

The Senate Committee on Ethics offered 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.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 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 candidacy nomination petition."

88

SECTION 5.

89 Said chapter is further amended by revising subsections (a) and (c) of Code
90 Section 21-2-216, relating to qualifications of electors generally, reregistration of electors
91 purged 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:

- 94 "(a) No person shall vote in any primary or election held in this state unless such person
 95 shall be:
- 96 (1) Registered as an elector in the manner prescribed by law;
 - 97 (2) A citizen of this state and of the United States;
 - 98 (3) At least 18 years of age on or before the date of the primary or election in which such
 99 person seeks to vote;
 - 100 (4) A resident of this state and of the county or municipality in which he or she seeks to
 101 vote; and
 - 102 (5) Possessed of all other qualifications prescribed by law."
- 103 "(c) Any person who possesses the qualifications of an elector except that concerning age
 104 shall be permitted to register to vote if such person will acquire such qualification within
 105 six months after the day of registration; provided, however, that such person shall not be
 106 permitted to vote in a primary or election ~~until the acquisition of all specified qualifications~~
 107 unless such person shall be at least 18 years of age on or before the date of the primary or
 108 election in which such person seeks to vote."

109

SECTION 6.

110 Said chapter is further amended by revising subsections (b), (c), and (d) of Code Section
 111 21-2-220.1, relating to required documentation for voter registration, as follows:

- 112 ~~"(b) For those voter registration applicants who have a Georgia driver's license number or~~
 113 ~~identification card number for an identification card issued pursuant to Article 5 of Chapter~~
 114 ~~5 of Title 40, or the last four digits of a social security number, a voter registration~~
 115 ~~application may be accepted as valid only after the board of registrars has verified the~~
 116 ~~authenticity of the Georgia driver's license number, the identification card number of an~~
 117 ~~identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or the last four~~
 118 ~~digits of the social security number provided by the applicant In the event that the name,~~
 119 ~~driver's license number, social security number, or date of birth provided by the person~~
 120 ~~registering to vote on the voter registration form does not match information about the~~
 121 ~~applicant on file at the Department of Driver Services or the federal Social Security~~
 122 ~~Administration, the applicant shall nevertheless be registered to vote but shall be required~~
 123 ~~to produce proof of his or her identity to a county registrar, a deputy county registrar, a poll~~
 124 ~~manager, or a poll worker at or before the time that such applicant requests a ballot for the~~
 125 ~~first time in any federal, state, or local election.~~
- 126 (c) ~~The authenticity of an applicant's Georgia driver's license number, identification card~~
 127 ~~number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or~~
 128 ~~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."

312 **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. Such equipment shall be certified
 383 by the United States Election Assistance Commission prior to purchase, lease, or
 384 acquisition. At its own expense, the governing authority of a county may purchase, lease,
 385 or otherwise acquire additional electronic ballot markers and ballot scanners of the type
 386 furnished by the state, if the governing authority so desires. Additionally, at its own
 387 expense, the governing authority of a municipality may choose to acquire its own
 388 electronic ballot markers and ballot scanners by purchase, lease, or other procurement
 389 process.

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

393 **SECTION 19.**

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

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

401 **SECTION 20.**

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

404 "21-2-367.

405 (a) When the use of optical scanning voting systems has been authorized in the manner
 406 prescribed in this part, such optical scanning voting systems shall be installed, either
 407 simultaneously or gradually, within the county or municipality. ~~Upon the installation of~~
 408 ~~optical scanning voting systems in any precinct, the use of paper ballots or other voting~~

409 ~~machines or apparatus therein shall be discontinued, except as otherwise provided by this~~
 410 ~~chapter.~~

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

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

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

421 **SECTION 21.**

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

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

429 **SECTION 22.**

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

432 "21-2-372.

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

438 **SECTION 23.**

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

442 "21-2-374.

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

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

470

SECTION 24.

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

473 "21-2-375.

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

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

483 (c) The superintendent shall at least one hour before the opening of the polls:

484 (1) Provide sufficient lighting to enable electors, while in the voting booth, to read the
 485 ballot, which lighting shall be suitable for the use of poll officers in examining the booth;
 486 and such lighting shall be in good working order before the opening of the polls;

487 (2) Prominently post directions for voting ~~on the optical scanning ballot~~ within the voting
 488 booth and post within the enclosed space signs reminding electors to verify their ballot
 489 choices prior to inserting the scanning ballot into the ballot scanner and stating that
 490 sample ballots are available for review upon request; at least two sample ballots in use
 491 for the primary or election shall be posted prominently outside the enclosed space within
 492 the polling place and additional sample ballots shall be available upon request;

493 (3) Ensure that the precinct count ~~optical scanning tabulator~~ ballot scanner shall have a
 494 seal securing the memory pack in use throughout the election day; such seal shall not be
 495 broken unless the ~~tabulator~~ ballot scanner is replaced due to malfunction; and

496 (4) Provide such other materials and supplies as may be necessary or as may be required
 497 by law."

498 **SECTION 25.**

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

501 "21-2-377.

502 (a) The superintendent shall designate a person or persons who shall have custody of the
 503 ~~optical scanning tabulators~~ ballot scanners of the county or municipality when they are not
 504 in use at a primary or election and shall provide for his or her compensation and for the
 505 safe storage and care of the ~~optical scanning tabulators~~ ballot scanners.

506 (b) All ~~optical scanning tabulators~~ ballot scanners, when not in use, shall be properly
 507 covered and stored in a suitable place or places."

508 **SECTION 26.**

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

511 "Part 6512 21-2-379.21.

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

516 21-2-379.22.

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

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

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

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

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

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

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

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

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

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

540 (10) Be safely transportable.

541 21-2-379.23.

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

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

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

548 (1) The words 'OFFICIAL BALLOT';

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

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

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

553 (5) The name of the candidate and, for partisan offices, indication of the candidate's
554 political party or political body affiliation, or the answer to the proposed constitutional
555 amendment or other question for which the elector intends to vote; and

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

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

562 21-2-379.24.

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

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

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

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

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

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

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

604 21-2-379.25.

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

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

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

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

631 21-2-379.26.

632 (a) All electronic ballot markers and related equipment, when not in use, shall be properly
 633 stored and secured under conditions as shall be specified by the Secretary of State.

634 (b) The superintendent shall store the devices and related equipment under his or her
 635 supervision or shall designate another person or entity to provide secure storage of such
 636 devices and related equipment when it is not in use at a primary or election. The
 637 superintendent shall provide compensation for the safe storage and care of such devices and
 638 related equipment if the devices and related equipment are stored by another person or
 639 entity."

640

SECTION 27.

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

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

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

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

665 (A) Shall mail the ballot as provided in this Code section;

666 (B) If the application is made in person, shall issue the ballot to the elector ~~to be voted~~
 667 ~~on a direct recording electronic (DRE) voting system~~ within the confines of the
 668 registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
 669 ballot is issued during the advance voting period established pursuant to subsection (d)
 670 of Code Section 21-2-385; or

671 (C) May deliver the ballot in person to the elector if such elector is confined to a
 672 hospital.

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

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

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

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

707 **SECTION 28.**

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

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

719

SECTION 29.

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

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

728

SECTION 30.

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

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

755 errors in voting the ballot before it is cast including information on how to obtain a
756 replacement ballot if the elector is unable to change the ballot or correct the error.

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

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

772 _____
773 ~~Elector's Residence Address~~

774 _____
775 ~~Year of Elector's Birth~~

776 _____
777 Signature or Mark of Elector

778 _____
779 Printed Name of Elector

780 Oath of Person Assisting Elector (if any):

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

785 This, the _____ day of _____, _____.

786 _____
787 Signature of Person Assisting
788 Elector = Relationship

789 _____

790
791

Printed Name of Person
Assisting Elector

792 Reason for assistance (Check appropriate square):

793 Elector is unable to read the English language.

794 Elector requires assistance due to physical disability.

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

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

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

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

818

SECTION 31.

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

821 "21-2-385.

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

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

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

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

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

887 (d)(1) There shall be a period of advance voting that shall commence:

- 888 (A) On the fourth Monday immediately prior to each primary or election;
- 889 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 890 (C) On the fourth Monday immediately prior to a runoff from a general election in
 891 which there are candidates for a federal office on the ballot in the runoff; and
- 892 (D) As soon as possible prior to a runoff from any other general election in which there
 893 are only state or county candidates on the ballot in the runoff but no later than the
 894 second Monday immediately prior to such runoff

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

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

910 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 911 to the electors of their jurisdiction of the availability of advance voting as well as the
 912 times, dates, and locations at which advance voting will be conducted. In addition, the
 913 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
 914 prescribed by the Secretary of State of the times, dates, and locations at which advance
 915 voting will be conducted."

916

SECTION 32.

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

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

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

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

955 **SECTION 33.**

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

959 "21-2-388.

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

967 (1) If the elector is in possession of the ballot, by surrendering the absentee ballot to the
 968 poll manager of the precinct in which the elector's name appears on the electors list and
 969 then being permitted to vote the regular ballot. The poll manager shall mark 'Canceled'
 970 and the date and time across the face of the absentee ballot and shall initial same. The

971 poll manager shall also make appropriate notations beside the name of the elector on the
 972 electors list. All such canceled absentee ballots shall be returned with other ballots to the
 973 superintendent; or

974 (2) If the elector has not received the ballot, has not yet returned the ballot, or if the
 975 elector has returned the ballot but the registrars have not received the ballot, by appearing
 976 in person before the managers of the elector's precinct, the registrars, or the absentee
 977 ballot clerk and requesting in writing that the envelope containing the elector's absentee
 978 ballot be marked 'Canceled.' After having satisfied themselves as to the identity of such
 979 elector and confirming that the elector's absentee ballot has not yet been received by the
 980 board of registrars, the registrars or the absentee ballot clerk shall grant the request and
 981 shall notify the managers of the elector's precinct as to such action so as to permit the
 982 elector to vote in person in that precinct. If the absentee ballot is in the mail, has not yet
 983 been returned, or its exact location is unknown, the registrar or the absentee ballot clerk
 984 shall write 'Canceled' beside the elector's name on the master list of absentee voters and
 985 shall cancel the ballot itself as soon as it is received. If the location of the requested
 986 absentee ballot is known to the elector and it has not been surrendered to the poll
 987 manager, the elector shall destroy the absentee ballot after casting his or her vote in
 988 person. Canceled absentee ballots shall be disposed of in the same manner as provided
 989 in subsection (a) of Code Section 21-2-386 for absentee ballots returned too late to be
 990 cast."

991 **SECTION 34.**

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

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

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

1000 ~~(A) Any elector, except a poll officer or poll watcher, who is a resident of the precinct~~
 1001 ~~in which the elector requiring assistance is attempting to vote; or~~

1002 ~~(B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,~~
 1003 ~~niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,~~
 1004 ~~brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive~~
 1005 ~~assistance~~

1006 to enter the voting compartment or booth with him or her to assist in voting, such
 1007 assistance to be rendered inside the voting compartment or booth. ~~No person shall assist~~
 1008 ~~more than ten such electors in any primary, election, or runoff covered by this paragraph.~~
 1009 No person whose name appears on the ballot as a candidate at a particular election nor
 1010 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
 1011 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
 1012 brother-in-law, or sister-in-law of that candidate shall offer assistance during that
 1013 particular election under the provisions of this Code section to any voter who is not
 1014 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
 1015 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse,
 1016 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
 1017 father-in-law, brother-in-law, or sister-in-law. Notice of the availability of such
 1018 assistance shall be prominently posted at each polling place."

1019 **SECTION 35.**

1020 Said chapter is further amended by revising subsection (e) of Code Section 21-2-413, relating
 1021 to conduct of voters, campaigners, and others at polling places generally, as follows:

1022 "(e) No person shall use photographic or other electronic monitoring or recording devices,
 1023 cameras, or cellular telephones while such person is in a polling place while voting is
 1024 taking place; provided, however, that a poll manager, in his or her discretion, may allow
 1025 the use of photographic devices in the polling place under such conditions and limitations
 1026 as the election superintendent finds appropriate, and provided, further, that no photography
 1027 shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot
 1028 marker while an elector is voting such ballot or machine or DRE unit or using such
 1029 electronic ballot marker, and no photography shall be allowed of an electors list, electronic
 1030 electors list, or the use of an electors list or electronic electors list. This subsection shall
 1031 not prohibit the use of photographic or other electronic monitoring or recording devices,
 1032 cameras, or cellular telephones by poll officials for official purposes."

1033 **SECTION 36.**

1034 Said chapter is further amended by revising subsection (f) of Code Section 21-2-417.1,
 1035 relating to voter identification cards, as follows:

1036 "(f) A Georgia voter identification card shall remain valid so long as a person resides at
 1037 in the same address county and remains qualified to vote. It shall be the duty of a person
 1038 who moves his or her residence within the State of Georgia outside of the county in which
 1039 it was issued to surrender his or her card to the board of registrars of the county of his or
 1040 her new residence; and such person may after such surrender apply for and receive a new

1041 card if such person is otherwise eligible under this Code section. It shall be the duty of a
 1042 person who moves his or her residence outside the State of Georgia or who ceases to be
 1043 qualified to vote to surrender his or her card to the board of registrars by which it was
 1044 issued."

1045 **SECTION 37.**

1046 Said chapter is further amended by revising subsection (e) of Code Section 21-2-418, relating
 1047 to provisional ballots, as follows:

1048 "(e) The registrars shall establish a free access system, such as a toll-free telephone number
 1049 or ~~Internet~~ internet website, by which any elector who casts a provisional ballot in a
 1050 primary or election, or runoff of either, in which federal candidates are on the ballot may
 1051 ascertain whether such ballot was counted and, if such ballot was not counted, the reason
 1052 why such ballot was not counted. The registrars shall establish and maintain reasonable
 1053 procedures necessary to protect the security, confidentiality, and integrity of personal
 1054 information collected, stored, or otherwise used by such free access system. Access to such
 1055 information about an individual provisional ballot shall be restricted to the elector who cast
 1056 such ballot. At the earliest time possible after the casting of a provisional ballot, the
 1057 election superintendent shall notify the Secretary of State that an elector cast a provisional
 1058 ballot, whether such ballot was counted, and, if such ballot was not counted, the reason
 1059 why such ballot was not counted."

1060 **SECTION 38.**

1061 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
 1062 provisional ballots and reporting to Secretary of State, as follows:

1063 "21-2-419.

1064 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
 1065 county or municipality ~~for mail-in absentee ballots~~. Such provisional ballot shall be sealed
 1066 in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the
 1067 person casting such ballot in a secure, sealed ballot box.

1068 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
 1069 the day after the primary or election in which such provisional ballot was cast, the board
 1070 of registrars of the county or municipality, as the case may be, shall be notified by the
 1071 election superintendent that provisional ballots were cast in the primary or election and the
 1072 registrars shall be provided with the documents completed by the person casting the
 1073 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
 1074 securely maintained by the election superintendent until a determination has been made
 1075 concerning their status. The board of registrars shall immediately examine the information

1076 contained on such documents and make a good faith effort to determine whether the person
1077 casting the provisional ballot was entitled to vote in the primary or election. Such good
1078 faith effort shall include a review of all available voter registration documentation,
1079 including registration information made available by the electors themselves and
1080 documentation of modifications or alterations of registration data showing changes to an
1081 elector's registration status. Additional sources of information may include, but are not
1082 limited to, information from the Department of Driver Services, Department of Family and
1083 Children Services, Department of Natural Resources, public libraries, or any other agency
1084 of government including, but not limited to, other county election and registration offices.

1085 (c)(1) If the registrars determine after the polls close, but not later than three days
1086 following the primary or election, that the person casting the provisional ballot timely
1087 registered to vote and was eligible and entitled to vote in such primary or election, the
1088 registrars shall notify the election superintendent and the provisional ballot shall be
1089 counted and included in the county's or municipality's certified election results.

1090 (2) If the registrars determine after the polls close, but not later than three days following
1091 the primary or election, that the person voting the provisional ballot timely registered and
1092 was eligible and entitled to vote in the primary or election but voted in the wrong
1093 precinct, then the board of registrars shall notify the election superintendent. The
1094 superintendent shall count such person's votes which were cast for candidates in those
1095 races for which the person was entitled to vote but shall not count the votes cast for
1096 candidates in those races in which such person was not entitled to vote. The
1097 superintendent shall order the proper election official at the tabulating center or precinct
1098 to prepare an accurate duplicate ballot containing only those votes cast by such person
1099 in those races in which such person was entitled to vote for processing at the tabulating
1100 center or precinct, which shall be verified in the presence of a witness. Such duplicate
1101 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
1102 polling place, and shall be given the same serial number as the original ballot. The
1103 original ballot shall be retained.

1104 (3) If the registrars determine that the person casting the provisional ballot did not timely
1105 register to vote or was not eligible or entitled to vote in such primary or election or shall
1106 be unable to determine within three days following such primary or election whether such
1107 person timely registered to vote and was eligible and entitled to vote in such primary or
1108 election, the registrars shall so notify the election superintendent and such ballot shall not
1109 be counted. The election superintendent shall mark or otherwise document that such
1110 ballot was not counted and shall deliver and store such ballots with all other ballots and
1111 election materials as provided in Code Section 21-2-500.

1112 (d)(1) ~~The~~ At the earliest time possible after a determination is made regarding a
 1113 provisional ballot, the board of registrars shall notify in writing those persons whose
 1114 provisional ballots were not counted that their ballots were not counted because of the
 1115 inability of the registrars to verify that the persons timely registered to vote or other
 1116 proper reason. The registrars shall process the official voter registration form completed
 1117 by such persons pursuant to Code Section 21-2-418 and shall add such persons to the
 1118 electors list if found qualified.

1119 (2) ~~The~~ At the earliest time possible after a determination is made regarding a
 1120 provisional ballot, the board of registrars shall notify in writing those electors who voted
 1121 in the wrong precinct and whose votes were partially counted of their correct precinct.

1122 (e) The board of registrars shall complete a report in a form designated by the Secretary
 1123 of State indicating the number of provisional ballots cast and counted in the primary or
 1124 election."

1125 **SECTION 39.**

1126 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee
 1127 ballots for precincts using optical scanning voting equipment, as follows:

1128 "21-2-482.

1129 Ballots in a precinct using optical scanning voting equipment for ~~use~~ voting by absentee
 1130 electors shall be prepared sufficiently in advance by the superintendent and shall be
 1131 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots
 1132 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots
 1133 required by Article 8 of this chapter, except that in counties or municipalities using voting
 1134 machines, direct recording electronic (DRE) units, or ~~optical~~ ballot scanners, the ballots
 1135 may be in substantially the form for the ballot labels required by Article 9 of this chapter
 1136 or in such form as will allow the ballot to be machine tabulated. Every such ballot shall
 1137 have printed on the face thereof the following:

1138 'I understand that the offer or acceptance of money or any other object of value to vote
 1139 for any particular candidate, list of candidates, issue, or list of issues included in this
 1140 election constitutes an act of voter fraud and is a felony under Georgia law.'

1141 The form for either ballot shall be determined and prescribed by the Secretary of State."

1142 **SECTION 40.**

1143 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating
 1144 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
 1145 counts, recount procedure, certification of returns, and change in returns, as follows:

1146 "(k) As the returns from each precinct are read, computed, and found to be correct or
 1147 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
 1148 all the returns from the various precincts which are entitled to be counted shall have been
 1149 duly recorded; then they shall be added together, announced, and attested by the assistants
 1150 who made and computed the entries respectively and shall be signed by the superintendent.
 1151 The consolidated returns shall then be certified by the superintendent in the manner
 1152 required by this chapter. Such returns shall be certified by the superintendent not later than
 1153 5:00 P.M. on the ~~Monday~~ second Friday following the date on which such election was
 1154 held and such returns shall be immediately transmitted to the Secretary of State; provided,
 1155 however, that such certification date may be extended by the Secretary of State in his or
 1156 her discretion if necessary to complete a precertification audit as provided in Code
 1157 Section 21-2-498."

1158

SECTION 41.

1159 Said chapter is further amended by revising subsections (a) and (c) of Code
 1160 Section 21-2-495, relating to procedure for recount or recanvass of votes and losing
 1161 candidate's right to a recount, and adding new subsections to read as follows:

1162 "(a) In precincts where paper ballots or scanning ballots have been used, the superintendent
 1163 may, either of his or her own motion or upon petition of any candidate or political party,
 1164 order the recount of all the ballots for a particular precinct or precincts for one or more
 1165 offices in which it shall appear that a discrepancy or error, although not apparent on the
 1166 face of the returns, has been made. Such recount may be held at any time prior to the
 1167 certification of the consolidated returns by the superintendent and shall be conducted under
 1168 the direction of the superintendent. Before making such recount, the superintendent shall
 1169 give notice in writing to each candidate and to the county or municipal chairperson of each
 1170 party or body affected by the recount. Each such candidate may be present in person or by
 1171 representative, and each such party or body may send two representatives to be present at
 1172 such recount. If upon such recount, it shall appear that the original count by the poll
 1173 officers was incorrect, such returns and all papers being prepared by the superintendent
 1174 shall be corrected accordingly."

1175 "(c)(1) Whenever the difference between the number of votes received by a candidate
 1176 who has been declared nominated for an office in a primary election or who has been
 1177 declared elected to an office in an election or who has been declared eligible for a run-off
 1178 primary or election and the number of votes received by any other candidate or
 1179 candidates not declared so nominated or elected or eligible for a runoff shall be not more
 1180 than one-half of 1 percent of the total votes which were cast for such office therein, any
 1181 such candidate or candidates receiving a sufficient number of votes so that the difference

1182 between his or her vote and that of a candidate declared nominated, elected, or eligible
 1183 for a runoff is not more than one-half of 1 percent of the total votes cast, within a period
 1184 of two business days following the certification of the election results, shall have the right
 1185 to a recount of the votes cast, if such request is made in writing by the losing candidate.
 1186 If the office sought is a federal or state office voted upon by the electors of more than one
 1187 county, the request shall be made to the Secretary of State who shall direct that the
 1188 recount be performed in all counties in which electors voted for such office and notify the
 1189 superintendents of the several counties involved of the request. In all other cases, the
 1190 request shall be made to the superintendent. The superintendent or superintendents shall
 1191 order a recount of such votes to be made immediately. If, upon such recount, it is
 1192 determined that the original count was incorrect, the returns and all papers prepared by
 1193 the superintendent, the superintendents, or the Secretary of State shall be corrected
 1194 accordingly and the results recertified.

1195 (2) Whenever the difference between the number of votes for approval or rejection of a
 1196 constitutional amendment or binding referendum question shall be not more than one-half
 1197 of 1 percent of the total votes which were cast on such amendment or question therein,
 1198 within a period of two business days following the certification of the election results, the
 1199 Constitutional Amendments Publication Board shall be authorized in its discretion to call
 1200 for a recount of the votes cast with regard to such amendment or question. In the case of
 1201 a constitutional amendment or state-wide referendum question or a question voted upon
 1202 by the electors of more than one county, the board shall direct the Secretary of State to
 1203 cause a recount to be performed with regard to such amendment or question in all
 1204 counties involved and notify the superintendents of the recount. In the case of questions
 1205 voted upon by the electors of only one county or municipality, the board shall direct the
 1206 Secretary of State to cause a recount to be conducted by the county or municipality
 1207 involved and the Secretary of State shall notify the superintendent involved of the
 1208 recount. Upon notification, the superintendent or superintendents shall order a recount
 1209 of such votes to be made immediately. If, upon such recount, it is determined that the
 1210 original count was incorrect, the returns and all papers prepared by the superintendent,
 1211 the superintendents, or the Secretary of State shall be corrected accordingly and the
 1212 results recertified."

1213 "(e) The State Election Board shall be authorized to promulgate rules, regulations, and
 1214 procedures to implement and administer the provisions of this Code section."

1215 **SECTION 42.**

1216 Said chapter is further amended by revising Code Section 21-2-498, which was previously
 1217 reserved, as follows:

1218 "21-2-498.

1219 ~~Reserved~~

1220 (a) As used in this Code section, the term:

1221 (1) 'Incorrect outcome' is when the winner of a contest or the answer to a proposed
1222 constitutional amendment or question would be different from the results found in a
1223 manual recount of paper official ballots.

1224 (2) 'Risk limit' means the largest statistical probability that an incorrect outcome is not
1225 detected or corrected in a risk-limiting audit.

1226 (3) 'Risk-limiting audit' means an audit protocol that makes use of statistical methods and
1227 is designed to limit to acceptable levels the risk of certifying a preliminary election
1228 outcome that constitutes an incorrect outcome.

1229 (b) As soon as possible, but no later than the November, 2020, general election, the local
1230 election superintendents shall conduct precertification tabulation audits for any federal or
1231 state general election in accordance with requirements set forth by rule or regulation of the
1232 State Election Board. Audits performed under this Code section shall be conducted by
1233 manual inspection of random samples of the paper official ballots.

1234 (c) In conducting each audit, the local election superintendents shall:

1235 (1) Complete the audit prior to final certification of the contest;

1236 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
1237 absentee ballot, advance voting, provisional ballot, or otherwise;

1238 (3) Provide a report of the unofficial final tabulated vote results for the contest to the
1239 public prior to conducting the audit;

1240 (4) Complete the audit in public view; and

1241 (5) Provide details of the audit to the public within 48 hours of completion.

1242 (d) The State Election Board shall be authorized to promulgate rules, regulations, and
1243 procedures to implement and administer the provisions of this Code section. The
1244 procedures prescribed by the State Election Board shall include security procedures to
1245 ensure that collection of validly cast ballots is complete, accurate, and trustworthy
1246 throughout the audit.

1247 (e) The Secretary of State shall conduct a risk-limiting audit pilot program with a risk limit
1248 of not greater than 10 percent in one or more counties by December 31, 2021. The
1249 Secretary of State shall review the results of the pilot program and, within 90 days
1250 following the election in which such pilot program is used, shall provide the members of
1251 the General Assembly with a comprehensive report, including a plan on how to implement
1252 risk-limiting audits state wide. If such risk-limiting audit is successful in achieving the
1253 specified confidence level within five business days following the election for which it was

1254 conducted, then all audits performed pursuant to this Code section shall be similarly
 1255 conducted, beginning not later than November 1, 2024."

1256 **SECTION 43.**

1257 Said chapter is further amended by revising subsection (b) of Code Section 21-2-499, relating
 1258 to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state
 1259 and federal officers and certification of presidential electors by Governor, as follows:

1260 "(b) The Secretary of State shall also, upon receiving the certified returns for presidential
 1261 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 1262 presidential electors and shall immediately lay them before the Governor. Not later than
 1263 5:00 P.M. on the ~~fourteenth~~ seventeenth day following the date on which such election was
 1264 conducted, the Secretary of State shall certify the votes cast for all candidates described in
 1265 subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the
 1266 electors of more than one county and shall no later than that same time lay the returns for
 1267 presidential electors before the Governor. The Governor shall enumerate and ascertain the
 1268 number of votes for each person so voted and shall certify the slates of presidential electors
 1269 receiving the highest number of votes. The Governor shall certify the slates of presidential
 1270 electors no later than 5:00 P.M. on the ~~fifteenth~~ eighteenth day following the date on which
 1271 such election was conducted. Notwithstanding the deadlines specified in this Code section,
 1272 such times may be altered for just cause by an order of a judge of superior court of this
 1273 state."

1274 **SECTION 44.**

1275 Said chapter is further amended by revising paragraph (8) of Code Section 21-2-566, relating
 1276 to interference with primaries and elections generally, as follows:

1277 "(8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 1278 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic
 1279 ballot marker, or tabulating machine."

1280 **SECTION 45.**

1281 Said chapter is further amended by revising paragraph (3) of Code Section 21-2-579, relating
 1282 to fraudulently allowing ballot or voting machine to be seen, casting unofficial ballot, and
 1283 receiving unauthorized assistance in voting, as follows:

1284 "(3) Without having made the affirmation under oath or declaration required by Code
 1285 Section 21-2-409, or when the disability which he or she declared at the time of
 1286 registration no longer exists, permits another to accompany him or her into the voting
 1287 compartment or voting machine booth or to mark his or her ballot or to register his or her

1288 vote on the voting machine or direct recording electronic (DRE) equipment or use an
 1289 electronic ballot marker; or"

1290 **SECTION 46.**

1291 Said chapter is further amended by revising Code Section 21-2-580, relating to tampering
 1292 with, damaging, improper preparation of, or prevention of proper operation of voting
 1293 machines, as follows:

1294 "21-2-580.

1295 Any person who:

1296 (1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot
 1297 marker or tabulating machine to be used or being used at any primary or election;

1298 (2) Willfully prepares a voting machine or an electronic ballot marker or tabulating
 1299 machine for use in a primary or election in improper order for voting; or

1300 (3) Prevents or attempts to prevent the correct operation of such electronic ballot marker
 1301 or tabulating machine or voting machine

1302 shall be guilty of a felony."

1303 **SECTION 47.**

1304 Said chapter is further amended by revising Code Section 21-2-582, relating to tampering
 1305 with, damaging, or preventing of proper operation of direct recording electronic equipment
 1306 or tabulating device, as follows:

1307 "21-2-582.

1308 Any person who tampers with or damages any direct recording electronic (DRE)
 1309 equipment or electronic ballot marker or tabulating ~~computer~~ machine or device to be used
 1310 or being used at or in connection with any primary or election or who prevents or attempts
 1311 to prevent the correct operation of any direct recording electronic (DRE) equipment or
 1312 electronic ballot marker or tabulating ~~computer~~ machine or device shall be guilty of a
 1313 felony."

1314 **SECTION 48.**

1315 Said chapter is further amended by revising Code Section 21-2-582.1, relating to penalty for
 1316 voting equipment modification, as follows:

1317 "21-2-582.1.

1318 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting
 1319 machine, tabulating machine, optical scanning voting system, ~~or~~ direct recording electronic
 1320 voting system, or electronic ballot marker.

1321 (b) Any person or entity, including, but not limited to, a manufacturer or seller of voting
 1322 equipment, who alters, modifies, or changes any aspect of such voting equipment without
 1323 prior approval of the Secretary of State is guilty of a felony."

1324 **SECTION 49.**

1325 Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll
 1326 workers, as follows:

1327 "21-2-587.

1328 Any poll officer who willfully:

- 1329 (1) Makes a false return of the votes cast at any primary or election;
 1330 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of
 1331 ballots;
 1332 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
 1333 of fraudulent votes cast upon any voting machine;
 1334 (4) Makes any false entries in the electors list;
 1335 (5) Destroys or alters any ballot, voter's certificate, or electors list;
 1336 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment,
 1337 electronic ballot marker, or tabulating ~~computer~~ machine or device;
 1338 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
 1339 voting at such primary or election; or
 1340 (8) Fails to return to the officials prescribed by this chapter, following any primary or
 1341 election, any keys of a voting machine; ballot box; general or duplicate return sheet;
 1342 tally paper; oaths of poll officers; affidavits of electors and others; record of assisted
 1343 voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled
 1344 ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE,
 1345 electronic ballot marker, or tabulating machine memory cards; or any certificate or any
 1346 other paper or record required to be returned under this chapter
 1347 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
 1348 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
 1349 or both."

1350 **SECTION 50.**

1351 This Act shall become effective upon its approval by the Governor or upon its becoming law
 1352 without such approval.

1353 **SECTION 51.**

1354 All laws and parts of laws in conflict with this Act are repealed.