

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

**1. It is after 7:00 a.m. and the polling place is not open.**

On Election Day, all polling locations must remain open from 7:00 a.m. to 7:00 p.m.

If the polling place is open at 7:00 a.m. but the voting machines are not working, voters should be permitted to vote by back-up paper ballots.

Contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for assistance. If available, an election protection volunteer will be sent to the precinct.

**2. It is 6:50 p.m. and my precinct is closing and they will not let me vote.**

On Election Day, all polling locations must remain open from **7:00 a.m. to 7:00 p.m.** If you are in line before the polls close at 7:00 p.m., you must be allowed to vote. Contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for assistance.

Also, in the event that polling hours are extended by a court order, all voters voting during the extended time period will be required to vote by provisional ballot.

**3. There are equipment problems at my precinct and I cannot vote. What should I do?**

You should ask to vote by a back-up paper ballot. Contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for assistance.

**Identification and Provisional Ballots:**

**1. I do not have any identification with me. Can I vote?**

**Yes, you can vote.**

**If you are a first-time voter who registered by mail without providing identification, you may vote by provisional ballot. \*If possible, however, you should try to go home to get an ID (see below for acceptable forms of ID) so you can cast a regular ballot instead of a provisional ballot.\*** In addition, such first-time voters may also provide as identification a copy of a current utility bill, bank statement, government check, paycheck, or other government

document that shows the name and address of such voter. Showing one of these documents will allow the first-time voter to cast a regular ballot.

**Rules:** A voter who registered for the first-time by mail without providing identification and who does not have identification at the polls will be required to vote by provisional ballot and must swear or affirm that he/she is the person identified on his/her voter's certificate. The voter must present the proper form of identification within 48 hours after casting a provisional ballot, and the voter's ballot will only be counted if the registrars are able to verify the current and valid identification of the elector.

**If you have voted before but don't have ID, you can vote by provisional ballot after signing an affirmation statement.**

**Rules:** If a voter is unable to produce any form of identification, the voter must sign a statement under oath on a form approved by the Secretary of State swearing or affirming that he/she is the person identified on his/her voter's certificate. The voter must be allowed to vote by **provisional** ballot after signing the affirmation statement. The voter must present the proper form of identification within 48 hours after casting a provisional ballot. However, the voter's ballot will only be counted if the registrars are able to verify the current and valid identification of the elector.

**Listed below are the valid forms of identification for Georgia voters for the November 4, 2008 election and any subsequent runoff elections:**

- (1) A valid or expired Georgia driver's license;
- (2) A valid Georgia voter identification card, or a valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;
- (3) A valid United States passport;
- (4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military identification card, provided that such identification card contains a photograph of the elector; or
- (6) A valid tribal identification card containing a photograph of the elector;

Georgia voter identification cards are available in each county free of charge to registered voters who do NOT have a valid unexpired driver's license or identification card. Also, the "precinct card" voters receive to confirm their voter registration and voting location is **NOT** a form of identification and it will not be sufficient identification to vote.

**2. I am a registered voter who is not on the rolls at my precinct. Can I vote?**

If you have registered to vote on time and are at the correct polling place, you should be allowed to vote. Ask the poll worker to call the county clerk and confirm your registration.

If they cannot find you on the rolls, let them know that you still have the right to cast a provisional ballot. But, this should be a **LAST** resort since your provisional ballot will only be counted if the county clerk can verify your registration status before the election is certified.

You can use the online poll locator tool at <http://www.sos.state.ga.us/cgi-bin/locator.asp> to confirm that you are registered to vote and to find your polling place.

### **3. I have been offered a provisional ballot. What should I do?**

Provisional ballots are a **LAST** resort because they will only be counted if the county clerk can verify your registration status before the election is certified.

#### **Provisional ballots are required when:**

**(1) The voter's name is not found on the precinct voter list.**

If the person's name does not appear on the list of registered voters and it cannot be immediately determined that the person timely registered to vote, the person will be entitled to cast a provisional ballot.

**(2) A first-time voter has registered by mail and arrives at the polls without an ID.**

Voters who registered for the first-time by mail, did not provide one of the valid forms of identification at the time of registration, and are unable to provide one of the valid forms of identification at the polling place, will be required to vote using a provisional ballot and must swear or affirm that he/she is the person identified on his/her voter's certificate. The voter's ballot will only be counted if the registrars are able to verify the current and valid identification of the elector.

**(3) Voters who do not have appropriate identification.**

#### **Process for casting a provisional ballot:**

All voters voting by provisional ballot must complete an official voter registration form and a provisional ballot voting certificate which will include information about the place, manner, and approximate date on which the person registered to vote. The person must swear or affirm in writing that he/ she previously registered to vote in the primary or election, is eligible to vote in the primary or election, has not voted previously in the primary or election, and meets the criteria for registering to vote in the primary or election. The person must also present a form of identification or sign a statement affirming his or her identity if they do not have identification. When the person has provided the information, the person must be allowed to cast the provisional ballot.

If you believe that you should be allowed to cast a **REGULAR** ballot, contact the Legal Command Center at 1-866-OUR-VOTE (1-866-687-8683) .

## **Where to Vote:**

### **I. Where do I vote (for voter's who have not moved)?**

Your voter's registration card lists the address of the polling place. Alternatively, you can use the Secretary of State Poll Locator, available at [www.sos.state.ga.us/cgi-bin/Locator.asp](http://www.sos.state.ga.us/cgi-bin/Locator.asp), to get maps and directions to your polling place.

**2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?**

If you moved to a residence in the same precinct but have not notified the registrar by the fifth Monday prior to the election (which is October 6th for the November 4<sup>th</sup> Election), you may vote in your old polling place for the November election and any subsequent runoffs. You must file a notice of your new address, and this can be done at the polling place.

**3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?**

If you moved within the same county in which you have been registered to vote but have not notified the registrar by the fifth Monday prior to the election (which is October 6th for the November 4<sup>th</sup> Election), you may vote in your old polling place for the November election and any subsequent runoffs. You must file a notice of your new address, and this can be done at the polling place.

**4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?**

If you moved outside the county in which you have been registered to vote (for example, from Fulton County to DeKalb County) **after** the fifth Monday prior to the election (which is October 6th for the November 4<sup>th</sup> Election), you may vote in your old polling place for the November election and any subsequent runoffs.

If you moved outside the county in which you have been registered to vote **before** the fifth Monday prior to the election (which is October 6th for the November 4<sup>th</sup> Election), you have lost your eligibility to vote in the county of your old residence. You must register to vote in your new county of residence by October 6th to vote in the November 4<sup>th</sup> Election.

**Assistance at the Polls:**

**1. I am physically disabled and need assistance. Will my polling place be accessible?**

Georgia law requires that each polling place be accessible to physically disabled voters. If a polling place is not accessible, please contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for assistance.

**2. I am blind, physically disabled, or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?**

Yes. A voter requiring assistance at the polls for any of the reasons stated above can take a person of his/her choice into the voting booth (except an employer or the employer's agent, or an officer or agent of the voter's union). Election Protection volunteers can serve as assistants to disabled or language minority voters if asked to do so by the voter.

If a poll worker refuses to allow a disabled or language minority voter to bring a person of his/her choice into the voting booth, please contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for assistance.

**(1) Blind Persons and Visually Impaired:** The blind and visually impaired can request an audio ballot from the poll manager. The audio ballot has headphones and a numeric keypad. The voter hears the candidates and any questions and uses the keypad to make his/her selections. A poll manager can fully explain these features. Every precinct in Georgia should have a voting terminal equipped with the audio ballot. Magnified visual ballots are also available for the visually impaired.

**(2) Non-English Speakers and the Disabled:** Voters who are unable to read the English language or disabled in such a way as to prevent them from seeing the ballot, operating the voting mechanism, or entering the voting booth unassisted may receive assistance in voting. In order to be eligible for assistance, all those claiming to be disabled in such a way –except for those claiming to be blind – must take an oath stating the reason why he or she requires assistance. The name and signature of the person assisting the voter will be recorded.

Between the hours of 9:30 a.m. and 4:30 p.m. on the day of an election, voters who are disabled and require assistance voting may, upon request to a poll officer, vote immediately without waiting in line.

The voter can choose anyone to serve as his or her assistant, with the exception of the voter's employer, agent of the voter's employer, officer of the voter's union, or a representative of the voter's union.

Candidates and their family members will not be allowed to assist voters unless they are also related to the voter requesting assistance. No one person can assist more than 10 voters in elections without a federal candidate on the ballot.

### **3. I am over 75 years old. Do I have to wait in line?**

Between the hours of 9:30 a.m. and 4:30 p.m. on the day of an election, you may ask a poll officer to let you vote immediately without waiting in line.

## **Miscellaneous Issues:**

### **1. I have been approached by candidates or others at the polls.**

Campaigning is not allowed within 150 feet of the building in which the polling place is located, or within 25 feet of any voter standing in line at the polling place. This means that candidates or their supporters cannot hold signs, distribute literature or written or printed material of any kind, circulate petitions, or perform any other activities designed to influence your vote within these limits. Most polling places have a visible line or stake to mark the 150 feet barrier.

If campaigning is occurring within these limits, contact the Legal Command Center or your county election officials to report the problem and let them know the type of campaigning that is occurring at the polls. You should also inform the poll workers at the precinct.

### **2. What if I requested an absentee ballot but I want to vote in person on Election Day?**

You must surrender the un-voted absentee ballot to the poll workers at the precinct before you can vote in person.

If you do not have the absentee ballot to surrender, you must go to the registrar's office and complete an affidavit. The registrar will then authorize you to vote in person.

### **3. There are people at the polls trying to intimidate voters.**

Contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for immediate assistance.

#### 4. I have a felony conviction. Can I vote?

Yes, if you have completed your entire sentence and you have re-registered to vote.

If you were convicted of a felony involving moral turpitude, your name would have been removed from the list of registered voters. Felonies involving moral turpitude include: fraud or false pretenses in obtaining something of value; larceny; murder; soliciting for prostitutes; voluntary manslaughter; sale of narcotics or other illegal drugs; pattern of failure to file federal tax returns in years in which taxes are due; criminal issuance of a bad check; and making a false report of a crime.

You can re-register to vote after completing your **entire** sentence.

**Rules:** The State of Georgia requires that a person's entire sentence be completed – including probation, parole and even payment of any court-ordered restitution – before he or she can resume voting. In order to vote, a former felon must sign an oath affirming that he or she has completed the entire sentence. Signing the oath falsely is in itself a felony, so it is very important that an ex-felon be certain that all conditions of his or her sentence have been met before signing the oath. After the oath is completed, the former felon may register to vote.

#### 5. I am a college student, can I vote where I go to school?

Yes, if you consider that location your voting residence and you register to vote.

**Rules:** A voting residence is the residence the student claims as his/her home. A student must be held to the SAME eligibility requirements as any other voter in the jurisdiction.

Contact the Legal Command Center at 1-866-Our-Vote (1-866-687-8683) or your county election officials for assistance.