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## State Election Board Rejects Rule Change to Comply with GA Law

ATLANTA, GA, DECEMBER 21, 2023 – The Georgia State Election Board rejected all rule changes on Wednesday **including one intended to make an existing rule comply with federal and state law**. VoterGA’s Garland Favorito [proposed](#) a memory card retention rule change that would require memory cards to be retained for the same period of time as required under state law but the rule was rejected 2-1 by board members attending the [meeting](#).

**Memory cards contain electronic election records** for in-person voting such as ballot images, cast vote records and audit logs. These election records are created automatically when ballots are scanned and they are **required to tabulate votes**. Mr. Favorito argued that memory cards contain **the most important election records other than physical ballots** because they can be used to reproduce the election results

The clear, plain text of Georgia state law requires a 24-month retention period for election records:

- *“All primary and election documents on file in the office of the election superintendent of each county, municipal governing authority, superintendent, registrar, committee of a political party or body, or other officer shall be preserved therein for a period of at least 24 months and then the same may be destroyed unless otherwise provided by law.”*  
O.C.G.A. 21-2-73

The clear, plain text of Federal law requires a 22-month retention period for election records:

- *“Every officer of election shall retain and preserve, for a period of twenty-two months... all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election,...”*  
USC 52 20701

Current SEB Rule 183-1-12-.13 provides that:

- *“...the election superintendent may use the memory cards for programming ballot scanner units for the next primary, election or runoff.”*

The proposed change would require that:

- *“...the election superintendent shall retain the memory cards for a period of 24 months in accordance with Georgia law.”*

Dr. Jan Johnston voted in favor of the rule change while Ed Lindsey and interim chair Matt Mashburn opposed it. Mr. Mashburn’s term on the board expired earlier this year while Mr. Lindsey’s term expires in January, 2024.