

**STATE ELECTION BOARD**  
**NOTICE OF PROPOSED RULEMAKING**

**Revisions to Subject 183-1-12-.02. *Definitions***

TO ALL INTERESTED PERSON AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Election Board, (hereinafter “SEB”) proposes the attached amendments to Subject 183-1-12-.02 (Definitions).

This notice, together with an exact copy of the proposed new rules and a synopsis of the proposed rules, is being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official state holidays, at the Office of the Secretary of State, Elections Division, 2 Martin Luther King Jr. Drive, S.E., 8th Floor West Tower, Atlanta, Georgia 30334. These documents will also be available for review on the State Election Board’s web page at [https://sos.ga.gov/index.php/elections/state\\_election\\_board](https://sos.ga.gov/index.php/elections/state_election_board) Copies may also be requested by contacting the State Election Board at 470-312-2715.

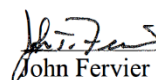
To provide the public an opportunity to comment upon and provide input into the proposed rule amendments, a public hearing will be held on Tuesday, August 6, 2024, at 9:00 A.M. The meeting will take place in Room 341, at the Georgia State Capitol Building in Atlanta, Georgia. Information regarding how to join and provide public comment at the meeting will be available on the State Election Board’s webpage at [https://sos.ga.gov/index.php/elections/state\\_election\\_board](https://sos.ga.gov/index.php/elections/state_election_board)

Public comments given at the meeting will be limited to two minutes per person. Additional comments may be given using the following means and must be received by noon August 5, 2024 to be considered by the State Election Board:

- Electronically by emailing SEBPublicComments@sos.ga.gov
- By mailing comments to:  
State Election Board  
C/O Alexandra Hardin  
2 Martin Luther King Jr. Drive, S.E.  
8th Floor West Tower Suite 802  
Atlanta, Georgia 30334

This notice is given in compliance with O.C.G.A. §50-13-4.

This 3<sup>rd</sup> day of July 2024.

  
John Fervier

Chair, State Election Board

Posted: July 3<sup>rd</sup>, 2024

**SYNOPSIS OF THE PROPOSED RULE  
OF THE STATE ELECTION BOARD  
RULE 183-1-12-.02. *Definitions***

Purpose: The purpose of the rule is to explicitly define certification, and to establish clear, standardized criteria for officially confirming the results of an election

Main Features: The main features of the amendments to this rule are that it adopts the U.S. Election Assistance Commission's definition of certification, while stating explicitly that certifying officials should properly conduct a reasonable inquiry in arriving at the certification decision.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS OF THE STATE ELECTION BOARD, RULE 183-1-12-.02. *Definitions***

NOTE: Underlined text is proposed to be added.

**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.

(c.2) "Certify the results of a primary, election, or runoff," or words to that effect, means to attest, after reasonable inquiry that the tabulation and canvassing of the election are complete and accurate and that the results are a true and accurate accounting of all votes cast in that election.

(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.

Authority: O.C.G.A. § 21-2-31, 21-2-70

## **COPY OF THE PROPOSED NEW RULE**

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

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

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