

Defend Democracy Project

NEW REPORT

The Three Greatest Threats to Democracy in Georgia

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Democracy in Georgia is under attack by Donald Trump and his allies. This report describes the most dangerous of many ongoing efforts. We surveyed grassroots organizers, legal analysts, and academic experts to identify the key risks.

Our analysis found three primary threats that are intertwined –

- *Election deniers are working at every level to disrupt the electoral process, starting with a slate of new suppressive election laws predicated on baseless election conspiracy theories, aiming to constrict ballot access.*
- *Further, these ideologues are trying to derail ongoing investigations by the FBI, GBI, and Fulton County grand jury into election interference.*
- *Finally, the MAGA movement is undergoing an extensive effort to hijack Georgia's election administration by breaching secure voting systems and targeting local election officials.*

These threats constitute an unprecedented attempt to overturn the will of American voters, and take away our most basic right to choose our own leaders. Trump and MAGA Republicans in Georgia are actively working to suppress votes, enable election interference, and disrupt election administration in order to consolidate power over elections for decades to come.

State Laws Targeting Ballot Access

Georgia Governor Brian Kemp Signed An Election Bill Adopting “Vote-Limiting Tactics” Into Law. In 2021, Governor Kemp signed a law, [SB 202](#), that “[disproportionately hurt voters of color](#)” by making drastic changes to state elections inspired by debunked election conspiracy theories lobbied after the 2020 election. Among the most egregious changes has been empowering the State Election Board, chaired by a legislative appointee, to [initiate investigations](#) and replace local election officials “whose competence has been called into question,” – opening the door to frivolous, partisan investigations into local election officials. SB 202 is a [direct response to election fraud lies](#) pushed in [baseless lawsuits](#) after the 2020 election, including one which [falsely claimed](#) that ballot drop boxes led to an excess of 50,000 votes; correspondingly, SB 202 has [reduced](#) ballot drop boxes. The law has also [increased voter travel time](#), imposed voter ID requirements, allowed state takeovers of local elections, and barred the distribution of food and water to voters waiting in line, according to legal experts. It imposed cumbersome requirements on absentee voters, banned “provisional ballots cast in the

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wrong precinct,” and [shortened runoff elections](#) to “as little as one week of early voting.” Three civil rights organizations filed an [ongoing federal lawsuit](#) against the law, arguing that it imposes unconstitutional burdens on the right to vote, and denies Black voters in Georgia an equal opportunity to participate in the electoral process by targeting absentee voting (which is used by a [greater share of Black Georgians than White residents](#) due to longer average wait times for Black voters). Overall, most experts have concluded that SB 202 [substantially reduced voting access](#) in the state ahead of the midterm elections in November.

- **Election Deniers Are Illegally Purging Voters Under The Repressive Law.** Using a new power bestowed by SB 202, a group of MAGA constituents have banded together as ‘Voters Organized for Trusted Election Results in Georgia’ (VoterGA), asking numerous local election boards to [cancel voter registrations](#) in multiple counties ahead of the midterm elections. Though such voter purges are [likely illegal under federal law](#) sooner than 90 days before a federal election, VoterGA is still [challenging the eligibility of tens of thousands of Georgia voters](#). These actions constitute a mass-voter disqualification effort that has been backed by former Trump administration officials Michael Flynn and Patrick Byrne [alongside](#) far-right MyPillow CEO Mike Lindell, who is currently [under investigation by the FBI](#) for orchestrating a voting systems breach in Colorado earlier this year.
- **Georgia State Executives Support The New Ballot Access Restrictions.** Georgia’s other statewide elected leaders have largely fallen in-line with Governor Kemp on voter suppression. Georgia Attorney General Chris Carr has [remained strongly supportive](#) of SB 202’s restrictive changes, promising to defend the law in court after falsely claiming that the law “expands access.” Likewise, Secretary of State Brad Raffensperger endorsed SB 202 after [facing scrutiny](#) from state legislators, and [continues to support](#) the prohibitive law. Though both rebuked Trump’s direct attempts to coerce them to overturn the 2020 election results, Att-Gen. Carr and Sec. Raffensperger have made it clear that they are willing and able to suppress votes by changing the rules of the system itself.

The Georgia Legislature Has Introduced A Slate of Election Laws Imposing Barriers To Ballot Access. Georgia state legislators have continued to put forward legislation seeking to put the state at risk of further election subversion, [passing a significant elections bill](#) this year inspired by false claims of voter fraud. Since [SB 441](#) became law, the Georgia Bureau of Investigation has been given [broad authority](#) to investigate so-called voter fraud and refer any perceived violations for prosecution. Election officials in Douglas and Fulton counties have [opposed SB 441](#), calling the new law an adversarial step against local election officials. Officials have also expressed concern about [potentially politically-motivated investigations](#) and/or prosecutions based on the weighty restrictions enshrined in SB 202.

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Georgia Officials Continue To Support A Racially-Discriminatory Election Law in Court. Georgia officials have continued to defend a discriminatory statewide voting system [enacted](#) in 1988 for the Public Service Commission. In August 2022, a federal judge ruled that statewide Public Service Commission elections [unconstitutionally discriminate](#) against Black voters, in violation of the Voting Rights Act of 1965 – a ruling that attorneys representing the state of Georgia [quickly appealed](#), despite only one Black commissioner having [ever won an election to the board](#). Georgia officials’ ongoing legal fight to overturn the will of voters will continue [only after](#) the midterm elections are finished.

Georgia Corporations Continue To Bankroll Anti-Democratic Legislation.

Throughout the past year, Georgia’s two largest corporations, both based in Atlanta, have [continued to support anti-democratic principles](#). Home improvement retail company [Home Depot has contributed](#) \$845,000 to members of Congress who opposed an [expansion of federal voting rights](#) this year and at least \$58,250 to [state officials](#) who voted for legislation erecting barriers to ballot access this year or continue to support [unfounded election audits](#) this cycle. Likewise, shipping magnate [UPS has contributed](#) \$487,100 to [members of Congress](#) who opposed an expansion of federal voting rights this year and at least \$50,050 to state officials who [voted for legislation](#) erecting barriers to ballot access this year and [continue to support](#) unfounded election audits.

Elected Officials Attempting to Derail Investigations Into Election Interference

Elected Officials and National Figures Are Fighting Subpoenas Handed Down From The Fulton County Grand Jury Investigating 2020 Election Interference. In May 2022, District Attorney Fani Willis established an Atlanta-based Fulton County [grand jury](#) to investigate whether Trump and his allies illegally tried to interfere in the 2020 election in the state. Over the course of the investigation, top-ranking state and national officials have fought subpoenas and incited retaliation in an attempt to stonewall the criminal probe.

- **Governor Brian Kemp Fought His Subpoena Over a Phone Call with Trump.** Georgia Governor Brian Kemp has long avoided testifying about Trump’s attempts to [directly coerce Georgia’s chief executives to overturn the election](#), before the Fulton County grand jury was formally convened. State investigators sought Gov. Kemp’s testimony as early as June 2021, and court documents revealed that he privately [evaded an interview request](#) issued by District Attorney Fani Willis for over a year before finally [refusing to submit to the terms of pre-recorded testimony](#) in August. Even after DA Willis issued a subpoena compelling Kemp to appear before the jury, he continued to [fight against the terms of his court order](#) and even [unsuccessfully](#) attempted to [dismiss the grand jury subpoena](#) by denouncing the investigation as “illegitimate” overreach.

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- **Georgia State Senator Burt Jones Fought His Subpoena Over Leading The Illegal False Elector Scheme.** After receiving a grand jury subpoena on Jun. 1, alongside ten of the sixteen other election deniers who [illegally submitted documents](#) claiming that Trump won the 2020 election in Georgia, State Sen. Burt Jones (R–Jackson) filed a motion to [disqualify district attorney Fani Willis](#) from serving his subpoena and investigating his involvement in the false elector scheme. On Jul. 26, a state judge [granted his request](#), disqualifying DA Willis due to her participation in a political event supporting Sen. Jones’ general election opponent. As the only Georgia false elector [currently serving as an elected official](#), his attempts to avoid accountability and derail an investigation into election interference are [uniquely harmful](#) to democracy in the state.
- **Senator Lindsey Graham Fought His Subpoena Over a Phone Call with Georgia’s Secretary of State.** Like Governor Kemp, South Carolina Senator Lindsey Graham angrily [denied any wrongdoing](#) after he received a [grand jury subpoena](#) over his 2020 [phone call](#) with Georgia Secretary of State Brad Raffensperger about [reversing Trump’s narrow loss in the state](#) by nullifying absentee ballots in certain counties. Senator Graham immediately refused to testify in the investigation, filing a [motion to quash the subpoena](#) on grounds of legislative privilege. The ensuing legal [back-and-forth](#) pushed Sen. Graham’s deposition back several times, and he remains unscheduled even as his appeals have been rejected. According to District Attorney Fani Willis, Graham’s attempts to evade testimony *as a witness* have “delay[ed] the revelation of an [entire category of relevant witnesses](#) or information,” undermining democratic norms surrounding [transparency and accountability for elected officials](#).
- **Trump Lawyer Rudy Giuliani Exaggerated Illness to Fight His Subpoena Over Election Lies and False Sector Scheme.** While not a current elected official, Trump attorney and former New York City Mayor Rudy Giuliani fought his [subpoena](#) from the Fulton County grand jury as well. Giuliani [unsuccessfully](#) attempted to [delay his testimony](#), arguing that he could not travel to the state due to a recent surgery – then publicized a [cross-country trip](#) on social media soon after the motion was filed.

Georgia False Electors Are Retaliating Over Criminal Investigations. Sixteen Georgia false electors are organizing against Georgia prosecutors in retaliation for [criminal investigations](#) by the Department of Justice and the Atlanta-based Fulton County grand jury [investigation](#). Eleven of the false electors have attempted to fight [subpoenas](#) by invoking 5th Amendment protections against witness self-incrimination. Though a local judge [rejected the request](#), noting that the false electors could simply invoke the 5th Amendment [during testimony](#), they are [scheduled](#) to testify to the Fulton grand jury. After District Attorney Fani Willis [informed](#) all 16 electors that they could face criminal charges for the scheme, election deniers

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[launched a recall effort](#) against Willis [supported by](#) Rep. Marjorie Taylor Greene (GA-14) as retribution.

MAGA Attempts To Hijack Georgia's Election Infrastructure

Election Deniers Are Pushing Local Election Officials To Leave Office. Ahead of the midterm elections, local election officials in Georgia are facing a [looming poll worker shortage](#) due to polling workers [being shamed out of volunteering](#) as they face [violent threats](#) lobbied by MAGA constituents across the state. Across the state, elections officials are [leaving office after facing harassment](#). Elections directors in Fulton, DeKalb, Gwinnett, Augusta-Richmond, and Macon-Bibb counties have all [left their posts](#) since the 2020 election. A former Georgia [election worker](#) who went into hiding after [facing](#) MAGA death threats [testified at the Jan. 6 hearings](#) that most of her colleagues have since quit, [stating](#) “there’s no permanent election worker or supervisor...that’s still there.” One in six election officials have because of their job, and 77 percent say that they feel these [threats have increased](#) in recent years. Local officials have been shouted down at public meetings, harassed online, and faced [violent threats that often go unprosecuted](#). To make matters worse, pro-Trump operatives have begun [flooding](#) election offices with millions of public records requests, seeking confidential voter information to “gather intelligence” on false claims of “voter fraud” – and insider threats against Georgia election officials are [unlikely to stop](#) in the near future.

Georgia Officials Are Trying To Force A State Takeover Of Atlanta Elections.

Georgia legislators almost immediately [initiated](#) an ongoing effort to [investigate and take over](#) urban Fulton County [elections](#) once SB 202 empowered state officials to [replace local election officials](#). The Kemp-appointed State Election Board has been conducting the [first step of the takeover process](#): a so-called performance review into election management in the county. Fulton County’s election precincts have subsequently been [placed under heavy scrutiny](#) by the Board, as the so-called performance review [continues into the midterm elections](#). Once the review is [complete](#), the Board plans to replace Fulton’s election administrators. Amid the looming state review, Fulton County is [struggling to hire a new elections director](#) as disinformation campaigns and threats of harassment circulate just weeks before the November election.

Elected Officials Delayed Action In A Georgia Voting Systems Breach. As Georgia officials continue to push for a state takeover in Fulton County, the state has been [silent](#) about investigating rural Coffee County’s election apparatus – despite an [ongoing criminal investigation](#) by the state bureau of investigation into local election officials who [allowed MAGA cybersecurity firm Sullivan|Strickler](#) to copy [confidential voting data](#) and move it out-of-state in January 2021. Georgia Secretary of State Brad Raffensperger reportedly [mishandled an early investigation](#) conducted by his office into the voting machine breach, according to documents disclosed through an ongoing election security lawsuit, and only agreed to [replace voting](#)

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[equipment](#) in the county after a group of election security experts from the Georgia Institute of Technology publicly called on Sec. Raffensperger to take [extra precautions](#) during the midterm elections in light of the incident.

Extreme Legal Theories Place Georgia Elections At Risk. This fall, the U.S. Supreme Court has agreed to hear a case that could allow the Georgia state legislature to enact unfettered voter suppression laws, draw egregious racial and partisan gerrymanders, and overturn presidential election results – even when Republicans lose.

- **Georgia Republicans Intend To Continue Gerrymandering Districts to Seize Power Without Majorities.** Georgia officials have a [long history of gerrymandering](#) legislative and congressional districts to suppress the will of voters. Last year, the state legislature [gerrymandered Georgia's congressional maps](#) once again, prompting [three pending court challenges](#) alleging violations of the VRA. Those levels of oversight could change drastically with [Moore v. Harper](#), a redistricting case [headed to the Supreme Court](#) that will litigate a radical legal theory [opposed by](#) all 50 states' Supreme Court chief justices known as the “[independent state legislature](#)” (ISL) doctrine. ISL would render the Georgia legislature unaccountable to any state/federal court, shielding MAGA legislators from constitutional clauses like the VRA.
- **ISL Doctrine Threatens To Enable the Georgia State Legislature to Ignore the Popular Vote.** Worse still, they would be free to select presidential electors [regardless of the will of voters](#). In 2020, Trump campaign officials [oversaw efforts](#) to put forward a slate of sixteen [illegitimate Trump electors](#) from Georgia, claiming to be “duly elected and qualified Electors.” A so-called independent Georgia legislature could unilaterally reject the popular vote and [send “alternative” elector](#) slates to the electoral college – undermining democracy without any judicial or executive oversight.