

STATEMENT FOR THE RECORD
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SUBMITTED TO THE GEORGIA STATE ELECTION BOARD
COMMENT ON PROPOSED AMENDMENT TO RULE 183-1-12-.12

(As delivered on August 19, 2024)

Mr. Chairman and Members of the Board. My name is Donald Sherman and I'm a government ethics lawyer whose mother and family have lived and voted in Georgia for more than a decade. My organization, Citizens for Responsibility and Ethics in Washington, submitted a comment with the ACLU of Georgia and Public Rights Project urging this Board NOT to adopt the proposed rule permitting *individual* county election board members to examine all election related documentation created during the conduct of elections prior to certification of results, because it is contrary to this Board's rulemaking authority under Georgia law.

Georgia already has a robust process for addressing election fraud; this rule could invite unnecessary chaos into that process. The portion of this rule at issue, subsection 6, is contrary to Georgia law in two key ways: **First**, the Election Code does not vest **ANY** power in *individual members* of county election boards, but instead in each county's "election superintendent" which is the *majority* of the board's voting members, not any one member. **Second**, no Georgia statute grants even *election superintendents* an unconditional right of access to, quote, "all election related documentation created during the conduct of elections prior to certification of results." Rather, the Election Code provides that the voting majority of a county board must **first** identify a numerical "excess" in vote totals from a precinct before the board has any "authority" to "summon[] ... the poll officers with any primary or election papers in their possession."¹ The Proposed Rule improperly omits this statutory condition.

This section, if adopted, could disrupt county canvassing and certification by empowering individual board members to demand any election-related documents—even ones from different counties or that have no bearing on certification – all based on mere whim. Such abuse could sow doubt in Georgia's election and certification process, compromising the votes of millions of Georgians, including my family. We respectfully urge the Board NOT to adopt this proposed rule. Thank you.

¹ OCGA 21-2-493(b).