

The House Committee on Governmental Affairs offers the following substitute to HB 316:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide for definitions; to provide for uniform
3 election equipment in this state; to provide for ballot marking devices and standards and
4 procedures for such devices; to provide for the manner of qualifying presidential elector
5 candidates for independent candidates for the offices of President and Vice President of the
6 United States; to provide for the time for filing evidence of nomination by political body
7 candidates; to clarify the age for voting; to provide for audits of election results and
8 procedures therefor; to revise and clarify procedures for voter registration and list
9 maintenance activities; to authorize the Secretary of State to become a member of a
10 nongovernmental entity for purposes of maintaining electors lists under certain conditions;
11 to provide for minimum requirements and form of information on electronic ballot markers;
12 to provide for confidentiality of certain records and documents; to extend the time period
13 allowing for public comment on precinct realignments; to place time limits on relocation of
14 polling places; to provide for additional sites for a registrar's office or place of registration
15 for absentee ballots; to provide for the delivery of absentee ballots to certain persons in
16 custody; to provide for the manner of processing absentee ballot applications and absentee
17 ballots; to provide a cure for an elector whose absentee ballot was rejected; to provide for the
18 form of absentee ballot oath envelopes; to provide for the time for advance voting and
19 manner and location of advance voting; to provide for assistance in voting; to provide for
20 ease of reading ballots; to provide that a voter identification card is valid until an elector
21 moves out of the county in which it was issued or is no longer eligible to vote; to provide for
22 notification procedures for status of provisional ballots; to provide for the time for certifying
23 elections; to provide for precertification audits; to provide for entitlement to and methods for
24 recounts; to provide for conforming changes; to provide for related matters; to provide for
25 an effective date; to repeal conflicting laws; and for other purposes.

27

SECTION 1.

28 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
29 elections generally, is amended by revising paragraphs (2), (4.1), and (18) of Code
30 Section 21-2-2, relating to definitions, and adding new paragraphs to read as follows:

31 "(2) 'Ballot labels marking device' means ~~the cards, paper, or other material placed on the~~
32 ~~front of a voting machine containing the names of offices and candidates and statements~~
33 ~~of questions to be voted on a pen, pencil, or similar writing tool, or an electronic device~~
34 ~~designed for use in marking paper ballots in a manner that is detected as a vote so cast~~
35 ~~and then counted by ballot scanners.~~

36 (2.1) 'Ballot scanner' means an electronic recording device which receives an elector's
37 ~~ballot and tabulates the votes on the ballot by its own devices; also known as a 'tabulating~~
38 ~~machine.'~~

39 "(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven
40 unit for casting and counting votes on which an elector touches a video screen or a button
41 adjacent to a video screen to cast his or her vote. Such term shall not encompass ballot
42 marking devices or electronic ballot markers."

43 "(7.1) 'Electronic ballot marker' means an electronic device that does not compute or
44 retain votes; may integrate components such as a ballot scanner, printer, touch screen
45 monitor, audio output, and a navigational keypad; and uses electronic technology to
46 independently and privately mark a paper ballot at the direction of an elector, interpret
47 ballot selections, communicate such interpretation for elector verification, and print an
48 elector verifiable paper ballot."

49 "(18) 'Official ballot' means a ballot, whether paper, mechanical, or electronic, which is
50 furnished by the superintendent or governing authority in accordance with Code
51 Section 21-2-280, including ~~paper ballots read by optical scanning tabulators that are read~~
52 ~~by ballot scanners.~~"

53 "(19.1) 'Optical scanning voting system' means a system employing paper ballots on
54 which electors cast votes with a ballot marking device or electronic ballot marker after
55 which votes are counted by ballot scanners."

56 "(32.1) 'Scanning ballot' means a printed paper ballot designed to be marked by an
57 elector with a ballot marking device or electronic ballot marker or a blank sheet of paper
58 designed to be used in a ballot marking device or electronic ballot marker, which is then
59 inserted for casting into a ballot scanner."

60

SECTION 2.

61 Said chapter is further amended by revising paragraph (15) of subsection (a) of Code
62 Section 21-2-50, relating to the powers and duties of the Secretary of State and prohibition
63 against serving in a fiduciary capacity, as follows:

64 "(15) To develop, program, build, and review ballots for use by counties and
65 municipalities on ~~direct recording electronic (DRE)~~ voting systems in use in the state."

66

SECTION 3.

67 Said chapter is further amended by adding a new Code section to read as follows:

68 "21-2-132.1.

69 (a) An independent candidate for the office of President or Vice President of the United
70 States shall file with the Secretary of State not later than the Friday before the opening of
71 qualifying for such office as provided in subsection (d) of Code Section 21-2-132 a slate
72 of candidates for the office of presidential elector which such independent candidate has
73 certified as being the presidential electors for such independent candidate.

74 (b) The candidates for presidential electors certified by an independent candidate for the
75 office of President or Vice President of the United States shall then qualify for election to
76 such office in accordance with Code Section 21-2-132.

77 (c) An independent candidate for the office of President or Vice President of the United
78 States may certify a number of candidates for the office of presidential elector that is equal
79 to or less than the number of presidential electors who may be elected from the State of
80 Georgia."

81

SECTION 4.

82 Said chapter is further amended by revising paragraph (5) of subsection (c) of Code
83 Section 21-2-172, relating to nomination of presidential electors and candidates of political
84 bodies by convention, as follows:

85 "(5) That a certified copy of the minutes of the convention, attested to by the chairperson
86 and secretary of the convention, must be filed by the nominee with his or her notice of
87 candidaey nomination petition."

88

SECTION 5.

89 Said chapter is further amended by revising subsections (a) and (c) of Code Section
90 21-2-216, relating to qualifications of electors generally, reregistration of electors purged
91 from list, eligibility of nonresidents who vote in presidential elections, retention of
92 qualification for standing as elector, evidence of citizenship, and check of convicted felons
93 and deceased persons databases, as follows:

"(a) No person shall vote in any primary or election held in this state unless such person shall be:

(1) Registered as an elector in the manner prescribed by law;

(2) A citizen of this state and of the United States;

(3) At least 18 years of age on or before the date of the primary or election in which such person seeks to vote;

(4) A resident of this state and of the county or municipality in which he or she seeks to vote; and

(5) Possessed of all other qualifications prescribed by law."

"(c) Any person who possesses the qualifications of an elector except that concerning age shall be permitted to register to vote if such person will acquire such qualification within six months after the day of registration; provided, however, that such person shall not be permitted to vote in a primary or election ~~until the acquisition of all specified qualifications unless such person shall be at least 18 years of age on or before the date of the primary or election in which such person seeks to vote.~~"

SECTION 6.

Said chapter is further amended by revising subsections (b), (c), and (d) of Code Section 21-2-220.1, relating to required documentation for voter registration, as follows:

"(b) For those voter registration applicants who have a Georgia driver's license number or identification card number for an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or the last four digits of a social security number, a voter registration application may be accepted as valid only after the board of registrars has verified the authenticity of the Georgia driver's license number, the identification card number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or the last four digits of the social security number provided by the applicant In the event that the name, driver's license number, social security number, or date of birth provided by the person registering to vote on the voter registration form does not match information about the applicant on file at the Department of Driver Services or the federal Social Security Administration, the applicant shall nevertheless be registered to vote but shall be required to produce proof of his or her identity to a county registrar, a deputy county registrar, a poll manager, or a poll worker at or before the time that such applicant requests a ballot for the first time in any federal, state, or local election.

(c) The authenticity of an applicant's Georgia driver's license number, identification card number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or the last four digits of the social security number may be verified by:

129 (1) The board of registrars matching the Georgia driver's license number, identification
130 card number of an identification card issued pursuant to Article 5 of Chapter 5 of Title
131 40, or the last four digits of the social security number provided by the applicant with the
132 applicant's record on file with the Department of Driver Services or the federal Social
133 Security Administration; or

134 (2) The applicant providing sufficient evidence to the board of registrars to verify the
135 applicant's identity, which sufficient evidence includes, but is not limited to, providing
136 one of the forms of identification listed in subsection (a) of Code Section 21-2-417 Proof
137 of the applicant's identity as set forth in subsection (b) of this Code section shall be the
138 forms of identification listed in subsection (c) of Code Section 21-2-417.

139 (d)(1) If a completed voter registration application has been received by the registration
140 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the
141 identification card number of an identification card issued pursuant to Article 5 of
142 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
143 applicant cannot be verified, the applicant shall be notified that the number cannot be
144 verified and that the applicant must provide sufficient evidence to the board of registrars
145 to verify the applicant's identity in order to have his or her application processed by the
146 board of registrars.

147 (2) If the applicant provides such sufficient evidence on or before the date of a primary
148 or election, and if the applicant is found eligible to vote, the applicant shall be added to
149 the list of electors and shall be permitted to vote in the primary or election and any runoff
150 resulting therefrom and subsequent primaries and elections.

151 (3) If the applicant has not provided such sufficient evidence or such number has not
152 otherwise been verified on or before the date of a primary or election, the applicant
153 presenting himself or herself to vote shall be provided a provisional ballot. The
154 provisional ballot shall be counted only if such number is verified by the end of the time
155 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
156 sufficient evidence to the board of registrars to verify the applicant's identity, by the end
157 of the time period set forth in subsection (c) of Code Section 21-2-419.

158 (4) The voter application shall be rejected if the Georgia driver's license number,
159 identification card number of an identification card issued pursuant to Article 5 of
160 Chapter 5 of Title 40, or last four digits of the social security number provided by the
161 applicant is not verified and the applicant fails to present sufficient evidence to the board
162 of registrars to verify the applicant's identity within 26 months following the date of the
163 application.

164 (5) This subsection shall not apply to an electronic voter registration application
165 submitted pursuant to Code Section 21-2-221.2."

166

SECTION 7.

167 Said chapter is further amended by revising Code Section 21-2-225, relating to
168 confidentiality of original registration applications, limitations on registration data available
169 for public inspection, and data made available by Secretary of State, by adding a new
170 subsection to read as follows:

171 "(d)(1) The Secretary of State may become a member of a nongovernmental entity whose
172 purpose is to share and exchange information in order to improve the accuracy and
173 efficiency of voter registration systems. The membership of the nongovernmental entity
174 shall be composed solely of election officials of state and territorial governments of the
175 United States, except that such membership may also include election officials of the
176 District of Columbia.

177 (2) Notwithstanding any provision of law to the contrary, the Secretary of State may
178 share confidential and exempt information after becoming a member of such
179 nongovernmental entity as provided in paragraph (1) of this subsection.

180 (3) The Secretary of State may become a member of such nongovernmental entity only
181 if such entity is controlled and operated by the participating jurisdictions. The entity shall
182 not be operated or controlled by the federal government or any other entity acting on
183 behalf of the federal government. The Secretary of State must be able to withdraw at any
184 time from any such membership in such nongovernmental entity.

185 (4) If the Secretary of State becomes a member of such nongovernmental entity, the
186 Department of Driver Services shall, pursuant to an agreement with the Secretary of
187 State, provide driver's license or identification card information related to voter eligibility
188 to the Secretary of State for the purpose of sharing and exchanging voter registration
189 information with such nongovernmental entity.

190 (5) Notwithstanding any law to the contrary, upon the Secretary of State becoming a
191 member of a nongovernmental entity as provided in this subsection, information received
192 by the Secretary of State from the nongovernmental entity is exempt from disclosure
193 under Article 4 of Chapter 18 of Title 50 and any other provision of law. However, the
194 Secretary of State may provide such information to the boards of registrars to conduct
195 voter registration list maintenance activities."

196

SECTION 8.

197 Said chapter is further amended by revising subsection (a) of Code Section 21-2-230, relating
198 to challenge of persons on list of electors by other electors, procedure, hearing, and right of
199 appeal, as follows:

200 "(a) Any elector of the county or municipality may challenge the right of any other elector
201 of the county or municipality, whose name appears on the list of electors, to vote in an

202 election. Such challenge shall be in writing and specify distinctly the grounds of such
203 challenge. Such challenge may be made at any time prior to the elector whose right to vote
204 is being challenged voting at the elector's polling place or, if such elector cast an absentee
205 ballot, prior to 5:00 P.M. on the day before the election; provided, however, that challenges
206 to persons voting by absentee ballot in person at the office of the registrars or the absentee
207 ballot clerk ~~whose vote is cast on a DRE unit must~~ shall be made prior to such person's
208 voting."

209 SECTION 9.

210 Said chapter is further amended by revising subsection (c) of Code Section 21-2-231, relating
211 to lists of persons convicted of felonies, persons identified as noncitizens, persons declared
212 mentally incompetent, and deceased persons provided to Secretary of State and Council of
213 Superior Court Clerks, removal of names from list of electors, obtain information about
214 persons who died, timing, and list of inactive voters provided to Council of Superior Court
215 Clerks, as follows:

216 "(c)(1) Upon receipt of the lists described in subsections (a), (a.1), and (b) of this Code
217 section ~~and the lists of persons convicted of felonies in federal courts received pursuant~~
218 ~~to 42 U.S.C. Section 1973gg-6(g)~~, the Secretary of State shall transmit the names of such
219 persons whose names appear on the list of electors to the appropriate county board of
220 registrars who shall remove all such names from the list of electors and shall mail a notice
221 of such action and the reason therefor to the last known address of such persons by
222 first-class mail.

223 (2) Upon receipt of the list described in subsection (a) of this Code section and the lists
224 of persons convicted of felonies in federal courts received pursuant to 52 U.S.C.
225 Section 20507(g), the Secretary of State shall transmit the names of such persons whose
226 names appear on the lists of electors to the appropriate county board of registrars who
227 shall mail a notice to the last known address of each such person by first-class mail,
228 stating that the board of registrars has received information that such person has been
229 convicted of a felony and will be removed from the list of electors 30 days after the date
230 of the notice unless such person requests a hearing before the board of registrars on such
231 removal."

232 SECTION 10.

233 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating
234 to removal of elector's name from list of electors, as follows:

235 "(b)(1) ~~When an elector of this state moves to another county or state and registers to~~
236 ~~vote and the registration officials send a notice of cancellation reflecting the registration~~

237 of the elector in the other county or state, the Secretary of State or the board of registrars,
238 as the case may be, shall remove such elector's name from the list of electors. It shall not
239 be necessary to send a confirmation notice to the elector in such circumstances. When
240 an elector of this state moves to another state and registers to vote and the registration
241 officials in such state send a notice of cancellation reflecting the registration of the elector
242 in the other state, which includes a copy of such elector's voter registration application
243 bearing the elector's signature, the Secretary of State or the board of registrars, as the case
244 may be, shall remove such elector's name from the list of electors. It shall not be
245 necessary to send a confirmation notice to the elector in such circumstances.

246 (2) When an elector of this state moves to another state and the registration officials in
247 such other state or a nongovernmental entity as described in subsection (d) of Code
248 Section 21-2-225 sends a notice of cancellation or other information indicating that the
249 elector has moved to such state but such notice or information does not include a copy
250 of such elector's voter registration application in such other state bearing the elector's
251 signature, the Secretary of State or the board of registrars, as the case may be, shall send
252 a confirmation notice to the elector as provided in Code Section 21-2-234."

253 SECTION 11.

254 Said chapter is further amended by revising subsection (a) of Code Section 21-2-234, relating
255 to electors who have failed to vote and with whom there has been no contact in three years,
256 confirmation notice requirements and procedure, and time for completion of list maintenance
257 activities, as follows:

258 "(a)(1) As used in this Code section and Code Section 21-2-235, the term 'no contact'
259 shall mean that the elector has not filed an updated voter registration card, has not filed
260 a change of name or address, has not signed a petition which is required by law to be
261 verified by the election superintendent of a county or municipality or the Secretary of
262 State, has not signed a voter's certificate, has not submitted an absentee ballot application
263 or voted an absentee ballot, and has not confirmed the elector's continuation at the same
264 address during the preceding three five calendar years.

265 (2) In the first six months of each odd-numbered year, the Secretary of State shall
266 identify all electors whose names appear on the list of electors with whom there has been
267 no contact during the preceding three five calendar years and who were not identified as
268 changing addresses under Code Section 21-2-233. The confirmation notice described in
269 this Code section shall be sent to each such elector during each odd-numbered year. Such
270 notices shall be sent by forwardable, first-class mail."

271

SECTION 12.

272 Said chapter is further amended by revising subsection (b) of Code Section 21-2-235, relating
273 to inactive list of electors, as follows:

274 "(b) An elector placed on the inactive list of electors shall remain on such list until the day
275 after the second November general election held after the elector is placed on the inactive
276 list of electors. If the elector makes no contact, as defined in Code Section 21-2-234,
277 during that period, the elector shall be removed from the inactive list of electors. Not less
278 than 30 nor more than 60 days prior to the date on which the elector is to be removed from
279 the inactive list of electors, the board of registrars shall mail a notice to the address on the
280 elector's registration record."

281

SECTION 13.

282 Said chapter is further amended by revising subsection (c) of Code Section 21-2-262, relating
283 to investigation as to division, redivision, alteration, formation, or consolidation of precincts
284 and petition of electors or board of registrars, as follows:

285 "(c) Upon the presentation of any such petition by the board of registrars or upon the filing
286 by the board of its report and recommendations as to any investigation presented under
287 subsection (a) of this Code section, the superintendent may make such order for the
288 division, redivision, alteration, formation, or consolidation of precincts as will, in the
289 superintendent's opinion, promote the convenience of electors and the public interests;
290 provided, however, that the superintendent shall not make any final order for the division,
291 redivision, alteration, formation, or consolidation of precincts until at least ~~ten~~ 30 days after
292 notice of such change shall have been advertised in the legal organ of the county. A copy
293 of such notice shall be immediately submitted to the Secretary of State. Such notice shall
294 state briefly the division, redivision, alteration, formation, or consolidation of precincts
295 recommended by the board of registrars and the date upon which the same will be
296 considered by the superintendent and shall contain a warning that any person objecting
297 thereto must file his or her objections with the superintendent prior to such date. Upon the
298 making of any such final order by the superintendent, a copy thereof shall be certified by
299 the superintendent to the board of registrars."

300

SECTION 14.

301 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of
302 superintendent to select polling places, change, petition objecting to proposed change, space
303 for political parties holding primaries, facilities for disabled voters, and selection of polling
304 place outside precinct to better serve voters, by adding a new subsection to read as follows:

305 "(f) A polling place shall not be changed on a day in which a primary, election, or runoff
306 is held, or during the 60 day period prior to any general primary or general election or
307 runoff from such primary or election, nor shall a polling place be changed in the 30 day
308 period prior to any special primary or special election or runoff from such special primary
309 or special election, except, in the discretion of the superintendent, when an emergency or
310 event occurs during such time period which renders the polling place unavailable for use
311 at such general primary, general election, special primary, special election, or runoff."

SECTION 15.

313 Said chapter is further amended by revising subsection (a) of Code Section 21-2-267, relating
314 to equipment, arrangement, and storage at polling places, as follows:

315 "a) The governing authority of each county and municipality shall provide and the
316 superintendent shall cause all rooms used as polling places to be provided with suitable
317 heat and light and, in precincts in which ballots are used, with a sufficient number of voting
318 compartments or booths with proper supplies in which the electors may conveniently mark
319 their ballots, with a curtain, screen, or door in the upper part of the front of each
320 compartment or booth so that in the marking thereof they may be screened from the
321 observation of others. A curtain, screen, or door shall not be required, however, for the
322 self-contained units used as voting booths in which direct recording electronic (DRE)
323 voting units or electronic ballot markers are located if such booths have been designed so
324 as to ensure the privacy of the elector. When practicable, every polling place shall consist
325 of a single room, every part of which is within the unobstructed view of those present
326 therein and shall be furnished with a guardrail or barrier closing the inner portion of such
327 room, which guardrail or barrier shall be so constructed and placed that only such persons
328 as are inside such rail or barrier can approach within six feet of the ballot box and voting
329 compartments, or booths, or voting machines, as the case may be. The ballot box and
330 voting compartments or booths shall be so arranged in the voting room within the enclosed
331 space as to be in full view of those persons in the room outside the guardrail or barrier.
332 The voting machine or machines shall be placed in the voting rooms within the enclosed
333 space so that, unless its construction shall otherwise require, the ballot labels on the face
334 of the machine can be plainly seen by the poll officers when the machine is not occupied
335 by an elector. In the case of direct recording electronic (DRE) voting units or electronic
336 ballot markers, the units devices shall be arranged in such a manner as to ensure the privacy
337 of the elector while voting on such units devices, to allow monitoring of the units devices
338 by the poll officers while the polls are open, and to permit the public to observe the voting
339 without affecting the privacy of the electors as they vote."

340

SECTION 16.

341 Said chapter is further amended in subsection (b) of Code Section 21-2-286, relating to
342 printing specifications, numbering, and binding of ballots, by adding a new paragraph to read
343 as follows:

344 "(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the
345 Secretary of State to ensure ease of reading by electors."

346

SECTION 17.

347 Said chapter is further amended by revising Code Section 21-2-293, relating to correction of
348 mistakes and omissions on ballots, as follows:

349 "21-2-293.

350 (a) If the election superintendent discovers that a mistake or omission has occurred in the
351 printing of official ballots or in the programming of the display of the official ballot on
352 DRE voting equipment or electronic ballot markers for any primary or election, the
353 superintendent is authorized on his or her own motion to take such steps as necessary to
354 correct such mistake or omission if the superintendent determines that such correction is
355 feasible and practicable under the circumstances; provided, however, that the
356 superintendent gives at least 24 hours hours' notice to the Secretary of State and any
357 affected candidates of the mistake or omission prior to making such correction.

358 (b) When it is shown by affidavit that a mistake or omission has occurred in the printing
359 of official ballots or in the programming of the display of the official ballot on DRE voting
360 equipment or electronic ballot markers for any primary or election, the superior court of
361 the proper county may, upon the application of any elector of the county or municipality,
362 require the superintendent to correct the mistake or omission or to show cause why he or
363 she should not do so."

364

SECTION 18.

365 Said chapter is further amended by revising subsection (a) of Code Section 21-2-300, relating
366 to provision of new voting equipment by state, contingent upon appropriations, county
367 responsibilities, education, and county and municipal contracts for equipment, as follows:

368 "(a)(1) The Provided that the General Assembly specifically appropriates funding to the
369 Secretary of State to implement this subsection, the equipment used for casting and
370 counting votes in county, state, and federal elections shall, by the July, 2004, primary
371 election and afterwards; be the same in each county in this state and shall be provided to
372 each county by the state, as determined by the Secretary of State.

373 (2) As soon as possible, once such equipment is certified by the Secretary of State as safe
374 and practicable for use, all federal, state, and county general primaries and general

375 elections as well as special primaries and special elections in the State of Georgia shall
376 be conducted with the use of scanning ballots marked by electronic ballot markers and
377 tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in
378 person, unless otherwise authorized by law; provided, however, that such electronic ballot
379 markers shall produce paper ballots which are marked with the elector's choices in a
380 format readable by the elector.

381 (3) The state shall furnish a uniform system of electronic ballot markers and ballot
382 scanners for use in each county as soon as possible. At its own expense, the governing
383 authority of a county may purchase, lease, or otherwise acquire additional electronic
384 ballot markers and ballot scanners of the type furnished by the state, if the governing
385 authority so desires. Additionally, at its own expense, the governing authority of a
386 municipality may choose to acquire its own electronic ballot markers and ballot scanners
387 by purchase, lease, or other procurement process.

388 (4) Notwithstanding any provision of law to the contrary, the Secretary of State is
389 authorized to conduct pilot programs to test and evaluate the use of electronic ballot
390 markers and ballot scanners in primaries and elections in this state."

SECTION 19.

392 Said chapter is further amended by revising paragraph (5) of Code Section 21-2-365, relating
393 to requirements for use of optical scanning voting systems, as follows:

394 "(5) An optical scanning tabulator A ballot scanner shall preclude the counting of votes
395 for any candidate or upon any question for whom or upon which an elector is not entitled
396 to vote; shall preclude the counting of votes for more persons for any office than he or
397 she is entitled to vote for; and shall preclude the counting of votes for any candidate for
398 the same office or upon any question more than once;".

SECTION 20.

400 Said chapter is further amended by revising Code Section 21-2-367, relating to installation
401 of systems, number of systems, and good working order, as follows:

402 "21-2-367.

403 (a) When the use of optical scanning voting systems has been authorized in the manner
404 prescribed in this part, such optical scanning voting systems shall be installed, either
405 simultaneously or gradually, within the county or municipality. Upon the installation of
406 optical scanning voting systems in any precinct, the use of paper ballots or other voting
407 machines or apparatus therein shall be discontinued, except as otherwise provided by this
408 chapter.

409 (b) In each precinct in which optical scanning voting systems are used, the county or
410 municipal governing authority, as appropriate, shall provide at least one voting booth or
411 enclosure for each ~~200~~ 250 electors therein, or fraction thereof.

412 (c) ~~Optical scanning voting systems of different kinds may be used for different precincts
413 in the same county or municipality~~ Reserved.

414 (d) The county or municipal governing authority, as appropriate, shall provide optical
415 scanning voting systems in good working order and of sufficient capacity to accommodate
416 the names of a reasonable number of candidates for all party offices and nominations and
417 public offices which, under the provisions of existing laws and party rules, are likely to be
418 voted for at any future primary or election."

419 SECTION 21.

420 Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating
421 to printing of ballots and arrangement, as follows:

422 "(a) The ballots shall be printed in black ink upon clear, white, or colored material, of such
423 size and arrangement as will suit the construction of the ~~optical~~ ballot scanner, and in plain,
424 clear type so as to be easily readable by persons with normal vision; provided, however,
425 that red material shall not be used except that all ovals appearing on the ballot to indicate
426 where a voter should mark to cast a vote may be printed in red ink."

427 SECTION 22.

428 Said chapter is further amended by revising Code Section 21-2-372, relating to ballot
429 description, as follows:

430 "21-2-372.

431 Ballots shall be of suitable design, size, and stock to permit processing by a ~~tabulating
432 machine~~ ballot scanner and shall be printed in black ink on clear, white, or colored
433 material. ~~In counties using a central count tabulating system, a serially numbered strip
434 shall be attached to each ballot in a manner and form similar to that prescribed in this
435 chapter for paper ballots.~~"

436 SECTION 23.

437 Said chapter is further amended by revising subsections (a) and (b) of Code
438 Section 21-2-374, relating to proper programming, proper order, testing, and supplies, as
439 follows:

440 "21-2-374.

441 (a) The superintendent of each county or municipality shall order the proper programming
442 to be placed in each ~~tabulator~~ ballot scanner used in any precinct or central tabulating
443 location.

444 (b) On or before the third day preceding a primary or election, including special primaries,
445 special elections, and referendum elections, the superintendent shall have the ~~optical~~
446 ~~scanning tabulators~~ ballot scanners tested to ascertain that they will correctly count the
447 votes cast for all offices and on all questions. Public notice of the time and place of the test
448 shall be made at least five days prior thereto; provided, however, that, in the case of a
449 runoff, the public notice shall be made at least three days prior thereto. Representatives of
450 political parties and bodies, candidates, news media, and the public shall be permitted to
451 observe such tests. The test shall be conducted by processing a preaudited group of ballots
452 so marked as to record a predetermined number of valid votes for each candidate and on
453 each question and shall include for each office one or more ballots which are improperly
454 marked and one or more ballots which have votes in excess of the number allowed by law
455 in order to test the ability of the ~~optical scanning tabulator~~ ballot scanner to reject such
456 votes. The ~~optical scanning tabulator~~ ballot scanner shall not be approved unless it
457 produces an errorless count. If any error is detected, the cause therefor shall be ascertained
458 and corrected; and an errorless count shall be made before the ~~tabulator~~ ballot scanner is
459 approved. The superintendent shall cause the pretested ~~tabulators~~ ballot scanners to be
460 placed at the various polling places to be used in the primary or election. The
461 superintendent shall require that each ~~optical scanning tabulator~~ ballot scanner be
462 thoroughly tested and inspected prior to each primary and election in which it is used and
463 shall keep such tested material as certification of an errorless count on each ~~tabulator~~ ballot
464 scanner. In counties using central count ~~optical scanning tabulators~~ ballot scanners, the
465 same test shall be repeated immediately before the start of the official count of the ballots
466 and at the conclusion of such count. Precinct ~~tabulators~~ ballot scanners shall produce a
467 zero tape prior to any ballots being inserted on the day of any primary or election."

468 **SECTION 24.**

469 Said chapter is further amended by revising Code Section 21-2-375, relating to delivery of
470 equipment to polling places, protection for equipment, and required accessories, as follows:

471 "21-2-375.

472 (a) In counties using precinct count ~~optical scanning tabulators~~ ballot scanners, the
473 superintendent shall deliver the proper ~~optical scanning tabulator~~ ballot scanner to the
474 polling places at least one hour before the time set for opening of the polls at each primary
475 or election and shall cause each to be set up in the proper manner for use in voting.

476 (b) The superintendent shall provide ample protection against molestation of and injury
477 to the ~~optical scanning tabulator~~ ballot scanner and, for that purpose, shall call upon any
478 law enforcement officer to furnish such assistance as may be necessary; and it shall be the
479 duty of the law enforcement officer to furnish such assistance when so requested by the
480 superintendent.

481 (c) The superintendent shall at least one hour before the opening of the polls:
482 (1) Provide sufficient lighting to enable electors, while in the voting booth, to read the
483 ballot, which lighting shall be suitable for the use of poll officers in examining the booth;
484 and such lighting shall be in good working order before the opening of the polls;
485 (2) Prominently post directions for voting ~~on the optical scanning ballot~~ within the voting
486 booth; at least two sample ballots in use for the primary or election shall be posted
487 prominently outside the enclosed space within the polling place;
488 (3) Ensure that the precinct count ~~optical scanning tabulator~~ ballot scanner shall have a
489 seal securing the memory pack in use throughout the election day; such seal shall not be
490 broken unless the ~~tabulator~~ ballot scanner is replaced due to malfunction; and
491 (4) Provide such other materials and supplies as may be necessary or as may be required
492 by law."

493 SECTION 25.

494 Said chapter is further amended by revising Code Section 21-2-377, relating to custody and
495 storage when not in use, as follows:

496 "21-2-377.
497 (a) The superintendent shall designate a person or persons who shall have custody of the
498 ~~optical scanning tabulators~~ ballot scanners of the county or municipality when they are not
499 in use at a primary or election and shall provide for his or her compensation and for the
500 safe storage and care of the ~~optical scanning tabulators~~ ballot scanners.
501 (b) All ~~optical scanning tabulators~~ ballot scanners, when not in use, shall be properly
502 covered and stored in a suitable place or places."

503 SECTION 26.

504 Said chapter is further amended in Article 9, relating to voting machines and vote recorders
505 generally, by adding a new part to read as follows:

506

"Part 6507 21-2-379.21.

Each polling place in this state utilizing optical scanning voting systems shall be equipped with at least one electronic ballot marker that meets the requirements as set forth in this part that is accessible to individuals with disabilities.

511 21-2-379.22.

No electronic ballot marker shall be adopted or used in primaries or elections in this state unless it shall, at the time, satisfy the following requirements:

(1) Provide facilities for marking ballots for all candidates and for all referendums or questions for which the elector shall be entitled to vote in a primary or election;

(2) Permit each elector, in one operation, to mark a vote for presidential electors for all the candidates of one party or body for the office of presidential elector;

(3) Permit each elector to mark votes, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears as a candidate for election; to mark votes for as many persons for an office as he or she is entitled to vote for; and to mark votes for or against any question upon which he or she is entitled to vote;

(4) Preclude the marking of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; preclude the marking of votes for more persons for any office than the elector is entitled to vote for; and preclude the marking of votes for any candidate for the same office or upon any question more than once;

(5) Permit voting in absolute secrecy so that no person can see or know any other elector's votes, except when he or she has assisted the elector in voting, as prescribed by law;

(6) Produce a paper ballot which is marked with the elector's choices in a format readable by the elector;

(7) Be constructed of good quality material in a neat and workmanlike manner;

(8) When properly operated, mark correctly and accurately every vote cast;

(9) Be so constructed that an elector may readily learn the method of operating it; and

(10) Be safely transportable.

536 21-2-379.23.

(a) The ballot display information and appearance on an electronic ballot marker shall conform as nearly as practicable to Code Sections 21-2-379.4 and 21-2-379.5.

539 (b) The form and arrangement of ballots marked and printed by an electronic ballot marker
540 shall be prescribed by the Secretary of State.

541 (c) Notwithstanding any other law to the contrary, ballots marked and printed by an
542 electronic ballot marker shall, at a minimum, contain:

543 (1) The words 'OFFICIAL BALLOT';

544 (2) The name and date of the election;

545 (3) The titles of the respective offices for which the elector is eligible to vote;

546 (4) Words identifying the proposed constitutional amendments or other questions for
547 which the elector is eligible to vote;

548 (5) The name of the candidate or the answer to the proposed constitutional amendment
549 or other question for which the elector intends to vote; and

550 (6) Clear indication that the elector has not marked a vote for any particular office,
551 constitutional amendment, or other question.

552 (d) The paper ballot marked and printed by the electronic ballot marker shall constitute the
553 official ballot and shall be used for, and govern the result in, any recount conducted
554 pursuant to Code Section 21-2-495 and any audit conducted pursuant to Code Section
555 21-2-498.

556 21-2-379.24.

557 (a) Any person or organization owning, manufacturing, or selling, or being interested in
558 the manufacture or sale of, any electronic ballot marker may request that the Secretary of
559 State examine the device. Any ten or more electors of this state may, at any time, request
560 that the Secretary of State reexamine any such device previously examined and approved
561 by him or her. Before any such examination or reexamination, the person, persons, or
562 organization requesting such examination or reexamination shall pay to the Secretary of
563 State the reasonable expenses of such examination or reexamination. The Secretary of
564 State shall publish and maintain on his or her website the cost of such examination or
565 reexamination. The Secretary of State may, at any time, in his or her discretion, reexamine
566 any such device.

567 (b) The Secretary of State shall thereupon examine or reexamine such device and shall
568 make and file in his or her office a report, attested by his or her signature and the seal of
569 his or her office, stating whether, in his or her opinion, the kind of device so examined can
570 be safely and accurately used by electors at primaries and elections as provided in this
571 chapter. If this report states that the device can be so used, the device shall be deemed
572 approved, and devices of its kind may be adopted for use at primaries and elections as
573 provided in this chapter.

574 (c) Any device that is not so approved shall not be used at any primary or election and if,
575 upon reexamination, a previously approved device appears to be no longer safe or accurate
576 for use by electors at primaries or elections as provided in this chapter because of an
577 inability to accurately record votes, the approval of the same shall immediately be revoked
578 by the Secretary of State, and no such device shall thereafter be used or purchased for use
579 in this state.

580 (d) Any vendor who completes a sale of an electronic ballot marker that has not been
581 certified by the Secretary of State to a governmental body in this state shall be subject to
582 a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs
583 and expenses incurred by the governmental body in connection with the sale. The State
584 Election Board shall have the authority to impose such penalty upon a finding that such a
585 sale has occurred.

586 (e) When a device has been so approved, no improvement or change that does not impair
587 its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval
588 of such device, or of its kind.

589 (f) Neither the Secretary of State, nor any custodian, nor the governing authority of any
590 county or municipality or a member of such governing authority nor any other person
591 involved in the examination process shall have any pecuniary interest in any device or in
592 the manufacture or sale thereof.

593 (g) Documents or information that, if made public, would endanger the security of any
594 voting system used or being considered for use in this state, or any component thereof,
595 including, but not limited to, electronic ballot markers, DREs, ballot scanners, pollbooks,
596 and software or databases used for voter registration, shall not be open for public inspection
597 except upon order of a court of competent jurisdiction.

598 21-2-379.25.

599 (a) The superintendent of each county or municipality shall cause the proper ballot design
600 and style to be programmed for each electronic ballot marker which is to be used in any
601 precinct within such county or municipality, shall cause each such device to be placed in
602 proper order for voting, and shall examine each device before it is sent to a polling place
603 for use in a primary or election, to verify that each device is properly recording votes and
604 producing proper ballots.

605 (b) The superintendent may appoint, with the approval of the county or municipal
606 governing authority, as appropriate, a custodian of the electronic ballot markers, and deputy
607 custodians as may be necessary, whose duty shall be to prepare the devices to be used in
608 the county or municipality at the primaries and elections to be held therein. Each custodian
609 and deputy custodian shall receive from the county or municipality such compensation as

610 shall be fixed by the governing authority of such county or municipality. Such custodian
611 shall, under the direction of the superintendent, have charge of and represent the
612 superintendent during the preparation of the devices as required by this chapter. The
613 custodian and deputy custodians shall serve at the pleasure of the superintendent and each
614 shall take an oath of office prepared by the Secretary of State before each primary or
615 election, which shall be filed with the superintendent.

616 (c) On or before the third day preceding a primary or election, including special primaries,
617 special elections, and referendum elections, the superintendent shall have each electronic
618 ballot marker tested to ascertain that it will correctly record the votes cast for all offices and
619 on all questions and produce a ballot reflecting such choices of the elector in a manner that
620 the State Election Board shall prescribe by rule or regulation. Public notice of the time and
621 place of the test shall be made at least five days prior thereto; provided, however, that, in
622 the case of a runoff, the public notice shall be made at least three days prior thereto.
623 Representatives of political parties and bodies, news media, and the public shall be
624 permitted to observe such tests.

625 21-2-379.26.

626 (a) All electronic ballot markers and related equipment, when not in use, shall be properly
627 stored and secured under conditions as shall be specified by the Secretary of State.
628 (b) The superintendent shall store the devices and related equipment under his or her
629 supervision or shall designate another person or entity to provide secure storage of such
630 devices and related equipment when it is not in use at a primary or election. The
631 superintendent shall provide compensation for the safe storage and care of such devices and
632 related equipment if the devices and related equipment are stored by another person or
633 entity."

634 **SECTION 27.**

635 Said chapter is further amended by revising subparagraph (a)(1)(D) and subsection (b) of
636 Code Section 21-2-381, relating to making of application for absentee ballot, determination
637 of eligibility by ballot clerk, furnishing of applications to colleges and universities, and
638 persons entitled to make application, as follows:

639 "(D) Except in the case of physically disabled electors residing in the county or
640 municipality or electors in custody in a jail or other detention facility in the county or
641 municipality, no absentee ballot shall be mailed to an address other than the permanent
642 mailing address of the elector as recorded on the elector's voter registration record or
643 a temporary out-of-county or out-of-municipality address."

644 "(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
645 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
646 shall determine, in accordance with the provisions of this chapter, if the applicant is
647 eligible to vote in the primary or election involved. In order to be found eligible to vote
648 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the
649 identifying information on the application with the information on file in the registrar's
650 office and, if the application is signed by the elector, compare the signature or mark of
651 the elector on the application with the signature or mark of the elector on the elector's
652 voter registration card. In order to be found eligible to vote an absentee ballot in person
653 at the registrar's office or absentee ballot clerk's office, such person shall show one of the
654 forms of identification listed in Code Section 21-2-417 and the registrar or absentee ballot
655 clerk shall compare the identifying information on the application with the information
656 on file in the registrar's office.

657 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
658 proper place on the application and then:

659 (A) Shall mail the ballot as provided in this Code section;
660 (B) If the application is made in person, shall issue the ballot to the elector ~~to be voted~~
661 ~~on a direct recording electronic (DRE) voting system~~ within the confines of the
662 registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
663 ballot is issued during the advance voting period established pursuant to subsection (d)
664 of Code Section 21-2-385; or
665 (C) May deliver the ballot in person to the elector if such elector is confined to a
666 hospital.

667 (3) If found ineligible, the clerk or the board of registrars shall deny the application by
668 writing the reason for rejection in the proper space on the application and shall promptly
669 notify the applicant in writing of the ground of ineligibility, a copy of which notification
670 should be retained on file in the office of the board of registrars or absentee ballot clerk
671 for at least one year. However, an absentee ballot application shall not be rejected due
672 to an apparent mismatch between the signature of the elector on the application and the
673 signature of the elector on file with the board of registrars. In such cases, the board of
674 registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with
675 the designation 'Provisional Ballot' on the outer oath envelope and information prepared
676 by the Secretary of State as to the process to be followed to cure the signature
677 discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk
678 prior to the closing of the polls on the day of the primary or election, the elector may cure
679 the signature discrepancy by submitting an affidavit to the board of registrars or absentee
680 ballot clerk along with a copy of one of the forms of identification enumerated in

681 subsection (c) of Code Section 21-2-417 before the close of the period for verifying
682 provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of
683 registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the
684 absentee ballot shall be counted as other absentee ballots. If the board of registrars or
685 absentee ballot clerk finds the affidavit and identification to be insufficient, then the
686 procedure contained in Code Section 21-2-386 shall be followed for rejected absentee
687 ballots.

688 (4) If the registrar or clerk is unable to determine the identity of the elector from
689 information given on the application, the registrar or clerk should promptly write to
690 request additional information.

691 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
692 or the board shall immediately mail a blank registration card as provided by Code Section
693 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
694 absentee ballot in such primary or election, if the registration card, properly completed,
695 is returned to the clerk or the board on or before the last day for registering to vote in
696 such primary or election. If the closing date for registration in the primary or election
697 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
698 as soon as it is prepared and available; and the ballot shall be cast in such primary or
699 election if returned to the clerk or board not later than the close of the polls on the day of
700 the primary or election concerned."

701 SECTION 28.

702 Said chapter is further amended by revising subsection (a) of Code Section 21-2-382, relating
703 to additional sites as additional registrar's office or place of registration for absentee ballots,
704 as follows:

705 "(a) Any other provisions of this chapter to the contrary notwithstanding, the board of
706 registrars may establish additional sites as additional registrar's offices or places of
707 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
708 for the purpose of voting absentee ballots under Code Section 21-2-385, provided that any
709 such site is a branch of the county courthouse, a courthouse annex, a government service
710 center providing general government services, or another government building generally
711 accessible to the public, or a location that is used as an election day polling place,
712 notwithstanding that such location is not a government building."

713

SECTION 29.

714 Said chapter is further amended in Code Section 21-2-383, relating to preparation and
715 delivery of ballots, form of ballots, and casting ballot in person using DRE unit, by adding
716 a subsection to read as follows:

717 "(c) Notwithstanding any other provision of this Code section to the contrary, in
718 jurisdictions in which electronic ballot markers are used in the polling places on election
719 day, such electronic ballot markers shall be used for casting absentee ballots in person at
720 a registrar's or absentee ballot clerk's office or in accordance with Code Section 21-2-382,
721 providing for additional sites."

722

SECTION 30.

723 Said chapter is further amended by revising subsections (b) and (e) and paragraph (1) of
724 subsection (c) of Code Section 21-2-384, relating to preparation and delivery of supplies,
725 mailing of ballots, oath of absentee electors and persons assisting absentee electors, master
726 list of ballots sent, challenges, and electronic transmission of ballots, as follows:

727 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
728 office, in addition to the mailing envelope addressed to the elector, the superintendent,
729 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
730 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
731 order to permit the placing of one within the other and both within the mailing envelope.
732 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
733 the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two
734 envelopes to be enclosed within the mailing envelope shall be printed the form of oath of
735 the elector and the oath for persons assisting electors, as provided for in Code Section
736 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579,
737 and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the
738 name and address of the board of registrars or absentee ballot clerk. The larger of the two
739 envelopes shall also display the elector's name and voter registration number. The mailing
740 envelope addressed to the elector shall contain the two envelopes, the official absentee
741 ballot, the uniform instructions for the manner of preparing and returning the ballot, in
742 form and substance as provided by the Secretary of State, provisional absentee ballot
743 information, if necessary. and a notice in the form provided by the Secretary of State of all
744 withdrawn, deceased, and disqualified candidates and any substitute candidates pursuant
745 to Code Sections 21-2-134 and 21-2-155 and nothing else. The uniform instructions shall
746 include information specific to the voting system used for absentee voting concerning the
747 effect of overvoting or voting for more candidates than one is authorized to vote for a
748 particular office and information concerning how the elector may correct errors in voting

749 the ballot before it is cast including information on how to obtain a replacement ballot if
750 the elector is unable to change the ballot or correct the error.

751 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
752 the following form:

753 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
754 the State of Georgia; ~~that my residence address, for voting purposes, is _____~~
755 ~~County, Georgia;~~ that I possess the qualifications of an elector required by the laws of
756 the State of Georgia; that I am entitled to vote in the precinct containing my residence
757 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
758 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
759 mark or mail another absentee ballot for voting in such primary or election; nor shall
760 I vote therein in person; and that I have read and understand the instructions
761 accompanying this ballot; and that I have carefully complied with such instructions in
762 completing this ballot. I understand that the offer or acceptance of money or any other
763 object of value to vote for any particular candidate, list of candidates, issue, or list of
764 issues included in this election constitutes an act of voter fraud and is a felony under
765 Georgia law.

766 _____
767 Elector's Residence Address

768 _____
769 Year of Elector's Birth

770 _____
771 Signature or Mark of Elector
772 _____
773 Printed Name of Elector

774 Oath of Person Assisting Elector (if any):

775 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
776 marking such elector's absentee ballot as such elector personally communicated such
777 elector's preference to me; and that such elector is entitled to receive assistance in
778 voting under provisions of subsection (a) of Code Section 21-2-409.

779 This, the _____ day of _____, _____.

780 _____
781 Signature of Person Assisting
782 Elector = Relationship
783 _____

784
785Printed Name of Person
Assisting Elector

786 Reason for assistance (Check appropriate square):

787 Elector is unable to read the English language.

788 Elector requires assistance due to physical disability.

789 The forms upon which such oaths are printed shall contain the following information:

790 ~~Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person~~
791 ~~shall assist more than ten electors in any primary, election, or runoff in which there~~
792 ~~is no federal candidate on the ballot.~~

793 Georgia law further provides that any person who knowingly falsifies information so
794 as to vote illegally by absentee ballot or who illegally gives or receives assistance in
795 voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony."

796 "(e) The State Election Board shall by rule or regulation establish procedures for the
797 transmission of blank absentee ballots by mail and by electronic transmission for all
798 electors who are entitled to vote by absentee ballot under the federal Uniformed and
799 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff 52 U.S.C.~~
800 Section 20302, et seq., as amended, and by which such electors may designate whether the
801 elector prefers the transmission of such ballots by mail or electronically, for use in county,
802 state, and federal primaries, elections, and runoffs in this state and, if the Secretary of State
803 finds it to be feasible, for use in municipal primaries, elections, and runoffs. If no
804 preference is stated, the ballot shall be transmitted by mail. The State Election Board shall
805 by rule or regulation establish procedures to ensure to the extent practicable that the
806 procedures for transmitting such ballots shall protect the security and integrity of such
807 ballots and shall ensure that the privacy of the identity and other personal data of such
808 electors who are entitled to vote by absentee ballot under the federal Uniformed and
809 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff 52 U.S.C.~~
810 Section 20302, et seq., as amended, to whom a blank absentee ballot is transmitted under
811 this Code section is protected throughout the process of such transmission."

812

SECTION 31.

813 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
814 voting by absentee ballot and advance voting, as follows:

815 "21-2-385.

816 (a) At any time after receiving an official absentee ballot, but before the day of the primary
817 or election, except electors who are confined to a hospital on the day of the primary or
818 election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose

819 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
820 This envelope shall then be placed in the second one, on which is printed the form of the
821 oath of the elector; the name, relationship, and oath of the person assisting, if any; and
822 other required identifying information. The elector shall then fill out, subscribe, and swear
823 to the oath printed on such envelope. Such envelope shall then be securely sealed and the
824 elector shall then personally mail or personally deliver same to the board of registrars or
825 absentee ballot clerk, provided that mailing or delivery by a physically disabled elector
826 may be made by any adult person upon satisfactory proof that such adult person is such the
827 elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter,
828 niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
829 brother-in-law, sister-in-law, or an individual residing in the household of such disabled
830 elector. The absentee ballot of a disabled elector may be mailed or delivered by the
831 caregiver of such disabled elector, regardless of whether such caregiver resides in such
832 disabled elector's household. The absentee ballot of an elector who is in custody in a jail
833 or other detention facility may be mailed or delivered by any employee of such jail or
834 facility having custody of such elector. An elector who is confined to a hospital on a
835 primary or election day to whom an absentee ballot is delivered by the registrar or absentee
836 ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar
837 or absentee ballot clerk. If the elector registered to vote for the first time in this state by
838 mail and has not previously provided the identification required by Code Section 21-2-220
839 and votes for the first time by absentee ballot and fails to provide the identification required
840 by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated
841 as a provisional ballot and shall be counted only if the registrars are able to verify the
842 identification and registration of the elector during the time provided pursuant to Code
843 Section 21-2-419.

844 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
845 ballot from one of the following: any elector who is qualified to vote in the same county
846 or municipality as the disabled or illiterate elector; an attendant care provider or a person
847 providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,
848 spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,
849 mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate
850 elector any person of the elector's choice other than such elector's employer or the agent
851 of such employer or an officer or agent of such elector's union; provided, however, that no
852 person whose name appears on the ballot as a candidate at a particular primary, election,
853 or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,
854 daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
855 father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance

856 during such primary, election, or runoff under the provisions of this Code section to any
857 elector who is not related to such candidate. For the purposes of this subsection, the term
858 'related to such candidate' shall mean such candidate's mother, father, grandparent, aunt,
859 uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,
860 daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person
861 rendering assistance to the elector in preparing the ballot shall sign the oath printed on the
862 same envelope as the oath to be signed by the elector. ~~If the disabled or illiterate elector~~
863 ~~is sojourning outside his or her own county or municipality, a notary public of the~~
864 ~~jurisdiction may give such assistance and shall sign the oath printed on the same envelope~~
865 ~~as the oath to be signed by the elector. No person shall assist more than ten such electors~~
866 ~~in any primary, election, or runoff in which there is no federal candidate on the ballot. Any~~
867 ~~person who willfully violates this subsection shall be guilty of a felony and, upon~~
868 ~~conviction thereof, shall be sentenced to imprisonment for not less than one nor more than~~
869 ~~ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.~~

870 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
871 been printed, the absentee ballot may be issued to the elector at the time of the application
872 therefor within the confines of the registrar's or absentee ballot clerk's office if such
873 application is made during the advance voting period as provided in subsection (d) of this
874 Code section or may be mailed to the elector, depending upon the elector's request. If the
875 ballot is issued to the elector at the time of application, the elector shall then and there
876 within the confines of the registrar's or absentee ballot clerk's office vote and return the
877 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
878 persons voting in accordance with subsection (d) of this Code section, the board of
879 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
880 privacy of the elector while voting his or her absentee ballot.

881 (d)(1) There shall be a period of advance voting that shall commence:
882 (A) On the fourth Monday immediately prior to each primary or election;
883 (B) On the fourth Monday immediately prior to a runoff from a general primary;
884 (C) On the fourth Monday immediately prior to a runoff from a general election in
885 which there are candidates for a federal office on the ballot in the runoff; and
886 (D) As soon as possible prior to a runoff from any other general election in which there
887 are only state or county candidates on the ballot in the runoff but no later than the
888 second Monday immediately prior to such runoff

889 and shall end on the Friday immediately prior to each primary, election, or runoff.
890 Voting shall be conducted during normal business hours on weekdays during such period
891 and shall be conducted on the second Saturday prior to a primary or election during the
892 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections

893 in which there are no federal or state candidates on the ballot, no Saturday voting hours
894 shall be required; and provided, further, that, if such second Saturday is a public and legal
895 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
896 legal holiday occurring on the Thursday or Friday immediately preceding such second
897 Saturday, or if such second Saturday immediately precedes a public and legal holiday
898 occurring on the following Sunday or Monday, such advance voting shall not be held on
899 such second Saturday but shall be held on the third Saturday prior to such primary or
900 election. Except as otherwise provided in this paragraph, counties and municipalities
901 may extend the hours for voting beyond regular business hours and may provide for
902 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
903 electors of the jurisdiction at their option.

904 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
905 to the electors of their jurisdiction of the availability of advance voting as well as the
906 times, dates, and locations at which advance voting will be conducted. In addition, the
907 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
908 prescribed by the Secretary of State of the times, dates, and locations at which advance
909 voting will be conducted."

910 SECTION 32.

911 Said chapter is further amended by revising subparagraphs (a)(1)(C) and (a)(1)(D) of Code
912 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
913 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
914 notification of challenged elector, as follows:

915 "(C) If the elector has failed to sign the oath, or if the signature does not appear to be
916 valid, or if the elector has failed to furnish required information or information so
917 furnished does not conform with that on file in the registrar's or clerk's office, or if the
918 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
919 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
920 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
921 which notification shall be retained in the files of the board of registrars or absentee
922 ballot clerk for at least two years. Such elector shall have until the end of the period for
923 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to
924 cure the problem resulting in the rejection of the ballot. The elector may cure a failure
925 to sign the oath, an invalid signature, or missing information by submitting an affidavit
926 to the board of registrars or absentee ballot clerk along with a copy of one of the forms
927 of identification enumerated in subsection (c) of Code Section 21-2-417 before the
928 close of such period. The affidavit shall affirm that the ballot was submitted by the

929 elector, is the elector's ballot, and that the elector is registered and qualified to vote in
930 the primary, election, or runoff in question. If the board of registrars or absentee ballot
931 clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be
932 counted.

933 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
934 of Code Section 21-2-220, and who votes for the first time in this state by absentee
935 ballot shall include with his or her application for an absentee ballot or in the outer oath
936 envelope of his or her absentee ballot either one of the forms of identification listed in
937 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
938 statement, government check, paycheck, or other government document that shows the
939 name and address of such elector. If such elector does not provide any of the forms of
940 identification listed in this subparagraph with his or her application for an absentee
941 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
942 provisional ballot and such ballot shall only be counted if the registrars are able to
943 verify current and valid identification of the elector as provided in this subparagraph
944 within the time period for verifying provisional ballots pursuant to Code
945 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
946 the elector that such ballot is deemed a provisional ballot and shall provide information
947 on the types of identification needed and how and when such identification is to be
948 submitted to the board of registrars or absentee ballot clerk to verify the ballot."

949 SECTION 33.

950 Said chapter is further amended by revising Code Section 21-2-387, relating to pilot program
951 for electronic handling of absentee ballots, requirements for pilot program, reporting, and
952 termination of pilot program, as follows:

953 "21-2-387.

954 (a) The Secretary of State shall is authorized to develop and implement a pilot program for
955 the electronic transmission, receipt, and counting of absentee ballots by persons who are
956 entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens
957 Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20302, et seq., as
958 amended, for use in ~~a primary or a general election county, state, and federal primaries;~~
959 ~~elections; and runoffs in this state and, if the Secretary of State finds it to be feasible, for~~
960 ~~use in municipal primaries, elections, and runoffs.~~

961 (b) Such pilot program shall provide, at a minimum, for:

- 962 (1) The encryption of information and the transmission of such information over a secure
963 network;
- 964 (2) The authentication of such information;

965 (3) The verification of the identity and eligibility of the elector to vote in the primary,
966 election, or runoff, as the case may be;

967 (4) The protection of the privacy, anonymity, and integrity of the ballots cast;

968 (5) The prevention of the casting of multiple ballots by the same elector in a primary,
969 election, or runoff;

970 (6) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of
971 such system;

972 (7) The uninterrupted reliability of such system for casting ballots by qualified voters;

973 (8) The capability of the elector to determine if the electronic transmission of the ballot
974 was successful;

975 (9) The ability to audit such ballots and to verify that such ballots were properly counted;
976 and

977 (10) The ability to verify that the information transmitted over the secure network was
978 not viewed or altered by sites that lie between the voting location and the vote counting
979 destination.

980 (c) The Secretary of State shall develop procedures by which persons who are eligible to
981 utilize the pilot program to vote shall be notified of its availability and the procedures and
982 methods for its utilization.

983 (d) The provisions of this article shall apply to ballots requested, transmitted, voted,
984 received, and counted under this pilot program as nearly as practicable, but the Secretary
985 of State and the State Election Board shall be authorized to vary such provisions by rule
986 or regulation as necessary to accomplish the goals of this pilot program, provided that such
987 variances shall retain and maintain the same degree of security and integrity of such ballots
988 as provided by this article although in different forms or formats as necessitated by the
989 technology utilized in such pilot program. The Secretary of State and the State Election
990 Board are authorized to promulgate such rules and regulations as necessary to implement
991 the provisions of this Code section and to provide for such variances to this article as
992 needed pursuant to this subsection.

993 (e) The Secretary of State shall review the results of the pilot program and shall provide
994 the members of the General Assembly with a comprehensive report no later than 90 days
995 following the primary or general election in which such pilot program is used on the
996 effectiveness of such pilot program with any recommendations for its continued use and
997 any needed changes in such program for future primaries and elections.

998 (f) The pilot program shall be used in the first primary or general election following:

999 (1) The inclusion in the Appropriations Act of a specific line item appropriation for
1000 funding of such pilot program or a determination by the Secretary of State that there is
1001 adequate funding through public or private funds, or a combination of public and private

1002 funds, to conduct the pilot program; provided, however, that no funds shall be accepted
1003 from registered political parties or political bodies for this purpose; and

1004 (2) Certification by the Secretary of State that such pilot program is feasible and can be
1005 implemented for such primary or general election.

1006 (g) This Code section shall be repealed by operation of law on July 1 of the year following
1007 the conclusion of the pilot program.

1008 (h) The Secretary of State is authorized to develop and utilize a pilot program for the
1009 electronic transmission, receipt, and counting of absentee ballots by electors who are
1010 disabled with the same minimum requirements as specified in subsection (b) of this Code
1011 section."

1012 SECTION 34.

1013 Said chapter is further amended by revising Code Section 21-2-388, relating to cancellation
1014 of absentee ballots of electors who are present in election precinct during primaries and
1015 elections, as follows:

1016 "21-2-388.

1017 When an absentee ballot which has been voted shall be returned to and received by the
1018 board of registrars, it shall be deemed to have been voted then and there; and no other
1019 ballot shall be issued to the same elector. If an elector has requested to vote by absentee
1020 ballot and has not received such absentee ballot, has such ballot in his or her possession,
1021 has not yet returned such ballot, or has returned such ballot but the registrars have not
1022 received such ballot, such elector may have the absentee ballot canceled and vote in person
1023 on the day of the primary, election, or runoff in one of the following ways:

1024 (1) If the elector is in possession of the ballot, by surrendering the absentee ballot to the
1025 poll manager of the precinct in which the elector's name appears on the electors list and
1026 then being permitted to vote the regular ballot. The poll manager shall mark 'Canceled'
1027 and the date and time across the face of the absentee ballot and shall initial same. The
1028 poll manager shall also make appropriate notations beside the name of the elector on the
1029 electors list. All such canceled absentee ballots shall be returned with other ballots to the
1030 superintendent; or

1031 (2) If the elector has not received the ballot, has not yet returned the ballot, or if the
1032 elector has returned the ballot but the registrars have not received the ballot, by appearing
1033 in person before the managers of the elector's precinct, the registrars, or the absentee
1034 ballot clerk and requesting in writing that the envelope containing the elector's absentee
1035 ballot be marked 'Canceled.' After having satisfied themselves as to the identity of such
1036 elector and confirming that the elector's absentee ballot has not yet been received by the
1037 board of registrars, the registrars or the absentee ballot clerk shall grant the request and

1038 shall notify the managers of the elector's precinct as to such action so as to permit the
1039 elector to vote in person in that precinct. If the absentee ballot is in the mail, has not yet
1040 been returned, or its exact location is unknown, the registrar or the absentee ballot clerk
1041 shall write 'Canceled' beside the elector's name on the master list of absentee voters and
1042 shall cancel the ballot itself as soon as it is received. If the location of the requested
1043 absentee ballot is known to the elector and it has not been surrendered to the poll
1044 manager, the elector shall destroy the absentee ballot after casting his or her vote in
1045 person. Canceled absentee ballots shall be disposed of in the same manner as provided
1046 in subsection (a) of Code Section 21-2-386 for absentee ballots returned too late to be
1047 cast."

1048 SECTION 35.

1049 Said chapter is further amended by revising subsection (b) of Code Section 21-2-409, relating
1050 to assisting electors who cannot read English or who have disabilities, as follows:

1051 "(b)(1) ~~In elections in which there is a federal candidate on the ballot, any~~ Any elector who
1052 is entitled to receive assistance in voting under this Code section shall be permitted by the
1053 managers to select any person of the elector's choice except such elector's employer or
1054 agent of that employer or officer or agent of such elector's union:

1055 (2) ~~In all other elections, any elector who is entitled to receive assistance in voting under~~
1056 ~~this Code section shall be permitted by the managers to select:~~

1057 (A) ~~Any elector, except a poll officer or poll watcher, who is a resident of the precinct~~
1058 ~~in which the elector requiring assistance is attempting to vote; or~~
1059 (B) ~~The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,~~
1060 ~~niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,~~
1061 ~~brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive~~
1062 ~~assistance~~

1063 to enter the voting compartment or booth with him or her to assist in voting, such
1064 assistance to be rendered inside the voting compartment or booth. ~~No person shall assist~~
1065 ~~more than ten such electors in any primary, election, or runoff covered by this paragraph.~~
1066 No person whose name appears on the ballot as a candidate at a particular election nor
1067 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
1068 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
1069 brother-in-law, or sister-in-law of that candidate shall offer assistance during that
1070 particular election under the provisions of this Code section to any voter who is not
1071 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
1072 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse,
1073 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,

1074 father-in-law, brother-in-law, or sister-in-law. Notice of the availability of such
1075 assistance shall be prominently posted at each polling place."

SECTION 36.

1077 Said chapter is further amended by revising subsection (e) of Code Section 21-2-413, relating
1078 to conduct of voters, campaigners, and others at polling places generally, as follows:

1079 "(e) No person shall use photographic or other electronic monitoring or recording devices,
1080 cameras, or cellular telephones while such person is in a polling place while voting is
1081 taking place; provided, however, that a poll manager, in his or her discretion, may allow
1082 the use of photographic devices in the polling place under such conditions and limitations
1083 as the election superintendent finds appropriate, and provided, further, that no photography
1084 shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot
1085 marker while an elector is voting such ballot or machine or DRE unit or using such
1086 electronic ballot marker, and no photography shall be allowed of an electors list, electronic
1087 electors list, or the use of an electors list or electronic electors list. This subsection shall
1088 not prohibit the use of photographic or other electronic monitoring or recording devices,
1089 cameras, or cellular telephones by poll officials for official purposes."

SECTION 37.

1091 Said chapter is further amended by revising subsection (f) of Code Section 21-2-417.1,
1092 relating to voter identification cards, as follows:

1093 "(f) A Georgia voter identification card shall remain valid so long as a person resides at
1094 in the same address county and remains qualified to vote. It shall be the duty of a person
1095 who moves his or her residence within the State of Georgia outside of the county in which
1096 it was issued to surrender his or her card to the board of registrars of the county of his or
1097 her new residence; and such person may after such surrender apply for and receive a new
1098 card if such person is otherwise eligible under this Code section. It shall be the duty of a
1099 person who moves his or her residence outside the State of Georgia or who ceases to be
1100 qualified to vote to surrender his or her card to the board of registrars by which it was
1101 issued."

SECTION 38.

1103 Said chapter is further amended by revising subsection (e) of Code Section 21-2-418, relating
1104 to provisional ballots, as follows:

1105 "(e) The registrars shall establish a free access system, such as a toll-free telephone number
1106 or Internet internet website, by which any elector who casts a provisional ballot in a
1107 primary or election, or runoff of either, in which federal candidates are on the ballot may

1108 ascertain whether such ballot was counted and, if such ballot was not counted, the reason
1109 why such ballot was not counted. The registrars shall establish and maintain reasonable
1110 procedures necessary to protect the security, confidentiality, and integrity of personal
1111 information collected, stored, or otherwise used by such free access system. Access to such
1112 information about an individual provisional ballot shall be restricted to the elector who cast
1113 such ballot. At the earliest time possible after the casting of a provisional ballot, the
1114 election superintendent shall notify the Secretary of State that an elector cast a provisional
1115 ballot, whether such ballot was counted, and, if such ballot was not counted, the reason
1116 why such ballot was not counted."

1117 **SECTION 39.**

1118 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
1119 provisional ballots and reporting to Secretary of State, as follows:

1120 "21-2-419.

1121 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
1122 county or municipality ~~for mail-in absentee ballots~~. Such provisional ballot shall be sealed
1123 in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the
1124 person casting such ballot in a secure, sealed ballot box.

1125 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
1126 the day after the primary or election in which such provisional ballot was cast, the board
1127 of registrars of the county or municipality, as the case may be, shall be notified by the
1128 election superintendent that provisional ballots were cast in the primary or election and the
1129 registrars shall be provided with the documents completed by the person casting the
1130 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
1131 securely maintained by the election superintendent until a determination has been made
1132 concerning their status. The board of registrars shall immediately examine the information
1133 contained on such documents and make a good faith effort to determine whether the person
1134 casting the provisional ballot was entitled to vote in the primary or election. Such good
1135 faith effort shall include a review of all available voter registration documentation,
1136 including registration information made available by the electors themselves and
1137 documentation of modifications or alterations of registration data showing changes to an
1138 elector's registration status. Additional sources of information may include, but are not
1139 limited to, information from the Department of Driver Services, Department of Family and
1140 Children Services, Department of Natural Resources, public libraries, or any other agency
1141 of government including, but not limited to, other county election and registration offices.

1142 (c)(1) If the registrars determine after the polls close, but not later than three days
1143 following the primary or election, that the person casting the provisional ballot timely

1144 registered to vote and was eligible and entitled to vote in such primary or election, the
1145 registrars shall notify the election superintendent and the provisional ballot shall be
1146 counted and included in the county's or municipality's certified election results.

1147 (2) If the registrars determine after the polls close, but not later than three days following
1148 the primary or election, that the person voting the provisional ballot timely registered and
1149 was eligible and entitled to vote in the primary or election but voted in the wrong
1150 precinct, then the board of registrars shall notify the election superintendent. The
1151 superintendent shall count such person's votes which were cast for candidates in those
1152 races for which the person was entitled to vote but shall not count the votes cast for
1153 candidates in those races in which such person was not entitled to vote. The
1154 superintendent shall order the proper election official at the tabulating center or precinct
1155 to prepare an accurate duplicate ballot containing only those votes cast by such person
1156 in those races in which such person was entitled to vote for processing at the tabulating
1157 center or precinct, which shall be verified in the presence of a witness. Such duplicate
1158 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
1159 polling place, and shall be given the same serial number as the original ballot. The
1160 original ballot shall be retained.

1161 (3) If the registrars determine that the person casting the provisional ballot did not timely
1162 register to vote or was not eligible or entitled to vote in such primary or election or shall
1163 be unable to determine within three days following such primary or election whether such
1164 person timely registered to vote and was eligible and entitled to vote in such primary or
1165 election, the registrars shall so notify the election superintendent and such ballot shall not
1166 be counted. The election superintendent shall mark or otherwise document that such
1167 ballot was not counted and shall deliver and store such ballots with all other ballots and
1168 election materials as provided in Code Section 21-2-500.

1169 (d)(1) The At the earliest time possible after a determination is made regarding a
1170 provisional ballot, the board of registrars shall notify in writing those persons whose
1171 provisional ballots were not counted that their ballots were not counted because of the
1172 inability of the registrars to verify that the persons timely registered to vote or other
1173 proper reason. The registrars shall process the official voter registration form completed
1174 by such persons pursuant to Code Section 21-2-418 and shall add such persons to the
1175 electors list if found qualified.

1176 (2) The At the earliest time possible after a determination is made regarding a
1177 provisional ballot, the board of registrars shall notify in writing those electors who voted
1178 in the wrong precinct and whose votes were partially counted of their correct precinct.

1179 (e) The board of registrars shall complete a report in a form designated by the Secretary
1180 of State indicating the number of provisional ballots cast and counted in the primary or
1181 election."

1182 **SECTION 40.**

1183 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee
1184 ballots for precincts using optical scanning voting equipment, as follows:
1185 "21-2-482.

1186 Ballots in a precinct using optical scanning voting equipment for ~~use voting~~ by absentee
1187 electors shall be prepared sufficiently in advance by the superintendent and shall be
1188 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots
1189 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots
1190 required by Article 8 of this chapter, except that in counties or municipalities using voting
1191 machines, direct recording electronic (DRE) units, or ~~optical~~ ballot scanners, the ballots
1192 may be in substantially the form for the ballot labels required by Article 9 of this chapter
1193 or in such form as will allow the ballot to be machine tabulated. Every such ballot shall
1194 have printed on the face thereof the following:

1195 'I understand that the offer or acceptance of money or any other object of value to vote
1196 for any particular candidate, list of candidates, issue, or list of issues included in this
1197 election constitutes an act of voter fraud and is a felony under Georgia law.'

1198 The form for either ballot shall be determined and prescribed by the Secretary of State."

1199 **SECTION 41.**

1200 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating
1201 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
1202 counts, recount procedure, certification of returns, and change in returns, as follows:

1203 "(k) As the returns from each precinct are read, computed, and found to be correct or
1204 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
1205 all the returns from the various precincts which are entitled to be counted shall have been
1206 duly recorded; then they shall be added together, announced, and attested by the assistants
1207 who made and computed the entries respectively and shall be signed by the superintendent.
1208 The consolidated returns shall then be certified by the superintendent in the manner
1209 required by this chapter. Such returns shall be certified by the superintendent not later than
1210 5:00 P.M. on the ~~Monday~~ second Friday following the date on which such election was
1211 held and such returns shall be immediately transmitted to the Secretary of State; provided,
1212 however, that such certification date may be extended by the Secretary of State in his or

1213 her discretion if necessary to complete a precertification audit as provided in Code
1214 Section 21-2-498."

SECTION 42.

1216 Said chapter is further amended by revising subsections (a) and (c) of Code
1217 Section 21-2-495, relating to procedure for recount or recanvass of votes and losing
1218 candidate's right to a recount, and adding new subsections to read as follows:

1219 " (a) In precincts where paper ballots or scanning ballots have been used, the superintendent
1220 may, either of his or her own motion or upon petition of any candidate or political party,
1221 order the recount of all the ballots for a particular precinct or precincts for one or more
1222 offices in which it shall appear that a discrepancy or error, although not apparent on the
1223 face of the returns, has been made. Such recount may be held at any time prior to the
1224 certification of the consolidated returns by the superintendent and shall be conducted under
1225 the direction of the superintendent. Before making such recount, the superintendent shall
1226 give notice in writing to each candidate and to the county or municipal chairperson of each
1227 party or body affected by the recount. Each such candidate may be present in person or by
1228 representative, and each such party or body may send two representatives to be present at
1229 such recount. If upon such recount, it shall appear that the original count by the poll
1230 officers was incorrect, such returns and all papers being prepared by the superintendent
1231 shall be corrected accordingly."

1232 "(c)(1) Whenever the difference between the number of votes received by a candidate
1233 who has been declared nominated for an office in a primary election or who has been
1234 declared elected to an office in an election or who has been declared eligible for a run-off
1235 primary or election and the number of votes received by any other candidate or
1236 candidates not declared so nominated or elected or eligible for a runoff shall be not more
1237 than one-half of 1 percent of the total votes which were cast for such office therein, any
1238 such candidate or candidates receiving a sufficient number of votes so that the difference
1239 between his or her vote and that of a candidate declared nominated, elected, or eligible
1240 for a runoff is not more than one-half of 1 percent of the total votes cast, within a period
1241 of two business days following the certification of the election results, shall have the right
1242 to a recount of the votes cast, if such request is made in writing by the losing candidate.
1243 If the office sought is a federal or state office voted upon by the electors of more than one
1244 county, the request shall be made to the Secretary of State who shall direct that the
1245 recount be performed in all counties in which electors voted for such office and notify the
1246 superintendents of the several counties involved of the request. In all other cases, the
1247 request shall be made to the superintendent. The superintendent or superintendents shall
1248 order a recount of such votes to be made immediately. If, upon such recount, it is

1249 determined that the original count was incorrect, the returns and all papers prepared by
1250 the superintendent, the superintendents, or the Secretary of State shall be corrected
1251 accordingly and the results recertified.

1252 (2) Whenever the difference between the number of votes for approval or rejection of a
1253 constitutional amendment or binding referendum question shall be not more than one-half
1254 of 1 percent of the total votes which were cast on such amendment or question therein,
1255 within a period of two business days following the certification of the election results, the
1256 Constitutional Amendments Publication Board shall be authorized in its discretion to call
1257 for a recount of the votes cast with regard to such amendment or question. In the case of
1258 a constitutional amendment or state-wide referendum question or a question voted upon
1259 by the electors of more than one county, the board shall direct the Secretary of State to
1260 cause a recount to be performed with regard to such amendment or question in all
1261 counties involved and notify the superintendents of the recount. In the case of questions
1262 voted upon by the electors of only one county or municipality, the board shall direct the
1263 Secretary of State to cause a recount to be conducted by the county or municipality
1264 involved and the Secretary of State shall notify the superintendent involved of the
1265 recount. Upon notification, the superintendent or superintendents shall order a recount
1266 of such votes to be made immediately. If, upon such recount, it is determined that the
1267 original count was incorrect, the returns and all papers prepared by the superintendent,
1268 the superintendents, or the Secretary of State shall be corrected accordingly and the
1269 results recertified."

1270 "(e) The State Election Board shall be authorized to promulgate rules, regulations, and
1271 procedures to implement and administer the provisions of this Code section."

1272 SECTION 43.

1273 Said chapter is further amended by revising Code Section 21-2-498, which was previously
1274 reserved, as follows:

1275 "21-2-498.

1276 Reserved

1277 (a) As used in this Code section, the term:

1278 (1) 'Incorrect outcome' is when the winner of a contest or the answer to a proposed
1279 constitutional amendment or question would be different from the results found in a
1280 manual recount of paper official ballots.

1281 (2) 'Risk limit' means the largest statistical probability that an incorrect outcome is not
1282 detected or corrected in a risk-limiting audit.

1283 (3) 'Risk-limiting audit' means an audit protocol that makes use of statistical methods and
1284 is designed to limit to acceptable levels the risk of certifying a preliminary election
1285 outcome that constitutes an incorrect outcome.

1286 (b) As soon as possible, the local election superintendents shall conduct precertification
1287 tabulation audits for any federal or state general election in accordance with requirements
1288 set forth by rule or regulation of the State Election Board. Audits performed under this
1289 Code section shall be conducted by manual inspection of random samples of the paper
1290 official ballots.

1291 (c) In conducting each audit, the local election superintendents shall:

1292 (1) Complete the audit prior to final certification of the contest;
1293 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
1294 absentee ballot, advance voting, provisional ballot, or otherwise;
1295 (3) Provide a report of the unofficial final tabulated vote results for the contest to the
1296 public prior to conducting the audit;
1297 (4) Complete the audit in public view; and
1298 (5) Provide details of the audit to the public within 48 hours of completion.

1299 (d) The State Election Board shall be authorized to promulgate rules, regulations, and
1300 procedures to implement and administer the provisions of this Code section. The
1301 procedures prescribed by the State Election Board shall include security procedures to
1302 ensure that collection of validly cast ballots is complete, accurate, and trustworthy
1303 throughout the audit.

1304 (e) The Secretary of State shall conduct a risk-limiting audit pilot program with a risk limit
1305 of not greater than 10 percent in one or more counties by December 31, 2021. The
1306 Secretary of State shall review the results of the pilot program and, within 90 days
1307 following the election in which such pilot program is used, shall provide the members of
1308 the General Assembly with a comprehensive report, including a plan on how to implement
1309 risk-limiting audits state wide. If such risk-limiting audit is successful in achieving the
1310 specified confidence level within five business days following the election for which it was
1311 conducted, then all audits performed pursuant to this Code section shall be similarly
1312 conducted, beginning not later than November 1, 2024."

1313 SECTION 44.

1314 Said chapter is further amended by revising subsection (b) of Code Section 21-2-499, relating
1315 to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state
1316 and federal officers and certification of presidential electors by Governor, as follows:

1317 "(b) The Secretary of State shall also, upon receiving the certified returns for presidential
1318 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of

1319 presidential electors and shall immediately lay them before the Governor. Not later than
1320 5:00 P.M. on the ~~fourteenth~~ seventeenth day following the date on which such election was
1321 conducted, the Secretary of State shall certify the votes cast for all candidates described in
1322 subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the
1323 electors of more than one county and shall no later than that same time lay the returns for
1324 presidential electors before the Governor. The Governor shall enumerate and ascertain the
1325 number of votes for each person so voted and shall certify the slates of presidential electors
1326 receiving the highest number of votes. The Governor shall certify the slates of presidential
1327 electors no later than 5:00 P.M. on the ~~fifteenth~~ eighteenth day following the date on which
1328 such election was conducted. Notwithstanding the deadlines specified in this Code section,
1329 such times may be altered for just cause by an order of a judge of superior court of this
1330 state."

1331 **SECTION 45.**

1332 Said chapter is further amended by revising paragraph (8) of Code Section 21-2-566, relating
1333 to interference with primaries and elections generally, as follows:

1334 "(8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
1335 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic
1336 ballot marker, or tabulating machine"

1337 **SECTION 46.**

1338 Said chapter is further amended by revising paragraph (3) of Code Section 21-2-579, relating
1339 to fraudulently allowing ballot or voting machine to be seen, casting unofficial ballot, and
1340 receiving unauthorized assistance in voting, as follows:

1341 "(3) Without having made the affirmation under oath or declaration required by Code
1342 Section 21-2-409, or when the disability which he or she declared at the time of
1343 registration no longer exists, permits another to accompany him or her into the voting
1344 compartment or voting machine booth or to mark his or her ballot or to register his or her
1345 vote on the voting machine or direct recording electronic (DRE) equipment or use an
1346 electronic ballot marker; or"

1347 **SECTION 47.**

1348 Said chapter is further amended by revising Code Section 21-2-580, relating to tampering
1349 with, damaging, improper preparation of, or prevention of proper operation of voting
1350 machines, as follows:

1351 "21-2-580.

1352 Any person who:

1353 (1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot
1354 marker or tabulating machine to be used or being used at any primary or election;
1355 (2) Willfully prepares a voting machine or an electronic ballot marker or tabulating
1356 machine for use in a primary or election in improper order for voting; or
1357 (3) Prevents or attempts to prevent the correct operation of such electronic ballot marker
1358 or tabulating machine or voting machine
1359 shall be guilty of a felony."

1360 SECTION 48.

1361 Said chapter is further amended by revising Code Section 21-2-582, relating to tampering
1362 with, damaging, or preventing of proper operation of direct recording electronic equipment
1363 or tabulating device, as follows:

1364 "21-2-582.

1365 Any person who tampers with or damages any direct recording electronic (DRE)
1366 equipment or electronic ballot marker or tabulating computer machine or device to be used
1367 or being used at or in connection with any primary or election or who prevents or attempts
1368 to prevent the correct operation of any direct recording electronic (DRE) equipment or
1369 electronic ballot marker or tabulating computer machine or device shall be guilty of a
1370 felony."

1371 SECTION 49.

1372 Said chapter is further amended by revising Code Section 21-2-582.1, relating to penalty for
1373 voting equipment modification, as follows:

1374 "21-2-582.1.

1375 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting
1376 machine, tabulating machine, optical scanning voting system, or direct recording electronic
1377 voting system, or electronic ballot marker.

1378 (b) Any person or entity, including, but not limited to, a manufacturer or seller of voting
1379 equipment, who alters, modifies, or changes any aspect of such voting equipment without
1380 prior approval of the Secretary of State is guilty of a felony."

1381 SECTION 50.

1382 Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll
1383 workers, as follows:

1384 "21-2-587.

1385 Any poll officer who willfully:

1386 (1) Makes a false return of the votes cast at any primary or election;

1387 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of
1388 ballots;
1389 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
1390 of fraudulent votes cast upon any voting machine;
1391 (4) Makes any false entries in the electors list;
1392 (5) Destroys or alters any ballot, voter's certificate, or electors list;
1393 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment,
1394 electronic ballot marker, or tabulating computer machine or device;
1395 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
1396 voting at such primary or election; or
1397 (8) Fails to return to the officials prescribed by this chapter, following any primary or
1398 election, any keys of a voting machine; ballot box; general or duplicate return sheet;
1399 tally paper; oaths of poll officers; affidavits of electors and others; record of assisted
1400 voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled
1401 ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE,
1402 electronic ballot marker, or tabulating machine memory cards; or any certificate or any
1403 other paper or record required to be returned under this chapter
1404 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
1405 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
1406 or both."

1407 **SECTION 51.**

1408 This Act shall become effective upon its approval by the Governor or upon its becoming law
1409 without such approval.

1410 **SECTION 52.**

1411 All laws and parts of laws in conflict with this Act are repealed.