



**APPENDIX:
Suggested Edits to Proposed Rules**

Suggested Additions Appear in Bold.

Suggested Deletions Appear Stricken Out: ~~Stricken Out.~~

Additional Commentary Italicized

.....
RULE 183-1-12

Insert Before 183-1-12-.01:

The goal of election superintendents, poll managers, and poll workers shall be to ensure that under any circumstances, eligible voters can vote for the candidate of their choice and have their vote counted. This rule shall at all times be interpreted in a manner furthering that goal.

183-1-12-.01:

2. The Superintendent shall cause every polling place and advance voting location to have a sufficient number, **which is enough to accommodate 2-3 hours of voting during peak times**, 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. **The election superintendent shall submit a report to the Secretary of State's office within 45 days of the election in the event that any polling location runs out of emergency paper ballots.**

Note that the Secretary must separately issue guidance that a sufficient number for November 2020 equals 35% of registered voters.

Insert after section 2:

3. **The Superintendent shall cause every polling place to have a backup paper pollbook to be used for checking-in voters in case of electronic pollbook malfunction. At advance voting locations, if it is infeasible to maintain a paper backup of the pollbook, a non-**

networked, alternative device, such as a laptop, may serve as the electronic pollbook backup. Pollworkers shall be trained in the use of the backup method.

183-1-12-.05:

2. Electronic ballot markers, ballot scanners, **electronic pollbooks**, 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.

...

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

183-1-12-.07:

1. The election superintendent shall ~~review~~ **test** the electronic databases used to generate ballots for correctness and accuracy in generating paper ballots and touchscreen displays **for each ballot style and language offered.**

...

5. The election superintendent **or a person or persons under the direction of the superintendent** shall review the audio ballot **in each language** 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.

183-1-12-.08:

1. (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. **Electronic pollbooks will always require re-testing.**

...

3. . . . 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 card that pulls up the correct ballot on the electronic ballot marker for every applicable ballot style. **Check these functions for voters with the same surname and the same full name at the same address, as well as the same surname and the same full name at different addresses.**
 - B. Check that the touchscreen on the electronic ballot marker accurately displays the correct selections and that the touchscreen accurately reflects the selected choices. **Check accuracy for every possible contest selection, including an undervote for each contest.**
 - C. Check that the printer prints a paper ballot that accurately reflect the choices selected on the touchscreen and immediately mark all printed ballots as “test” ballots. **Check accuracy for every possible contest selection, as well as for varying combinations of contest selections, including an undervote for each contest.**
 - 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. **Check tabulation accuracy for ballots containing every possible contest selection, as well as varying combinations of contest selections, including an undervote for each contest.**

183-1-12-.09:

3. . . . the election superintendent shall cause the units ~~are~~ **to be** stored”

183-1-12-.11:

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, **and that sample ballots and magnifying devices are available upon request to assist them in reviewing their paper**

ballot. A poll officer near each scanner shall provide specific verbal instruction to review the printed ballot prior to scanning it, and to immediately inform a poll officer if there are any errors so that the voter can receive a new ballot. ~~including specific verbal instruction to review their printed ballot prior to scanning it and that sample ballots and magnifying devices are available upon request to assist them in reviewing their paper ballot.~~ 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. (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, **which is enough to accommodate 2-3 hours of voting during peak times**, amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. 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.

Note that the Secretary must separately issue guidance that a sufficient number for November 2020 equals 35% of registered voters.

Note that the drafters may wish to combine this section with 183-1-12-.01, similarly addressing emergency paper ballots.

2. (d) If ~~an emergency~~ a situation exists that makes voting on **25% or more of** the electronic ballot markers impossible or impracticable, **or if estimated waiting times are longer than 30 minutes**, the poll manager shall **offer voters the ability to use emergency paper ballots and then** 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 **ultimately** in the discretion of the election superintendent, **the inability of voters to use 25% or more of electronic ballot markers, or estimated waiting times longer than 30 minutes, are presumptively emergency situations.** ~~the~~ Other types of events that may be

considered emergencies are power outages, **or** malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use., ~~or waiting times longer than 30 minutes?~~

. . .

10. (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 inform the voter that he or she can receive a new ballot. If the voter or a poll officer made a mistake, t**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 a voting system component did not function as expected, or it is unclear whether this is the case, then the poll officer shall inform the poll manager, who shall direct the poll officer to spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on other units, or using an emergency ballot that can be marked by pen. The poll manager shall report to the election superintendent on all ballots spoiled after printing. In the case of a likely malfunction, the superintendent shall direct the poll manager to follow the procedures for voting system component malfunction described in section 11(a) of this rule. In cases of suspected printing errors that alter a voter's selections, the superintendent shall immediately report the malfunction to the Secretary of State, who shall take appropriate action, which may include investigation of other machines, removing machines from service, offering blank paper ballots that can be marked by pen, or other measures.**
10. (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 **or poll officer** to use the unit 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.”

183-1-12-.18:

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 provisional ballot materials, including inner ballot envelopes and outer ballot envelopes.**~~s and an inner ballot envelope and an outer ballot envelope.~~ The election superintendent shall also be prepared to resupply polling places with provisional ballots and **provisional ballot materials** ~~in needed ballot styles~~ in a timely manner while voting is occurring so that **voters are not unduly delayed and** polling places do not run out of provisional ballots **and materials.** **The election superintendent shall submit a report to the Secretary of State's office within 45 days of the election in the event that any polling location runs out of provisional ballots or provisional ballot materials. Provisional voters may use an electronic ballot marker to print or a pen to mark the provisional ballot placed in the inner provisional envelope, but in no case shall the ballot of a voter who is entitled to vote a regular ballot be placed in a provisional ballot envelope. In the case any such ballots are placed in provisional envelopes, they shall be removed from the envelopes and placed in the scanner, or lockbox if there is no functioning scanner, as soon as is practicable.** The ballot envelopes shall be so designed that the ballot, **whether marked by pen or using the electronic ballot marker,** 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 marked as otherwise ineligible,** 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.”

Note that the Secretary must separately issue guidance that an adequate number of provisional ballots and provisional ballot materials for November 2020 equals 35% of registered voters.

4. Voters whose names do not appear on electors list **or who otherwise appear ineligible to vote a regular ballot at that polling place, based on the pollbook information. Instances may include the voter appears as already having cast a ballot, including an absentee ballot.**

(a) When a person arrives at a polling place, completes a voter's certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, **or otherwise appears ineligible to vote a regular ballot at that polling place**, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the polling place shall have an electronic poll book that includes a mastered 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 person shall be instructed to go to his or her correct polling place if practicable, but that if it is not practicable for the person to get to his or her correct polling place before the close of polls, that the person may vote a provisional ballot in the polling place in which they are present. If, after receiving that instruction, the person states that it is not practicable for him or her to get to their correct polling place prior to the close of voting, the poll officer shall offer the person 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, **or the person appears to have already cast a ballot, including an absentee ballot**, if 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 **is eligible** ~~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 **and has not cast a ballot** 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, **if necessary**, 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's 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.

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. Upon the completion of a voter's 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. However, the poll officer shall also instruct the person that if it is not practicable for such person to go to such other precinct before the polls close and the person communicates that to the poll officers, the person shall be offered a provisional ballot at the precinct in which the person is present. 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).

(e) If the registrars cannot immediately determine that the person timely and validly registered to vote **or is otherwise eligible 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 **or is otherwise eligible 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 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's 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. However, the poll officer shall also instruct the person that if it is not practicable for such person to go to such other precinct before the polls close and the person communicates that to the poll officers, the person shall be offered a provisional ballot at the precinct at which such person is present. 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). . . .

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12. Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. **Provisional ballots may not be rejected solely due to poll worker error.** 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.

183-1-12-.20:

Use of Emergency Paper ~~Absentee~~ 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 marker ~~are~~ **is** inaccessible.”

RULE 183-1-13

We strongly oppose adopting this rule. If this rule is adopted, we suggest these edits as an alternative.

183-1-13-.01:

When calculating the number of voting booths or enclosures required to be available to electors of a precinct pursuant to O.C.G.A. 21-2-367(b), the calculation shall **be effective on both** ~~take into account the number of voting booths or enclosures available for electors of a precinct on~~ Election Day and on the last day of advance voting. Polling places with assigned voters from more than one precinct shall use the total numbers of voters assigned to the polling place when calculating the minimum number of voting booths. **When calculating the minimum number of voting booths at advance voting sites, voters should be assigned to the advance voting site requiring the least transit time from his or her residence.**

RULE 183-1-14

183-1-14-.02:

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, **and that sample ballots and magnifying devices are available upon request to assist them in reviewing their paper ballot. A poll officer near each scanner shall provide specific verbal instruction to review the printed ballot prior to scanning it, and to immediately inform a poll officer if there are any errors so that the voter can receive a new ballot** ~~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 to 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 scanner, and return the voter access card to a poll worker. **The provisions of Rule 183-1-12-.11 “Conducting Elections” shall be followed, including all provisions concerning the use of emergency paper ballots, spoiling of printed ballots, and voting system component malfunction.**