

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 amendments to 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

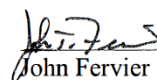
To provide the public an opportunity to comment upon and provide input into the proposed rule amendments, a public hearing will be held on **Tuesday, May 13, 2025, at 9:00 A.M.** Following the public comment period, the Board will take a vote on whether to adopt the proposed rule amendment. The meeting will take place in Room 341, at the Georgia State Capitol Building in Atlanta, Georgia. Please be advised that if the Board is unable to address all items on the agenda within one day, the meeting will be continued on Wednesday, May 14 at 9:00 A.M. Additional information will be available on the State Election Board's webpage at: <https://sos.ga.gov/page/state-election-board-meetings-events>

PUBLIC COMMENT: Members of the public may speak before the Board on matters related to the proposed rule. The first 30 people to sign up for public comment will have the opportunity to speak before the consideration of the proposed rule, and is limited to 2 minutes per speaker. Any additional individuals who sign up will be able to speak before the end of the meeting. Public comment signup will be available before the start of the meeting. Additional comments may be given using the following means and must be received by noon on May 12, 2025, 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.
West Tower Suite 802
Atlanta, Georgia 30334

This notice is given in compliance with O.C.G.A. §50-13-4.

This 11th day of April 2025.



John Fervier
Chair, State Election Board

Posted: April 11, 2025

**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 ensure timely and transparent access to election data while complying with legal and certification processes, promoting efficiency and accessibility.

Main Features: The amendment outlines procedures for providing election data to ensure transparency and compliance with legal requirements. It mandates that ballot images and cast vote records in CSV format be provided to requestors within 72 hours of a post-election request, but not before polls close. Additionally, it allows for supplemental data production as ballots undergo final certification and permits public records requests to be satisfied through timely online publication of ballot images.

**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.

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 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).
 - (3) The election superintendent or designee shall produce ballot images and cast vote records in Comma Separated Value format to requestors within 72 hours of a request received after the closing of the polls, in compliance with O.C.G.A. §21-2-72, but no earlier than the closing of the polls on Election Day. Supplemental production may be required for additional ballot images as they are processed through final certification. The public records requests for ballot images may be satisfied by the superintendent timely posting such ballot images to a public website.

- (b) The electronic file shall be stored on a secure medium which shall be placed in a sealed envelope or container 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 run off 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.

Authority: O.C.G.A. §§ 21-2-31, 21-2-72, 21-2-500, 50-18-71.

COPY OF THE PROPOSED NEW RULE

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 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.
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Authority: O.C.G.A. §§ 2121-2-31, 21-2-72, 21-2-500, 50-18-71.