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June 6, 2024

Georgia State Election Board
2 MLK Drive
Suite 802 Floyd West Tower
Atlanta, Georgia 30334

PETITION FOR AMENDMENT TO ELECTION RULES (Hand Count of Ballots at the Precinct)

Mr. John Fervier, Chairman,

Mrs. Sara Tindall Ghazal,

Mrs. Janelle King,

Dr Janice W. Johnston,

Mr Rick Jeffares

This petition for amendment to an election rule enhances election integrity by providing a checkpoint outside of the electronic system, more accurate results, reducing the opportunity for collusion to sabotage election results and reducing Dominion and electronic voting system error complaints leading to 'stolen election' theories. As a Member of the Fayette County Board of Elections, and as a CPA and former Expert Trial Witness on Embezzlements, I believe this addition to the election process will greatly enhance the integrity of the outcome in each election.

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As such, I hereby submit this petition for your consideration according to SEB Rule 183-1-1-.01(3):

1. The name and post office address of the Petitioner:

Sharlene Alexander



2. The full text of the rule requested to be amended:

Rule 183-1-12-.12(a)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 scanner 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.”

TO BE AMENDED IN BOLD AND UNDERLINED TEXT:

“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

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scanner ballot box, remove the paper ballots from each ballot box, **record the date and time that the ballot box was emptied and present to three sworn precinct poll officers to independently count the total number of ballots removed from the scanner, sorting into stacks of 50 ballots, continuing until all of the ballots have been counted separately by each of the three poll officers. When all three poll officers arrive at the same total ballot count independently, they shall each sign a control document containing the polling place, ballot scanner serial number, election name, printed name with signature and date and time of the ballot hand count. If the numbers recorded on the precinct poll pads, ballot marking devices [BMDs] and scanner recap forms do not reconcile with the hand count ballot totals, 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.** A separate container shall be used for the **hand counted** 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 **scanner** count of the ballots from the tabulation tape, **and the hand count ballot total as certified by the three poll officials.** The container shall be sealed and signed by the poll manager **and two of the three hand count poll officers** such that it cannot be opened without breaking the seal. The poll manager and two witnesses shall sign a label affixed to the container indicating that it contains all of the **hand counted ballots** from the indicated scanner box and no additional ballots.

3. The reason such rule should be amended:

Prior to October 6, 2022, it was a long-standing tradition in Fayette County and other polling places that the paper ballots were removed from scanners at the precinct, the ballots were then hand counted by three sworn poll officials for total number of ballots removed from the scanner, then this hand counted total was reconciled against the scanner count to ensure that all cast ballots were accounted for. By performing this precinct hand count of totals only, any discrepancies can be immediately investigated with all parties, ballots, electronic voting systems remaining in the same space and the difference usually explained. The urgency of a need to reconcile counts immediately at the polling place are substantiated in SEB Rule 183-1-12-.12(a)2, which states "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." With this amendment, SEB Rule 183-1-12-.12(a)2 would read "if the numbers recorded on the recap forms do not reconcile with each other **and the total of hand counted paper ballots**, 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. The hand counted ballots are then sealed and transported by two people via chain-of-custody to the tabulation center.

This practice of hand counting the ballots at each precinct was halted in most counties when Blake Evans, Director of Elections at the Office of the Secretary of State issued an email memorandum on October 6, 2022 (attached). As a result of halting this process, the total ballots hand count is never reconciled against the scanner total and if a ballot count or recount were to occur sometime after the ballots leave the precinct, it may be difficult or impossible to determine the cause

of any discrepancy. In addition, SEB Rule 183-1-12-.12(a)2 is subject to interpretation as to whether the poll manager is required to hand count the number of paper ballots removed from the scanner or simply report the number of printed ballots on the scanner screen or the totals tape.

The proposed amendment to rule Rule 183-1-12-.12(a)5 to require a hand count at each precinct to ensure that the number of ballots placed under seal for transport to the tabulation center matches the chain-of-custody results form, and if there is a discrepancy with the scanner total, then that discrepancy will be immediately investigated by elections officials.

4. Any and all pertinent facts as to the Petitioner's interest in the matter.

The following vote tabulation errors and reported results could have been found and corrected if the above checks-and-balances hand count of total paper ballots were performed in every county :

1] November 3, 2020 Presidential Election in Fayette County cited by the State Elections Board for criminal investigation [SEB 21-197 transcript]: One memory card containing 2,760 ballots was left in an early voting precinct scanner and overlooked by the Elections Office. The original memory card had recorded close to 10,000 votes so a Dominion rep was called to replace the full card with a new one to complete the election cycle. The Dominion rep took the full memory card to the Elections Office [also in violation of chain-of-custody requiring two sworn poll officials to accompany the card]. The Elections Director had not experienced an election cycle where one scanner had multiple memory cards due to voter turnout so he didn't remember the second memory card since he had one for each of the 4 early voting precincts in his County. Had the total ballots removed from the scanner box been hand counted at the precinct this misplaced memory card error could have been avoided.

2] In Fayette County at an AIP [Early Voting] precinct on the last day of early voting, ballots were removed from the AIP scanner and the poll manager had these ballots hand counted to ensure that all ballots were removed. This hand count was 1 less than the scanner total. Searching inside the scanner ballot box, one ballot was found sticking to the top of the ballot box [presumably due to static electricity.]

3] In the Fayette County General Primary on May 21, 2024, one precinct had a discrepancy in ballots that was discovered during audit. Two technicians sent to the warehouse found that the ballots in the write-in bin had not been retrieved from the scanner on Election Night.

In all of the above cases, had there been an independent hand-count of paper ballots removed from the scanner AT THE PRECINCT, these errors would have been found and corrected. As a past supervisor of audits, I have long believed that cross-check control procedures are just as applicable to ballots as dollars. The best check-and-balance process is one that is separate from the all of the electronic count recaps found on the various electronic voting machines at the polling places. This suggested independent hand count of ballots process better ensures that all ballots are accounted for, guards against reported result errors and collusion and can better silence the claims that poll pads, ballot scanners or BMD totals can be accessed remotely, manipulated, duplicate ballot batches scanned or contain software glitches and manipulation.

5. **Any and all facts known to the Petitioner that 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 rule.**

All election officials in the State of Georgia who conduct elections, as well as Blake Evans, Director of Elections, who advises election officials and oversees training on the conduct of elections, will be affected by this rule amendment.

In particular, Superintendants responsible for training Poll Workers according to O.C.G.A. §21-2-70, and Poll Workers themselves will be required to execute the new procedure.

6. **Citations of legal authorities which authorize, support, or require the action requested by the Petitioner.**

O.C.G.A. §21-2-483(a) requires that ballots be counted at the precinct or tabulating center where optical scanners are used..

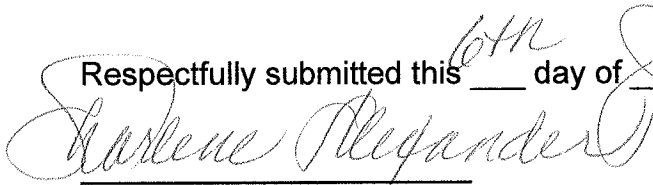
O.C.G.A. §21-2-436 requires, at the close of polls, that the number of votes be reconciled as shown on stubs and numbered list of voters, accounting for spoiled and returned ballots, rejected certificates and unused ballots, before these items are sealed; however, it fails to require that the actual number of paper ballots be reconciled prior to seal and transport. This hand count of total ballots is the only check-and-balance procedure separated from the current Dominion electronic voting system and direly needed to counter the many inconsistencies found across the state including missed memory cards, misplaced or lost paper ballots, duplicated ballot scans, errors in poll pad voter check-ins and BMD manipulation as shown by Professor Halderman in the recent Judge Tottenberg trial in Atlanta, GA.

O.C.G.A. §21-2-420(a) requires, at the close of polls, that the total number of ballots cast be reported to the election superintendant, but doesn't specify how that number is determined, *i.e.* whether it comes from the Poll Pads, the Scanners, or from counting the ballots themselves. While the Poll Pad and Scanner counts are required to be reconciled, there isn't a reconciliation of the ballots themselves at the polling place currently.

O.C.G.A. §21-2-420(a) further requires that the superintendant count the ballots at the tabulation center, where any discrepancies may be much more difficult to investigate.

I, Sharlene Alexander, personally appeared before the undersigned duly authorized to administer oaths, and on oath deposes that the facts stated in the Petition therein are true and accurate.

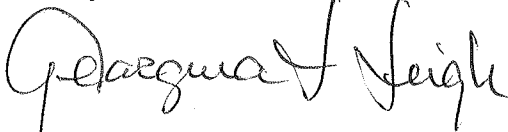
Respectfully submitted this ^{6th} day of June, 2024.


Sharlene Alexander

SUBSCRIBED AND SWORN BEFORE ME

this 6th day of June, 2024

Notary Public in and for Fayette County, Georgia



[Seal]



egale@darientel.net

From: DoNotReply@sos.ga.gov
Sent: Thursday, October 6, 2022 5:21 PM
To: DoNotReply@sos.ga.gov
Subject: The Buzz Post - Ballot Security

A [new discussion](#) has been posted in The Buzz by Evans, Blake on 10/6/2022 5:10 PM

I know that many counties have received an email requesting that poll workers hand count ballots at polling places on election night. **Deciding to have poll workers hand count ballots at each polling location on election night is not something your poll workers should do.**

Please see O.C.G.A. § 21-2-420(a) which states :

“(a) After the time for the closing of the polls and the last elector voting, the poll officials in each precinct shall complete the required accounting and related documentation for the precinct and shall advise the election superintendent of the total number of ballots cast at such precinct and the total number of provisional ballots cast. The chief manager and at least one assistant manager shall post a copy of the tabulated results for the precinct on the door of the precinct and then immediately deliver all required documentation and election materials to the election superintendent. The election superintendent shall then ensure that such 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.”

Also, SEB Rule 183-1-12-.12 states: “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.”

In order to ensure maximum security for the voted ballots, poll workers should not prolong the process of removing ballots from ballot boxes and sealing them in transport containers. This process should be done efficiently, transparently, and immediately after the polls have closed and votes have been cast. Members of the public can observe the process.

If you have any further questions regarding the law on this matter, please consult with your county attorney with this guidance in mind.

Blake Evans, Elections Director

If you would like to opt out of receiving email notifications for this discussion, click [here](#).