

May 1, 2026

VIA ELECTRONIC MAIL

Georgia State Election Board
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Dear Board Members:

We write as organizations across the political spectrum to address the State Election Board's (SEB) consideration of a petition that would direct Georgia's 159 counties to transition to hand-marked paper ballots as their primary voting method. While our organizations hold diverse views on election policy, we are unified in our assessment that the Board lacks the legal authority to mandate such a fundamental change to Georgia's voting system. This letter sets forth the legal grounds for that conclusion.

The Georgia General Assembly enacted legislation in 2024 stating that, effective July 1, 2026:

The official tabulation count of any ballot scanner shall be based upon the text portion or the machine mark, provided that such mark clearly denotes the elector's selection and does not use a QR code, bar code, or similar coding, of such ballots and not any machine coding that may be printed on such ballots.

SB 189, Section 7. That legislation did not, however, provide for an alternative voting system, nor did it authorize or direct the SEB to mandate a transition to hand-marked paper ballots. In fact, black letter statutory law requires that Georgia elections are conducted using ballot marking devices and ballot scanners. O.C.G.A. § 21-2-300. That law has not changed. Georgia law also requires that "the equipment used for casting and counting votes in county, state, and federal elections shall be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State." *Id.*

The SEB's rulemaking authority is constrained by statute. State law empowers the Board to promulgate rules and regulations to the extent that they are "consistent with law." O.C.G.A. Section 21-2-31(2). The Georgia Supreme Court recently explained that "consistent with law" means that the SEB only has authority to rules consistent with the existing statutory structure. *Republican National Committee v. Eternal Vigilance Action*, 321 Ga. 771, 804 (2025).

An SEB rule directing counties to transition voting systems would exceed the Board's authority by conflicting with Georgia's statutory framework governing voting equipment and emergency procedures. The Georgia Supreme Court overturned several SEB rules

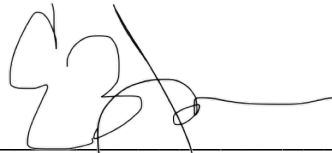
last year that went beyond the Board's statutory authority. The petition currently being considered proposes a rule that is beyond the lawful authority of the Board and, if passed, it would be met with a similar fate to the rules that were struck down last year. Moreover, in the event of an actual emergency, Georgia law leaves that determination to county election superintendents, not to the SEB. Clearly, the legislature intended to preserve local discretion rather than empower a state board to make those inherently local determinations. *See* O.C.G.A. § 21-2-379. Even then, local boards must similarly act within the constraints of the law.

The Georgia General Assembly has created a specific statutory framework governing voting equipment and emergency ballot procedures. That framework does not authorize the SEB to compel a statewide transition to hand-marked paper ballots. We urge the Board to respect the limits of its statutory authority and decline to promulgate rules that exceed those bounds.

Respectfully submitted,



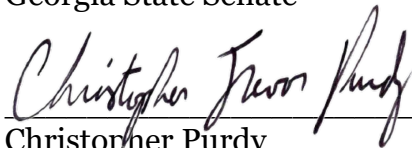
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