

# **STATE ELECTION BOARD**

## **NOTICE OF PROPOSED RULEMAKING**

### **Revisions to Subject 183-1-12-.13 Storage of Returns**

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 promulgation of Subject 183-1-12-.13 (Storage of Returns).

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](mailto: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.

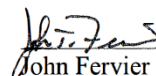
Information regarding how to join and provide public comment at the meeting will be available on the State Election Board’s webpage at: <https://sos.ga.gov/page/state-election-board-meetings-events>

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](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.

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 183-1-12-.13 *Storage of Returns***

Purpose: The purpose of the rule is to preserve and secure electronic election data, including ballot images, vote records, and audit logs, to ensure transparency, public access, and compliance with legal requirements for election integrity and record retention.

Main Features: The main features of this proposed rule amendment include the mandatory retention of ballot image metadata, case vote records, and audit logs, with all sealed files being signed and dated by the election superintendent. Additionally, the amendment requires the memory cards to be preserved for 24 months post-election and removes the language that the memory cards may be used for the next upcoming election.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS OF THE STATE ELECTION BOARD,  
RULE 183-1-12-.13 *Storage of Returns***

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

**Rule 183-1-12-.13 *Storage of Returns***

(a) After tabulating and consolidating the results, the election superintendent shall prepare an electronic file which shall contain a copy of the information contained on each memory card which shall include all ballot images, their meta data, cast vote records and audit logs, as well as vote totals and a copy of the consolidated returns from the election management system.

(1) As provided by O.C.G.A. § 50-18-71, ballot images are subject to public disclosure. The election superintendent shall retain copies of all ballot images prior to depositing election materials to the clerk of superior court or the municipal clerk, as appropriate, in accordance with O.C.G.A. § 21-2-500 to ensure the election superintendent's ability to provide public access to ballot images.

(2) The election superintendent or designee shall not use any media (e.g., flash drive, compact disk) provided by a requestor to produce ballot images. The election superintendent or designee may charge the requestor the actual cost of the media pursuant to O.C.G.A. § 50-18-71(c)(2).

(b) The electronic file shall be stored on a secure medium which shall be placed in a sealed envelope or container signed and dated by the elections superintendent and shall become a part of the election materials which shall be deposited with the clerk of superior court or the municipal clerk, as appropriate, in accordance with O.C.G.A. § 21-2-500. In addition, the signed results tape from each ballot scanner and the corresponding paper ballots shall also be deposited with the clerk of superior court.

(c) The memory cards shall be sealed in an appropriate container and securely maintained by the election superintendent until the period for requesting a recount of the primary, election, or runoff results has expired. The election superintendent and at least one other sworn individual in the tabulating center shall seal the container and sign the seal such that the container cannot be opened without destroying or damaging the seal. Upon the expiration of the period for requesting a recount, the election superintendent ~~may use the memory cards for programming ballot scanners units for the next primary, election, or runoff,~~ shall retain the memory cards for a period of 24 months according to Georgia law.

Authority: O.C.G.A. § 21-2-73

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

### **Rule 183-1-12-.13 *Storage of Returns***

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Authority: O.C.G.A. § 21-2-73