

Georgia State Election Board
2 MKL Jr Drive
Suite 802 Floyd West Tower
Atlanta, GA 30334

Re: Petition for rule changes pursuant to GA Regs. 183-1-1-.01.

Dear State Election Board Members,

I the undersigned, respectfully submit this petition for adoption of a rule pursuant to Rule 183-1-1-.01.

Please find enclosed 3 copies of the petition. The intent of this petition is the have the State Election Board adopt a rule to affirm existing Georgia law in that citizens of Georgia have reasonable access to all data generated in the process of elections.

(a) Name and address of Petitioner

Name: Lucia Frazier
Address: 485 Hardscrabble Rd
City, State: Roswell, GA
Email: luciafrazier@gmail.com

(b) Full text of the rule

The SOS will post the current Voter Registration file for all of Georgia free to public online and downloadable at any time. Voter Registration file will be available that includes all of Georgia and other Voter Registration files will be available that include individual counties.

(c)(d) Statement of the reason such rule should be promulgated and pertinent facts

All Georgia citizens may take ownership in any government function because the United States Constitution and the Georgia Constitution lay out that government is created by the citizens and the citizens have the highest authority over any government function. Even though citizens are elected and hired by citizens to perform government functions, all citizens must have the ability to perform oversight of any government function at any time. Thus, all data created by any government entity must be available to the public at all times. This ensures the public has the ability to participate in the process and to insist that government officials are held accountable for their actions.

Currently the Georgia SOS charges \$485 for the current Voter Registration file for all of Georgia and charges various other amounts for smaller cuts of the file as shown in Figure 1. Other states, such as North Carolina, post the voter registration file and time stamped historical voter registration files for free as shown in Figure 2. The cost that the Georgia SOS charges is unreasonable. Such data is generated as a routine part of our election process. In addition, the SOS is collecting money each time the same data is requested by multiple people. Our government entities are not created to make profit. Figure 3 shows the email that the GA SOS sends to a requestor which is just a link and password. The work to create access to this routine data is minimal.

 Voter Registration List Pricing Policy (Adopted December 23, 2016)

Statewide Voter List	\$250
County or Municipal District or Precinct Voter List	\$50
County Voter List	\$50
Municipal Voter List	\$50
Congressional, State Senate, State House, or Judicial District Voter List	\$50

 Please Review The Pricing To Take Effect on July 1, 2024

No custom orders will be accepted, and no refunds are available in any circumstance.

Order Type	Price as of July 1, 2024
County District Voter List	\$45.00
County Precinct Voter List (up to 5 precincts)	\$35.00
County Voter List	\$70.00
Municipal Precinct Voter List (up to 5 precincts)	\$35.00
Municipal District Voter List	\$45.00
Municipal Voter List	\$65.00
State District Voter List -- Cong	\$125.00
State District Voter List -- S House	\$75.00
State District Voter List -- S Senate	\$95.00
State District Voter List -- Judicial	\$125.00
Statewide Voter List	\$485.00

Figure 1. GA SOS Voter Registration Lists
<https://sos.ga.gov/page/order-voter-registration-lists-and-files>

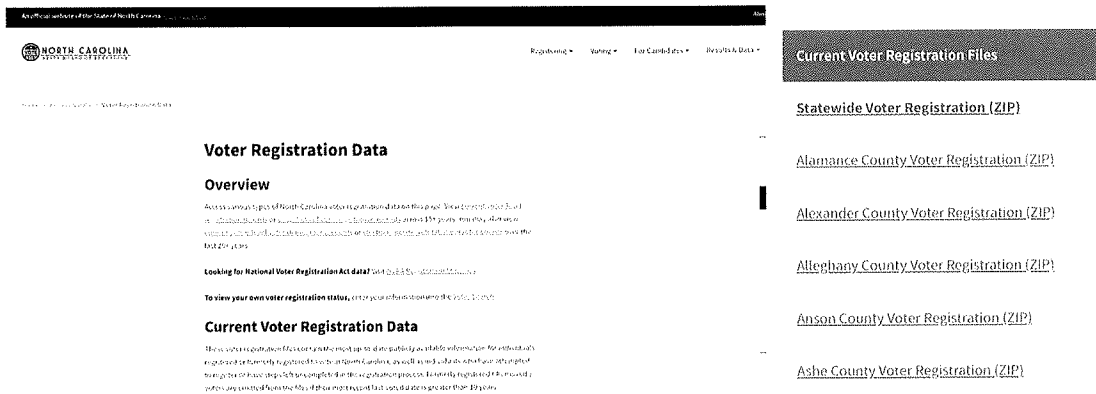


Figure 2. NC SOS Voter Registration Lists
<https://www.ncsbe.gov/results-data/voter-registration-data>

Dropbox Link: https://www.dropbox.com/scl/fi/s0gsgrx9447z921ee2xf1/Statewide-Voter-File_2024-07-08.zip?rlkey=lf7s0cwywpxrdrpvmdb8vymqca&dl=0
 Password: SOS-VL-2024-07-08!

Figure 3. GA SOS email upon voter registration file request

(e) Parities who may be affected by the proposed rule

The SEB should adopt the proposed rule to ensure that the SOS posts election data free to the public for effective transparency of election processes. The superintendent/board of each county must continue to provide the relevant data to the SOS. In doing so, citizens of Georgia will be able to participate in their election process.

(f) Citations that authorize, support or require the action requested by the petition

GA Supreme court ruling - McFrugal Rental v. Garr, 262 Ga. 369 (1992); Theragenics Corp. v. Dep't of Natural Res., 244 Ga. App. 829 (2000)

- The Georgia Supreme Court has held that no fee may be charged when a person seeks only to inspect records that are routinely subject to public inspection, such as deeds, city ordinances and zoning maps.
- Voter Registration lists are included in such routine data

O.C.G.A. § 50-18-71 (c) (1) An agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records pursuant to this article. An agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents. Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply when certified copies or other records to which a specific fee may apply are sought. In all other instances, the charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.

- States that there should be no charge for time incurred less 15 min. This data is generated routinely as part of the election process and creating access to the data does not incur much time. Currently the GA SOS charges are unreasonable and there's no good reason they should not be free.

O.C.G.A. § 50-18-71 (c) (2) In the case of electronic records, the agency may charge the actual cost of the media on which the records or data are produced.

- The GA SOS currently provides a link to the requestor where they can download the data. Thus, there is no cost associated for any media.

O.C.G.A. § 50-18-71 (h) In lieu of providing separate printouts or copies of records or data, an agency may provide access to records through a website accessible by the public. ... Additionally, if an agency contracts with a private vendor to collect or maintain public records, the agency shall ensure that the arrangement does not limit public access to those records and that the vendor does not impede public record access and method of delivery as established by the agency or as otherwise provided for in this Code section.

- This code states what this rule is asking the SOS to do.

O.C.G.A. § 50-18-70. (a) The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions. The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay. This article shall be broadly construed to allow the inspection of

governmental records. The exceptions set forth in this article, together with any other exception located elsewhere in the Code, shall be interpreted narrowly to exclude only those portions of records addressed by such exception.

O.C.G.A. § 50-18-70 through 77 Open Records Act

- In general, the open records act allows for all data that is used for government processes to be as accessible as possible and in a reasonable way.

The First Circuit Court of Appeals

GELPI, Circuit Judge. This appeal presents two questions. The first is whether Section 8(i)(1) of the National Voter Registration Act ("NVRA"), which requires public disclosure of "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters," 52 U.S.C. § 20507(i)(1), applies to Maine's Party/Campaign Use Voter File ("Voter File"). If so, the second question is whether Maine's restrictions on the use and publication of the Voter File are preempted by the NVRA. The United States District Court for the District of Maine answered both questions in the affirmative. We agree.

I hereby sign this petition asking that the state election board adopt the proposed rule.

I, Lucia Frazier, personally appeared before the undersigned officer duly authorized to administer oaths and on oath deposes that the facts stated in the petition are true and accurate.

Respectfully submitted this the 17 day of July 2024.

Lucia Frazier

Subscribed and sworn before me

on this 17th day of July 2024.

[Signature]

Commission expires 10/08/2024

