

# **STATE ELECTION BOARD**

## **NOTICE OF PROPOSED RULEMAKING**

### **Revisions to Subject 183-1-12-.12. *Tabulating Results***

TO ALL INTERESTED PERSON AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Election Board, (hereinafter “SEB”) proposes the attached amendments to Subject 183-1-12-.12 (Tabulating Results).

This notice, together with an exact copy of the proposed new rules and a synopsis of the proposed rules, is being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official state holidays, at the Office of the Secretary of State, Elections Division, 2 Martin Luther King Jr. Drive, S.E., 8th Floor West Tower, Atlanta, Georgia 30334. These documents will also be available for review on the State Election Board’s web page at <https://sos.ga.gov/page/proposed-elections-division-rules-and-rule-amendments> Copies may also be requested by contacting the State Election Board at 470-312-2715.

To provide the public an opportunity to comment upon and provide input into the proposed rule amendments, a public hearing will be held on Monday, August 19, 2024, at 9:00 A.M. The meeting will take place in Room 341, at the Georgia State Capitol Building in Atlanta, Georgia. Information regarding how to join and provide public comment at the meeting will be available on the State Election Board’s webpage at <https://sos.ga.gov/state-election-board>

Public comments given at the meeting will be limited to two minutes per person. Additional comments may be given using the following means and must be received by noon August 18, 2024 to be considered by the State Election Board:

- Electronically by emailing [SEBPublicComments@sos.ga.gov](mailto:SEBPublicComments@sos.ga.gov)
- By mailing comments to:  
State Election Board  
C/O Alexandra Hardin  
2 Martin Luther King Jr. Drive, S.E.  
8th Floor West Tower Suite 802  
Atlanta, Georgia 30334

This notice is given in compliance with O.C.G.A. §50-13-4.

The Georgia State Election Board  
This 18<sup>th</sup> day of July 2024.

Posted: July 18, 2024

## **SYNOPSIS OF THE PROPOSED RULE OF THE STATE ELECTION BOARD**

## **183-1-12-.12. *Tabulating Results***

Purpose: The purpose of the rule is to ensure that county superintendents and boards of elections follow the required procedures and can uniformly, properly, and lawfully fulfill their duties, and reconcile the number of ballots to the number of voters so that certification of election results accurately reflects the will of the voters in every county.

Main Features: The main features of this proposed rule are that the county board of elections must meet to review precinct returns by 3 PM on the Friday following the election; after tabulating all ballots, the total number of ballots cast by each method must be reported for each precinct; a list of all voters categorized by voting method must be compiled and reported; the board must compare the total number of ballots cast to the total number of unique voter IDs per precinct; and board members are allowed to examine all election-related documentation before certifying the results.

### **COPY OF THE PROPOSED NEW RULE**

#### **Rule 183-1-12-.12 *Tabulating Results***

##### **(.1) Preparing for County Certification**

1. After each election but not later than 3PM on the Friday following the date on which the election was held, the Board shall meet to conduct a review of precinct returns.
2. After all absentee ballots received by the close of the polls, including those cast by advance voting, and all ballots cast in person on Election Day and all provisional ballots (that have been validated) have been tabulated, the total number of ballots cast by each vote method shall be reported for each precinct.
3. A list of all voters who voted in the election shall be compiled including by category the number of voters who voted Election Day In Person, Advance Voting, Absentee and Provisionally. The list shall be examined for duplicates. The list shall then be sorted by precinct. The total number of unique voter IDs from each precinct shall be counted. The total number of unique voters who voted by each vote method shall be reported for each precinct.
4. For each precinct, the board members shall compare the total number of ballots cast to the total number of unique voter ID numbers. In any precinct in which the number of ballots exceeds the number of unique voters, the Board shall determine the method of voting in which the discrepancy exists. The Board shall investigate the discrepancy and no votes shall be counted from that precinct until the results of the investigation are presented to the Board as required in GA Code§ 21-2-493(b).
5. If any error is discovered that cannot be properly corrected, the Board shall determine a method to compute the votes justly as required in GA Code§ 21-2-493(i). If fraud is discovered, the Board shall determine a method to compute the votes justly and report the facts to the district attorney for action as required in GA Code§ 21-2-493(i)

6. Board members shall be permitted to examine all election related documentation created during the conduct of elections prior to certification of results.

**(.2) Certification Meeting**

1. After all precinct discrepancies have been investigated and resolved as required by GA Code § 21-2-493, the correct or corrected returns shall be recorded until all the returns from each precinct which are entitled to be counted are recorded; then they shall be added together, announced, and verified as accurate.
2. The consolidated returns shall then be certified by the superintendent not later than 5:00 P.M. on the Monday following the date on which such election was held and such returns shall be immediately transmitted to the Secretary of State.

Authority: O.C.G.A. § 21-2-193(a), 21-2-493(b), 21-2-493(i), 21-2-493 (k), 21-2-70 (15)