



GEORGIA DEMOCRATS

Democratic Party of Georgia
501 Pulliam Street SW, Ste. 400
Atlanta, GA 30312

January 13, 2020

Ms. Jasmine Shannon
Office of the Secretary of State, Elections Division
2 Martin Luther King Jr. Drive, S.E.
8th Floor, West Tower
Atlanta, Georgia 30334

Via email to jshannon@sos.ga.gov

Dear Ms. Shannon:

The Democratic Party of Georgia (DPG) submits the following comments and revisions in response to the rules proposed by the State Election Board posted December 19, 2019 ("Proposed Rules").

Our comments fall into eight distinct categories, which address issues of critical importance to the fair and well-managed administration of Georgia elections. The objective of each category is as follows:

1. To empower voters to verify their paper summary ballots, strengthening audit integrity.
2. To promote the consistent and fair treatment of provisional voters.
3. To preserve the intent of HB316 with respect to number of voting machines.
4. To increase election administration transparency and engender public confidence.
5. To provide for public notice by posting election information to the Web.
6. To permit applicants who do not have certain ID documents to register to vote.
7. To ensure that voting by mail remains secure and convenient to voters.
8. To address select other concerns.



For each category, we are offering redlines to the Proposed Rules that will mitigate and/or resolve the concerns we've identified, enclosed herein. A more detailed explanation of our concerns, as well as the rationale for DPG's proposed changes is in the attached addendum. We are happy to collaborate with you to devise alternative solutions if you believe there are better ways to resolve the underlying concerns, but we are hopeful this submission will simplify and focus the consideration process.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Saira Draper", with a long, sweeping horizontal line extending to the right.

Saira Draper
Director of Voter Protection
On behalf of the Democratic Party of Georgia



ADDENDUM:

Explanations of DPG's Recommended Changes to Proposed Rules

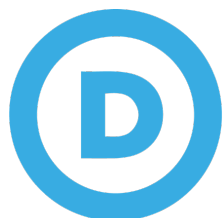
1. To empower voters to verify their paper summary ballots, strengthening audit integrity.

In 2020, Georgia moved to a new system of election equipment. The new system is characterized by Ballot Marking Devices (BMDs), which, after a voter has selected candidates on a computer screen, print paper summary records that the voter inserts into a scanner to be tabulated. That a voter's selections are printed on paper allows voters the opportunity to verify an auditable physical record of their choices, an option that did not exist under the pre-2020 system.

However, research¹ suggests that most voters, left to their own devices, will not review their paper ballot, a limiting factor to the level of security that a paper trail can provide ("The security of BMDs depends on how reliably voters notice and correct any adversarially induced errors on their printed ballots."). The research also suggests there are interventions that can be made that increase the likelihood a voter will review their paper ballot. In order to ensure that Georgia's current election system is made as safe as possible, DPG recommends the implementation of four specific common-sense and evidence-based measures that will increase the likelihood that voters will verify their paper summary ballots, boosting error detection and reporting rates.

1. DPG recommends that the text on the paper ballot be printed in a size large enough for most voters to read without strain: 12-point font.
Rule 183-1-12-.07 (5).
2. DPG recommends that once the paper summary ballot prints, a prompt should appear on the BMD screen that the voter must acknowledge before proceeding to the next page. The prompt will inform the voter they should review their selections on the paper ballot and contact a

¹ Bernard, Matthew, McDonald Allison, Meng, Henry, Hwa, Jensen, Bajaj, Nakul, Chang, Kevin, Halderman, J. Alex. (2020) Can Voters Detect Malicious Manipulation of Ballot Marking Devices? <https://jhalderm.com/pub/papers/bmd-verifiability-sp20.pdf> ("BMD Verification Study")



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poll officer if the paper ballot does not reflect the voter's intent. **Rule 183-1-12-.11 (2)(b).**²

3. As supported by the BMD Verification Study, DPG recommends that a poll worker be stationed at each optical scanner who is required to ask each voter if they have reviewed their paper ballot summary. (BMD Verification Study, Recommendation 2). **Rule 183-1-12-.11 (8).**
4. DPG recommends a system for documenting voter-reported incidents as a result of paper ballot verification. **Rule 183-1-12-.11 (10).**

In making these recommendations DPG in no way suggests that BMDs are a secure option for conducting elections; only that there are measures that the State can take to make election systems based on BMDs more secure than they otherwise would be.

DPG's redline edits falling under this category are in the color gold.

2. To promote consistent and fair treatment of provisional voters

During the 2018 gubernatorial election in Georgia, DPG received scores of calls to its voter protection hotline (888-730-5816) about provisional ballots. This is not surprising; the conditions that trigger provisional ballots are varied and complicated, leading to mistrust and confusion among voters. In the past, individual poll workers have had vast amounts of discretion about whether to provide information to voters about voting provisionally. Even in situations where information was provided, poll workers have inadvertently provided incorrect or incomplete information to voters. The information dispensed about voting provisionally varies from polling place to polling place and county to county, leading to a broad range of reasons for why provisional ballots are issued, and a provisional ballot rejection rate that varied from 100% in some counties to just over 6% in others in 2018.

DPG's recommendations take the guesswork out of issuing provisional ballots, and take the onus off of poll workers to know when it is appropriate to allow a voter to vote

² To the extent this additional step adds a few seconds to the time the voter will occupy the voting booth, there are other parts of the voting process that can be made more efficient that are less critical to the security of an election than paper ballot summary verification. DPG has separately recommended changes to the check-in process and use of voter access card, which, if implemented, will more than compensate for the additional time this step imposes.

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Georgia Voter Protection Hotline (888) 730-5816



provisionally. DPG provides scripts that a poll worker can read (or provide in writing to a voter) when an event that triggers a provisional ballot situation arises. The script provides the voter with accurate information about their options and allows the voter to make an informed decision based on what is right for them. Standardization in this area would promote equal and fair access to the provisional voting process, no matter where a Georgia voter is registered. **Rule 183-12-.18**

DPG's redline edits falling under this category are in the color red.

3. To preserve the intent of HB316 with respect to number of voting machines

O.C.G.A. 21-2-367(b) states: *In each precinct in which optical scanning voting systems are used, the county or municipal governing authority, as appropriate, shall provide at least one voting booth or enclosure for each 250 electors therein, or fraction thereof.*

The intent of this provision of HB316 is clear: to require a minimum number of available BMDs and printers ("voting booth[s]") in order to ensure voters are processed reasonably expediently. The provision is well reasoned: there are more registered voters in Georgia now than ever before, and in the past, under-allocation or poor allocation of election equipment has led to voter disenfranchisement.

Although this provision purports to provide instruction for how to calculate the number of voting booths available to electors pursuant to O.C.G.A. 21-2-367(b), rule 183-1-13-.01 makes the implementation of O.C.G.A. 21-2-367(b) more confusing, not less so. Without clarification, rule 183-1-13-.01 will result in inconsistent application of O.C.G.A. 21-2-367(b) among Georgia's counties.

Moreover, the provision as written only accounts for voting booths made available to voters on the last day of the advance voting period. This undercuts the justification that voters of a precinct have had ample opportunity to vote during advance voting, because not every advance polling location is required to be open for the duration of the advance voting period. An advance voting location that has made 5 BMDs available to voters for three weeks should not count the same as an advance voting location that made 5 BMDs



available to voters only on the last day of the advance voting period, but it does under the current draft.

DPG's revisions to this provision account for the shortcomings illustrated above, while also giving credit to counties for making advance voting available and accessible to voters. DPG's revisions also permit counties to deal with the reality of finding polling places with adequate space and electricity; a county can offset the minimum machine requirement to any particular polling place by making available more advance voting locations within a distance that is convenient to the precinct's residents. **Rule 183-1-13.**

An observation DPG made during the 2019 municipal elections was that long lines at the poll pad check-in station were a bottleneck point. Consistent with the spirit of O.C.G.A. 21-2-367(b) to provide adequate voting machinery to expedite voting, DPG also recommends a rule that requires a minimum number of poll pads per polling place based on the number of electors in a precinct. **Rule 183-1-12-.19.**

DPG's redline edits falling under this category are in the color green.

4. To increase election administration transparency and engender public confidence

DPG's revisions in this category, which can be found throughout the Proposed Rules, ensure that accredited poll watchers have the right to both see and hear the events they are observing.

DPG's redline edits falling under this category are in the color teal.

5. To provide for public notice by posting election information to the Web

The Georgia Elections Code provides for counties to meet notice requirements by publishing information in the legal organ of the county. The Proposed Rules update this method of providing notice to include publication to the Elections or Registrar's website. DPG recommends that when notices are posted to websites, they are posted to the home page and thus are readily available to the public. **Rule 183-1-12-.08**



DPG's redline edits falling under this category are in the color lilac.

6. To permit applicants who do not have certain ID documents to register to vote

According to the office of the Secretary of State, a main feature of the proposed changes to rules 183-1-6-.02 (6) and 183-1-6-.02 (7) is to “require third-party voter registration groups to inform applicants that they are required to list their Georgia driver’s license or identification card number on their voter registration application if they have one and prohibit third-party voter registrations groups from telling applicants that they do not have to list their driver’s license number *if they have one*.” Synopsis of the Proposed Rule of the SEB, Rules of the SEB, Rule 183-1-6-.02 (6) and 183-1-6-.02 (7) (emphasis added).

However, the language in the Proposed Rules is overly restrictive, prohibiting an applicant from completing a voter registration application if that person has ever been issued a Georgia driver’s license, Georgia-issued ID, or social security number. Not all applicants know whether they have been issued documents, particularly documents such as social security cards that may have been issued at their time of birth. Not all applicants currently have a driver’s license or state-issued ID, even if one may have been issued at some point in time. An applicant’s right to vote should not be curtailed by the applicant’s knowledge of what documents a third-party entity may have issued. DPG’s edits resolve this issue. **Rule 183-1-6-.02 (6).**

DPG's redline edits falling under this category are in the color pink.

7. To ensure that voting by mail remains secure and convenient to voters

An increasing number of Georgians choose to vote by mail: in 2014, 4.2% of voters voted by mail, in 2016, this number was 5.1%, and by 2018, 5.7% of Georgians cast their ballots by mail. Campaigns and voter turnout organizations have made it easier for Georgians to vote by mail by sending voters absentee ballot request forms. DPG is not opposed to the proposed rule that third-party organizations be required to include a disclaimer on an absentee ballot request form, but finds the proposed additional requirement that forms be “substantially similar” to that of the Secretary of



State's to be sufficiently ambiguous and burdensome so to have a negative effect on voter turnout. DPG recommends this specific restriction be removed. **Rule 183-1-14-.11.**

DPG's redline edits falling under this category are in the color purple.

8. To address select other concerns

DPG's redline edits falling under this category are in the color red.