

House Bill 506

By: Representatives Gambill of the 15th, Williams of the 145th, Scoggins of the 14th, Gullett of the 19th, Momtahan of the 17th, and others

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 elections and primaries generally, so as to provide that the State Election Board shall
3 promulgate minimum standards for voting equipment; to provide that the Secretary of State
4 shall test and certify such equipment; to provide that each county shall be authorized to
5 obtain whichever certified voting equipment it chooses; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
10 primaries generally, is amended by revising Code Section 21-2-300, relating to provision of
11 new voting equipment by state, uniform system for all elections to be conducted with use of
12 scanning ballots marked by electronic ballot markers, pilot programs authorized, county
13 responsibilities, education, and county and municipal contracts for equipment, as follows:

14 "21-2-300.

15 (a)(1) The equipment used for State Election Board shall promulgate minimum standards
16 for all types of voting equipment authorized for use in primaries and elections under this

17 ~~chapter for use in casting and counting votes in county, state, and federal elections shall~~
18 ~~be the same in each county in this state and shall be provided to each county by the state,~~
19 ~~as determined by the Secretary of State. The Secretary of State shall test and certify as~~
20 ~~to whether all equipment sought to be used for casting and counting votes meets the~~
21 ~~minimum standards established by the State Election Board and the provisions of this~~
22 ~~chapter. Once voting equipment is so certified, such equipment shall be authorized for~~
23 ~~use in primaries and elections in this state until and unless the Secretary of State~~
24 ~~subsequently tests such equipment, finds that it is no longer in compliance with the~~
25 ~~minimum standards of the State Election Board or the provisions of this chapter and~~
26 ~~cannot be safely and practicably used in primaries and elections in this state, and~~
27 ~~decertifies such equipment.~~

28 (2) ~~Once~~ As soon as possible, once such equipment is certified by the Secretary of State
29 as safe and practicable for use as provided in paragraph (1) of this subsection, each
30 county shall be permitted to purchase and use such equipment in all federal, state, and
31 county general primaries and general elections as well as special primaries and special
32 elections in the State of Georgia shall be conducted with the use of scanning ballots
33 marked by electronic ballot markers and tabulated by using ballot scanners for voting at
34 the polls and for absentee ballots cast in person, unless otherwise authorized by law;
35 provided, however, that such electronic ballot markers shall produce paper ballots which
36 are marked with the elector's choices in a format readable by the elector.

37 (3) ~~The state shall furnish a uniform system of electronic ballot markers and ballot~~
38 ~~scanners for use in each county as soon as possible. Such equipment shall be certified~~
39 ~~by the United States Election Assistance Commission prior to purchase, lease, or~~
40 ~~acquisition. The governing authority of a county may purchase, lease, or otherwise~~
41 ~~acquire additional electronic ballot markers and ballot scanners of the type furnished by~~
42 ~~the state, if the governing authority so desires. Additionally, at its own expense, the~~
43 ~~governing authority of a municipality may choose to acquire its own electronic ballot~~

44 ~~markers and ballot scanners by purchase, lease, or other procurement process~~ any election
45 equipment that has been certified by the Secretary of State as meeting such minimum
46 standards of the State Election Board and the provisions of this chapter.

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

50 (b) Each county shall, ~~prior to being provided with voting equipment by the state,~~ provide
51 polling places that are adequate for the operation of ~~such~~ the equipment obtained by the
52 county including, if necessary, the placement within the polling places of a sufficient
53 number of electrical outlets and telephone lines.

54 (c) Each county shall, prior to ~~being provided with~~ receiving voting equipment ~~by the~~
55 ~~state,~~ provide or contract for adequate technical support for the installation, set up, and
56 operation of such voting equipment for each primary, election, and special primary and
57 special election as the Secretary of State shall determine by rule or regulation.

58 (d) ~~The Secretary of State~~ county election superintendent shall be responsible for the
59 development, implementation, and provision of a continuing program to educate ~~voters~~
60 electors, election officials, and poll workers of such county in the proper use of such voting
61 equipment. Each county shall bear the costs, ~~including transportation, subsistence, and~~
62 ~~lodging, incurred by its election and registration officials in attending courses taught by or~~
63 ~~arranged by the Secretary of State~~ for instruction of electors, election officials, and poll
64 workers in the operation and use of the voting equipment.

65 (e)(1) Counties shall be authorized to contract with municipal governments for the use
66 of such voting equipment in municipal elections under such terms and conditions
67 ~~specified by the Secretary of State to~~ as will assure that the equipment is properly used
68 and kept secure.

69 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee
70 for use of ~~state-owned~~ voting equipment but may require municipalities to reimburse the

71 county for the actual expenses related to the election or elections that are subject to the
72 county and municipal contract."

73 **SECTION 2.**

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