



*Fighting for transparent, secure, and accountable elections all voters can trust.*

August 12, 2024

The State Election Board  
2 MLK Jr. Drive  
Suite 802 Floyd West Tower  
Atlanta, Georgia 30334

Re: Comment in support for proposed rule 183-1-12-.12

Dear Chairman Fervier and members of the Board,

My name is Ken Cuccinelli and I lead the Election Transparency Initiative. With thousands of grassroots members in Georgia, we work every day to help improve the transparency, security, accessibility and accountability of elections in every state, so that every American—regardless of color, creed or party affiliation—has confidence in the outcome of every election. I previously served as the Attorney General of Virginia, the Acting Deputy Secretary of the Department of Homeland Security, a member of the Virginia State Senate, and a private attorney and litigator.

The purpose of this letter is to discuss the integrity of Georgia's elections and the Board's responsibility to implement such measures. Specifically, a proposed rule that I support (183-1-12-.12) to establish standard procedures for counties to comply with existing requirements mandating "reconciliation" prior to certification of election results. The proposed rule could hardly advance a more straightforward method of reconciling voters-to ballots-to votes as *already required under law* (GA Code § 21-2-493(b)).

Make no mistake, setting commonsense procedures to ensure that the number of voters matches the number of ballots from all methods of voting is perhaps the best and simplest thing that can be done to inspire the trust and confidence of voters between now and Election Day.

Our organization has its name because we believe that clarity, transparency in election processes is what inspires confidence in the outcome of elections – regardless of who wins.

Currently, Georgia State law explicitly states that if the number of ballots exceeds the number of voters in any precinct, "such excess shall be deemed a discrepancy and palpable error and shall be investigated" prior to recording votes. Often times, such discrepancies are a result of human error and can be easily identified by the Board prior to certification.

Opponents of 183-1-12-.12 will dishonestly argue that reconciliation will somehow disenfranchise voters. It won't—the proposed rule will protect the foundational, one person-one vote principle underpinning our democratic elections and guard against certification of inaccurate or erroneous results.

Now more than ever, voters should be confident that their vote matters, that it will be counted fairly and equally in elections that are secure and transparent, and that they can be comfortable with the outcomes whether their preferred candidate succeeds at the polls or not.

Georgia must comply with § 21-2-493(b). Voters deserve nothing less. I hope you will pass and implement proposed rule 183-1-12-.12 at your August 19, 2024 meeting.

Sincerely,

A handwritten signature in black ink that reads "Ken Cuccinelli II". The signature is stylized, with the first name "Ken" written in a cursive-like font and the last name "Cuccinelli" in a more formal, blocky script. The Roman numeral "II" is written in a simple, bold font to the right of the last name.

**Hon. Kenneth T. Cuccinelli, II**  
Chairman, Election Transparency Initiative