

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

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

Dear State Election Board Members,

I the undersigned, respectfully submit this petition for adoption of a change to GA Regs 183-1-12-.19.

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

(a) Name and address of Petitioner

Name: Lucia Frazier

Address: [REDACTED]

City, State: [REDACTED]

Email: [REDACTED]

(b) Full text of the rule:

Rule 183-1-12-.19 (11) Each county will post an accessible link to the Numbered List of Voters no later than five days following every primary, election or run-off. The files will include voter name, voter ID, precinct voted, and check-in time. These data files shall remain posted and freely available for download for a minimum of 2 consecutive years. Counties that do not have web sites will be required to provide the list within 3 days upon email request.

(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 Numbered List of Voters for election day is generated on the poll pads in each precinct. Any voter not in the poll pad is written on the form "numbered list of voters". This data is routine because counties currently submit this to the SOS as described in 183-1-12-.19 (9). However, the SOS does not post the numbered list of voters for all of Georgia. Some counties, such as Cobb County, currently post this data after every election as shown in Figure 1.



Figure 1. Cobb County example of data posted after each election
<https://www.cobbcounty.org/elections/reference/history>

During advanced voting, the SOS posts the Absentee list showing who voted and where voted. Thus, this is also routine data and already available to the public. Since this data is generated routinely as part of the election process, creating access to the data does not incur much time or expense.

Georgia voter rolls contain tens of thousands of ineligible registrations such as:

- Voters who have moved out of state and registered to vote there
- Voters who do not have a residential address in Georgia
- Voters who have multiple voter IDs

On Nov 15, 2023, the Fulton Co BRE Chair stated during a BOC hearing, "Fulton County never does an independent search for anybody. Dead people, felons, people who live out of state." She went on to state that that duty resides with the SOS office. OCGA 21-2-228 however places that burden squarely on the county or municipality as they "shall have the right and be charged with the duty of examining from time to time the qualifications of each elector..."

Approximately 29K people have been identified that filed an NCOA and appear to be registered in both GA & FL as of July 2023. That leaves ample room for improper voting which must be monitored by citizens when election officials refuse to follow the law.

Additionally, there was testimony at the Senate Ethics Committee on 2/15/2024 showing evidence of individuals being given credit for voting in both GA & FL for the same election. That can only occur when one of two states fails to properly remove registrants that leave the state. In this case, these individuals were identified simply due to their NCOA filing and identification on the FL & GA voter rolls.

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

The superintendent of each county will be required to post the Numbered List of Voters as is already required to provide via Open Records Request law. Counties that do not have web sites will be required to make the list available in a timely manner at the election office for a period of 10 years.

Superintendents will continue to provide the relevant data that they already provide to the Secretary of State. They will post a link to the same data or email it upon request. The Secretary of State may provide Numbered List of Voters that the office is already required to provide via Open Records Request law. In doing so, citizens of Georgia will have a much higher degree of assurance that their votes will not be diluted by fraudulent votes cast for invalid registration.

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

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.

- confirms that an agency may provide access to records through a website accessible by the public, which is exactly 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.

- states that the strong public policy of this state is in favor of open government and that public access to public records should be encouraged to foster confidence in government and that public records should be made available for public inspection without delay.

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 Numbered Voter list for election day is already generated by each county and sent to the SOS. The Absentee file is already available to the public from the SOS. Thus, there is no cost associated for any media.

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.

- Numbered Voter list for election day and the Absentee voter file is generated routinely as part of the election process and creating access to the data does not incur much time.

O.C.G.A. § 21-2-456(a) The general return sheets, duplicate return sheets, and statement shall be printed to conform with the type of voting machine used and in form approved by the Secretary of State. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling place. Duplicate return sheets, voter's certificates, **numbered list of voters**, oaths of poll officers, and affidavits of voters and others shall be sealed and given to the chief manager, who shall deliver them, together with the general return sheet and the package of ballots deposited, written, or affixed in or upon the voting machine, to the superintendent. The voter's certificates, rejected voter's certificates, and oaths of assisted voters shall be sealed in a separate envelope addressed to the board of registrars and bearing a list of its contents on the outside.

- Provides that a numbered list of voters shall be delivered from the polling locations to the county superintendent after polls close.
- Shows the Numbered List of Voters is a routine document as part of the election process

O.C.G.A. § 50-18-72 confirms that a certified time stamped list of electors is not exempted from production under the Open Records Request Act

The First Circuit Court of Appeals

GELPÍ, 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.**

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.

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

I, _____, 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 _____ day of _____.

Subscribed and sworn before me
on this _____ day of _____.