



The State Election Board
2 MLK Jr. Drive
Suite 802 Floyd West Tower
Atlanta, GA 30344

Re: Support for Proposed Rule 183-1-12-.12

Introduction

The Center for Election Confidence (“CEC”) submits these comments to the Georgia State Election Board (“SEB”) to highlight the critical importance of transparent ballot reconciliation and election certification processes to Georgia voters’ confidence in their election returns and outcomes.

CEC urges the SEB to adopt the proposed rule as written to effectuate the will of the people as enacted by the Georgia General Assembly, including O.C.G.A. § 21-2-493, which requires correct and true election returns to be ascertained and reported, a process known as reconciliation.

Importance of Reconciliation to Voters’ Confidence

Reconciliation, a process by which election officials compare the number of voters checked-in to vote with the number of ballots actually cast, is not only a basic best practice for free and fair elections, but also an important process that elections officials use to ensure that the election returns they report are correct and true. Reconciliation also promotes transparency in post-election processes and serves as a check against election misconduct by ensuring that the number of ballots cast does not exceed the number of voters who cast ballots in any given election.

Georgia Law Requires Reconciliation

Fortunately, Georgia law already includes strong statutory reconciliation requirements, which are codified at O.C.G.A. § 21-2-493. These provisions include language not only governing standard reconciliation procedures, but also key procedures for resolving mismatches between checked-in voters and ballots cast, and they also mandate criminal referrals in the event nefarious election misconduct is discovered. The regularized and transparent process described in Georgia Code provides clear and concise notice to voters, candidates, parties, and others with respect to how, when, and where certified returns are tabulated, investigated, and reported. The upfront nature of this notice ensures that some of the most important portions of Georgia’s elections operate in an expected, understandable, and public manner.

SEB Should Implement Statutory Reconciliation Requirements into Regulation to Avoid Confusion and Promote Transparency

SEB should take the opportunity presented by this proposed rulemaking to implement into regulatory language the statutory provisions concerning reconciliation. While statute would always control in the event of an impermissible conflict between statutory and regulatory language, it is important that the regulatory language include the substance of the Georgia Code, consistent with statutory intent, so that neither elections officials nor voters, candidates, parties, or others are confused with respect to the requirements for reconciliation. Further,

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Georgia's process is designed to promote transparency, and inclusion of these substantive requirements in regulation will reinforce those efforts.

Conclusion

Voters have confidence in election returns and outcomes when the processes used are understandable, open, transparent, and regularized. Adopting the statutory requirements for reconciliation into Georgia's regulatory code will promote voters' confidence in Georgia's elections. CEC believes that the language in the proposed rulemaking concerning reconciliation is sufficient to achieve these voter confidence goals and encourages the SEB to adopt the proposed language.

Respectfully submitted this 18th day of August, 2024,

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Center for Election Confidence, Inc.