



Guide to Accessing Election Records in Georgia*

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Overview

Georgia’s Open Records Act (ORA) gives the public a broad right of access to governmental records and documents. Through access to election records, the public can protect citizens’ right to vote, safeguard free and fair elections, and promote trust in our electoral system.

The purpose of this resource is to provide a general, nontechnical guide to accessing election records in the state of Georgia under the ORA, and is intended for use by public officials, journalists, and citizens.

What agencies are covered by the ORA?

The ORA broadly defines “agencies” covered by the act to include state departments, agencies, boards, bureaus, and commissions; counties, cities, and school districts; along with nonprofit organizations that receive more than one-third of their funding from a direct allocation from the government; and local, regional, or other authorities established pursuant to state law.¹

Accordingly, state agencies responsible for aspects of election administration, including the Georgia Secretary of State and the State Elections Board, are agencies covered by the ORA. So are local government agencies like county registrars and county boards of election. The ORA does *not* cover individual candidates or public officials—rather, it covers the institutions to which those individuals belong (or have filed documents with).² The ORA also does not cover federal agencies like the Federal Election Commission.³

What are “public records”?

The ORA also broadly defines “public records” to include all documents, papers, letters, maps, books, tapes, photographs, computer-based information, data & data fields, and other similar material prepared and maintained or received by an agency.⁴

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In the election context, a wide array of record types exist—physical voter registration documents, electronic voter turnout data, proposed district maps, training videos for poll workers, and scanned ballot images, just to name a few.

There are some important caveats to remember about the availability of these records to the public, though. For one, agencies are not required to create records in response to a request unless the record existed when the request was made.⁵ Also, even if the records do exist, agencies don't have to convert them to a specific format for a requester. So, an agency might only provide you with a physical copy or access to a document at its office even if you requested a copy in digital form—provided, however, that you can request any electronic record or data be produced in the same form that it is kept by the agency.⁶

What is the process for submitting an Open Records Requests?

Requests for records can be made orally or in writing.⁷ However, written requests are strongly recommended, as you cannot bring a lawsuit to enforce compliance with the ORA based on an oral request alone.⁸ Agencies can require that written requests be directed to a specified records custodian.⁹ If an agency has designated a particular person or system for receipt of ORA requests, the agency is required to make that information available on its website.¹⁰ Note that agencies cannot delay responding to an ORA request based on the unavailability of a designated person.¹¹

Agencies must respond to ORA requests within three days of receiving the request.¹² Generally, this means the agency must actually produce the records for inspection within three business days. If the records cannot be made available within three business days, the agency must provide a description of the available records and a timeline for when they will be available for inspection—which must be “as soon as practicable.”¹³

The ORA has a number of exemptions that may allow the agency to redact a record before producing it or, more rarely, to withhold a record entirely. If all or part of a request is denied, the agency must notify the requester of the reason why the records are exempt and provide the code section, subsection, and paragraph of the exemption.¹⁴

Can I be charged fees?

Agencies can charge reasonable fees for search, retrieval, redaction, and production of records under the ORA.¹⁵ However, agencies are required to use the “most economical means reasonably calculated” for producing documents.¹⁶ Agencies cannot charge more than the prorated hourly salary of the agency's lowest paid full-time employee who has the necessary skill to perform the records request, and the first 15 minutes are free.¹⁷

Agencies may also charge for producing copies of records. Charges for paper copies cannot exceed 10 cents per page, while copying charges for electronic records may not exceed the actual cost of the medium used for production (i.e., discs or hard drives).¹⁸ In addition to the ORA, other state law provisions sometimes apply that may change the fee an agency charges for a particular record. For example, the Georgia Secretary of State is authorized to set the cost for the statewide voter-registration list, which is currently a \$250.00 flat fee.¹⁹

If the fee estimate exceeds \$25, the agency must notify the requester and may defer search and retrieval of documents until the requester confirms their willingness to pay the expected costs.²⁰ An agency may only require prepayment, however, if the costs are expected to exceed \$500 or if the requester has failed to make payments for record requests in the past.²¹

Can I get...

Candidate Records?

You can obtain a number of records about candidates for office so long as the candidate has filed that information with an agency that is subject to the ORA, such as a county board of elections. State candidates are required to file a number of forms with state and local election authorities, including petition signatures for nomination and qualification for office, declaration of candidacy and affidavits, financial disclosure statements, declarations of intention to accept campaign contributions, Political Action Committee (PAC) finance campaign reports, and candidate financial contribution reports. These kinds of filings are all generally available via open records request (subject to any applicable redactions). Many of these filings may already be available online. For example, the Georgia Government Transparency and Campaign Finance Commission has a [searchable database](#) of campaign reports.²² Additionally, check your county's webpage for information that has already been made available before making an open records request.

State Board of Elections Records?

Pending investigations on voter fraud conducted by the Board of Elections are exempt from public disclosure until the investigation or prosecution concludes.²³ However, you can get many documents from State Board of Elections official proceedings -- such as transcripts and recordings from meetings -- from [its online database](#) without having to submit an open records request.²⁴

Records about poll workers?

Poll workers are subject to stringent regulations, including, but not limited to: meeting preliminary qualification requirements, such as age and residency;²⁵ completing training prior to working the polls,²⁶ and ensuring that only those eligible to vote are allowed to do so.²⁷ Documents related to poll workers' responsibilities such as sworn oaths and attestations, poll worker training materials, training certifications, and any complaints made in reference to poll workers, are all generally available via open records request.

Records about voting machines?

Information that might endanger the voting system, such as electronic ballot markers, ballot scanners, pollbooks, and software or data bases used for voter registration are exempt from the ORA.²⁸

Records about voters or votes cast?

The confidentiality of an individual ballot is protected by the Georgia Constitution, which means that information that would tend to reveal how a person voted is exempt from the ORA.²⁹

Information about individual provisional ballots is also protected.³⁰ Ballot images (created by the voting system) and statements of votes cast are available via open records request, although the Georgia Secretary of State recently implemented a [ballot image library](#) to reduce the need for such requests.³¹

Voter registration lists at the statewide, county, and district levels are available [for purchase](#) from the Georgia Secretary of State, separate from the ORA.³² Additionally, the National Voter Registration Act requires states to report a variety of voter registration information to the U.S. Election Assistance Commission (EAC), in response to the EAC survey, every two years. This data can be found on the [EAC's website](#).³³

What can I do if an agency isn't responding to my request?

Follow up: If an agency hasn't responded to your request within the required 3-day window, consider following up. If the agency has designated a particular person or network to receive open records requests, make sure you submitted your request to the right person or through the correct online portal.

Georgia Attorney General Open Government Mediation Program: If an agency doesn't respond to a records request, the requester can file a complaint with the Attorney General's Office [Open Government Mediation Program](#).³⁴ Attorneys there will review the complaint and may contact the agency directly to resolve disputes.³⁵ The Attorney General can also bring an action seeking civil or criminal penalties for noncompliance.³⁶

Litigation: ORA requesters may also bring a civil action against an agency to enforce compliance with the ORA.³⁷ However, that this option is only available for written requests.³⁸

¹ O.C.G.A. § 50-18-70(b)(1).

² *Media Gen. Operations, Inc. v. St. Lawrence*, 337 Ga. App. 428, 432 (2016) (“[A]gency’ does not include the employees of the agency.”).

³ This resource is specific to the Georgia Open Records Act and Georgia state agencies. It does not cover the Federal Freedom of Information Act (FOIA) or other federal records laws. Please consult FOIA.gov or EAC.gov for information regarding public records requests and other information regarding federal elections.

⁴ O.C.G.A. § 50-18-70(b)(2).

⁵ O.C.G.A §§ 50-18-71(b)(1)(A); O.C.G.A § 50-18-71(j).

⁶ O.C.G.A. § 50-18-71(f).

⁷ O.C.G.A. § 50-18-71(b)(1)(B).

⁸ O.C.G.A. § 50-18-71(b)(3).

⁹ O.C.G.A. § 50-18-71(b)(1)(B).

¹⁰ O.C.G.A. § 50-18-71(b)(2).

¹¹ O.C.G.A. § 50-18-71(b)(1)(B).

¹² O.C.G.A. § 50-18-71(b)(1)(A).

¹³ *Id.*

¹⁴ O.C.G.A § 50-18-71(d).

¹⁵ O.C.G.A. § 50-18-71(c)(1).

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- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ O.C.G.A. § 50-18-71(c)(2).
- ¹⁹ See O.C.G.A. § 21-2-225(c); see also Order Voter Registration Lists and Files (Pricing), GA. SECRETARY OF STATE, <https://sos.ga.gov/page/order-voter-registration-lists-and-files>.
- ²⁰ O.C.G.A. § 50-18-70(d).
- ²¹ *Id.*
- ²² *Campaign Reports – Name Search*, GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION, https://media.ethics.ga.gov/Search/Campaign/Campaign_ByName.aspx.
- ²³ O.C.G.A. § 50-18-72(a)(4).
- ²⁴ *State Elections Board – Proceedings*, GA. SECRETARY OF STATE, <https://sos.ga.gov/page/state-election-board-proceedings>.
- ²⁵ O.C.G.A. § 21-2-92(a)(1).
- ²⁶ O.C.G.A. § 21-2-99.
- ²⁷ S.E.B. Rule 183-1-12-.18(4)(b).
- ²⁸ O.C.G.A. § 50-18-72(a)(25)(A)(iv).
- ²⁹ GA. CONST. art. II, § 1, para. 1.
- ³⁰ O.C.G.A. § 21-2-418(e).
- ³¹ *Ballot Image*, GA. SECRETARY OF STATE, <https://sos.ga.gov/ballot-image>.
- ³² *Order Voter Registration Lists and Files*, GA. SECRETARY OF STATE, <https://sos.ga.gov/page/order-voter-registration-lists-and-files>.
- ³³ *Studies and Reports*, U.S. ELECTION ASSISTANCE COMMISSION, <https://www.eac.gov/research-and-data/studies-and-reports>.
- ³⁴ *Open Government Complaint*, OFF. OF THE ATT’Y GEN., <https://law.georgia.gov/key-issues/open-government/open-government-complaint>.
- ³⁵ *Id.*
- ³⁶ O.C.G.A. § 50-18-73(a).
- ³⁷ O.C.G.A. § 50-18-73(a).
- ³⁸ O.C.G.A. § 50-18-71(b)(1)(B)(3).