclusion on the list of electors is supporting proof of eligibility, unsubstantiated challenges should be resolved quickly. As it is likely that some challenges will raise the issue of residency, voters should consider carrying a copy of a current utility bill or other government document that shows both name and address. For an absentee voter, the absentee ballot will be processed as soon as the voter's eligibility is verified.

For challenges that take place prior to Election Day, the law states that election officials must conduct a hearing. In this hearing, officials will have the option to invite witnesses and request any materials they consider significant in determining whether the challenge is credible. When a voter is asked to attend a hearing, election officials have the discretion to call witnesses and request materials documenting why a voter's eligibility is challenged. After the hearing, election officials will make their determination and notify the registered voter making the challenge by mail.

## What should I do if my voter status has been challenged?

A voter should gather all documentation that establishes her right to vote and present the documentation in support of her response to the challenge. If a challenge is upheld, a voter can file a written petition in the superior court appealing the decision.. A copy of the petition must be served to the challenging party and the registrars. The current court fee for filing a petition in the superior court is \$214.00. This court fee does not include potential additional fees, eg, legal services for petition preparation and filing, etc. The decision of the registrars will stand unless reversed by the court.

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