

183-1-6-.02 Rules for Voter Registration by Private Entities.

(1) **Intent and Purpose.** These rules are promulgated pursuant to the authority granted to the State Election Board by Georgia Laws 1984, p. 1430, (O.C.G.A. Section 21-2-215(f)) and by Georgia Laws 1968, p. 862, (O.C.G.A. Section 21-2-31). It is the intent and purpose of the State Election Board to establish reasonable, necessary, and uniform rules and regulations to carry out the responsibilities of the State of Georgia with respect to the registration of voters in Georgia.

For the benefit and protection of those citizens who choose to entrust their completed voter registration applications to private entities and for the benefit and protection of the public and the fair administration of the electoral process, the State Election Board has promulgated these rules for voter registration by private entities. The State Election Board, within the parameters of the law, has taken care to make voter registration in Georgia as convenient and easy as practicable while retaining the necessary controls to prevent abuse of the system and fraud in the elective process. To this end, the State Election Board has promulgated these rules and regulations.

(2) **Definitions.** As used in this rule, unless otherwise noted, the term:

(a) “Close of registration” means the last day for the registration of voters in a primary or general election, as provided by law.

(b) “Private entity” means an individual who is not acting in an official capacity as a registrar or deputy registrar, or a non-governmental organization or other non-governmental entity that utilizes individuals other than registrars or deputy registrars to conduct voter registration programs.

(c) “Voter registration programs” means the distribution or collection of voter registration applications.

(3) **Acceptance of Mail Voter Registration Applications.**

(a) A voter registration application postmarked or received by the Secretary of State or a registrar or deputy registrar within the time frames provided by law for the registration of electors shall be processed without regard to whether such application was received by mail or otherwise, was submitted singularly or bundled with other voter registration applications, or was submitted by a private entity. No board of registrars shall reject or refuse to process a voter registration application solely on the basis of how or by whom it was submitted.

(b) Any mail voter registration application received from a private entity (other than from an individual delivering his or her own application to a state or local election official in person) shall be processed in the same manner as an application received by mail, regardless of the manner in which such application was actually delivered.

(c) Nothing in this rule shall be construed to prohibit or in any manner restrict the right of any board of registrars or other authority from investigating and addressing suspected instances of voter registration fraud or to challenge, examine, verify, or determine the validity of voter registration applications or the qualifications and eligibility of persons applying to register to vote.

(4) **Voter Registration Activities of Private Entities.** Nothing in this rule shall be construed to prevent private entities from conducting organized voter registration programs and assisting eligible citizens with voter registration as permitted by state or

federal law, including the distribution, collection, and transmittal of mail voter registration applications to the appropriate board of registrars.

(5) Instruction and Training of Private Entities.

(a) Instruction and training for private entity voter registration activities pursuant to this rule shall be offered by the board of registrars. Training requests by private entities shall be made in writing to the board of registrars. The board of registrars shall respond in writing to such requests with a training confirmation, including the date, time, and location such training will take place.

(b) At a minimum, training shall be provided to each private entity who requests such training on:

1. How to complete the voter registration application designed, published, and distributed by the Secretary of State in accordance with O.C.G.A. Section 21-2-223;
2. The proper security of completed voter registration applications;
3. The time frames within which completed voter registration applications are required to be transmitted to the appropriate board of registrars;
4. The identification requirements to be included with completed voter registration applications;
5. The identification requirements for voting at polling places within the state and the requirements for persons who registered to vote for the first time by mail; and
6. The required and prohibited activities of private entities as set forth in paragraphs (6) and (7) of this rule.

(c) The Secretary of State may develop and provide to the boards of registrars manuals for this instruction. The Secretary of State may also make such manuals available to the public, including via electronic means on the Secretary of State's website. Until such time as the Secretary of State develops such manuals, boards of registrars shall utilize such materials as will meet the training requirements of this rule.

(6) Required Activities. While engaging in organized voter registration activity within this state, a private entity shall:

- (a) Advise each applicant that such applicant has the option to return his or her voter registration application personally to the appropriate board of registrars or to the Secretary of State or to permit the private entity to return it on the applicant's behalf;
- (b) Inform all applicants that they are not officially registered to vote until their eligibility has been determined by the appropriate board of registrars and that, if the applicant has not received notification of the disposition of the application within three to four weeks of submitting the application, the applicant should contact the appropriate board of registrars to determine if such applicant's eligibility has been determined and the applicant's name entered on the official list of electors;
- (c) Inform all applicants that, if they are registering to vote for the first time in the jurisdiction by mail or through a private entity, they must present current and valid identification either when registering to vote by mail or through a private entity or when voting for the first time after registering to vote by mail or through a private entity;
- (d) Inform all Georgia applicants of the availability of an online registration status check and polling place locator service on the Secretary of State's website and encourage all applicants to access it in advance of a primary or election day to verify their registration status and correct polling place; and

(e) Inform all applicants of their right, under certain circumstances, to cast a provisional ballot in the event that their names do not appear on the official list of electors at the polls.

For purposes of compliance with the notice provisions provided in this paragraph, it shall be sufficient for the private entity either to post such notices in a conspicuous location at any fixed registration site or to provide such notices in written form to the applicant in a brochure, flyer, or other similar manner at the time of application. The Secretary of State may design and make available to private entities an appropriate model form that includes all required notices pursuant to this paragraph.

(7) **Prohibited Activities.** While engaging in voter registration programs within Georgia, a private entity shall not:

(a) Represent to any person that the private entity is a representative of the Secretary of State or a board of registrars authorized by law to receive voter registration applications in person;

(b) Make any statement to an applicant or take any action that the private entity knows or reasonably should know would discourage a qualified applicant from registering to vote;

(c) Refuse to accept and transmit a properly completed and contemporaneously dated voter registration application from any qualified individual;

(d) Be inebriated or otherwise impaired by drugs, alcohol, or other substances;

(e) Conduct voter registration activities at locations where the private entity knows that illegal or criminal activities are being conducted;

(f) Accept a completed registration application from the applicant unless such application has been sealed by the applicant, without a signed acknowledgment from the applicant that the applicant willingly and knowingly provided the unsealed application to the private entity;

(g) Copy a completed registration application without the express, written permission of the applicant; or

(h) Conduct voter registration activities in places where alcoholic beverages are sold and consumed on the same premises.

(8) **Transmittal of Completed Voter Registration Applications.**

(a) A private entity shall promptly transmit all completed voter registration applications to the Secretary of State or the appropriate board of registrars within ten days after receiving the application or by the close of registration, whichever period is earlier. If a private entity receives a completed voter registration application fourteen days or less before the close of registration, the private entity should transmit the application to the Secretary of State or the appropriate board of registrars within seventy-two hours of the date of the execution of the application or by midnight on the close of registration, whichever period is earlier.

(b) Transmittal of completed voter registration applications may be accomplished by in-person delivery, mail, commercial courier, statutory overnight delivery, or any other form of delivery that is reasonably calculated to secure and ensure the confidential delivery and receipt of such applications by the Secretary of State or the appropriate board of registrars within three business days after transmittal and within the time frames required by these rules and regulations and state and federal law.

(c) With each transmittal of completed voter registration applications, a private entity should include a transmittal summary sheet which, at a minimum, provides the name of

the submitting individual, the name of the private entity sponsoring the voter registration programs (if different than the submitting individual), the physical residence or business address of the submitting individual, the daytime and evening telephone numbers of the submitting individual, and the total number of applications being submitted. The Secretary of State may design and make available to private entities a model transmittal summary sheet containing the information requested in this subparagraph. The failure to include the transmittal summary sheet shall not by itself be grounds for rejecting the submitted applications. The private entity may enclose a postage-prepaid, self-addressed envelope, along with a copy of the completed transmittal summary sheet, if the private entity desires a date stamped receipt of the transmittal summary sheet from the board of registrars, in which case the board of registrars shall promptly acknowledge such receipt by returning a date stamped copy of the transmittal summary sheet to the private entity.

(9) Confidentiality of Completed Voter Registration Applications.

(a) A private entity shall keep all completed original voter registration applications in the possession of the private entity in a secure and confidential manner at all times until such applications are submitted to the Secretary of State or the appropriate board of registrars. Except as otherwise provided in this rule, a private entity shall not disclose any such applications or information contained therein, except as specifically provided in these rules and regulations to any member of the public. A private entity may collaborate with another affiliated private entity in the securing of completed original voter registration applications that are received during the course of a jointly organized voter registration program.

(b) With the express, written consent of the applicant, a private entity may make archival copies of an applicant's original voter registration application and retain such archival copies for use in aiding the applicant with verifying the timely and proper receipt and processing of his/her application by the applicable board of registrars. A private entity may engage the services of a commercial copying or document management service to make such archival copies provided that the company agrees to maintain the confidentiality and security of the original applications and any copies of the applications in the same manner as is required by private entities pursuant this rule.

(c) A private entity shall keep any such archival copies in a secure and confidential manner at all times and shall not disclose any such archival copies to any member of the public; provided, however, that a private entity may disclose such archival copies to another affiliated private entity as necessary for use in aiding the applicant with verifying the timely and proper receipt and processing of his/her application by the applicable board of registrars. Archival copies of completed voter registration applications must be discarded by the private entity not later than 90 days following the transmittal of the completed voter registration application to the Secretary of State or board of registrars. Whenever such archival copies are discarded by the private entity, they must be discarded in the manner contemplated by O.C.G.A. § 10-15-2 for the destruction by businesses of records containing personal information.

(d) A private entity may create and keep a separate record of any information contained on the applicant's voter registration application that could otherwise be made available for public inspection pursuant to O.C.G.A. § 21-2-225(b) if collected and maintained by the Secretary of State on the official list of electors. No such information may be used by the private entity or any other person for commercial purposes. Whenever such

information is discarded by the private entity, it must be discarded in the manner contemplated by O.C.G.A. § 10-15-2 for the destruction by businesses of records containing personal information.

Authority O.C.G.A. Sec. 21-2-31. **History.** Original Rule entitled “Duplicate Voting, Procedure for Checking” adopted. F. July 24, 1968; eff. Aug. 12, 1968. **Amended:** F. Aug. 5, 1969; eff. Aug. 24, 1969. **Amended:** F. Mar. 6, 1987; eff. Mar. 26, 1987. Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003. **Amended:** New Rule entitled “Rules for Voter Registration by Private Entities” adopted. F. Oct. 29, 2009; eff. Nov. 18, 2009.