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Suwanee, GA 30024

July 15, 2024

Georgia State Election Board  
2 MLK Dr.  
Suite 802 Floyd West Tower  
Atlanta Ga. 30334

**PETITION FOR AMENDMENT TO ELECTION RULES**  
**(Chain of Custody – Mailed Ballots)**

Mr. John Fervier, Chairman  
Mrs. Sara Tindall Ghazal,  
Mr. Rick Jeffares,  
Dr. Janice W. Johnston,  
Ms. Janelle King,

This petition for an amendment to an election rule incorporates a change to the way ballots are mailed to electors in a way that provides for maintenance of chain of custody for ballots.

I am filing this notarized petition for the proposed rule amendment in a good faith attempt to prevent the theft or misappropriation of ballots mailed by the counties or the state. The intent of this rule is to maintain chain of custody of ballots in Georgia elections on behalf of all Georgia voters. I urge your prompt attention to this matter submitted in accordance with the provisions of Rule 183-1-1-.01(3):

**1. The name and post office address of the Petitioner is:**

David Cross  
4805 Spring Park Circle  
Suwanee, GA 30024  
Dcross108@protonmail.com

**2. The full text of the rule requested to be amended and desired to promulgate:**

**Rule 183-1-14-.11 Mailing and Issuance of Ballots**

During early voting, as additional applicants for absentee ballots are determined to be eligible, the board of registrars or absentee ballot clerk shall ~~mail or issue~~ mail by United States Postal Service or other delivery service which offers tracking official absentee ballots or provisional absentee ballots, if appropriate, to such additional applicants immediately upon determining their eligibility. The board or clerk shall make such determination and ~~mail or issue~~ mail by United States Postal Service or other delivery service which offers tracking official absentee ballots; provisional absentee ballots, if appropriate, or notices of rejection of absentee ballot applications to such additional applicants within 3 business days after receiving the absentee ballot applications. The board of registrars or absentee ballot clerk shall maintain for public inspection pursuant to O.C.G.A. 50-17-70 U.S. Postal Service tracking records for each ballot mailed to electors.

**3. The reason such rule should be amended, repealed or promulgated.**

**Rule 183-1-14-.11 Mailing and Issuance of Ballots:** This rule does not provide any assurance that chain of custody is maintained when ballots are mailed. Currently, ballots are mailed by first class mail, metered mail or by contractor with only the specification that ballots are not forwardable. There is no assurance that a ballot reaches the intended voter. To maintain chain of custody for Georgia ballots, counties should be, at a minimum, using the free United States Postal Service Tracking service so that Elections Directors and Georgia voters may be assured that every ballot mailed is delivered to the intended recipient or returned to the county with an auditable trail.

In every precinct on Election Day, before you ever receive your ballot, you must show identification, you are given your ballot or ballot card, you are observed marking your ballot and your ballot is returned to the scanner under the watchful eye of a poll worker. Chain of custody is maintained at every step of the way.

The United States Election Assistance Commission (EAC) states in their publication “Best Practices: Chain of Custody” regarding ballots that:

There are points in the life cycle of a mailed ballot that are important to document in a chain of custody, including:

- When ballots are received from a ballot printer
- When voters request a mailed ballot, applicable
- When a mailed ballot is transmitted to a voter (this requirement simply shows as a date when a ballot is mailed from the county)
- When a mailed ballot is collected from a voter, drop box or post office
- When a mailed ballot has a defect, such as a missing signature, that could be corrected
- When a mailed ballot is counted
- When a mailed ballot is stored in the custody of an election official

The EAC goes on to recommend:

Signatures help create an auditable record whenever the equipment, supplies and ballots change hands or location. By signing the chain of custody forms the signers are certifying when they took custody of the voting equipment, supplies, and ballots and delivered them to a particular location.

Source:

[https://www.eac.gov/sites/default/files/bestpractices/Chain\\_of\\_Custody\\_Best\\_Practices.pdf](https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf)

U.S. Postal Service Tracking can help in moving closer to the EAC best practice recommendation because the United States Postal Service provides a time stamped record for each step on the way to delivery. It captures the time of mailing, tracking between the county and recipient and time of delivery.

**4. Any and all pertinent facts as to the Petitioner’s interest in the matter.**

I have been personally contacted by multiple United States Postal workers who have stated:

1. They were instructed by their Postmaster to deliver ballots after an election has ended.
2. They have observed unsecure, undelivered ballots in their post office.
3. They have picked up large numbers of ballots from assisted living homes.

I am keenly interested in election security, and I believe maintaining chain of custody for mailed ballots is critical. Currently, chain of custody is specified when ballots are manufactured, securely stored prior to use and securely stored after use but ballots are not tracked during delivery even though we have the capability to do so. **Member Ghazal told us that the BallotTrax service tracks a ballot for voters but no Georgia counties maintain those records and the service must be initiated by each individual elector.** (source Joel Natt, Fulton County Board of Elections)

**5. Any and all facts known to the Petitioner that might influence the decision of the Board to initiate or not initiate rulemaking, including identification of any parties who it is known will or may be affected by the amended rule.**

The fact that this letter for a rule change had to be sent “certified or registered mail, to the Chairperson of the State Election Board” demonstrates that the State Elections Board values proof of delivery. If this document is required to be sent with proof of delivery, why is the same not required of ballots? Ballots are valuable and voters may be disenfranchised if chain of custody is not followed.

Additionally, the United States Citizenship and Immigration Services (USCIS) uses United States Postal Service Signature Confirmation Restricted Delivery per their notice below:

Release Date: 04/27/2018

WASHINGTON - U.S. Citizenship and Immigration Services (USCIS) announced today that the agency will begin phasing in use of the U.S. Postal Service's (USPS) Signature Confirmation Restricted Delivery service to mail Green Cards and other secure documents beginning April 30, 2018.

Signature Confirmation Restricted Delivery increases the security, integrity, and efficiency of document delivery. The Signature Confirmation Restricted Delivery process provides better tracking and accuracy of delivery information, improving service to applicants.

Source: <https://www.uscis.gov/archive/uscis-to-begin-using-more-secure-mail-delivery-service>

Maintaining chain of custody is critical for election security and for confidence in elections. Current Georgia Rule & Regs require that counties mail ballots and that the cost of mailing is the responsibility of the county. US Postal Service Tracking is free and can easily be integrated into mailing ballots without impact to county budgets.

Recently, Senator Jon Ossoff, complained that the U.S. Postal Service in Georgia is falling short of promised delivery. If U.S. Postal Service tracking is used, at least voters and election directs will know if a ballot is lost or undelivered. Currently, no tracking records are required by Georgia Rules & Regs.

A sample United States Postal Service tracking tag is provided below.



This service is available for minimal cost from 73 cents to \$1.50 and sometimes free depending on how the county is mailing ballots. (Source: <https://www.usps.com/ship/mail-shipping-services.htm>)

**Fastest Delivery Speed**

Fast air delivery for your most important mail and packages (with some Flat Rate options).

**Simple, Affordable, Reliable**

Save money shipping packages by ground.

**Postcards & Envelopes**

Mail, like postcards, letters in small envelopes (up to 3.5 oz), and large envelopes (up to 13 oz).

<b>Description</b>	<u>Priority Mail Express</u> <sup>1</sup>	<u>Priority Mail</u> <sup>2</sup>	<u>USPS Ground Advantage</u> <sup>3</sup>	<u>First-Class Mail</u> <sup>4</sup>
	You're sending something urgent that must arrive next-day or 2-day. <sup>1</sup> You need date-certain delivery with money-back guarantee. <sup>2</sup>	You're sending important items that need to arrive in 1-3 business days. <sup>3</sup>	Low rates for packages with expected delivery in 2-5 business days <sup>3</sup> (also the primary option for HAZMAT items that can't travel by air).	You're sending a letter envelope (under 3.5 oz) or large envelope (under 13 oz) that's flat and bends easily.
<b>Price</b>	From \$30.45	Flat Rate Envelope: From \$9.85 USPS Mailing Box (Flat Rate): From \$10.40 Your Own Box By Weight/Zone: From \$9.25	From \$5.00	From \$0.56 (postcards) From \$0.73 (letters) From \$1.50 (large envelopes)
<b>Delivery Speed</b>	Next-Day to 2-Day <sup>1</sup>	1-3 business days <sup>3</sup>	2-5 business days <sup>3</sup>	1-5 Business Days

**6. Citations of legal authorities that require the action requested by Petitioner.**

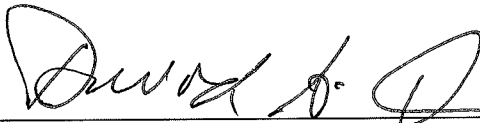
**O.C.G.A. 34-9-81 Contents of Written Notice; Manner of Delivery**

specifies that with workers compensation claims, “written notice shall be given personally to the employer, or his agent, representative, or foreman, or to the immediate superior of the injured employee or may be sent by registered or certified mail or statutory overnight delivery addressed to the employer at his last known residence or place of business.”

If the state is required to deliver workers compensation claim notices by certified mail, it stands to reason that ballots, being sensitive legal documents, should be delivered in the same manner or at least tracked using the United States Postal Service or other delivery service which offers tracking.

I, David Cross personally appeared before the undersigned officer duly authorized to administer oaths, and on oath deposes that the facts stated in the Petition therein are true and accurate.

Respectfully submitted this the 15<sup>th</sup> day July , 2024.

  
\_\_\_\_\_  
David Cross

**SUBSCRIBED AND SWORN BEFORE ME**

this the 15<sup>th</sup> day of October, 2023  
to certify and witness my hand  
and official seal.

Notary Public in and for

Gwinnett County, Georgia.



[AFFIX NOTARIAL SEAL]

