

STATE ELECTION BOARD
NOTICE OF PROPOSED RULEMAKING
Revisions to Subject 183-1-14-.02 Advance Voting

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 revision of Subject 183-1-14-.02 (Advance Voting).

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-state-election-board-rules-and-rule-amendments> Copies may also be requested by contacting the State Election Board at: ahardin@sos.ga.gov .

To provide the public an opportunity to comment upon and provide input into the proposed rule amendments, a public hearing will be held on Friday, September 20, 2024 at 9:00 A.M. The meeting will take place at the Georgia State Capitol, Room 341.

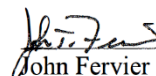
Information regarding how to join and provide public comment at the meeting will be available on the State Election Board’s webpage at: <https://sos.ga.gov/page/state-election-board-meetings-events>

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 on September 19 to be considered by the State Election Board:

- Electronically by emailing 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.

This 21st day of August 2024.


John Fervier

Chair, State Election Board

Posted: August 21, 2024

**SYNOPSIS OF THE PROPOSED RULE
OF THE STATE ELECTION BOARD
RULE 183-1-14-.02 *Advance Voting***

Purpose: The purpose of the rule is to enhance election accuracy by adding a hand count of total ballots to Advance Voting periods at each voting location and ensuring that the electronic system totals match the hand counted totals.

Main Features: As to Rule 183-1-14-.02(8), this rule requires that if a ballot box contains more than 1,500 ballots at the close of any advance voting day, the ballots must be removed and independently hand-counted by three sworn poll officers. The officers must agree on the total count and document it along with other election details. Any discrepancies between the hand count and electronic records must be investigated and resolved. The ballots are then securely sealed, documented, and delivered to the election superintendent for safekeeping until vote tabulation. As to Rule 183-1-12-.02(13), at the end of the advance voting period, the registrar must record the election counter numbers from each ballot scanner on a daily recap sheet, then shut down and seal the scanners. The registrar, with two witnesses, unseals the ballot box, and three sworn poll officers independently count the ballots, ensuring accuracy by comparing their results. Any discrepancies between the hand count and electronic records must be resolved and documented. The counted ballots are then placed in secure containers, sealed, and documented, with a chain of custody form completed and signed to maintain the integrity of the ballots until they are tabulated.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS OF THE STATE ELECTION BOARD,
RULE 183-1-14-.02 *Advance Voting***

NOTE: Underlined text is proposed to be added. ~~Stricken~~ text is proposed to be removed.

Rule 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 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 scanners and scanner recap forms do not reconcile with the hand count ballot totals, the registrar 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 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 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 and any witnesses who travelled with the registrar 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~~ election 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)

At the end of the advance voting period, the registrar 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 registrar shall record the seal numbers on the daily recap sheet. The registrar 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 scanners and scanner recap forms do not reconcile with the hand count ballot totals, the registrar 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 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 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 and any witnesses who travelled with the registrar 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.

COPY OF THE PROPOSED NEW RULE

Rule 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 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 scanners and scanner recap forms do not reconcile with the hand count ballot totals, the registrar 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 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 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 and any witnesses who travelled with the registrar 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 election 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)

At the end of the advance voting period, the registrar 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 registrar shall record the seal numbers on the daily recap sheet. The registrar 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 scanners and scanner recap forms do not reconcile with the hand count ballot totals, the registrar 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 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 ballot box shall be resealed, and the new seal numbers shall be documented. The registrar 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 and any witnesses who travelled with the registrar 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.

Authority: O.C.G.A. § 21-2-483(a), O.C.G.A. § 21-2-436, O.C.G.A. §21-2-420(a)