

Senate Bill 189

By: Senators Burns of the 23rd, Dolezal of the 27th, Brass of the 28th, Anavitarte of the 31st,  
Moore of the 53rd and others

**AS PASSED SENATE**

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 text portions or machine mark of  
3 ballots produced by ballot marking devices shall be counted for vote tabulation and recount  
4 purposes instead of any machine coding; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
9 primaries generally, is amended in Code Section 21-2-379.23, relating to requirements for  
10 ballot display, role of Secretary of State, and printed paper ballot controls during recount, by  
11 revising subsection (d) as follows:

12 "(d) The text portion of the paper ballot marked and printed by the electronic ballot marker  
13 indicating the elector's selection shall constitute the official ballot and shall ~~be used for, and~~  
14 ~~govern the result in, constitute the official vote for purposes of vote tabulation,~~ any recount  
15 conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code  
16 Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon

17 the text portion or the machine mark, provided that such mark clearly denotes the elector's  
18 selection and does not use a QR code, bar code, or similar coding, of such ballots and not  
19 any machine coding that may be printed on such ballots."

20

**SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.