# Rules and Regulations of the State of Georgia

# Department 183 RULES OF STATE ELECTION BOARD

*Current through Rules and Regulations filed through November 10, 2021*

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**ADMINISTRATIVE HISTORY**

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

**Note: Emergency Rules** are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 183-6 entitled "Registration of Electors", 183-7 entitled "Election Districts and Polling Places", 183-12-1 entitled "Voting Machines", 183-12-2 entitled "Vote Recorders", 183-13 entitled "Preparation for and Conduct of Primaries and Elections", and 183-14 entitled "Absentee Voting" have been adopted. The following Chapters are reserved: 183-1 to 183-5, 183-8 to 183-11, 183-15 to 183-36. Filed July 24, 1968; effective August 12, 1968.

Rules 183-6-.01, .02, 183-12-2-.04 and .05 have been amended. Rules 183-6-.03 and 183-13-.01 have been repealed. Filed August 5, 1969; effective August 24, 1969.

Rules 183-12-2-.04, .08 and 183-14-.02 have been repealed and new Rules adopted. Rules 183-13-.03 to .05 have been adopted. Chapter 183-15 entitled "Returns of Primaries and Elections" has been adopted. Filed May 26, 1970; effective June 14, 1970.

Chapters 183-24 entitled "Poll Officers", 183-25 entitled "Registration of Electors", 183-26 entitled "Election Districts or Precincts and Polling Places", and 183-27 entitled "Dates of

Primaries and Elections", 183-31-1 entitled "Voting Machines", 183-31-2 entitled "Vote Recorders", 183-32 entitled "Preparation For and Conduct of Primaries and Elections", and 183-33 entitled "Absentee Voting" have been adopted. Filed August 30, 1973; effective September 19, 1973.

Rules 183-6-.01, 183-14-.01 and .02 have been repealed and new Rules adopted. Rules 183-7-.01 and 183-15-.01 have been amended. Chapter 183-8 entitled "Dates of Primaries and Elections" has been adopted. Filed June 24, 1974; effective July 14, 1974.

Rules 183-6-.01, 183-13-.02, and 183-33-.01 have been repealed. Rules 183-12-2-.06, .07, 183-14-.01, 183-15-.01, 183-33-.02 have been amended. Chapters 183-1 to 183-11, 183-12-1, 183-12-2, 183-13 to 183-20 have been renumbered to 183-1-1 to 183-1-20 by Certification. Chapters 183-21 to 183-31, 183-31-1, 183-31-2 and 183-32 to 183-36 have been renumbered to 183-2-1 to 183-2-16 by Certification. All Rules of said Chapters have been renumbered. Filed October 20, 1975; effective November 9, 1975.

Emergency Rules 183-1-6-0.1-.01 and 183-2-5-0.2-.02 adopted. Filed May 20, 1982; effective May 17, 1982, the date of adoption, to be in effect for 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules are adopted, as specified by the Agency. These Emergency Rules were adopted to prevent voter irregularities in the upcoming elections. (These Emergency Rules will not be published; copies may be obtained from the Agency.)

Rules 183-1-6-.01 and 183-2-5-.02 have been adopted. Filed March 29, 1983; effective April 18, 1983.

Rule 183-1-6-.03 has been adopted. Filed January 22, 1985; effective February 11, 1985.

Rule 183-1-6-.04 has been adopted. Filed August 1, 1986; effective August 21, 1986.

Rule 183-1-6-.04 has been amended. Filed September 18, 1986; effective October 8, 1986.

Chapter 183-1-11 entitled "Ballots" has been adopted. Rule 183-1-12-.10 has been adopted. Filed November 14, 1986; effective December 4, 1986.

Rule 183-1-6-.01 has been repealed. Rules 183-1-6-.02, 183-1-12-.03, .05 to .09, 183-1-13-.03 to .05, 183-1-14-.01, 183-1-15-.01 have been amended. Rule 183-1-7-.01 has been repealed and a new Rule adopted. Filed March 6, 1987; effective March 26, 1987.

Rule 183-1-6-.03 has been amended. Filed January 21, 1988; effective February 10, 1988.

Rule 183-1-6-.03 has been amended. Filed April 10, 1989; effective April 30, 1989.

Rule 183-1-6-.05 has been adopted. Rules 183-1-13-.03, .05 and 183-1-14-.01 have been amended. Filed February 17, 1992; effective March 9, 1992.

Rules 183-1-12-.01 and .02 have been repealed and new Rules adopted. Filed August 30, 2002; effective September 19, 2002.

Rule 183-1-12-.06 has been repealed and a new Rule adopted. Filed October 18, 2002; effective November 7, 2002.

Rules 183-1-12-.01, .02, and 183-1-14-.01 have been amended. Rule 183-1-12-.06 has been repealed and a new Rule adopted. Rules 183-1-14-.02, .03 and 183-1-15-.02 have been adopted. Filed October 24, 2003; effective November 13, 2003.

Rules 183-1-6-.02, 183-1-12-.05, .07 to .09, 183-1-15-.01, 183-2-4-.01, 183-2-5-.01, .02, 183-2-6-.01, 183-2-7-.01, 183-2-11-.02 to .09, 183-2-12-.02 to .05, and 183-2-13-.02 have been repealed. Rules 183-1-6-.03 to .05, 183-1-12-.03, 183-1-13-.03 to .05 have been amended. Filed December 11, 2003; effective December 31, 2003.

Rule 183-1-12-.02 has been amended. Filed May 11, 2004; effective May 31, 2004.

Emergency Rules 183-1-6-0.3-.06, 183-1-12-0.4-.02, and 183-1-14-0.5-.04 adopted. Filed September 10, 2004; effective September 9, 2004, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency rule is adopted, as specified by the Agency. This Emergency Rule was adopted to prevent confidential information being used for fraudulent purposes (Emergency Rule 183-1-6-0.3-.06 ), voter fraud related to the counting of absentee ballots (Emergency Rule 183-1-12-0.4-.02, voter coercion or intimidation occurring during the absentee voting period (Emergency Rule 183-1-14-0.5-.04 ). (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rules 183-1-12-.06 has been amended. Rules 183-1-14-.04 and .05 have been adopted. Filed December 21, 2005; effective January 10, 2006.

Rules 183-1-6-.03 and 183-1-12-.02 have been amended. Chapter 183-1-19 entitled "Penalties" has been adopted. Filed December 28, 2005; effective January 17, 2006.

Rule 183-1-12-.07 has been adopted. Filed March 8, 2006; effective March 28, 2006.

Rule 183-1-6-.03 has been amended. Filed May 30, 2006; effective June 19, 2006.

Chapter 183-1-20 entitled "Georgia Voter Identification Card" has been adopted. Filed June 19, 2006; effective July 9, 2006.

Chapter 183-1-1 entitled "Preliminary Provisions" has been adopted. Filed February 22, 2008; effective March 13, 2008.

Rules 183-1-6-.01, .02, 183-1-14-.06, .07, .09 and .10 have been adopted. Rules 183-1-6-.03 and 183-1-12-.02 have been repealed and new Rules adopted. Chapter 183-1-10 entitled "Nomination of Candidates" has been adopted. Filed October 29, 2009; effective November 18, 2009.

Rules 183-1-6-.06 and 183-1-14-.08 have been adopted. Filed December 15, 2009; effective January 4, 2010.

Rule 183-1-11-.02 has been adopted. Filed March 3, 2010; effective March 23, 2010.

Rules 183-1-12-.02, 183-1-12-.06, 183-1-14-.04 repealed and new Rules adopted; Rule 183-1-14-.01 amended. F. Mar. 17, 2011; eff. Apr. 6, 2011.

Rule 183-1-12-.06 repealed and new Rule adopted; Rule 183-1-14-.11 adopted. F. May 27, 2011; eff. June 16, 2011.

Rule 183-1-13-.06 adopted. F. Aug. 15, 2014; eff. Sep. 4, 2014.

Rule 183-1-11-.02, 183-1-14-.01 amended. F. Nov. 10, 2014; eff. Nov. 30, 2014.

Rule 183-1-14-.12 adopted. F. Dec. 28, 2015; eff. Jan. 17, 2016.

**Note:** Correction of non-substantive error, Rule 183-1-14-.01 History and SOS website updated to record amendment f. Nov. 10, 2014; eff. Nov. 30, 2014. Effective April 27, 2016.

Subject 183-1-12 entitled "Voting Machines - Vote Recorders" repealed and a new Subject entitled "Preparation for and Conduct of Primaries and Elections" adopted. Rules 183-1-14-.02, .11, .12, and 183-1-15-.02 amended. Rule 183-1-14-.13 adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

**Note:** Rule 183-1-12-.18, correction of non-substantive typographical errors in subparagraphs (4)(d), (5)(a) (sentences one and five) and (6)(d), period corrected to comma in "... by O.C.G.A. § 21-2-417. the person."; "... by O.C.G.A. § 21-2-220. the poll officers."; "... to the person. the poll officers."; "... by O.C.G.A. § 21-2-220. the poll officers.", respectively, as requested by the Agency for original rule filed on Jan. 23, 2020. Effective February 12, 2020.

Subject 183-1-13 title changed from "Preparation for and Conduct of Primaries and Elections" to "Poll Watchers." Rules 183-1-6-.02, 183-1-12-.04, .06, .08 through 12, .18, .20, 183-1-14-.02, .13 amended; Rules 183-1-13-.02, 183-1-15-.03 adopted. F. Mar. 2, 2020; eff. Mar. 22, 2020.

**Note:** Rule 183-1-12-.18, correction of non-substantive typographical errors in subparagraphs (4)(d), (5)(a) (sentences one and five) and (6)(d), period corrected to comma in "... by O.C.G.A. § 21-2-417. the person."; "... by O.C.G.A. § 21-2-220. the poll officers."; "... to the person. the poll officers."; "... by O.C.G.A. § 21-2-220. the poll officers.", respectively, as requested by the Agency for amendment filed on Mar. 2, 2020. Effective March 22, 2020.

ER. 183-1-14-0.6-.14 adopted. F. Apr. 15, 2020; eff. Apr. 15, 2020, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Rules 183-1-12-.18, 183-1-14-.13 amended. F. May 1, 2020; eff. May 21, 2020.

Rules 183-1-15-.02, .03 amended. F. May 8, 2020; eff. May 28, 2020.

ER. 183-1-14-0.7-.15 adopted. F. May 18, 2020; eff. May 18, 2020, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

ER. 183-1-14-0.6-.14, 183-1-14-0.7-.15 repealed. F. July 2, 2020; eff. July 1, 2020.

ER. 183-1-14-0.8-.14, 183-1-14-0.9-.15 adopted. F. July 2, 2020; eff. July 1, 2020, to remain in effect for a period of 180 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rule are adopted, as specified by the Agency.

ER. 183-1-14-0.9-.15 amended; 183-1-14-0.10-.16 adopted. F. Aug. 31, 2020; eff. Aug. 10, 2020, to remain in effect for a period of 120 days or until the effective date of permanent Rules covering the same subject matter superseding these Emergency Rules are adopted, as specified by the Agency.

**Note:** Rule 183-1-14-.13, correction of administrative error, "rejecting" corrected to "receiving" (i.e., *". no later than the close of business on the third business day after receiving the absentee ballot.")*, reflecting the rule as originally promulgated and adopted on April 15, 2020; correction submitted by Agency on August 31, 2020. Effective August 31, 2020.

Rule 183-1-14-.06 amended. F. Sep. 16, 2020; eff. Oct. 6, 2020.

Rule 183-1-15-.02 amended; Rule 183-1-15-.04 adopted. F. Sep. 24, 2020; eff. Oct. 14, 2020.

ER. 183-1-14-0.9-.15 amended. F. Nov. 23, 2020; eff. Nov. 23, 2020, to remain in effect until January 5, 2021, as specified by the Agency.

Rules 183-1-12-.08, .11, .12, .13, .18, 183-1-14-.12 amended; Rule 183-1-14-.14 adopted. F. Sep. 22, 2021; eff. Oct. 12, 2021.

**Note:** Rule 183-1-14-.12, correction of non-substantive typographical error in subparagraph (5)(a)(iii)1., period added at the end of sentence (i.e., after "communication"), correction submitted by Agency on November 10, 2021. Effective November 10, 2021.

Rules 183-1-12-.12, .13, .18, 183-1-.14 -.12 amended. F. Nov. 1, 2021; eff. Nov. 21, 2021.

# Chapter 183-1. GEORGIA ELECTION CODE.

## Subject 183-1-1. PRELIMINARY PROVISIONS.

### Rule 183-1-1-.01. Procedure to Petition for Adoption of Rules.

(1) Interested persons may petition the State Election Board requesting the promulgation, amendment, or repeal of a rule. Such petition should be in the form of a letter addressed to the Board setting forth the language of the proposed rule, amendment, or repeal, and, where applicable, the language of the rule sought to be amended or repealed.

(2) Any interested person desiring to petition the Board requesting the promulgation, amendment, or repeal of a rule shall submit three copies of the petition, in writing, by certified or registered mail, to the Chairperson of the State Election Board, 2 Martin Luther King, Jr. Drive, S.E., Suite 1104, West Tower, Atlanta, Georgia 30334-9000.

(3) Each petition for the promulgation, amendment, or repeal of a rule made pursuant to the Georgia Administrative Procedures Act should be verified under oath, or in proper behalf of, the petitioner and shall contain:

(a) The name and post office address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

(c) The reason(s) such rule should be amended, repealed, or promulgated;

(d) Any and all pertinent existing facts as to the petitioner's interest in the matter;

(e) Any and all facts known to the petitioner which might influence the decision of the Board to initiate or not initiate rulemaking, including identification of any parties who it is known will or may be affected by the amended, repealed, or promulgated rule; and

(f) Citations of legal authorities, if any, which authorize, support, or require the action requested by the petitioner.

(4) Within thirty (30) days after submission of a petition for the promulgation, amendment, or repeal of a rule or at the next regularly-scheduled meeting of the State Election Board, the Board shall decide upon the action to be taken. The Board shall not be forced to call a special meeting in order to address such a petition. If such a petition is received less than twenty (20) days before a regularly-scheduled meeting, the Board may vote to address the petition at its next regularly-scheduled meeting. Within ten (10) days after addressing the petition, the Board shall inform the petitioner by mail of the decision reached, and shall either decline to take the action requested, stating its reasons for so declining, or shall initiate rule-making proceedings in accordance with the Georgia Administrative Procedures Act.

**Cite as GA Regs. 183-1-1-.01**
**Authority: Authority O.C.G.A. Secs. 50-13-3, 50-13-17.**
**History.** Original Rule entitled "Procedure to Petition for Adoption of Rules" adopted. F. Feb. 22, 2008; eff. Mar. 13, 2008.

## Rule 183-1-1-.02. Review of Initial Decisions.

The State Election Board (the "Board") does not routinely preside at the reception of the evidence in contested cases before it and typically refers these cases to the Office of State Administrative Hearings ("OSAH"). After receiving the evidence, an OSAH hearing officer may issue an initial decision in such a contested case more than thirty (30) days before the next regularly-scheduled meeting of the Board. On those occasions where the hearing officer issues an initial decision more than thirty (30) days before the Board's next regularly-scheduled meeting, the period of time in which the Board shall render a final decision shall be extended until the date of the next regularly-scheduled meeting of the Board.

**Cite as GA Regs. 183-1-1-.02**
**Authority: Authority O.C.G.A. Secs. 50-13-3, 50-13-17.**
**History.** Original Rule entitled "Review of Initial Decisions" adopted. F. Feb. 22, 2008; eff. Mar. 13, 2008.

# Subject 183-1-2. RESERVED - STATE ELECTION BOARD.

# Subject 183-1-3. RESERVED - SECRETARY OF STATE.

# Subject 183-1-4. RESERVED - ORDINARIES.

# Subject 183-1-5. RESERVED - POLL OFFICERS.

# Subject 183-1-6. REGISTRATION OF ELECTORS.

## Rule 183-1-6-.01. Acceptance of Voter Registration Applications.

(1) The board of registrars shall, as of the date received, date stamp all voter registration applications delivered by hand to the board or otherwise received when the application does not have a date stamp affixed by the Secretary of State or a postmark affixed by the United States Postal Service or when the postmark affixed by the United States Postal Service is illegible or bears no date. In any such instance, a voter registration application shall be deemed to have been made as of the date stamp affixed to such application by the board of registrars that receives such application and shall be processed in accordance with subsection (c) of O.C.G.A. Section 21-2-224.

(2) Any application of a person who is a resident of a county in this State that is delivered to the board of registrars of another county through mistake, inadvertence, neglect, or otherwise that does not have a date stamp affixed by the Secretary of State or a postmark

affixed by the United States Postal Service or when the postmark affixed by the United States Postal Service is illegible or bears no date shall be date stamped by the receiving board of registrars and shall be forwarded as soon as possible and, in any event, not later than seven days after receipt of the application to the correct board of registrars by the receiving county. In any such instance, a voter registration application shall be deemed to have been made as of the date stamp affixed to such application by the board of registrars that originally receives such application and shall be processed by the correct board of registrars in accordance with subsection (c) of O.C.G.A. Section 21-2-224.

**Cite as GA Regs. 183-1-6-.01**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-224.**
**History.** Original Rule entitled "Special Registration for New (30 day) Residents" was field on July 24, 1968; effective August 12, 1968.
**Amended:** Filed August 5, 1969; effective August 24, 1969.
**Amended:** Rule repealed and a new Rule entitled "Special 14-day Registration" adopted. Filed June 24, 1974; effective July 14, 1974.
**Amended:** Rule repealed. Filed October 20, 1975; effective November 9, 1975.
**Amended:** Emergency Rule 183-1-6-0.1-.01 entitled "Proper Identification for Registration" was filed and effective on May 20, 1982 to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency (Emergency Rule 183-1-6-0.1-.01 expired on September 13, 1983).
**Amended:** Rule entitled "Proper Identification for Registration" adopted. Filed March 29, 1983; effective April 18, 1983.
**Amended:** Rule repealed. Filed March 6, 1987; effective March 26, 1987.
**Amended:** New Rule entitled "Acceptance of Voter Registration Applications" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

## Rule 183-1-6-.02. Rules for Voter Registration by Private Entities.

(1) **Intent and Purpose.** These rules are promulgated pursuant to the authority granted to the State Election Board by Georgia Laws 1984, p. 1430, (O.C.G.A. Section 21-2-215(f)) and by Georgia Laws 1968, p. 862, (O.C.G.A. Section 21-2-31). It is the intent and purpose of the State Election Board to establish reasonable, necessary, and uniform rules and regulations to carry out the responsibilities of the State of Georgia with respect to the registration of voters in Georgia.

For the benefit and protection of those citizens who choose to entrust their completed voter registration applications to private entities and for the benefit and protection of the public and the fair administration of the electoral process, the State Election Board has promulgated these rules for voter registration by private entities. The State Election Board, within the parameters of the law, has taken care to make voter registration in Georgia as convenient and easy as practicable while retaining the necessary controls to prevent abuse of the system and fraud in the elective process. To this end, the State Election Board has promulgated these rules and regulations.

(2) **Definitions.** As used in this rule, unless otherwise noted, the term:

(a) "Close of registration" means the last day for the registration of voters in a primary or general election, as provided by law.

(b) "Private entity" means an individual who is not acting in an official capacity as a registrar or deputy registrar, or a non-governmental organization or other non-governmental entity that utilizes individuals other than registrars or deputy registrars to conduct voter registration programs.

(c) "Voter registration programs" means the distribution or collection of voter registration applications.

(3) **Acceptance of Mail Voter Registration Applications.**

(a) A voter registration application postmarked or received by the Secretary of State or a registrar or deputy registrar within the time frames provided by law for the registration of electors shall be processed without regard to whether such application was received by mail or otherwise, was submitted singularly or bundled with other voter registration applications, or was submitted by a private entity. No board of registrars shall reject or refuse to process a voter registration application solely on the basis of how or by whom it was submitted.

(b) Any mail voter registration application received from a private entity (other than from an individual delivering his or her own application to a state or local election official in person) shall be processed in the same manner as an application received by mail, regardless of the manner in which such application was actually delivered.

(c) Nothing in this rule shall be construed to prohibit or in any manner restrict the right of any board of registrars or other authority from investigating and addressing suspected instances of voter registration fraud or to challenge, examine, verify, or determine the validity of voter registration applications or the qualifications and eligibility of persons applying to register to vote.

(4) **Voter Registration Activities of Private Entities.** Nothing in this rule shall be construed to prevent private entities from conducting organized voter registration programs and assisting eligible citizens with voter registration as permitted by state or federal law, including the distribution, collection, and transmittal of mail voter registration applications to the appropriate board of registrars.

(5) **Instruction and Training of Private Entities.**

(a) Instruction and training for private entity voter registration activities pursuant to this rule shall be offered by the board of registrars. Training requests by private entities shall be made in writing to the board of registrars. The board of registrars shall respond in writing to such requests with a training confirmation, including the date, time, and location such training will take place.

(b) At a minimum, training shall be provided to each private entity who requests such training on:

1. How to complete the voter registration application designed, published, and distributed by the Secretary of State in accordance with O.C.G.A. Section 21-2-223;

2. The proper security of completed voter registration applications;

3. The time frames within which completed voter registration applications are required to be transmitted to the appropriate board of registrars;

4. The identification requirements to be included with completed voter registration applications;

5. The identification requirements for voting at polling places within the state and the requirements for persons who registered to vote for the first time by mail; and

6. The required and prohibited activities of private entities as set forth in paragraphs (6) and (7) of this rule.

(c) The Secretary of State may develop and provide to the boards of registrars manuals for this instruction. The Secretary of State may also make such manuals available to the public, including via electronic means on the Secretary of State's website. Until such time as the Secretary of State develops such manuals, boards of registrars shall utilize such materials as will meet the training requirements of this rule.

(6) **Required Activities.** While engaging in organized voter registration activity within this state, a private entity shall:

(a) Advise each applicant that such applicant has the option to return his or her voter registration application personally to the appropriate board of registrars or to the Secretary of State or to permit the private entity to return it on the applicant's behalf;

(b) Inform all applicants that they are not officially registered to vote until their eligibility has been determined by the appropriate board of registrars and that, if the applicant has not received notification of the disposition of the application within two weeks of submitting the application, the applicant should contact the appropriate board of registrars to determine if such applicant's eligibility has been determined and the applicant's name entered on the official list of electors;

(c) Inform all applicants that, if they are registering to vote for the first time in the jurisdiction by mail or through a private entity, they must present current and valid

identification either when registering to vote by mail or through a private entity or when voting for the first time after registering to vote by mail or through a private entity;

(d) Inform all applicants that they are required to:

(1) List their Georgia driver's license of Georgia state issued ID number if one has been issued;

(2) List the last four digits of their social security number if the applicants have not been issued a Georgia driver's license or Georgia state issued ID; and

(3) Indicate on the form if they do not have a Georgia driver's license, Georgia state issued ID, or social security number;

(7) **Prohibited Activities**

(a) Represent to any person that the private entity is a representative of the Secretary of State or a board of registrars authorized by law to receive voter registration applications in person;

(b) Make any statement to an applicant or take any action that the private entity knows or reasonably should know would discourage a qualified applicant from registering to vote;

(c) Refuse to accept and transmit a properly completed and contemporaneously dated voter registration application from any qualified individual;

(d) Be inebriated or otherwise impaired by drugs, alcohol, or other substances;

(e) Conduct voter registration activities at locations where the private entity knows that illegal or criminal activities are being conducted near the voter registration activities;

(f) Accept a completed registration application from the applicant unless such application has been sealed by the application, without a signed acknowledgement from the applicant that the applicant willingly and knowingly provided the unsealed application to the private entity;

(g) Copy a completed registration application without the express, written permission of the applicant;

(h) Conduct voter registration activities in places where the primary purpose of that place is the sale and consumption alcoholic beverages; and

(i) Tell applicants that they did not have to their Georgia driver's license or identification card number on the voter registration application if the applicant has been issued a Georgia driver's license or identification card.

(8) **Transmittal of Completed Voter Registration Applications.**

(a) A private entity shall promptly transmit all completed voter registration applications to the Secretary of State or the appropriate board of registrars within ten days after receiving the application or by the close of registration, whichever period is earlier. If a private entity receives a completed voter registration application fourteen days or less before the close of registration, the private entity should transmit the application to the Secretary of State or the appropriate board of registrars within seventy-two hours of the date of the execution of the application or by midnight on the close of registration, whichever period is earlier.

(b) Transmittal of completed voter registration applications may be accomplished by in-person delivery, mail, commercial courier, statutory overnight delivery, or any other form of delivery that is reasonably calculated to secure and ensure the confidential delivery and receipt of such applications by the Secretary of State or the appropriate board of registrars within three business days after transmittal and within the time frames required by these rules and regulations and state and federal law.

(c) With each transmittal of completed voter registration applications, a private entity should include a transmittal summary sheet which, at a minimum, provides the name of the submitting individual, the name of the private entity sponsoring the voter registration programs (if different than the submitting individual), the physical residence or business address of the submitting individual, the daytime and evening telephone numbers of the submitting individual, and the total number of applications being submitted. The Secretary of State may design and make available to private entities a model transmittal summary sheet containing the information requested in this subparagraph. The failure to include the transmittal summary sheet shall not by itself be grounds for rejecting the submitted applications. The private entity may enclose a postage-prepaid, self-addressed envelope, along with a copy of the completed transmittal summary sheet, if the private entity desires a date stamped receipt of the transmittal summary sheet from the board of registrars, in which case the board of registrars shall promptly acknowledge such receipt by returning a date stamped copy of the transmittal summary sheet to the private entity.

(9) **Confidentiality of Completed Voter Registration Applications.**

(a) A private entity shall keep all completed original voter registration applications in the possession of the private entity in a secure and confidential manner at all times until such applications are submitted to the Secretary of State or the appropriate board of registrars. Except as otherwise provided in this rule, a private entity shall

not disclose any such applications or information contained therein, except as specifically provided in these rules and regulations to any member of the public. A private entity may collaborate with another affiliated private entity in the securing of completed original voter registration applications that are received during the course of a jointly organized voter registration program.

(b) With the express, written consent of the applicant, a private entity may make archival copies of an applicant's original voter registration application and retain such archival copies for use in aiding the applicant with verifying the timely and proper receipt and processing of his/her application by the applicable board of registrars. A private entity may engage the services of a commercial copying or document management service to make such archival copies provided that the company agrees to maintain the confidentiality and security of the original applications and any copies of the applications in the same manner as is required by private entities pursuant this rule.

(c) A private entity shall keep any such archival copies in a secure and confidential manner at all times and shall not disclose any such archival copies to any member of the public; provided, however, that a private entity may disclose such archival copies to another affiliated private entity as necessary for use in aiding the applicant with verifying the timely and proper receipt and processing of his/her application by the applicable board of registrars. Archival copies of completed voter registration applications must be discarded by the private entity not later than 90 days following the transmittal of the completed voter registration application to the Secretary of State or board of registrars. Whenever such archival copies are discarded by the private entity, they must be discarded in the manner contemplated by O.C.G.A. § 10-15-2 for the destruction by businesses of records containing personal information.

(d) A private entity may create and keep a separate record of any information contained on the applicant's voter registration application that could otherwise be made available for public inspection pursuant to O.C.G.A. § 21-2-225(b)if collected and maintained by the Secretary of State on the official list of electors. No such information may be used by the private entity or any other person for commercial purposes. Whenever such information is discarded by the private entity, it must be discarded in the manner contemplated by O.C.G.A. § 10-15-2 for the destruction by businesses of records containing personal information.

**Cite as GA Regs. 183-1-6-.02**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Duplicate Voting, Procedure for Checking" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended**: F. Aug. 5, 1969; eff. Aug. 24, 1969.
**Amended**: F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Amended:** New Rule entitled "Rules for Voter Registration by Private Entities" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-6-.03. Rules and Regulations for Voter Registration by Registrars and Deputy Registrars.

(1) **Intent and Purpose**.

(a) These rules are promulgated pursuant to the authority granted the State Election Board by Georgia Laws 1984, p. 1430, (O.C.G.A. Section 21-2-215(f)) and by Georgia Laws 1968, p. 862, (O.C.G.A. Section 21-2-31). It is the intent of the State Election Board to increase the level of participation in the elective process in the State of Georgia by encouraging the registration of voters within the State. It is the intent and purpose of the State Election Board, within the parameters of the law, to make voter registration in Georgia as convenient and as easy as practicable while retaining the necessary controls to prevent abuse of the system and fraud in the elective process. To this end, the State Election Board has promulgated these rules and regulations.

(b) Nothing in this rule shall be construed to prohibit any voter registration activity that is permitted pursuant to the National Voter Registration Act of 1993, 42 U.S.C. §§ 1973 gg *et seq.*, or any other federal or state law or regulation.

(c) Rules and regulations governing voter registration by private entities are provided in a separately numbered rule within this Chapter.

(2) **Criteria for Appointment of Deputy Registrars**. The board of registrars in each county may appoint deputy registrars to aid them in the discharge of their duties. The number of deputy registrars appointed to serve shall be determined by the board of registrars.

(a) Deputy registrars appointed by each county board of registrars shall meet the following qualifications:

1. be a registered voter in the State of Georgia;

2. be able to read, write and speak the English language;

3. have legible handwriting unless the voter registration applications are to be completed by typewriter or electronic means;

4. satisfactorily complete such training as shall be required by the board of registrars;

5. not have been convicted of a felony or of any crime involving fraud or moral turpitude;

6. not be a candidate for nomination or election to any office except as allowed by O.C.G.A. § 21-2-214; and

7. not have been removed as a deputy registrar for improper conduct in the performance of the duties of deputy registrar.

(b) Deputy registrars shall not engage in political activity on behalf of a candidate, political party or body, or question while actually conducting the duties of their office. While conducting the duties of their office, each person serving as a deputy registrar shall wear a badge or display identification which shall state no more than the person's name and the fact that the person is a deputy registrar of the county. There shall be available for inspection, upon request to verify the authority of the persons involved, the names of the authorized deputy registrars serving at the site.

(c) The following activities shall subject a deputy registrar to immediate revocation of appointment as a deputy registrar:

1. registering voters at unapproved sites, times, and hours, including door to door registration;

2. intoxication while on duty;

3. falsification of registration records;

4. improper handling of registration applications;

5. engaging in any communication, wearing badges, buttons, or clothing that advocates or criticizes a particular candidate, office holder, political party or body, or ballot question while on duty, such as making verbal statements and distributing campaign literature. However, deputy registrars shall identify themselves as deputy registrars of the county by wearing the badges or displaying the identification described in paragraph (b) above; and

6. failure to appear or remain at the deputy registrar's assigned site at or during the assigned hours without adequate notice to the board of registrars or without a proper replacement.

(3) **Criteria for Establishment of Additional Voter Registration Places:**

(a) The Board of Registrars, in addition to its main office, may designate other fixed places throughout the county as would be reasonably necessary to receive applications for registration and for the registration of electors.

(b) Such additional registration places shall be located in facilities which are open to and frequented by the general public. No place shall be used as an additional registration place unless the general public is freely admitted without regard to race, color, creed, religion, gender, or national origin.

(c) Churches which are open to all persons and which are, in fact, attended for any purpose by persons who are not members of the church shall be considered to be open to and frequented by the general public.

(d) The offices or facilities of community, civic, service, social, civil rights, patriotic, fraternal, and labor organizations shall be considered to be open to and frequented by the general public if non members of the organization in fact attend various activities sponsored by the organization at its offices and facilities and such offices or facilities are open to all persons. However, offices or facilities of political parties, political bodies or candidates shall not be used as additional voter registration places.

(e) The fact that a facility is used primarily or exclusively by the general public of one race or ethnic group or socioeconomic group shall not, for that reason alone, bar its designation as a registration place.

(f) When employers or business owners request the use of their place of business as a registration place, registration shall be conducted only in that part of the place of business which is open to the general public. Such part of the place of business shall be considered to be open to and frequented by the general public if it is an area which is maintained for use by the general public and is known to serve the general public for the purpose of conducting business or engaging in other transactions with the business.

(g) Organizations, employers, offices, and businesses that register voters at their facilities shall not limit registration to their members, employees, or customers, but must register any qualified applicant.

(h) Registration of voters shall be prohibited in places where alcoholic beverages are sold and consumed on the same premises.

(i) No registration of voters shall take place where criminal activities are permitted to occur.

(j) Registration places may be established on a temporary or permanent basis. Permanent places are those which operate on a fixed schedule for an indefinite period of time. Temporary places are those which operate on a temporary schedule and, among other things, may be used in voter registration drives.

1. The deputy registrars appointed by the board of registrars who staff registration places may be unpaid volunteers, employees of the board of registrars, or employees of government offices or of private businesses.

(k) Persons acting as individuals or as representatives of organizations and businesses may request the establishment of additional voter registration places. The board of registrars shall consider such requests.

1. If the request is approved, the board of registrars shall make provisions for having a deputy registrar who has been appointed by the board of registrars available at the additional voter registration places at all times which have been designated by the board of registrars and which have been precleared by the United States Department of Justice for the purpose of voter registration. The board of registrars shall inform such persons that registration may be conducted only at such times as are designated by the board of registrars, precleared by the United States Department of Justice, and advertised as required by law.

(l) The board of registrars shall retain the ultimate responsibility for the submission of additional registration places, dates, and times to the United States Department of Justice for preclearance pursuant to the Voting Rights Act of 1965 and for the advertising of registration places as required by law. The board of registrars shall also retain the ultimate responsibility for the appointment and training of deputy registrars, the proper conduct of voter registration, and the security of completed registration applications; but the board of registrars may use deputy registrars to assist them in carrying out these duties.

(m) The board of registrars shall instruct deputy registrars in the law and procedure for registration prior to the administration of the oath of office to the deputy registrars. Such training shall include the duties and obligations of deputy registrars, the proper completion of registration applications, the proper security of registration applications, the protection of the integrity of the registration process, and the taking of oaths of registrants and the procedures for appeal upon rejection of the applications for registration.

(n) The Secretary of State shall provide the board of registrars of each county manuals for the use of deputy registrars which include simple instructions on the rules and procedures for the proper conduct of voter registration. The form and content of these manuals shall be determined by the Secretary of State. The board of registrars shall provide each deputy registrar with a copy of the manual.

(o) In order to ensure that the same degree of supervision and security provided at the main office of the board of registrars to prevent voter registration irregularities is maintained for the additional voter registration places, the following rules shall apply:

1. Except as provided in this rule, completed registration applications may be maintained by registrars and deputy registrars only:

   (i) at the additional voter registration place during the hours of operation;

   (ii) in transit to the main office of the board of registrars;

   (iii) at the main office of the board of registrars;

   (iv) at permanent additional voter registration places overnight but not beyond the end of the next business day; and

   (v) at sites mandated as voter registration sites under O.C.G.A. § 21-2-221 and 21-2-222 but not longer than the time permitted under those Code sections.

2. Notwithstanding any provision of this rule to the contrary, a valid registration application that is timely received by the Secretary of State or the registrars shall be accepted.

(p) The board of registrars should identify and establish additional voter registration places where the public congregates for commerce, recreation, worship, education, employment, and other such purposes which are most likely to facilitate registration and suit the convenience of the general public throughout the county. These places should be open at hours to suit the convenience of the general public including times other than the regular hours of the main office of the board of registrars.

(q) Wherever practicable, the Board of Registrars should fully utilize federal, state, county, and municipal offices located within the county which are open during regular business hours and other hours for the purpose of taking voter registration applications.

(r) All additional voter registration sites which are staffed by volunteer deputy registrars shall have prominently displayed a sign, placard, or banner which shall state that voter registration at that location is being conducted under the authority of the Board of Registrars of the county or, in counties in which the duties of the Board of Registrars are performed by Boards of Election, the county Board of Elections. If the volunteer deputy registrars are provided by an organization, club, or other group, the sign, placard, or banner may also identify the organization, club, or group providing the volunteer deputy registrars. The language contained on the sign, placard, or banner shall conform substantially to the following: "Voter registration at this location is being conducted under the authority of the Board of

(Registrars or Elections) of_____County. The volunteer deputy registrars at this location are provided by _____."

**Cite as GA Regs. 183-1-6-.03**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-218.**
**History.** Original Rule entitled "Rules and Regulations for Voter Registration" adopted. F. Jan. 22, 1985; eff. Feb. 11, 1985.
**Amended:** F. Jan. 21, 1988; eff. Feb. 10, 1988.
**Amended:** F. Apr. 10, 1989; eff. Apr. 30, 1989.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Amended:** F. Dec. 28, 2005; eff. Jan. 17, 2006.
**Amended:** F. May 30, 2006; eff. June 19, 2006.
**Repealed:** New Rule entitled "Rules and Regulations for Voter Registration by Registrars and Deputy Registrars" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

## Rule 183-1-6-.04. Accessibility for Elderly and Handicapped Voters.

(1) **Preamble.** In order to implement the provisions of the Voting Accessibility for the Elderly and Handicapped Act ( P.L. 98-435 ), the State Election Board promulgates the following rules and regulations.

(2) **Definitions.** As used in this Rule, the terms:

(a) "Accessible" shall mean that a facility has a continuous unobstructed path connecting the parking area and the area within the facility which is being used for voting or voter registration, whichever the case may be, which complies with the relevant provisions of Sections 3 and 4 of American National Standards Institute specifications A117.1-1980 for making buildings and facilities accessible to and usable by physically disabled individuals.

(b) "Disabled" shall mean a temporary or permanent physical disability.

(c) "Elderly" shall mean persons 65 years of age or older.

(d) "Polling place" means the room provided in each precinct for voting at a primary or election.

(e) "Registration place" shall mean any place, either temporary or permanent, designated by the registrars of a county or municipality as a place to be used for voter registration.

(3) **Polling Places.** All polling places in the State of Georgia shall be accessible to disabled and elderly electors.

(4) **Reserved.**

(5) **Implementation.**

(a) **Polling Places.** The election superintendent of each county and municipality shall conduct, or cause to be conducted, an on-site inspection of each polling place located within the county or municipality to determine if the polling place is accessible. This inspection shall be reported to the Secretary of State on forms prepared by the Secretary of State at such times as the Secretary of State shall prescribe. Any polling place found not to be accessible shall either be made accessible prior to its use in a primary or election or shall not be used as a polling place.

(6) **Waivers.** No waiver shall be granted for polling places which are not accessible.

(7) **Printed Instructions.** The Secretary of State shall provide instructions for use by election superintendents at polling places and registrars at voter registration places, printed in large type, to assist visually and hearing impaired electors in voting and registering to vote.

(8) **Notice and Advertisement.**

(a) Each election superintendent shall mark or cause to be marked in a prominent manner the accessible path for elderly and disabled voters at all polling places.

(b) The display of the international disabled access symbol shall be sufficient marking of a polling place if the symbol is of a size and is located such that it can easily be seen by the public and if the accessible path from the parking area to the polling place is the same as the path used by non-disabled persons.

(c) Election superintendents shall take reasonable steps to inform disabled and elderly electors of the availability of accessible polling places.

(9) Voting Aids. The election superintendent of each county and municipality shall provide at least one magnifying glass at each polling place during each primary and election for use by visually impaired electors.

(10) If the voting equipment is not accessible to a disabled voter, the disabled voter shall be permitted to use a paper ballot.

(11) **Enforcement.**

(a) Election superintendents and boards of registrars shall investigate all complaints concerning accessibility to polling places and voter registration places and shall take such corrective action as may be necessary to ensure compliance with these rules concerning accessibility.

(b) Election superintendents and boards of registrars shall report in writing to the State Election Board through the Secretary of State all complaints concerning

accessibility, the results of the investigation of the complaints, and any corrective actions taken.

(c) The State Election Board may, in its discretion, investigate these complaints further and take such actions as it deems appropriate to ensure that these rules concerning accessibility are implemented and effectuated.

**Cite as GA Regs. 183-1-6-.04**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Accessibility for Elderly and Handicapped Voters" adopted. F. Aug. 1, 1986; eff. Aug. 21, 1986.
**Amended:** F. Sept. 18, 1986; eff. Oct. 8, 1986.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-1-6-.05. Registration of Persons by College Presidents or Their Designees.

(1) **Authority.** The president of each public or private college or university located in the State of Georgia is authorized to register to vote all qualified students, staff, and faculty at the college or university. For students domiciled in the State of Georgia, the college or university president or designee of the president shall be a deputy registrar on behalf of all boards of registration in the State of Georgia for the purpose of taking applications for voter registration for these students. For staff and faculty domiciled in the county in which the college or university is located, each college or university president or designee of the president shall be a deputy registrar of the county in which the college or university is located for the purpose of taking applications for voter registration for those faculty and staff members.

(2) **Designees.** Each college or university president is authorized to designate such persons as the college or university president deems appropriate for the purpose of aiding the college or university president in the exercise of the president's voter registration duties. It shall not be necessary for any person so designated to be a resident of the county in which the college or university is located. However, each person so designated shall be a registered voter in the State of Georgia and shall take an oath as a deputy registrar. The designation shall be in writing and shall be forwarded by the college or university president to the chief registrar of the county in which the college or university is located. Registration applications completed by persons who are not designated in writing to the chief registrar by the college or university president to register persons on behalf of the college or university president shall be rejected.

(3) **Training.** Each person designated by a college or university president to register voters on behalf of the president shall immediately contact the chief registrar of the county in which the college or university is located to undergo such training board of registrars of

the county ordinarily provides for deputy registrars. Such training shall be completed prior to the individual taking any application for voter registration.

(4) **Registration Applications.** The board of registrars in each county in which a college or university is located shall provide to the college or university president a sufficient number of registration applications for use in registering qualified students, staff, and faculty at the college or university.

(5) **Security.** Any person designated by a college or university president to take voter registration applications on behalf of the college or university president shall also take such steps as are necessary to provide appropriate and adequate security for the registration applications which are placed in that person's possession. Completed voter registration applications shall be returned to the board of registrars in the county in which the college or university is located as soon as possible, but, in no event, later than the next business day.

(6) **Voter Registration Places.** Each place utilized for the collection and receipt of applications for voter registration by the college or university president or designee of the president shall be precleared under Section 5 of the Voting Rights Act of 1965 ( 42 U.S.C. Section 1973 c). The board of registrars of the county in which the college or university is located shall be responsible for obtaining this preclearance. No registration shall be conducted at locations which have not been precleared. Door-to-door registration is prohibited.

(7) **Receipt of Completed Applications.** Upon the receipt of completed voter registration applications from a college or university, the board of registrars of the county in which the college or university is located shall retain those applications completed by individuals who are domiciled in the county in which the college or university is located and shall forward the remainder of the applications completed by individuals domiciled in other counties directly to the appropriate county registration offices.

(8) **Limitations on Presidents and Their Designees.** College and university presidents and their designees are limited to registering only those qualified students, staff and faculty at the college and university and may not register any other individuals.

**Cite as GA Regs. 183-1-6-.05**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Registration of Persons by College Presidents or Their Designees" adopted. F. Feb. 17, 1992; eff. Mar. 8, 1992.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-1-6-.06. Verification of United States Citizenship of Applicants for Voter Registration.

(1) On and after January 1, 2010, an application for registration to vote shall be accompanied by satisfactory evidence of United States citizenship.

(2) Satisfactory evidence of citizenship shall include any of the following:

(a) Verified Georgia Driver's License Number or Identification Card Number or Out of State Driver's License or Identification Card.

1. An applicant may provide as satisfactory evidence of citizenship, the number of the applicant's driver's license or identification card issued by the Georgia Department of Driver Services, upon verification by the Secretary of State that the applicant has provided satisfactory evidence of United States citizenship to the Georgia Department of Driver Services.

2. An applicant may provide as satisfactory evidence of citizenship, the applicant's driver's license or identification card, or legible photocopy thereof, issued by a state driver's license agency of another state equivalent to the Georgia Department of Driver Services, or a legible photocopy thereof, if such agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to such agency.

(b) Birth Certificate.

1. An applicant's birth certificate, or a legible photocopy thereof, is satisfactory evidence of citizenship so long as the birth certificate shows that the applicant was born within the United States. In the event that the birth certificate contains a different first, middle, or last name from the name contained on the application for registration, the board of registrars shall require additional supporting legal documentation to establish that the applicant is the same individual as the individual identified on the birth certificate, including but not limited to a marriage certificate or court order confirming change of name.

2. A Certificate of Birth Abroad, or legible photocopy thereof, obtained by a United States citizen when such individual registers with the Department of State in the event such individual is born abroad in a non-military installation, shall be accepted and treated as a birth certificate.

(c) United States Passport.

1. An applicant's United States passport, or a legible photocopy of pages of the applicant's United States passport which contain the passport number, name, nationality, date of birth, place of birth, and signature, shall serve as satisfactory evidence of citizenship.

(d) United States Naturalization Documents or Verified Alien Registration Number.

1. An applicant may provide the board of registrars with the applicant's United States Certificate of Naturalization issued by the United States Citizenship and Immigration Services.

    (i) Registrars and deputy registrars who attend naturalization ceremonies may assist new citizens in registering to vote. In such event, the registrar or deputy registrar shall examine the applicant's United State Certificate of Naturalization and initial and date the application for registration. If applicants from outside the county apply at the ceremony, the registrar or deputy registrar conducting the voter registration activities shall bundle the registrations by county and send them to the appropriate county board of registrars with an official cover letter stating that all naturalization documents were verified by the registrar or deputy registrar. A county that receives applications in this manner shall accept the applications without requiring further evidence of citizenship from the applicant.

2. If only the alien registration number from naturalization documents is provided for citizenship purposes, the applicant shall not be found eligible to vote until the applicant's alien registration number is verified with the United States Citizenship and Immigration Services by the Secretary of State utilizing the Systematic Alien Verification for Entitlements program.

(e) Documents or methods of proof that are established pursuant to the federal Immigration Reform and Control Act of 1986 ( P. L. 99-603 ).

(f) Bureau of Indian Affairs Card Number, Tribal Treaty Card Number, or Tribal Enrollment Number.

(g) Other Documents and Methods of Proof.

1. Applicants who do not have any of the documents enumerated in subparagraphs (g)(2)(A) through (F) of O.C.G.A. Section 21-2-216 and who are residents of this State and United States citizens may provide any of the following as satisfactory evidence of United States citizenship:

    (i) Certificate of Citizenship issued by the United States Immigration and Naturalization Service;

    (ii) Consular Report of Birth Abroad of a Citizen of the United States of America;

    (iii) Certification of Report of Birth issued by the United States Department of State;

(iv) United States Citizen Identification card;

(v) American Indian Card issued by the United States Department of Homeland Security with the classification code "KIC";

(vi) Final adoption decree showing the applicant's name and United States birthplace;

(vii) Evidence of the applicant's civil service employment by the United States government before June 1976;

(viii) An official United States military record of service showing a United States place of birth;

(ix) A Northern Mariana Identification Card issued by the United States Immigration and Naturalization Service; or

(x) Extract of United States hospital record of birth created at the time of the person's birth indicating a United States place of birth.

2. If the applicant cannot obtain any of the documents described in subparagraphs (g)(2)(A) through (F) of O.C.G.A. Section 21-2-216 and (g)1. above, the applicant may request a hearing for the board of registrars to review other evidence of the applicant's United States citizenship. The board of registrars shall schedule a hearing to review such evidence provided by applicants at least once per month and on the last day to verify provisional ballots for any election pursuant to O.C.G.A. Section 21-2-419. The hearing shall be conducted as follows:

(i) The board of registrars shall give the applicant at least three days' written notice of the date, time, and place of the hearing. Where a person casts a provisional ballot in a primary or election because the applicant had not supplied satisfactory evidence of United States citizenship but the application had not been rejected by the board of registrars, notice of the date, time, and place of the hearing must be provided at the polling place, which hearing shall be held on the last day to verify provisional ballots for any primary or election pursuant to O.C.G.A. Section 21-2-419.

(ii) The applicant may, but need not, be present during the hearing.

(iii) The board of registrars shall determine whether the evidence provided by the applicant is satisfactory evidence of the applicant's United State s citizenship. In making such a determination, the

board of registrars shall consider the totality of the evidence presented.

(iv) If created at least 5 years before the application for registration and showing a United States place of birth, the following documents may be considered by the board of registrars in determining whether an applicant has provided satisfactory evidence of United States citizenship:

(I) Life or health or other insurance record;

(II) Federal or state census record;

(III) Institutional admission papers from a nursing home, skilled nursing care facility or other institution;

(IV) Medical (clinical, doctor, or hospital) record;

(V) Seneca Indian tribal census record;

(VI) Bureau of Indian Affairs tribal census records of the Navajo Indians;

(VII) United States State Vital Statistics official notification of birth registration;

(VIII) Amended or delayed United States public birth record amended more than 5 years after the person's birth;

(IX) Statement signed by the birth physician or midwife who was in attendance at the time of birth; or

(X) If other forms of documentation cannot be obtained, documentation may be provided at the hearing by written affidavit, signed under penalty of perjury, from two citizens, one of whom cannot be related to the person in question, who have specific knowledge of event(s) establishing the applicant's United States citizenship status. The applicant or another knowledgeable individual must also submit an affidavit stating why the documents are not available. Such affidavits are only expected to be used in rare circumstances.

3. The board of registrars may accept legible copies of documents bearing on United States citizenship received via United States Mail, facsimile, electronic mail, personal delivery, or other means.

4. Having a Social Security card or being a member of the United States military is not, in and of itself, sufficient evidence that an individual is a United States citizen.

(3) If an application for registration is completed in person at the board of registrars' office or other registration place and the applicant provides satisfactory evidence of citizenship at that time, the registrar or deputy registrar shall indicate on the voter registration application:

(a) That the person provided satisfactory evidence of citizenship,

(b) The type of evidence of citizenship provided, and

(c) The initials of the registrar or deputy registrar who made the verification.

(4) If an applicant fails to supply satisfactory evidence of citizenship with the application for registration, the board of registrars shall, within 10 days of receipt of the application, notify the applicant of the failure to present satisfactory evidence of United States citizenship as follows:

(a) The board of registrars shall send the notice by nonforwardable, first-class mail to the mailing address listed on the application and shall inform the applicant of the missing information and that the application will be rejected if satisfactory evidence of United States citizenship is not provided to the board of registrars within 30 days following the sending of the notice.

(b) If the applicant does not provide satisfactory evidence of United States citizenship to the board of registrars within 30 days of the sending of the notice, the board of registrars shall reject the application and shall immediately notify the applicant of the rejection in writing by nonforwardable, first-class mail at the mailing address listed on the application.

(c) If the initial application is received prior to the close of voter registration prior to a primary or election and the primary or election occurs within 30 days following the sending of the notice, the applicant may supply satisfactory evidence of United States citizenship on or prior to the date of the election. If the applicant supplies satisfactory evidence of United States citizenship and is found eligible to vote, the applicant shall be added to the list of electors and shall be permitted to vote in the election and any run-off elections resulting therefrom and subsequent elections.

(5) The board of registrars shall not determine the eligibility of an applicant unless and until satisfactory evidence of United States citizenship is supplied by the applicant.

(6) United States citizenship question on application for registration.

(a) Regardless of whether an applicant provides satisfactory evidence of United States citizenship, if such applicant fails to answer the question on the application for registration asking,"Are you a citizen of the United States of America?", the registration shall be considered incomplete until the board of registrars obtains a completed application. The registrar shall return a copy of the application by letter sent by nonforwardable, first-class mail and request that the applicant complete the question by answering "Yes" or "No" to the question regarding United States citizenship. For the purpose of voter registration, an appropriate indicator includes marking a check mark in the box, placing "X" in the box, circling the box, shading the box, or any other method involving the "Yes" box that indicates the applicant is a citizen of the United States.

(b) If the citizenship box is marked "No", the board of registrars shall reject the application and shall immediately notify the applicant of the rejection in writing by nonforwardable, first-class mail at the mailing address listed on the application.

**Cite as GA Regs. 183-1-6-.06**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-216, 21-2-226.**
**History.** Original Rule entitled "Verification of United States Citizenship of Applicants for Voter Registration" adopted. F. Dec. 15, 2009; eff. Jan. 4, 2010.

## Subject 183-1-7. ELECTION DISTRICTS AND POLLING PLACES.

### Rule 183-1-7-.01. Precincts, Changes in Boundaries, Notification of Electors.

When the boundary lines of a precinct are altered, all affected electors shall be notified of the change at least thirty (30) days before the next primary or election. Such notice shall be in writing and mailed to the last known address of the elector by the Registrar or the Election Board.

**Cite as GA Regs. 183-1-7-.01**
**Authority: O.C.G.A. Sec. 21-2-31(a)(2).**
**History.** Original Rule was filed on July 24, 1968; effective August 12, 1968.
**Amended:** Filed June 24, 1974; effective July 14, 1974.
**Amended:** Rule repealed and a new Rule entitled "Precincts, Changes in Boundaries, Notification of Electors" adopted. Filed March 6, 1987; effective March 26, 1987.

## Subject 183-1-8. DATES OF PRIMARIES AND ELECTIONS.

### Rule 183-1-8-.01. Calls for Primaries and Elections.

All calls for primaries and elections shall bear the date of first publication in a newspaper of the notice of such call, and all computations of time as required by the Georgia Election Code shall be based upon such date. This provision shall not alter in any manner the publication requirements relative to notice as set forth in said Code.

**Cite as GA Regs. 183-1-8-.01**
**Authority: Georgia Election Code 1964 as amended.**
**History.** Original Rule was filed on June 24, 1974; effective July 14, 1974.

## Subject 183-1-9. RESERVED - POLITICAL PARTIES AND BODIES.

## Subject 183-1-10. NOMINATION OF CANDIDATES.

### Rule 183-1-10-.01. Qualification of Candidates for Office; Time Period During Which Bank, Credit Union, or Other Financial Institution May Certify Error in Returning Check.

(1) In the event a candidate for federal or state office pays his or her qualifying fee with a check that is subsequently returned for insufficient funds, the Secretary of State shall automatically find that such candidate has not met the qualifications for holding the office being sought. A written certification from the bank, credit union, or other financial institution returning the check that it erred in returning the check will prevent such an automatic finding so long as the certification is received by the Secretary of State within two weeks after the deadline for qualifying.

(2) In the event a candidate for county or municipal office pays his or her qualifying fee with a check that is subsequently returned for insufficient funds, the superintendent shall automatically find that such candidate has not met the qualifications for holding the office being sought. A written certification from the bank, credit union, or other financial institution returning the check that it erred in returning the check will prevent such an automatic finding so long as the certification is received by the superintendent within two weeks after the deadline for qualifying.

**Cite as GA Regs. 183-1-10-.01**
**Authority: O.C.G.A. Secs. 21-2-5, 21-2-6, 21-2-31.**
**History.** Original Rule entitled "Qualification of Candidates for Office; Time Period During Which Bank, Credit Union, or Other Financial Institution May Certify Error in Returning Check" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

## Subject 183-1-11. BALLOTS.

### Rule 183-1-11-.01. Ballot Secrecy.

Each Superintendent of Elections shall ensure that handicapped persons casting their vote at the polls are able to do so in private by providing such facilities and equipment as necessary to maintain the secrecy of the ballot.

**Cite as GA Regs. 183-1-11-.01**
**Authority: O.C.G.A. Secs. 21-2-218, 21-2-31.**
**History.** Original Rule entitled "Ballot Secrecy" adopted. F. Nov. 14, 1986; eff. Dec. 4, 1986.

## Rule 183-1-11-.02. Apperance of Candidate's Name on Ballot.

(1) A candidate's name on the ballot shall include the candidate's last name shown on the candidate's voter registration records and at least one of: (1) the first name shown on the candidate's voter registration records or corresponding initial, (2) the middle name shown on the candidate's voter registration records or corresponding initial, (3) an abbreviated name by which the candidate is commonly known in the community, or (4) a nickname by which the candidate is commonly known in the community. Any nickname is subject to Section (2) of this rule.

(2) A candidate's name may include a nickname by which the candidate is commonly known in the community but shall not contain any spurious phrases, title or degree designating the business, fraternal, religious, or professional affiliation of the candidate, or political slogan or message. A title or degree includes, but is not limited to, military or professional title or rank, or references such as "Dr.","Rev.","Judge", "Mr.","Ms.","Mrs.", or "Miss". A determination as to whether a nickname violates this Rule lies within the sound discretion of the Secretary of State or election superintendent, as appropriate.

(3) The total number of spaces, inclusive of letters, spaces, and punctuation, which may be utilized on the ballot for a candidate's name and, if any, nickname, shall be twenty-five (25). Notwithstanding the listing of the candidate's name on the filing papers, spaces, periods, quotation marks, and commas necessary for proper punctuation shall be added by the Secretary of State or the election superintendent, as appropriate. No candidate's name shall exceed twenty-five (25) spaces. The Secretary of State or the election superintendent, as appropriate, shall determine the correct listing for any candidate whose name exceeds twenty-five (25) spaces to conform to this requirement.

(4) A determination as to whether the candidate's requested name on the ballot complies with this Rule shall be within the discretion of the Secretary of State or election superintendent, as appropriate. Upon a determination that the requested name does not comply with this Rule, the Secretary of State or election superintendent, as appropriate shall modify the candidate's name on the ballot so that it complies with this Rule.

**Cite as GA Regs. 183-1-11-.02**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-132, 21-2-284, 21-2-284.1, 21-2-285, 21-2-285.1, 21-2-287, 21-2-325.**
**History.** Original Rule entitled "Appearance of Candidate's Name on Ballot" adopted. F. Mar. 3, 2010; eff. Mar. 23, 2010.

**Amended:** F. Nov. 10, 2014; eff. Nov. 30, 2014.

## Subject 183-1-12. PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS.

### Rule 183-1-12-.01. Conduct of Elections.

Beginning with the 2020 Presidential Preference Primary, all federal, state, and county general primaries and elections, special primaries and elections, and referendums in the State of Georgia shall be conducted via an Optical Scanning Voting System as defined by O.C.G.A. 21-2-1(19.1). Voting at the polls, including both Election Day and absentee-in-person voting shall be conducted via ballots marked by electronic ballot markers and tabulated by ballot scanners. The electronic ballot markers and ballot scanners shall be supplied by the Secretary of State or purchased by the counties with the authorization of the Secretary of State. Absentee-by-mail voting shall also be conducted through the use of an optical scanning voting system.

The Superintendent shall cause every polling place and advance voting location to have a sufficient number of blank paper ballots that can be marked by pen available for use in the event of emergency. The election superintendent shall also be prepared to resupply polling places with emergency paper ballots in needed ballot styles in a timely manner while voting is occurring so that polling places do not run out of emergency paper ballots.

**Cite as GA Regs. 183-1-12-.01**
**Authority: O.C.G.A. §§ 21-2-1, 21-2-31.**
**History.** Original Rule entitled "Voting Machines" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Repealed:** New Rule entitled "Conduct of Elections" adopted. F. Aug. 30, 2002; eff. Sept. 19, 2002.
**Amended:** F. Oct. 24, 2003; eff. Nov. 13, 2003.
**Repealed:** New Rule of same title adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

### Rule 183-1-12-.02. Definitions.

(1) As used in this rule, the term:

(a) "Ballot" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(b) "Ballot scanner" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(c) "Ballot Style" shall mean the specific offices, candidates, and questions displayed on an electronic ballot marker or paper ballot for voters according to their assigned precinct.

(d) "Electronic ballot marker" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(e) "Election management system" is an electronic system that contains databases for elections, allows for the creation of ballots, generates ballot scanner memory

cards, and computes tabulated results, amongst performing other election functions.

(f) "Electronic poll book" shall mean an electronic device that contains a list registered voters with sufficient information to look up voters, check them in, and encode voter access cards that bring up the correct ballot on an electronic ballot marker.

(g) "Election Superintendent" or "superintendent" means a county board of elections and registrations, a county board of elections, a judge of the probate court, or an elections supervisor or director so designated by a county board or judge of the probate court. For municipal elections, the term shall include the municipal counterparts set forth in O.C.G.A. § 21-2-2.

(h) "Enclosed space" shall mean that area within a polling place enclosed with a guardrail or barrier closing the inner portion of such area so that only such persons as are inside such guardrail or barrier can approach within six feet of the ballot box, voting compartments, voting booths, voting machines, electronic ballot markers, or ballot scanners.

(i) "Opening of the Polls" shall mean the commencement of voting in a particular primary, election, or runoff. Opening of the polls does not refer to the unlocking or opening of the doors of the polling place. Similarly, the term "Closing of the Polls" shall mean the cessation of voting in a particular primary, election, or runoff and not the locking or closing of the doors of the polling place.

(j) "Poll officer" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(k) "Polling place" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(l) "Precinct" shall have the meaning set forth in O.C.G.A. § 21-2-2.

(m) "Voter Access Card" shall mean the electronic card issued to a voter which is inserted into an electronic ballot marker to bring up the voter's correct ballot.

(n) "Zero Tape" shall mean a tape printed out by a ballot scanner unit which shows that no votes have been tabulated by the scanner for that election.

(o) "Voting system" or "voting system components" shall include electronic ballot markers, printers, ballot scanners, election management systems, electronic poll books, and voter access cards.

**Cite as GA Regs. 183-1-12-.02**
**Authority: O.C.G.A. §§ 21-2-2, 21-2-31.**
**History.** Original Rule entitled "Vote Recorders" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Repealed:** New Rule entitled "Direct Recording Electronic Voting Equipment" adopted. F. Aug. 30, 2002; eff. Sept. 19, 2002.

**Amended:** F. Oct. 24, 2003; eff. Nov. 13, 2003.
**Amended:** F. May 11, 2004; eff. May 31, 2004.
**Amended:** ER. 183-1-12-0.4-.02 adopted. F. Sept. 10, 2004; eff. Sept. 9, 2004, the date of adoption.
**Amended:** F. Dec. 28, 2005; eff. Jan. 17, 2006.
**Repealed:** New Rule of same title adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.
**Repealed:** New Rule of same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.
**Repealed:** New Rule entitled "Definitions" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.03. Acceptance Testing.

(1) Acceptance tests. Upon the receipt of new, repaired, or upgraded components of the voting system, including electronic ballot markers (which consists of both a touchscreen and a printer), ballot scanners, electronic poll books, and election management systems, the election superintendent of the county is responsible to check that an acceptance test has been performed on the device in accordance with standards issued by the Secretary of State. No component of the voting system shall be placed into service until such time as the unit satisfactorily passes the prescribed acceptance tests.

**Cite as GA Regs. 183-1-12-.03**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Tabulating Center Personnel, Trained and Certified" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Repealed:** New Rule entitled "Acceptance Testing" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.04. Storage, Maintenance, and Transport of Statewide Voting System Components.

1. The election superintendent of the county shall maintain all components of the voting system (including electronic ballot markers, ballot scanners, electronic poll books, and election management systems) in accordance with the requirements of this rule, the directives of the Secretary of State, and the specifications and requirements of the manufacturer.

2. All electronic components of the voting system shall be stored in a climate controlled space in which the temperature and humidity levels are maintained at acceptable levels year-round which shall not be lower than 0 degrees Celsius (32 degrees Fahrenheit) nor higher than 40 degrees Celsius (104 degrees Fahrenheit) and not lower than 20 percent relative humidity and not higher than 85 percent relative humidity such that no condensation forms on such components. The components shall not be stored in an area in which liquids or fluids stand, pool, or accumulate at any time or in areas that are subject to such standing, pooling, or accumulating liquids or fluids. The space in which the components are stored shall be secured and shall be accessible only to persons authorized by the election superintendent to have access to such components or such space. The

components shall be stored in a manner that ensures that the components are protected from damage and shall not be stacked more than four units high. The back-up battery for the ballot scanner shall be charged at least every 9 months.

3. The storage areas for the voting system components at the county election office or other designated county facility shall be equipped with one or more of the following forms of electronic surveillance and protection: keypads or electronic locks, motion detectors, video surveillance, or a security system that is connected to an outside monitoring source, such as the police department or fire department.

4. The election Superintendent shall maintain numbered seals on all electronic ballot markers and ballot scanners in storage and all seal numbers shall be recorded and on file in the office of the election superintendent.

5. All components of the voting system shall be securely transported to polling places. Electronic ballot markers (including printers) and ballot scanners shall be transported in secure boxes or carrying cases that provide vibration and impact protection.

6. Upon delivery to a polling place in preparation for a primary, election, or runoff, all components of the voting system shall be secured and protected from unauthorized access. Upon delivery, the components shall either be stored in a locked, secure room at the polling place; in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, law enforcement official, or licensed security guard; or, if the previously listed options are not feasible, in another manner, that in the reasonable judgement of the superintendent, secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

7. The expenses for the implementation of the storage and security requirements of this rule shall be the responsibility of the county or municipal governing authority, as applicable, unless such security features are provided by the State.

8. Maintenance of Voting System Components. After the end of the initial warranty period for state owned voting system components, the county shall be responsible for maintaining an appropriate warranty or otherwise be responsible for maintenance and upkeep of such devices, including the repair and/or replacement of any devices which are destroyed, damaged, or otherwise rendered incapable of use in elections.

**Cite as GA Regs. 183-1-12-.04**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Certification of Program Instructions" was filed on July 24, 1968; effective August 12, 1968.
**Repealed:** New Rule entitled "Storage, Maintenance, and Transport of Statewide Voting System Components" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-12-.05. Security of Voting System Components at County Elections Office or Designated County Storage Area.

1. Software security. The software contained in electronic ballot markers, ballot scanners, election managements systems, and electronic poll books, regardless of whether the unit is owned by the county or the State, shall not be modified, upgraded, or changed in any way without the specific prior approval of the Secretary of State.

2. Electronic ballot markers, ballot scanners, and election management systems shall not be connected to the internet and no other software shall be loaded onto or maintained or used on computers on which the election management system software is located except as specifically authorized by the Secretary of State.

3. The room in which the election management system is located shall be locked at all times when the system is not directly under the supervision of the election superintendent or his or her designee. Lock and key access to the room where the election management system is located shall be limited to the county election superintendent; the election supervisor, if any; personnel of the county election superintendent's office designated by the county election superintendent; building maintenance personnel; and emergency personnel. Building maintenance personnel shall have access to the room in which the election management system is located only to the extent necessary to carry out their maintenance duties. The election superintendent shall maintain on file at all times in the office of the election superintendent a complete and up to date list of all maintenance personnel with access to the room in which the election management system is located. Emergency personnel shall have access to the room in which the election management system is located only as necessary in the event of an emergency and only for the duration of such emergency condition.

4. The election management system shall remain password-locked at all times when not in use.

5. While in storage at the county elections office or designated county facility, all components of the voting system (including electronic ballot markers, ballot scanners, electronic poll books, ballot boxes, and election management systems) shall be stored under lock and key at all times when not in use. Lock and key access to such items shall be limited to the county election superintendent; members of the county board of elections; the election supervisor, if any; personnel of the county election superintendent's office designated by the county election superintendent; building maintenance personnel; and emergency personnel. Building maintenance personnel shall have access to the area where such items are stored only to the extent necessary to carry out their maintenance duties. The election superintendent shall maintain on file at all times in the office of the election superintendent a complete and up to date list of all maintenance personnel with access to the area in which such items are stored. Emergency personnel shall have access to the area where such items are stored only as necessary in the event of an emergency and only for the duration of such emergency condition. Whenever maintenance or emergency personnel are required to enter the storage area, the election superintendent must be notified of that

entry as soon as possible and the election superintendent must maintain a log of those persons who entered the storage area.

**Cite as GA Regs. 183-1-12-.05**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Ballot Envelopes" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended:** F. Aug. 5, 1969; eff. Aug. 24, 1969.
**Repealed:** New Rule entitled "Ballot Envelopes and Fold Over Ballot Cards" adopted. F. May 26, 1970; eff. June 14, 1970.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Adopted:** New Rule entitled "Security of Voting System Components at County Elections Office or Designated County Storage Area." F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.06. Handling of Voting System.

1. All personnel, with the exception of the permanent employees of the Office of the Secretary of State and permanent employees of the county or municipal election superintendent, who prepare voting equipment for use in a primary, election, or runoff shall complete an oath of custodian before each election. One copy of the oath shall be placed on file in the office of the election superintendent and an additional copy shall be filed with the records for the election filed with the clerk of superior court or the municipal clerk, as appropriate. The oath of custodian shall be in the following form:

   STATE OF GEORGIA

   COUNTY/MUNICIPALITY OF _____

   OATH OF CUSTODIANS AND DEPUTY CUSTODIANS OF GEORGIA VOTING SYSTEM

   I, _____, do swear (or affirm) that I will as a (deputy) custodian of the voting systems for the County/Municipality of _____, faithfully perform all of my duties in accordance with state law; that I will prepare in accordance with all applicable rules and regulations governing the use of the voting system all components to be used in primaries, elections, and runoffs in this county/municipality; that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying out my duties while preparing the voting system for use in primaries, elections, and runoffs; and that I am not disqualified by law to hold the position of (deputy) custodian.

   _____

   (Deputy) Custodian

Administered by, sworn to,

and subscribed before me,

this ____ day of _____, 20__

Superintendent

(Required by O.C.G.A. Section 21-2-379.6(b))

2. Any electronic ballot markers, ballot scanners, electronic poll books, ballot boxes and accessories that are removed from storage for educational or training purposes must be signed in and out on an equipment log maintained by the election superintendent. The log shall contain, at a minimum, a description of the item being checked out, including any serial number or identifying number; the date and time when the item is checked out; the name of the person checking out the item; and the date and time when the item is returned to storage. The items checked out of storage shall remain in the custody and control of the person checking out the items at all times and the person checking out the items shall personally return such items. Each person who utilizes equipment for educational or training purposes must be adequately trained in the use of the equipment prior to the release of the equipment into such person's custody.

3. Should it become necessary to relocate an election management system computer or any of its components from one facility to another, the election superintendent shall notify the Secretary of State in advance in writing of the reason for the relocation and the proposed new location. The election management system shall not be relocated unless and until written authorization for the relocation is received from the Secretary of State except in the event of an emergency situation beyond the control of the election superintendent. If an emergency arises causing the election management system to be moved, the election superintendent is responsible to notify the Secretary of State as soon as possible of the move.

4. The poll manager shall sign a receipt for components of the voting system assigned to such poll manager's precinct. Upon returning election supplies to the election superintendent's office following the close of the polls, the poll manager shall account for all such items and shall certify that all such items have been returned or shall describe any missing items and explain why such items have not been returned. The Secretary of State shall prepare and provide a chain of custody sheet for this purpose.

5. All voting system components and other equipment assigned to designated county election technicians shall be accounted for on the night of a primary, election, or runoff and shall be returned to storage. Each technician shall sign a receipt for all such items issued to such technician and, upon returning such items to the election superintendent's office following the close of the polls, the technician shall account for all such items and shall certify that all such items have been returned or shall describe any missing items and explain why

such items have not been returned. The Secretary of State shall prepare and provide a chain of custody sheet for this purpose.

6. The election superintendent shall notify the Secretary of State of any instances of unaccounted for components of the voting system as soon as possible.

7. The election superintendent shall perform an audit count of all voting system components housed and maintained by the jurisdiction on an annual basis. The results of the audit shall be submitted to the Secretary of State.

**Cite as GA Regs. 183-1-12-.06**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-379.6.**
**History.** Original Rule entitled "Defective Ballot Cards, Duplication and Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended:** F. Aug. 5, 1969; eff. Aug. 24, 1969.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** New Rule entitled "Provisional Ballots" adopted. F. Oct. 18, 2002; eff. Nov. 7, 2002.
**Repealed:** New Rule of same title adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.
**Amended:** F. Dec. 21, 2005; eff. Jan. 10, 2006.
**Repealed:** New Rule of the same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.
**Repealed:** New Rule of the same title adopted. F. May 27, 2011; eff. June 16, 2011.
**Repealed:** New Rule entitled "Handling of Voting System" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-12-.07. Preparation for Elections.

1. The election superintendent shall review the electronic databases used to generate ballots for correctness and accuracy in generating paper ballots and touchscreen displays.

2. Each ballot style and touchscreen display shall be proofread by the election superintendent or a person or persons under the direction of the superintendent to check that the ballot contains the proper offices, candidates, and questions to be submitted to the voters, that the offices and names are spelled and designated correctly, that political party or body affiliations and incumbency of candidates are correctly designated where applicable, and that the questions are presented in accordance with law and this rule and that the correct offices and questions are presented on each ballot style or touchscreen display.

3. For each office up for election, the paper ballot or touchscreen display shall state the name of the office; the post, position, or person presently holding the office if necessary to identify the specific office subject to election; the number of candidates for which the voter may vote for such office; the names of the candidates; the residence address of the candidates if there has been a determination that the names are sufficiently similar to so require such information under O.C.G.A. § 21-2-379.5. In partisan elections, the paper ballot and touchscreen display shall designate the political party or body that nominated the candidate or a designation of the candidate as an independent candidate; and the

designation of the incumbency of a candidate seeking reelection to the office which the candidate then holds.

4. The offices, candidates, and questions shall be listed on the ballot in the order specified in O.C.G.A. §§ 21-2-379.4 and 21-2-379.5.

5. The election superintendent shall review the audio ballot prepared for use with the touchscreen display for voters with disabilities. The superintendent shall confirm that every section of the audio ballot is pronounced correctly. The election superintendent shall also confirm that no candidate's name; political party, political body, or independent designation; incumbency; or other such information nor any referendum question or answer or response thereto is emphasized, stressed, or otherwise inflected in any manner to distinguish a particular candidate, party or body, question, answer or response to a referendum question either negatively or positively or to suggest whether to vote for or against such candidates or questions in such audio recordings.

6. The Superintendent shall check that the memory cards used in the ballot scanner are formatted and contain no extraneous software or data prior to use in an election. The ballot scanner memory cards shall be named to indicate the polling place where they will be used. If more than one ballot scanner is to be used in a single polling place, the memory card name shall differentiate between the scanners.

**Cite as GA Regs. 183-1-12-.07**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-379.4, 21-2-379.5.**
**History.** Original Rule entitled "Ballot Cards, Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended:** F. Oct. 20, 1975; eff. Nov. 9, 1975.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Amended:** New Rule entitled "Preparation of the Electors List and Use of Express Poll" adopted. F. Mar. 8, 2006; eff. Mar. 28, 2006.
**Repealed:** New Rule entitled "Preparation for Elections" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.08. Logic and Accuracy Testing.

1. Primaries and Elections.
   a. On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use on Election Day.

   b. On or before the third day preceding the advance voting period, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use during the advance voting period. Voting system components that passed logic and accuracy

testing for advance voting do not have to be re-tested for use on Election Day for the same election, unless there is a change in the programming or database used by the component.

c. Notice Requirements.

   a. At least five days prior to the commencement of such testing, the election superintendent shall give the public proper notice of such preparation and testing by:

      i. If the county or municipality maintains a publicly accessible website, publishing a notice on the homepage of the county's or municipality's (whichever is applicable) publicly accessible website associated with elections and/or registrations.

      ii. Advertising in a newspaper of general circulation in the county or municipality. The advertisement shall be prominently displayed, shall not be less than 30 square inches, and shall not be placed in the section of the newspaper where legal notices appear.

      iii. Notifying the Secretary of State or designee in the manner prescribed by the Secretary of State.

   b. Proper public notice shall include stating the date, time, and place or places where preparation and testing of the voting system components for use in the primary or election will commence, and stating that such preparation shall continue from day to day until such preparation is complete and that such preparation and testing shall be open to the public and that members of the public are entitled to be present during the preparation and testing.

d. The election superintendent shall cause such preparation and testing to begin on such date and time and at such place or places. Such preparation and testing shall be open to members of the public to observe; however, such members of the public shall not in any manner interfere with the preparation and testing of the voting system components. Any person found to be interfering with the preparation and testing process may be asked to leave the testing process and may be cited for interfering with an election official while in performance of election duties. Any questions and/or complaints from the general public regarding the preparation and testing process must be directed to the election superintendent and not to the individual personnel conducting the preparation and testing process. The election superintendent may make such reasonable rules and regulations concerning the conduct of such members of the public observing such preparation and testing, as the election superintendent deems necessary and appropriate; provided, however, that such rules and regulations shall not prevent members of the public from fairly observing the preparation and testing of the voting system components.

2. In addition to any reasonable rules and regulations that the election superintendent may create for the public to observe the preparation and testing process, the election superintendent or designee thereof, shall:

   a. Be available for the first hour of the first day of testing to explain the preparation and testing process and to respond to questions and provide answers regarding the purpose and the process of preparation and testing;

   b. Maintain a presence at all times during the preparation and testing process;

   c. Administer an oath of custodian prior to beginning the preparation and testing process to any county personnel (except permanent state, county, or municipal election staff) appointed by the election superintendent to conduct the preparation and testing process;

   d. Establish an area reasonable in proximity for the public to observe the preparation and testing process. Such area shall provide reasonable accommodations for the public insofar as space permits, but shall not be so established as to deny the general public the opportunity to view the process; however, the area should be of such nature so as to allow the preparation and testing process to proceed without interference by the general public;

   e. Allow only election office personnel or individuals assigned to conduct the preparation and testing to enter the testing area during the preparation and testing process;

   f. Prohibit any preparation and testing reports created for recording the seal numbers of voting system components from being disclosed to the public;

   g. Prohibit the security seal numbers or other security measures of any voting system components from being disclosed to the public; and

   h. Prohibit photographic and audio equipment of any kind, including cell phone cameras, from being used to record the security seal numbers or other measures used to secure any voting system components, provided that this rule shall not prohibit the news media from reporting on the preparation and testing process, so long as seal numbers and other security measures on any voting system component are not recorded or displayed in any manner.

3. During the public preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners to be used in a particular primary or election, the election superintendent shall cause each electronic ballot marker and scanner to be programmed with the election files for the precinct at which the electronic ballot marker and ballot scanner unit will be used.

The superintendent shall cause the accuracy of the components to be tested by causing the following tasks to be performed:

a. Check that the electronic poll books accurately look up and check-in voters via both the scanning function and manual lookup and create a voter access card that pulls up the correct ballot on the electronic ballot marker for every applicable ballot style.

b. Check that the touchscreen on the electronic ballot marker accurately displays the correct selections utilizing a voter access card and manual ballot activation and that the touchscreen accurately reflects the selected choices.

c. Check that the printer prints a paper ballot that accurately reflects the choices selected on the touchscreen and immediately mark all printed paper ballots as "test" ballots.

d. Check that the ballot scanner scans the paper ballot, including both ballots marked by electronic ballot markers and ballots marked with a pen, and that the ballot scanner scans ballots regardless of the orientation the ballot is entered into the scanner.

e. Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot.

If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. The component failure should be documented and reported to the superintendent. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place.

After the completion of logic and accuracy testing on any voting system component, each component shall be sealed and safely and securely stored until such time as the component is transported to the polling place in which such component is to be used. The zero tapes, results tapes, test ballots, and other paperwork shall be securely stored by the superintendent.

**Cite as GA Regs. 183-1-12-.08**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-379.25.**
**History.** Original Rule entitled "Defective and Duplicated Ballot Cards, Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended:** F. Oct. 20, 1975; eff. Nov. 9, 1975.

**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Adopted:** New Rule entitled "Logic and Accuracy Testing." F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.

## Rule 183-1-12-.09. Transport to Polls.

1. The election superintendent shall take all necessary measures to cause the voting system components to be safely and securely transported to the polling places.

2. The election superintendent shall cause the voting system components for each polling place to be delivered to the polling place at least one hour before the time for the opening of the polls. The election superintendent shall cause magnifying devices to be made available at each polling place to assist voters in reviewing their paper ballots.

3. If the voting system components are stored at a polling place prior to the arrival of the poll manager or their designee, the election superintendent shall cause the components to be stored in a locked, secure manner with appropriate climate control as described in Rule 183-1-12-.04.

**Cite as GA Regs. 183-1-12-.09**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Write-In Ballots", Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Amended:** F. May 26, 1970; eff. June 14, 1970.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.
**Adopted:** New Rule entitled "Transport to Polls." F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-12-.10. Before the Opening of the Polls.

1. The poll officers shall set up and power on the voting system components for voting prior to the opening of the polls. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the election superintendent may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the poll officers.

2. The poll officers shall verify that the seal for each voting system component is intact and that there is no evidence or indication of any tampering. The poll officers shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering, the election superintendent shall be immediately notified and such component

shall not be used until such matters are resolved by agreement of the election superintendent and the poll manager.

3. The poll manager shall check that the electronic poll books, electronic ballot markers, and ballot scanners all indicate zero counts prior to the opening of the polls.

4. The poll manager shall cause each ballot scanner in the polling place to run a zero tape prior to the start of voting. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such unit shall not be used until the unit is cleared and the matter is resolved by agreement of the election superintendent and the poll manager.

5. The poll manager and two witnesses who have been sworn as poll officers pursuant to O.C.G.A. §§ 21-2-94 and 21-2-95 shall sign the zero tape from the ballot scanner. The poll manager and those same two witnesses shall then confirm that the ballot box is empty. The Secretary of State shall develop a form to be signed by the poll manager and the two witnesses attesting that the ballot box was empty prior to the opening of the polls. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent with the polling place recap forms at the close of the polls. The ballot box shall then be securely locked and sealed. Once the ballot box is verified to have been empty and locked and sealed, no person shall access the inside of the ballot box while voting is occurring unless it is absolutely necessary to the functioning of elections. Any such access shall be by the poll manager and two witnesses who have been sworn as poll officers, and the poll manager and witnesses shall attest, on a form to be developed by the Secretary of State, to when and for what purpose the ballot box was accessed, and that no action was taken to affect the results of the election. That form shall also be returned to the election superintendent with the polling place recap form at the close of the polls.

6. The poll officers shall verify that there is no unauthorized matter affixed to any of the voting system components or present in the voting booths.

7. The poll officers shall affix a card of instructions for voting within each voting booth and shall place at least one printed sample ballot and at least one voting instructions poster approved or provided by the Secretary of State outside the enclosed space at the polling place for the information of the voters. At least one printed sample ballot and one voting instructions poster shall also be posted in the enclosed space. Prior to voters entering the enclosed space, the poll officers may also distribute to such voters a card of instructions for voting on the voting system that has been approved or provided by the Secretary of State. The poll officers shall also have a sufficient supply of sample ballots available should voters request to view them while voting or reviewing their ballot.

8. As near as possible to exit of the enclosed space in every polling place in a manner that is visible to voters as they exit the enclosed space, the poll manager shall post a sign that informs voters that ballots shall not be removed from the enclosed space.

9. Accredited poll watchers must be able to observe the polling place setup process; however, they may not interfere with the setup process.

**Cite as GA Regs. 183-1-12-.10**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-94, 21-2-95.**
**History.** Original Rule entitled "Use of Absentee Ballots When Voting Machines are Inaccessible" was filed on November 14, 1986; effective December 4, 1986.
**Repealed:** New Rule entitled "Before the Opening of the Polls" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-12-.11. Conducting Elections.

1. As each voter presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, each voter shall be offered instruction by a poll officer in the method of voting on the voting system. In providing such instruction, the poll officers shall not in any manner request, suggest, or seek to persuade or induce any voter to vote any particular candidate, political party, or political body, or for or against any particular question.

2. (a) When a person presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, the person shall complete a voter certificate and submit it to the poll officers. The voter certificate may be an electronic or paper record. The poll officers shall verify the identity of the person and that the person is a registered voter of the precinct and, if so, shall approve the voter certificate and enter an appropriate designation on the electors list for the precinct reflecting that the voter has voted in the primary, election, or runoff being conducted. The voter's name shall then be entered on the appropriate numbered list of voters.

   (b) A poll officer shall then issue the voter an appropriate voter access card authorizing the voter to vote the correct ballot on the touchscreen or utilize the correct access code to manually bring up the correct ballot on the touchscreen. The voter shall then enter the enclosed space in the polling place and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen component, review the selections on his or her printed ballot, scan his or her printed ballot into the scanner, and return the voter access card to a poll officer. Then the voter shall exit the enclosed area of the polling place.

   (c) If an emergency situation makes utilizing the electronic ballot markers impossible or impracticable, as determined by the election superintendent, the poll officer shall issue the voter an emergency paper ballot that is to be filled out with a pen after verifying the identity of the voter and that the person is a registered voter of the

precinct. Emergency paper ballots shall not be treated as provisional ballots, but instead shall be placed into the scanner in the same manner that printed ballots in the polling place are scanned. The election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters to a polling place. The poll manager shall store all emergency ballots in a secure manner and ensure that all used and unused emergency ballots are accounted for. All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.

(d) If an emergency situation exists that makes voting on the electronic ballot markers impossible or impracticable, the poll manager shall alert the election superintendent as soon as possible. The existence of an emergency situation shall be in the discretion of the election supervisor. However, if a poll manager is unable to contact the election superintendent after diligent effort, the poll manager shall have the ability to declare that an emergency situation exists at the polling place. The poll manager shall continue diligent efforts to contact the election superintendent, and shall inform the superintendent as soon as possible of the situation at the polling place. The election superintendent, in his or her discretion, shall either overrule or concur with the declaration of emergency circumstances. While the determination of an emergency situation is in the discretion of the election superintendent, the types of events that may be considered emergencies are power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes.

3. At least once each hour during the time while the polls are open, the poll officers shall examine the enclosed space to verify that no unauthorized matter has been affixed to any voting system component or placed in the voting booth and that the voting system components have not been tampered with in any manner. Poll officers shall also check that no unattended ballots are left in the printer or anywhere in the enclosed space other than the appropriate ballot box. Any unattended ballots found in the enclosed space that do not belong to a voter currently in the enclosed space shall not be counted, but shall be secured and labelled as unattended ballots.

4. The polling place shall be arranged in such a manner as to provide for the privacy of the elector while voting and to allow monitoring of each voting system component by the poll officers while the polls are open. The electronic ballot markers and ballot scanners used in the polling place shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such units against tampering, damage, or other improper conduct. In addition, at least one ballot marking device shall be configured for voting by physically disabled voters in wheelchairs and provisions shall be made to provide for the privacy of such electors while voting.

5. It shall be permissible under O.C.G.A. § 21-2-410 and shall not constitute assistance in voting under O.C.G.A. § 21-2-409 for poll officers to assist a voter in inserting the voter access card into the ballot marking device and in explaining the operation of the unit to the voter; provided that the poll officer shall withdraw from the voting booth prior to the voter making any selections. The poll officers shall not in any manner request, suggest, or seek to persuade or induce any voter to vote for any particular candidate, political party, or political body, or for or against any particular question.

6. Voters utilizing an audio tactile interface (ATI) device to vote on the ballot marking device without the assistance of any other individual shall not be considered as receiving assistance in voting and shall not be required to complete the forms required for receiving assistance in voting pursuant to O.C.G.A. § 21-2-409; however, if another person other than a poll officer is handling the printed ballot before it is inserted into the scanner, that person shall be considered as assisting.

7. The poll officers shall confirm that voters deposit their ballots and return the voter access cards to the poll officers prior to leaving the enclosed space in the polling place. The poll officers shall arrange and configure the polling place and provide staffing at such places within the polling place to confirm that a voter will not leave the enclosed space with a ballot or voter access card.

8. The election superintendent shall cause each polling place to be sufficiently staffed. At least one poll officer shall be assigned to assisting voters who have questions while they are in the voting booth but before they approach the ballot scanner. Another poll officer shall be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer each voter specific verbal instruction to review their printed paper ballot prior to scanning it. In addition to the preceding instruction, the poll officer stationed at the ballot scanner shall offer general instruction throughout the period while voting is occurring telling voters that sample ballots and magnifying devices are available to assist them in reviewing their paper ballot. The poll officer shall take all reasonable precautions not to view the selections on an elector's ballot unless it is required due to assistance requested by the elector. If a poll officer observes a voter attempting to leave the enclosed space with a paper ballot, the poll officer shall inform the voter of the consequence of not depositing his or her paper ballot into the ballot scanner prior to leaving the room.

9. A voter may request information from poll officers concerning how to use the electronic ballot marker or any other voting system component at any time during the voting process. However, once the voter scans his or her ballot into the ballot scanner, even if the ballot is blank with no votes cast, such voter shall be deemed to have voted and may not thereafter vote again. If a voter leaves the room encompassing the enclosed space with his or her paper ballot and does not place that ballot into the appropriate ballot scanner or ballot box, that voter shall be deemed to have voted and may not thereafter vote again. A sign shall be placed at the exit of the enclosed space that informs every voter that ballots may not be removed from the enclosed space. Any paper ballot that is removed from the room

encompassing the enclosed space shall not be counted and shall be marked as spoiled by a poll officer.

10. (a) If a voter discovers that the ballot presented on the electronic ballot marker is not correct or, for a partisan primary, is not the ballot that the voter desired to vote, the voter shall immediately notify a poll officer. The poll officer shall cancel or void the ballot on the electronic ballot marker without attempting in any manner to see how the voter has voted and shall then take the necessary steps to provide the voter with the correct ballot and make any necessary corrections to the voter certificate of the voter, the electors list, and the numbered list of voters. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll manager shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(b) If, while reviewing his or her printed ballot, the voter discovers that the printed ballot does not contain the proper ballot selections or that the voter was not issued the proper ballot, the voter shall immediately inform a poll officer. The poll officer shall spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on the electronic ballot marker and cause the correct ballot to be issued. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll manager shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(c) If the voter places his or her paper ballot into the ballot scanner or ballot box prior to notifying the poll officials of any errors in the ballot, the voter shall be deemed to have voted and shall not be permitted to cast another ballot.

11. (a) If any voting system component malfunctions during the day of a primary, election, or runoff, the poll manager shall immediately notify the election superintendent and shall not allow any voter to use the component until and unless the malfunction is corrected. The poll manager shall utilize appropriate backup procedures so that voting is not interrupted due to any equipment malfunctions. The election superintendent shall immediately arrange for the repair of the voting system component or shall provide a replacement component as soon as practicable. A replacement component shall not be used unless it has been appropriately tested prior to its use.

(b) In the event that a ballot scanner malfunctions, the voter shall place their voted ballot in the emergency bin connected to the ballot box. The ballots in the emergency bin shall be counted when the ballot scanner is properly functioning, by a replacement ballot scanner brought to the polling place, or, if neither are available, by another scanner at the county elections office. Poll officers may scan

ballots placed into the emergency bin through the ballot scanner or a replacement ballot scanner when doing so will not interfere with voting. A voter placing his or her ballot into the emergency bin is considered to have voted that ballot and shall not be permitted to cast another ballot.

(c) Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials or voters.

12. Polling Place Wait Time Recordings

(a) On the day of any state or federal general primary, election, or runoff therefrom, the chief manager of a precinct shall measure and record the time a voter waits in line prior to checking into vote.

(b) The wait times shall be measured a minimum of three times while voting is occurring, in accordance with the following specifications:

i. Morning wait times shall be measured only during the hours between 7:00AM and 11:00AM.

ii. Midday wait times shall be measured only during the hours between 11:00AM and 3:00PM.

iii. Evening wait times shall be measured only during the hours of 3:00pm and 7:00PM.

(c) Such results shall be recorded on a form provided by the Secretary of State and provided electronically in a manner determined by the Secretary of State.

**Cite as GA Regs. 183-1-12-.11**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-263, 21-2-409, 21-2-410.**
**History.** Original Rule entitled "Conducting Elections" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.

## Rule 183-1-12-.12. [Effective until 11/21/2021] Tabulating Results.

(a) After the Polls Close.

1. Immediately after the polls close and the last voter has voted, the poll manager and two witnesses who have been previously sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall begin the closing procedure on each ballot scanner so that no further votes are cast and record the number of scanned ballots from every ballot scanner used in the polling place. The poll manager and the two

witnesses shall record the number of scanned ballots from each scanner on a recap form to be developed by the Secretary of State. The poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it is a true and correct copy of the tape produced by the ballot scanner. If the poll manager or the witnesses have reason to believe that printed tapes are not a true and correct tabulation of the ballots scanned by that ballot scanner, the poll manager or witness shall document the reasons and evidence for that belief and inform the election superintendent, who shall take appropriate action, in his or her discretion, so that the ballots in the ballot box associated with the ballot scanner are accurately tabulated.

2. The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

3. As soon as possible after the polls close and the last elector votes, the poll manager shall advise the election superintendent of 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 in the manner prescribed by the Secretary of State.

4. One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purposes) provided by the election superintendent, along with the "poll officer" memory card from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The poll manager and the two witnesses shall initial the envelope indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the polling place recap form.

5. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into

a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.

6. The poll manager and the same two witnesses who emptied the ballot box shall complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured. Such form shall be delivered to the election superintendent with the completed polling place recap form. The ballot box shall be resealed and the new seal numbers shall be documented.

7. The envelopes containing the tabulation tape and the memory card, the containers containing the paper ballots, the completed polling place recap forms, voter access cards, supervisor's cards, electors lists, numbered lists of voters, electronic poll books, and other such paperwork shall be delivered to the election superintendent by the poll manager and at least one other sworn poll officer or law enforcement official. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The poll manager and any poll officers who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with. The election superintendent, in his or her discretion, may allow a designee of the poll manager to deliver the envelopes or containers containing the ballot scanner tabulation tapes and memory cards to be used for unofficial reporting of results prior to the delivery of the other polling place materials provided that the same procedures for transit and delivery set forth herein are followed.

8. Before leaving the polling place, the poll manager shall power off, secure, and seal all electronic ballot markers, ballot boxes, and ballot scanners. The polling place shall be locked to prohibit unauthorized entry.

9. Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials.

(b) Consolidation of Results.

1. All persons involved with the tabulation and consolidation of the election results and who will operate the computer programs or handle the memory cards shall be

sworn in the same manner that custodians are sworn before entering into their duties.

2. Only persons who are permanent employees of the election superintendent or have been duly sworn as poll officers or custodians shall touch or be in contact with any ballot, container, returns, tapes, device, memory card, or any other such election materials. Only persons who are employed by the election superintendent or have been duly sworn shall be in the immediate area of the tabulating center designated by the superintendent for the officers to conduct the tabulation and consolidation of the election results.

3. The tabulation and consolidation shall be performed in public. However, the election superintendent may make reasonable rules and regulations for conduct at the tabulating center for the security of the results and the returns and to avoid interference with the tabulating center personnel.

4. The election superintendent shall ensure all properly cast ballots are processed, counted, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated.

    a. For the purposes of this rule, "shall not cease" allows for reasonable or limited breaks so long as the processing, counting, and tabulating of ballots resumes as soon as possible. If the election superintendent, in its reasonable discretion, determines that due to mechanical or technological failures, emergency circumstances, or other circumstances that do not allow the processing, counting, and tabulating of ballots to continue reliably and accurately, the election superintendent shall report as soon as possible in writing to the Secretary of State in the manner prescribed by the Secretary of State the reason the processing, counting, and tabulating of ballots cannot continue reliably and accurately and the estimated time that the processing, counting, and tabulating ballots will resume.

5. Upon the delivery of any election materials from a polling place, the election superintendent or his or her designee shall provide a receipt that clearly states what election materials have been delivered.

6. Upon receiving the paper ballots and the memory cards, the election superintendent shall verify the signatures on the sealed envelopes and containers, verify that the seals are intact, that the envelopes or containers have not been opened, and that there is no evidence of tampering with the envelopes, containers, or their contents.

7. In the case of elections for county, state, and federal office, after verifying that the envelopes and containers are properly sealed and have not been opened or tampered with, the election superintendent shall break the seal and open each envelope and remove the memory card and results tape. The election superintendent or his or her designee shall then insert the memory card into the

election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

8. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § 21-2-419, the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff.

9. The election superintendent shall not list and certify in the official consolidated returns for an election any results for write in candidates who were not properly qualified under O.C.G.A. § 21-2-133.

10. In the case of primaries, elections, and runoffs for county, state, and federal office, the county election superintendent shall transmit to the Secretary of State the election returns by precinct for the county in electronic format or by electronic means, as may be specified by the Secretary of State, within fourteen days following a primary, election, or runoff.

(c) Publicly Posting Total Number of Ballots Cast After Close of Polls.

1. For the purposes of publicly posting the number of ballots cast as soon as possible after the close of polls and the number of absentee ballots received as soon as possible following the deadline to receive such absentee ballots as required by O.C.G.A § 21-2-421(a), posting information in a prominent public place means:

   a. If the county or municipality maintains a publicly accessible website, publishing information on the homepage of the county's publicly accessible website associated with elections and/or registrations.

   b. If the county or municipality does not maintain a publicly accessible website, affixing information on the door of the county or municipality's election office such that the information is viewable to the public.

   c. At the same time that such information is publicly posted, it shall be transmitted to the Secretary of State in a manner determined by the Secretary of State.

(d) Election Night Reporting. The election superintendent shall transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or runoff. Such results shall be transmitted in a format prescribed by the Secretary of State. At a minimum, the results shall be transmitted upon one third of the precincts reporting results, upon two thirds of the precincts reporting results, and upon all precincts reporting

results, including absentee ballots within all precincts. Except upon prior notice to and consultation with the Secretary of State, no election superintendent shall conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State.

(e) Reconciliation Report

1. No later than 30 days following the election, the election superintendent shall transmit to the Secretary of State a reconciliation report that reconciles the aggregate total of all ballots cast in each precinct as reported in the precinct-level election results to the aggregate number of voters who received credit for voting in each precinct on the form made available by the Secretary of State. Any discrepancies in the aggregate total of ballots cast in each precinct compared to the aggregate number of voters who received credit for voting in a precinct shall be fully investigated by the election superintendent or designee. The explanation for any discrepancy shall be included in the Reconciliation Report.

**Cite as GA Regs. 183-1-12-.12**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-94, 21-2-95, 21-2-420, 21-2-421.**
**History.** Original Rule entitled "Tabulating Results" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.

## Rule 183-1-12-.12. [Effective 11/21/2021] Tabulating Results.

(a) After the Polls Close.

1. Immediately after the polls close and the last voter has voted, the poll manager and two witnesses who have been previously sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall begin the closing procedure on each ballot scanner so that no further votes are cast and record the number of scanned ballots from every ballot scanner used in the polling place. The poll manager and the two witnesses shall record the number of scanned ballots from each scanner on a recap form to be developed by the Secretary of State. The poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it is a true and correct copy of the tape produced by the ballot scanner. If the poll manager or the witnesses have reason to believe that printed tapes are not a true and correct tabulation of the ballots scanned by that ballot scanner, the poll manager or witness shall document the reasons and evidence for that belief and inform the election superintendent, who shall take appropriate action, in his or her discretion, so that the ballots in the ballot box associated with the ballot scanner are accurately tabulated.

2. The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

3. As soon as possible after the polls close and the last elector votes, the poll manager shall advise the election superintendent of 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 in the manner prescribed by the Secretary of State.

4. One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purposes) provided by the election superintendent, along with the "poll officer" memory card from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The poll manager and the two witnesses shall initial the envelope indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the polling place recap form.

5. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.

6. The poll manager and the same two witnesses who emptied the ballot box shall complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured. Such form shall be delivered to the election superintendent with the completed polling place recap form. The ballot box shall be resealed and the new seal numbers shall be documented.

7. The envelopes containing the tabulation tape and the memory card, the containers containing the paper ballots, the completed polling place recap forms, voter access cards, supervisor's cards, electors lists, numbered lists of voters, electronic poll books, and other such paperwork shall be delivered to the election superintendent by the poll manager and at least one other sworn poll officer or law enforcement official. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The poll manager and any poll officers who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with. The election superintendent, in his or her discretion, may allow a designee of the poll manager to deliver the envelopes or containers containing the ballot scanner tabulation tapes and memory cards to be used for unofficial reporting of results prior to the delivery of the other polling place materials provided that the same procedures for transit and delivery set forth herein are followed.

8. Before leaving the polling place, the poll manager shall power off, secure, and seal all electronic ballot markers, ballot boxes, and ballot scanners. The polling place shall be locked to prohibit unauthorized entry.

9. Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials.

(b) Consolidation of Results.

1. All persons involved with the tabulation and consolidation of the election results and who will operate the computer programs or handle the memory cards shall be sworn in the same manner that custodians are sworn before entering into their duties.

2. Only persons who are permanent employees of the election superintendent or have been duly sworn as poll officers or custodians shall touch or be in contact with any ballot, container, returns, tapes, device, memory card, or any other such election materials. Only persons who are employed by the election superintendent or have been duly sworn shall be in the immediate area of the tabulating center designated by the superintendent for the officers to conduct the tabulation and consolidation of the election results.

3. The tabulation and consolidation shall be performed in public. However, the election superintendent may make reasonable rules and regulations for conduct at the tabulating center for the security of the results and the returns and to avoid interference with the tabulating center personnel.

4. The election superintendent shall ensure all properly cast ballots that are received by the deadline to receive ballots are processed, verified, and tabulated as soon as possible and shall not cease such count and tabulation until all such ballots are counted and tabulated. However, counting may cease prior to tabulating provisional ballots that are cured by the prescribed deadline and validated pursuant to O.C.G.A. § 21-2-419, so long as those ballots are processed, verified, and tabulated as soon as possible. Counting may also cease prior to tabulating ballots from qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq. ("UOCAVA"), that are received after the deadline to receive non-UOCAVA ballots but before the deadline for UOCAVA ballots set forth in O.C.G.A. § 21-2-386(a)(1)(G) so long as those ballots are processed, verified, and tabulated as soon as possible following their timely receipt.

    a. For the purposes of this rule, "shall not cease" allows for reasonable or limited breaks so long as the processing, counting, and tabulating of ballots resumes as soon as possible. If the election superintendent, in its reasonable discretion, determines that due to mechanical or technological failures, emergency circumstances, or other circumstances that do not allow the processing, counting, and tabulating of ballots to continue reliably and accurately, the election superintendent shall report as soon as possible in writing to the Secretary of State in the manner prescribed by the Secretary of State the reason the processing, counting, and tabulating of ballots cannot continue reliably and accurately and the estimated time that the processing, counting, and tabulating ballots will resume.

5. Upon the delivery of any election materials from a polling place, the election superintendent or his or her designee shall provide a receipt that clearly states what election materials have been delivered.

6. Upon receiving the paper ballots and the memory cards, the election superintendent shall verify the signatures on the sealed envelopes and containers, verify that the seals are intact, that the envelopes or containers have not been opened, and that there is no evidence of tampering with the envelopes, containers, or their contents.

7. In the case of elections for county, state, and federal office, after verifying that the envelopes and containers are properly sealed and have not been opened or tampered with, the election superintendent shall break the seal and open each envelope and remove the memory card and results tape. The election superintendent or his or her designee shall then insert the memory card into the

election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

8. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § 21-2-419, the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff.

9. The election superintendent shall not list and certify in the official consolidated returns for an election any results for write in candidates who were not properly qualified under O.C.G.A. § 21-2-133.

10. In the case of primaries, elections, and runoffs for county, state, and federal office, the county election superintendent shall transmit to the Secretary of State the election returns by precinct for the county in electronic format or by electronic means, as may be specified by the Secretary of State, within fourteen days following a primary, election, or runoff.

(c) Publicly Posting Total Number of Ballots Cast After Close of Polls.

1. For the purposes of publicly posting the number of ballots cast, including 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, as soon as possible after the close of polls and the number of absentee ballots received as soon as possible following the deadline to receive such absentee ballots as required by O.C.G.A § 21-2-421(a), posting information in a prominent public place means:

   a. If the county or municipality maintains a publicly accessible website, publishing information on the homepage of the county's publicly accessible website associated with elections and/or registrations.

   b. If the county or municipality does not maintain a publicly accessible website, affixing information on the door of the county or municipality's election office such that the information is viewable to the public.

   c. At the same time that such information is publicly posted, it shall be transmitted to the Secretary of State in a manner determined by the Secretary of State.

(d) Election Night Reporting. The election superintendent shall transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or

runoff. Such results shall be transmitted in a format prescribed by the Secretary of State. At a minimum, the results shall be transmitted upon one third of the precincts reporting results, upon two thirds of the precincts reporting results, and upon all precincts reporting results, including absentee ballots within all precincts. Except upon prior notice to and consultation with the Secretary of State, no election superintendent shall conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State.

(e) Reconciliation Report

1. As soon as possible but no later than 30 days following the certification of election results, the election superintendent shall transmit to the Secretary of State a reconciliation report that reconciles the aggregate total of all ballots cast in each precinct as reported in the precinct-level election results to the aggregate number of voters who received credit for voting in each precinct on the form made available by the Secretary of State. Any discrepancies in the aggregate total of ballots cast in each precinct compared to the aggregate number of voters who received credit for voting in a precinct shall be fully investigated by the election superintendent or designee. The explanation for any discrepancy shall be included in the Reconciliation Report.

**Cite as GA Regs. 183-1-12-.12**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-94, 21-2-95, 21-2-420, 21-2-421.**
**History.** Original Rule entitled "Tabulating Results" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.
**Amended:** F. Nov. 1, 2021; eff. Nov. 21, 2021.

## Rule 183-1-12-.13. [Effective until 11/21/2021] 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.

(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.

**Cite as GA Regs. 183-1-12-.13**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-500, 50-18-71.**
**History.** Original Rule entitled "Storage of Returns" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.

## Rule 183-1-12-.13. [Effective 11/21/2021] 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).

(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.

**Cite as GA Regs. 183-1-12-.13**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-500, 50-18-71.**
**History.** Original Rule entitled "Storage of Returns" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.
**Amended:** F. Nov. 1, 2021; eff. Nov. 21, 2021.

## Rule 183-1-12-.14. Maintenance of Equipment.

(a) Each county shall be responsible for maintaining all components of the voting system, including electronic ballot markers, printers, ballot scanners, electronic poll books, computers, and software provided to such county by the Secretary of State or purchased by such county and shall either purchase a warranty/maintenance agreement for such equipment and software or shall assume the responsibility for repair, maintenance, and upkeep of all system components.

(b) In the event of any malfunction or problem with any voting system component, the county election superintendent shall document the problem and its resolution and shall provide such information to the Secretary of State. The documentation shall include a detailed description of the malfunction or problem, the steps taken to correct the malfunction or problem, and the cause of such malfunction or problem if a cause can be determined.

**Cite as GA Regs. 183-1-12-.14**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Maintenance of Equipment" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.15. Use of Equipment by Municipalities.

The county election superintendent is authorized to permit any municipality within the county to conduct its election with electronic ballot markers, printers, ballot scanners, and other components of the statewide voting system through a written intergovernmental agreement between the county and the municipality; provided that the municipality agrees to maintain and operate the equipment in accordance with law, these rules and regulations, and the manufacturer's guidelines and specifications and provided further that the municipality trains all of its election personnel and poll officers in the proper operation and conduct of elections utilizing such equipment through an appropriate training program approved by the Secretary of State.

**Cite as GA Regs. 183-1-12-.15**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Use of Equipment by Municipalities" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.16. Demonstrations of Voting Equipment.

When being used for demonstration and voter education purposes, electronic ballot markers and ballot scanners shall not utilize or be programmed with the official ballot to be used in the primary or election. The device shall utilize or be programmed with a ballot containing the names of fictitious or historical persons whose names do not appear on the official ballot for such primary or election.

**Cite as GA Regs. 183-1-12-.16**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Demonstrations of Voting Equipment" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.17. Tabulating Center Personnel, Trained and Certified.

All tabulating center personnel must be trained in their respective duties and certified as required by O.C.G.A. § 21-2-99 for poll officers. All programmers, operators, and data center personnel shall be sworn as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 for poll officers.

**Cite as GA Regs. 183-1-12-.17**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-94, 21-2-95, 21-2-99.**
**History.** Original Rule entitled "Tabulating Center Personnel, Trained and Certified" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.18. [Effective until 11/21/2021] Provisional Ballots.

(1) This rule shall govern the casting of provisional ballots by voters at primaries and elections in accordance with O.C.G.A. §§ 21-2-418 and 21-2-419.

(2) In each polling place, there shall be established a location or station in the public area of the polling place for the purpose of issuing and receiving provisional ballots. Each polling place shall have an information sheet developed by the Secretary of State available for voters who have questions about the provisional ballot process. The information sheet should describe relevant law regarding provisional ballots for voters who do not show up on the electors list for that polling place.

(3) The election superintendent shall provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope. The election superintendent shall also be prepared to resupply polling places with provisional ballots in needed ballot styles in a timely manner while voting is occurring so that polling places do not run out of

provisional ballots. The ballot envelopes shall be so designed that the ballot will fit within the inner ballot envelope and the inner ballot envelope will fit within the outer ballot envelope. The inner ballot envelope shall have printed on it the words "Official Provisional Ballot" and nothing else. The outer envelope shall have places for inserting the person's name, precinct, date and name of election, ballot style (district combination), and whether such ballot is a regular provisional ballot, a provisional ballot cast by a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. §§ 21-2-220 and 21-2-417, or a ballot cast during poll hours extended by a court order, or a combination thereof. Primaries and elections conducted by counties shall use optical scan ballots for provisional voting. The poll manager shall cause all voted provisional ballots to be deposited into the provisional ballot box and not be inserted into the polling place ballot scanner and kept separate and apart from non-provisional ballots cast at the polling place. Municipalities shall use the same type of ballots as the municipality uses for mail-in absentee voting. The election superintendent shall also provide a booth for voting provisional ballots in the enclosed space which will provide privacy for a person while voting a provisional ballot and a secure container in which the voted provisional ballots shall be placed.

(4) Voters whose names do not appear on electors list.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, the poll officers shall immediately direct the person to the provisional ballot station. The polling place shall have an electronic poll book that includes a master list of registered voters in the state, and the poll workers shall check the list to determine if the person is assigned to a different polling place within the county or registered in a different county. If the person's name appears on the master list for a different precinct within the same county, the poll workers shall inform the person of his or her correct polling place. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and unless the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor. If the person states a good-faith belief that he or she timely registered to vote in the precinct in which he or she is present, he or she shall be offered a provisional ballot. If the person is registered in a different county, the poll officer shall inform the person that he or she appears to be registered in a different county. If the person is still eligible to vote in the county in which they appear to be registered, the person may return to that county to vote. If the person states a good-faith belief that he or she timely registered to vote in the county in which he or she is present, he or she shall be offered a provisional ballot.

(b) If the person's name is not found on the official list of electors for the precinct or the master list, the poll officers shall immediately contact the registrars and the

person shall provide such information as the registrars may request to determine if the person is eligible to vote in the election. The registrars shall promptly review the information provided by the person and shall attempt to determine if the person timely and properly registered to vote in the county in which he or she is present.

(c) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election and should be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to add the person's name to the official electors list for the precinct and shall permit the person to vote in the same manner as other voters in the precinct vote. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the precinct with a notation of the name of the registrar who authorized such addition. Upon presentation of a properly completed voter certificate and the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other voters in the precinct.

(d) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election but should be assigned to a different precinct within the same county where the person is present, the registrars shall direct the poll officers to inform the person of the appropriate other precinct and the registrars shall notify the officers of such other precinct to add the person's name to the official electors list for such other precinct. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and unless the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor. Upon the completion of a voter certificate and the submission of the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other persons in such other precinct.

i. In such cases, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers at such other precinct which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list

for the other precinct by the poll officers of the other precinct with a notation of the name of the registrar who authorized such addition.

(e) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if properly registered, would be assigned to the precinct at which the person is present, the registrars shall inform the poll officers and the person shall be offered a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

(f) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county at which the person is present, the registrars shall direct the poll officers to inform the person of the appropriate precinct. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and unless the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor.

i. The registrars shall notify the officers of such other precinct to permit the person to vote a provisional ballot when such person arrives at such precinct, completes an official voter registration form and a provisional ballot voter certificate, and submits the appropriate identification required by O.C.G.A. § 21-2-417. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

ii. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(g) If the person appears at a precinct in a county or municipality in which the person does not reside, the registrars shall instruct the poll officers to direct the person to contact the registrars in the county in which the person resides to determine in which precinct such person should vote.

(h) If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to receive a provisional ballot at the precinct without additional authorization from the

registrars, but if from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county at which the person is present, the registrars shall direct the poll officers to inform the person of the appropriate precinct. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will not be counted unless it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and unless the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(i) Upon accepting the opportunity to receive a provisional ballot, the person shall complete a provisional ballot voter certificate and an official voter registration form and submit such completed certificate and form to the poll officers along with the appropriate identification required by O.C.G.A. § 21-2-417. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an Inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(j) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public. The provisional ballot voter certificate and voter registration form shall be attached together and shall be placed in a separate, distinctively marked envelope or reusable document container which shall be placed in a secure location in the polling place.

(5) Voter who registered for first time by mail but did not provide required identification.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but does not have the identification required by

O.C.G.A. § 21-2-417 and the person's name appears on the official electors list for the precinct with a designation that the person registered to vote for the first time in this state by mail but has not provided the required identification to the registrars as required by O.C.G.A. § 21-2-220, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the person shall be permitted to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the poll officers shall issue the appropriate ballot style (district combination) to the person as shown on the electors list. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(b) Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) The provisional ballot shall not be counted unless the voter provides the identification required by O.C.G.A. § 21-2-220 and 21-2-417 to the registrars before the end of the period set by law for the verification of provisional ballots. Such identification may be provided to the registrars in person, by email, by facsimile transmission or, in the case of disabled voters, by delivery by a third party.

(6) Voters voting during extended polling hours in an election in which federal candidates are on the ballot.

(a) In the event that the polling hours for a polling place are extended by a court order beyond the normal closing time for a primary, election, or runoff in which federal candidates are on the ballot, all voters who vote after the normal closing time for the polling place shall vote by provisional ballot.

(b) Voters whose names appear on the electors list and who have the appropriate identification required by O.C.G.A. § 21-2-417 shall complete a provisional voter certificate and shall be issued a provisional ballot along with an inner ballot envelope and an outer ballot envelope. Such voters shall not be required to complete a voter registration form. It also shall not be necessary to obtain approval from the registrars to issue provisional ballots to such voters. The poll officers shall place the name of the person on the numbered list of provisional ballot voters. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to a provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers. Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box to designate that the ballot is an extended poll hours provisional ballot, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) If the voter's name is not on the electors list, the poll workers shall follow the provisions of this rule for regular provisional balloting under this rule and, if the voter is authorized by the registrars to vote a provisional ballot under the terms of this rule, shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(d) If the voter's name is on the electors list but registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-220, the poll officers shall permit the voter to vote in accordance with the provisions of this rule for first time voters who register for the first time in this state by mail without providing the required identification, and shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(e) The poll officers shall provide each first time voter who registered for the first time in this state by mail without providing the required identification who casts a provisional ballot information on how the voter may provide the registrars with the appropriate identification in order that the voter's ballot may be counted.

(7) Each voter casting a provisional ballot in a primary, election, or runoff in which federal candidates appear on the ballot shall be given written information explaining how such

voter can ascertain if such ballot is counted and, if such ballot is not counted, the reason why such ballot was not counted.

(8) The provisional ballot voter certificates and voter registration cards may be picked up during the day by a registrar or deputy registrar for the purpose of beginning the process of determining the eligibility of the persons to cast provisional ballots. Before transferring the voter certificates and registration cards to the registrars during the day, the poll officers shall note the number of certificates and cards being transferred to the registrars. If such voter certificates and registration cards are not picked up by the registrars by the time that the polls close and the last voter has voted, the envelope in which the provisional ballot voter certificates and voter registration cards have been deposited shall be securely sealed and shall be returned to the election superintendent with the other materials from the polling place.

(9) After the close of the polls and the last voter has voted, the poll officers shall account for all voted provisional ballots, cancelled and spoiled provisional ballots, and unused provisional ballots. The ballot stubs and unused and spoiled ballots shall then be securely sealed in the container provided for them by the election superintendent. The poll officer, along with two other witnesses sworn as poll officers, shall then proceed to open the secure container in which the provisional ballots were deposited and count the number of voted provisional ballots contained therein. The poll officer and witnesses shall then compare the total number of persons voting provisional ballots as shown on the numbered list of provisional ballot voters with the number of ballots issued and the number of ballots voted. If these numbers do not equal one another, the poll officers shall determine the reason for the inconsistency and shall correct the problem before going further. The poll officer and witnesses shall seal the voted provisional ballots in a container for transfer to the election superintendent. The poll officers shall complete and sign a provisional ballot recap sheet and post one copy of the recap sheet on the door of the polling place with the election results from the precinct. The remaining copies of the provisional ballot recap sheet along with the numbered list of provisional ballot voters shall be returned to the election superintendent with the other election materials from the precinct.

(10) Upon receiving the election materials from the precincts, the election superintendent shall cause the envelope containing the provisional ballot voter certificates and voter registration cards to be promptly removed from the other materials and, if applicable, transferred to the registrars for processing. If applicable, the voter certificates and registration cards shall be transferred to the registrars no later than 9:00 a.m. on the day following the day of the primary, election, or runoff. The election superintendent shall also remove the container containing the voted provisional ballots and shall place such container in a secure location within the election superintendent's office.

(11) Upon receiving the provisional ballot voter certificates and voter registration cards from the election superintendent, the registrars shall promptly proceed to determine the eligibility of each person that voted a provisional ballot.

(a) If the registrars determine that the person did timely register and is eligible and entitled to vote in such primary, election, or runoff, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is accepted and shall notify the election superintendent of the proper ballot style (district combination) for the voter.

(b) If the registrars determine that the person did not timely register to vote for the primary or election or is not eligible and entitled to vote in such primary or election or if the registrars cannot determine by the close of business on the third business day following the day of the primary, election, or runoff if the voter timely registered and was eligible and entitled to vote in such primary or election, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is rejected.

(c) Not later than the close of business on the third business day following the day of the primary, election, or runoff, the registrars shall return to the election superintendent the numbered list of provisional ballot voters reflecting the accepted and rejected provisional ballots.

(d) The names of those persons whose names are accepted shall be added to the official electors list. The voter registration cards of those persons whose ballots are rejected on the numbered list of provisional ballot voters shall be processed by the registrars and, if found to be eligible and qualified, shall be added to the electors list for future elections.

(e) The registrars shall maintain the provisional ballot voter certificates for the same period of time and under the same conditions as the regular voter certificates. Voter registration cards completed by provisional ballot electors shall be maintained for the same period of time and under the same conditions as other voter registration cards.

(12) Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. The election superintendent shall first compare the precinct designation and election district information with the style of ballot (district combination) cast by the provisional ballot voter.

(a) If the ballot style (district combination) voted by the voter was correct, then the election superintendent shall open the outer envelope and place the inner envelope containing the ballot into a ballot box.

(b) If the ballot style (district combination) voted by the voter was not correct, then the election superintendent shall open the outer envelope and note the correct ballot style (district combination) on the inner envelope. Each such inner envelope shall then be placed in a separate container until all of the outer envelopes have been opened. The outer envelopes shall then be stored in a

location away from the inner envelopes in a manner such that the inner envelope and ballot of a voter cannot be identified as being the ballot of a particular voter. The superintendent shall then open each such inner envelope and remove the ballot and shall place a unique identifying number on the ballot along with the designation of the precinct at the top of the ballot. The election superintendent shall then prepare or cause to be prepared a duplicate ballot. The duplicate ballot shall be clearly labeled with the word "Duplicate" and shall bear the name of the precinct and the same unique identifying number as the original ballot at the top of the ballot. The election superintendent shall transfer or cause to be transferred to the duplicate ballot, in the presence of at least two other consolidation assistants and in public, only the votes cast by the provisional ballot voter in the races and on the questions to which such voter was eligible and entitled to vote. The votes entered on the duplicate ballot shall be verified by at least one consolidation assistant. The completed duplicate ballot shall be placed in the ballot box with the other provisional ballots to be counted. The original ballot shall be placed into an appropriate container and retained.

(c) After opening all of the outer envelopes and making all necessary duplicate ballots, the election superintendent shall then open the inner envelopes of the ballots in the ballot box and proceed to count the votes in the same manner as absentee ballots are counted. Upon completing the count, the election superintendent shall add the provisional ballot votes to the other votes cast at the polls and by absentee ballot and shall consolidate and certify the results of the primary, election, or runoff. The provisional ballots and any duplicates shall be retained for the same time period and in the same manner as absentee ballots.

(d) The rejected provisional ballots shall be marked on the outer envelope as "Not Counted" and shall not be opened. The ballots shall be maintained for the same time period and in the same manner as absentee ballots which were returned too late to be counted.

(e) The election superintendent shall notify the registrars of the names of those persons who cast a provisional ballot in the wrong precinct or on an incorrect ballot style (district combination).

(13) Upon identifying the rejected provisional ballot electors, the registrars shall proceed at the earliest possible time to notify each such person by first-class mail at the address shown on the provisional ballot voter certificate that his or her ballot was not counted because of the inability of the registrars to verify that the person timely registered to vote or such other proper reason. The registrars shall also attempt to notify the person by telephone or email if the provisional ballot voter certificate contains an email address or telephone number. If the person's voter registration card was approved, the registrars shall also notify the person that his or her name will be added to the elector's list and the person will be eligible to vote in future primaries and elections and that a voter

notification or precinct card will be mailed to the person to provide the voter with the correct precinct and election district information.

(a) Upon receiving notification from the election superintendent of the names of persons who cast provisional ballots in the incorrect precinct or on the incorrect ballot style (district combination), the registrars shall notify such persons of their correct precinct and/or election district information. The sending of a voter notification or precinct card by first-class mail to the address shown on the voter registration card completed by such person when voting by provisional ballot shall be sufficient notice for such voters.

(b) If the person's voter registration is rejected, the registrars shall notify the person of such rejection in accordance with O.C.G.A. § 21-2-226(d).

(c) In addition, the registrars shall establish a free access system, such as a toll-free telephone number or an Internet website, by which voters who cast provisional ballots in a primary, election, or runoff in which federal candidates are on the ballot may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual provisional ballot shall be restricted to the voter who cast such ballot.

**Cite as GA Regs. 183-1-12-.18**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-226, 21-2-417, 21-2-418, 21-2-419.**
**History.** Original Rule entitled "Provisional Ballots" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Note:** Correction of non-substantive typographical errors in subparagraphs (4)(d), (5)(a) (sentences one and five) and (6)(d), period corrected to comma in "... by O.C.G.A. § 21-2-417. the person."; "... by O.C.G.A. § 21-2-220. the poll officers."; "... to the person. the poll officers."; "... by O.C.G.A. § 21-2-220. the poll officers.", respectively, as requested by the Agency for original rule filed on Jan. 23, 2020. Effective February 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Note:** Correction of non-substantive typographical errors in subparagraphs (4)(d), (5)(a) (sentences one and five) and (6)(d), period corrected to comma in "... by O.C.G.A. § 21-2-417. the person."; "... by O.C.G.A. § 21-2-220. the poll officers."; "... to the person. the poll officers."; "... by O.C.G.A. § 21-2-220. the poll officers.", respectively, as requested by the Agency for amendment filed on Mar. 2, 2020. Effective March 22, 2020.
**Amended:** F. May 1, 2020; eff. May 21, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.

## Rule 183-1-12-.18. [Effective 11/21/2021] Provisional Ballots.

(1) This rule shall govern the casting of provisional ballots by voters at primaries and elections in accordance with O.C.G.A. §§ 21-2-418 and 21-2-419.

(2) In each polling place, there shall be established a location or station in the public area of the polling place for the purpose of issuing and receiving provisional ballots. Each polling

place shall have an information sheet developed by the Secretary of State available for voters who have questions about the provisional ballot process. The information sheet should describe relevant law regarding provisional ballots for voters who do not show up on the electors list for that polling place.

(3) The election superintendent shall provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope. The election superintendent shall also be prepared to resupply polling places with provisional ballots in needed ballot styles in a timely manner while voting is occurring so that polling places do not run out of provisional ballots. The ballot envelopes shall be so designed that the ballot will fit within the inner ballot envelope and the inner ballot envelope will fit within the outer ballot envelope. The inner ballot envelope shall have printed on it the words "Official Provisional Ballot" and nothing else. The outer envelope shall have places for inserting the person's name, precinct, date and name of election, ballot style (district combination), and whether such ballot is a regular provisional ballot, a provisional ballot cast by a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. §§ 21-2-220 and 21-2-417, or a ballot cast during poll hours extended by a court order, or a combination thereof. Primaries and elections conducted by counties shall use optical scan ballots for provisional voting. The poll manager shall cause all voted provisional ballots to be deposited into the provisional ballot box and not be inserted into the polling place ballot scanner and kept separate and apart from non-provisional ballots cast at the polling place. Municipalities shall use the same type of ballots as the municipality uses for mail-in absentee voting. The election superintendent shall also provide a booth for voting provisional ballots in the enclosed space which will provide privacy for a person while voting a provisional ballot and a secure container in which the voted provisional ballots shall be placed.

(4) Voters whose names do not appear on electors list.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, the poll officers shall immediately direct the person to the provisional ballot station. The polling place shall have an electronic poll book that includes a master list of registered voters in the state, and the poll workers shall check the list to determine if the person is assigned to a different polling place within the county or registered in a different county. If the person's name appears on the master list for a different precinct within the same county, the poll workers shall inform the person of his or her correct polling place. If the person states a good-faith belief that he or she timely registered to vote in the precinct in which he or she is present, he or she shall be offered a provisional ballot. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will only be counted if it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and if the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to

the closing of the polls and giving the reason therefor. For the purposes of this rule, any otherwise eligible vote cast by an elector who is in line by the regular time of the closing of the polls shall be deemed as having been cast before the regular time of the closing of the polls. If the person is registered in a different county, the poll officer shall inform the person that he or she appears to be registered in a different county. If the person is still eligible to vote in the county in which they appear to be registered, the person may return to that county to vote. If the person states a good-faith belief that he or she timely registered to vote in the county in which he or she is present, he or she shall be offered a provisional ballot.

(b) If the person's name is not found on the official list of electors for the precinct or the master list, the poll officers shall immediately contact the registrars and the person shall provide such information as the registrars may request to determine if the person is eligible to vote in the election. The registrars shall promptly review the information provided by the person and shall attempt to determine if the person timely and properly registered to vote in the county in which he or she is present.

(c) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election and should be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to add the person's name to the official electors list for the precinct and shall permit the person to vote in the same manner as other voters in the precinct vote. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the precinct with a notation of the name of the registrar who authorized such addition. Upon presentation of a properly completed voter certificate and the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other voters in the precinct.

(d) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election but should be assigned to a different precinct within the same county where the person is present, the registrars shall direct the poll officers to inform the person of the appropriate other precinct and the registrars shall notify the officers of such other precinct to add the person's name to the official electors list for such other precinct. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will only be counted if it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and if the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor. For the purposes of this rule,

any otherwise eligible vote cast by an elector who is in line by the regular time of the closing of the polls shall be deemed as having been cast before the regular time of the closing of the polls. Upon the completion of a voter certificate and the submission of the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in their assigned precinct in the same manner as other persons in such other precinct.

i. In such cases, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c). When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers at such other precinct which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the other precinct by the poll officers of the other precinct with a notation of the name of the registrar who authorized such addition.

(e) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if properly registered, would be assigned to the precinct at which the person is present, the registrars shall inform the poll officers and the person shall be offered a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

(f) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county at which the person is present, the registrars shall direct the poll officers to inform the person of the appropriate precinct. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will only be counted if it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and if the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor. For the purposes of this rule, any otherwise eligible vote cast by an elector who is in line by the regular time of the closing of the polls shall be deemed as having been cast before the regular time of the closing of the polls.

i. The registrars shall notify the officers of such other precinct to permit the person to vote a provisional ballot when such person arrives at such precinct, completes an official voter registration form and a provisional ballot voter

certificate, and submits the appropriate identification required by O.C.G.A. § 21-2-417. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

ii. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(g) If the person appears at a precinct in a county or municipality in which the person does not reside, the registrars shall instruct the poll officers to direct the person to contact the registrars in the county in which the person resides to determine in which precinct such person should vote.

(h) If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to receive a provisional ballot at the precinct without additional authorization from the registrars, but if from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county at which the person is present, the registrars shall direct the poll officers to inform the person of the appropriate precinct. The poll officials shall also inform such person that any votes cast by a provisional ballot in the wrong precinct will only be counted if it is cast after 5:00 P.M. and before the regular time for the closing of the polls on the day of the primary, election, or runoff and if the person executes a sworn statement, witnessed by the poll official, stating that he or she is unable to vote at his or her correct polling place prior to the closing of the polls and giving the reason therefor. For the purposes of this rule, any otherwise eligible vote cast by an elector who is in line by the regular time of the closing of the polls shall be deemed as having been cast before the regular time of the closing of the polls. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § 21-2-419(c).

(i) Upon accepting the opportunity to receive a provisional ballot, the person shall complete a provisional ballot voter certificate and an official voter registration form and submit such completed certificate and form to the poll officers along with the appropriate identification required by O.C.G.A. § 21-2-417. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an Inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot

style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(j) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public. The provisional ballot voter certificate and voter registration form shall be attached together and shall be placed in a separate, distinctively marked envelope or reusable document container which shall be placed in a secure location in the polling place.

(5) Voter who registered for first time by mail but did not provide required identification.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but does not have the identification required by O.C.G.A. § 21-2-417 and the person's name appears on the official electors list for the precinct with a designation that the person registered to vote for the first time in this state by mail but has not provided the required identification to the registrars as required by O.C.G.A. § 21-2-220, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the person shall be permitted to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the poll officers shall issue the appropriate ballot style (district combination) to the person as shown on the electors list. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(b) Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer

ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) The provisional ballot shall not be counted unless the voter provides the identification required by O.C.G.A. § 21-2-220 and 21-2-417 to the registrars before the end of the period set by law for the verification of provisional ballots. Such identification may be provided to the registrars in person, by email, by facsimile transmission or, in the case of disabled voters, by delivery by a third party.

(6) Voters voting during extended polling hours in an election in which federal candidates are on the ballot.

(a) In the event that the polling hours for a polling place are extended by a court order beyond the normal closing time for a primary, election, or runoff in which federal candidates are on the ballot, all voters who vote after the normal closing time for the polling place shall vote by provisional ballot.

(b) Voters whose names appear on the electors list and who have the appropriate identification required by O.C.G.A. § 21-2-417 shall complete a provisional voter certificate and shall be issued a provisional ballot along with an inner ballot envelope and an outer ballot envelope. Such voters shall not be required to complete a voter registration form. It also shall not be necessary to obtain approval from the registrars to issue provisional ballots to such voters. The poll officers shall place the name of the person on the numbered list of provisional ballot voters. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to a provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers. Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box to designate that the ballot is an extended poll hours provisional ballot, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) If the voter's name is not on the electors list, the poll workers shall follow the provisions of this rule for regular provisional balloting under this rule and, if the voter is authorized by the registrars to vote a provisional ballot under the terms of this rule, shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(d) If the voter's name is on the electors list but registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-220, the poll officers shall permit the voter to vote in accordance with the provisions of this rule for first time voters who register for the first time in this state by mail without providing the required identification, and shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(e) The poll officers shall provide each first time voter who registered for the first time in this state by mail without providing the required identification who casts a provisional ballot information on how the voter may provide the registrars with the appropriate identification in order that the voter's ballot may be counted.

(7) Each voter casting a provisional ballot in a primary, election, or runoff in which federal candidates appear on the ballot shall be given written information explaining how such voter can ascertain if such ballot is counted and, if such ballot is not counted, the reason why such ballot was not counted.

(8) The provisional ballot voter certificates and voter registration cards may be picked up during the day by a registrar or deputy registrar for the purpose of beginning the process of determining the eligibility of the persons to cast provisional ballots. Before transferring the voter certificates and registration cards to the registrars during the day, the poll officers shall note the number of certificates and cards being transferred to the registrars. If such voter certificates and registration cards are not picked up by the registrars by the time that the polls close and the last voter has voted, the envelope in which the provisional ballot voter certificates and voter registration cards have been deposited shall be securely sealed and shall be returned to the election superintendent with the other materials from the polling place.

(9) After the close of the polls and the last voter has voted, the poll officers shall account for all voted provisional ballots, cancelled and spoiled provisional ballots, and unused provisional ballots. The ballot stubs and unused and spoiled ballots shall then be securely sealed in the container provided for them by the election superintendent. The poll officer, along with two other witnesses sworn as poll officers, shall then proceed to open the secure container in which the provisional ballots were deposited and count the number of voted provisional ballots contained therein. The poll officer and witnesses shall then compare the total number of persons voting provisional ballots as shown on the numbered list of provisional ballot voters with the number of ballots issued and the number of ballots voted. If these numbers do not equal one another, the poll officers shall determine

the reason for the inconsistency and shall correct the problem before going further. The poll officer and witnesses shall seal the voted provisional ballots in a container for transfer to the election superintendent. The poll officers shall complete and sign a provisional ballot recap sheet and post one copy of the recap sheet on the door of the polling place with the election results from the precinct. The remaining copies of the provisional ballot recap sheet along with the numbered list of provisional ballot voters shall be returned to the election superintendent with the other election materials from the precinct.

(10) Upon receiving the election materials from the precincts, the election superintendent shall cause the envelope containing the provisional ballot voter certificates and voter registration cards to be promptly removed from the other materials and, if applicable, transferred to the registrars for processing. If applicable, the voter certificates and registration cards shall be transferred to the registrars no later than 9:00 a.m. on the day following the day of the primary, election, or runoff. The election superintendent shall also remove the container containing the voted provisional ballots and shall place such container in a secure location within the election superintendent's office.

(11) Upon receiving the provisional ballot voter certificates and voter registration cards from the election superintendent, the registrars shall promptly proceed to determine the eligibility of each person that voted a provisional ballot.

(a) If the registrars determine that the person did timely register and is eligible and entitled to vote in such primary, election, or runoff, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is accepted and shall notify the election superintendent of the proper ballot style (district combination) for the voter.

(b) If the registrars determine that the person did not timely register to vote for the primary or election or is not eligible and entitled to vote in such primary or election or if the registrars cannot determine by the close of business on the third business day following the day of the primary, election, or runoff if the voter timely registered and was eligible and entitled to vote in such primary or election, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is rejected.

(c) Not later than the close of business on the third business day following the day of the primary, election, or runoff, the registrars shall return to the election superintendent the numbered list of provisional ballot voters reflecting the accepted and rejected provisional ballots.

(d) The names of those persons whose names are accepted shall be added to the official electors list. The voter registration cards of those persons whose ballots are rejected on the numbered list of provisional ballot voters shall be processed by the registrars and, if found to be eligible and qualified, shall be added to the electors list for future elections.

(e) The registrars shall maintain the provisional ballot voter certificates for the same period of time and under the same conditions as the regular voter certificates. Voter registration cards completed by provisional ballot electors shall be maintained for the same period of time and under the same conditions as other voter registration cards.

(12) Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. The election superintendent shall first compare the precinct designation and election district information with the style of ballot (district combination) cast by the provisional ballot voter.

(a) If the ballot style (district combination) voted by the voter was correct, then the election superintendent shall open the outer envelope and place the inner envelope containing the ballot into a ballot box.

(b) If the ballot style (district combination) voted by the voter was not correct, then the election superintendent shall open the outer envelope and note the correct ballot style (district combination) on the inner envelope. Each such inner envelope shall then be placed in a separate container until all of the outer envelopes have been opened. The outer envelopes shall then be stored in a location away from the inner envelopes in a manner such that the inner envelope and ballot of a voter cannot be identified as being the ballot of a particular voter. The superintendent shall then open each such inner envelope and remove the ballot and shall place a unique identifying number on the ballot along with the designation of the precinct at the top of the ballot. The election superintendent shall then prepare or cause to be prepared a duplicate ballot. The duplicate ballot shall be clearly labeled with the word "Duplicate" and shall bear the name of the precinct and the same unique identifying number as the original ballot at the top of the ballot. The election superintendent shall transfer or cause to be transferred to the duplicate ballot, in the presence of at least two other consolidation assistants and in public, only the votes cast by the provisional ballot voter in the races and on the questions to which such voter was eligible and entitled to vote. The votes entered on the duplicate ballot shall be verified by at least one consolidation assistant. The completed duplicate ballot shall be placed in the ballot box with the other provisional ballots to be counted. The original ballot shall be placed into an appropriate container and retained.

(c) After opening all of the outer envelopes and making all necessary duplicate ballots, the election superintendent shall then open the inner envelopes of the ballots in the ballot box and proceed to count the votes in the same manner as absentee ballots are counted. Upon completing the count, the election superintendent shall add the provisional ballot votes to the other votes cast at the polls and by absentee ballot and shall consolidate and certify the results of the

primary, election, or runoff. The provisional ballots and any duplicates shall be retained for the same time period and in the same manner as absentee ballots.

(d) The rejected provisional ballots shall be marked on the outer envelope as "Not Counted" and shall not be opened. The ballots shall be maintained for the same time period and in the same manner as absentee ballots which were returned too late to be counted.

(e) The election superintendent shall notify the registrars of the names of those persons who cast a provisional ballot in the wrong precinct or on an incorrect ballot style (district combination).

(13) Upon identifying the rejected provisional ballot electors, the registrars shall proceed at the earliest possible time to notify each such person by first-class mail at the address shown on the provisional ballot voter certificate that his or her ballot was not counted because of the inability of the registrars to verify that the person timely registered to vote or such other proper reason. The registrars shall also attempt to notify the person by telephone or email if the provisional ballot voter certificate contains an email address or telephone number. If the person's voter registration card was approved, the registrars shall also notify the person that his or her name will be added to the elector's list and the person will be eligible to vote in future primaries and elections and that a voter notification or precinct card will be mailed to the person to provide the voter with the correct precinct and election district information.

(a) Upon receiving notification from the election superintendent of the names of persons who cast provisional ballots in the incorrect precinct or on the incorrect ballot style (district combination), the registrars shall notify such persons of their correct precinct and/or election district information. The sending of a voter notification or precinct card by first-class mail to the address shown on the voter registration card completed by such person when voting by provisional ballot shall be sufficient notice for such voters.

(b) If the person's voter registration is rejected, the registrars shall notify the person of such rejection in accordance with O.C.G.A. § 21-2-226(d).

(c) In addition, the registrars shall establish a free access system, such as a toll-free telephone number or an Internet website, by which voters who cast provisional ballots in a primary, election, or runoff in which federal candidates are on the ballot may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual provisional ballot shall be restricted to the voter who cast such ballot.

**Cite as GA Regs. 183-1-12-.18**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-226, 21-2-417, 21-2-418, 21-2-419.**
**History.** Original Rule entitled "Provisional Ballots" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Note:** Correction of non-substantive typographical errors in subparagraphs (4)(d), (5)(a) (sentences one and five) and (6)(d), period corrected to comma in "... by O.C.G.A. § 21-2-417. the person."; "... by O.C.G.A. § 21-2-220. the poll officers."; "... to the person. the poll officers."; "... by O.C.G.A. § 21-2-220. the poll officers.", respectively, as requested by the Agency for original rule filed on Jan. 23, 2020. Effective February 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Note:** Correction of non-substantive typographical errors in subparagraphs (4)(d), (5)(a) (sentences one and five) and (6)(d), period corrected to comma in "... by O.C.G.A. § 21-2-417. the person."; "... by O.C.G.A. § 21-2-220. the poll officers."; "... to the person. the poll officers."; "... by O.C.G.A. § 21-2-220. the poll officers.", respectively, as requested by the Agency for amendment filed on Mar. 2, 2020. Effective March 22, 2020.
**Amended:** F. May 1, 2020; eff. May 21, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.
**Amended:** F. Nov. 1, 2021; eff. Nov. 21, 2021.

## Rule 183-1-12-.19. Preparation of the Electors List and Use of Electronic Poll Book.

(1) Election superintendents shall cause each polling place to be equipped with an appropriate number of electronic poll books within the county during primaries, elections, and runoffs. Electronic poll books shall be the primary method for checking in voters and creating voter access cards, but the superintendent shall cause every polling place to be equipped with a paper backup list of every registered voter assigned to that polling place. The paper backup list shall be used in case the electronic poll books do not properly function. The superintendent shall cause poll workers to be adequately trained in checking in voters on both electronic poll books and paper backup list.

(2) The county election superintendent shall maintain each electronic poll book device, and all components in a secure location as provided for in Rule 183-1-12-.04 and 183-1-12-.05.

(3) Effective January 1, 2006, the registrars of each county shall utilize the absentee ballot subsystem of the statewide voter registration system for absentee balloting and advance voting.

(4) The registrars of each county shall complete the entry of new and updated voter registrations on a timely basis as required by the Secretary of State and shall notify the Secretary of State upon the completion of all such data entry after a registration deadline.

(5) Prior to each primary or election as specified by the Secretary of State, the county election superintendent shall provide to the Secretary of State or his or her designee a final copy of the election management system database for the county.

(6) The county election superintendent and the registrars shall notify the Secretary of State or his or her designee of any changes to the voter registration file for the county or the

election management system database that occur after the process for programing the electronic poll books has begun.

(7) During the period in which election system components are tested and prepared prior to delivery to polling places, the election superintendent shall cause each electronic poll book to undergo logic and accuracy testing. Each electronic poll book must pass such logic and accuracy test prior to being delivered to a polling place. The election superintendent or registrars shall verify the information contained on the electronic poll books prior to delivering the units to polling places.

(8) Prior to delivery to a polling place, the election superintendent or registrars shall cause the electronic poll books to accurately mark all persons who have been issued or cast absentee ballots in the election.

(9) Upon the conclusion of each primary, election, or runoff, the poll officers shall return the electronic poll books with the other election materials from the polling place to the election superintendent. The registrars and election superintendent shall inform the Secretary of State of all voters who cast ballots in each primary election or runoff in a format to be determined by the Secretary of State and in the same time period as the official election returns.

(10) For electors whose names are added to the voter registration rolls after the preparation of the electronic poll books, the registrars shall provide a printed supplemental list for use at the affected polling places.

**Cite as GA Regs. 183-1-12-.19**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Preparation of the Electors List and Use of Electronic Poll Book" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-12-.20. Use of Emergency Paper Ballots When Voting Machines are Inaccessible.

Emergency paper ballots shall be offered to and may be used by persons with disabilities in non-emergency situations if the electronic ballot markers are inaccessible.

**Cite as GA Regs. 183-1-12-.20**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Use of Emergency Paper Absentee Ballots When Voting Machines are Inaccessible" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** New title "Use of Emergency Paper Ballots When Voting Machines are Inaccessible." F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Subject 183-1-13. POLL WATCHERS.

## Rule 183-1-13-.01. Repealed.

**Cite as GA Regs. 183-1-13-.01**
**Authority: Ga. Election Code 1964, as amended.**
**History.** Original Rule was filed on July 24, 1968; effective August 12, 1968.
**Amended.** Original Rule entitled "Official Observers at Polling Places" repealed and no new Rule adopted. Filed August 5, 1969; effective August 24, 1969.

## Rule 183-1-13-.02. Assistive Technology Devices.

An illiterate or disabled elector who is entitled to receive assistance pursuant to O.C.G.A. §§ 21-2-385 or 21-2-409, or a person assisting such an elector, may use an assistive technology device to help the elector review their paper ballot prior to casting. Any image of the ballot obtained through using an assistive technology device shall be immediately deleted. Use of an assistive technology device by an illiterate or disabled elector or by a person assisting an illiterate or disabled elector shall not be deemed a violation of O.C.G.A. § 21-2-413(e).

**Cite as GA Regs. 183-1-13-.02**
**Authority: O.C.G.A. § 21-2-31.**
**History.** Original Rule entitled "Assistive Technology Devices" adopted. F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-13-.03. Poll Watchers, Notification to Superintendent.

At least three days prior to the primary or election, a copy of the designating letter issued by the political party, political body, or independent or nonpartisan candidate as specified in O.C.G.A. Section 21-2-408 shall be sent by the appropriate authority to the election superintendent of the county or municipality in which the poll watcher is to serve.

**Cite as GA Regs. 183-1-13-.03**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Poll Watchers, Notification to Superintendent" adopted. F. May 26, 1970; eff. June 14, 1970.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Amended:** F. Feb. 17, 1992; eff. Mar. 8, 1992.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-1-13-.04. Poll Watchers Required to Wear Badge.

The Superintendent shall furnish a badge to each poll watcher containing the words "Official Poll Watcher," the name of the poll watcher, the primary or election in which such poll watcher shall serve, and each precinct or tabulating center in which such poll watcher is to serve. The poll watcher shall wear his or her badge at all times while he or she is serving as a poll watcher.

**Cite as GA Regs. 183-1-13-.04**
**Authority: O.C.G.A. Sec. 21-2-31.**

**History.** Original Rule entitled "Poll Watchers Required to Wear Badge" adopted. F. May 26, 1970; eff. June 14, 1970.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-1-13-.05. Poll Watchers for Tabulating Center.

In counties and municipalities using central count optical scanning vote tabulation equipment, the election superintendent shall allow each political party to appoint two poll watchers for each primary or election, each political body to appoint two poll watchers for each election, and each independent candidate and each nonpartisan candidate to appoint one poll watcher for each election, to serve in each of the locations designated by the election superintendent within the tabulating center. Such designated places shall include the check-in area, the computer room, the duplication area, and such other areas as the election superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. Poll watchers designated for the tabulating center shall be appointed and serve in the same manner as other poll watchers.

**Cite as GA Regs. 183-1-13-.05**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Poll Watchers for Tabulating Center" adopted. F. May 26, 1970; eff. June 14, 1970.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Amended:** F. Feb. 17, 1992; eff. Mar. 8, 1992.
**Amended:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-1-13-.06. Poll Watchers for Advance Voting.

For the purposes of applying O.C.G.A. § 21-2-408(a)(2) and (b)(3)(A), a political party, a political body, or independent or non-partisan candidate may designate, or a candidate may submit to a political party, a different poll observer or set of poll observers for each day of advance voting.

**Cite as GA Regs. 183-1-13-.06**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-408.**
**History.** Original Rule entitled "Poll Watchers for Advance Voting" adopted. F. Aug. 15, 2014; eff. Sep. 4, 2014.

# Subject 183-1-14. ABSENTEE VOTING.

## Rule 183-1-14-.01. Absentee Ballot Envelope; Definition of Advanced Age; Use of Symbols.

(1) For purposes of applying O.C.G.A. § 21-2-381(a)(1)(G), "advanced age" shall mean any elector who is 65 years of age or older at the time of the absentee ballot request.

(2) For purposes of applying O.C.G.A. § 21-2-381(a)(1)(G), an elector meets the criteria of "disability" when the elector (a) has a physical disability and (b) informs the registrar of his or her status as disabled at the time of the absentee ballot request.

(3) Registrars or absentee ballot clerks shall, in a visible and legible manner, note symbols on the return absentee ballot oath envelope to designate the category under which an absentee elector applied for his or her ballot. Suggested symbols include:

E - Elderly or of advanced age (65 years of age or older),

D - Disabled physically,

MOS - Military overseas,

MST - Military stateside,

OST - Overseas temporary,

OSP - Overseas permanent resident,

NR - No reason is provided.

To facilitate ballot tabulation, registrars or absentee ballot clerks shall note on the face of the absentee oath envelope the absentee elector's precinct and, in the case of a primary or primary runoff, the party in whose primary or primary runoff the elector is voting and "MIDR" if the voter is voting for the first time pursuant to O.C.G.A. § 21-2-417(c).

**Cite as GA Regs. 183-1-14-.01**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-381.**
**History.** Original Rule entitled "Absentee Voting, Jurat Validity" adopted. F. July 24, 1968; eff. Aug. 12, 1968.
**Repealed:** New Rule entitled "Absentee Ballot Envelope, Use of Symbols" adopted. F. June 24, 1974; eff. July 14, 1974.
**Amended:** F. Oct. 20, 1975; eff. Nov. 9, 1975.
**Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Amended:** F. Feb. 17, 1992; eff. Mar. 8, 1992.
**Amended:** F. Oct. 24, 2003; eff. Nov. 13, 2003.
**Amended:** F. Mar. 17, 2011; eff. Apr. 6, 2011.
**Amended:** New title "Absentee Ballot Envelope; Definition of Advanced Age; Use of Symbols." F. Nov. 10, 2014; eff. Nov. 30, 2014.
**Note:** Correction of non-substantive error, History and SOS website updated to record amendment f. Nov. 10, 2014; eff. Nov. 30, 2014. Effective April 27, 2016.

## Rule 183-1-14-.02. Advance Voting.

(1) All federal, state, and county primaries and elections shall be conducted using electronic ballot markers and ballot scanners for in-person absentee voting during the advance

voting period. As used in this rule, the term "registrar" or "registrars" means a county board of registrars, a county board of elections and registration, a joint county-municipal board of elections and registration, a municipal absentee ballot clerk, a municipal registrar, or the designee of a board of registrars, board of elections and registration, or joint county-municipal board of elections and registration.

(2) The registrar shall publish the times, dates. and locations of the availability of advance voting in their jurisdiction on the homepage of the county's publicly accessible website associated with elections and/or registrations, or if the county does not have such a website, in a newspaper of general circulation and by posting in a prominent location in the county, no later than 7 days prior to the beginning of the advance voting period. Any additional advance voting locations added after that deadline shall be published as soon as possible. The registrar shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances make such a change necessary, in which case the registrar shall publish those changes as soon as possible.

(3) Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule 183-1-12-.08 prior to use in advance voting. Public notice of the time and place for such configuration and testing of the electronic ballot markers and ballot scanners to be used for advance voting shall be given in accordance with O.C.G.A. §§ 21-2-374 and 21-2-379.25 and Rule 183-1-12-.08 prior to such configuration and testing.

(4) The electronic ballot markers and ballot scanners to be used for advance voting shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such components against tampering, damage, or other improper conduct. In addition, there shall be at least one electronic ballot marker configured for use by physically disabled electors. at each advance voting location.

(5) Voter access cards for use in electronic ballot markers for advance voting may be encoded by use of an electronic poll book or other device approved by the Secretary of State. The registrar may also utilize the correct access code to manually bring up the correct ballot on the touchscreen.

(6) Magnifying devices shall be available at advance voting locations to assist voters in reviewing their paper ballots.

(7) On the first day of the advance voting period, prior to any votes being cast on ballot scanners, the registrars shall verify that the seals for each electronic ballot marker, ballot scanner, and ballot box are intact and that there is no evidence or indication of any tampering with the seal or the component. The registrars shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering with the seal or component, the election superintendent shall be immediately

notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the registrars. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the registrars. The registrars and two witnesses sworn as poll officers as provided in O.C.G.A. §§ 21-2-94 and 21-2-95 shall run a zero tape on each ballot scanner prior to the beginning of advance voting on those scanners, and the registrar and the two witnesses shall sign the zero tape in the space provided. The registrars shall verify that the electronic ballot markers and ballot scanners all indicate zero counts prior to the opening of the polls. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such component shall not be used until the component is cleared and the matter is resolved by agreement of the election superintendent and the registrars. The registrar and the same two sworn witnesses who signed the zero tape shall inspect and confirm that the ballot box associated with that scanner is empty and contains no ballots or other unauthorized matter, and shall verify that fact in writing on a form to be developed by the Secretary of State. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent at the close of the advance voting period with the other paperwork from the voting location. The registrars shall verify that there is no unauthorized matter affixed to the electronic ballot markers, ballot scanners, or voting booths. The registrars shall affix a card of instructions for voting within each voting booth. Prior to voters entering the voting booth, the registrars may also distribute to such voters a card of instructions for voting that has been approved or provided by the Secretary of State.

(8) If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule 183-1-12-.10(5).

(9) At the close of voting each day during the advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff. Each electronic ballot marker, ballot scanner, ballot box, electronic poll book, paper backup poll book, and voter access cards shall then be secured overnight. If the room where advance voting is taking place cannot be locked and secured overnight in the reasonable judgment of the superintendent, the superintendent shall cause the voting system components to be stored in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, a licensed security guard, or a law enforcement official; or if, if the previously listed options are not feasible, in another manner that in the reasonable judgment of the superintendent secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

(10) Each morning during the advance voting period prior to voting beginning, the registrars shall verify the seal numbers on each electronic ballot marker and ballot scanner to be used for advance voting with the number of the seal recorded on the daily recap sheet from the previous day of advance voting and shall verify that the seals do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the electronic ballot markers and ballot scanners shall be turned on. If the numbers do not match or there is evidence of tampering, the election superintendent shall be notified immediately and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. After turning on the ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of advance voting. If the numbers do not match, the election superintendent shall be immediately notified and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day.

(11) Voters who vote absentee ballots in person shall first complete an absentee ballot application and sign an oath, which may be on the same form and may be on paper or digital. After the registrars determine that the voter is eligible to vote, the registrars shall note the voter's registration number and ballot style on the absentee ballot application. Each voter shall be offered instruction by a registrar in the method of voting on the voting system, including specific instruction to review their printed ballot prior to scanning it. In providing such instruction, the registrar shall not in any manner request, suggest, or seek or persuade or induce any voter to vote any particular ticket or for any particular candidate, or for or against any particular question. The voter shall then be issued a voter access card programmed with the correct ballot style or the registrar shall use the correct access code to manually bring up the correct ballot on the electronic ballot marker. The voter shall then enter the enclosed space in the advance voting location and proceed to vote his or her choices. Upon making his or her selections, the

voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen unit, review the selections on his or her printed ballot, scan his or her printed ballot into the ballot scanner, and return the voter access card to a poll officer.

(12) The registrars shall cause each advance voting location to be sufficiently staffed. At least one poll officer shall be assigned to assisting voters who have questions while they are in the voting booth, but before they approach the ballot scanner. Another poll officer shall be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer each voter specific verbal instruction to review their printed paper ballot prior to scanning it. In addition to the preceding instruction, the poll officer stationed at the ballot scanner shall offer general instruction throughout the period while voting is occurring telling voters that sample ballots and magnifying devices are available to assist them in reviewing their paper ballot. The poll officer shall take all reasonable precautions not to view the selections on an elector's ballot unless it is required due to assistance requested by the elector. If a poll officer observes a voter attempting to leave the enclosed space with a paper ballot, the poll officer shall inform the voter of the consequence of not depositing his or her paper ballot into the ballot scanner prior to leaving the room.

(a) If a voter discovers that the ballot presented on the electronic ballot marker is not correct or, for a partisan primary, is not the ballot that the voter desired to vote, the voter should immediately notify a poll officer. The poll officer shall cancel or void the ballot on the electronic ballot marker without attempting, in any manner, to see how the voter has voted and shall then take the necessary steps to provide the voter with the correct ballot and make any necessary corrections to the voter's certificate of the voter, the electors list, and the numbered list of voters. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll officer shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(b) If, while reviewing his or her paper ballot, a voter discovers that the printed ballot does not reflect the voter's desired selections or that the voter was not issued the proper ballot, the voter should immediately inform a poll officer. The poll officer shall spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on the electronic ballot marker and cause the correct ballot to be issued. The poll officer shall document the incident on a form circulated by the Secretary of State. The poll manager shall inform the elections superintendent immediately if one or more BMDs are associated with a significant number of incidents.

(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The registrar and two sworn witnesses shall unseal the ballot box, remove the

paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. The ballot scanners and ballot containers shall then be secured until time for the tabulation of votes.

(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

(15) After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purpose), provided by the election superintendent along with "poll worker" memory cards from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The envelope shall be initialed by the poll manager and the

two witnesses indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the absentee ballot recap form.

(16) After completing the printing of the results, the ballot scanner shall be turned off, secured, and resealed. The ballot scanners shall then be placed in a secure area with appropriate climate control. The envelopes containing the memory cards and results tapes, voter access cards, poll worker cards, ballot encoder devices, numbered lists of absentee voters, absentee ballot recap forms, and other such paperwork shall be transported to the office of the election superintendent by the election superintendent or tabulating center personal, which transportation shall at all times involve at least two authorized individuals. The office of the election superintendent shall receive the materials and shall document delivery. The election superintendent or tabulating center personal who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with.

(17) Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.

**Cite as GA Regs. 183-1-14-.02**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-385.**
**History.** Original Rule entitled "Use of DRE Units for Absentee Balloting" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.
**Amended:** New title "Advance Voting." F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.

## Rule 183-1-14-.03. Provisional Absentee Ballots.

(1) Except as otherwise provided by O.C.G.A. § 21-2-220(c), when the registrars receive a request for an absentee ballot from a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-220, the registrars shall process the request in the same manner as other requests for absentee ballots. If the voter is found to be eligible to vote by absentee ballot, the registrars shall issue a ballot to the voter and mark the outer oath envelope with the code "IR." In addition to the information concerning how to vote the ballot, the registrars shall also enclose with the absentee ballot instructions on providing proper identification and in accessing the free access system to determine if the ballot was counted as required by O.C.G.A. § 21-2-418(e) and (f).

(2) When an absentee ballot is received from a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-

220, except as otherwise provided by O.C.G.A. § 21-2-220(c), the registrars shall process the ballot as other absentee ballots returned by voters. If the ballot is accepted by the registrars but the voter has not provided the required identification, the ballot shall be treated as a provisional ballot and shall be held separate and apart from the other absentee ballots. The registrars shall maintain a numbered list of provisional absentee ballots.

(3) If an absentee voter whose ballot has been accepted but treated as a provisional ballot for failure to provide the required identification provides the required identification prior to the close of the polls on the day of the election, the voter's ballot shall be treated as a regular absentee ballot and the voter shall be switched from the numbered list of provisional absentee voters to the numbered list of regular absentee voters.

(4) As soon as practicable after 12:00 Noon on the day of the primary, election, or runoff, the registrars shall begin to deliver all accepted regular and provisional absentee ballots to the absentee ballot precinct in accordance with law. The provisional absentee ballots shall be retained by the poll officers at the absentee ballot precinct or tabulating center, as the case may be, unopened and shall not be counted. The provisional absentee ballots shall be placed in a secure container for provisional ballots and shall be transferred to the election superintendent with the other absentee ballots and election materials from the absentee ballot precinct or tabulating center, as the case may be.

(5) If, by the end of the period set by law for the verification of provisional ballots, the registrars receive the required identification from an absentee voter who failed initially to provide the required identification, then the registrars shall notify the election superintendent to count the ballot of such voter in the same manner as other verified provisional ballots from the polls. If the registrars do not receive the required identification from such absentee voter by the end of the period set by law for the verification of provisional ballots, the registrars shall notify the election superintendent to not count the ballot and the ballot shall remain unopened and sealed and shall be retained in accordance with law with the other provisional ballots which the registrars did not verify for counting.

**Cite as GA Regs. 183-1-14-.03**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Provisional Absentee Ballots" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003. November 13, 200336.05

## Rule 183-1-14-.04. Reporting Requirements for Absentee Ballots.

(1) The registrars of each county shall on the 32nd day prior to each statewide general primary and general election submit to the Secretary of State on a form provided by the Secretary of State information concerning absentee ballots requested by electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973 ff, *et seq.*, as amended. Such report shall include the number of absentee ballots requested by each such category of absentee voter, the

date on which the absentee ballots were available in the registrars' office, and the date on which the ballots requested by such voters were sent to the voters. The Secretary of State may request further information related to the application for and the transmittal of such ballots.

(2) The report shall be submitted to the Secretary of State either by facsimile or other electronic means on the 32nd day prior to each statewide general primary and general election.

**Cite as GA Regs. 183-1-14-.04**
**Authority: Authority O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Absentee Electors and Campaigning in or Near Absentee Polling Places" adopted as ER. 183-1-14-0.5-.04. F. Sept. 10, 2004; eff. Sept. 9, 2004, the date of adoption.
**Amended:** Permanent Rule entitled "Reporting Requirements for Absentee Ballots" adopted. F. Dec. 21, 2005; eff. Jan. 10, 2006.
**Repealed:** New Rule of same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.

## Rule 183-1-14-.05. State Write-In Absentee Ballot.

(a) The Secretary of State shall design a state write-in absentee ballot for use in runoff primaries and runoff elections by an elector of this state who resides outside the county or the municipality in which the election is being conducted and is:

(1) a member of the armed forces of the United States, a member of the merchant marine of the United States, a member of the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration, or a spouse or dependent of such member residing with or accompanying said member; or

(2) A citizen of the United States residing outside the United States.

(b) Such state write-in absentee ballot shall be designed in such a manner as to permit the person voting such ballot to write-in the name of a candidate or candidates for state offices that are elected on a state-wide basis and for all federal offices in a runoff primary or runoff election. Such state write-in ballot shall automatically be included with any absentee ballot sent to such eligible electors for any general primary or general election. No special request for such ballot shall be required in such circumstances.

(c) Such ballot shall either have attached to or have included with such ballot two envelopes. One envelope shall have printed on such envelope the words "Official State Write-In Absentee Ballot" and nothing else. The other envelope shall be designed such that the first envelope will fit inside it and shall have printed on one side the absentee elector oath and the other side shall contain a place for the elector to address the ballot to the appropriate board of registrars or board of elections and registration in this state for mailing.

(d) The Secretary of State shall prepare and print instructions for completing and returning such ballot that shall also be enclosed with such ballot. The state write-in absentee ballot, the envelopes for returning it, and the instructions shall be enclosed with the regular absentee ballot, envelopes, and instructions for completing and returning the regular absentee ballot.

(e) Such ballots shall be made available in a downloadable electronic form on the Secretary of State's website as well as in printed form. Additionally, the Secretary of State and the county registrars shall provide for the transmission of such blank ballots by facsimile transmission and electronic mail transmission to electors. Instructions for voting such ballots shall be included on the website and shall accompany any facsimile and electronic mail ballot transmissions. Voted ballots shall not be returned by facsimile or electronic mail.

(f) As soon as practicable after a general primary or general election, the Secretary of State shall cause to be published on the official website of the Secretary of State a list of all federal offices and state offices in which there will be a runoff primary or runoff election, as the case may be, along with the names of the candidates who will be on the ballot in such runoff.

(g) If an elector obtains the ballot by facsimile or by downloading from electronic mail or the Secretary of State's website, the elector shall return the ballot by mail using two envelopes. The elector shall enclose and seal the ballot in a plain envelope and insert that envelope into another envelope for transmission to the registrars. The elector shall copy and sign the appropriate oath onto the back of the outer envelope. The Secretary of State shall provide a sample envelope and oath form on the Secretary of State's website in such a manner that such form may be used by an elector to print out the forms for the purpose of pasting or attaching such forms to an envelope for returning the ballot or for printing an envelope for returning the ballot.

(h) If the registrars receive both the official absentee runoff ballot and the state write-in absentee ballot from an elector during the time period for receiving such ballots, the registrars shall submit only the official absentee runoff ballot for counting. In such case, the state write-in absentee ballot shall be handled in the same manner as ballots that are received too late for counting. In order to ensure that the correct ballot is counted, the registrars shall hold the ballots of individuals to whom both an official absentee runoff ballot and a state write-in ballot have been sent until the close of the absentee voting period before submitting such ballots for counting.

(i) The failure of an elector to seal the ballot in an inner envelope alone shall not be grounds for rejecting such ballot. The failure of the elector to complete the oath required of absentee voters on the outer envelope shall be cause to reject such ballot.

**Cite as GA Regs. 183-1-14-.05**
**Authority: Authority O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "State Write-In Absentee Ballot" adopted. F. Dec. 21, 2005; eff. Jan. 10, 2006.

## Rule 183-1-14-.06. Spoiled Absentee Ballots.

(1) When an absentee ballot is spoiled, the elector may write "Spoiled" across the face of the ballot, then fold the ballot and enclose and securely seal the same in the envelope on which is printed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of the oath of the elector, the name, relationship, and oath of the person assisting, if any, and other required identifying information. The elector shall then fill out the required information on such envelope, without the requirement to subscribe or swear to the oath printed on such envelope. Such envelope shall then be securely sealed and the elector shall write across the face of the envelope "Spoiled" and then mail or personally deliver same to the board of registrars or absentee ballot clerk in accordance with O.C.G.A. Section 21-2-385.

(2) Upon receipt of an absentee ballot upon which the word "Spoiled" has been written across the face of the envelope, a registrar or absentee ballot clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or absentee ballot clerk shall, within two days after the receipt of such ballot, mail or issue another official absentee ballot to the elector. All returned spoiled ballots shall be safely kept unopened by the board or absentee ballot clerk and then transferred to the appropriate clerk for storage for the period of time required for the preservation of ballots used at the primary or election and shall then, without being opened, be destroyed in like manner as the used ballots of the primary or election.

(3) The directions that explain how to cast a vote and how to obtain a new ballot after one is spoiled shall appear immediately under the caption on the ballot in substantially the following form as appropriate for that particular primary or election:

To vote, use black or blue ink to mark the ballot. Completely fill-in the empty oval to the left of the candidate name or choice in all races you wish to vote. If voting for a Write-In Candidate, completely fill-in the empty oval to the left of the write in selection, then write the name of the write-in candidate in the space provided.

Warning, do not use red ink or a felt tip pen to mark the ballot. Do not circle, underline, or mark through ballot choices. Do not use "check" marks or an "X" to mark your ballot. Do not mark more choices per race than allowed. Do not sign, cut, tear, or damage the ballot.

If you change your mind or make a mistake on a selection, do not attempt to mark through the selection or attempt to erase. write "Spoiled" across the face of the ballot and across the return envelope. Mail or return the spoiled ballot and envelope to your county board of registrars, and a new official absentee ballot will be mailed to you.

If you decide to vote in-person, surrender the ballot to the poll manager of an early voting site within your county or the precinct to which you are assigned. You will then be permitted to vote a regular ballot.

"I understand that the offer or acceptance of money or another object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law." See O.C.G.A. §§ 21-2-284(e), 21-2-285(h), and 21-2-383(a).

**Cite as GA Regs. 183-1-14-.06**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-284(e), 21-2-285(h), 21-2-383(a).**
**History.** Original Rule entitled "Spoiled Absentee Ballots" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.
**Amended:** F. Sep. 16, 2020; eff. Oct. 6, 2020.

## Rule 183-1-14-.07. Spoiled Ballot Definition.

(1) **Definitions.** As used in these rules and the Georgia Election Code, the term:

(a) "Spoiled ballot" includes a ballot

1. that has been torn, defaced, or physically deformed;
2. on which there are cast more than the permitted number of votes;
3. that has been completed in a manner which is illegible or incomprehensible;
4. that contains writing which compromises the secrecy of the ballot;
5. that is marked improperly, inappropriately, or in such a way that it would be rejected;
6. that was issued in error by the election official; or
7. that contains the wrong precinct, party, or style.

(2) A spoiled ballot shall not be reinstated.

**Cite as GA Regs. 183-1-14-.07**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-284, 21-2-285, 21-2-285.1, 21-2-379.11, 21-2-390, 21-2-433, 21-2-434, 21-2-436, 21-2-437, 21-2-440, 21-2-480, 21-2-483, 21-2-484, 21-2-493, 21-2-587.**
**History.** Original Rule entitled "Spoiled Ballot Definition" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

## Rule 183-1-14-.08. Additional Sites as Additional Registrar's Offices or Places of Regitration for Absentee Ballots.

(1) Definitions. As used in this Rule and O.C.G.A. Section 21-2-382, the term:

(a) "Government building generally accessible to the public" means any building or structure which is used by the public:

1. that is owned, leased, operated, or used by, the State of Georgia, its agencies and authorities, and any political subdivision of the state, municipal corporation, or local board or authority created by general, local, or special Act of the General Assembly or by ordinance or resolution of the governing body of a county or municipal corporation individually or jointly with other political subdivisions or municipalities of the State; and

2. that is constructed or renovated in whole or in part by use of state, county, or municipal funds; the funds of any political subdivision of the State; or, to the extent not required otherwise by federal law or regulations and not beyond the power of the State to regulate, federal funds.

(2) A board of registrars may establish additional sites as additional registrar's offices or places of registration for the purpose of receiving absentee ballots under O.C.G.A. Section 21-2-381 and for the purpose of voting absentee ballots under O.C.G.A. Section 21-2-385. Whenever practicable, a branch of the county courthouse, a courthouse annex, a government service center providing general government services, or another government building generally accessible to the public shall be utilized for such additional sites.

**Cite as GA Regs. 183-1-14-.08**
**Authority: Authority O.C.G.A. Secs. 21-2-31, 21-2-382, 30-3-2, 31-12A-3.**
**History.** Original Rule entitled "Additional Sites as Additional Registrar's Offices or Places of Registration for Absentee Ballots" adopted. F. Dec. 15, 2009; eff. Jan. 4, 2010.

## Rule 183-1-14-.09. Voted Absentee Ballots.

(1) Definitions. As used in this Rule and O.C.G.A. Section 21-2-388, the phrase:

(a) "An absentee ballot which has been voted" means an absentee ballot that has been returned to and received by the board of registrars and has been certified in accordance with subsection (a) of O.C.G.A. Section 21-2-386 by the board of registrars.

(2) When an absentee ballot which has been voted shall be returned to and received by the board of registrars, it shall be deemed to have been voted then and there; and no other ballot shall be issued to the same elector. If the board of registrars or absentee ballot clerk rejects or otherwise fails to certify an absentee ballot in accordance with subsection (a) of O.C.G.A. Section 21-2-386, the elector shall be provided the opportunity to vote in the primary, election, or runoff either by applying for a second absentee ballot prior to the

day before such primary, election, or runoff or by voting in person at the elector's polling place on the day of the primary, election, or runoff.

**Cite as GA Regs. 183-1-14-.09**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-388.**
**History.** Original Rule entitled "Voted Absentee Ballots" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

## Rule 183-1-14-.10. Acceptance of Absentee Ballots From Military and Overseas Citizens.

Absentee ballots cast in a primary, election, or runoff by eligible electors who reside outside the county or municipality in which the primary, election, or runoff is held are members of the armed forces of the United States, members of the merchant marine of the United States, spouses or dependents of members of the armed forces or merchant marine residing with or accompanying such member, or overseas citizens that are received by United States Mail or commercial courier, without bearing a postmark, and within the three-day period following such primary, election, or runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results.

**Cite as GA Regs. 183-1-14-.10**
**Authority: O.C.G.A. Secs. 21-2-31, 21-2-386.**
**History.** Original Rule entitled "Acceptance of Absentee Ballots From Military and Overseas Citizens" adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.

## Rule 183-1-14-.11. Mailing and Issuance of Ballots.

During early voting, as additional applicants for absentee ballots are determined to be eligible, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots or provisional absentee ballots, if appropriate, to such additional applicants immediately upon determining their eligibility. The board or clerk shall make such determination and mail or issue official absentee ballots; provisional absentee ballots, if appropriate, or notices of rejection of absentee ballot applications to such additional applicants within 3 business days after receiving the absentee ballot applications.

**Cite as GA Regs. 183-1-14-.11**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-384.**
**History.** Original Rule entitled "Mailing and Issuance of Ballots" adopted. F. May 27, 2011; eff. June 16, 2011.
**Amended:** F. Jan. 23, 2020; eff. Feb. 12, 2020.

## Rule 183-1-14-.12. [Effective until 11/21/2021] Eligibility of Application for Absentee Ballot.

(1) The application for an absentee ballot shall be in writing on the form made available by the Secretary of State and shall contain sufficient information for proper identification of the elector. To be deemed sufficient, an application for an absentee ballot must contain the elector's name, date of birth, address as registered, address where elector wishes the ballot to be mailed, the number of his or her driver's license or identification card issued pursuant to Article 5 of chapter 5 of Title 40 or other allowable identification, and the signature of the applicant.

(2) In the case of the elector making such application for an absentee ballot, the application shall contain the signature of such elector.

(3) In the case of a relative making an application on behalf of an elector pursuant to O.C.G.A. § 21-2-381(a)(1)(B), the application shall contain the signature of the elector's relative as well as the relationship of the relative to the elector.

(4) Web-based tools or applications that allow people who are otherwise eligible to request absentee ballots in Georgia (i.e., voters or eligible family members) by entering personal information into the web-based tool or application by the voter or eligible family member to partially complete an absentee ballot application are permitted. However, confidential voter information entered into these web-based tools or applications shall not be stored, sold, distributed by any entity or person, nor used for any commercial purposes. If a person gives express written consent, non-confidential voter information may be securely stored by the entity or person but shall not be sold or used by any entity or person for any commercial purposes.

   (a) For the purposes of this rule, "confidential voter information" means any field contained in the absentee ballot application that is not made available for public inspection pursuant to applicable law, including but not limited to O.C.G.A. § 21-2-225, including, but not limited to, (1) the driver's license or state identification card number and (2) the voter's month and day of birth.

(5) Any application for an absentee ballot sent to any voter by any person or entity shall display the following disclaimer on the space provided on the application for such disclaimer:

   "This is NOT an official government publication and was NOT provided to you by any government entity and this is NOT a ballot. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material]."

   (a) The disclaimer required in section (a) of this rule shall be:

      i. Sufficient font size to be clearly readable by the recipient of the communications.

         1. A disclaimer in twelve (12)-point type satisfies the size requirement.

ii. Be contained in a printed box set apart from the other contents of the communications.

iii. Be printed with a reasonable degree of color contrast between the background and printed disclaimer.

1. A disclaimer satisfies the color contrast requirement if it is printed in white text on a black background or if the degree of contrast between the background color and the disclaimer text color is at least as great as the degree of contrast between the background color and the color of the largest text in the communication.

**Cite as GA Regs. 183-1-14-.12**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-381.**
**History.** Original Rule entitled "Eligibility of Application for Absentee Ballot" adopted. F. Dec. 28, 2015; eff. Jan. 17, 2016.
**Amended:** F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.
**Note:** Correction of non-substantive typographical error in subparagraph (5)(a)(iii)1., period added at the end of sentence (i.e., after "communication"), as requested by the Agency. Effective November 10, 2021.

## Rule 183-1-14-.12. [Effective 11/21/2021] Eligibility of Application for Absentee Ballot.

(1) The application for an absentee ballot shall be in writing on the form made available by the Secretary of State and shall contain sufficient information for proper identification of the elector. To be deemed sufficient, an application for an absentee ballot must contain the elector's name, date of birth, address as registered, address where elector wishes the ballot to be mailed, the number of his or her driver's license or identification card issued pursuant to Article 5 of chapter 5 of Title 40 or other allowable identification, and the signature of the applicant.

(a) In the case of the elector making such application for an absentee ballot, the application shall contain the signature of such elector.

(b) In the case of a relative making an application on behalf of an elector pursuant to O.C.G.A. § 21-2-381(a)(1)(B), the application shall contain the signature of the elector's relative as well as the relationship of the relative to the elector.

(2) Web-based tools or applications that allow people who are otherwise eligible to request absentee ballots in Georgia (i.e., voters or eligible family members) by entering personal information into the web-based tool or application by the voter or eligible family member to partially complete the absentee ballot application described in section (1) of this rule are permitted. However, confidential voter information entered into these web-based tools

or applications shall not be stored, sold, distributed by any entity or person, nor used for any commercial purposes. If a person gives express written consent, non-confidential voter information may be securely stored by the entity or person but shall not be sold or used by any entity or person for any commercial purposes.

(a) For the purposes of this rule, "confidential voter information" means any field contained in the absentee ballot application that is not made available for public inspection pursuant to applicable law, including but not limited to O.C.G.A. § 21-2-225, including, but not limited to, (1) the driver's license or state identification card number and (2) the voter's month and day of birth.

(3) Any application for an absentee ballot sent to any voter by any person or entity (except applications sent by the election superintendent or registrar at the request of the elector) shall display the following disclaimer on the space provided on the application for such disclaimer:

"This is NOT an official government publication and was NOT provided to you by any government entity and this is NOT a ballot. It is being distributed by [insert name and address of person, organization, or other entity distributing such document or material]."

(a) The disclaimer required in section (a) of this rule shall be:

i. Sufficient font size to be clearly readable by the recipient of the communications.

1. A disclaimer in twelve (12)-point type satisfies the size requirement.

ii. Be contained in a printed box set apart from the other contents of the communications.

iii. Be printed with a reasonable degree of color contrast between the background and printed disclaimer.

1. A disclaimer satisfies the color contrast requirement if it is printed in white text on a black background or if the degree of contrast between the background color and the disclaimer text color is at least as great as the degree of contrast between the background color and the color of the largest text in the communication.

**Cite as GA Regs. 183-1-14-.12**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-381.**
**History.** Original Rule entitled "Eligibility of Application for Absentee Ballot" adopted. F. Dec. 28, 2015; eff. Jan. 17, 2016.
**Amended:** F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Sep. 22, 2021; eff. Oct. 12, 2021.
**Note:** Correction of non-substantive typographical error in subparagraph (5)(a)(iii)1., period added at the end of sentence (i.e., after "communication"), as requested by the Agency. Effective November 10, 2021.

**Amended:** F. Nov. 1, 2021; eff. Nov. 21, 2021.

## Rule 183-1-14-.13. Prompt Notification of Absentee Ballot Rejection.

When a timely submitted absentee ballot is rejected, the board of registrars or absentee ballot clerk shall send the elector notice of such rejection and opportunity to cure by mailing written notice, and attempt to notify the elector by telephone and email, if a telephone number or email is on the elector's voter registration record or absentee ballot application, no later than the close of business on the third business day after receiving the absentee ballot. However, for any timely submitted absentee ballot that is rejected within eleven days of Election Day, the board of registrars or absentee ballot clerk shall send the elector notice of such rejection and opportunity to cure by mailing written notice, and attempt to notify the elector by telephone and email, if a telephone number or email is on the elector's voter registration record or absentee ballot application, no later than close of business on the next business day.

**Cite as GA Regs. 183-1-14-.13**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-386.**
**History.** Original Rule entitled "Prompt Notification of Absentee Ballot Rejection" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Amended:** F. May 1, 2020; eff. May 21, 2020.
**Note:** Correction of administrative error, "rejecting" corrected to "receiving" (i.e., "... no later than the close of business on the third business day after receiving the absentee ballot."), reflecting the rule as originally promulgated and adopted on April 15, 2020; correction submitted by Agency on August 31, 2020. Effective August 31, 2020.

## Rule 183-1-14-.14. Early Absentee Ballot Processing.

(1) Beginning at 8:00 A.M. on the third Monday prior to the day of the primary, election, or runoff, the election superintendent shall be authorized to open the outer oath envelope of absentee ballots that have been verified and accepted pursuant to O.C.G.A. § 21-2-386(a)(1)(B) to remove the contents of such outer envelope, open the inner envelope marked "Official Absentee Ballot," and scan the absentee ballot using one or more scanners.

(a) While absentee ballot processing and scanning shall be open to the view of the public and monitors designated by political parties and candidates, no person except one employed and designated by the election superintendent shall touch any ballot or ballot container. Any person involved in processing and scanning absentee ballots shall swear an oath, in the same form as the oath for poll officers provided in O.C.G.A. § 21-2-95, prior to beginning the processing and scanning of absentee ballots.

(b) At least three persons who are registrars, deputy registrars, poll workers, or absentee ballot clerks shall be present at all times while the absentee ballot envelopes are being opened and the absentee ballots are being scanned.

(c) Outer envelopes shall be opened in such a manner as not to destroy the voter oath signature, the voter's identification information, and (if applicable) the signature and oath of a person assisting a voter.

(2) Public Notice of Absentee Ballot Processing and Scanning.

(a) At least seven days prior to beginning the absentee ballot processing and scanning set forth in section (1) of this rule, the election superintendent shall give the public proper notice of such processing and scanning by:

i. Providing written notice to the Secretary of State or designee in the manner prescribed by the Secretary of State;

ii. If the county or municipality maintains a publicly accessible website, publishing a notice on the homepage of the county's or municipality's (whichever is applicable) publicly accessible website associated with elections and/or registrations; and

iii. Posting the notice in a prominent location in the election superintendent's office.

(b) Proper public notice shall include the dates, start and end times, location or locations where absentee ballots will be processed and scanned, and that such processing and scanning shall be open to the view of the public.

(3) Reconciliation Procedures.

(a) For the purposes of this rule, "reconciliation form" means the reconciliation form prescribed and provided by the Secretary of State.

(b) For the purposes of this rule, "batch" means one hundred absentee ballot envelopes or less.

(c) Prior to opening the outer envelope of a batch, all outer envelopes in the batch shall be counted and recorded on a reconciliation form. Upon opening the outer envelopes of a batch, the contents shall be removed in a manner that ensures the contents of the envelope cannot be matched back to the outer envelope to ensure an elector's constitutional right to a secret ballot. Once all outer envelopes have been opened and contents removed, the inner envelopes shall be opened and the absentee ballots removed. Once all the absentee ballots have been removed, the number of ballots shall be counted and recorded on the reconciliation form and compared to the original count of outer envelopes in the batch. Any discrepancy shall be investigated and reported on the reconciliation form. The reconciliation form shall be signed by the officials processing the batch of ballots. The absentee ballots shall then be scanned on a ballot scanner. A batch number assigned by the ballot scanner shall be recorded on the reconciliation form for that batch.

(d) Any ballot that is so torn, bent, or otherwise defective that it cannot be processed by the scanner shall be duplicated pursuant to O.C.G.A. § 21-2-483. If the elections superintendent orders a duplication panel to prepare a true duplicate copy for processing, all members of a duplication panels shall complete a Duplication Panel Oath prior to carrying out the duties of a duplication panel member. The Duplication Panel Oath shall be in the following form:

STATE OF GEORGIA

COUNTY/MUNICIPALITY OF

OATH OF DUPLICATION PANEL MEMBER

I,_____, do swear (or affirm) that I will as a duplication panel member for the County/Municipality of _____, faithfully perform all of my duties in accordance with state law; that I will not tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to produce any tally or tabulate, partial or otherwise, the absentee ballots cast until the time for the closing of the polls on the day of the primary, election, or runoff except as provided in O.C.G.A. § 21-2-386 nor will I communicate directly or indirectly any information learned through my participation in the duplication panel except, if necessary, to election officials, the Secretary of State, or appropriate law enforcement; and that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying out my duties.

_____

Duplication Panel Member

Administered by, sworn to,

and subscribed before me,

this _____ day of _____, 20____

_____

Election Superintendent

(e) Vote review panels shall be established, as needed, to adjudicate any rejected ballots pursuant to O.C.G.A. § 21-2-483 and Rule 183-1-15.02. Members of vote review panels shall complete a Vote Review Panel Oath prior to carrying out the duties of a vote review panel member. The Vote Review Panel Oath shall be in the following form:

STATE OF GEORGIA

COUNTY/MUNICIPALITY OF

OATH OF VOTE REVIEW PANEL MEMBER

I,_____, do swear (or affirm) that I will as a vote review panel member for the County/Municipality of _____, faithfully perform all of my duties in accordance with state law; that I will not tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to produce any tally or tabulate, partial or otherwise, the absentee ballots cast until the time for the closing of the polls on the day of the primary, election, or runoff except as provided in O.C.G.A. § 21-2-386 nor will I communicate directly or indirectly any information learned through my participation in the vote review panel except, if necessary, to election officials, the Secretary of State, or appropriate law enforcement; and that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying out my duties.

_____

Vote Review Panel Member

Administered by, sworn to,

and subscribed before me,

this _____ day of _____, 20____

_____

Election Superintendent

(f) Successfully scanned ballot batches shall be bound together with a photocopy of the reconciliation form, and the official who scanned the ballots shall notate on the reconciliation form that the batch has been scanned, including the date and location of the scanning, and initial the notation.

(g) The scanned absentee ballots shall then be placed in a secured container. More than one batch of scanned absentee ballots may be placed in the same container, but the individual batches must be separately bound. A security seal that contains an identification number shall be placed on the container. The batch number(s), the number of scanned absentee ballots in each batch, and the security seal number shall be recorded on the container.

(h) Completed original copies of reconciliation forms shall be retained by the election superintendent for two years.

(4) Prompt and Undelayed Scanning of Absentee Ballots After Opening.

(a) The election superintendent shall ensure that the ballots shall be scanned, reconciled, and securely stored on the same work day in which the outer envelopes are opened.

(5) Secrecy of Election Results Prior to Polls Closing.

(a) All cell phones, laptops, audio or video recording devices, and other communication devices shall be prohibited from the room where the processing of absentee ballots is taking place, except for county election computers necessary to carry out this rule or otherwise conduct the election.

(b) No person shall tally, tabulate, estimate, or attempt to tally, tabulate, or estimate or cause the ballot scanner or any other equipment to produce any tally or tabulate, partial or otherwise, the absentee ballots cast until the time for the closing of the polls on the day of the primary, election, or runoff except as provided in O.C.G.A. § 21-2-386.

**Cite as GA Regs. 183-1-14-.14**
**Authority: O.C.G.A. § 21-2-386.**
**History.** Original Rule entitled "Early Absentee Ballot Processing" adopted. F. Sep. 22, 2021; eff. Oct. 12, 2021.

## Subject 183-1-15. RETURNS OF PRIMARIES AND ELECTIONS.

### Rule 183-1-15-.01. Repealed.

**Cite as GA Regs. 183-1-15-.01**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Notification and Certificate of Nomination for Political Party Nominees" adopted. F. May 26, 1970; eff. June 14, 1970.
**Amended:** F. Oct. 20, 1975; eff. Nov. 9, 1975.
**Amended:** Rule retitled "Certificate of Nomination for Political Party Nominees". F. Mar. 6, 1987; eff. Mar. 26, 1987.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

### Rule 183-1-15-.02. Definition of Vote.

(1) Lever-type Voting Machines. A vote cast on a lever-type voting machine shall be the choice made by a voter by either operating the lever adjacent to the name of the candidate or answer to a question for which the voter desires to vote or by writing of the name of a

qualified write-in candidate on the machine in accordance with the instructions for voting on the voting machine and then recording such votes on the machine by the actuation of the main lever which casts such votes and returns the other levers to their original positions.

(2) Optical Scan Voting Systems.

(a) A vote cast on an optical scan ballot marked by hand shall be the choice made by a voter by either:

1. Filling in the oval adjacent to the name of the candidate or answer to a question for which the voter desires to vote; or

2. Filling in the oval adjacent to the appropriate write-in space and writing the name of a qualified write-in candidate in the appropriate space on the ballot as specified in the instructions for voting such ballot.

(b) In reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § 21-2-483(g)(2), if the voter filled-in the oval next to the name of a candidate whose name appears on the ballot and filled-in the oval adjacent to the write-in space and wrote the name of the same candidate in the write-in space for the same office, the properly cast vote shall be counted and the write-in vote shall be ignored.

(c) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A.§ 21-2-483(g)(2), it appears that there is a properly cast vote and what is clearly a stray mark which has caused the ballot scanner to read the vote for such office as an overvote, the properly cast vote shall be counted and the stray mark shall be ignored.

(d) If, in reviewing an optical scan ballot marked by hand which has been rejected as containing an overvote in accordance with O.C.G.A. § 21-2-483(g)(2), a voter marks his or her ballot in a manner other than that specified by law and this rule, the votes shall be counted if, in the opinion of the vote review panel as provided in O.C.G.A. § 21-2-483(g)(2)(B), the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

(e) If, in reviewing an optical scan ballot marked by hand, a discrepancy is found between the voter's mark on the ballot that clearly and without question indicated the voter's intent and the result tabulated by the ballot scanner, the voter's mark shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(f) When an optical scan ballot marked by hand contains stray marks or marks which prevent the ballot scanner from properly recording valid votes as determined under

this rule and by law, the ballot shall be duplicated in accordance with law to correct such problems and the duplicate shall then be tabulated.

(g) In lieu of manually duplicating a ballot pursuant to paragraph (e), the manual review of ballots with overvotes by vote review panels pursuant to O.C.G.A. § 21-2-483(g)may be done by reviewing a digital image of the ballot and electronically adjudicating the intent of the voter, if such determination is recorded on the digital image of the ballot.

(h) A vote cast on an optical scan ballot marked by an electronic ballot marker shall be the choices indicated by the printed paper ballot.

(i) When an optical scan ballot marked by an electronic ballot marker contains marks added, in addition to what was printed by the electronic ballot marker, the additional marks shall be ignored.

(j) If, in reviewing an optical scan ballot marked by an electronic ballot marker in accordance with O.C.G.A. §§ 21-2-495 or 21-2-498, a discrepancy is found between the voter's choice indicated by the printed text on the ballot and the result tabulated by the ballot scanner, the printed text shall control and be counted. Nothing herein shall be deemed to disallow the use of ballot scanners for tabulation of ballots.

(k) Ballot scanners that are used to tabulate optical scan ballots marked by hand shall be set so that:

1. Detection of 20% or more fill-in of the target area surrounded by the oval shall be considered a vote for the selection;

2. Detection of less than 10% fill-in of the target area surrounded by the oval shall not be considered a vote for that selection;

3. Detection of at least 10% but less than 20% fill-in of the target area surrounded by the oval shall flag the ballot for adjudication by a vote review panel as set forth in O.C.G.A. 21-2-483(g). In reviewing any ballot flagged for adjudication, the votes shall be counted if, in the opinion of the vote review panel, the voter has clearly and without question indicated the candidate or candidates and answers to questions for which such voter desires to vote.

**Cite as GA Regs. 183-1-15-.02**
**Authority: O.C.G.A. §§ 21-2-2, 21-2-31, 21-2-133, 21-2-439, 21-2-483.**
**History.** Original Rule entitled "Definition of Vote" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.
**Amended:** F. Jan. 23, 2020; eff. Feb. 12, 2020.
**Amended:** F. May 8, 2020; eff. May 28, 2020.
**Amended:** F. Sep. 24, 2020; eff. Oct. 14, 2020.

## Rule 183-1-15-.03. Recount Procedure.

(1) Recount by Electronic Tabulation

(a) Recounts of primaries and elections conducted using an optical scanning voting system shall be in accordance with this rule.

(b) The recount shall be conducted by tabulating all ballots utilizing ballot scanners.

(c) Prior to conducting a recount, the election superintendent shall test each ballot scanner to be used in the recount. A test deck shall be prepared to include at least 75 ballots marked by an electronic ballot marker and 25 absentee ballots marked by hand that were cast in the election to be recounted. The ballots shall be selected from at least 3 different precincts, if available. The selection of individual ballots from a precinct's ballot container shall be conducted in a manner that selects ballots from throughout the ballot container. The test desk shall be tabulated by the ballot scanner or scanners to be used in the recount using one or more batches. A manual hand count of the test deck shall be made and compared to the electronic tabulation of the test deck. If the two counts do not match, the discrepancy shall be researched and additional tests may be run. If the discrepancy cannot be resolved so that the manual hand count and electronic tabulation of the test deck matches, the ballot scanner shall not be used in the recount. If, after testing all available ballot scanners, there are no ballot scanners authorized to be used in the recount, the recount shall be conducted by manual hand count. Upon completion of the test, the test deck ballots shall be returned to their original ballot containers.

(d) The recount shall be open to the view of the public, but no person except one designated by the superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container. The superintendent may designate a viewing area by which members of the public are limited for the purpose of good order and maintaining the integrity of the recount.

(e) The tabulation of ballots must be completed through a precise, controlled process that ensures, for each ballot scanner used in the recount, no more than one ballot container is unsealed at any given time.

(f) A clear audit trail must be maintained at all times during the recount, including but not limited to, a log of the seal numbers on ballot containers before and after the recount.

(g) The ballot scanner shall be programmed to flag or reject ballots that contain an overvote for the contest to be recounted. One or more recount vote review panels shall be established, consistent with O.C.G.A. § 21-2-483(g), to manually review the overvoted ballots. The recount vote review panel shall determine by majority vote the elector's intent, as described in O.C.G.A. § 21-2-438(c), a duplicate ballot shall be created consistent with the elector's intent for the contest to be recounted,

labeled "RECOUNT DUPLICATE", and used in the recount. The original overvoted ballot shall be retained.

(h) All ballots that required a duplicate ballot to be created in the original primary or election, as allowed by law, shall be reviewed by a recount vote review panel to determine that the votes marked in the contest to be recounted on the duplicated ballot are consistent with the elector's intent on the original ballot, as described in O.C.G.A. § 21-2-438(c). If a majority of the recount vote review panel determine that the duplicated ballot is not consistent with the elector's intent on the original ballot, a new true duplicate ballot shall be created consistent with the elector's intent for the contest to be recounted, labeled "RECOUNT DUPLICATE", and used in the recount. The original overvoted ballot and initial duplicated ballot shall be retained.

(i) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be processed by the ballot scanner, the recount vote review panel shall prepare a duplicate ballot for the contest to be recounted. All duplicate ballots created during the recount shall be clearly labeled by the word "RECOUNT DUPLICATE". The defective ballot shall be retained.

(j) After all of the valid ballots to be included in the recount have been tabulated, the superintendent shall cause a printout to be made of the results and shall compare the results to the results previously obtained. If upon completing the recount, it shall appear that the original vote count for the recounted contest was incorrect, such returns and all papers being prepared by the superintendent shall be corrected accordingly.

(2) Recount by Manual Hand Count

(a) A recount shall be conducted by manual hand count only:

1. As provided under Rule 183-1-15-.03(1)(c); or

2. Pursuant to a court order.

(b) Votes shall be counted by one or more recount teams consisting of at least three persons each. The superintendent shall select the persons for each recount team.

(c) In a recount of a partisan election, the recount team shall be composed of the election superintendent or designee thereof and one person selected by the election superintendent from a list provided by the county executive committee of each political party and body having candidates whose names appear on the ballot for such election, provided that, if there is no organized county executive committee for a political party or body, the person shall be selected from a list provided by the state executive committee of the political party or body. If, after the superintendent provides reasonable notice and a deadline to the executive

committee, a county executive committee or state executive committee does not provide a sufficient number of names or does not timely delivery the list of names, the superintendent shall be permitted to select the persons to serve on the recount team on behalf of the political party or body as needed.

(d) In a recount of a nonpartisan election, the recount team shall be composed of the election superintendent or designee thereof and two electors of the county, in the case of a county election, or the municipality, in the case of a municipal election, selected from a list provided by the chief judge of the superior court of the county in which the election is held or, in the case of a municipality which is located in more than one county, of the county in which the city hall of the municipality is located. If, after the superintendent provides reasonable notice and a deadline to the chief judge, the chief judge fails to designate a sufficient number of persons for the recount or does not timely delivery the list of names, the superintendent shall be permitted to select the persons to serve on the recount team as needed.

(e) Ballots shall be manually counted by hand in batches of no more than 30 to ensure that the number of ballots recounted matches the number originally counted.

(f) The recount teams shall determine the elector's intended vote on each ballot, by majority vote, in accordance with Rule 183-1-15-.02. In the event of a tie vote by a review team, the vote of the election superintendent or designee thereof shall control.

(g) Recount teams shall compare the number of votes, overvotes, and undervotes to the number of ballots in the batch. If the numbers do not match, the batch shall be counted again.

(h) After all of the valid ballots to be included in the recount have been counted, the superintendent shall compare the results of the recount to the results previously obtained. If upon completing the recount, it shall appear that the original vote count for the recounted contest was incorrect, such returns and all papers being prepared by the superintendent shall be corrected accordingly.

**Cite as GA Regs. 183-1-15-.03**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-495.**
**History.** Original Rule entitled "Optical Scan Recount Procedure" adopted. F. Mar. 2, 2020; eff. Mar. 22, 2020.
**Amended:** New title "Recount Procedure." F. May 8, 2020; eff. May 28, 2020.

## Rule 183-1-15-.04. Audit.

(1) **Preparing for the Audit**

1. Following November general elections in even-numbered years, each county shall participate in a statewide risk-limiting audit with a risk limit of not greater than 10 percent as set forth in this rule prior to the certification by the Secretary of State.

2. Prior to county certification, the election superintendent of each county shall prepare a ballot manifest as instructed by the Secretary of State.

3. The contest to audit shall be selected by the Secretary of State. The Secretary of State shall set a date, time, and location after the November general election in even-numbered years to select which contest to audit. Such meeting shall be open to the public. After selecting the contest to audit, the Secretary of State shall publicly announce which contest will be audited and publish the selected contest on the Secretary of State webpage. In selecting the contest to audit, the Secretary of State shall consider the below criteria:

    a. The closeness of the reported tabulation outcomes;

    b. The geographical scope of the contests;

    c. The number of ballots counted in the contests;

    d. Any cause for concern regarding the accuracy of the reported tabulation outcome of the contests;

    e. Any other benefits that may result from auditing certain contests; or

    f. The ability of the county to complete the audit before the state certification deadline.

4. The audit shall be open to the public, and public notice of the date, time, and location of the audit must be posted on the county election office's website, or, if the county election's office does not have a website, in another prominent location.

(2) **Conducting the Audit**

1. The audit shall be open to the view of the public and press, but no person except the person(s) designated by the election superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container. The election superintendent may designate a viewing area from which members of the public may observe the audit for the purpose of good order and maintaining the integrity of the audit.

2. The election superintendent shall create audit teams comprised of at least two sworn designees to assist with the audit. The superintendent may designate non-employees to assist with the audit process. All persons who the superintendent

designates to assist with the audit shall take and sign an oath that they will conduct the audit accurately and securely prior to assisting with the audit.

3. Chain of custody for each ballot shall be maintained at all times during the audit, including but not limited to, a log of the seal numbers on the ballot containers before and after completing the manual audit.

4. For ballots marked by electronic ballot markers, the auditors shall rely on the printed text on the ballot to determine the voter's selection. For ballots marked by hand, the auditors shall rely on the choices indicated by the voter by filling in the oval adjacent to the candidate or question.

5. The audit shall end once all selected ballots have been counted and the risk limit for the audit has been met.

6. The election superintendent shall report the results of the audit to the Secretary of State.

7. The election superintendent shall follow instructions issued by the Secretary of State on how to specifically conduct the audit, including but not limited to setting deadlines and formats for creating ballot manifests.

**Cite as GA Regs. 183-1-15-.04**
**Authority: O.C.G.A. §§ 21-2-31, 21-2-498.**
**History.** Original Rule entitled "Audit" adopted. F. Sep. 24, 2020; eff. Oct. 14, 2020.

## Subject 183-1-16. RESERVED - ELECTORAL COLLEGE.

## Subject 183-1-17. RESERVED - CONTESTED PRIMARIES AND ELECTIONS.

## Subject 183-1-18. RESERVED - CONGRESSIONAL DISTRICTS.

## Subject 183-1-19. PENALTIES.

### Rule 183-1-19-.01. Giving or Receiving, Offering to Give or Receive, or Participating in the Giving or Receiving of Money or Gifts for Registering as a Voter, Voting, or Voting for a Particular Candidate.

In the interpretation of O.C.G.A. Section 21-2-570, the State Election Board has determined that the prohibition contained therein against the giving or receiving, offering to give or receive, or participating in the giving or receiving of money or gifts for the purpose of registering as a voter or voting does not include the provision of postage to a person solely for the purpose of (1) mailing a voter registration application in order for such person to register to vote or (2) mailing

an absentee ballot application or an absentee ballot that was voted and sealed by such person in order for such person to vote.

**Cite as GA Regs. 183-1-19-.01**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** . Original Rule entitled "Giving or Receiving, Offering to Give of Receive, or Participating in the Giving or Receiving of Money or Gifts for Registering as a Voter, Voting, or Voting for a Particular Candidate" adopted. F. Dec. 21, 2005; eff. Jan. 10, 2006.

## Subject 183-1-20. GEORGIA VOTER IDENTIFICATION CARD.

## Rule 183-1-20-.01. Georgia Voter Identification Card.

(1) **Intent and Purpose.** These rules are promulgated pursuant to the authority granted the State Election Board under O.C.G.A. §§ 21-2-417.1 and 21-2-31. It is the intent of the State Election Board to provide for the time, place and manner in which each county Board of Registrars shall issue the Georgia Voter Identification Card to eligible electors and to provide for the acceptable types of documentation necessary to obtain a Georgia Voter Identification Card. To this end, the State Election Board has promulgated these rules and regulations.

(2) **Application for the Georgia Voter Identification Card.** Beginning with the July 18, 2006, Party Primary Election each county registrar shall provide the application for the Georgia Voter Identification Card in the form designed and published by the State Election Board or its member designee(s). Any registered voter who meets the criteria in O.C.G.A. § 21-2-417.1 and wishes to obtain a Georgia Voter Identification Card shall be required to submit the information requested in such application. It shall be the responsibility of each county registrar to ensure that each accepted application is complete.

(3) **Availability of the Georgia Voter Identification Card.**

(a) Each county shall provide a place within the voter registrar's primary or main office location, as previously approved by the Department of Justice, to process applications for Georgia Voter Identification Cards and to process and distribute such cards.

(b) Each county registrar's office may provide additional locations or extended hours for processing applications for the Georgia Voter Identification Card and processing and distributing the cards but shall be required to comply with criteria for establishment of additional voter registration places as outlined in 183-1-6-.03(3).

(c) Each county registrar's office shall be open a minimum of eight hours per day on Monday through Friday of the week before the final primary, election, or run-off election day, except for legally observed holidays, and shall otherwise be open

during normal business hours of the office in order to allow registered voters to apply for and obtain a Georgia Voter Identification Card.

(d) The voter registrar's office of each county shall provide the application and process the Georgia Voter Identification Card using the equipment, forms, supplies, and written training materials and/or verbal training provided by the State Election Board.

(e) Each county Board of Registrars shall sign and maintain an intergovernmental agreement provided by the State Election Board outlining the use of the equipment.

(4) **Documentation required for application and issuance of the Georgia Voter Identification Card.**

(a) In accordance with O.C.G.A. § 21-2-417.1(e), the Board of Registrars shall require the presentation and verification of the following information before issuing a Georgia Voter Identification Card:

1. A photo identity document, except that nonphoto identity document is acceptable if it includes both the applicant's full legal name and date of birth;

2. Documentation showing the applicant's date of birth;

3. Evidence that the applicant is registered to vote in the State of Georgia, either by voter precinct card, a new voter registration application or confirmation of voter's record on the statewide voter registration system or by verifying the original application in the voter registrar's office; and

4. Documentation showing the applicant's name and principal residence address.

(b) In determining whether the requirements of O.C.G.A. § 21-2-417.1(e)have been met, the following shall apply:

1. Any of the following which contains a photograph of the applicant shall constitute a photo identity document, as provided in O.C.G.A. § 21-2-417.1(e)(1):

(i) Student ID Card including public or private high school, college, university, or vocational school;

(ii) Transit Card;

(iii) Pilot's License;

(iv) Nursing Home Identification Card;

(v) Employee Identification Card;

(vi) Government Housing Authority Identification Card;

(vii) Any government issued license;

(viii) Any card accepted by local, state or federal government for the provision of benefits; or

(ix) Any card accepted by local, state or federal government for access to buildings.

2. Any of the following shall constitute a nonphoto identity document in lieu of a photo identity document as provided in O.C.G.A. § 21-2-417.1(e)(1) only if it includes both the applicant's full legal name and date of birth:

(i) Original birth certificate or certified copy of birth certificate;

(ii) Certificate of birth registration;

(iii) Voter Registration Application;

(iv) Copy of records filed in court by the applicant or on behalf of the applicant by the applicant's counsel;

(v) Naturalization documentation;

(vi) Copy of Marriage License Application;

(vii) A copy of the applicant's State or Federal Tax Return filed for the previous calendar year;

(viii) Any other document issued by local, state, or federal government so long as the document provides a reasonably reliable confirmation of the identity of the applicant;

(ix) Paycheck or paycheck stub bearing the imprinted name of the applicant's employer;

(x) An original of the annual social security statement received by the applicant for current or preceding calendar year;

(xi) An original of a Medicare or Medicaid statement received by the applicant;

(xii) Certified school record or transcript for current or preceding calendar year;

(xiii) Hospital birth certificate;

(xiv) An authenticated copy of a doctor's record of post-natal care; or

(xv) A federal Affidavit of Birth, form DS-10.

3. The registrar shall accept as documentation showing the applicant's date of birth under O.C.G.A. § 21-2-417.1(e)(2) any of the documents described in subparagraph (b)2. above.

4. The registrar shall accept as proof of voter registration under O.C.G.A. § 21-2-417.1(e)(3) the applicant's voter registration application or a voter's precinct card.

5. Any of the documents described in subparagraphs (b)1. and 2. shall be acceptable as documentation showing the applicant's name and address of principal residence under O.C.G.A. § 21-2-417.1(e)(4) if the documentation contains the applicant's name and address of principal residence. In addition, the registrar shall also accept the following as documentation showing the applicant's name and address of principal residence if the applicant's name and address of principal residence appears on the document:

(i) Voter Precinct Card;

(ii) Utility or cable bill issued within the last sixty (60) days;

(iii) Bank statement issued within the last sixty (60) days;

(iv) Currently valid rental contracts and/or receipts for payments made within the last sixty (60) days for rent payments;

(v) A copy of the applicant's State or Federal income tax return filed for the preceding calendar year;

(vi) Homeowners insurance policy or bill for current or preceding calendar year;

(vii) Mortgage, payment coupon, deed, or property tax bill for current or preceding calendar year;

(viii) Current Automobile Registration Receipt;

(ix) Homestead Exemption documentation; or

(x) W-2 for the preceding calendar year.

6. The application and supporting documentation of any applicant who is denied a Georgia Voter Identification Card shall be immediately forwarded via facsimile and U.S. mail to the State Election Board for automatic review to determine if the applicant has provided reasonably reliable documentary indicia confirming the identity of the applicant in which case the State Election Board shall direct the voter registrar to issue the Georgia Voter Identification Card.

**Cite as GA Regs. 183-1-20-.01**
**Authority: Authority O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Georgia Voter Identification Card" adopted. F. June 19, 2006; eff. July 9, 2006.

# Chapter 183-2. GEORGIA MUNICIPAL ELECTION CODE.

## Subject 183-2-1. RESERVED - PRELIMINARY PROVISIONS.

## Subject 183-2-2. RESERVED - GOVERNING AUTHORITY.

## Subject 183-2-3. RESERVED - MUNICIPAL SUPERINTENDENTS.

## Subject 183-2-4. POLL OFFICERS.

### Rule 183-2-4-.01. Repealed.

**Cite as GA Regs. 183-2-4-.01**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Oaths of Poll Officers" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Subject 183-2-5. REGISTRATION OF ELECTORS.

## Rule 183-2-5-.01. Repealed.

**Cite as GA Regs. 183-2-5-.01**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Oath of Registration Officers" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-5-.02. Repealed.

**Cite as GA Regs. 183-2-5-.02**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Proper Identification for Registration" adopted as ER. 183-2-5-0.2-.02. F. and eff. May 20, 1982, as specified by the Agency.
**Amended:** Permanent Rule of same title adopted. F. Mar. 29, 1983; eff. Apr. 18, 1983.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

# Subject 183-2-6. ELECTION DISTRICTS OR PRECINCTS AND POLLING PLACES.

## Rule 183-2-6-.01. Repealed.

**Cite as GA Regs. 183-2-6-.01**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled 'Election Districts, Change in Boundaries, Notification of Electors" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

# Subject 183-2-7. DATES OF PRIMARIES AND ELECTIONS.

## Rule 183-2-7-.01. Repealed.

**Cite as GA Regs. 183-2-7-.01**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Calls for Primaries and Elections" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

# Subject 183-2-8. RESERVED - POLITICAL PARTIES AND BODIES.

# Subject 183-2-9. RESERVED - NOMINATION OF CANDIDATES.

# Subject 183-2-10. RESERVED - BALLOTS.

# Subject 183-2-11. VOTING MACHINES - VOTE RECORDERS.

## Rule 183-2-11-.01. Voting Machines.

No rules applicable to voting machines have been adopted.

**Cite as GA Regs. 183-2-11-.01**
**Authority: Ga. Municipal Election Code 1968, as amended.**
**History.** Original Rule was filed on August 30, 1973; effective September 19, 1973.

## Rule 183-2-11-.02. Repealed.

**Cite as GA Regs. 183-2-11-.02**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Vote Recorders" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.03. Repealed.

**Cite as GA Regs. 183-2-11-.03**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Tabulating Center Personnel, Trained and Certified" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.04. Repealed.

**Cite as GA Regs. 183-2-11-.04**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Certification of Program Instructions" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.05. Repealed.

**Cite as GA Regs. 183-2-11-.05**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Ballot Envelopes and Fold Over Ballot Cards" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.06. Repealed.

**Cite as GA Regs. 183-2-11-.06**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Defective Ballot Cards, Duplication and Tabulation" adopted. F. Aug. 30, 1973; eff.

Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.07. Repealed.

**Cite as GA Regs. 183-2-11-.07**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Ballot Cards, Sealed After Tabulation" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.08. Repealed.

**Cite as GA Regs. 183-2-11-.08**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Defective and Duplicated Ballot Cards, Sealed After Tabulation" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-11-.09. Repealed.

**Cite as GA Regs. 183-2-11-.09**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Write-In Ballots, Sealed After Tabulation" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

# Subject 183-2-12. PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS.

## Rule 183-2-12-.01. Reserved.

**Cite as GA Regs. 183-2-12-.01**

## Rule 183-2-12-.02. Repealed.

**Cite as GA Regs. 183-2-12-.02**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Ballots, Paper, Validity of Marking" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-12-.03. Repealed.

**Cite as GA Regs. 183-2-12-.03**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Poll Watchers, Notification to Superintendent" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-12-.04. Repealed.

**Cite as GA Regs. 183-2-12-.04**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Poll Watchers Required to Wear Badge" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

## Rule 183-2-12-.05. Repealed.

**Cite as GA Regs. 183-2-12-.05**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Poll Watchers for Tabulating Center" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

# Subject 183-2-13. ABSENTEE VOTING.

## Rule 183-2-13-.01. Repealed.

**Cite as GA Regs. 183-2-13-.01**
**Authority: Ga. Municipal Election Code 1968, as amended.**
**History.** Original Rule was filed on August 30, 1973; effective September 19, 1973.
**Amended:** Original Rule entitled "Absentee Voting. Jurat Validity" repealed and no new Rule adopted. Filed October 20, 1975; effective November 9, 1975.

## Rule 183-2-13-.02. Repealed.

**Cite as GA Regs. 183-2-13-.02**
**Authority: O.C.G.A. Sec. 21-2-31.**
**History.** Original Rule entitled "Absentee Ballot Envelope, Use of Symbols" adopted. F. Aug. 30, 1973; eff. Sept. 19, 1973.
**Amended:** F. Oct. 20, 1975; eff. Nov. 9, 1975.
**Repealed:** F. Dec. 11, 2003; eff. Dec. 31, 2003.

# Subject 183-2-14. RESERVED - RETURNS OF PRIMARIES AND ELECTIONS.

**Subject 183-2-15. RESERVED - CONTESTED PRIMARIES AND ELECTIONS.**

**Subject 183-2-16. RESERVED - PENALTIES.**