

July 16, 2024

Georgia State Election Board
2 MLK Drive
Suite 802 Floyd West Tower
Atlanta, Georgia 30334

**PETITION FOR AMENDMENT TO ELECTION RULES
(Advance Voting Hand Count of Ballots at the Precinct)**

Mr. John Fervier, Chairman,

Mrs. Sara Tindall Ghazal,

Mrs. Janelle King,

Dr Janice W. Johnston,

Mr Rick Jeffares

PURPOSE: This petition for amendment to an election rule enhances election integrity by providing a checkpoint outside of the electronic system, more accurate results, and a more uniform procedure for required paper trails through all primary, general or runoff election voting days.

MAIN FEATURES : The main feature of this rule amendment is to provide a check and balance of total ballot counts and confirms a paper audit trail for ballots at the precinct where ballots are cast.

I hereby submit this petition for your consideration according to SEB Rule 183-1-1-.01(3):

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

**Sharlene Alexander
460 Anthony Drive
Tyrone, GA 30290**

2. The full text of the rules requested to be amended:

Rule 183-1-14-.02 (8) and (13)

NOTE: AMENDED IN BOLD AND UNDERLINED TEXT:

183-1-14-.02 (8) "If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar **poll manager** and two **sworn** witnesses shall unseal the ballot box, remove the paper ballots, and **present to three sworn precinct poll officers to independently count the total number of ballots removed from the scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed name with signature and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices (BMD's) and scanner recap forms do not reconcile with the hand count ballot totals, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken. The hand counted paper ballots shall then be placed** in one of more durable, portable, secure, and sealable containers. **The registrar poll manager and two of the three poll officials who completed the hand count of total ballots** shall complete and affix to each container a form **or label** identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, **the hand counted total of ballots** and the date and time that the ballot box was emptied **such that it cannot be opened without breaking the seal.** The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar **poll manager** and at least one sworn witness shall deliver the ballot container to the elections superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The **chain of custody** form shall be signed by the registrar **poll manager** and any witnesses who travelled with the registrar **poll manager indicating that it contains all of the hand counted ballots from the indicated scanner box and no additional ballots**, no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar **elections supervisor**, the same procedure for emptying the ballot box **and hand count of total ballots removed** may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule 183-1-12-.10(5).

Rule 183-1-14-.02 (13) applies to the last day of the advance voting period shall be amended similarly to the above :

At the end of the advance voting period, the ~~registrars~~ **poll manager** shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The ~~registrars~~ **poll manager** shall record the seal numbers on the daily recap sheet. The ~~registrar~~ **poll manager** and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and **present to three sworn precinct poll officers to independently count the total number of ballots removed from the scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed names with signatures and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices (BMD's) and scanner recap forms do not reconcile with the hand count ballot totals, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken. The hand counted paper ballots shall then be placed** in one of more durable, portable, secure, and sealable containers. ~~The registrars~~ **poll manager and two of the three poll officials who completed the hand count of total ballots** shall complete and affix to each container a form **or label** identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, **the total of hand counted ballots** and the date and time that the ballot box was emptied **such that it cannot be opened without breaking the seal.** ~~The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal.~~ The ballot box shall be resealed, and the new seal numbers shall be documented. The ~~registrar~~ **poll manager** and at least one

sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The **chain of custody** form shall be signed by the registrar **poll manager** and any witnesses who travelled with the registrar **poll manager** **indicating that it contains all of the hand counted ballots from the indicated scanner box and no additional ballots**, no sealed documents were unsealed enroute and have not been tampered with. The ballot containers shall then be secured until time for the tabulation of votes.

3. The reason such rule should be amended:

This proposed amendment to Rule 183-1-14-.02 (8) and (13) adds a hand count of total ballots to Advance Voting periods at each precinct and thus ensures that every time ballots are removed from a scanner or dropbox, the total number of hand counted ballots placed under seal for transport to the tabulation center matches electronic system totals and chain-of-custody results forms; if there is a discrepancy between the electronic system totals and the hand count total, the discrepancy will be immediately investigated and explained by poll officials.

Prior to October 6, 2022, it was a long-standing tradition in Fayette County and other polling places that the paper ballots were removed from scanners at the precinct, the ballots were then hand counted by three sworn poll officials for total number of ballots removed from the scanner, then this hand counted total was reconciled against the scanner count to ensure that all cast ballots were accounted for. The urgency of a need to reconcile counts immediately at the polling place are substantiated in SEB Rule 183-1-12-.12(a)2, which states "If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken."

This practice of hand counting the ballots at each precinct was halted in most counties when Blake Evans, Director of Elections at the Office of the Secretary of State issued an email memorandum on October 6, 2022 (attached). As a result of halting this process, the hand count of total ballots is never reconciled against the scanner total providing a checkpoint of the electronic system.

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

Vote tabulation errors, missing memory cards, reported results and missing ballots can be found and corrected if the above checks-and-balances hand count of total paper ballots are performed in every precinct in every county :

In Fayette County, there have been numerous times that ballots have been left in the scanners or write-in bins. Had there been an independent hand-count of total paper ballots removed from the scanner AT THE PRECINCT, missing ballots would have been found, ensuring that every vote counts.

As a past supervisor of audits, I have long believed that cross-check control procedures are just as applicable to ballots as dollars. The best check-and-balance process is one that is separate from all of the electronic count recaps found on the various electronic voting machines at the polling places. This suggested independent hand count of ballots process better ensures that all ballots are accounted for, guards against reported result errors and can better silence the claims that poll pads, ballot scanners or BMD totals can be accessed remotely, manipulated, duplicate ballot batches scanned and software glitches and manipulation.

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.

All election officials in the State of Georgia who conduct elections, as well as Blake Evans, Director of Elections, who advises election officials and oversees training on the conduct of elections, will be affected by this rule amendment.

In particular, Superintendents responsible for training Poll Workers according to O.C.G.A. §21-2-70, and Poll Workers themselves will be required to execute the new procedure.

6. Citations of legal authorities which authorize, support, or require the action requested by the Petitioner.

O.C.G.A. §21-2-483(a) requires that ballots be counted at the precinct or tabulating center where optical scanners are used..

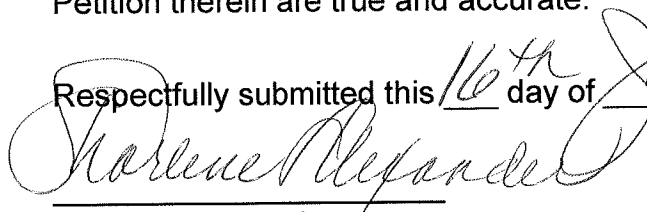
O.C.G.A. §21-2-436 requires, at the close of polls, that the number of votes be reconciled as shown on stubs and numbered list of voters, accounting for spoiled and returned ballots, rejected certificates and unused ballots, before these items are sealed; however, it fails to require that the actual number of paper ballots be reconciled prior to seal and transport. This hand count of total ballots is the only check-and-balance procedure separate from the current Dominion electronic voting system and direly needed to counter the many inconsistencies found across the state including missed memory cards, misplaced or lost paper ballots, duplicated ballot scans, errors in poll pad voter check-ins and BMD manipulation as shown by Professor Halderman in the recent Judge Tottenberg trial in Atlanta, GA.

O.C.G.A. §21-2-420(a) requires, at the close of polls, that the total number of ballots cast be reported to the election superintendant, but doesn't specify how that number is determined, *i.e.* whether it comes from the Poll Pads, the Scanners, or from counting the ballots themselves. While the Poll Pad and Scanner counts are required to be reconciled, there isn't a reconciliation of the ballots themselves at the polling place currently.

O.C.G.A. §21-2-420(a) further requires that the superintendent count the ballots at the tabulation center, where any discrepancies may be much more difficult to investigate.

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

Respectfully submitted this 16th day of July, 2024.


Sharlene Alexander

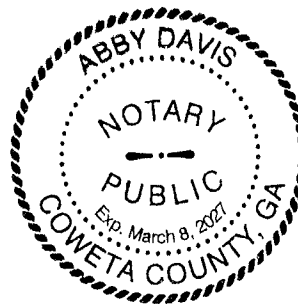
SUBSCRIBED AND SWORN BEFORE ME

this 16 day of July, 2024

Notary Public in and for Fayette County, Georgia



[Seal]



egale@darientel.net

From: DoNotReply@sos.ga.gov
Sent: Thursday, October 6, 2022 5:21 PM
To: DoNotReply@sos.ga.gov
Subject: The Buzz Post - Ballot Security

A [new discussion](#) has been posted in The Buzz by Evans, Blake on 10/6/2022 5:10 PM

I know that many counties have received an email requesting that poll workers hand count ballots at polling places on election night. **Deciding to have poll workers hand count ballots at each polling location on election night is not something your poll workers should do.**

Please see O.C.G.A. § 21-2-420(a) which states :

"(a) After the time for the closing of the polls and the last elector voting, the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast. The chief manager and at least one assistant manager shall post a copy of the tabulated results for the precinct on the door of the precinct and then immediately deliver all required documentation and election materials to the election superintendent. The election superintendent shall then ensure that such ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated."

Also, SEB Rule 183-1-12-.12 states: "The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. 21-2-94 and 21-2-95 shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent."

In order to ensure maximum security for the voted ballots, poll workers should not prolong the process of removing ballots from ballot boxes and sealing them in transport containers. This process should be done efficiently, transparently, and immediately after the polls have closed and votes have been cast. Members of the public can observe the process.

If you have any further questions regarding the law on this matter, please consult with your county attorney with this guidance in mind.

Blake Evans, Elections Director

If you would like to opt out of receiving email notifications for this discussion, click [here](#).