

August 19, 2026

TO: THE STATE ELECTION BOARD

VIA CERTIFIED US MAIL

Georgia State Election Board
2 Martin Luther King Jr. Blvd., SE
Suite 802, Floyd West Tower
Atlanta, GA 30334

PETITION TO AMEND GA. COMP. R. & REGS. R. 183-1-1-.01

Pursuant to Ga. Comp. R. & Regs. R. 183-1-1-.01, Petitioner respectfully petitions the State Election Board to amend Rule 183-1-1-.01(3) as follows:

(a) Name and address of petitioner

David J. Worley
107 Regents Square
Peachtree City, GA 30269
404-403-2990

(b) Proposed amendment

The proposed amendment to Section 183-1-1-.01(3) is as follows, with additions (new subsections 183-1-1-.013 (g), (h) and (i)) shown below in blue ink, and deletions indicated by strikethroughs:

Section 183-1-1-.01(3) Each petition for the promulgation, amendment, or repeal of a rule made pursuant to the Georgia Administrative Procedures Act should be verified under oath, or in proper behalf of, the petitioner and shall contain:

- (a) The name and post office address of the petitioner;
- (b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

- (c) The reason(s) such rule should be amended, repealed, or promulgated;
- (d) Any and all pertinent existing facts as to the petitioner's interest in the matter;
- (e) Any and all facts known to the petitioner which might influence the decision of the Board to initiate or not initiate rulemaking, including identification of any parties who it is known will or may be affected by the amended, repealed, or promulgated rule; ~~and~~
- (f) Citations of legal authorities, if any, which authorize, support, or require the action requested by the petitioner: ;
- (g) A statement and related statute citations that demonstrate that the General Assembly, either expressly or by necessary implication, actually purported to delegate the powers set forth in the proposed rule or amendment. Mere citation to O.C.G.A. § 21-2-31 (1), (2), or (7) or an assertion that the rule promotes “uniformity” in election procedure shall not satisfy this requirement. Also, the statement must show that the proposed rule or amendment does not go beyond, change, or contradict the statutory scheme; and
- (h) A statement that demonstrates that statutory provisions supply sufficiently objective, judicially enforceable guidelines to direct and cabin the Board's exercise of discretion for the substantive provisions of the proposed rule or amendment.
- (i) A petition that does not include the statements required by subsections (g) and (h) shall be returned to the petitioner without action by the Board.

(c) Reasons in support of the proposed amendment

On June 10, 2025, the Supreme Court of Georgia issued its Opinion in *Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.* ('Eternal Vigilance'). The Court's Opinion imposed significant new limitations on the rulemaking authority of the State Election Board (the “Board”).

The proposed amendment is intended to assist the Board and prospective petitioners in ensuring that petitions for rulemaking address those limitations before they are accepted for initial processing.

Requiring petitioners to address these requirements at the outset will discourage petitions that plainly fail to satisfy those standards, conserving the resources of the Board and the public. A serious analysis of the restrictions of the *Eternal Vigilance* case at the beginning of the process is far better than the costs and disruption of litigation at the end of the process.

The proposed amendment does not alter the substantive standards governing petitions for rulemaking. It merely requires petitioners to demonstrate, at the time of filing, that their proposed rule satisfies the governing legal standards articulated by the Supreme Court. Specifically, the two new Petition requirements arise directly from the first and third tests that the Opinion imposes on all rulemaking.

(d) Petitioner's interest in the proposed amendment

Petitioner's interest in this Petition arises from Petitioner's status as a Georgia resident and registered voter.

(e) Persons likely to be affected

The amended Rule will affect those who desire to file a rulemaking Petition with the Board.

(f) Authority supporting the proposed amendment

Petitioner relies upon (a) the Opinion in *Republican National Committee et al. v. Eternal Vigilance Action, Inc. et al.* and (b) *DeKalb County Board of Registration and Elections v. State Election Board*, Civil Action File No. 24CV99085-10 (declaring two 2024 SEB Rules to be invalid under the requirements of the *Eternal Vigilance* case).

While it is important to read the entire *Eternal Vigilance* Opinion, the following are among the principal rulings from the Opinion that support the two proposed requirements. [Link to Opinion](#)

Citations Supporting Proposed Subsection (3)(g):

1. "Beginning with the first step [of the Court's test], we ask whether the General Assembly, either expressly or by necessary implication, actually purported to delegate the powers exercised by the executive branch agency." Eternal Vigilance, at p. 57.
2. "But if all local election officials are generally bound to follow SEB rules, then the SEB could be thought to have the power to adopt *any* rule merely because it would have uniform application. This is the type of unfettered discretion that we have now reiterated is constitutionally intolerable." Eternal Vigilance, at p. 77.
3. "[T]he SEB's rulemaking power [] include[s] only the authority to pass rules consistent with the existing statutory structure; in other words, the SEB can pass rules to implement and enforce the Election Code, but it cannot go beyond, change, or contradict the statutory scheme." Eternal Vigilance, at p. 79.

Citation Supporting Proposed Subsection (3)(h):

“Thus, at the third step [of the Court’s test], the critical question is not whether a statute gives an administrative agency discretion, but whether the statute provides sufficiently objective, judicially enforceable guidelines to direct and cabin the agency’s exercise of that discretion.” Eternal Vigilance, at p. 66.

Please commence the process for Board consideration of this Petition. Thank you.

Respectfully submitted this 19th day of August, 2026.



David J. Worley

Petitioner

August 19th, 2026

