

Georgia Rules and Regulations

Administrative Bulletin for March 2020

OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

5800 Jonesboro Road
Morrow, GA 30260
(678) 364-3785

Final rules filed with the Georgia Secretary of State during the month of *March 2020*:

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Final rules filed with the Georgia Secretary of State that became effective *March 2020*:

Department	Rules List	Action	Filed	Effective
40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE	40-32-1-.01 --- 40-32-1-.06	adopted	Feb. 10, 2020	Mar. 1
	40-32-2-.01 --- 40-32-2-.12	adopted	Feb. 10, 2020	Mar. 1
	40-32-3-.01 --- 40-32-3-.11	adopted	Feb. 10, 2020	Mar. 1
111. RULES OF DEPARTMENT OF COMMUNITY HEALTH	111-8-37-.07 , 111-8-37-.08 , 111-8-37-.11 , 111-8-37-.13 , 111-8-37-.21	amended	Feb. 28, 2020	Mar. 19
	111-8-62-.03 , 111-8-62-.09 , 111-8-62-.11	amended	Feb. 28, 2020	Mar. 19
	111-8-63-.03 , 111-8-63-.09 , 111-8-63-.10 , 111-8-63-.20	amended	Feb. 28, 2020	Mar. 19
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-4-2-.48	amended	Feb. 20, 2020	Mar. 11
391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES	391-2-4-.04	amended	Feb. 10, 2020	Mar. 1
	391-2-4-.18	adopted	Feb. 17, 2020	Mar. 1
	391-3-17-.02 , 391-3-17-.05 , 391-3-17-.07 , 391-3-17-.10	amended	Feb. 26, 2020	Mar. 17
	391-4-2-.72	amended	Feb. 10, 2020	Mar. 1

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-20. FUEL OIL INSPECTION UNIT

Subject 40-20-1. SUBSTANTIVE REGULATIONS; PETROLEUM PRODUCTS

40-20-1-.01 Standards for Petroleum Products

Pursuant to the provisions and requirements of O.C.G.A. Section [10-1-155](#), the following rules and regulations are hereby promulgated and the standards and specifications for petroleum products used for heating, cooking, illuminating, and power purposes are hereby defined. The following specifications, unless noted, will be determined in accordance with the test methods presented in the latest edition of the American Society for Testing and Materials Standards (ASTM). The State Oil Laboratory may utilize test methods other than those referenced when deemed technically or analytically suitable. The Department of Agriculture may write and publish guidelines related to performance standards and specifications of specialty fuels and other petroleum products that are not otherwise addressed by regulation. The latest version of the Annual Book of ASTM Standards Section Five and the latest version of the NIST Handbook 130 were used in part for this rule. There may be additional preemptive state or federal requirements other than those identified.

(a) Spark Ignition Engine Fuel Non Oxygenated. The specification for spark ignition engine fuel without oxygenates (gasoline) will be as follows:

1. Sulfur, 95 parts per million (ppm) max
2. Corrosion, Copper Strip No. 1 max
3. Gum, Existent 5 mg/100 ml max
4. Volatility Requirements for Classes:

(i) Distillation Temperatures. °C (°F) at Percent Evaporated*

* At 101.3 kPa pressure (760 mm Hg)

Volatility Class	10% max	50%		90% max	Endpoint Max
		min	max		
A-2	70 (158)	77 (170)	121 (250)	190 (374)	225 (437)
A-3	70 (158)	77 (170)	121 (250)	190 (374)	225 (437)
C-3	60 (140)	77 (170)	116 (240)	185 (365)	225 (437)
D-4	55 (131)	77 (170)**	113 (235)	185 (365)	225 (437)

** Gasoline known from the origin to retail that will not be blended with ethanol may meet a minimum 50% evaporated distillation temperature of 66 (150) for volatility class D-4 only. Gasoline meeting these limits is not suitable for blending with ethanol.

(ii) Distillation Residue 2 Vol% max for all classes.

(iii) Vapor/Liquid Ratio***, vapor pressure and Driveability Index (DI)

Volatility Class	V/L (20 max) Test Temp °C (°F)	Vapor Pressure kPa (psi)	DI max °C (°F)
A-2	56 (133)	62 (9.0)	597 (1250)
A-3	51 (124)	62 (9.0)	597 (1250)
C-3	51 (124)	79 (11.5)	586 (1230)
D-4	47 (116)	93 (13.5)	580 (1220)

*** DI is a derived value and applicable at the refinery and import facility level. The DI values above are for conventional gasoline and may not be applicable to oxygenated gasoline.

(iv) Permissible Volatility classes may be sold during the month of:

A-2 August, September 1-30

A-3 April, May, June, July

C-3 March, April, May****, September 16-30, October, November

D-4 January, February, March, November, December

**** End user shipments only

5. Oxidation Stability 240 min

6. The octane rating (Antiknock Index) of samples drawn from retail points must not be less than 0.5 of that found in samples of the same brand or grade submitted by the manufacturer, refiner, or wholesaler under provisions of O.C.G.A. [10-1-153](#), and that specified in product registration, and that posted in accordance with FTC Octane Posting and Certification Rule.

(i) The minimum (R+M)/2 octane rating of gasoline grades must be no less than 0.5 of the following:

Regular, Unleaded 87

Premium, Unleaded 91

Midgrade, Unleaded 89

(ii) The motor octane number must not be less than 82 for unleaded gasoline with a minimum (R+M)/2 octane rating 87.

7. The sale of any gasoline under any trade name which indicates to the purchaser that it is a certain grade will be in violation of this regulation unless the Antiknock Index therein is at least equal to that required above for that certain grade.

8. The finished gasoline must be a single homogeneous mixture composed essentially of hydrocarbons with or without additives, visually free of water, sediment, suspended, or undissolved matter.

9. Corrosion, Silver Strip No. 1 max

The test method must be a modified D130 method consisting of a glass test tube sealed inside a stainless steel pressure vessel run for 3 hrs at 122°F (50°C) and using the standard silver strip and rating scale found in IP 227.

10. Reference ASTM D4814 for additional information.

(b) Spark Ignition Engine Fuel Oxygenated. The specification for spark ignition engine fuels with oxygenates (reformulated gasoline, gasohol.) will be as follows:

1. Oxygenated motor fuels must meet all applicable requirements for automotive gasoline established in the preceding sections. However, an oxygenate blend consisting of 90% gasoline and 10% denatured ethanol, where the ethanol (only) content is 9-10% by volume (3.1 - 3.7 mass % oxygen as ethanol), may have the following volatility requirements for the T50 minimum distillation temperature, vapor/liquid ratio and vapor pressure:

(i) T50 minimum distillation temperature of 150°F for all volatility classes in (a)4.

(ii) V/L 20 minimum temperature of 120°F for volatility class A-2, 113°F for volatility classes A-3 and C-3, and 107°F for volatility class D-4 in (a)4.

(iii) Vapor pressure 1.0 psi higher than the values in (a)4.

Oxygenated fuel is a fuel containing substantial amounts of oxygenated components typically alcohols (such as ethanol) or ethers (such as methyl tert-butyl ether). A substantial amount of oxygenate is defined as a fuel containing more than 0.35 mass % oxygen (0.15 Methanol only).

2. Ethanol to be used for blending must be nominally anhydrous ethanol (198 proof minimum) denatured in accordance with applicable Federal regulations and must meet specifications in ASTM D4806. It can be a blend with gasoline or RBOB (reformulated blendstock for oxygenate blending) or CBOB (conventional blendstock for oxygenate blending).

3. CBOB/RBOB are a hydrocarbon mixture similar to gasoline that may not meet specifications until blended with a specific amount of intended oxygenate. For this reason CBOB/RBOB must not be shipped from a terminal prior to blending and becoming finished product. Shipments between terminals and shipments between terminals and Sanctioned Oxygenate Blending Facilities are excluded from this prohibition. Sanctioned Oxygenate Blenders are considered to be manufacturers of oxygenated gasoline and are responsible for insuring that such products are in compliance with specifications established by the state oil chemist and approved by the Commissioner of Agriculture.

Prospective Oxygenate Blenders must file with the Commissioner of Agriculture a declaration or statement that they desire to sell such products in the state. The declaration or statement must furnish the name, brand, or a trademark of the product which they desire to sell, together with the name and address of the Oxygenate Blender. Owners and operators of Prospective Oxygenate Facilities must also file with the Commissioner of Agriculture a declaration or statement identifying by name and address of each Oxygenate Blending Facility owned or operated by such person.

4. The finished product must meet all specifications for spark ignition engine fuels, except for enforcement purpose, the vapor pressure may be 1 psi higher than the values in (a)4 if the ethanol (only) content is 9-10% by volume (3.1 - 3.7 mass % oxygen as ethanol). It is recommended that 10 volume % ethanol blends with RBOB meet vapor pressure requirements.

5. The water tolerance of oxygenated fuel must meet the following maximum temperatures (°C) for phase separation:

10 May, June, July August, September

6 April, October

1 March

0 November

-2 February

-3 December

-5 January

6. At room temperature (20-25°C), product must be able to contain the minimum volume % water without phase separation:

0.15 June, July, August

0.20 April, May, September, October

0.25 January, February, March, November, December

7. The subsequent regulations concerning gasoline are applicable to gasoline-oxygenate blends.

8. Manufacturers of oxygenates, blendstock, and oxygenated gasoline motor fuels must declare with the State the type and quantity of hydrocarbon and nonhydrocarbon (oxygenate) components used or to be used in the fuel.

9. Reference: ASTM D4814 for additional information and ASTM D4806 and D5983 for additional information, specifications, and requirements which are incorporated by reference.

(c) Kerosene. The specifications for No. 1-K kerosene and No. 2-K kerosene will be as follows:

1. No. 1-K and No. 2-K Kerosene:

ASTM Method

(i) Flash Point 38°C (100°F) min D56

(ii) Sulfur* D1266, D4294

No. 1-K 0.04% mass max

No. 2-K 0.30% mass max

(iii) Distillation Temperature D86

10% recovered 205°C (401°F) max

Final Boiling Point 300°C (572°F) max

(iv) The oil must be free from water, trash, and suspended matter.

(v) Color, Saybolt** + 16 min D156

(vi) Viscosity D445

at 40°C (104°F) 1.0 min - 1.9 max cSt (mm²/s)

(vii) Freezing point -30°C (-22°F) max D2386

(viii) Burning quality Pass D187

(ix) Corrosion, Copper Strip D130

3 hr at 100°C (212°F) No. 3 max rating

(x) Mercaptan Sulfur*** 0.003% mass max D3227

* For non flue-connected kerosene burner appliances and wick fed illuminating lamps, clear, undyed 1-K is suitable.

** Kerosene may contain red dye. If dyed for federal motor fuel excise tax exemption or sulfur content, the dye concentration must be spectrally equivalent to 3.9 ptb of Solvent Red 26 and the color by D156 can not be determined.

*** Mercaptan Sulfur determination may be waived if sweet by D4952.

2. Reference ASTM D3699 for additional information.

(d) Fuel Oils. The specifications for Fuel Oils will be as follows:

1. No.1 Fuel Oil ASTM Method

(i) Flash Point 38°C (100°F) min D93

(ii) Sulfur* D1266, D129,

No. 1 0.50 mass% max D2622, D1552,

No. 1 Low Sulfur 0.05 mass % max D4294, D5453

(iii) Distillation, Temperatures D86

10% recovered 215°C (420°F) max

90% recovered 288°C (550°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.3 to 2.4 cSt (mm²/s)

(v) Pour Point -18°C (0°F) D97

(vi) Water and Sediment 0.05 vol % max D2709

(vii) Gravity, min 35° API @ 60°F D287

Density, max 850 kg/m³; @ 15°C D1298

(viii) Carbon residue D524

on 10% Bottoms 0.15 max %

(ix) Copper Strip Corrosion D130

3 hr test @ 50°C (122°F) No. 3 max

2. No. 2 Fuel Oil ASTM Method

(i) Flash Point 38°C (100°F) min D93

(ii) Sulfur* D1266, D129,

No. 2 0.50 mass % max D2622, D1552,

No. 2 Low Sulfur 0.05 mass % max D4294, D5453

(iii) Distillation Temperature D86

90% recovered 282°C (540°F) min

338°C (640°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.9 to 4.1 cSt (mm²/s)

(v) Pour Point -6°C (21°F) D97

(vi) Water and Sediment 0.05 vol % max D95, D1796

(vii) Gravity, min 30° API @ 60°F D287

Density, max 876 kg/m³; @ 15°C D1298

(viii) Carbon residue 0.35 max % D524

on 10% Bottoms

(ix) Copper Strip Corrosion D130

3 hr test @ 50°C (122°F) No. 3 max

3. No. 4 (Light) Fuel Oil

(i) Flash Point 38°C (100°F) min D93

(ii) Kinematic Viscosity D445

@ 40°C (104°F) 1.9 to 5.5 cSt (mm²/s)

(iii) Gravity, max 30° API @ 60°F D287

Density, min 876 kg/m³ @ 15°C D1298

(iv) Pour Point -6°C (21°F) max D97

(v) Water and Sediment 0.50 vol % max D95 + D473

(vi) Ash 0.05 mass % max D482

* All Fuel Oil Grades above are required by federal regulations to contain the dye Solvent Red 164 in amounts to make its presence visually apparent and at or beyond terminal storage tanks the amount of the dye should be spectrally equivalent to 3.9 ptb of Solvent Red 26.

4. No. 4 Fuel Oil

(i) Flash Point 55°C (130°F) min D93

(ii) Kinematic Viscosity D445

@ 40°C (104°F) 5.5 to 24.0 cSt (mm²/s)

(iii) Pour Point -6°C (21°F) max D97

(iv) Ash 0.10 mass % max D482

(v) Water and Sediment 0.50 mass % max D95 + D473

5. Reference ASTM D396 for additional information.

(e) Diesel Fuel Oils. The specification for Diesel Fuel Oils will be as follows:

1. No. 1-D Diesel Fuel Oil ASTM Method

(i) Flash Point 38°C (100°F) min D93

(ii) Sulfur* 0.50 mass % max D1266, D129, D4294, D5453

(iii) Distillation Temperature D86

90% recovered 288°C (550°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.3 to 2.4 cSt (mm²/s)

(v) Operability requirements:

Cloud Point D2500, D3117

or LTFT/CFPP for D4539/D6371

Jan. -7°C (19°F) max

Dec. and Feb. -6°C (21°F) max

Mar. and Nov. -2°C (28°F) max

Oct. 3°C (37°F) max

(vi) Water and Sediment 0.05 vol % max D2709

(vii) Calculated Cetane Index 40 min D976

(viii) Carbon Residue 0.15% mass max D524 on 10% Residuum

(ix) Ash, mass 0.01% max D482

(x) Copper Strip Corrosion D130

3 hr test @ 50°C No. 3 max

(xi) Cetane number 40 min D613

(xii) Sulfur*, Low Sulfur, D1266, D4294,

No. 1D 0.05% mass max D2622, D5453

(xiii) Aromaticity, Low Sulfur, D130

No. 1D 35 % vol, max

Note: Can be waived if Cetane index is met.

2. No. 2 Diesel Fuel Oil ASTM Method

(i) Flash Point 52°C (125°F) min D93

(ii) Sulfur* 0.50% mass max D1266, D4294, D129, D5453

(iii) Distillation Temperature D86

90% Recovered 282°C (540°F) min

338°C (640°F) max

(iv) Kinematic Viscosity D445

@ 40°C (104°F) 1.9 to 4.1 cSt (mm²/s)

(v) Operability requirements:

Cloud Point D2500, D3117

or LTFT/CFPP for: D4539/D6371

Jan. -7°C (19°F) max

Dec. and Feb. -6°C (21°F) max

Mar. and Nov. -2°C (28°F) max

Oct. 3°C (37°F) max

(vi) Water and Sediment 0.05 vol % max D2709

(vii) Calculated Cetane Index 40 min D976

(viii) Carbon Residue D524 on 10% Residuum 0.35% mass max

(ix) Ash 0.01% mass max D482

(x) Copper Strip Corrosion D130

3 hr test @ 50°C No. 3 max

(xi) Cetane number 40 min D613

(xii) Sulfur*, Low Sulfur, D1266, D4294,

No. 2-D 0.05% mass max D2622, D5453

(xiii) Aromaticity, Low Sulfur, D130 No. 1D 35 % vol, max

Note: Can be waived if Cetane index is met.

3. No. 4 Diesel Fuel Oil

(i) Flash Point 55°C (130°F) min D93

(ii) Sulfur* 2.0% mass max D1266, D4294, D129

(iii) Kinematic Viscosity D445

@ 40°C (104°F) 5.5 to 24.0 cSt (mm²/s)

(iv) Cloud Point D2500, D3117

Jan. -7°C (19°F) max

Dec. and Feb. -6°C (21°F) max

Mar. and Nov. -2°C (28°F) max

Oct. 3°C (37°F) max

(v) Water and Sediment 0.50 vol % max D1796

(vi) Cetane number 30 min D613

(vii) Carbon Residue D524

on 10% residuum 0.35% mass max

(viii) Ash 0.10% Mass max D482

* EPA requires low sulfur, limited aromatic content, 40 cetane index diesel fuels be used by on-highway vehicles and high sulfur diesel fuels to be dyed red with Solvent Red 164 in amounts to make its presence visually apparent. The IRS specifies the amount of red dye (Solvent Red 164) required to be spectrally equivalent to 3.9 lbs per thousand barrels solvent red dye 26 at or beyond terminals. This is also applicable to low sulfur fuels sold tax exempt from terminals.

4. Premium diesel fuel must meet the proceeding specifications and the following in order to be sold as premium or similar identification. ASTM Method

5. Ultra-Low Sulfur (ULS) Diesel Fuel for grades #1 and #2 must meet a maximum sulfur content limit of 15 ppm and may be identified as S15.

(i) Cetane number 47.0 min. D613

(ii) Low Temperature meet or exceed limits D4539, D2500 Operability (e)1.(v) or (e)2.(v)

(iii) Thermal Stability 80% min reflectance D6468 (180 min, 150°C)

(iv) Lubricity, 520 µm max D6079 wear scar diameter

6. The sale of any diesel fuel under any trade name which indicates to the purchaser that it is a certain grade will be in violation of this regulation unless the required specifications for that grade are met.

7. Reference ASTM D975 for additional information.

(f) Biodiesel. The specification for Biodiesel will be as follows:

1. D6751 Standard Specification for Biodiesel (B100) Blend Stock for Distillate Fuels.

2. Blends of Biodiesel (B100) and grades of diesel fuel are typically acceptable for use in equipment using diesel fuel. Check with OEM or owner's manual for fuel requirements.

3. Biodiesel Blends more than 5 volume % must be identified and labeled according to the requirements established by the United States Federal Trade Commission, 16 CFR Part 306 for Automobile Fuel Ratings, Certification and Posting.

(g) Product registration, product identification, shipping papers, delivery tickets, labeling tanks and dispensers, records retention.

1. All petroleum products and all grades of each are registered or declared by the manufacturer(s) and marketers (non retail) to be in compliance with regulations and approved prior to marketing. The product identification must be consistent with the approved product registration except as noted for oxygenated fuel dispenser and street advertising labeling requirements. This also includes the oxygenates and the other blending components. Blenders of components to make a finished fuel are considered to be manufacturers and are responsible for insuring that the product is in compliance with specifications.

2. For products containing more than 0.35 mass % oxygen (0.15, if methanol) the volume % and identity of oxygenate(s) must be included on any invoice, bill of lading, shipping paper, or other documentation used for the purpose of marketing any such product.

3. For products containing 1.5 or more mass % oxygen (0.15, if methanol) the volume % or maximum volume % ("up to" amount) and identity of oxygenate(s) must be included as part of dispenser labeling and will not be required for any street advertising of the products. The words "contains", "with", "contains up to", "with up to" or similar wording may be used. An appropriately sized and conspicuously located single label on each side or face of a dispenser is acceptable. This will satisfy dispenser labeling in Rule [40-20-1-.04](#) and advertising in Rule [40-20-1-.12](#).

4. Tank fills must identify the products contained. If a color code is used, it must be conspicuously displayed.

5. Information regarding tank capacities and amount of products on hand must be maintained and made available for inspection.

6. Retail establishments must retain the records of product deliveries at the location. Retention of at least the 4 most recent deliveries of each product will satisfy this requirement.

(h) Definitions and requirements. The following are definitions of products referenced in this rule and requirements not identified in the preceding sections:

1. "Alcohol" means a class of organic compounds containing the hydroxyl group (OH).

2. "Aviation Gasoline" means a gasoline possessing specific properties suitable for fueling aircraft powered by reciprocating spark-ignition engines. Reference D910 and D6227 for information, specifications, and requirements which are incorporated by reference. There may be additional preemptive federal requirements.

3. "Aviation Turbine Fuel" or "Jet Fuel" means a refined middle distillate fuel suitable for use as a fuel in an aviation gas turbine internal combustion engine. Reference D1655 and D6615 for information, specifications, and requirements which are incorporated by reference. There may be preemptive federal requirements.
4. "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100.
5. "Biodiesel Blend" abbreviated "BXX" means a blend of biodiesel fuel with petroleum based diesel fuel. "XX" represents the volume percentage of B100 in the blend.
6. "Diesel Fuel" means a refined middle petroleum distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.
7. "E85" means a blend of ethanol and hydrocarbons of which the ethanol portion is nominally 85-75 volume percent denatured fuel ethanol. Reference ASTM D5798 for information, specifications, and requirements which are incorporated by reference.
8. "Ether" means a class of organic compounds characterized by the structural feature of an oxygen linking two hydrocarbon groups.
9. "Fuel Oil" means a refined oil, middle distillate, heavy distillate, or residues of refining, or blends of these suitable for use as a fuel for heating or power generation.
10. "Gasohol" means a blend of 90 volume % unleaded gasoline without oxygenates and 10 volume % ethanol.
11. "Gasoline" means a type of fuel suitable for use in spark-ignition automobile engines and in marine and non-automotive applications.
12. "Gasoline Oxygenate Blend" means a type of fuel suitable for use in spark-ignition automobile engines and in marine and non-automotive applications.
13. "Kerosene" or "Kerosine" means a refined middle distillate suitable for use as a fuel for heating or illumination.
14. "Low-Sulfur Diesel Fuel" means a #1 or #2 diesel fuel containing a maximum sulfur content of 500 ppm. Low-Sulfur Diesel Fuel may be designated S500 and referred to as on-road diesel.
15. "M85" means a blend of methanol and hydrocarbons of which the methanol portion is nominally 85-75 volume percent fuel methanol. Reference ASTM D5797 for information, specifications, and requirements which are incorporated by reference.
16. "Oxygenate" means an oxygen-containing, ashless, organic compound, such as an alcohol or an ether, which can be used as a fuel or a fuel supplement.
17. "Oxygenate Blender" means any person operating an Oxygenate Blending Facility at which oxygenate gasoline is produced solely through the addition of oxygenate to gasoline or CBOB/RBOB and at which the quality and quantity of gasoline or CBOB/RBOB is not altered in any other manner.
18. "Sanctioned Oxygenate Blender" means any Oxygenate Blender who has filed with the Georgia Department of Agriculture a declaration or a statement that he or she desires to sell oxygenate blends in the state, and the declaration has been approved by Commissioner of Agriculture.
19. "Oxygenate Blending Facility" means any facility (excluding a truck) at which oxygenate is added to gasoline or CBOB/RBOB.

20. "Sanctioned Oxygenate Blending Facility" means any facility whose owner and operator who has filed with the Georgia Department of Agriculture a declaration or a statement that he or she desires to add oxygenate to gasoline or CBOB/RBOB, and the declaration has been approved by Commissioner of Agriculture.

21. "Racing Gasoline" means a fuel for special off-road use. When sold at retail motor fuel establishments through dispensers, this product must be registered and meet the requirements of issued guidelines.

22. "Reformulated Blendstock for Oxygenate Blending" abbreviated "RBOB" means a petroleum product which, when blended with an oxygenate, meets the definition of reformulated gasoline, and to which the oxygenate is added other than by a refiner or importer such as a terminal. The properties may be adjusted for seasonal volatility, blend amounts, octane, and other applicable parameters.

23. "Reformulated Gasoline" abbreviated as "RFG" means a gasoline oxygenate blend certified to meet the specifications and emission reduction requirements established by the Clean Air Act Amendments of 1990. Reformulated gasoline must be used in automotive vehicles in extreme and severe ozone nonattainment areas and those areas which opt to require it.

24. "Ultra-Low Sulfur Diesel Fuel" means a #1 or #2 diesel fuel containing a maximum sulfur content of 15 ppm. Ultra-low sulfur diesel fuel may be designated S15.

25. "Volatile Organic Compounds" abbreviated as "VOC" means volatile organic compounds consisting of non-methane, non-ethane hydrocarbons and oxygenated hydrocarbons emitted by automotive vehicles.

Cite as Ga. Comp. R. & Regs. R. 40-20-1-.01

AUTHORITY: O.C.G.A. § [10-1-155](#).

HISTORY: Original Rule entitled "Standards for Petroleum Products" adopted. F. Aug. 8, 1972; eff. Aug. 28, 1972.

Repealed: New Rule of same title adopted. F. Oct. 31, 1980; eff. Nov. 20, 1980.

Repealed: New Rule of same title adopted. F. Sept. 13, 1983; eff. Oct. 3, 1983.

Amended: F. Mar. 2, 1992; eff. Mar. 22, 1992.

Repealed: New Rule of same title adopted. F. Jan. 13, 1993; eff. Feb. 2, 1993.

Amended: ER. 40-20-1-0.65-.01 adopted. F. Sept. 18, 2001; eff. Sept. 14, 2001, the date of adoption, to be in effect for three days only, as specified by the Agency.

Amended: F. Apr. 18, 2005; eff. May 8, 2005.

Amended: ER. 40-20-1-0.67-.01(a)5.(iv) adopted. F. Aug. 31, 2005; eff. Sept. 1, 2005 to Sept. 15, 2005, as specified by the Agency.

Amended: ER. 40-20-1-0.68-.01(d) and (e) adopted. F. Sept. 1, 2005; eff. Sept. 1, 2005 to Sept. 30, 2005, as specified by the Agency.

Amended: ER. 40-20-1-0.69-.01(d) and (e) adopted. F. Oct. 5, 2005; eff. Oct. 1, 2005 to Nov. 30, 2005, as specified by the Agency.

Amended: ER. 40-10-1-0.70-.01(a)5.(iv) adopted. F. Sept. 30, 2005; eff. Sept. 30, 2005 to Oct. 31, 2005, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Feb. 13, 2008; eff. Mar. 4, 2008.

Repealed: New Rule of same title adopted. F. Dec. 3, 2009; eff. Dec. 23, 2009.

Amended: F. June 1, 2011; eff. June 21, 2011.

Amended: F. Sep. 20, 2011; eff. Oct. 10, 2011.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-3. MEDICAL ASSISTANCE

Subject 111-3-8. ESTATE RECOVERY

111-3-8-.01 Legal Authority

In accordance with Title XIX of the Social Security Act, [42 U.S.C. §1396p](#), the State of Georgia has defined a process to recover the cost of medical assistance payments from the estates of deceased Members. The Official Code of Georgia gives the state the authority to recover these monies. O.C.G.A. § [49-4-147.1](#). In addition, the recovery methodology must adhere to statutory provisions of the Georgia Revised Probate Code of 1998, O.C.G.A. Title 53.

AUTHORITY: O.C.G.A. § [49-4-147.1](#).

HISTORY: Original Rule entitled "Legal Authority" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Aug. 17, 2004; eff. Sept. 6, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.02 Definitions

(1) "Authorized representative" means a guardian or a person designated by the Member to act on his or her behalf during the Member's life.

(2) "Creditor" means an entity (person or institution) to whom an obligation is owed because a Member received something of value in exchange.

(3) "Debt" means a sum of money owed from one person to another, including the right of the creditor to receive and enforce payment.

(4) "Department" means the Georgia Department of Community Health, Division of Medical Assistance.

(5) "Discharge from the medical institution and return home" means a qualifying discharge, which involves the Member's dismissal from the nursing institution and/or facility for at least thirty (30) days wherein the Member's personal effects and bed are released at the same time of his or her discharge.

(6) "Equity interest in the home" means value of the property in which the Member holds legal interest beyond the amount owed on it in mortgages and liens.

(7) "Estate" means all real and personal property under the probate code, including real and personal property passing by reason of joint tenancy, right of survivorship, life estate, survivorship, trust, annuity, Individual Retirement Accounts, homestead or any other arrangement. Estate also includes excess funds from a burial trust or contract, promissory notes, cash, and personal property. Estates with a gross value of \$25,000 or less are exempt from estate recovery.

(8) "Hearing" means a formal proceeding before an Administrative Law Judge or Probate Judge in which an aggrieved party affected by an action or an intended action of the Department shall be allowed to present testimony, documentary evidence, and argument as to why such action should or should not be taken.

- (9) "Heirs" means heirs-at-law who are entitled under the statutes of intestate succession to property of a decedent and beneficiaries who are entitled to inherit the estate if there is a lawful will.
- (10) "Lawfully residing" means permissive use by the owner/power of attorney at the law.
- (11) "Lien" means a claim, encumbrance or charge against the Medicaid Member's real or personal property on account of medical assistance paid to the Member correctly under the State Plan. A Lien may be placed on the real property of a Member who is an inpatient of a nursing facility, intermediate care facility for individuals with intellectual disabilities, or other institution or a Lien may be placed on both real and personal property of a Member after the Member's death.
- (12) "Long-term care" means a service provided in a long-term care facility or in the home, pursuant to federally approved home and community based services, as an alternative to institutionalization.
- (13) "Medical assistance" means payment by the State's program under Title XIX of the Social Security Act or Medicaid program administered by the Department.
- (14) "Member" means a person who has been certified as Medicaid eligible, pursuant to the terms of the State Plan, to have medical assistance paid on his or her behalf.
- (15) "Member's home" means a true, fixed and permanent domicile and principal establishment to which the Member has the intention of returning to whenever absent.
- (16) "Permanently institutionalized" means residing in a nursing facility or intermediate care facility for individuals with intellectual disabilities and developmentally disabled for six (6) consecutive months or more.
- (17) "Personal representative" means an executor, administrator, guardian, conservator, committee, trustee, fiduciary, or other person having a status which by operation of law or written instrument confers upon such person a duty of distributing property to Heirs.
- (18) "On a continuous basis" means that the qualifying relative lived with the Member in the Member's home at his or her principal place of residence during an uninterrupted timeframe. An absence of residence greater than six months is presumed to disrupt the continuity of residence.
- (19) "Residing in the home for at least one or two years" means one is domiciled in the principal place of residence.
- (20) "State Plan" means all documentation submitted by the Commissioner, on behalf of the Department, to and for approval by the Secretary of Health and Human Services pursuant to Title XIX of the federal Social Security Act of 1935, as amended.

AUTHORITY: O.C.G.A. § [49-4-147.1](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Aug. 17, 2004; eff. Sept. 6, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.03 Notification to Member or Their Heirs

(1) If a debt is due pursuant to this section from the estate of a Member, the administrator of the nursing facility, intermediate care facility for individuals with intellectual disabilities, or medical institution in which the Member resided at the time of their death, the Medicaid case manager for community based services and/or the personal

representative, if applicable, shall report the death to the Department within thirty (30) days of the death of the Member.

(2) If the personal representative of an estate makes a distribution either in whole or in part of the property of an estate to the Heirs, next of kin, distributes, legatees, or devisees without having executed the obligations pursuant to this section, the personal representative may be held personally liable for the amount of medical assistance paid on behalf of the Member, for the full value of the property belonging to the estate which may have been in the custody or control of the personal representative.

(3) When the Department receives notification of an affected Medicaid Member's death, a written notice will be provided to any known personal representative and any known Heirs which:

(a) Explains the terms and conditions of estate recovery and refers to the applicable statute and regulations;

(b) Advises of the Department's intent to recover the value of Medicaid benefits correctly paid on the Member's behalf from the Member's estate and states the amount;

(c) Explains that the Department's recovery action may include filing a lien on real property when recovery is delayed;

(d) Explains that the Heirs may file an undue hardship waiver and the procedures and time frames for filing the waiver;

(e) Advises the Heirs of their right to a hearing and the method by which they may obtain a hearing; and

(f) Includes a statement advising the amount of the claim may increase if there are additional Medicaid claims that have not yet been processed.

AUTHORITY: O.C.G.A § [49-4-147.1](#).

HISTORY: Original Rule entitled "Notification to Member or Their Heirs" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Aug. 17, 2004; eff. Sept. 6, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.04 Recovery for Payments Made on Behalf of Medicaid-Eligible Persons

(1) These regulations shall be construed and applied to further the intent of the Legislature to supplement Medicaid funds that are used to provide medical services to eligible persons. Estate recovery shall be accomplished by the Department or its agent filing a statement of claim against the estate or with the closest identifiable surviving family members of a deceased Medicaid Member or any person who has an interest in property of the deceased member. Recovery shall be made pursuant to federal authority in § 13612 of the Omnibus Budget Reconciliation Act of 1993 which amends § 1917(b)(1) of the Social Security Act, [42 U.S.C. 1396p\(b\)\(1\)](#).

(2) Adjustment or recovery for all medical assistance and/or services pursuant to the State Plan will be from Medicaid Members:

(a) Who, at the time of death, were any age and an inpatient in a nursing facility, intermediate care facility for individuals with intellectual disability, or other medical institution if the Member is required, as a condition of receiving services in the facility under the State Plan, to spend for costs of medical care all but a minimal amount of the person's income required for personal needs; or

(b) Who, at the time of death, were fifty-five (55) years of age or older when the Member received medical assistance, but only for medical services consisting of nursing facility services, personal care services, home and community based services, and hospital and prescription drug services provided to Members in nursing facilities or receiving home and community based services.

(3) The Department shall provide written notice of the Estate Recovery program to Members at the time of application for medical assistance and the Members must sign a written acknowledgement of receipt of such notice. Notice will be given to Members thereafter at the annual redetermination. Members currently receiving medical assistance prior to the Estate Recovery program's effective date set forth in Paragraph (17) of this Rule will be notified at his or her annual redetermination. A notification by the Medicaid Eligibility Systems that the notice was sent and acknowledged by the Member and the Member's personal representative by U.S. mail or electronic means of communication for those who have elected to receive electronic communications to the last known address of the Member or the Member's personal representative shall be deemed to satisfy this notice requirement.

(4) The acceptance of public medical assistance, as defined by Title XIX of the Social Security Act, including mandatory and optional supplemental payments under the Social Security Act, shall create a debt to the agency in the amount recoverable under the State Plan. The Department shall be given priority status, upon filing a statement of claim in the estate proceeding if an estate proceeding has been filed. In addition, priority status attaches to the Department's interest regardless whether an estate proceeding has been initiated.

(5) The Department may amend the claim as a matter of right until the Member's estate has been closed.

(6) The Department's provider processing reports shall be admissible as prima facie evidence in substantiating the agency's claim.

(7) Any trust provision that denies recovery for medical assistance is void on and after the time of its making.

(8) Adjustment or recovery of debt will be made only after the death of the Member's surviving spouse, if any, and only at a time when the Member has no surviving child who is under the age of twenty-one (21), or a child who is blind or permanently and totally disabled pursuant to the eligibility requirements of Title XIX of the Social Security Act.

(9) With respect to a lien placed on the home of a permanently institutionalized Member, the Department will not seek adjustment or recovery of Medical assistance correctly paid on behalf of the Member until the following persons are not residing in the Member's home:

(a) A sibling of the Member with an equity interest in the home who was residing in the Member's home for at least one (1) year on a continuous basis immediately before the date that the Member was institutionalized; and

(b) A child of the Member who was residing in the Member's home for at least two (2) years on a continuous basis before the date that the Member was institutionalized and who has established to the satisfaction of the Department that he or she provided care that permitted the Member to reside at home rather than to become institutionalized.

(10) The sibling or child of the Member must demonstrate that he or she has been lawfully residing in the Member's home on a continuous basis for the periods described in Paragraphs (9)(a) and (b) respectively, since the date of the Member's admission to the medical institution, and must provide the Department with clear and convincing evidence to prove residency which may include, but not be limited to, receipts, mortgage statements, bills, mail forwarded to Member's address, or voter's registration. The sibling or child of the Member must demonstrate that he or she did not reside in any other residence except the Member's home during the periods of time set forth in Paragraphs (9)(a) and (b) respectively. The sibling or child shall maintain the burden of proof in all proceedings.

(11) No debt under this section shall be enforced against any property that is determined to be exempt from the claims of creditors under the constitution or laws of this state.

(12) The Department may delay or waive recovery from an estate if doing so would cause undue hardship for the qualified Heirs, as defined in Rule [111-3-8-.08](#). The personal representative of an estate and any Heir may request that the agency waive recovery.

(13) The state's right to full reimbursement of the costs of medical assistance shall not be diminished by the recovery of any judgment, settlement, or award of an amount less than the value of the original or settled claim. To enforce its rights, the state may intervene or join in any action or proceeding brought by a claimant against a third party. To aid in the recovery of the cost of medical assistance, the state shall have a first lien in the full amount of the costs of medical assistance against the proceeds from all damages awarded in a suit or settlement.

(14) Transfers of real or personal property, on or after the look-back dates defined in [42 U.S.C. §1396p](#), by a Member of such aid, or by their spouse, without adequate consideration are voidable and may be set aside by an action in court.

(15) Counsel fees, costs, or other expenses shall not reduce any third party recovery obtained by the state incurred by the Member or the Member's attorney.

(16) If, after the reported death of the Member, the Department is prohibited from Estate Recovery because of exemption conditions, the Department may postpone recovery until all exemption conditions are no longer present. An estate does not have to be open in order for the Department to execute its claim after all exemption conditions are no longer present. Termination of recovery will occur when all real and personal property included as part of the Member's estate is no longer accessible due to all estate property having been depleted through payment of costs of medical care for the Member and the Member's spouse.

(17) The effective date of the Medicaid Estate Recovery Program is May 3, 2006. Adjustment or recovery shall apply to those costs associated with medical assistance and/or services a Member received on or after the effective date.

(18) To prevent substantial and unreasonable hardship, the Commissioner shall waive any claim against the first \$25,000.00 of any estate subject to an Estate Recovery claim for the deceased Medicaid Member with a date of death on or after July 1, 2018.

AUTHORITY: O.C.G.A. § [49-4-147.1](#), [42 U.S.C. 1396p](#).

HISTORY: Original Rule entitled "Recovery for Payments Made on Behalf of Medicaid-Eligible Persons" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Aug. 17, 2004; eff. Sept. 6, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.05 Recovery of Assistance; Probate

(1) After receipt of notice of the death of an affected Member, the Department will file a claim against the estate for the full value of the Medicaid benefits paid on behalf of the Member.

(2) No action to recover a debt due by the deceased Member shall be commenced against the personal representative until the expiration of six (6) months from the date of qualification of the first personal representative to serve.

(3) Notwithstanding any other law, a claim filed for recovery of Medicaid assistance has priority in order of payment from the estate over all other claims, except the following:

(a) Years support for the family;

(b) Funeral expenses in an amount not to exceed ten thousand dollars (\$10,000). However, this amount is zero (0) if the deceased Member has prepaid funeral expenses that were excluded as a resource for Medicaid eligibility;

(c) Necessary expenses of administration;

(d) Reasonable expenses of the deceased Member's last illness; and

(e) Unpaid taxes or other debts due the state or the United States. The category of Medicaid Estate Recovery is a debt due the state.

(4) The affidavit of a person designated by the Commissioner to administer this action is prima facie evidence of the amount of the claim.

(5) Notwithstanding any statute of limitations or other claim presentation deadline provided by law, a state claim against an estate is not barred for lack of timely presentation if it is presented in the probate proceeding within the time specified in the published notice to creditors.

(6) The personal representative must notify the Department in writing at 2 Peachtree St. N.W. 5th Floor Atlanta, Georgia 30303 of the Member's death at least thirty (30) days before disbursing assets of the Member and shall not disburse assets prior to obtaining a release from the Department. The personal representative is personally liable for any incorrectly paid assets if the Department is not informed of the Member's death and assets are distributed to Heirs and/or creditors without having first obtained a release from the Department. The Department shall issue a release within ten (10) business days from the satisfaction of the claim with the Department.

AUTHORITY: O.C.G.A. §§ [49-4-147.1](#), [53-7-42](#).

HISTORY: Original Rule entitled "Recovery of Assistance; Probate" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.06 Recovery of Assistance; No Estate

(1) The administrator of the program may present an affidavit to a financial institution requesting that the financial institution release account proceeds to recover the cost of services correctly provided to a Member. The affidavit shall include the following information:

(a) The name of the deceased Member;

(b) The name of any person who gave notice that the Member was a Medicaid Member and that person's relationship to the deceased Member;

(c) The name of the financial institution;

(d) The account number;

(e) A description of the claim for estate recovery; and

(f) The amount of funds to be recovered.

(2) A financial institution shall release account proceeds to the administrator of the program if all of the following conditions apply;

(a) The deceased Member held an account at the financial institution that was in his or her name only;

- (b) No estate has been, and it is reasonable to assume that no estate will be, opened for the deceased Member;
 - (c) The deceased Member has no outstanding debts known to the administrator of the program; and
 - (d) The financial institution has received no objections or has determined that no valid objections to release proceeds have been received.
- (3) If proceeds have been released pursuant to this section and the Department receives notice of a valid claim to the proceeds that has a higher priority under O.C.G.A. [53-7-40](#) than the claim of this section, the Department may refund the proceeds to the financial institution or pay them to the person or government entity with the claim.

AUTHORITY: O.C.G.A. §§ [49-4-147.1](#), [53-7-40](#).

HISTORY: Original Rule entitled "Recovery of Assistance; No Estate" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.07 Imposition of Liens

- (1) The basis for authority to impose liens is based on the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The TEFRA lien law provides that the agency can place a Lien on the available real estate of a Member who enters a nursing home and is "permanently institutionalized."
- (2) The state may place a Lien on the Member's home when there is not a reasonable expectation that the Member will return home and when none of the following persons are living in the home:
- (a) The Member's spouse;
 - (b) A child under twenty-one (21) years of age;
 - (c) A disabled child of any age; or
 - (d) A sibling with an equity interest in the home who has lived in the home for at least one (1) year before the Member entered the nursing home, and is lawfully residing in such home. The sibling must provide the State with clear and convincing evidence which demonstrates residency on a continuous basis and the sibling's equity interest. Additionally, the sibling must demonstrate that he or she did not reside in any other residence except the Member's home during the period of time specified in this subparagraph (2)(d). The sibling has the burden of proof in all proceedings.
- (3) Liens may be imposed to protect recovery of benefits correctly paid to Medicaid Members when permitted by federal and state law. However, the use of lien authority requires prior notification to the Member or any known Heirs.
- (4) The Department shall notify the Member and the authorized representative, if applicable, of its determination that the Member is permanently institutionalized and not reasonably expected to return home and its intent to file a Lien on Member's real property. Notice must include an explanation of liens and their effect on a Member's ownership of real property. A Lien may not be filed less than thirty-one (31) days from the date of the notice to the Member and after any hearing process has been completed, if a hearing is requested.
- (5) A Member or his or her authorized representative may, within thirty (30) days after receipt of notice request an administrative hearing under this Rule 111-3-8-.07. A Member is deemed to have received notice within five (5) days from the date of the notice. Administrative hearings and appeals for Medicaid Members are governed by the procedures and time limits set forth in [42 C.F.R. §431.200](#) *et seq.* Only one (1) appeal shall be afforded on behalf of

a Member, for each notice received. The administrative law judge shall make the determination if a Member can or cannot reasonably be expected to be discharged from the medical institution and returned home or if a specific exception set forth in 111-3-8-.07(2) applies.

(6) The Department or its agent shall file a notice of Lien with the recorder of the county in which the real property subject to the Lien is located. The notice shall be filed prior to the Member's death and shall include the following:

(a) Name and place of residence, including the street and county in which the property is located, of the real property subject to the Lien; or

(b) Legal description of the real property subject to the Lien.

(7) The Department shall file one (1) copy of the notice of Lien with the local DFCS office in the county in which the real property is located. The county in which the real property is located shall retain a copy of the notice with the county office's records. The Department or its agent shall provide one (1) copy of the notice of Lien to the Member and the Member's authorized representative, if applicable, whose real property is affected.

(8) The Lien continues from the date of filing until the Lien is satisfied, released or expires. From the date on which the notice of Lien is recorded in the office of the county recorder, the notice of lien:

(a) Constitutes due notice against the Member or Member's estate for any amount then recoverable under this article; and

(b) Gives a specific Lien in favor of the Department on the Medicaid Member's interest in the real property.

(9) The Department has the authority to release any lien placed upon the property of a Member deemed permanently institutionalized should that Member be subject to a discharge from a medical institution and return home. The Department shall release a lien obtained under this rule within thirty (30) days after the Department receives notice that the Member is no longer institutionalized and is living in his or her home. If the real property subject to the lien is sold, the office shall release its lien at the closing and the lien shall attach to the net proceeds of the sale.

AUTHORITY: O.C.G.A. § [49-4-147.1](#), Ga. Comp. Rules & Regs., R. [290-1-1-.01](#).

HISTORY: Original Rule entitled "Imposition of Liens" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Sept. 15, 2005; eff. Oct. 5, 2005.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

111-3-8-.08 Hardship Waiver

(1) Hardship waivers will be submitted to the program administrator for review. The denial of a hardship waiver may be appealed as provided under the Administrative Procedures Act, O.C.G.A. § [50-13-1](#) et. seq. The waiver is limited to the period in which the undue hardship exists.

(2) There is no hardship waiver provided at the time of lien placement against the real property of a deceased Medicaid Member. The equity interest of the heir will be considered to determine the percentage of the deceased member's interest in the property.

(3) Lien placement is utilized to delay recovery until such time as an exemption to recovery does not exist, or in the case of an undue hardship, until such time as the undue hardship no longer exists. The state's lien would be for the Medicaid benefits paid on behalf of the Member or the percentage of interest of the deceased Member at the time of sale, whichever is less.

(4) Recovery will be waived in whole or in part pursuant to Rule [111-3-8-.08\(1\)](#) of any estate or lien recovery when the requesting party is able to show, through clear and convincing evidence, that the state's pursuit of recovery subjects them to undue hardship. In determining whether an undue hardship exists, the following criteria will be used:

(a) The asset to be recovered is an income producing farm and sole income source of one or more of the Heirs and the annual gross income is limited to \$25,000 or less and is not merely rental income; or

(b) The recovery of assets would cause the applicant to become eligible for needs based governmental public assistance based on need and/or medical assistance programs.

(5) Notwithstanding the provisions of Paragraph (4) of this Rule, an undue hardship exists when an estate has a gross value of \$25,000 or less. Therefore, estates with a gross value of \$25,000 or less are exempt from estate recovery. In this instance, undue hardship does not need to be asserted.

(6) Undue hardship does not exist when:

(a) The adjustment or recovery of the Member's cost of assistance would merely cause the Member's family members inconvenience or restrict the family's lifestyle; or

(b) The Member and/or the Heirs divest assets to qualify under the undue hardship provision.

(7) To the extent that there is any conflict between the preceding criteria and the standards that may be specified by the secretary of the U.S. Department of Health and Human Services, the federal standards shall prevail.

(8) The personal representative and/or Heirs shall apply for an undue hardship exemption by:

(a) Making a written request to the Department within thirty (30) days of receipt of the notice; and

(b) Verifying to the Department's satisfaction the criteria specified in this section for an undue hardship waiver.

(9) The Department shall issue a decision on an undue hardship exemption request within thirty (30) days of receipt of the request and supporting documentation.

(10) If the state denies the personal representative's request for an undue hardship waiver, the personal representative may request an appeal. The denial of a waiver must state the requirements of an application for an adjudicative proceeding to contest the Department's decision to deny the waiver and where assistance may be obtained to make such application.

(11) If an appeal is requested, a hearing shall be conducted by the probate judge if the estate is in probate court. An administrative law judge shall conduct the administrative hearing if the case is not in probate court.

(12) If the Department deems an undue hardship does exist, the state may waive recovery or defer recovery until the death of eligible exempt dependents, on the sole discretion of the Department.

(13) The provisions of this section are severable. If any provision of this section is held invalid, the remaining provisions remain in effect.

AUTHORITY: O.C.G.A. § [49-4-147.1](#).

HISTORY: Original Rule entitled "Hardship Waiver" adopted. F. July 16, 2004; eff. Aug. 5, 2004.

Amended: F. Aug. 17, 2004; eff. Sept. 6, 2004.

Amended: F. Oct. 19, 2006; eff. Nov. 8, 2006.

Amended: F. Mar. 27, 2020; eff. Apr. 16, 2020.

Department 120. RULES OF COMPTROLLER GENERAL

Chapter 120-2. RULES OF COMPTROLLER GENERAL OFFICE OF COMMISSIONER OF INSURANCE

Subject 120-2-8. MEDICARE SUPPLEMENT INSURANCE

120-2-8-.09.1 Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery to Individuals Newly Eligible for Medicare on or After January 1, 2020

The Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) requires that the following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state to individuals newly eligible for Medicare on or after January 1, 2020. No policy or certificate that provides coverage of the Medicare Part B deductible may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate to individuals newly eligible for Medicare on or after January 1, 2020. All policies must comply with the following benefit standards. Benefit plan standards applicable to Medicare supplement policies and certificates issued to individuals eligible for Medicare before January 1, 2020, remain subject to the requirements of Rules [120-2-8-.07](#), [120-2-8-.08](#), and [120-2-8-.09](#).

1. Benefit Requirements. The standards and requirements of Rule [120-2-8-.09](#) shall apply to all Medicare supplement policies or certificates delivered or issued for delivery to individuals newly eligible for Medicare on or after January 1, 2020, with the following exceptions:

a. Standardized Medicare supplement benefit Plan C is redesignated as Plan D and shall provide the benefits contained in Rule [120-2-8-.09\(8\)\(e\)](#) but shall not provide coverage for one hundred percent (100%) or any portion of the Medicare Part B deductible.

b. Standardized Medicare supplement benefit Plan F is redesignated as Plan G and shall provide the benefits contained in Rule [120-2-8-.09\(8\)\(e\)](#) but shall not provide coverage for one hundred percent (100%) or any portion of the Medicare Part B deductible.

c. Standardized Medicare supplement benefit plans C, F, and F with High Deductible may not be offered to individuals newly eligible for Medicare on or after January 1, 2020.

d. Standardized Medicare supplement benefit Plan F With High Deductible is redesignated as Plan G With High Deductible and shall provide the benefits contained in Rule [120-2-8-.09\(8\)\(e\)](#) but shall not provide coverage for one hundred percent (100%) or any portion of the Medicare Part B deductible; provided further that, the Medicare Part B deductible paid by the beneficiary shall be considered an out-of-pocket expense in meeting the annual high deductible.

2. Applicability to Certain Individuals. Rule [120-2-8-.09.1](#) applies to only individuals that are newly eligible for Medicare on or after January 1, 2020:

a. By reason of attaining age 65 on or after January 1, 2020; or

b. By reason of entitlement to benefits under part A pursuant to Section [226\(b\)](#) or [226A](#) of the Social Security Act, or who is deemed to be eligible for benefits under Section [226\(a\)](#) of the Social Security Act on or after January 1, 2020.

3. Guaranteed Issue for Eligible Persons. For purposes of Rule [120-2-8-.12](#), in the case of any individual newly eligible for Medicare on or after January 1, 2020, any reference to a Medicare supplement policy C or F (including F

With High Deductible) shall be deemed to be a reference to Medicare supplement policy D or G (including G With High Deductible), respectively, that meet the requirements of Rule [120-2-8-.09\(1\)\(A\)](#).

4. Applicability to Waivered States. In the case of a State described in Section [1882\(p\)\(6\)](#) of the Social Security Act ("waivered" alternative simplification states) MACRA prohibits the coverage of the Medicare Part B deductible for any Medicare supplement policy sold or issued to an individual that is newly eligible for Medicare on or after January 1, 2020.

5. Offer of Redesignated Plans to Individuals Other Than Newly Eligible. On or after January 1, 2020, the standardized benefit plans described in Rule [120-2-8-.09.1\(1\)\(d\)](#) above may be offered to any individual who was eligible for Medicare prior to January 1, 2020, in addition to the standardized plans described in Rule [120-2-8-.09\(5\)](#).

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-43-3](#) through [33-43-6](#).

HISTORY: Original Rule entitled "Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery to Individuals Newly Eligible for Medicare on or After January 1, 2020" adopted. F. Mar. 20, 2020; eff. Apr. 13, 2020, as specified by the Agency.

Department 120. RULES OF COMPTROLLER GENERAL
Chapter 120-2. RULES OF COMPTROLLER GENERAL OFFICE OF
COMMISSIONER OF INSURANCE
Subject 120-2-49. ADMINISTRATOR REGULATION

120-2-49-.09 Payment of Claims

All claims paid by the administrator from funds collected on behalf of an insurer or self-insurer shall be paid by check, drafts, electronic funds transfer, or other method of electronic payment, as authorized by such insurer or self-insurer: provided, however, the payee may elect to receive payment by check.

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-23-100](#) *et seq.*, **33-23-104**, **33-23-105**.

HISTORY: Original Rule entitled "Payment of Claims" adopted. F. May 19, 1993; eff. June 8, 1993.

Amended: F. June 10, 1997; eff. June 30, 1997.

Repealed: New Rule of same title adopted. F. Dec. 9, 2005; eff. Dec. 29, 2005.

Amended: F. Mar. 20, 2020; eff. Apr. 13, 2020, as specified by the Agency.

Department 120. RULES OF COMPTROLLER GENERAL

Chapter 120-2. RULES OF COMPTROLLER GENERAL OFFICE OF COMMISSIONER OF INSURANCE

Subject 120-2-72. SPECIAL INSURANCE FRAUD FUND

120-2-72-.05 Participation in Fund

(1) On or before July 1 of the year of the approval of the appropriation specified in O.C.G.A. § [33-1-17](#), the Commissioner shall assess each foreign, alien and domestic insurance company doing business in Georgia on the following basis:

(a) Each insurer whose Georgia written premium is less than \$1,000,000.00, including those insurers whose Georgia written premium is zero or less than zero, will each be assessed a fixed amount not more than the minimum amount assessed an insurer with Georgia written premium of \$1,000,000.00 or greater;

(b) Each insurer whose Georgia written premium is \$40,000,000.00 or greater but less than \$100,000,000.00, an assessment equal to .0035 times the appropriated amount;

(c) Each insurer whose Georgia written premium is \$100,000,000.00 or greater but less than \$500,000,000.00, an assessment equal to .0045 times the appropriated amount;

(d) Each captive insurer - other than the following domestic captive insurance companies: an agency captive insurance company, dormant captive insurance company, industrial insured captive insurance company, sponsored captive insurance company (including a protected cell thereof), or pure captive insurance company - shall be assessed a fixed amount of \$100.00, without regard to the amount of premium written;

(e) Each insurer whose Georgia written premium is \$500,000,000.00 or greater but less than \$1,000,000,000.00, an assessment equal to .0055 times the appropriated amount;

(f) Each insurer whose Georgia written premium is \$1,000,000,000.00 or greater, an assessment equal to .0065 times the appropriated amount;

(g) Regarding each insurer not included in (a) through (f) herein, an assessment shall be computed on a pro-rata basis of the remainder of the appropriation for each insurer whose Georgia written premium is \$1,000,000.00 or greater but less than \$40,000,000.00.

(2) Written premium is premiums written in GEORGIA ONLY, including annuity considerations and is determined prior to reinsurance transactions. Written premium is determined from the most recent annual statement on file with the Commissioner at the time the assessment calculations are made.

(3) Assessments based on the annual appropriation shall be due on September 1 of the year of the assessment.

(4) In the event of a supplemental appropriation, the assessment will be made as soon as practicable after approval of the appropriation, and will be due thirty (30) days after assessment.

(5) Any assessment levied pursuant to this Regulation Chapter which is not remitted to the Georgia Insurance Department on or before the due date shall be deemed delinquent and subject to a penalty of 10% of the amount owed, together with interest on the principal at the rate of 1% per month, or any part of a month, from the date due until the date paid. Such penalty and interest, if any, shall be transmitted by the Commissioner to the State Treasury and shall not act to increase the funds available for the purposes described in O.C.G.A. § [33-1-17](#).

AUTHORITY: O.C.G.A. §§ [33-1-17](#), [33-2-9](#).

HISTORY: Original Rule entitled "Participation in Fund" adopted. F. Feb. 18, 1997; eff. Mar. 10, 1997.

Amended: ER. 120-2-72-0.15-.05 adopted. F. June 29, 2005; eff. June 28, 2005, the date of adoption.

Amended: Permanent Rule adopted. F. June 24, 2005; eff. July 14, 2005.

Amended: F. Dec. 4, 2008; eff. Dec. 24, 2008.

Repealed: New Rule of same title adopted. F. Jun. 7, 2013; eff. Jun. 27, 2013.

Amended: F. Sep. 21, 2015; eff. Oct. 11, 2015.

Amended: F. Dec. 12, 2016; eff. Jan. 1, 2017.

Amended: F. Mar. 20, 2020; eff. Apr. 13, 2020, as specified by the Agency.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.297 Title IV, Part A English Language Arts Summer Literacy Mini-Grant

1. **Purpose of Grant.** The purpose of the Summer Literacy mini-grant is to assist media specialists in rural schools and districts in creating, developing, and implementing summer learning initiatives that support literacy education and improve student outcomes in English Language Arts & Literacy. The grant is specifically for the implementation of new summer literacy opportunities or the expansion of existing literacy opportunities, during the summer, in rural Georgia.

2. **Term and Conditions.** Grants are awarded through a competitive process to eligible rural school districts. Eligible rural school districts must be those districts eligible to receive federal grant funds through the federal Rural and Low-Income School Program or the Small Rural Achievement Program at the time of the application. The grant awards are one-time funds for use from the end of the regular school year to the beginning of the next school year (summer break). Funds must be expended or encumbered prior to the grant's expiration date and cannot be transferred to another program or carried over to another fiscal year.

3. **Eligible Recipient(s).** Rural K-12 public school districts (identified by the current fiscal year's Rural and Low-Income Schools ("RLIS") report), as well as eligible non-public schools located within the geographic boundaries of these public school districts are eligible to apply for Summer Literacy mini-grants. There are two ways that applications can be Submitted: (1) Local Educational Agencies (LEAs) may apply for a single grant award that must be disbursed to the school(s) specified on the application, or (2) individual schools within the LEA may apply for a single award where awarded funds will be directed only to the single school submitting the application.

4. **Criteria for Award.** The Summer Literacy applications are reviewed and scored by the Georgia Department of Education. Applications recommended for funding will be rank ordered by averaged scores. Provided that there is sufficient funding and approval by the State Board of Education, grant awards will be issued to the top 25 applicants who meet the minimum score as identified in the application. Summer Literacy mini-grant award projects must increase access to summer literacy learning opportunities, as well as serve as a foundation to excellence in the prevention of academic gaps during the summer months.

5. **Directions and Deadlines for Applying.** Application materials are made available on the Georgia Department of Education's website. For additional information, contact the Teaching and Learning Division, Georgia Department of Education, 1766 Twin Towers East, 205 Jesse Hill Drive, Atlanta, GA 30334 or email Anisha Donald, English Language Arts Program Specialist, at adonald@doe.k12.ga.us.

AUTHORITY: O.C.G.A. § [20-2-240](#).

HISTORY: Original grant description entitled "Title IV, Part A English Language Arts Summer Literacy Mini-Grant" submitted Mar. 4, 2020.

Department 183. STATE ELECTION BOARD
Chapter 183-1. GEORGIA ELECTION CODE
Subject 183-1-6. REGISTRATION OF ELECTORS

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 two 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 applicants that they are required to:
 - (1) List their Georgia driver's license or Georgia state issued ID number if one has been issued;
 - (2) List the last four digits of their social security number if the applicants have not been issued a Georgia driver's license or Georgia state issued ID; and
 - (3) Indicate on the form if they do not have a Georgia driver's license, Georgia state issued ID, or social security number;

(7) Prohibited Activities

- (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 near the voter registration activities;
- (f) Accept a completed registration application from the applicant unless such application has been sealed by the applicant, without a signed acknowledgement 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;
- (h) Conduct voter registration activities in places where the primary purpose of that place is the sale and consumption alcoholic beverages; and
- (i) Tell applicants that they did not have to their Georgia driver's license or identification card number on the voter registration application if the applicant has been issued a Georgia driver's license or identification card.

(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. § [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.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-12. PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS

183-1-12-.04 Storage, Maintenance, and Transport of Statewide Voting System Components

1. The election superintendent of the county shall maintain all components of the voting system (including electronic ballot markers, ballot scanners, electronic poll books, and election management systems) in accordance with the requirements of this rule, the directives of the Secretary of State, and the specifications and requirements of the manufacturer.

2. All electronic components of the voting system shall be stored in a climate controlled space in which the temperature and humidity levels are maintained at acceptable levels year-round which shall not be lower than 0 degrees Celsius (32 degrees Fahrenheit) nor higher than 40 degrees Celsius (104 degrees Fahrenheit) and not lower than 20 percent relative humidity and not higher than 85 percent relative humidity such that no condensation forms on such components. The components shall not be stored in an area in which liquids or fluids stand, pool, or accumulate at any time or in areas that are subject to such standing, pooling, or accumulating liquids or fluids. The space in which the components are stored shall be secured and shall be accessible only to persons authorized by the election superintendent to have access to such components or such space. The components shall be stored in a manner that ensures that the components are protected from damage and shall not be stacked more than four units high. The back-up battery for the ballot scanner shall be charged at least every 9 months.

3. The storage areas for the voting system components at the county election office or other designated county facility shall be equipped with one or more of the following forms of electronic surveillance and protection: keypads or electronic locks, motion detectors, video surveillance, or a security system that is connected to an outside monitoring source, such as the police department or fire department.

4. The election Superintendent shall maintain numbered seals on all electronic ballot markers and ballot scanners in storage and all seal numbers shall be recorded and on file in the office of the election superintendent.

5. All components of the voting system shall be securely transported to polling places. Electronic ballot markers (including printers) and ballot scanners shall be transported in secure boxes or carrying cases that provide vibration and impact protection.

6. Upon delivery to a polling place in preparation for a primary, election, or runoff, all components of the voting system shall be secured and protected from unauthorized access. Upon delivery, the components shall either be stored in a locked, secure room at the polling place; in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, law enforcement official, or licensed security guard; or, if the previously listed options are not feasible, in another manner, that in the reasonable judgement of the superintendent, secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

7. The expenses for the implementation of the storage and security requirements of this rule shall be the responsibility of the county or municipal governing authority, as applicable, unless such security features are provided by the State.

8. Maintenance of Voting System Components. After the end of the initial warranty period for state owned voting system components, the county shall be responsible for maintaining an appropriate warranty or otherwise be

responsible for maintenance and upkeep of such devices, including the repair and/or replacement of any devices which are destroyed, damaged, or otherwise rendered incapable of use in elections.

AUTHORITY: O.C.G.A. § [21-2-31](#).

HISTORY: Original Rule entitled "Certification of Program Instructions" was filed on July 24, 1968; effective August 12, 1968.

Repealed: New Rule entitled "Storage, Maintenance, and Transport of Statewide Voting System Components" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.06 Handling of Voting System

1. All personnel, with the exception of the permanent employees of the Office of the Secretary of State and permanent employees of the county or municipal election superintendent, who prepare voting equipment for use in a primary, election, or runoff shall complete an oath of custodian before each election. One copy of the oath shall be placed on file in the office of the election superintendent and an additional copy shall be filed with the records for the election filed with the clerk of superior court or the municipal clerk, as appropriate. The oath of custodian shall be in the following form:

STATE OF GEORGIA

COUNTY/MUNICIPALITY OF _____

OATH OF CUSTODIANS AND DEPUTY CUSTODIANS OF GEORGIA VOTING SYSTEM

I, _____, do swear (or affirm) that I will as a (deputy) custodian of the voting systems for the County/Municipality of _____, faithfully perform all of my duties in accordance with state law; that I will prepare in accordance with all applicable rules and regulations governing the use of the voting system all components to be used in primaries, elections, and runoffs in this county/municipality; that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying out my duties while preparing the voting system for use in primaries, elections, and runoffs; and that I am not disqualified by law to hold the position of (deputy) custodian.

(Deputy) Custodian

Administered by, sworn to,

and subscribed before me,

this ____ day of _____, 20__

Superintendent

(Required by O.C.G.A. Section [21-2-379.6\(b\)](#))

2. Any electronic ballot markers, ballot scanners, electronic poll books, ballot boxes and accessories that are removed from storage for educational or training purposes must be signed in and out on an equipment log maintained by the election superintendent. The log shall contain, at a minimum, a description of the item being checked out, including any serial number or identifying number; the date and time when the item is checked out; the name of the person checking out the item; and the date and time when the item is returned to storage. The items checked out of storage shall remain in the custody and control of the person checking out the items at all times and the person checking out the items shall personally return such items. Each person who utilizes equipment for

educational or training purposes must be adequately trained in the use of the equipment prior to the release of the equipment into such person's custody.

3. Should it become necessary to relocate an election management system computer or any of its components from one facility to another, the election superintendent shall notify the Secretary of State in advance in writing of the reason for the relocation and the proposed new location. The election management system shall not be relocated unless and until written authorization for the relocation is received from the Secretary of State except in the event of an emergency situation beyond the control of the election superintendent. If an emergency arises causing the election management system to be moved, the election superintendent is responsible to notify the Secretary of State as soon as possible of the move.

4. The poll manager shall sign a receipt for components of the voting system assigned to such poll manager's precinct. Upon returning election supplies to the election superintendent's office following the close of the polls, the poll manager shall account for all such items and shall certify that all such items have been returned or shall describe any missing items and explain why such items have not been returned. The Secretary of State shall prepare and provide a chain of custody sheet for this purpose.

5. All voting system components and other equipment assigned to designated county election technicians shall be accounted for on the night of a primary, election, or runoff and shall be returned to storage. Each technician shall sign a receipt for all such items issued to such technician and, upon returning such items to the election superintendent's office following the close of the polls, the technician shall account for all such items and shall certify that all such items have been returned or shall describe any missing items and explain why such items have not been returned. The Secretary of State shall prepare and provide a chain of custody sheet for this purpose.

6. The election superintendent shall notify the Secretary of State of any instances of unaccounted for components of the voting system as soon as possible.

7. The election superintendent shall perform an audit count of all voting system components housed and maintained by the jurisdiction on an annual basis. The results of the audit shall be submitted to the Secretary of State.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-379.6](#).

HISTORY: Original Rule entitled "Defective Ballot Cards, Duplication and Tabulation" 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: New Rule entitled "Provisional Ballots" adopted. F. Oct. 18, 2002; eff. Nov. 7, 2002.

Repealed: New Rule of same title adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: F. Dec. 21, 2005; eff. Jan. 10, 2006.

Repealed: New Rule of the same title adopted. F. Mar. 17, 2011; eff. Apr. 6, 2011.

Repealed: New Rule of the same title adopted. F. May 27, 2011; eff. June 16, 2011.

Repealed: New Rule entitled "Handling of Voting System" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.08 Logic and Accuracy Testing

1. Primaries and Elections.

a. On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use on Election Day.

b. On or before the third day preceding the advance voting period, the election superintendent shall commence the preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners for use during the advance voting period. Voting system components that passed logic and accuracy testing for advance voting do not have to be re-tested for use on Election Day for the same election, unless there is a change in the programming or database used by the component.

c. At least five days prior to the commencement of such preparation and testing, the election superintendent shall publish a notice on the homepage of the county's publicly accessible website associated with election and/or registrations, or if the county does not have such a website, in a newspaper of general circulation in the county or by posting in a prominent location in the county stating the date, time, and place or places where preparation and testing of the voting system components for use in the primary or election will commence, and stating that such preparation shall continue from day to day until such preparation is complete and that such preparation and testing shall be open to the public and that members of the public are entitled to be present during the preparation and testing. Prior to a runoff election, the Superintendent shall prominently post notice of the date, time, and place of such testing at least 24 hours prior to its occurrence.

d. The election superintendent shall cause such preparation and testing to begin on such date and time and at such place or places. Such preparation and testing shall be open to members of the public to observe; however, such members of the public shall not in any manner interfere with the preparation and testing of the voting system components. Any person found to be interfering with the preparation and testing process may be asked to leave the testing process and may be cited for interfering with an election official while in performance of election duties. Any questions and/or complaints from the general public regarding the preparation and testing process must be directed to the election superintendent and not to the individual personnel conducting the preparation and testing process. The election superintendent may make such reasonable rules and regulations concerning the conduct of such members of the public observing such preparation and testing, as the election superintendent deems necessary and appropriate; provided, however, that such rules and regulations shall not prevent members of the public from fairly observing the preparation and testing of the voting system components.

2. In addition to any reasonable rules and regulations that the election superintendent may create for the public to observe the preparation and testing process, the election superintendent or designee thereof, shall:

a. Be available for the first hour of the first day of testing to explain the preparation and testing process and to respond to questions and provide answers regarding the purpose and the process of preparation and testing;

b. Maintain a presence at all times during the preparation and testing process;

c. Administer an oath of custodian prior to beginning the preparation and testing process to any county personnel (except permanent state, county, or municipal election staff) appointed by the election superintendent to conduct the preparation and testing process;

d. Establish an area reasonable in proximity for the public to observe the preparation and testing process. Such area shall provide reasonable accommodations for the public insofar as space permits, but shall not be so established as to deny the general public the opportunity to view the process; however, the area should be of such nature so as to allow the preparation and testing process to proceed without interference by the general public;

e. Allow only election office personnel or individuals assigned to conduct the preparation and testing to enter the testing area during the preparation and testing process;

f. Prohibit any preparation and testing reports created for recording the seal numbers of voting system components from being disclosed to the public;

g. Prohibit the security seal numbers or other security measures of any voting system components from being disclosed to the public; and

h. Prohibit photographic and audio equipment of any kind, including cell phone cameras, from being used to record the security seal numbers or other measures used to secure any voting system components, provided that this rule shall not prohibit the news media from reporting on the preparation and testing process, so long as seal numbers and other security measures on any voting system component are not recorded or displayed in any manner.

3. During the public preparation and testing of the electronic poll books, electronic ballot markers, printers, and ballot scanners to be used in a particular primary or election, the election superintendent shall cause each electronic ballot marker and scanner to be programmed with the election files for the precinct at which the electronic ballot marker and ballot scanner unit will be used.

The superintendent shall cause the accuracy of the components to be tested by causing the following tasks to be performed:

A. Check that the electronic poll books accurately look up and check-in voters via both the scanning function and manual lookup and create a voter access card that pulls up the correct ballot on the electronic ballot marker for every applicable ballot style.

B. Check that the touchscreen on the electronic ballot marker accurately displays the correct selections and that the touchscreen accurately reflects the selected choices.

C. Check that the printer prints a paper ballot that accurately reflects the choices selected on the touchscreen and immediately mark all printed paper ballots as "test" ballots.

D. Check that the ballot scanner scans the paper ballot, including both ballots marked by electronic ballot markers and ballots marked with a pen, and that the ballot scanner scans ballots regardless of the orientation the ballot is entered into the scanner.

E. Check that the tabulation contained in the ballot scanner memory card can be accurately uploaded to the election management system, and that the tabulated results match the selections indicated on the paper ballot.

If any component fails any of the testing, the component shall not be used in a primary, election, or runoff until such unit is repaired and inspected and found capable of proper functioning and passes logic and accuracy tests. The component failure should be documented and reported to the superintendent. Upon the successful completion of the logic and accuracy test, the component shall be cleared of any vote totals collected during testing. A zero tape shall be run on the ballot scanner subsequent to successful testing, and the tape shall be attached to the custodian's certification form to document the logic and accuracy testing. The components shall then be sealed and securely stored for transfer to the polling place.

4. After the completion of Logic and Accuracy testing on any voting system component, each component shall be sealed and safely and securely stored until such time as the component is transported to the polling place in which such component is to be used. The zero tapes, results tapes, test ballots, and other paperwork shall be securely stored by the superintendent.

AUTHORITY: O.C.G.A. § [21-2-31](#).

HISTORY: Original Rule entitled "Defective and Duplicated Ballot Cards, Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. Oct. 20, 1975; eff. Nov. 9, 1975.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Adopted: New Rule entitled "Logic and Accuracy Testing." F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.09 Transport to Polls

1. The election superintendent shall take all necessary measures to cause the voting system components to be safely and securely transported to the polling places.
2. The election superintendent shall cause the voting system components for each polling place to be delivered to the polling place at least one hour before the time for the opening of the polls. The election superintendent shall cause magnifying devices to be made available at each polling place to assist voters in reviewing their paper ballots.
3. If the voting system components are stored at a polling place prior to the arrival of the poll manager or their designee, the election superintendent shall cause the components to be stored in a locked, secure manner with appropriate climate control as described in Rule [183-1-12-.04](#).

AUTHORITY: O.C.G.A. § [21-2-31](#).

HISTORY: Original Rule entitled "Write-In Ballots", Sealed After Tabulation" adopted. F. July 24, 1968; eff. Aug. 12, 1968.

Amended: F. May 26, 1970; eff. June 14, 1970.

Amended: F. Mar. 6, 1987; eff. Mar. 26, 1987.

Repealed: F. Dec. 11, 2003; eff. Dec. 31, 2003.

Adopted: New Rule entitled "Transport to Polls." F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.10 Before the Opening of the Polls

1. The poll officers shall set up and power on the voting system components for voting prior to the opening of the polls. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the election superintendent may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the poll officers.
2. The poll officers shall verify that the seal for each voting system component is intact and that there is no evidence or indication of any tampering. The poll officers shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering, the election superintendent shall be immediately notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the poll manager.
3. The poll manager shall check that the electronic poll books, electronic ballot markers, and ballot scanners all indicate zero counts prior to the opening of the polls.
4. The poll manager shall cause each ballot scanner in the polling place to run a zero tape prior to the start of voting. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such unit shall not be used until the unit is cleared and the matter is resolved by agreement of the election superintendent and the poll manager.

5. The poll manager and two witnesses who have been sworn as poll officers pursuant to O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall sign the zero tape from the ballot scanner. The poll manager and those same two witnesses shall then confirm that the ballot box is empty. The Secretary of State shall develop a form to be signed by the poll manager and the two witnesses attesting that the ballot box was empty prior to the opening of the polls. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent with the polling place recap forms at the close of the polls. The ballot box shall then be securely locked and sealed. Once the ballot box is verified to have been empty and locked and sealed, no person shall access the inside of the ballot box while voting is occurring unless it is absolutely necessary to the functioning of elections. Any such access shall be by the poll manager and two witnesses who have been sworn as poll officers, and the poll manager and witnesses shall attest, on a form to be developed by the Secretary of State, to when and for what purpose the ballot box was accessed, and that no action was taken to affect the results of the election. That form shall also be returned to the election superintendent with the polling place recap form at the close of the polls.

6. The poll officers shall verify that there is no unauthorized matter affixed to any of the voting system components or present in the voting booths.

7. The poll officers shall affix a card of instructions for voting within each voting booth and shall place at least one printed sample ballot and at least one voting instructions poster approved or provided by the Secretary of State outside the enclosed space at the polling place for the information of the voters. At least one printed sample ballot and one voting instructions poster shall also be posted in the enclosed space. Prior to voters entering the enclosed space, the poll officers may also distribute to such voters a card of instructions for voting on the voting system that has been approved or provided by the Secretary of State. The poll officers shall also have a sufficient supply of sample ballots available should voters request to view them while voting or reviewing their ballot.

8. As near as possible to exit of the enclosed space in every polling place in a manner that is visible to voters as they exit the enclosed space, the poll manager shall post a sign that informs voters that ballots shall not be removed from the enclosed space.

9. Accredited poll watchers must be able to observe the polling place setup process; however, they may not interfere with the setup process.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-94](#), [21-2-95](#).

HISTORY: Original Rule entitled "Use of Absentee Ballots When Voting Machines are Inaccessible" was filed on November 14, 1986; effective December 4, 1986.

Repealed: New Rule entitled "Before the Opening of the Polls" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.11 Conducting Elections

1. As each voter presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, each voter shall be offered instruction by a poll officer in the method of voting on the voting system. In providing such instruction, the poll officers shall not in any manner request, suggest, or seek to persuade or induce any voter to vote any particular candidate, political party, or political body, or for or against any particular question.

2. (a) When a person presents himself or herself at the polling place for the purpose of voting during the time during which the polls are open for voting, the person shall complete a voter certificate and submit it to the poll officers. The voter certificate may be an electronic or paper record. The poll officers shall verify the identity of the person and that the person is a registered voter of the precinct and, if so, shall approve the voter certificate and enter an appropriate designation on the electors list for the precinct reflecting that the voter has voted in the primary, election, or runoff being conducted. The voter's name shall then be entered on the appropriate numbered list of voters.

(b) A poll officer shall then issue the voter an appropriate voter access card authorizing the voter to vote the correct ballot on the touchscreen or utilize the correct access code to manually bring up the correct ballot on the touchscreen. The voter shall then enter the enclosed space in the polling place and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen component, review the selections on his or her printed ballot, scan his or her printed ballot into the scanner, and return the voter access card to a poll officer. Then the voter shall exit the enclosed area of the polling place.

(c) If an emergency situation makes utilizing the electronic ballot markers impossible or impracticable, as determined by the election superintendent, the poll officer shall issue the voter an emergency paper ballot that is to be filled out with a pen after verifying the identity of the voter and that the person is a registered voter of the precinct. Emergency paper ballots shall not be treated as provisional ballots, but instead shall be placed into the scanner in the same manner that printed ballots in the polling place are scanned. The election superintendent shall cause each polling place to have a sufficient amount of emergency paper ballots so that voting may continue uninterrupted if emergency circumstances render the electronic ballot markers or printers unusable. For any primary or general election for which a state or federal candidate is on the ballot, a sufficient amount of emergency paper ballots shall be at least 10% of the number of registered voters to a polling place. The poll manager shall store all emergency ballots in a secure manner and ensure that all used and unused emergency ballots are accounted for. All unused emergency ballots shall be placed into a secure envelope and sealed such that the envelope cannot be opened without breaking such seal.

(d) If an emergency situation exists that makes voting on the electronic ballot markers impossible or impracticable, the poll manager shall alert the election superintendent as soon as possible. The existence of an emergency situation shall be in the discretion of the election supervisor. However, if a poll manager is unable to contact the election superintendent after diligent effort, the poll manager shall have the ability to declare that an emergency situation exists at the polling place. The poll manager shall continue diligent efforts to contact the election superintendent, and shall inform the superintendent as soon as possible of the situation at the polling place. The election superintendent, in his or her discretion, shall either overrule or concur with the declaration of emergency circumstances. While the determination of an emergency situation is in the discretion of the election superintendent, the types of events that may be considered emergencies are power outages, malfunctions causing a sufficient number of electronic ballot markers to be unavailable for use, or waiting times longer than 30 minutes.

3. At least once each hour during the time while the polls are open, the poll officers shall examine the enclosed space to verify that no unauthorized matter has been affixed to any voting system component or placed in the voting booth and that the voting system components have not been tampered with in any manner. Poll officers shall also check that no unattended ballots are left in the printer or anywhere in the enclosed space other than the appropriate ballot box. Any unattended ballots found in the enclosed space that do not belong to a voter currently in the enclosed space shall not be counted, but shall be secured and labelled as unattended ballots.

4. The polling place shall be arranged in such a manner as to provide for the privacy of the elector while voting and to allow monitoring of each voting system component by the poll officers while the polls are open. The electronic ballot markers and ballot scanners used in the polling place shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such units against tampering, damage, or other improper conduct. In addition, at least one ballot marking device shall be configured for voting by physically disabled voters in wheelchairs and provisions shall be made to provide for the privacy of such electors while voting.

5. It shall be permissible under O.C.G.A. § [21-2-410](#) and shall not constitute assistance in voting under O.C.G.A. § [21-2-409](#) for poll officers to assist a voter in inserting the voter access card into the ballot marking device and in explaining the operation of the unit to the voter; provided that the poll officer shall withdraw from the voting booth prior to the voter making any selections. The poll officers shall not in any manner request, suggest, or seek to persuade or induce any voter to vote for any particular candidate, political party, or political body, or for or against any particular question.

6. Voters utilizing an audio tactile interface (ATI) device to vote on the ballot marking device without the assistance of any other individual shall not be considered as receiving assistance in voting and shall not be required to complete

the forms required for receiving assistance in voting pursuant to O.C.G.A. § [21-2-409](#); however, if another person other than a poll officer is handling the printed ballot before it is inserted into the scanner, that person shall be considered as assisting.

7. The poll officers shall confirm that voters deposit their ballots and return the voter access cards to the poll officers prior to leaving the enclosed space in the polling place. The poll officers shall arrange and configure the polling place and provide staffing at such places within the polling place to confirm that a voter will not leave the enclosed space with a ballot or voter access card.

8. The election superintendent shall cause each polling place to be sufficiently staffed. At least one poll officer shall be assigned to assisting voters who have questions while they are in the voting booth but before they approach the ballot scanner. Another poll officer shall be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer each voter specific verbal instruction to review their printed paper ballot prior to scanning it. In addition to the preceeding instruction, the poll officer stationed at the ballot scanner shall offer general instruction throughout the period while voting is occurring telling voters that sample ballots and magnifying devices are available to assist them in reviewing their paper ballot. The poll officer shall take all reasonable precautions not to view the selections on an elector's ballot unless it is required due to assistance requested by the elector. If a poll officer observes a voter attempting to leave the enclosed space with a paper ballot, the poll officer shall inform the voter of the consequence of not depositing his or her paper ballot into the ballot scanner prior to leaving the room.

9. A voter may request information from poll officers concerning how to use the electronic ballot marker or any other voting system component at any time during the voting process. However, once the voter scans his or her ballot into the ballot scanner, even if the ballot is blank with no votes cast, such voter shall be deemed to have voted and may not thereafter vote again. If a voter leaves the room encompassing the enclosed space with his or her paper ballot and does not place that ballot into the appropriate ballot scanner or ballot box, that voter shall be deemed to have voted and may not thereafter vote again. A sign shall be placed at the exit of the enclosed space that informs every voter that ballots may not be removed from the enclosed space. Any paper ballot that is removed from the room encompassing the enclosed space shall not be counted and shall be marked as spoiled by a poll officer.

10. (a) If a voter discovers that the ballot presented on the electronic ballot marker is not correct or, for a partisan primary, is not the ballot that the voter desired to vote, the voter shall immediately notify a poll officer. The poll officer shall cancel or void the ballot on the electronic ballot marker without attempting in any manner to see how the voter has voted and shall then take the necessary steps to provide the voter with the correct ballot and make any necessary corrections to the voter certificate of the voter, the electors list, and the numbered list of voters. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll manager shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(b) If, while reviewing his or her printed ballot, the voter discovers that the printed ballot does not contain the proper ballot selections or that the voter was not issued the proper ballot, the voter shall immediately inform a poll officer. The poll officer shall spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on the electronic ballot marker and cause the correct ballot to be issued. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll manager shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(c) If the voter places his or her paper ballot into the ballot scanner or ballot box prior to notifying the poll officials of any errors in the ballot, the voter shall be deemed to have voted and shall not be permitted to cast another ballot.

11. (a) If any voting system component malfunctions during the day of a primary, election, or runoff, the poll manager shall immediately notify the election superintendent and shall not allow any voter to use the component until and unless the malfunction is corrected. The poll manager shall utilize appropriate backup procedures so that voting is not interrupted due to any equipment malfunctions. The election superintendent shall immediately arrange for the repair of the voting system component or shall provide a replacement component as soon as practicable. A replacement component shall not be used unless it has been appropriately tested prior to its use.

(b) In the event that a ballot scanner malfunctions, the voter shall place their voted ballot in the emergency bin connected to the ballot box. The ballots in the emergency bin shall be counted when the ballot scanner is properly functioning, by a replacement ballot scanner brought to the polling place, or, if neither are available, by another scanner at the county elections office. Poll officers may scan ballots placed into the emergency bin through the ballot scanner or a replacement ballot scanner when doing so will not interfere with voting. A voter placing his or her ballot into the emergency bin is considered to have voted that ballot and shall not be permitted to cast another ballot.

12. Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials or voters.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-409](#), [21-2-410](#).

HISTORY: Original Rule entitled "Conducting Elections" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.12 Tabulating Results

(a) After the Polls Close.

1. Immediately after the polls close and the last voter has voted, the poll manager and two witnesses who have been previously sworn as poll officers as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall begin the closing procedure on each ballot scanner so that no further votes are cast and record the number of scanned ballots from every ballot scanner used in the polling place. The poll manager and the two witnesses shall record the number of scanned ballots from each scanner on a recap form to be developed by the Secretary of State. The poll manager and the two witnesses shall cause each ballot scanner to print three tapes of the tabulated results and shall sign each tape indicating that it is a true and correct copy of the tape produced by the ballot scanner. If the poll manager or the witnesses have reason to believe that printed tapes are not a true and correct tabulation of the ballots scanned by that ballot scanner, the poll manager or witness shall document the reasons and evidence for that belief and inform the election superintendent, who shall take appropriate action, in his or her discretion, so that the ballots in the ballot box associated with the ballot scanner are accurately tabulated.

2. The poll manager shall cause the number of printed ballots from each ballot marking device to be recorded on the recap form. The poll manager shall further cause the number of spoiled ballots and ballots placed in the emergency bin of the scanner that were unable to be scanned to be recorded on the recap form. The poll manager shall cause the total number of voter check ins from the electronic poll book and/or paper voter list to be recorded on the recap form. If the numbers recorded on the recap form do not reconcile with each other, the poll manager shall immediately determine the reason for the inconsistency; correct the inconsistency, if possible; and fully document the inconsistency or problem along with any corrective measures taken.

3. One of the three tapes of the tabulated results printed from the ballot scanner shall be affixed to the door of the polling place for the information of the public along with a copy of the provisional ballot recap form for the polling place. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purposes) provided by the election superintendent, along with the "poll officer" memory card from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The poll manager and the two witnesses shall initial the envelope indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the polling place recap form.

4. The poll manager and two witnesses who have been sworn as poll officers as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall unseal and open each ballot box, remove the paper ballots from each ballot box, and place the paper ballots into a durable, portable, secure and sealable container to be provided for transport to the office of the

election superintendent. A separate container shall be used for the paper ballots from each ballot box and the container shall be labelled with the polling place, ballot scanner serial number, the number assigned to the ballot scanner for that election, the count of the ballots from the tabulation tape, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the poll manager and the same two witnesses such that it cannot be opened without breaking the seal. The poll manager and the two witnesses shall sign a label affixed to the container indicating that it contains all of the correct ballots from the indicated ballot box and no additional ballots.

5. The poll manager and the same two witnesses who emptied the ballot box shall complete and sign a form indicating that the ballot box was properly emptied and the ballots were properly stored and secured. Such form shall be delivered to the election superintendent with the completed polling place recap form. The ballot box shall be resealed and the new seal numbers shall be documented.

6. The envelopes containing the tabulation tape and the memory card, the containers containing the paper ballots, the completed polling place recap forms, voter access cards, supervisor's cards, electors lists, numbered lists of voters, electronic poll books, and other such paperwork shall be delivered to the election superintendent by the poll manager and at least one other sworn poll officer or law enforcement official. The election superintendent or his or her designee shall receive the materials and shall issue a receipt to the poll manager for the materials. The poll manager and any poll officers who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with. The election superintendent, in his or her discretion, may allow a designee of the poll manager to deliver the envelopes or containers containing the ballot scanner tabulation tapes and memory cards to be used for unofficial reporting of results prior to the delivery of the other polling place materials provided that the same procedures for transit and delivery set forth herein are followed.

7. Before leaving the polling place, the poll manager shall power off, secure, and seal all electronic ballot markers, ballot boxes, and ballot scanners. The polling place shall be locked to prohibit unauthorized entry.

8. Accredited poll watchers shall be allowed to observe the process described in this rule; however, they must do so in a manner that does not interfere with poll officials.

(b) Consolidation of Results.

1. All persons involved with the tabulation and consolidation of the election results and who will operate the computer programs or handle the memory cards shall be sworn in the same manner that custodians are sworn before entering into their duties.

2. Only persons who are permanent employees of the election superintendent or have been duly sworn as poll officers or custodians shall touch or be in contact with any ballot, container, returns, tapes, device, memory card, or any other such election materials. Only persons who are employed by the election superintendent or have been duly sworn shall be in the immediate area of the tabulating center designated by the superintendent for the officers to conduct the tabulation and consolidation of the election results.

3. The tabulation and consolidation shall be performed in public. However, the election superintendent may make reasonable rules and regulations for conduct at the tabulating center for the security of the results and the returns and to avoid interference with the tabulating center personnel.

4. Upon the delivery of any election materials from a polling place, the election superintendent or his or her designee shall provide a receipt that clearly states what election materials have been delivered.

5. Upon receiving the paper ballots and the memory cards, the election superintendent shall verify the signatures on the sealed envelopes and containers, verify that the seals are intact, that the envelopes or containers have not been opened, and that there is no evidence of tampering with the envelopes, containers, or their contents.

6. In the case of elections for county, state, and federal office, after verifying that the envelopes and containers are properly sealed and have not been opened or tampered with, the election superintendent shall break the seal and open each envelope and remove the memory card and results tape. The election superintendent or his or her designee

shall then insert the memory card into the election management system computer and transfer the vote totals from the memory card into the election management system for official tabulation and consolidation.

7. After transferring all of the vote totals from the memory cards to the election management system and consolidating such totals with the totals from the absentee ballot system and such votes from any provisional ballots which have been found by the registrars to be authorized pursuant to O.C.G.A. § [21-2-419](#), the election superintendent shall prepare the official consolidated returns for the primary, election, or runoff.

8. The election superintendent shall not list and certify in the official consolidated returns for an election any results for write in candidates who were not properly qualified under O.C.G.A. § [21-2-133](#).

9. In the case of primaries, elections, and runoffs for county, state, and federal office, the county election superintendent shall transmit to the Secretary of State the election returns by precinct for the county in electronic format or by electronic means, as may be specified by the Secretary of State, within fourteen days following a primary, election, or runoff.

(c) Election Night Reporting. The election superintendent shall transmit to the Secretary of State unofficial election results for all races for state offices in any primary, election, or runoff as soon as possible after the closing of the polls for such primary, election, or runoff. Such results shall be transmitted in a format prescribed by the Secretary of State. At a minimum, the results shall be transmitted upon one third of the precincts reporting results, upon two thirds of the precincts reporting results, and upon all precincts reporting results, including absentee ballots within all precincts. Except upon prior notice to and consultation with the Secretary of State, no election superintendent shall conclude the tabulation of votes on election night in any primary, election, or runoff in which there are contested races for federal and state offices until and unless all such unofficial results, including absentee ballots, have been transmitted to the Secretary of State.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-94](#), [21-2-95](#).

HISTORY: Original Rule entitled "Tabulating Results" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.18 Provisional Ballots

(1) This rule shall govern the casting of provisional ballots by voters at primaries and elections in accordance with O.C.G.A. §§ [21-2-418](#) and [21-2-419](#).

(2) In each polling place, there shall be established a location or station in the public area of the polling place for the purpose of issuing and receiving provisional ballots. Each polling place shall have an information sheet developed by the Secretary of State available for voters who have questions about the provisional ballot process. The information sheet should describe relevant law regarding provisional ballots for voters who do not show up on the electors list for that polling place.

(3) The election superintendent shall provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope. The election superintendent shall also be prepared to resupply polling places with provisional ballots in needed ballot styles in a timely manner while voting is occurring so that polling places do not run out of provisional ballots. The ballot envelopes shall be so designed that the ballot will fit within the inner ballot envelope and the inner ballot envelope will fit within the outer ballot envelope. The inner ballot envelope shall have printed on it the words "Official Provisional Ballot" and nothing else. The outer envelope shall have places for inserting the person's name, precinct, date and name of election, ballot style (district combination), and whether such ballot is a regular provisional ballot, a provisional ballot cast by a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. §§ [21-2-220](#) and [21-2-417](#), or a ballot cast during poll hours extended by a court order, or a combination thereof. Primaries and elections conducted by counties shall use optical scan ballots for provisional voting. The poll manager shall cause all voted provisional ballots to be deposited into the provisional ballot box and not be inserted into the polling place ballot scanner and kept separate and apart

from non-provisional ballots cast at the polling place. Municipalities shall use the same type of ballots as the municipality uses for mail-in absentee voting. The election superintendent shall also provide a booth for voting provisional ballots in the enclosed space which will provide privacy for a person while voting a provisional ballot and a secure container in which the voted provisional ballots shall be placed.

(4) Voters whose names do not appear on electors list.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the polling place shall have an electronic poll book that includes a mastered list of registered voters in the state, and the poll workers shall check the list to determine if the person is assigned to a different polling place within the county or registered in a different county. If the person's name appears on the master list for a different precinct within the same county, the poll workers shall inform the person of his or her correct polling place. The person shall be instructed to go to his or her correct polling place if practicable, but that if it is not practicable for the person to get to his or her correct polling place before the close of polls, that the person may vote a provisional ballot in the polling place in which they are present. If, after receiving that instruction, the person states that it is not practicable for him or her to get to their correct polling place prior to the close of voting, the poll officer shall offer the person a provisional ballot. If the person is registered in a different county, the poll officer shall inform the person that he or she appears to be registered in a different county. If the person is still eligible to vote in the county in which they appear to be registered, the person may return to that county to vote. If the person states a good-faith belief that he or she timely registered to vote in the county in which he or she is present, he or she shall be offered a provisional ballot.

(b) If the person's name is not found on the official list of electors for the precinct or the master list, the poll officers shall immediately contact the registrars and the person shall provide such information as the registrars may request to determine if the person is eligible to vote in the election. The registrars shall promptly review the information provided by the person and shall attempt to determine if the person timely and properly registered to vote in the county in which he or she is present.

(c) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election and should be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to add the person's name to the official electors list for the precinct and shall permit the person to vote in the same manner as other voters in the precinct vote. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the precinct with a notation of the name of the registrar who authorized such addition. Upon presentation of a properly completed voter certificate and the identification required by O.C.G.A. § [21-2-417](#), the person shall be permitted to vote in the same manner as other voters in the precinct.

(d) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election but should be assigned to a different precinct within the same county where the person is present, the registrars shall direct the poll officers to inform the person of the appropriate other precinct and the registrars shall notify the officers of such other precinct to add the person's name to the official electors list for such other precinct. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers at such other precinct which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the other precinct by the poll officers of the other precinct with a notation of the name of the registrar who authorized such addition. Upon the completion of a voter certificate and the submission of the identification required by O.C.G.A. § [21-2-417](#), the person shall be permitted to vote in the same manner as other persons in such other precinct. However, the poll officer shall also instruct the person that if it is not practicable for such person to go to such other precinct before the polls close and the person communicates that to the poll officers, the person shall be offered a provisional ballot at the precinct in which the person is present. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § [21-2-419\(c\)](#).

(e) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if properly registered, would be assigned to the precinct at which the person is present, the registrars shall inform the poll officers and the person shall be offered a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.

(f) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county at which the person is present, the registrars shall direct the poll officers to inform the person of the appropriate precinct. The registrars shall notify the officers of such other precinct to permit the person to vote a provisional ballot when such person arrives at such precinct, completes an official voter registration form and a provisional ballot voter certificate, and submits the appropriate identification required by O.C.G.A. § [21-2-417](#). When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. However, the poll officer shall also instruct the person that if it is not practicable for such person to go to such other precinct before the polls close and the person communicates that to the poll officers, the person shall be offered a provisional ballot at the precinct at which such person is present. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § [21-2-419\(c\)](#).

(g) If the person appears at a precinct in a county or municipality in which the person does not reside, the registrars shall instruct the poll officers to direct the person to contact the registrars in the county in which the person resides to determine in which precinct such person should vote.

(h) If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to receive a provisional ballot at the precinct without additional authorization from the registrars. In such case, all votes cast by such person for candidates for whom such person is properly entitled to vote shall be counted and all votes cast for candidates for whom such person is not properly entitled to vote shall be void and shall not be counted in accordance with O.C.G.A. § [21-2-419\(c\)](#).

(i) Upon accepting the opportunity to receive a provisional ballot, the person shall complete a provisional ballot voter certificate and an official voter registration form and submit such completed certificate and form to the poll officers along with the appropriate identification required by O.C.G.A. § [21-2-417](#). The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an Inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(j) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public. The provisional ballot voter certificate and voter registration form shall be attached together and shall be placed in a separate, distinctively marked envelope or reusable document container which shall be placed in a secure location in the polling place.

(5) Voter who registered for first time by mail but did not provide required identification.

(a) When a person arrives at a polling place, completes a voter certificate, and presents it to the poll workers but does not have the identification required by O.C.G.A. § [21-2-417](#) and the person's name appears on the official

electors list for the precinct with a designation that the person registered to vote for the first time in this state by mail but has not provided the required identification to the registrars as required by O.C.G.A. § [21-2-220](#), the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the person shall be permitted to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the poll officers shall issue the appropriate ballot style (district combination) to the person as shown on the electors list. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.

(b) Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) The provisional ballot shall not be counted unless the voter provides the identification required by O.C.G.A. § [21-2-220](#) and [21-2-417](#) to the registrars before the end of the period set by law for the verification of provisional ballots. Such identification may be provided to the registrars in person, by email, by facsimile transmission or, in the case of disabled voters, by delivery by a third party.

(6) Voters voting during extended polling hours in an election in which federal candidates are on the ballot.

(a) In the event that the polling hours for a polling place are extended by a court order beyond the normal closing time for a primary, election, or runoff in which federal candidates are on the ballot, all voters who vote after the normal closing time for the polling place shall vote by provisional ballot.

(b) Voters whose names appear on the electors list and who have the appropriate identification required by O.C.G.A. § [21-2-417](#) shall complete a provisional voter certificate and shall be issued a provisional ballot along with an inner ballot envelope and an outer ballot envelope. Such voters shall not be required to complete a voter registration form. It also shall not be necessary to obtain approval from the registrars to issue provisional ballots to such voters. The poll officers shall place the name of the person on the numbered list of provisional ballot voters. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to a provisional ballot voting booth and mark the ballot with his or her intended selections. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers. Upon receiving the sealed ballot envelope from a person completing a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box to designate that the ballot is an extended poll hours provisional ballot, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.

(c) If the voter's name is not on the electors list, the poll workers shall follow the provisions of this rule for regular provisional balloting under this rule and, if the voter is authorized by the registrars to vote a provisional ballot under the terms of this rule, shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(d) If the voter's name is on the electors list but registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § [21-2-220](#), the poll officers shall permit the voter to vote in accordance with the provisions of this rule for first time voters who register for the first time in this state by mail

without providing the required identification, and shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.

(e) The poll officers shall provide each first time voter who registered for the first time in this state by mail without providing the required identification who casts a provisional ballot information on how the voter may provide the registrars with the appropriate identification in order that the voter's ballot may be counted.

(7) Each voter casting a provisional ballot in a primary, election, or runoff in which federal candidates appear on the ballot shall be given written information explaining how such voter can ascertain if such ballot is counted and, if such ballot is not counted, the reason why such ballot was not counted.

(8) The provisional ballot voter certificates and voter registration cards may be picked up during the day by a registrar or deputy registrar for the purpose of beginning the process of determining the eligibility of the persons to cast provisional ballots. Before transferring the voter certificates and registration cards to the registrars during the day, the poll officers shall note the number of certificates and cards being transferred to the registrars. If such voter certificates and registration cards are not picked up by the registrars by the time that the polls close and the last voter has voted, the envelope in which the provisional ballot voter certificates and voter registration cards have been deposited shall be securely sealed and shall be returned to the election superintendent with the other materials from the polling place.

(9) After the close of the polls and the last voter has voted, the poll officers shall account for all voted provisional ballots, cancelled and spoiled provisional ballots, and unused provisional ballots. The ballot stubs and unused and spoiled ballots shall then be securely sealed in the container provided for them by the election superintendent. The poll officer, along with two other witnesses sworn as poll officers, shall then proceed to open the secure container in which the provisional ballots were deposited and count the number of voted provisional ballots contained therein. The poll officer and witnesses shall then compare the total number of persons voting provisional ballots as shown on the numbered list of provisional ballot voters with the number of ballots issued and the number of ballots voted. If these numbers do not equal one another, the poll officers shall determine the reason for the inconsistency and shall correct the problem before going further. The poll officer and witnesses shall seal the voted provisional ballots in a container for transfer to the election superintendent. The poll officers shall complete and sign a provisional ballot recap sheet and post one copy of the recap sheet on the door of the polling place with the election results from the precinct. The remaining copies of the provisional ballot recap sheet along with the numbered list of provisional ballot voters shall be returned to the election superintendent with the other election materials from the precinct.

(10) Upon receiving the election materials from the precincts, the election superintendent shall cause the envelope containing the provisional ballot voter certificates and voter registration cards to be promptly removed from the other materials and, if applicable, transferred to the registrars for processing. If applicable, the voter certificates and registration cards shall be transferred to the registrars no later than 9:00 a.m. on the day following the day of the primary, election, or runoff. The election superintendent shall also remove the container containing the voted provisional ballots and shall place such container in a secure location within the election superintendent's office.

(11) Upon receiving the provisional ballot voter certificates and voter registration cards from the election superintendent, the registrars shall promptly proceed to determine the eligibility of each person that voted a provisional ballot.

(a) If the registrars determine that the person did timely register and is eligible and entitled to vote in such primary, election, or runoff, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is accepted and shall notify the election superintendent of the proper ballot style (district combination) for the voter.

(b) If the registrars determine that the person did not timely register to vote for the primary or election or is not eligible and entitled to vote in such primary or election or if the registrars cannot determine by the close of business on the third business day following the day of the primary, election, or runoff if the voter timely registered and was eligible and entitled to vote in such primary or election, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is rejected.

(c) Not later than the close of business on the third business day following the day of the primary, election, or runoff, the registrars shall return to the election superintendent the numbered list of provisional ballot voters reflecting the accepted and rejected provisional ballots.

(d) The names of those persons whose names are accepted shall be added to the official electors list. The voter registration cards of those persons whose ballots are rejected on the numbered list of provisional ballot voters shall be processed by the registrars and, if found to be eligible and qualified, shall be added to the electors list for future elections.

(e) The registrars shall maintain the provisional ballot voter certificates for the same period of time and under the same conditions as the regular voter certificates. Voter registration cards completed by provisional ballot electors shall be maintained for the same period of time and under the same conditions as other voter registration cards.

(12) Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. The election superintendent shall first compare the precinct designation and election district information with the style of ballot (district combination) cast by the provisional ballot voter.

(a) If the ballot style (district combination) voted by the voter was correct, then the election superintendent shall open the outer envelope and place the inner envelope containing the ballot into a ballot box.

(b) If the ballot style (district combination) voted by the voter was not correct, then the election superintendent shall open the outer envelope and note the correct ballot style (district combination) on the inner envelope. Each such inner envelope shall then be placed in a separate container until all of the outer envelopes have been opened. The outer envelopes shall then be stored in a location away from the inner envelopes in a manner such that the inner envelope and ballot of a voter cannot be identified as being the ballot of a particular voter. The superintendent shall then open each such inner envelope and remove the ballot and shall place a unique identifying number on the ballot along with the designation of the precinct at the top of the ballot. The election superintendent shall then prepare or cause to be prepared a duplicate ballot. The duplicate ballot shall be clearly labeled with the word "Duplicate" and shall bear the name of the precinct and the same unique identifying number as the original ballot at the top of the ballot. The election superintendent shall transfer or cause to be transferred to the duplicate ballot, in the presence of at least two other consolidation assistants and in public, only the votes cast by the provisional ballot voter in the races and on the questions to which such voter was eligible and entitled to vote. The votes entered on the duplicate ballot shall be verified by at least one consolidation assistant. The completed duplicate ballot shall be placed in the ballot box with the other provisional ballots to be counted. The original ballot shall be placed into an appropriate container and retained.

(c) After opening all of the outer envelopes and making all necessary duplicate ballots, the election superintendent shall then open the inner envelopes of the ballots in the ballot box and proceed to count the votes in the same manner as absentee ballots are counted. Upon completing the count, the election superintendent shall add the provisional ballot votes to the other votes cast at the polls and by absentee ballot and shall consolidate and certify the results of the primary, election, or runoff. The provisional ballots and any duplicates shall be retained for the same time period and in the same manner as absentee ballots.

(d) The rejected provisional ballots shall be marked on the outer envelope as "Not Counted" and shall not be opened. The ballots shall be maintained for the same time period and in the same manner as absentee ballots which were returned too late to be counted.

(e) The election superintendent shall notify the registrars of the names of those persons who cast a provisional ballot in the wrong precinct or on an incorrect ballot style (district combination).

(13) Upon identifying the rejected provisional ballot electors, the registrars shall proceed at the earliest possible time to notify each such person by first-class mail at the address shown on the provisional ballot voter certificate that his or her ballot was not counted because of the inability of the registrars to verify that the person timely registered to vote or such other proper reason. The registrars shall also attempt to notify the person by telephone or email if the provisional ballot voter certificate contains an email address or telephone number. If the person's voter registration

card was approved, the registrars shall also notify the person that his or her name will be added to the elector's list and the person will be eligible to vote in future primaries and elections and that a voter notification or precinct card will be mailed to the person to provide the voter with the correct precinct and election district information.

(a) Upon receiving notification from the election superintendent of the names of persons who cast provisional ballots in the incorrect precinct or on the incorrect ballot style (district combination), the registrars shall notify such persons of their correct precinct and/or election district information. The sending of a voter notification or precinct card by first-class mail to the address shown on the voter registration card completed by such person when voting by provisional ballot shall be sufficient notice for such voters.

(b) If the person's voter registration is rejected, the registrars shall notify the person of such rejection in accordance with O.C.G.A. § [21-2-226\(d\)](#).

(c) In addition, the registrars shall establish a free access system, such as a toll-free telephone number or an Internet website, by which voters who cast provisional ballots in a primary, election, or runoff in which federal candidates are on the ballot may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual provisional ballot shall be restricted to the voter who cast such ballot.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-226](#), [21-2-417](#), [21-2-418](#), [21-2-419](#), [21-2-420](#).

HISTORY: Original Rule entitled "Provisional Ballots" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-12-.20 Use of Emergency Paper Ballots When Voting Machines are Inaccessible

Emergency paper ballots shall be offered to and may be used by persons with disabilities in non-emergency situations if the electronic ballot markers are inaccessible.

AUTHORITY: O.C.G.A. § [21-2-31](#).

HISTORY: Original Rule entitled "Use of Emergency Paper Absentee Ballots When Voting Machines are Inaccessible" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: New title "Use of Emergency Paper Ballots When Voting Machines are Inaccessible." F. Mar. 2, 2020; eff. Mar. 22, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-13. POLL WATCHERS

183-1-13-.02 Assistive Technology Devices

An illiterate or disabled elector who is entitled to receive assistance pursuant to O.C.G.A. §§ [21-2-385](#) or [21-2-409](#), or a person assisting such an elector, may use an assistive technology device to help the elector review their paper ballot prior to casting. Any image of the ballot obtained through using an assistive technology device shall be immediately deleted. Use of an assistive technology device by an illiterate or disabled elector or by a person assisting an illiterate or disabled elector shall not be deemed a violation of O.C.G.A. § [21-2-413\(e\)](#).

AUTHORITY: O.C.G.A. § [21-2-31](#).

HISTORY: Original Rule entitled "Assistive Technology Devices" adopted. F. Mar. 2, 2020; eff. Mar. 22, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-14. ABSENTEE VOTING

183-1-14-.02 Advance Voting

(1) All federal, state, and county primaries and elections shall be conducted using electronic ballot markers and ballot scanners for in-person absentee voting during the advance voting period. As used in this rule, the term "registrar" or "registrars" means a county board of registrars, a county board of elections and registration, a joint county-municipal board of elections and registration, a municipal absentee ballot clerk, a municipal registrar, or the designee of a board of registrars, board of elections and registration, or joint county-municipal board of elections and registration.

(2) The registrar shall publish the times, dates, and locations of the availability of advance voting in their jurisdiction on the homepage of the county's publicly accessible website associated with elections and/or registrations, or if the county does not have such a website, in a newspaper of general circulation and by posting in a prominent location in the county, no later than 7 days prior to the beginning of the advance voting period. Any additional advance voting locations added after that deadline shall be published as soon as possible. The registrar shall endeavor not to remove or alter any advance voting locations after they are published, unless there are emergency or unforeseen circumstances make such a change necessary, in which case the registrar shall publish those changes as soon as possible.

(3) Electronic ballot markers and ballot scanners shall be configured and tested in accordance with the provisions of Rule [183-1-12-.08](#) prior to use in advance voting. Public notice of the time and place for such configuration and testing of the electronic ballot markers and ballot scanners to be used for advance voting shall be given in accordance with O.C.G.A. §§ [21-2-374](#) and [21-2-379.25](#) and Rule [183-1-12-.08](#) prior to such configuration and testing.

(4) The electronic ballot markers and ballot scanners to be used for advance voting shall be set up in a manner to assure the privacy of the elector while casting his or her ballot while maintaining the security of such components against tampering, damage, or other improper conduct. In addition, there shall be at least one electronic ballot marker configured for use by physically disabled electors, at each advance voting location.

(5) Voter access cards for use in electronic ballot markers for advance voting may be encoded by use of an electronic poll book or other device approved by the Secretary of State. The registrar may also utilize the correct access code to manually bring up the correct ballot on the touchscreen.

(6) Magnifying devices shall be available at advance voting locations to assist voters in reviewing their paper ballots.

(7) On the first day of the advance voting period, prior to any votes being cast on ballot scanners, the registrars shall verify that the seals for each electronic ballot marker, ballot scanner, and ballot box are intact and that there is no evidence or indication of any tampering with the seal or the component. The registrars shall verify that the number of the seal matches the number of the seal recorded for that component when such component was prepared by the election superintendent for the primary, election, or runoff. If a seal number does not match or if there is any evidence or indication of tampering with the seal or component, the election superintendent shall be immediately notified and such component shall not be used until such matters are resolved by agreement of the election superintendent and the registrars. The set up shall be performed in public and the public may view the set up subject to such reasonable rules and regulations as the registrars may deem appropriate to protect the security of the voting system components and to prevent interference with the duties of the registrars. The registrars and two witnesses sworn as poll officers as provided in O.C.G.A. §§ [21-2-94](#) and [21-2-95](#) shall run a zero tape on each ballot scanner prior to the beginning of advance voting on those scanners, and the registrar and the two witnesses shall sign the

zero tape in the space provided. The registrars shall verify that the electronic ballot markers and ballot scanners all indicate zero counts prior to the opening of the polls. If the tape does not show zero votes prior to the start of voting, the election superintendent shall be immediately notified and such component shall not be used until the component is cleared and the matter is resolved by agreement of the election superintendent and the registrars. The registrar and the same two sworn witnesses who signed the zero tape shall inspect and confirm that the ballot box associated with that scanner is empty and contains no ballots or other unauthorized matter, and shall verify that fact in writing on a form to be developed by the Secretary of State. Such form shall include the date and time it was executed, shall be attached to the zero tape generated by the ballot scanner attached to that ballot box, and shall be returned to the election superintendent at the close of the advance voting period with the other paperwork from the voting location. The registrars shall verify that there is no unauthorized matter affixed to the electronic ballot markers, ballot scanners, or voting booths. The registrars shall affix a card of instructions for voting within each voting booth. Prior to voters entering the voting booth, the registrars may also distribute to such voters a card of instructions for voting that has been approved or provided by the Secretary of State.

(8) If at the close of voting on any day during the advance voting period, there are more than 1,500 ballots inside any ballot box, the registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, the ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. In the discretion of the registrar, the same procedure for emptying the ballot box may be followed if there are less than 1,500 ballots in the ballot box at the end of any advance voting day, but the ballot box shall not be opened while voting is taking place except as authorized by Rule [183-1-12-10\(5\)](#).

(9) At the close of voting each day during the advance voting period, the registrars shall document the election counter number from the ballot scanner on the daily recap sheet. The memory cards shall remain in the ballot scanner at all times during the advance voting period until the polls close on the day of the primary, election, or runoff. Each electronic ballot marker, ballot scanner, ballot box, electronic poll book, paper backup poll book, and voter access cards shall then be secured overnight. If the room where advance voting is taking place cannot be locked and secured overnight in the reasonable judgment of the superintendent, the superintendent shall cause the voting system components to be stored in a locked, secure container that is reasonably affixed to the polling place; be under visual surveillance of an election official or their designee, a licensed security guard, or a law enforcement official; or if, if the previously listed options are not feasible, in another manner that in the reasonable judgment of the superintendent secures and protects the voting system components from unauthorized access. Any electronic visual surveillance used for security when voting is not taking place shall not record, capture, or otherwise compromise the privacy of an elector's ballot.

(10) Each morning during the advance voting period prior to voting beginning, the registrars shall verify the seal numbers on each electronic ballot marker and ballot scanner to be used for advance voting with the number of the seal recorded on the daily recap sheet from the previous day of advance voting and shall verify that the seals do not show any signs of tampering. If the seal number corresponds to the entry on the daily recap sheet and there is no evidence of tampering, the electronic ballot markers and ballot scanners shall be turned on. If the numbers do not match or there is evidence of tampering, the election superintendent shall be notified immediately and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. After turning on the ballot scanners, the registrars shall verify the election counter number with the number recorded on the daily recap sheet from the previous day of advance voting. If the numbers do not match, the election superintendent shall be immediately notified and the component shall not be used until such discrepancy is resolved to the satisfaction of the election superintendent and the registrars. The election counter number shall then be entered onto the daily recap sheet for that day.

(11) Voters who vote absentee ballots in person shall first complete an absentee ballot application and sign an oath, which may be on the same form and may be on paper or digital. After the registrars determine that the voter is eligible to vote, the registrars shall note the voter's registration number and ballot style on the absentee ballot application. Each voter shall be offered instruction by a registrar in the method of voting on the voting system, including specific instruction to review their printed ballot prior to scanning it. In providing such instruction, the registrar shall not in any manner request, suggest, or seek or persuade or induce any voter to vote any particular ticket or for any particular candidate, or for or against any particular question. The voter shall then be issued a voter access card programmed with the correct ballot style or the registrar shall use the correct access code to manually bring up the correct ballot on the electronic ballot marker. The voter shall then enter the enclosed space in the advance voting location and proceed to vote his or her choices. Upon making his or her selections, the voter shall cause the paper ballot to print, remove his or her printed ballot from the printer, remove the voter access card from the touchscreen unit, review the selections on his or her printed ballot, scan his or her printed ballot into the ballot scanner, and return the voter access card to a poll officer.

(12) The registrars shall cause each advance voting location to be sufficiently staffed. At least one poll officer shall be assigned to assisting voters who have questions while they are in the voting booth, but before they approach the ballot scanner. Another poll officer shall be stationed at every ballot scanner in use in the polling place while voting is occurring. The poll officer stationed at the ballot scanner shall offer each voter specific verbal instruction to review their printed paper ballot prior to scanning it. In addition to the preceding instruction, the poll officer stationed at the ballot scanner shall offer general instruction throughout the period while voting is occurring telling voters that sample ballots and magnifying devices are available to assist them in reviewing their paper ballot. The poll officer shall take all reasonable precautions not to view the selections on an elector's ballot unless it is required due to assistance requested by the elector. If a poll officer observes a voter attempting to leave the enclosed space with a paper ballot, the poll officer shall inform the voter of the consequence of not depositing his or her paper ballot into the ballot scanner prior to leaving the room.

(a) If a voter discovers that the ballot presented on the electronic ballot marker is not correct or, for a partisan primary, is not the ballot that the voter desired to vote, the voter should immediately notify a poll officer. The poll officer shall cancel or void the ballot on the electronic ballot marker without attempting, in any manner, to see how the voter has voted and shall then take the necessary steps to provide the voter with the correct ballot and make any necessary corrections to the voter's certificate of the voter, the electors list, and the numbered list of voters. If the error is due to equipment malfunction, the poll officer shall document the incident on a form developed by the Secretary of State. The poll officer shall inform the election superintendent immediately if one or more electronic ballot markers are associated with a significant number of incidents.

(b) If, while reviewing his or her paper ballot, a voter discovers that the printed ballot does not reflect the voter's desired selections or that the voter was not issued the proper ballot, the voter should immediately inform a poll officer. The poll officer shall spoil the paper ballot and take the necessary steps to allow the voter to make his or her selections again on the electronic ballot marker and cause the correct ballot to be issued. The poll officer shall document the incident on a form circulated by the Secretary of State. The poll manager shall inform the elections superintendent immediately if one or more BMDs are associated with a significant number of incidents.

(13) At the end of the advance voting period, the registrars shall record the election counter number from each ballot scanner on the daily recap sheet. The ballot scanners shall be shut down and sealed. The registrars shall record the seal numbers on the daily recap sheet. The registrar and two sworn witnesses shall unseal the ballot box, remove the paper ballots, and place the ballots in one or more durable, portable, secure, and sealable containers. The registrars shall complete and affix to each container a form identifying the advance voting location, the advance voting dates that the ballots were cast, ballot scanner serial number, the number assigned to that ballot scanner for that specific election, the count of the ballots from the ballot scanner, and the date and time that the ballot box was emptied. The container shall be sealed and signed by the registrar and the two witnesses such that it cannot be opened without breaking the seal. The ballot box shall be resealed, and the new seal numbers shall be documented. The registrar and at least one sworn witness shall deliver the ballot container to the election superintendent for secured storage until time for the tabulation of votes, and the election superintendent shall complete a chain of custody form indicating the delivery of the secure container. The form shall be signed by the registrar and any witnesses who travelled with the registrar indicating that no sealed documents were unsealed enroute and have not been tampered with. The ballot scanners and ballot containers shall then be secured until time for the tabulation of votes.

(14) By the close of the polls on the day of the primary, election, or runoff, the registrars shall deliver all of the ballot scanners used for advance voting and all other absentee ballots received to the election superintendent or the tabulating center. The election superintendent or tabulating center personnel shall count all of the absentee ballots in accordance with the procedures required by law and the rules of the State Election Board. The election superintendent or tabulating center personnel shall verify the seal numbers of each ballot scanner with the numbers recorded on the daily recap sheet form and shall inspect each seal and unit to verify that there is no evidence of tampering with the unit. If the seal numbers are not correct or there is evidence of tampering, the Secretary of State and the election superintendent shall be notified immediately and no further action shall be taken with regard to such unit until the reason for the discrepancy has been determined to the satisfaction of the election superintendent.

(15) After verifying the seal number and the integrity of the seal on each ballot scanner, the election superintendent or tabulating center personnel shall open each ballot scanner and turn on the power. The election superintendent or tabulating center personnel shall then compare the numbers shown on the election counters of the ballot scanners with the numbered list of absentee electors and the absentee ballot recap form to verify that there are no discrepancies. If there is a discrepancy, no further action shall be taken until the reason for the discrepancy has been determined to the satisfaction of the election superintendent. The election superintendent or tabulating center personnel shall cause each ballot scanner to print a minimum of three tapes showing the vote totals as cast on that ballot scanner. Three witnesses shall sign each of the tapes or shall write on the tapes the reason why they will not sign the tapes. One copy of the results tape for each ballot scanner shall be made available for the information of the public. One tape shall be placed into an envelope (or reusable document storage container suitable for the same purpose), provided by the election superintendent along with "poll worker" memory cards from the ballot scanner. The envelope shall be sealed by the poll manager and the same two witnesses who signed the tape such that the envelope cannot be opened without breaking such seal. The envelope shall be initialed by the poll manager and the two witnesses indicating that it contains the correct tape and memory card from the indicated ballot scanner. The envelope shall be labelled with the name of the polling place, the serial number of the ballot scanner, and the number assigned to the ballot scanner for that election. The third tape shall be placed into another envelope with the absentee ballot recap form.

(16) After completing the printing of the results, the ballot scanner shall be turned off, secured, and resealed. The ballot scanners shall then be placed in a secure area with appropriate climate control. The envelopes containing the memory cards and results tapes, voter access cards, poll worker cards, ballot encoder devices, numbered lists of absentee voters, absentee ballot recap forms, and other such paperwork shall be transported to the office of the election superintendent by the election superintendent or tabulating center personnel, which transportation shall at all times involve at least two authorized individuals. The office of the election superintendent shall receive the materials and shall document delivery. The election superintendent or tabulating center personnel who travelled with the materials shall sign a form indicating that no sealed documents were unsealed enroute and that the materials have not been tampered with.

(17) Any notices to the Secretary of State about discrepancies in numbers or seals, zero tapes, or election counters shall also be forwarded to members of the State Election Board, but such information shall be considered confidential if the Secretary of State has initiated an investigation of the matter.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-385](#).

HISTORY: Original Rule entitled "Use of DRE Units for Absentee Balloting" adopted. F. Oct. 24, 2003; eff. Nov. 13, 2003.

Amended: New title "Advance Voting." F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

183-1-14-.13 Prompt Notification of Absentee Ballot Rejection

When a timely submitted absentee ballot is rejected, the board of registrars or absentee ballot clerk shall send the elector notice of such rejection and opportunity to cure, as provided by O.C.G.A. § [21-2-386](#), by mailing written

notice, and attempt to notify the elector by telephone and email if a telephone number or email is on the elector's voter registration record, no later than the close of business on the third business day after receiving the absentee ballot. However, for any timely submitted absentee ballot that is rejected on or after the second Friday prior to Election Day, the board of registrars or absentee ballot clerk shall send the elector notice of such rejection and opportunity to cure, as provided by O.C.G.A. § [21-2-386](#), by mailing written notice, and attempt to notify the elector by telephone and email if a telephone number or email is on the elector's voter registration record, no later than close of business on the next business day.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-386](#).

HISTORY: Original Rule entitled "Prompt Notification of Absentee Ballot Rejection" adopted. F. Jan. 23, 2020; eff. Feb. 12, 2020.

Amended: F. Mar. 2, 2020; eff. Mar. 22, 2020.

Department 183. STATE ELECTION BOARD

Chapter 183-1. GEORGIA ELECTION CODE

Subject 183-1-15. RETURNS OF PRIMARIES AND ELECTIONS

183-1-15-.03 Optical Scan Recount Procedure

(1) Recount by Electronic Tabulation

(a). Recounts of primaries and elections conducted using an optical scanning voting system shall be in accordance with this rule.

(b). The recount shall be conducted by tabulating all ballots utilizing ballot scanners.

(c). Prior to conducting a recount, the election superintendent shall test each ballot scanner to be used in the recount. A test deck shall be prepared to include at least 75 ballots marked by an electronic ballot marker and 25 absentee ballots marked by hand that were cast in the election to be recounted. The ballots shall be selected from at least 3 different precincts, if available. The selection of individual ballots from a precinct's ballot container shall be conducted in a manner that selects ballots from throughout the ballot container. The test deck shall be tabulated by the ballot scanner or scanners to be used in the recount using one or more batches. A manual hand count of the test deck shall be made and compared to the electronic tabulation of the test deck. If the two counts do not match, the discrepancy shall be researched and additional tests may be run. If the discrepancy cannot be resolved such that the manual hand count and electronic tabulation of the test deck matches, the ballot scanner shall not be used in the recount. If, after testing all available ballot scanners, there are no ballot scanners authorized to be used in the recount, the recount shall be conducted by manual hand count. Upon completion of the test, the test deck ballots shall be returned to their original ballot containers.

(d). The recount shall be open to the view of the public, but no person except one designated for the purpose by the superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container. The superintendent may designate a viewing area by which members of the public are limited for the purpose of good order and maintaining the integrity of the recount.

(e). The tabulation of ballots must be completed through a precise, controlled process that ensures, for each ballot scanner used in the recount, no more than one ballot container is unsealed at any given time.

(f). A clear audit trail must be maintained at all times during the recount, including but not limited to, a log of the seal numbers on ballot containers before and after the recount.

(g). The ballot scanner shall be programmed to flag or reject ballots that contain an overvote for the contest to be recounted. One or more recount vote review panels shall be established, consistent with O.C.G.A. § [21-2-483\(g\)](#), to manually review the overvoted ballots. The recount vote review panel shall determine by majority vote the elector's intent, as described in O.C.G.A. § [21-2-438\(c\)](#), a duplicate ballot shall be created consistent with the elector's intent for the contest to be recounted, labeled "RECOUNT DUPLICATE", and used in the recount. The original overvoted ballot shall be retained.

(h). All ballots that required a duplicate ballot to be created in the original primary or election, as allowed by law, shall be reviewed by a recount vote review panel to determine that the votes marked in the contest to be recounted on the duplicated ballot are consistent with the elector's intent on the original ballot, as described in O.C.G.A. § [21-2-438\(c\)](#). If a majority of the recount vote review panel determine that the duplicated ballot is not consistent with the elector's intent on the original ballot, a new true duplicate ballot shall be created consistent with the elector's intent for the contest to be recounted, labeled "RECOUNT DUPLICATE", and used in the recount. The original overvoted ballot and initial duplicated ballot shall be retained.

(i). If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be processed by the ballot scanner, the recount vote review panel shall prepare a duplicate ballot for the contest to be recounted. All duplicate ballots created during the recount shall be clearly labeled by the word "RECOUNT DUPLICATE". The defective ballot shall be retained.

(j). After all of the valid ballots to be included in the recount have been tabulated, the superintendent shall cause a printout to be made of the results and shall compare the results to the results previously obtained. If upon completing the recount, it shall appear that the original vote count for the recounted contest was incorrect, such returns and all papers being prepared by the superintendent shall be corrected accordingly.

(2) Recount by Manual Hand Count

(a) A recount shall be conducted by manual hand count only:

1. as provided under Rule [183-1-15-.03\(1\)\(c\)](#); or

2. pursuant to a court order.

(b) Votes shall be counted by one or more recount teams consisting of at least three persons each. The superintendent shall select the persons for each recount team.

(c) In a recount of a partisan election, the recount team shall be composed of the election superintendent or designee thereof and one person selected by the election superintendent from a list provided by the county executive committee of each political party and body having candidates whose names appear on the ballot for such election, provided that, if there is no organized county executive committee for a political party or body, the person shall be selected from a list provided by the state executive committee of the political party or body. If, after the superintendent provides reasonable notice and a deadline to the executive committee, a county executive committee or state executive committee does not provide a sufficient number of names or does not timely delivery the list of names, the superintendent shall be permitted to select the persons to serve on the recount team on behalf of the political party or body as needed.

(d) In a recount of a nonpartisan election, the recount team shall be composed of the election superintendent or designee thereof and two electors of the county, in the case of a county election, or the municipality, in the case of a municipal election, selected from a list provided by the chief judge of the superior court of the county in which the election is held or, in the case of a municipality which is located in more than one county, of the county in which the city hall of the municipality is located. If, after the superintendent provides reasonable notice and a deadline to the chief judge, the chief judge fails to designate a sufficient number of persons for the recount or does not timely delivery the list of names, the superintendent shall be permitted to select the persons to serve on the recount team as needed.

(e) Ballots shall be manually counted by hand in batches of no more than 30 to ensure that the number of ballots recounted matches the number originally counted.

(f) The recount teams shall determine the elector's intended vote on each ballot, by majority vote, in accordance with Rule [183-1-15-.02](#). In the event of a tie vote by a review team, the vote of the election superintendent or designee thereof shall control.

(g) Recount teams shall compare the number of votes, overvotes, and undervotes to the number of ballots in the batch. If the numbers do not match, the batch shall be counted again.

(h) After all of the valid ballots to be included in the recount have been counted, the superintendent shall compare the results of the recount to the results previously obtained. If upon completing the recount, it shall appear that the original vote count for the recounted contest was incorrect, such returns and all papers being prepared by the superintendent shall be corrected accordingly.

AUTHORITY: O.C.G.A. §§ [21-2-31](#), [21-2-495](#).

HISTORY: Original Rule entitled "Optical Scan Recount Procedure" adopted. F. Mar. 2, 2020; eff. Mar. 22, 2020.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1-.05 Reciprocity for Valid Licenses Issued by other Jurisdictions

(1) Customers who hold a valid non-commercial driver's license issued by another state of the United States, the District of Columbia, or territories of the United States listed in subsection (a) of this paragraph may exchange such license for a Georgia driver's license of the equivalent class without completing knowledge or skills testing. If said license is expired, it must have been expired for less than two years. Vision testing is required.

(a) Customers who hold a valid non-commercial driver's license issued by the following territories may exchange such license pursuant to paragraph (1):

- i. Puerto Rico
- ii. Guan
- iii. US Virgin Islands
- iv. American Samoa
- v. Northern Mariana Island
- vi. Saipan

(b) Exchanges pursuant to paragraph (1)(a) apply to non-commercial licenses;

(c) The driver's license issued by another jurisdiction pursuant to paragraph (1) must be surrendered.

(2) If a customer is unable to surrender his or her non-commercial driver's license issued from another state of the United States, the District of Columbia, or territories of the United States listed in subsection (1)(a) of this paragraph at the time of making application for a Georgia driver's license, the Department shall accept a certified copy of his or her driving record from the previous state of issuance as documentation thereof. Such driving record must have been issued within thirty (30) days of the date of such customer's application for a Georgia driver's license.

(3) Customers who hold a valid non-commercial instructional permit issued by another state of the United States, the District of Columbia, or territories of the United States listed in subsection (1)(a) of this paragraph must successfully complete the Georgia knowledge examination for such class of license and a vision test in order to be issued a Georgia instructional permit in the same or comparable class.

(4) Customers age sixteen (16) who are applying for issuance of a Class D non-commercial license pursuant to this regulation may satisfy the requirement for submission of a certificate of completion of an approved driver's education course using an out-of-state program under the following circumstances:

(a) He or she was the dependent of active duty military personnel assigned to a base in such jurisdiction at the time the out-of-state course was completed;

(b) The driver's education course was taken at a facility or program licensed by such jurisdiction;

(c) The course completed was equivalent in scope, length and content to that approved by the Department for programs located in the State of Georgia; and

(d) The Certificate of completion indicates that the course was completed within (12) months of the date on which such customer makes application for a Class D non-commercial driver's license.

(5) Customers who hold a valid non-commercial driver's license issued by a foreign country that currently maintains a reciprocity agreement with the State of Georgia may exchange such license for a Georgia Class C driver's license without completing knowledge or skill testing. Vision testing is required. The Department shall verify with the country, either by letter issued by an authorized representative of the country or electronically, that the license was issued to the applicant and that the non-commercial privileges are in good standing.

AUTHORITY: O.C.G.A. §§ [40-16-2](#), [40-16-3](#), [40-5-4](#), [40-5-5](#), [40-5-27](#), [40-5-101](#), [40-1-1](#).

HISTORY: Original Rule entitled "Reciprocity for Valid Licenses Issued Elsewhere" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Repealed: New Rule with same title adopted. F. Jan. 22, 2013; eff. Feb. 11, 2013.

Amended: F. Nov. 18, 2014; eff. Dec. 8, 2014.

Amended: New title "Reciprocity for Valid Licenses Issued by other Jurisdictions." F. Mar. 17, 2020; eff. April 6, 2020.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT

Subject 375-5-2. DRIVER TRAINING SCHOOLS

375-5-2-.03 [Repealed]

AUTHORITY: O.C.G.A. §§ [43-13-2](#), [43-13-8](#).

HISTORY: Original Rule entitled "Procedures for Original Driver Training School License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Repealed: F. Mar. 17, 2020; eff. April 6, 2020.

375-5-2-.04 Driver Training and Limited Driver Training School Licenses

1. Procedures for Original Driver Training School and Limited Driver Training School License

a. Driver training schools and Limited Driver Training schools shall be required to obtain a license as a driver training school.

b. Before any original license may be issued to any person for a driver training school or limited driver training school to operate in the State of Georgia, an application shall be made in writing to the Department, on a form prepared and furnished by the Department which shall include a statement showing:

i. The title or name of the school together with complete ownership and names and addresses of directors, officers and controlling stockholders therein.

ii. The specific curriculum of instruction that will be offered by the school.

iii. The principal place of business and other locations where instruction will be provided that may include; behind the wheel instruction, utilization of simulators, range, road, and road test.

iv. Virtual driver training programs may have a principal place of business located outside of the state.

v. A statement that the owners of the driver training school or limited driver training school are twenty-one (21) years of age or over.

c. Every application for a driver training school license and limited driver training school license must be accompanied by a fee of \$25.00 by money order, certified or cashier's check payable to the Georgia Department of Driver Services and attached to the application form. Such fee shall be non-refundable.

d. The applicant must submit a certified copy from the clerk of the appropriate Superior Court evidencing the registration of a business or trade name if the business is to be conducted under such a trade name in lieu of the name of the corporation or limited liability corporation, which owns such driver training school.

e. The applicant must register the legal name of a corporation or limited liability corporation with the Georgia Secretary of State listing all owners controlling stockholders as officers.

- f. The application must contain a valid business license of the adopted business name certifying the school may operate in the local jurisdiction.
- g. The application by the owners, partners, officers or controlling stockholders of any driver training or limited driver training school shall complete fingerprinting using the Georgia Applicant Processing System and consent to a criminal background check.
- h. Every school shall be inspected by the respective municipal or county government to ensure compliance with fire and building requirements. Copies of these inspectional reports shall be made available to the Department.
- i. Every school shall submit an individual surety bond in the amount of \$10,000.00 or, if more than one clinic shares common ownership, submit a surety bond providing coverage in the amount of \$10,000.00 per location (i.e., for ten clinics, a surety bond in the amount of \$100,000). If this option is elected, the certificate must clearly demonstrate coverage for each clinic for which coverage is to be provided.

2. Display of License

- a. The license must be clearly displayed in a conspicuous public location at all times in the school.
- b. Virtual driver training programs must clearly display name of business, principal place of business of the school and contact number on the virtual program website.
- c. If either the license, instructor's license, or vehicle registration card issued pursuant to this Chapter is lost, mutilated, or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit showing the following:
 - i. The date the license, or card was lost, mutilated, or destroyed.
 - ii. The circumstances of the loss, mutilation, or destruction.
 - iii. The fee for a duplicate license or card shall be \$10.00.

3. Nontransferability

- a. Any license for a driver training school or limited driver training school shall be nontransferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license, as well as the vehicle registration cards, must be surrendered to the Department before another license can be issued to the new owner.
- b. The application for a new license shall be made in the same manner as for an original license for a driver training school and/or limited driver training school. The fees shall be the same as for an original license.

4. Renewal of License

- a. Each license for driver training school or limited driver training school shall expire four years from date of issuance. Each such license must be renewed every four years in the manner prescribed by the Department.
- b. Application for a renewal of the license for a driver training school or limited driver training school shall be made on a form prescribed and furnished by the Department. A fee of \$25.00 must accompany the renewal application by money order, certified or cashier's check payable to the Georgia Department of Driver Services. Such fee shall be non-refundable.
- c. Renewal application forms (for school license) must be submitted to the Department not more than sixty days nor less than ten days preceding the expiration date to be renewed.

d. Owners who allow their school's license to expire will not be permitted to operate the school under any condition during the period in which the license is in an expired state.

AUTHORITY: O.C.G.A. §§ [40-16-2](#), [40-16-3](#), [40-5-4](#), [40-5-5](#), [40-5-27](#), [40-5-101](#), [40-1-1](#).

HISTORY: Original Rule entitled "License Fees" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Amended: New title "Driver Training and Limited Driver Training School Licenses." F. Mar. 17, 2020; eff. April 6, 2020.

375-5-2-.05 [Repealed]

AUTHORITY: O.C.G.A. §§ [43-13-3](#), [43-13-6](#), [43-13-8](#).

HISTORY: Original Rule entitled "Expiration of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Repealed: F. Mar. 17, 2020; eff. April 6, 2020.

375-5-2-.06 [Repealed]

AUTHORITY: O.C.G.A. § [43-13-8](#).

HISTORY: Original Rule entitled "Nontransferability" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Repealed: F. Mar. 17, 2020; eff. April 6, 2020.

375-5-2-.07 [Repealed]

AUTHORITY: O.C.G.A. § [43-13-8](#).

HISTORY: Original Rule entitled "Display of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Repealed: F. Mar. 17, 2020; eff. April 6, 2020.

375-5-2-.09 [Repealed]

AUTHORITY: O.C.G.A. §§ [43-13-4](#), [43-13-6](#), [43-13-8](#).

HISTORY: Original Rule entitled "Renewal of License" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006

Repealed: F. Mar. 17, 2020; eff. April 6, 2020.

375-5-2-.18 Insurance and Safety Requirements

1. Every vehicle used by a driver training program for the purpose of driver training must be registered with the Department and a Department-issued Vehicle Registration Card must be displayed conspicuously inside the vehicle at all times.

a. Vehicles used for actual behind the wheel instruction on public roadways or highways shall be twelve (12) years old or less or have a mileage limit of 300,000, whichever comes first.

b. Vehicles used for multiple vehicles driving range instruction or for other purposes shall be thirteen (13) years old or less or have a mileage limit of 325,000, whichever comes first. The Vehicle Registration Card issued for such vehicles shall be marked clearly with the statement "Multiple Vehicle Range Use Only." Such vehicles shall not be used for actual behind the wheel instruction on public roadways or highways.

c. Any vehicle used for driver training in any manner shall be equipped with operational safety belts.

2. a. Any vehicle purchased for the purpose of driver training shall be inspected by the Department prior to use. In lieu of initially inspecting any vehicle bought as "new" from a licensed dealer and having less than 10,000 miles recorded on the odometer, the Department may accept a certification from said dealer that the vehicle satisfies the Department's inspection standards.

b. Following the initial inspection, the Department shall inspect each vehicle used for driver training on an annual basis.

c. No Vehicle Registration Card shall be issued for any vehicle that does not successfully pass said inspection.

3. A vehicle whose years of service and/or mileage limit exceed(s) the standards set forth in (a) and/or (b) of paragraph (1) of this Chapter may continue to be used for the purpose of driver training provided the following criteria are met:

a. Said vehicle was previously certified by the Department and has remained continuously certified thereafter; and,

b. Said vehicle is inspected annually by a mechanic certified by Automotive Service Excellence and meets the safety criteria established by the Department. The inspection shall be documented on a form provided by the Department.

4. No vehicle shall be initially certified by the Department whose years of service and/or mileage limit exceed(s) the standards set forth in (a) and/or (b) of Paragraph (1) of this Chapter.

AUTHORITY: O.C.G.A. § [43-13-8](#).

HISTORY: Original Rule entitled "Insurance and Safety Requirements" adopted. F. Oct. 25, 2004; eff. Nov. 14, 2004.

Amended: F. Sept. 11, 2006; eff. Oct. 1, 2006.

Amended: F. Oct. 10, 2007; eff. Oct. 30, 2007.

Amended: F. Aug. 24, 2010; eff. Sept. 13, 2010.

Amended: F. Jan. 19, 2016; eff. Feb. 8, 2016.

Amended: F. Mar. 17, 2020; eff. April 6, 2020.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-2. COASTAL RESOURCES

Subject 391-2-5. GRANT PROGRAM DESCRIPTION

391-2-5-.01 Coastal Incentive Grant Program, Match, Term and Reimbursement

The Georgia Department of Natural Resources (DNR), Coastal Resources Division (CRD), solicits proposals for Coastal Incentive Grants (CIG) awarded under the Georgia Coastal Management Program (GCMP). The following announcement provides background and describes funding priorities, selection criteria, and application procedures.

This Request for Proposals solicits projects that are related to the themes identified by the Coastal Advisory Council (CAC) for the FY 2020-2021 Cycle 23 awards. Projects that are acceptable but for which there are no available funds may be awarded a CIG at a later date if funds become available.

All CIG applications must be matched annually \$1.00 federal to \$1.00 local (1:1). Match may be either cash from local, state or private sources or "in-kind" service(s).

If selected, CIG Cycle 23 contracts will run for one year beginning October 1, 2020 through September 30, 2021. Applications will be accepted for two-year sub-grant requests with the second year of support contingent upon approval and receipt of federal funds. Year 1 funding is not transferable to Year 2, if applicant submits a two (2) year project.

CIGs are reimbursable sub-grants. A Request for Reimbursement of federal project costs, along with a report of applicable non-federal match, is to be submitted with the Final Report, using the format provided by the DNR. Reimbursement will be made following completion of the terms of the sub-grant contract and receipt and performance of all deliverables for each sub-grant year.

AUTHORITY: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

HISTORY: Original grant description entitled "Coastal Incentive Program" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Submitted: Oct. 9, 2003.

Submitted: Oct. 24, 2005.

Submitted: Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Grant description entitled "Coastal Incentive Grant Program, Match, Term and Reimbursement" received Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sep. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sep. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sep. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

391-2-5-.06 Funding Themes

The themes of the FY 2020-2021 Cycle 23 CIG Program as adopted by the CAC are (*bulleted items are provided only as examples*):

Oceans and Wetlands

- Maintaining or improving the quality of wetlands
- Conservation and restoration of wetland habitats
- Improved understanding of ocean and wetland habitats and functions

Public Access and Land Conservation

- Add or enhance physical access for the public to coastal water resources (i.e. rivers, wetlands, beaches)
- Public access planning
- Conservation of riparian habitats through acquisition
- Land conservation, preservation, and/or management, especially for sea level rise retreat
- Analysis of land conservation needs and opportunities for habitat protection

Sustainable Communities

- Strengthen local capacity to implement sustainable approaches in planning and development
- Increase understanding of costs and benefits associated with sustainable approaches to coastal development
- Identification and preservation of unique community qualities, historical and cultural features, including public education of the above

Disaster Resiliency and Coastal Hazards

- Improve understanding of coastal hazards and potential impacts
- Develop, implement or incorporate adaptation and mitigation strategies/plans or policies

- Strengthen local capacity to implement FEMA's Community Rating System

Non-Point Source Pollution

- Improvements to existing urban runoff control structures in coastal watersheds
- Projects that address stormwater quantity and quality improvements utilizing BMPs recommended by the Georgia Coastal Stormwater Supplement
- No construction projects are eligible under this theme

AUTHORITY: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

HISTORY: Original grant description entitled "Minimum Eligibility Requirements" submitted Oct. 1, 1997.

Submitted: Sept. 14, 1998.

Terminated: Oct. 9, 2003.

Submitted: Grant description entitled "Funding Themes" received Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sep. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sep. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sep. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

391-2-5-.12 RFP Application Submittal

The FY 2020-2021 Cycle 23 CIG opportunity will involve a competitive pre-application process followed by an invitation only competitive full application process. The detailed CIG pre- and full application instructions, format, and standard required forms are available on the DNR-CRD website.

Pre-Application Process: Pre-applications must be received by **4:30pm on Friday, December 6, 2019**. Pre-applications will have a maximum limit of five (5) total enumerated pages (excluding the cover sheet), single-spaced typed text with 12-point font and 1-inch margins. Applicants must submit a completed and signed cover sheet (as provided by DNR-CRD) and succinctly summarize the project goals, relevance to coastal management, tasks to be performed, and an overall estimated budget as outlined in the pre-application instructions found on the aforementioned DNR-CRD website. Pre-applications must be submitted via **email** in pdf or Microsoft Word format by the due date and time to the Grants Coordinator, at CIGgrants@dnr.ga.gov. A notice of receipt will be sent via email. Pre-applications will be competitively reviewed and only those selected will be invited to submit a full application. Applicants will be notified by January 13, 2020 if they have been selected, or not.

Full Application Process: Applicants with selected pre-applications will be invited to submit a full application. Full applications must be received by **4:30pm on Friday, February 14, 2020**. Full applications will have a maximum limit of twelve (12) total enumerated pages, single-spaced typed text with 12-point font and 1-inch margins. The required cover sheet, budget narrative, standard budget forms, and any supplemental information is not included in the 12-page limit. In addition to the pre-application information, the full application should also include specific and detailed task descriptions by year, a project timeline with major milestones, project management information, a detailed yearly budget breakdown with narrative, and all supporting documentation as outlined in the full application instructions found on the aforementioned DNR-CRD website. Full applications should be secured with paper or binder clips. Do not spine-bind, staple or use report covers or folders. Facsimiles and email submissions of the full application will not be accepted. The full application packet must be received by the due date and time with one (1) **single-sided** signed original, five (5) **double-sided** copies and one (1) digital version in **Microsoft Word** format on flash drive to the Grants Coordinator at the address provided in [391-2-5-.16](#).

Applications received after the deadline will not be accepted.

AUTHORITY: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

HISTORY: Original grant description entitled "RFP Application Submittal" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sep. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sep. 16, 2013.

Amended: Title changed to "RFP Application Submittal and Letter of Intent." F. Sep. 3, 2014; eff. Sep. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Grant description entitled "RFP Application Submittal," Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

391-2-5-.13 Application Review Process

Applications must be submitted with a cover page, proposal, required forms, and supporting documentation as described in the detailed CIG application instructions located on the DNR-CRD website.

Pre-Application Process: Following the submittal of the pre-application, the CZM Grants Coordinator will schedule the Pre-Application Review Team, which may be comprised of Coastal Zone Management (CZM) Technical Assistance staff; the CZM Program Manager; and CRD Habitat, Fisheries, Shellfish, and/or Education and Outreach staff. The Team will review and competitively rank the pre-applications based on 1) applicability to the GCMP mission, goals, and policies, 2) a demonstrated coastal management need, 3) clear project goals, 4) budget soundness, 5) an applicant's past performance, and 6) relationship to other federal funding. Selected applicants will be invited to submit a full application.

Full Application Process: Upon selection of the pre-applications, the CZM Grants Coordinator will schedule the CIG Technical Review Committee, which is comprised of five (5) coastal community professionals from the following fields: state resource management, local government, non-governmental organization, academia, and citizen-at-large. The Committee will review and preliminarily score the applications based on the criteria provided in Sections [391-2-5-.17](#) and [391-2-5-.18](#). The Committee will consider the applications in a roundtable forum from highest to lowest preliminary score. After careful consideration, final ranking will be determined by consensus. Full applications that are recommended for funding by the Committee will be included in the DNR application for annual funding from the National Oceanic and Atmospheric Administration (NOAA) GCMP CZM Grant. NOAA makes the final review and approval of all CIG sub-grants. All applicants will be notified of the Committee's recommendation by April 29, 2020. All applicants will be notified of final NOAA approval by August 31, 2020.

Late, incomplete, and ineligible pre- and full applications will be returned to the applicant. Unsuccessful applicants may contact the CZM Grants Coordinator within 30 days of pre- or full application notification to discuss reason(s) for denial.

AUTHORITY: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

HISTORY: Original grant description entitled "Application Review Process" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sep. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sep. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sep. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

391-2-5-.15 Timeline

December 6, 2019, 4:30pm
February 14, 2020, 4:30pm
August 31, 2020
October 1, 2020

Pre-application deadline
Full Application deadline
NOAA approval (anticipated)
Project start date

AUTHORITY: O.C.G.A. §§ [12-5-323](#), [28-5-122](#).

HISTORY: Original grant description entitled "Timeline" submitted Dec. 11, 2006.

Submitted: Oct. 31, 2007.

Submitted: Oct. 30, 2008.

Submitted: Sept. 23, 2009.

Submitted: Aug. 27, 2010.

Submitted: Aug. 25, 2011.

Amended: F. Sep. 4, 2012; eff. Sep. 24, 2012.

Amended: F. Aug. 27, 2013; eff. Sep. 16, 2013.

Amended: F. Sep. 3, 2014; eff. Sep. 23, 2014.

Submitted: Aug. 26, 2015.

Submitted: Sep. 6, 2016.

Submitted: Sep. 19, 2017.

Submitted: Sep. 4, 2018.

Submitted: Mar. 9, 2020.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-3. FISCAL OPERATIONS DIVISION

Subject 560-3-2. SUBSTANTIVE REGULATIONS

560-3-2-.01 Reissuance of Refund Checks

(1) When a taxpayer alleges that the endorsement on a refund check is a forgery, he or she must complete and submit a notarized affidavit with the Department stating any known facts. The affidavit and the original refund check will be forwarded to the fraud department of the financial institution used by the Department at the time the refund was issued. Once the financial institution has determined a resolution, the taxpayer's account will be updated with the results of the investigation to reflect whether the fraud claim will be awarded or denied. A new refund will be issued to the taxpayer if applicable.

(2) When a refund check has been issued and a replacement check is needed, the payee must request a replacement check by completing and submitting a form prescribed by the Commissioner to request reissuance. The original refund check must not have been cashed. A "stop payment" will be issued on the original refund check upon the Department's receipt of the payee's claim. The payee must destroy the original refund check if he or she finds or receives it after submitting the claim.

(3) If the Commissioner has issued a refund check to a deceased taxpayer, a claimant may request reissuance of the check. To request reissuance, the claimant must complete and submit a form prescribed by the Commissioner, along with acceptable evidentiary documents. Refund checks originally issued to a deceased taxpayer will only be reissued in the name of the surviving spouse, the estate of the deceased taxpayer, or a proper legal heir.

AUTHORITY: O.C.G.A. §§ [48-2-35](#), [48-7-112](#), [48-7-121](#).

HISTORY: Original Rule entitled "Income Tax Withholding Refund Check Forgery" adopted. F. and eff. June 30, 1965.

Amended: New title "Reissuance of Refund Checks." F. Mar. 18, 2020; eff. Apr. 7, 2020.

560-3-2-.02 [Repealed]

AUTHORITY: O.C.G.A. §§ [48-2-35](#), [48-7-112](#), [48-7-121](#).

HISTORY: Original Rule entitled "Income Tax Withholding Refund Check Loss" adopted. F. and eff. June 30, 1965.

Repealed: F. Mar. 18, 2020; eff. Apr. 7, 2020.

560-3-2-.03 [Repealed]

AUTHORITY: O.C.G.A. §§ [48-2-35](#), [48-7-112](#), [48-7-121](#).

HISTORY: Original Rule entitled "Income Tax Refund Check Issued Deceased Taxpayer" adopted. F. and eff. June 30, 1965.

Repealed: F. Mar. 18, 2020; eff. Apr. 7, 2020.

Department 560. RULES OF DEPARTMENT OF REVENUE
Chapter 560-11. LOCAL GOVERNMENT SERVICES DIVISION
Subject 560-11-6. CONSERVATION USE PROPERTY

560-11-6-.09 Table of Conservation Use Land Values

(1) For the purpose of prescribing the 2020 current use values for conservation use land, the state shall be divided into the following nine Conservation Use Valuation Areas (CUVA 1 through CUVA 9) and the following accompanying table of per acre land values shall be applied to each acre of qualified land within the CUVA for each soil productivity classification for timber land (W1 through W9) and agricultural land (A1 through A9):

(a) CUVA #1 counties: Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield. Table of per acre values: W1 903, W2 810, W3 736, W4 675, W5 619, W6 573, W7 537, W8 493, W9 450, A1 1,640, A2 1,551, A3 1,437, A4 1,318, A5 1,188, A6 1,063, A7 944, A8 829, A9 709;

(b) CUVA #2 counties: Barrow, Cherokee, Clarke, Cobb, Dawson, DeKalb, Fannin, Forsyth, Fulton, Gilmer, Gwinnett, Hall, Jackson, Lumpkin, Oconee, Pickens, Towns, Union, Walton, and White. Table of per acre values: W1 1,223, W2 1,107, W3 999, W4 904, W5 833, W6 782, W7 737, W8 677, W9 614, A1 1,797, A2 1,602, A3 1,425, A4 1,259, A5 1,128, A6 1,007, A7 903, A8 819, A9 737;

(c) CUVA #3 counties: Banks, Elbert, Franklin, Habersham, Hart, Lincoln, Madison, Oglethorpe, Rabun, Stephens, and Wilkes. Table of per acre values: W1 1,199, W2 1,043, W3 941, W4 904, W5 833, W6 762, W7 641, W8 521, W9 436, A1 1,367, A2 1,244, A3 1,113, A4 986, A5 860, A6 776, A7 637, A8 533, A9 450;

(d) CUVA #4 counties: Carroll, Chattahoochee, Clayton, Coweta, Douglas, Fayette, Haralson, Harris, Heard, Henry, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Schley, Spalding, Talbot, Taylor, Troup, and Upson. Table of per acre values: W1 882, W2 790, W3 716, W4 657, W5 571, W6 533, W7 463, W8 400, W9 325, A1 1,121, A2 1,004, A3 920, A4 822, A5 722, A6 599, A7 519, A8 402, A9 289;

(e) CUVA #5 counties: Baldwin, Bibb, Bleckley, Butts, Crawford, Dodge, Greene, Hancock, Houston, Jasper, Johnson, Jones, Laurens, Monroe, Montgomery, Morgan, Newton, Peach, Pulaski, Putnam, Rockdale, Taliaferro, Treutlen, Twiggs, Washington, Wheeler, and Wilkinson. Table of per acre values: W1 751, W2 696, W3 639, W4 585, W5 528, W6 475, W7 416, W8 360, W9 299, A1 831, A2 723, A3 672, A4 614, A5 548, A6 466, A7 382, A8 301, A9 220;

(f) CUVA #6 counties: Bulloch, Burke, Candler, Columbia, Effingham, Emanuel, Glascock, Jefferson, Jenkins, McDuffie, Richmond, Screven, and Warren. Table of per acre values: W1 743, W2 682, W3 623, W4 567, W5 506, W6 449, W7 389, W8 328, W9 267, A1 942, A2 827, A3 758, A4 696, A5 614, A6 511, A7 416, A8 319, A9 224;

(g) CUVA #7 counties: Baker, Calhoun, Clay, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Terrell, Thomas, and Webster. Table of per acre values: W1 796, W2 724, W3 660, W4 592, W5 522, W6 456, W7 389, W8 319, W9 252, A1 1,096, A2 993, A3 882, A4 767, A5 658, A6 551, A7 426, A8 323, A9 218;

(h) CUVA #8 counties: Atkinson, Ben Hill, Berrien, Brooks, Clinch, Coffee, Colquitt, Cook, Crisp, Dooly, Echols, Irwin, Jeff Davis, Lanier, Lowndes, Telfair, Tift, Turner, Wilcox, and Worth. Table of per acre values: W1 866, W2 784, W3 702, W4 623, W5 541, W6 463, W7 381, W8 301, W9 245, A1 1,107, A2 1,046, A3 944, A4 842, A5 740, A6 639, A7 493, A8 400, A9 295;

(i) CUVA #9 counties: Appling, Bacon, Brantley, Bryan, Camden, Charlton, Chatham, Evans, Glynn, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, and Wayne. Table of per acre values: W1 876, W2 790, W3 716, W4

637, W5 553, W6 477, W7 396, W8 316, W9 245, A1 1,026, A2 988, A3 887, A4 790, A5 692, A6 592, A7 493, A8 393, A9 295.

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-5-7](#), [48-5-7.4](#), [48-5-269](#).

HISTORY: Original Rule entitled "Table of Conservation Use Land Values" adopted. F. May 28, 1993; eff. June 17, 1993.

Repealed: New Rule of same title adopted. F. May 13, 1994; eff. June 2, 1994.

Repealed: New Rule of same title adopted. F. Mar. 1, 1995; Mar. 21, 1995.

Repealed: New Rule of same title adopted. F. Jan. 28, 1996; eff. Feb. 18, 1996.

Repealed: New Rule of same title adopted. F. Feb. 24, 1997; eff. Mar. 16, 1997.

Repealed: New Rule of same title adopted. F. Jan. 27, 1998; eff. Feb. 16, 1998.

Repealed: New Rule of same title adopted. F. Mar. 10, 1999; eff. Mar. 30, 1999.

Amended: F. Feb. 2, 2000; eff. Feb. 22, 2000.

Amended: F. Apr. 20, 2001; eff. May 10, 2001.

Repealed: New Rule of same title adopted. F. Apr. 17, 2002; eff. May 7, 2002.

Repealed: New Rule of same title adopted. F. May 19, 2003; eff. June 8, 2003.

Repealed: New Rule of same title adopted. F. Mar. 4, 2004; eff. Mar. 24, 2004.

Amended: F. Mar. 29, 2005; eff. Apr. 18, 2005.

Repealed: New Rule of same title adopted. F. Mar. 1, 2006; eff. Mar. 21, 2006.

Amended: F. Feb. 21, 2007; eff. Mar. 13, 2007.

Amended: F. Apr. 21, 2008; eff. May 11, 2008.

Repealed: New Rule of same title adopted. F. Apr. 15, 2009; eff. May 5, 2009.

Repealed: New Rule of same title adopted. F. Mar. 15, 2010; eff. Apr. 4, 2010.

Repealed: New Rule of same title adopted. F. Mar. 3, 2011; eff. Mar. 23, 2011.

Amended: F. Apr. 24, 2012; eff. May 14, 2012.

Amended: F. Jun. 10, 2013; eff. Jun. 30, 2013.

Amended: F. Apr. 22, 2014; eff. May 12, 2014.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Feb. 23, 2016; eff. Mar. 14, 2016.

Amended: F. Mar. 24, 2017; eff. Apr. 13, 2017.

Amended: F. Mar. 6, 2018; eff. Mar. 26, 2018.

Amended: F. Feb. 1, 2019; eff. Feb. 21, 2019.

Amended: F. Mar. 6, 2020; eff. Mar. 26, 2020

Department 560. RULES OF DEPARTMENT OF REVENUE
Chapter 560-11. LOCAL GOVERNMENT SERVICES DIVISION
Subject 560-11-11. FOREST LAND PROTECTION

560-11-11-.12 Table of Forest Land Protection Act Land Use Values

(1) For the purpose of prescribing the 2020 current use values for conservation use land, the state shall be divided into the following nine Forest Land Protection Act Valuation Areas (FLPAVA 1 through FLPAVA 9) and the following accompanying table of per acre land values shall be applied to each acre of qualified land within the FLPAVA for each soil productivity classification for timber land (W1 through W9):

(a) CUVA #1 counties: Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield. Table of per acre values: W1 903, W2 810, W3 736, W4 675, W5 619, W6 573, W7 537, W8 493, W9 450;

(b) CUVA #2 counties: Barrow, Cherokee, Clarke, Cobb, Dawson, DeKalb, Fannin, Forsyth, Fulton, Gilmer, Gwinnett, Hall, Jackson, Lumpkin, Oconee, Pickens, Towns, Union, Walton, and White. Table of per acre values: W1 1,223, W2 1,107, W3 999, W4 904, W5 833, W6 782, W7 737, W8 677, W9 614;

(c) CUVA #3 counties: Banks, Elbert, Franklin, Habersham, Hart, Lincoln, Madison, Oglethorpe, Rabun, Stephens, and Wilkes. Table of per acre values: W1 1,199, W2 1,043, W3 941, W4 904, W5 833, W6 762, W7 641, W8 521, W9 436;

(d) CUVA #4 counties: Carroll, Chattahoochee, Clayton, Coweta, Douglas, Fayette, Haralson, Harris, Heard, Henry, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Schley, Spalding, Talbot, Taylor, Troup, and Upson. Table of per acre values: W1 882, W2 790, W3 716, W4 657, W5 571, W6 533, W7 463, W8 400, W9 325;

(e) CUVA #5 counties: Baldwin, Bibb, Bleckley, Butts, Crawford, Dodge, Greene, Hancock, Houston, Jasper, Johnson, Jones, Laurens, Monroe, Montgomery, Morgan, Newton, Peach, Pulaski, Putnam, Rockdale, Taliaferro, Treutlen, Twiggs, Washington, Wheeler, and Wilkinson. Table of per acre values: W1 751, W2 696, W3 639, W4 585, W5 528, W6 475, W7 416, W8 360, W9 299;

(f) CUVA #6 counties: Bulloch, Burke, Candler, Columbia, Effingham, Emanuel, Glascock, Jefferson, Jenkins, McDuffie, Richmond, Screven, and Warren. Table of per acre values: W1 743, W2 682, W3 623, W4 567, W5 506, W6 449, W7 389, W8 328, W9 267;

(g) CUVA #7 counties: Baker, Calhoun, Clay, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Terrell, Thomas, and Webster. Table of per acre values: W1 796, W2 724, W3 660, W4 592, W5 522, W6 456, W7 389, W8 319, W9 252;

(h) CUVA #8 counties: Atkinson, Ben Hill, Berrien, Brooks, Clinch, Coffee, Colquitt, Cook, Crisp, Dooly, Echols, Irwin, Jeff Davis, Lanier, Lowndes, Telfair, Tift, Turner, Wilcox, and Worth. Table of per acre values: W1 866, W2 784, W3 702, W4 623, W5 541, W6 463, W7 381, W8 301, W9 245;

(i) CUVA #9 counties: Appling, Bacon, Brantley, Bryan, Camden, Charlton, Chatham, Evans, Glynn, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, and Wayne. Table of per acre values: W1 876, W2 790, W3 716, W4 637, W5 553, W6 477, W7 396, W8 316, W9 245.

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-5-7](#), [48-5-7.7](#), [48-5-269](#).

HISTORY: Original Rule entitled "Table of Forest Land Protection Act Land Use Values" adopted as ER. 560-11-11-0.40-.12. F. and eff. May 22, 2009, the date of adoption.

Amended: Permanent Rule of same title adopted. F. June 26, 2009; eff. July 16, 2009.

Repealed: New Rule of same title adopted. F. Mar. 15, 2010; eff. Apr. 4, 2010.

Repealed: New Rule of same title adopted. F. Mar. 3, 2011; eff. Mar. 23, 2011.

Amended: F. Apr. 24, 2012; eff. May 14, 2012.

Amended: F. June 25, 2013; eff. July 15, 2013.

Amended: F. Apr. 22, 2014; eff. May 12, 2014.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Feb. 23, 2016; eff. Mar. 14, 2016.

Amended: F. Mar. 24, 2017; eff. Apr. 13, 2017.

Amended: F. Mar. 6, 2018; eff. Mar. 26, 2018.

Amended: F. Feb. 1, 2019; eff. Feb. 21, 2019.

Amended: F. Mar. 6, 2020; eff. Mar. 26, 2020.