

Georgia State Election Board Proposed Rulemaking: Revisions to Subject 183-1-12: Preparation for and Conduct of Primaries and Elections

October 5, 2021

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THE VOTER INTEGRITY PROJECT

Summary of Revisions to Subject 183-1-12: Preparation for and Conduct of Primaries and Elections

183-1-12-.12: Tabulating Results

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

183-1-12-.18: Provisional Ballots

Purpose: The following proposed rule changes have been designed to align the State Election Board rules with the legislative changes introduced with Georgia Senate Bill 202 and were written after considering public comment.

Analysis of the Sections

183-1-12-.12 Tabulating Results

Summary: As a result of taking recommendations from public comment during the rulemaking process, the changes provide additional specificity for election officials to do the following as soon as possible after the close of the polls:

- Share the number of cast ballots with the public,
- Ensure that properly cast ballots are processed, verified, and tabulated,
- Complete a reconciliation report to reconcile total number of cast ballots with the number of voters who voted.

183-1-12-.12 Tabulating Results section(b)(4) originally stated that all properly cast ballots must be counted as soon as possible, and that the counting and tabulation may not cease until all such ballots are counted and tabulated.

The proposed rule change would loosen this requirement to allow for counting to cease prior to counting and tabulating of provisional ballots and uniformed and overseas citizens' (UOCAVA) ballots based on those ballots' existing receipt deadlines. The rule change proposes no specific deadline to count those provisional and UOCAVA ballots and only states that they must be counted "as soon as possible".

183-1-12-.12 Tabulating Results section(c)(1) originally describes publicly posting the total number of ballots cast after the polls close.

The change describes in greater detail which ballots this rule includes, adding the description for ballots cast to include the total number of ballots scanned into the ballot scanner, the total number of provisional ballots issued at the precinct, and the total number of any cast but unscanned ballots in a scanner emergency bin.

183-1-12-.12 Tabulating Results section(e)(1) originally states that no later than 30 days following the election, the election superintendent shall transmit a reconciliation report to the Secretary of State, which reconciles the aggregate total of all ballots cast in each precinct to the aggregate number of voters who received credit for voting in each precinct.

The proposed rule would change this timing requirement to be “as soon as possible but no later than 30 days following the certification of election results”.

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

Summary: The proposed rule change is meant to ensure the security of election management systems regarding open records requests for ballot images.

183-1-12-.13 Storage of Returns section (a) adds a subsection (2) which prohibits the election superintendent from using any media provided by the requestor to produce ballot images and explains that they may charge the requestor for the actual cost of the media used.

183-1-12-.18 Provisional Ballots

Summary: The proposed rule change clarifies the requirement for poll officials to inform voters who cast provisional ballots in the wrong precinct that:

- Their vote will only be counted if it is cast after 5:00 P.M. and before the regular time that the polls close on election day, and
- If the person executes a sworn statement stating that they are unable to vote at their usual polling place before the polls close and must include the reason thereof.

183-1-12-.18 Provisional Ballots section (4) addresses how to handle voters who do not appear on the list of registered voters. The proposed rule changes in this section do the following:

- Subsection (a), which explains the handling of voters who appear at a different precinct from their registered precinct but within the same county, requires that if a voter makes a good faith claim that they believe they registered to vote in the precinct in which they are present, even if they appear on a different precinct’s voter list, they must be permitted to vote on a provisional ballot.
- Within section (4), subsections (a), (d), (f), and (h) update the semantics/grammar explaining that the provisional ballot will only be counted if it is cast after 5:00 P.M. and before the regular closing of the polls, and if the person signs a sworn statement, witnessed by the poll official, stating that they are unable to vote at their correct polling place and must provide a reason. Original grammar was originally negative (will not, unless) and updated grammar is positive (will only, if).
- Within section (4), subsections (a), (d), (f), and (h) also add text which states that for the purposes of the rule, any voter who is in line before the polls close shall be allowed to vote, and their vote will be considered to have been cast during regular poll hours.

How to Help

Only when more people get involved, will meaningful, impactful change occur. This means less talking and more doing. That's how Look Ahead America will positively impact election reform. Support Look Ahead America by signing up to volunteer or by making a financial contribution at <https://www.lookaheadamerica.org>.

You can also join our Discord community server at <https://discord.gg/lookaheadamerica>