



P.O. Box 77208, Atlanta, GA 30357
770.303.8111 | syoung@acluga.org

October 19, 2020

Russell Bridges
Chatham County Election Supervisor
Board of Elections and Registration
1117 Eisenhower Dr STE E
Savannah, GA 31406-3929
Russell.Bridges@chathamcounty.org

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Supervisor Bridges,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

Beginning this process before Election Day will improve voter confidence and reduce the burden on hardworking elections officials on and after Election Day by shortening the time it will take to count all ballots and certify the election after the polls close on Election Day. The ACLU of Georgia stands ready to help counties at any step of this process. The ACLU of Georgia can assist by helping counties give the requisite notice to the Secretary of State's office and to the public and providing technical assistance for processing absentee ballots early. If you have any questions regarding how best to do so or how the ACLU of Georgia might be able to assist, please feel free to contact us at ballot@acluga.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean J. Young".

Sean J. Young
Legal Director
ACLU of Georgia

A handwritten signature in black ink, appearing to read "Andrés López-Delgado".

Andrés López-Delgado
Staff Attorney
ACLU of Georgia

Encl./SEB Rule 183-1-14-0.9-.15 (as amended August 10, 2020)



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October 19, 2020

Kim Stancil
Director of Elections and Registration
Cherokee Co. Elections and Voter Registration
2782 Marietta HWY STE 100
Canton, GA 30114-8289

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Stancil,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Sincerely,



Sean J. Young
Legal Director
ACLU of Georgia



Andrés López-Delgado
Staff Attorney
ACLU of Georgia

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P.O. Box 77208, Atlanta, GA 30357
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October 19, 2020

Shauna Dozier
Clayton County Elections Director
Board of Elections and Registration
121 S McDonough ST Annex II
Jonesboro, GA 30236-3651

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Dozier,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Sean J. Young
Legal Director
ACLU of Georgia



Andrés López-Delgado
Staff Attorney
ACLU of Georgia

Encl./SEB Rule 183-1-14-0.9-.15 (as amended August 10, 2020)



P.O. Box 77208, Atlanta, GA 30357
770.303.8111 | syoung@acluga.org

October 19, 2020

Janine Eveler
Cobb County Director of Elections
Board of Elections and Registration
736 Whitlock Ave STE 400
Marietta, GA 30064-4663

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Eveler,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Sean J. Young
Legal Director
ACLU of Georgia



Andrés López-Delgado
Staff Attorney
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P.O. Box 77208, Atlanta, GA 30357
770.303.8111 | syoung@acluga.org

October 19, 2020

Erica Hamilton
DeKalb County Election Official
Board of Registration & Elections
4380 Memorial Drive STE 300
Decatur, GA 30032-1239

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Hamilton,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Sean J. Young
Legal Director
ACLU of Georgia



Andrés López-Delgado
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P.O. Box 77208, Atlanta, GA 30357
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October 19, 2020

Mandi Smith
Director, Voter Registrations and Elections
Forsyth Co. Voter Registrations and Elections
1201 Sawnee Drive
Cumming, GA 30040-2474
mbsmith@forsythco.com

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Smith,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Andrés López-Delgado
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P.O. Box 77208, Atlanta, GA 30357
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October 19, 2020

Richard Barron
Fulton County Elections Supervisor
Board of Registration & Elections
130 Peachtree Street SW STE 2186
Atlanta, GA 30303-3443
Richard.Barron@fultoncountyga.gov

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Supervisor Barron,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Sean J. Young
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Andrés López-Delgado
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P.O. Box 77208, Atlanta, GA 30357
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October 19, 2020

Kristi Royston
Gwinnett County Local Election Official
Board of Registration & Elections
455 Grayson HWY STE 200
Lawrenceville, GA 30046-6388
Kristi.royston@gwinnettcounty.com

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Royston,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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P.O. Box 77208, Atlanta, GA 30357
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October 19, 2020

Lori Wurtz
Hall County Election Official
Board of Elections and Voter Registration
2875 Browns Brg Road
Gainesville, GA 30501-4733
lwurtz@hallcounty.org

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Director Wurtz,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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770.303.8111 | syoung@acluga.org

October 19, 2020

Grayson Davis
Supervisor and Interim Director
Henry County Elections and Registration
40 Atlanta Street
McDonough, GA 30253-3430
gdavis@co.henry.ga.us

Via E-mail

Re: Processing Accepted Absentee Ballots Before Election Day

Dear Supervisor Davis,

The ACLU of Georgia writes to urge county elections officials to begin processing accepted absentee ballots, that is, removing absentee ballots from their envelopes and scanning them, as soon as possible and no later than next Monday, October 26. The State Election Board recently passed an emergency rule (see attached) permitting county elections officials to begin processing absentee ballots beginning today, October 19. SEB Rule 183-1-14-9.9-.15. If you do not already have plans to begin processing absentee ballots pursuant to this rule, we urge you to provide notice to the public on your website and to the Secretary of State's Office **today** so that you may begin processing absentee ballots by October 26.

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Legal Director
ACLU of Georgia



Andrés López-Delgado
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**RULES
OF
STATE ELECTION BOARD**

**CHAPTER 183-1
GEORGIA ELECTION CODE**

**SUBJECT 183-1-14
ABSENTEE VOTING**

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183-1-14-0.9-.15 Processing Absentee Ballots Prior to Election Day

RULE 183-1-14-0.9-.15 Processing Absentee Ballots Prior to Election Day

(1) Beginning at 8:00 a.m. on the third Monday prior to Election Day, county election superintendents shall be authorized to open the outer envelope of accepted absentee ballots, remove the contents including the absentee ballot, and scan the absentee ballot using one or more ballot scanners, in accordance with this rule, and may continue until all accepted absentee ballots are processed. However, no person shall tally, tabulate, estimate or attempt to tally, tabulate or estimate or cause the voting equipment to produce any tally or tabulation, partial or otherwise, of the absentee votes cast until the time for the closing of the polls on Election Day.

(2) Absentee ballots shall be processed in batches of not more than 100. At least three persons who are registrars, deputy registrars, poll workers, or absentee ballot clerks must be present at all times during the processing of a batch of absentee ballots.

(3) Outer envelopes shall be opened in such a manner as not to destroy the oath and signature of the voter.

(4) All outer envelopes in a batch shall be counted and recorded on a reconciliation form prior to opening the outer envelopes of a batch. Upon opening the outer envelopes of a batch, the contents shall be removed in a manner that ensures that the contents of the envelope cannot be matched back to the outer envelope. Once all of the outer envelopes of a batch have been opened and the contents removed, the inner envelopes and/or secrecy sleeves shall be opened and the absentee ballots removed. Once all of the absentee ballots have been removed, the number of ballots shall be counted and recorded on a reconciliation form and compared to the original count of outer envelopes in the batch. Any discrepancy shall be investigated and recorded on a reconciliation form. The form shall be signed by the officials processing the batch of ballots. The absentee ballots shall then be scanned on a ballot scanner. A batch number assigned by the ballot scanner shall be recorded on the reconciliation form for that batch. Any ballot that is so torn, bent, or otherwise defective that it cannot be processed by the scanner shall be duplicated pursuant to O.C.G.A. § 21-2-483. Vote review panels shall be established, as needed, to adjudicate any rejected ballots per O.C.G.A. § 21-2-483 and Rule 183-1-15-.02. Once successfully scanned, the batch of ballots shall be bound together with the reconciliation form (or a copy thereof) and the

official who scanned the ballots shall notate on the reconciliation form that the batch has been scanned, including the date and location of the scanning, and initial the notation. The scanned absentee ballots shall then be secured in a container. More than one batch of scanned absentee ballots may be placed in the container, but the individual batches must be separately bound. A security seal shall be placed on the container. The batch number(s), the number of scanned absentee ballots in each batch, and the security seal number shall be recorded on the container.

(5) If the county election superintendent chooses to prepare and/or scan absentee ballots prior to Election Day according to this Rule, the superintendent shall notify the Secretary of State in writing at least seven days prior to processing absentee ballots.

(6) The proceedings described in this rule shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent shall touch any ballot or ballot container. The state executive committee of each political party and political body having candidates whose names appear on the ballot in such county shall have the right to have two properly designated persons present to act as monitors for such process and each independent and nonpartisan candidate whose name appears on the ballot in such county shall have the right to have one properly designated person present to act as a monitor for such process. The designated monitors shall be given a letter by the designating entity containing the name of the monitor, his or her address, and the county in which he or she may monitor the process. A copy of the letter designating the monitor shall be delivered to the county elections superintendent prior to the monitor being allowed to monitor the process. Each monitor shall wear a name tag indicating their name and the entity that designated them while monitoring the process. Any other observer shall be required to wear a name tag that indicates their name and

that they are a public observer. The superintendent may make reasonable regulations, including regulations regarding social distancing measures and required personal protective equipment, that designated monitors and observers shall follow so that they do not interfere in any way with the processing of ballots or conduct of the election. If a monitor or observer interferes with the processing of the ballots or conduct of the election after being duly warned by an election official or superintendent, or if he or she violates any of the prohibited activities in this rule, the superintendent may revoke the person's designation to monitor the process, remove them from any further monitoring or observing, and refer the incident to the Secretary of State's office for investigation. Any infraction or irregularity observed by a monitor or observer shall be reported to the superintendent or to the Secretary of State. No person whose name is on the ballot shall be eligible to serve as a designated monitor.

(7) While viewing the process set forth in this rule, monitors and observers are prohibited from:

- (a) In any way interfering with the processing of absentee ballots or conduct of the election;
- (b) Using or bringing in to the room any photographic or other electronic monitoring or recording devices, cellular telephones, or computers;
- (c) Engaging in any form of campaigning or campaign activity;
- (d) Taking any action that endangers the secrecy and security of the ballots;
- (e) Touching any ballot or ballot container;
- (f) Tallying, tabulating, estimating, or attempting to tally, tabulate, or estimate, whether partial or otherwise, any of the votes on the absentee ballots cast; and
- (g) Communicating any information that they see, whether intentionally or inadvertently,

about any ballot, vote, or selection to anyone other than to an election official who needs to such information to lawfully carry out his or her official duties.

(8) Before being allowed to view the process set forth in this rule, each designated monitor and observer shall execute an oath swearing or affirming, under penalty of perjury, that they understand the prohibitions set forth above, that they will not engage in any prohibited activity, and that they understand any violations of this rule will be punishable by the State Election Board.

(9) The county election superintendent shall publish a written notice, containing the dates, start and end times, and location(s) where absentee ballots will be processed and any rejected ballots will be adjudicated. Such notice shall be posted in the superintendent's office, on the home page of the county election website, and sent to the Secretary of State's office at least seven days prior to scanning ballots in accordance with this rule. The Secretary of State shall publish on his website the information he receives from counties stating the dates, times and locations where absentee ballots will be processed and adjudicated.

(10) Any person involved in processing absentee ballots according to this rule shall swear an oath, in the same form as the oath for poll officers set forth in O.C.G.A. § 21-2-95, prior to beginning the processing of absentee ballots.

(11) All cell phones, laptops, audio or video recording devices, and other communication devices shall be prohibited from the room where processing of absentee ballots is taking place, except for county election computers necessary to carry out this rule or otherwise conduct the election. No information concerning the tally of votes, or any partial tally of votes, shall be communicated until the time for the closing of the polls on Election day.

(12) The county superintendent shall be permitted to designate locations where public observers may view the process described in this rule to protect the security and secrecy of the ballots. Monitors designated by political parties, political bodies, and independent and non-partisan candidates shall be allowed to monitor the process described in this rule, but they must do so in a way that does not interfere with election officials. The superintendent may designate locations that allow designated monitors to monitor the process set forth in this rule, and such locations shall include areas that allow credentialed monitors to view the batching of the ballots, reconciliation of envelopes to ballots, scanning the ballots, duplication of ballots, adjudication of ballots by vote review panels, sealing the ballots after scanning, and other such areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the carrying out of the procedures set forth in this rule.

Authority: O.C.G.A. § 21-2-31