

November 22, 2019

The Honorable Brad Raffensperger
Chairperson, State Election Board
2 Martin Luther King, Jr Drive, S.E.
Suite 1104, West Tower
Atlanta, Georgia 30334-9000
(certified mail, copy via email to R. Germany rgermany@sos.ga.gov)

Re: Petition for Rule-Making

Dear Chairman Raffensperger:

Please find attached three proposed election rules for the consideration of the State Election Board under the provisions of Ga Comp. R. & Regs. 183-1-1-.01. The three draft rules submitted on a stand-alone basis are:

Proposed Rule 1 – Mail Ballot Drop-off at Polling Place (Exhibit 1)

Proposed Rule 2—Protecting Ballot Secrecy (Exhibit 2)

Proposed Rule 3—Paper pollbook backups (Exhibit 3)

We offer these proposed rule drafts to suggest practical and efficient improvements in the election administration process that will improve the voting experience for voters and streamline certain procedures and reduce cost. At the heart of our proposals is the protection of the constitutional right to vote and to have that vote protected by an absolutely secret ballot.

This verified petition is being submitted by Coalition for Good Governance¹ and Morgan County Democratic Committee² as stated on Exhibit 4. Coalition for Good Governance is a non-profit non-partisan membership organization with interest in each of its Georgia-based members' voting rights, and the advancement of its

¹ Official contact information for Coalition for Good Governance is: Ms. Mary Eberle, Board Secretary, 1520 Cress Court, Boulder, CO 80304, or Marilyn Marks, Marilyn@USCGG.org 704 292 9802

² Official contact information for Morgan County Democratic Committee is Ms. Jeanne Dufort, Vice-Chair, 1360 Apalachee River Road, Madison, Georgia 3065, Jdufort@aol.com 770 330 9040

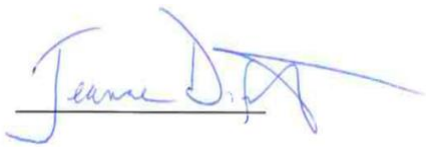
organizational mission of election security and voter privacy. Morgan County Democratic Committee has interest in the election of Democratic Party candidates and protecting and advancing the voting rights of all eligible voters. Its interests in these rule changes are to provide more voters with timely and secure access to exercise their right to vote.

We encourage you to contact us if you have any questions about our proposed rules.

Your primary contact for this matter should be Jeanne Dufort, whose contact details are below.

Thank you for your consideration of these important improvements for the voting process in Georgia.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeanne Dufort", with a horizontal line underneath the name.

Jeanne Dufort
1360 Apalachee River Road
Madison, Georgia 30650
Jdufort@aol.com
770 330 9040

Proposed Rule 1-- Mail Ballot Returned at Polling Places

The superintendent shall designate an absentee ballot clerk for every polling place for absentee in person voting and Election Day voting. Any eligible elector who receives an official absentee ballot may return the completed ballot and completed return envelope in person to a designated absentee ballot clerk at the voter's assigned polling place or any absentee in person location. The voter shall provide acceptable personal identification at the time the voter presents the ballot to the absentee ballot clerk. The absentee clerk shall verify the voter's absentee ballot oath information prior to accepting the ballot. The clerk shall mark with his or her initials and date indicating the clerk's verification of the voter's identity and acceptance of the ballot, and deposit the ballot into a secured ballot container.

Upon the close of the polls, the absentee mail ballots shall be securely delivered to the election superintendent for immediate counting without further verification of the absentee ballot return envelope information.

Reason for the proposed rule:

Georgia voters are currently entitled to request an absentee ballot without providing a reason. In the 2018 election, record numbers of voters requested a mail-in absentee ballot. Even though the law was modified to improve notice to voters, there are ongoing problems in 2019.

- This change will allow voters who want to be certain their ballot is returned and accepted to deliver their ballots to a location of their choice, removing uncertainty and risk of mail delivery or signature rejection.
- This change will provide voters who wish to vote a paper absentee ballot at home the opportunity to cast their ballot at their home precinct on election day with the advantage of the latest election information.
- This change will permit voters who have visual or dexterity difficulty with computer screens and operation to vote their ballots with paper and pen at home, and cast it on election day in their home precinct.

- This change will reduce bottlenecks and lines at the polling place as many voters would likely choose to deliver their ballots on election day rather than stand in line for voting on machines.

Citation of related law: O.C.G.A. §§ 21-2-382(a), 21-2-385(a), 21-2-380.1

Proposed Rule 2---Protecting Ballot Secrecy

- 1) *Whenever used, electronic touchscreen ballot marking devices shall be positioned in such a manner as no one other than the voter, and anyone duly assisting the voter, shall have visual access to the content on the screen.*
- 2) *Notwithstanding the above, electronic touchscreen ballot marking devices shall be arranged in a manner such that, during open poll hours, poll workers and public observers have visual access to the devices, so as to ensure that no observable tampering occurs, and that the officials conduct their duties in full view of the public.*

Reason for the proposed rule:

The Georgia Constitution guarantees absolute secrecy of ballot. This is reinforced in the statutes. The new Dominion touchscreen ballot marking devices are large, with bright, easy to read screens – a benefit to voters in many ways. However, during pilot elections multiple observers have noted that ballot secrecy was routinely compromised. The content of the screens is easily read from a distance, and the privacy screens are not preventing other voters, poll workers, and public observers from seeing how an individual voter is casting his ballot. The on-screen displayed “bars” surrounding the target area for the vote change color when the voter selects the target area, making the voter’s selection visible from across a large room. Adopting this rule will reinforce the protection of absolute secrecy of the ballot already in Georgia law. The rule is essential to help voters feel comfortable to freely vote their conscience, without fear of unintended disclosure, and is clearly necessary to impress upon election officials the importance of maintaining absolute ballot secrecy.

Without the assurance of and provision for absolute secrecy, not all voters will feel free to vote their true choices. The officials must provide for unequivocal and absolute secrecy of the ballot.

Citations of applicable law: Ga. Const. Art. II, § 1, ¶ 1.; O.C.G.A. § 21–2–379.22(5); O.C.G.A. § 21–2–365(6); §21-2-267(a)

Rule 3 --Paper Pollbook Back-ups (Printed Electors' List)

In every election, after the close of advance in-person voting, the election superintendent shall print a paper copy of the poll book for every polling place, updated for advance in-person voting, and such copy shall be available in each polling place on Election Day in accordance with the provisions of O.C.G.A. 21-2-401(b). The printed poll book (printed electors' list) information shall be deemed the official voter information in the event of discrepancies in the electronic pollbook, and used for adjudication of disputes that arise from discrepancies or malfunctions of the electronic pollbook.

Note: The adoption of the above proposed rule requires the **repeal** of obsolete Rule 183-1-12.07 (1) which provides:

Beginning July 1, 2006, counties shall use ExpressPoll units at precincts within the county during primaries, elections, and runoffs. The ExpressPoll units shall be utilized in lieu of the printed electors list and ballot encoders in each precinct where in use.

Reason for the proposed rule:

Electronic poll books offer many advantages, including ease of use and fast updating of records. However, numerous reports from cyber-experts have warned of the potential for malicious attacks that could render the devices unusable or inaccurate. Observers during the recent pilot elections have observed an alarming number of discrepancies and malfunctions, including persistent reports where voters residing at the same address are unable to be processed simultaneously. In many counties, voting is a family affair – this type of malfunction presents an inconvenience to voters, and puts a severe strain on voter processing. For example, in the November 5, 2019 Valdosta municipal election, the electronic pollbooks malfunctioned and voters were turned away from the polling place while the pollbooks were not working. They were not offered provisional ballots. Hundreds of such incidents were documented in the November 2018 mid term elections.

Having an official paper poll book on site is a low cost and efficient way to protect against both malfeasance and malfunction, as well as mitigate emergencies like power outages.

Use of the paper pollbook back-ups should reduce the number of provisional ballots required that now result from electronic pollbook discrepancies.

Current statute (O.C.G.A. 21-2-401(b)) requires the printing of the electors' list. However, it is not currently being used to resolve discrepancies or supply a back-up pollbook record. As a result, eligible voters are frequently forced to vote by provisional ballot or turned away from the polling place, or sent to the incorrect polling place.

VERIFICATION OF PETITION OF ADOPTION OF RULES

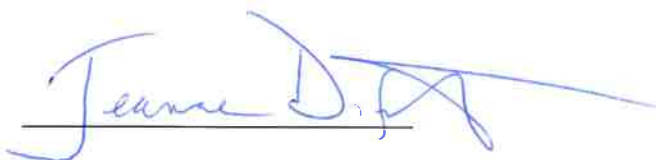
by Morgan County Democratic Committee and Coalition for Good Governance

I, Jeanne Dufort, Vice-Chairman of the Morgan County Democratic Committee and a Member of Coalition for Good Governance personally appeared before the undersigned notary public, duly authorized to administer oaths, and state under oath that every fact alleged in the Petition for Adoption of Rules dated November 22, 2019 attached hereto is true and correct to the best of my knowledge, information and belief, except for any fact that also states a legal conclusion.

I am authorized by the Morgan County Democratic Committee to submit this petition on its behalf. I am also authorized by Coalition for Good Governance to submit this petition on the organization's behalf.

The attached petition is submitted under the provisions of Ga Comp. R. & Regs. 183-1-1-.01

Dated this 22 day of November 2019.



Jeanne Dufort

Sworn to and subscribed before me

This 22nd day of November 2019

