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June 21, 2024

**Transmitted Via Electronic Mail**

To: Georgia County Board of Elections and Voter Registration

RE: Authority of the County Board of Elections

Dear Ladies and Gentlemen,

It has come to my attention that concerns have been raised regarding Georgia's County Board of Elections and Voter Registration's practice of conducting hand recounts of all ballots cast in elections and the certification of results. As a non-partisan organization that works for the benefit of the general public, we appreciate the interest of all Georgians on the integrity of our electoral process and compliance with applicable laws and regulations. It is however important to clarify and disagree with some of the assertions that have been made on this topic.

If you are a County Board of Elections who has implemented hand recount procedures, you have acted in good faith and within the bounds of applicable authority in implementing those procedures. As many Counties Board of Elections have publicly stated, the goal has been to promote transparency and maintain public confidence in the accuracy and security of our elections.

Specifically, I would like to address the following points that have been raised:

- 1. Risk-Limiting Audits:** While the State Election Board sets the general rules and standards for Risk-Limiting Audits, Georgia law grants county election officials the discretion to conduct additional audits or recounts as they deem necessary. Our hand recounts are supplementary measures to further verify the accuracy of election results, beyond the minimum requirements set by the State.
- 2. Manual Recounts:** The hand recounts conducted by the Board of Elections are not prohibited by Georgia law or the State Election Board regulations. The regulations that have been cited (Ga. Comp. R. & Regs. r. 183-1-15-.03(2)(a)) do not preclude county election officials from conducting additional recounts or audits at their discretion, as long as they do not interfere with the timely certification of results.
- 3. Certification Process:** The County Board of Elections hand recount procedures are designed to be completed in a timely manner. In addition to O.C.G.A 21-2-70 (9) To receive from poll officers the returns of all primaries and elections, to canvass and compute the same, and to certify the results thereof to such authorities as may be prescribed by law; it is also stated in GA Code 21-2-493 (a) The superintendent,

before computing the votes cast in any precinct, shall compare the registration figure with the certificates returned by the poll officers showing the number of persons who voted in each precinct or the number of ballots cast.

If, upon consideration by the superintendent of the returns and certificates before him or her from any precinct, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of electors in such precinct or exceeds the total number of persons who voted in such precinct or the total number of ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall be investigated by the superintendent; and no votes shall be recorded from such precinct until an investigation shall be had. Such excess shall authorize the summoning of the poll officers to appear immediately with any primary or election papers in their possession. The superintendent shall then examine all the registration and primary or election documents whatever relating to such precinct in the presence of representatives of each party, body, and interested candidate. Such examination may, if the superintendent deems it necessary, include a recount or recanvass of the votes of that precinct and a report of the facts of the case to the district attorney where such action appears to be warranted.

Furthermore, the EAC (U.S. Election Assistance Commission) also provides a guide to Canvassing and Certifying the Election Results, citing the purpose of the canvass is to account for every ballot cast and ensure that every valid vote cast is accurately included in the election totals. This involves accounting for every absentee ballot, every early voting ballot, every ballot cast on election Day, every provisional ballot, every challenged ballot, and every overseas and military ballot. In addition to the final election results, election officials must provide reconciliation data, chain of custody information, and documented issues for the certifying authority's review. The reconciliation summaries developed during the canvass can quickly verify and explain that the ballots cast accurately reflect the eligible voters who participated in the election. Providing documentation of a complete chain of custody for ballots, equipment, and supplies enhances the integrity of the final results. A well-documented canvass can also give credibility to election results in the event of a recount or election contest. Well-documented does not mean no issues were discovered. It means election officials completed a thorough and meaningful check on election procedures and offered solutions to prevent similar issues in future elections.

Given the complexity of election administration and the number of people involved, issues will arise. The canvass allows election officials to discover, disclose, and redress those issues in a way that promotes confidence. Providing information about the canvass process from start to finish helps voters better understand how election results are certified and that the results they see on election night are not yet official.

**4. Integrity of the Process:** The Board of Elections has consistently maintained that the hand recounts are not intended as a pretext for declining to certify results. Rather, they are a proactive measure to safeguard the integrity of the electoral process and instill public confidence in the outcome. As a result, any decision regarding certification will be made in accordance with Georgia law, within the general legal authority that is available, and based on the totality of the evidence, not on the isolated opinions of individual board members.

We understand and respect concerns on these processes, but we firmly believe that hand recount procedures are lawful, necessary, and in the best interest of all Georgia voters. We encourage all counties to perform hand recounts to verify the accuracy of the machine tabulation. I do believe our Board of Election officials in Georgia take pride in the Oath sworn *“to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that I will make a true and perfect return of such primaries and elections.”* I would like to believe our Board of Elections officials in Georgia remain committed to fulfilling its ministerial duty to certify election results based on the evidence and findings from the recounts, regardless of party affiliation.

We are committed to continuing our efforts to ensure fair, accurate, and transparent elections in Georgia. We welcome further dialogue and cooperation with all stakeholders to address any remaining concerns or uncertainties for the benefit of all Georgians on the integrity of our electoral process and compliance with applicable laws and regulations.

Sincerely,

HOLLY KESLER  
Georgia State Director  
Citizens Defending Freedom