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Dear Members of the State Election Board,

The ACLU of Georgia's Voter Access Project works to ensure voting is easy and accessible for all Georgians. We are writing to urge you to reject the petition to amend rule 183-1-12-.12 addressing the process of certifying election results and the petition to amend rule 183-1-12-.12 addressing hand counting ballots in polling places.

The proposed amendment to rule 183-1-12-.12 addressing the certification process is unreasonable and has the potential for great harm to our democratic process. This rule significantly threatens counties' ability to certify election results by introducing an unnecessary and vague reconciliation process before all votes are counted. This will slow the certification process, only giving voters a reason to doubt the results without an increase in trust by voters. The proposed rule language states that "Board members shall be permitted to examine all election related documentation created during the conduct of elections prior to certification of results." It is not the role of individual board members to individually request and scrutinize various documents. The election superintendent (importantly, the *majority* of the Board, not any individual member) holds the responsibility of certifying county election results. The current certification process in Georgia has been successful in ensuring that correct and accurate results are reported. Additional requirements are completely unnecessary and irrelevant to the process. Additionally, the Proposed rule does not specify the election-related documents that must be provided to county board members, allowing for a potential significant burden on election staff to prepare documentation on demand.

Furthermore, the petition as it stands is void under Georgia law. Its purported purpose is "to ensure that county superintendents and boards of elections follow the required procedures and can uniformly, properly, and lawfully fulfill their duties," yet calls for action that is beyond the limits of that board's legal authority. The rule consistently addresses individual board members when all legal authority lies with the election superintendent defined as the majority of the Board of Elections (and in some counties, probate judges). The proper way to change the scope of board power is through the legislature, not the State Election Board. The Proposed rule is plainly unauthorized by statute and would not withstand judicial review. The elections superintendent has limited authority and is given a direct duty: certify the results by the deadline, and refer any suspicion of fraud to the district attorney. Anything more than this is an overreach of authority not permissible under Georgia law.

Implementing such a rule risks eroding public confidence in elections. By magnifying unsubstantiated rumors and delaying results from precincts under investigation, it amplifies opportunities for

misinformation and accusations of fraud, regardless of how safe and secure our elections are. When an election is not certified based on speculation, this sows fear and distrust in our democratic process. This in turn also creates more harassment towards our election officials.

The petition to amend rule 183-1-12-12 addressing hand counting ballots in polling places adds extra procedures and duties to local elections officials, requiring them to hand count ballots in the precincts. This petition requires a large input of financial resources and staff time - neither of which our counties can spare. This petition is unnecessary and unreasonable, causing further delays to precincts ability to report election results. The official vote count is on memory cards, and the paper ballots become back up support after they are scanned. Polling sites already have multiple checks in place to ensure that every ballot is counted without having to hand count the already-scanned paper ballots. Our state takes pride in its effectiveness and efficiency in reporting out on election results in a timely manner. Recent legislation has made additional steps to make this process even more efficient. The petition would only delay the process by creating additional steps to the chain of custody process in handling final ballots.

Pursuant to O.C.G.A. § 50-13-4(a)(2), I request that the Board include this comment in the rulemaking record and, if the Board ultimately adopts the Proposed rule, we request that it issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption as required by statute.

We ask that you reject these petitions and continue to put Georgia voters first.

Sincerely,

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