

Senate Bill 220

By: Senators Jordan of the 6th, Jones II of the 22nd, Rahman of the 5th, Jones of the 10th and Williams of the 39th

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 new voting systems for use in elections
3 in this state; to provide for definitions; to provide for the qualifications of such systems; to
4 provide for the reimbursement of certain costs; to provide for ballot marking devices; to
5 provide for in-person voting by paper ballot; to provide for audits; to repeal provisions of law
6 authorizing the use of voting machines; to provide for conforming changes; to provide for
7 related matters; to provide for an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 PART ONE

11 SECTION 1-1.

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
13 elections generally, is amended by revising paragraphs (1), (2), (4.1), and (18) of Code
14 Section 21-2-2, relating to definitions, and adding new paragraphs to read as follows:

15 "(1) 'Ballot' means 'official ballot' or 'paper ballot' and shall include the instrument,
16 whether paper, ~~mechanical, or electronic,~~ ballot or paper ballot card or cards by which
17 an elector casts his or her vote."

18 "~~(2) 'Ballot labels' means the cards, paper, or other material placed on the front of a~~
19 ~~voting machine containing the names of offices and candidates and statements of~~
20 ~~questions to be voted on~~ Reserved."

21 (2.1) 'Ballot marker' means a nonelectronic marking tool designed for electors to
22 indelibly hand mark votes on paper ballots or paper ballot card or cards.

23 (2.2) 'Ballot of record' means indelible, human-readable marks on an official paper ballot
24 or paper card or cards by which an elector casts his or her votes that constitute the
25 elector's vote."

26 "(3.1) 'Cast vote record' or 'CVR' means a machine and human readable, digitally
 27 recorded representation of an elector's intent after it has been recorded by optical
 28 scanners."

29 "(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven
 30 unit for casting and counting votes on which an elector touches a video screen or a button
 31 adjacent to a video screen to cast his or her vote. Such term shall not encompass
 32 electronic ballot marking devices.

33 (4.2) 'Durable paper' means paper that is sufficiently sturdy to withstand repeated
 34 handling and long-term storage for the purposes of tabulation, scanning, retabulation,
 35 audits, and recounts."

36 "(7.1) 'Electronic ballot marking device' or 'BMD' means an electronic device that meets
 37 the requirements of the federal Help America Vote Act of 2002 and does not have the
 38 capability to tabulate or retain votes in computer memory; may integrate components
 39 such as a printer, touch screen monitor, audio output, and a navigational keypad; uses
 40 electronic technology to mark a paper ballot at the direction of an elector in a manner that
 41 an elector can independently verify that the ballot was marked as the elector desired; and
 42 prints human-readable marks on an official paper ballot or paper card or cards suitable
 43 for tabulation by manual counting or by optical scanners."

44 "(18) 'Official ballot' means a ballot, whether paper, ~~mechanical,~~ or electronic, which is
 45 furnished by the superintendent or governing authority ~~in accordance with Code~~
 46 ~~Section 21-2-280,~~ including ballots that can be read by optical scanning ~~tabulators~~
 47 scanners."

48 "(19.1) 'Optical scanner' means an optical or digital electronic recording and tabulating
 49 device that receives a ballot of record, records the marks on the ballot, and tabulates the
 50 human-readable votes by its own devices."

51 "(28.1) 'Precinct optical scanner' means an optical scanner designed for use at polling
 52 locations into which an elector inserts a marked paper ballot to cast his or her vote."

53 **SECTION 1-2.**

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

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

59

SECTION 1-3.

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

62 "(a) The governing authority of each county and municipality shall provide and the
63 superintendent shall cause all rooms used as polling places to be provided with suitable
64 heat and light and, ~~in precincts in which ballots are used,~~ with a sufficient number of voting
65 compartments or booths with proper supplies in which the electors may conveniently mark
66 their ballots, with a curtain, screen, or door in the upper part of the front of each
67 compartment or booth so that in the marking thereof they may be screened from the
68 observation of others. A curtain, screen, or door shall not be required, however, for the
69 self-contained units used as voting booths in which direct recording electronic (DRE)
70 voting units or electronic ballot marking devices are located if such booths have been
71 designed so as to ensure the privacy of the elector. When practicable, every polling place
72 shall consist of a single room, every part of which is within the unobstructed view of those
73 present therein and shall be furnished with a guardrail or barrier closing the inner portion
74 of such room, which guardrail or barrier shall be so constructed and placed that only such
75 persons as are inside such rail or barrier can approach within six feet of the ballot box and
76 voting compartments, optical scanners, or booths, ~~or voting machines,~~ as the case may be.
77 The ballot box and voting compartments or booths shall be so arranged in the voting room
78 within the enclosed space as to be in full view of those persons in the room outside the
79 guardrail or barrier. ~~The voting machine or machines shall be placed in the voting rooms
80 within the enclosed space so that, unless its construction shall otherwise require, the ballot
81 labels on the face of the machine can be plainly seen by the poll officers when the machine
82 is not occupied by an elector.~~ In the case of direct recording electronic (DRE) voting units
83 or electronic ballot marking devices and optical scanners, the units, devices, and scanners
84 shall be arranged in such a manner as to ensure the privacy of the elector while voting on
85 such units, devices, or scanners, to allow monitoring of the units, devices, or scanners by
86 the poll officers while the polls are open, and to permit the public to observe the voting
87 without affecting the privacy of the electors as they vote."

88

SECTION 1-4.

89 Said chapter is further amended by revising Code Section 21-2-280, relating to requirement
90 as to conduct of primaries and elections by ballot and requirement as to use of official ballots
91 only, as follows:

92 "21-2-280.

93 All primaries and elections in this state shall be conducted by hand-marked paper ballot by
94 means of a ballot marker, except when, for in-person voting, at the sole discretion of the

95 elector, he or she shall prefer to mark his or her selections on a paper ballot by means of
 96 an electronic ballot marking device ~~voting machines are used as provided by law. A ballot~~
 97 ~~may be electronic or printed on paper.~~ All ballots used in any primary or election shall be
 98 provided by the superintendent or municipal governing authority in accordance with this
 99 article, and only official ballots furnished by the superintendent or governing authority,
 100 printed on paper, shall be cast or counted in any primary or election in any precinct in
 101 which ballots are used."

102 **SECTION 1-5.**

103 Said chapter is further amended by revising Code Section 21-2-286, relating to printing
 104 specifications, numbering, and binding of ballots, as follows:

105 "21-2-286.

106 (a) In any primary or election, the superintendent shall cause the ballots to be printed in
 107 the form prescribed by this chapter.

108 (b)(1) Paper ballots ~~other than those printed~~ for electronic ballot marking devices and for
 109 optical scanning voting systems shall be at least six inches long and four inches wide and
 110 ~~shall~~ uniform in size and have a margin extending beyond any printing thereon. They
 111 shall be printed with the same kind of type, which shall not be smaller than the size
 112 known as 'brevier' or 'eight-point body,' upon white paper of uniform quality, without any
 113 impression or mark to distinguish one from another, and with sufficient thickness to
 114 prevent the printed matter from showing through, except that ballots being used in
 115 primaries held by more than one party may be of different colors or may have colored
 116 stripes or blocks to distinguish the ballots if the parties so agree. Each ballot shall be
 117 attached to a name stub, and all the ballots for the same precinct shall be bound together
 118 in books of 25, 50, or 100, in such manner that each ballot may be detached from its stub
 119 and removed separately. The ballots for each party to be used at a primary shall be bound
 120 separately. The name stubs of the ballots shall be consecutively numbered; and, in the
 121 case of primary ballots, the number shall be preceded by an initial or abbreviation
 122 designating the party name. The number and initial or abbreviation which appears upon
 123 the stub shall also be printed in the upper portion of the front of the ballot, separated from
 124 the remainder of the ballot by a horizontal perforated line so as to constitute a number
 125 strip and so prepared that the upper portion of the front of the ballot containing the
 126 number may be detached from the ballot before it is deposited in the ballot box. The
 127 number strip on the ballot shall also have the following words printed thereon: 'Tear off
 128 before depositing ballot in ballot box.'

129 (2) Ballots for direct recording electronic voting systems shall be designed as prescribed
 130 by the Secretary of State to ensure easy reading by electors."

131 **SECTION 1-6.**

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

134 "21-2-293.

135 (a) If the election superintendent discovers that a mistake or omission has occurred in the
 136 printing of official ballots or in the programming of the display of the official ballot on
 137 DRE voting equipment or in the programming of the display or printing of the official
 138 ballot on electronic ballot marking devices for any primary or election, the superintendent
 139 is authorized on his or her own motion to take such steps as necessary to correct such
 140 mistake or omission if the superintendent determines that such correction is feasible and
 141 practicable under the circumstances; provided, however, that the superintendent gives at
 142 least 24 hours notice to the Secretary of State and any affected candidates of the mistake
 143 or omission prior to making such correction.

144 (b) When it is shown by affidavit that a mistake or omission has occurred in the printing
 145 of official ballots or in the programming of the display of the official ballot on DRE voting
 146 equipment or in the programming of the display or printing of the official ballot on
 147 electronic ballot marking devices for any primary or election, the superior court of the
 148 proper county may, upon the application of any elector of the county or municipality,
 149 require the superintendent to correct the mistake or omission or to show cause why he or
 150 she should not do so."

151 **SECTION 1-7.**

152 Said chapter is further amended by revising Code Section 21-2-300, relating to provision of
 153 new voting equipment by state, contingent upon appropriations, county responsibilities,
 154 education, and county and municipal contracts for equipment, as follows:

155 "21-2-300.

156 (a) ~~Provided that the General Assembly specifically appropriates funding to the Secretary~~
 157 ~~of State to implement this subsection, the~~ The equipment used for casting and counting
 158 votes in county, state, and federal elections shall, ~~by the July, 2004, primary election and~~
 159 ~~afterwards,~~ be the same in each county in this state and shall be provided to each county
 160 by the state, as determined by the Secretary of State.

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

165 (c) Each county shall, prior to being provided with voting equipment by the state, provide
 166 or contract for adequate technical support for the installation, set up, and operation of such

167 voting equipment for each primary, election, and special primary and special election as
 168 the Secretary of State shall determine by rule or regulation.

169 (d) The Secretary of State shall be responsible for the development, implementation, and
 170 provision of a continuing program to educate voters, election officials, and poll workers
 171 in the proper use of such voting equipment. Each county shall bear the costs, including
 172 transportation, subsistence, and lodging, incurred by its election and registration officials
 173 in attending courses taught by or arranged by the Secretary of State for instruction in the
 174 use of the voting equipment.

175 (e)(1) Counties shall be authorized to contract with municipal governments for the use
 176 of such voting equipment in municipal elections under terms and conditions specified by
 177 the Secretary of State to assure that the equipment is properly used and kept secure.

178 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee
 179 for use of state owned voting equipment but may require municipalities to reimburse the
 180 county for the actual expenses related to the election or elections that are subject to the
 181 county and municipal contract.

182 (f) The cost of the printing of paper ballots by county election superintendents shall be
 183 reimbursed following the conclusion of each calendar year by the Secretary of State from
 184 funds appropriated to the Secretary of State by the General Assembly.

185 (g) On and after July 1, 2019, no primaries, elections, or runoffs shall be conducted on
 186 direct recording electronic voting systems in this state and such direct recording electronic
 187 voting systems shall be decertified for use in primaries, elections, and runoffs in this state."

188 **SECTION 1-8.**

189 Said chapter is further amended by revising Code Section 21-2-365, relating to requirements
 190 for use of optical scanning voting systems, as follows:

191 "21-2-365.

192 (a) No optical scanning voting system, which shall include digital scanning voting
 193 systems, shall be adopted or used unless it shall, at the time, satisfy the following
 194 requirements:

195 (1) It shall provide facilities for voting for such candidates as may be nominated and
 196 upon such questions as may be submitted;

197 (2) It shall permit each elector, in one operation per ballot, to vote for all the candidates
 198 of one party or body for presidential electors;

199 (3) Except as provided in paragraph (2) of this Code section for presidential electors, it
 200 shall permit each elector, at other than primaries, to vote a ticket selected from the
 201 nominees of any and all parties or bodies, from independent nominations, and from
 202 persons not in nomination;

203 (4) It shall permit each elector to vote, at any election, for any person and for any office
 204 for whom and for which he or she is lawfully entitled to vote, whether or not the name
 205 of such person or persons appears upon a ballot as a candidate for election; to vote for as
 206 many persons for an office as he or she is entitled to vote for; and to vote for or against
 207 any question upon which he or she is entitled to vote;

208 (5) ~~An optical scanning tabulator~~ An optical scanner used in such system shall preclude
 209 the counting of votes for any candidate or upon any question for whom or upon which an
 210 elector is not entitled to vote; shall preclude the counting of votes for more persons for
 211 any office than he or she is entitled to vote for; and shall preclude the counting of votes
 212 for any candidate for the same office or upon any question more than once;

213 (6) It shall permit voting in absolute secrecy so that no person can see or know for whom
 214 any other elector has voted or is voting, save an elector whom he or she has assisted or
 215 is assisting in voting, as prescribed by law and the paper ballots shall not be possible to
 216 be associated with a particular elector after the ballot is cast;

217 (7) It shall be constructed of material of good quality in a neat and workmanlike manner;

218 (8) It shall, when properly operated, record correctly and accurately every vote cast;

219 (9) It shall be so constructed that an elector may readily learn the method of operating
 220 it; ~~and~~

221 (10) It shall be safely transportable;

222 (11) It shall utilize paper ballots printed on durable paper which shall be hand-marked
 223 by the use of a ballot marker or voter-marked by the use of an electronic ballot marking
 224 device;

225 (12) It shall allow for the paper ballots to be counted manually or through the use of an
 226 optical scanner;

227 (13) It shall allow the elector to inspect and verify the elector's votes before such ballot
 228 is cast and allow for the replacement of such ballot before it is cast if such choices are
 229 incorrectly marked;

230 (14) The human-readable marks on the paper ballot marked by the elector shall be the
 231 ballot of record which shall be used for all tabulations, recounts, audits, and contests and
 232 shall be directly countable by humans without resort to electronic aids;

233 (15) It shall not include any device or functionality that is or is capable of externally
 234 transmitting or receiving data over the internet or by radio waves or other wireless means
 235 or methods; and

236 (16) It shall provide a means by which a malfunctioning optical scanner or tabulating
 237 machine shall secure any votes already cast or counted on such device.

238 (b) No optical scanning voting system or equipment shall be authorized for use in this state
 239 unless the manufacturer or vendor, as appropriate, of such voting system or equipment:

240 (1) Shall place into escrow with the Secretary of State a complete copy of all
 241 programming, source coding, and software employed by such system or equipment which
 242 shall be used exclusively for purposes authorized by this chapter and shall be otherwise
 243 confidential;

244 (2) Shall file with the Secretary of State a waiver, prepared by the Secretary of State,
 245 which shall waive all rights of the vendor or manufacturer to assert intellectual property
 246 or trade secret rights in any court of competent jurisdiction hearing a challenge to the
 247 results of any primary, election, or runoff and agreeing that programming source coding,
 248 firmware, and software as well as voting systems or equipment may be tested by
 249 independent experts under court supervision which at the conclusion of such proceeding
 250 shall be sealed; and

251 (3) Shall file with the Secretary of State a consent to having and cooperating in the
 252 testing of any programming, source coding, firmware, or software, pursuant to an order
 253 of the Secretary of State or any election superintendent or court of competent jurisdiction.
 254 The Secretary of State, election superintendent, or court or agent thereof shall be required
 255 to maintain the confidentiality of any proprietary material that is provided or disclosed
 256 by the manufacturer or vendor."

257 **SECTION 1-9.**

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

260 "21-2-372.

261 Ballots shall be of suitable durability, design, size, and stock to permit manual counting or
 262 processing by a ~~tabulating machine~~ an optical scanner and shall be printed in black ink on
 263 clear, white, or colored material. ~~In counties using a central count tabulating system, a~~
 264 ~~serially numbered strip shall be attached to each ballot in a manner and form similar to that~~
 265 ~~prescribed in this chapter for paper ballots."~~

266 **SECTION 1-10.**

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

270 "(a) The superintendent of each county or municipality shall order the proper programming
 271 to be placed in each ~~tabulator~~ optical scanner used in any precinct or central tabulating
 272 location.

273 (b) On or before the third day preceding a primary or election, including special primaries,
 274 special elections, and referendum elections, the superintendent shall have the optical

275 ~~scanning tabulators~~ scanners tested to ascertain that they will correctly count the votes cast
 276 for all offices and on all questions. Public notice of the time and place of the test shall be
 277 made at least five days prior thereto; provided, however, that, in the case of a runoff, the
 278 public notice shall be made at least three days prior thereto. Representatives of political
 279 parties and bodies, candidates, news media, and the public shall be permitted to observe
 280 such tests. The test shall be conducted by processing a preaudited group of ballots so
 281 marked as to record a predetermined number of valid votes for each candidate and on each
 282 question and shall include for each office one or more ballots which are improperly marked
 283 and one or more ballots which have votes in excess of the number allowed by law in order
 284 to test the ability of the optical ~~scanning tabulator~~ scanner to reject such votes. The optical
 285 ~~scanning tabulator~~ scanner shall not be approved unless it produces an errorless count. If
 286 any error is detected, the cause therefor shall be ascertained and corrected; and an errorless
 287 count shall be made before the ~~tabulator~~ optical scanner is approved. The superintendent
 288 shall cause the pretested ~~tabulators~~ optical scanners to be placed at the various polling
 289 places to be used in the primary or election. The superintendent shall require that each
 290 optical ~~scanning tabulator~~ scanner be thoroughly tested and inspected prior to each primary
 291 and election in which it is used and shall keep such tested material as certification of an
 292 errorless count on each ~~tabulator~~ optical scanner. In counties using central count optical
 293 ~~scanning tabulators~~ scanners, the same test shall be repeated immediately before the start
 294 of the official count of the ballots and at the conclusion of such count. Precinct ~~tabulators~~
 295 optical scanners shall produce a zero results tape prior to any ballots being inserted on the
 296 day of any primary or election."

297

SECTION 1-11.

298 Said chapter is further amended by revising Code Section 21-2-375, relating to delivery of
 299 equipment to polling places, protection for equipment, and required accessories, as follows:
 300 "21-2-375.

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

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

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

- 311 (1) Provide sufficient lighting to enable electors, while in the voting booth, to read the
 312 ballot, which lighting shall be suitable for the use of poll officers in examining the booth;
 313 and such lighting shall be in good working order before the opening of the polls;
- 314 (2) Prominently post directions for voting ~~on the optical scanning ballot~~ within the voting
 315 booth; at least two sample ballots in use for the primary or election shall be posted
 316 prominently outside the enclosed space within the polling place;
- 317 (3) Ensure that the precinct ~~count optical scanning tabulator~~ scanner shall have a seal
 318 securing the memory pack in use throughout the election day; such seal shall not be
 319 broken unless the ~~tabulator~~ optical scanner is replaced due to malfunction; ~~and~~
- 320 (4) Provide at least one electronic ballot marking device for the precinct; and
- 321 ~~(4)(5)~~ Provide such other materials and supplies as may be necessary or as may be
 322 required by law."

323 **SECTION 1-12.**

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

326 "21-2-377.

- 327 (a) The superintendent shall designate a person or persons who shall have custody of the
 328 ~~optical scanning tabulators~~ scanners of the county or municipality when they are not in use
 329 at a primary or election and shall provide for his or her compensation and for the safe
 330 storage and care of the ~~optical scanning tabulators~~ scanners.
- 331 (b) All ~~optical scanning tabulators~~ scanners, when not in use, shall be properly covered and
 332 stored in a suitable place or places."

333 **SECTION 1-13.**

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

336 "Part 6

337 21-2-379.21.

338 Each polling place in this state utilizing optical scanning voting systems, which shall
 339 include digital scanning voting systems, shall be equipped with at least one optical scanner
 340 and one electronic ballot marking device that meets the requirements as set forth in this part
 341 that is accessible to individuals with disabilities.

342 21-2-379.22.

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

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

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

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

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

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

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

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

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

364 (9) Be safely transportable; and

365 (10) Not include any device or functionality that is or is potentially capable of externally
 366 transmitting or receiving data over the internet or by radio waves or other wireless means
 367 or methods.

368 21-2-379.23.

369 (a)(1) The ballots for electronic ballot marking devices shall be of such size and
 370 arrangement as will suit the construction of the device's screen and shall be in plain, clear
 371 type that is easily readable by persons with normal vision. If the device has the capacity
 372 for color display, the names of all candidates in a particular race shall be displayed in the
 373 same color, font, and size and the political party or body affiliation of candidates may be
 374 displayed in a color different from that used to display the names of the candidates, but
 375 all political party or body affiliations shall be displayed in the same color. All candidates'
 376 names and political parties shall be printed in the same size and font. All ballot questions
 377 and constitutional amendments shall be displayed in the same color.

378 (2) The arrangement of offices, names of candidates, and questions upon the ballots shall
379 conform as nearly as practicable to this chapter for the arrangement of such offices,
380 names of candidates, and questions on paper ballots.

381 (3) Electors shall be permitted to cast write-in votes on electronic ballot marking devices
382 as provided in Code Section 21-2-133. The design of the ballot shall permit the election
383 superintendent and poll workers when obtaining the vote recorded on such devices to
384 determine readily whether an elector has cast any write-in vote not authorized by law.

385 (4) The form and arrangement of ballots shall be prescribed by the Secretary of State and
386 prepared by the election superintendent.

387 (b)(1) If two or more candidates for the same nomination or office shall have the same
388 or similar names, the Secretary of State, in the case of federal or state offices, the
389 superintendent of elections, in the case of county offices, or the official with whom such
390 candidates qualify, in the case of municipal elections, shall print or cause to be printed
391 the residence of all candidates for such nomination or office on the ballot under their
392 names. The designated official shall determine whether the names of the candidates are
393 of such a similar nature as to warrant printing the residence of all candidates for that
394 office on the ballot; and the decision of the designated official shall be conclusive.

395 (2) The ballot for each candidate or group of candidates nominated by a political party
396 or body shall display the name or designation of the political party or body.

397 (3) The incumbency of a candidate seeking election for the public office he or she then
398 holds shall be indicated on the ballot.

399 (4) Unless a candidate has filed with his or her nominating petition a certificate from a
400 political party or body attesting that such candidate is the nominee of such party or body
401 by virtue of having been nominated in a duly constituted party or body convention, the
402 candidate's name shall appear on the ballot as an independent.

403 (5) When presidential electors are to be elected, the ballot shall not list the individual
404 names of the candidates for presidential electors but shall list the names of each political
405 party and body and the names of the political party or body candidates for the office of
406 President and Vice President. The individual names or the nominees of each political
407 party or body for such offices shall be posted at each polling place arranged
408 alphabetically under the names of the candidates of the party or body for President and
409 Vice President of the United States. A vote for the candidates for President and Vice
410 President of a political party or body shall be deemed to be a vote for each of the
411 candidates for presidential electors of such political party or body.

412 (6) When proposed constitutional amendments or other questions are submitted to a vote
413 of the electors, each amendment or other question so submitted may be printed upon the
414 ballot below the groups of candidates for the various offices. Proposed constitutional

415 amendments so submitted shall be printed in the order determined by the Constitutional
 416 Amendments Publication Board and in brief form as directed by the General Assembly
 417 or, in the event of a failure to so direct, the form shall be determined by the Secretary of
 418 State and shall include the short title or heading provided for in subsection (c) of Code
 419 Section 50-12-101. Unless otherwise provided by law, any other state-wide questions or
 420 questions to be presented to the electors of more than one county so submitted shall be
 421 printed in brief form as directed by the General Assembly or, in the event of a failure to
 422 so direct, the form shall be determined by the Secretary of State and shall include a short
 423 title or heading in bold face at the beginning of each such question on the ballot; and any
 424 local questions so submitted shall be printed in brief form as directed by the General
 425 Assembly or, in the event of a failure to so direct, the form shall be determined by the
 426 superintendent. Next to or below the question there shall be placed the words 'YES' and
 427 'NO' between which the elector may choose in casting his or her vote.

428 (7) The ballots shall vary in form only as the names of precincts, offices, candidates, or
 429 this chapter may require.

430 21-2-379.24.

431 (a) Any person or organization owning, manufacturing, or selling, or being interested in
 432 the manufacture or sale of, any electronic ballot marking device system may request that
 433 the Secretary of State examine the device system. Any ten or more electors of this state
 434 may, at any time, request that the Secretary of State reexamine any such device system
 435 previously examined and approved by him or her. Before any such examination or
 436 reexamination, the person, persons, or organization requesting such examination or
 437 reexamination shall pay to the Secretary of State the reasonable expenses of such
 438 examination or reexamination. The Secretary of State shall publish and maintain on his or
 439 her website the cost of such examination or reexamination. The Secretary of State may,
 440 at any time, in his or her discretion, reexamine any such device system.

441 (b) The Secretary of State shall thereupon examine or reexamine such device system and
 442 shall make and file in his or her office a report, attested by his or her signature and the seal
 443 of his or her office, stating whether, in his or her opinion, the kind of device system so
 444 examined can be safely and accurately used by electors at primaries and elections as
 445 provided in this chapter. If this report states that the device system can be so used, the
 446 device system shall be deemed approved, and device systems of its kind may be adopted
 447 for use at primaries and elections as provided in this chapter.

448 (c) Any device system that is not so approved shall not be used at any primary or election
 449 and if, upon reexamination, a previously approved device system appears to be no longer
 450 safe or accurate for use by electors at primaries or elections as provided in this chapter

451 because of an inability to accurately record, mark, and print votes on paper ballots, the
452 approval of the same shall immediately be revoked by the Secretary of State, and no such
453 device system shall thereafter be used or purchased for use in this state.

454 (d) Any vendor who completes a sale of an electronic ballot marking device system that
455 has not been certified by the Secretary of State to a governmental body in this state shall
456 be subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement
457 of all costs and expenses incurred by the governmental body in connection with the sale.
458 The State Election Board shall have the authority to impose such penalty upon a finding
459 that such a sale has occurred.

460 (e) When an electronic ballot marking device system has been so approved, no
461 improvement or change that does not impair its accuracy, efficiency, or capacity shall
462 render necessary a reexamination or reapproval of such device system, or of its kind.

463 (f) Neither the Secretary of State, nor any custodian, nor the governing authority of any
464 county or municipality or a member of such governing authority nor any other person
465 involved in the examination process shall have any pecuniary interest in any electronic
466 ballot marking device system or in the manufacture or sale thereof.

467 21-2-379.25.

468 (a) The superintendent of each county or municipality shall cause the proper ballot design
469 and style to be programmed for each electronic ballot marking device which is to be used
470 in any precinct within such county or municipality, shall cause each such device to be
471 placed in proper order for accurately recording, marking, and printing votes on paper
472 ballots, and shall examine each unit before it is sent to a polling place for use in a primary
473 or election, to verify that each device is properly recording, marking, and printing votes on
474 paper ballots and producing proper printed paper ballots.

475 (b) The superintendent may appoint, with the approval of the county or municipal
476 governing authority, as appropriate, a custodian of the electronic ballot marking devices,
477 and deputy custodians as may be necessary, whose duty shall be to prepare the devices to
478 be used in the county or municipality at the primaries and elections to be held therein.
479 Each custodian and deputy custodian shall receive from the county or municipality such
480 compensation as shall be fixed by the governing authority of such county or municipality.
481 Such custodian shall, under the direction of the superintendent, have charge of and
482 represent the superintendent during the preparation of the devices as required by this
483 chapter. The custodian and deputy custodians shall serve at the pleasure of the
484 superintendent and each shall take an oath of office prepared by the Secretary of State
485 before each primary or election, which shall be filed with the superintendent.

486 (c) On or before the third day preceding a primary or election, including special primaries,
487 special elections, and referendum elections, the superintendent shall have each electronic
488 ballot marking device tested to ascertain that it will correctly record and mark the votes cast
489 for all offices and on all questions and produce a printed paper ballot reflecting such
490 choices of the elector in a manner that the State Election Board shall prescribe by rule or
491 regulation. Public notice of the time and place of the test shall be made at least five days
492 prior thereto; provided, however, that, in the case of a runoff, the public notice shall be
493 made at least three days prior thereto. Representatives of political parties and bodies, news
494 media, and the public shall be permitted to observe such tests.

495 21-2-379.26.

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

498 (b) The superintendent shall store the devices and related equipment under his or her
499 supervision or shall designate another person or entity to provide secure storage of such
500 devices and related equipment when it is not in use at a primary or election. The
501 superintendent shall provide compensation for the safe storage and care of such devices and
502 related equipment if the devices and related equipment are stored by another person or
503 entity.

504 21-2-379.27.

505 No electronic ballot marking device shall be authorized for use in this state unless the
506 manufacturer or vendor, as appropriate, of such device:

507 (1) Shall place into escrow with the Secretary of State a complete copy of all
508 programming, source coding, and software employed by such device which shall be used
509 exclusively for purposes authorized by this chapter and shall be otherwise confidential;

510 (2) Shall file with the Secretary of State a waiver, prepared by the Secretary of State,
511 which shall waive all rights of the vendor or manufacturer to assert intellectual property
512 or trade secret rights in any court of competent jurisdiction hearing a challenge to the
513 results of any primary, election, or runoff and agreeing that programming source coding,
514 firmware, and software as well as the device may be tested by independent experts under
515 court supervision which at the conclusion of such proceeding shall be sealed; and

516 (3) Shall file with the Secretary of State a consent to having and cooperating in the
517 testing of any programming, source coding, firmware, or software, pursuant to an order
518 of the Secretary of State or any election superintendent or court of competent jurisdiction.
519 The Secretary of State, election superintendent, or court or agent thereof shall be required

520 to maintain the confidentiality of any proprietary material that is provided or disclosed
 521 by the manufacturer or vendor."

522 **SECTION 1-14.**

523 Said chapter is further amended by revising Code Section 21-2-413, relating to conduct of
 524 voters, campaigners, and others at polling places generally, as follows:

525 "21-2-413.

526 (a) No elector shall be allowed to occupy a voting compartment ~~or voting machine booth~~
 527 already occupied by another except when giving assistance as permitted by this chapter.

528 (b) No elector shall remain in a voting compartment ~~or voting machine booth~~ an
 529 unreasonable length of time; and, if such elector shall refuse to leave after such period, he
 530 or she shall be removed by the poll officers.

531 (c) No elector except a poll officer or poll watcher shall reenter the enclosed space after
 532 he or she has once left it except to give assistance as provided by this chapter.

533 (d) No person, when within the polling place, shall electioneer or solicit votes for any
 534 political party or body or candidate or question, nor shall any written or printed matter be
 535 posted within the room, except as required by this chapter. The prohibitions contained
 536 within Code Section 21-2-414 shall be equally applicable within the polling place and no
 537 elector shall violate the provisions of Code Section 21-2-414.

538 (e) No person shall use photographic or other electronic monitoring or recording devices,
 539 cameras, or cellular telephones while such person is in a polling place while voting is
 540 taking place; provided, however, that a poll manager, in his or her discretion, may allow
 541 the use of photographic devices in the polling place under such conditions and limitations
 542 as the election superintendent finds appropriate, and provided, further, that no photography
 543 shall be allowed of a ballot or the face of a ~~voting machine~~ or DRE unit or electronic ballot
 544 marking device while an elector is voting such ballot ~~or machine~~ or DRE unit or using such
 545 electronic ballot marking device and no photography shall be allowed of an electors list,
 546 electronic electors list, or the use of an electors list or electronic electors list. This
 547 subsection shall not prohibit the use of photographic or other electronic monitoring or
 548 recording devices, cameras, or cellular telephones by poll officials for official purposes.

549 (f) All persons except poll officers, poll watchers, persons in the course of voting and such
 550 persons' children under 18 years of age or any child who is 12 years of age or younger
 551 accompanying such persons, persons lawfully giving assistance to electors, duly authorized
 552 investigators of the State Election Board, and peace officers when necessary for the
 553 preservation of order, must remain outside the enclosed space during the progress of the
 554 voting. Notwithstanding any other provision of this chapter, any elector shall be permitted
 555 to be accompanied into the enclosed area and into a voting compartment ~~or voting machine~~

556 ~~booth~~ while voting by such elector's child or children under 18 years of age or any child
 557 who is 12 years of age or younger unless the poll manager or an assistant manager
 558 determines in his or her sole discretion that such child or children are causing a disturbance
 559 or are interfering with the conduct of voting. Children accompanying an elector in the
 560 enclosed space pursuant to this subsection shall not in any manner handle any ballot nor
 561 operate any function of the voting equipment under any circumstances.

562 (g) When the hour for closing the polls shall arrive, all electors who have already qualified
 563 and are inside the enclosed space shall be permitted to vote; and, in addition thereto, all
 564 electors who are then in the polling place outside the enclosed space, or then in line outside
 565 the polling place, waiting to vote, shall be permitted to do so if found qualified, but no
 566 other persons shall be permitted to vote.

567 (h) It shall be the duty of the chief manager to secure the observances of this Code section,
 568 to keep order in the polling place, and to see that no more persons are admitted within the
 569 enclosed space than are permitted by this chapter. Further, from the time a polling place
 570 is opened until the ballots are delivered to the superintendent, the ballots shall be in the
 571 custody of at least two poll officers at all times.

572 (i) No person except peace officers regularly employed by the federal, state, county, or
 573 municipal government or certified security guards shall be permitted to carry firearms
 574 within 150 feet of any polling place as provided for in subsection (b) of Code
 575 Section 16-11-127."

576 **SECTION 1-15.**

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

579 "21-2-482.

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

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

592 The form for either ballot shall be determined and prescribed by the Secretary of State.
 593 There shall be at least one electronic ballot marking device at the precinct."

594 **SECTION 1-16.**

595 Said chapter is further amended by revising Code Section 21-2-493, relating to computation,
 596 canvassing, and tabulation of returns; investigation of discrepancies in vote counts; recount
 597 procedure; certification of returns; and change in returns, as follows:

598 "21-2-493.

599 (a) The superintendent shall, at or before 12:00 Noon on the day following the primary or
 600 election, at his or her office or at some other convenient public place at the county seat or
 601 in the municipality, of which due notice shall have been given as provided by Code Section
 602 21-2-492, publicly commence the computation and canvassing of the returns and continue
 603 the same from day to day until completed. For this purpose the superintendent may
 604 organize his or her assistants into sections, each of which may simultaneously proceed with
 605 the computation and canvassing of the returns from various precincts of the county or
 606 municipality in the manner provided by this Code section. Upon the completion of such
 607 computation and canvassing, the superintendent shall tabulate the figures for the entire
 608 county or municipality and sign, announce, and attest the same, as required by this Code
 609 section.

610 (b) The superintendent, before computing the votes cast in any precinct, shall compare the
 611 registration figure with the certificates returned by the poll officers showing the number
 612 of persons who voted in each precinct or the number of ballots cast. If, upon consideration
 613 by the superintendent of the returns and certificates before him or her from any precinct,
 614 it shall appear that the total vote returned for any candidate or candidates for the same
 615 office or nomination or on any question exceeds the number of electors in such precinct or
 616 exceeds the total number of persons who voted in such precinct or the total number of
 617 ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall
 618 be investigated by the superintendent; and no votes shall be recorded from such precinct
 619 until an investigation shall be had. Such excess shall authorize the summoning of the poll
 620 officers to appear immediately with any primary or election papers in their possession. The
 621 superintendent shall then examine all the registration and primary or election documents
 622 whatever relating to such precinct in the presence of representatives of each party, body,
 623 and interested candidate. Such examination may, if the superintendent deems it necessary,
 624 include a recount or recanvass of the votes of that precinct and a report of the facts of the
 625 case to the district attorney where such action appears to be warranted.

626 (c) In precincts in which paper ballots have been used, the superintendent may require the
 627 production of the ballot box and the recount of the ballots contained in such ballot box,

628 either generally or respecting the particular office, nomination, or question as to which the
629 excess exists, in the discretion of the superintendent, and may require the correction of the
630 returns in accordance with the result of such recount. If the ballot box is found to contain
631 more ballots than there are electors registered in such precinct or more ballots than the
632 number of voters who voted in such precinct at such primary or election, the superintendent
633 may, in his or her discretion, exclude the poll of that precinct, either as to all offices,
634 candidates, questions, or parties and bodies or as to any particular offices, candidates,
635 questions, or parties and bodies, as to which such excess exists.

636 ~~(d) In precincts in which voting machines have been used, the superintendent may require~~
637 ~~a canvass of the votes recorded on the machines used in the precinct, as provided in Code~~
638 ~~Section 21-2-495~~ Reserved.

639 (e) In precincts in which paper ballots have been used, the general returns made by the poll
640 officers from the various precincts shall be read one after another in the usual order, slowly
641 and audibly, by one of the assistants who shall, in each case of a return from a precinct in
642 which ballots were used, read therefrom the number of ballots issued, spoiled, canceled,
643 and cast, respectively, whereupon the assistant having charge of the records of the
644 superintendent showing the number of ballots furnished for each precinct, including the
645 number of stubs and unused ballots and spoiled and canceled ballots returned, shall
646 publicly announce the number of the same respectively; and, unless it appears by such
647 number or calculations therefrom that such records and such general return correspond, no
648 further returns shall be read from the latter until all discrepancies are explained to the
649 satisfaction of the superintendent.

650 ~~(f) In precincts in which voting machines have been used, there shall be read from the~~
651 ~~general return the identifying number or other designation of each voting machine used and~~
652 ~~the numbers registered on the protective counter or device on each machine prior to the~~
653 ~~opening of the polls and immediately after the close of the same, whereupon the assistant~~
654 ~~having charge of the records of the superintendent showing the number registered on the~~
655 ~~protective counter or device of each voting machine prior to delivery at the polling place~~
656 ~~shall publicly announce the numbers so registered; and, unless it appears that such records~~
657 ~~and such general return correspond, no further returns shall be read from the latter until any~~
658 ~~and all discrepancies are explained to the satisfaction of the superintendent~~ Reserved.

659 (g) In precincts in which paper ballots have been used, when the records agree with such
660 returns regarding the number of ballots and the number of votes recorded for each
661 candidate, such votes for each candidate shall be read by an assistant slowly, audibly, and
662 in an orderly manner from the general return which has been returned unsealed; and the
663 figures announced shall be compared by other assistants with the general return which has
664 been returned sealed. The figures announced for all precincts shall be compared by one of

665 the assistants with the tally papers from the respective precincts. If any discrepancies are
666 discovered, the superintendent shall examine all of the return sheets, tally papers, and other
667 papers in his or her possession relating to the same precinct. If the tally papers and sealed
668 general return sheet agree, the unsealed general return shall be immediately corrected to
669 conform thereto. In every other case the superintendent shall immediately cause the ballot
670 box of the precinct to be opened and the vote therein to be recounted in the presence of
671 interested candidates or their representatives; and, if the recount shall not be sufficient to
672 correct the error, the superintendent may summon the poll officers to appear immediately
673 with all election papers in their possession.

674 ~~(h) In precincts in which voting machines have been used, when the records agree with the
675 returns regarding the number registered on the voting machine, the votes recorded for each
676 candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the
677 general return sheet which has been returned unsealed, and the figures announced shall be
678 compared by other assistants with the duplicate return sheet which has been returned
679 sealed. If the voting machine is of the type equipped with a mechanism for printing paper
680 proof sheets, such general and duplicate return sheets shall also be compared with such
681 proof sheets, which have been returned as aforesaid. If any discrepancies are discovered,
682 the superintendent shall examine all of the return sheets, proof sheets, and other papers in
683 his or her possession relating to the same precinct. Such proof sheets shall be deemed to
684 be prima-facie evidence of the result of the primary or election and to be prima facie
685 accurate, and, if the proper proof sheets, properly identified, shall be mutually consistent
686 and if the general and duplicate returns or either of such returns from such precinct shall
687 not correspond with such proof sheets, they shall be corrected so as to correspond with
688 such proof sheets in the absence of allegation of specific fraud or error proved to the
689 satisfaction of the superintendent Reserved.~~

690 (i) If any error or fraud is discovered, the superintendent shall compute and certify the
691 votes justly, regardless of any fraudulent or erroneous returns presented to him or her, and
692 shall report the facts to the appropriate district attorney for action.

693 (j) The superintendent shall see that the votes shown by each absentee ballot are added to
694 the return received from the precinct of the elector casting such ballot.

695 (k) As the returns from each precinct are read, computed, and found to be correct or
696 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
697 all the returns from the various precincts which are entitled to be counted shall have been
698 duly recorded; then they shall be added together, announced, and attested by the assistants
699 who made and computed the entries respectively and shall be signed by the superintendent.
700 The consolidated returns shall then be certified by the superintendent in the manner
701 required by this chapter. Such returns shall be certified by the superintendent not later than

702 5:00 P.M. on the ~~Monday~~ eighth calendar day following the date on which such election
 703 was held and such returns shall be immediately transmitted to the Secretary of State.
 704 (l) In such case where the results of an election contest change the returns so certified, a
 705 corrected return shall be certified and filed by the superintendent which makes such
 706 corrections as the court orders."

707 **SECTION 1-17.**

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

710 "21-2-498.

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

712 (1) 'Audit unit' means the ballots cast in a precinct, another identifiable set of ballots,
 713 such as all the ballots tabulated on one ballot scanner or a batch of ballots, or a single
 714 ballot or ballot card. The ballots cast in a precinct, another identifiable set of ballots, or
 715 a single ballot or ballot card may only be used as an audit unit for purposes of this Code
 716 section if all of the following conditions are satisfied:

717 (A) The relevant optical scanner is able to produce a report of the votes cast in the
 718 precinct, on the specific set of ballots, or on the single ballot or ballot card, except for
 719 ballot-polling audits;

720 (B) That report, known for purposes of this Code section as the 'unofficial audit unit
 721 results,' is made public for all audit units prior to the commencement of the audit; and

722 (C) Each cast ballot of record is assigned to exactly one audit unit.

723 (2) 'Ballot-polling audit' means a risk-limiting audit that manually examines individual
 724 ballots without comparison to unofficial audit unit results.

725 (3) 'Contest' for purposes of this Code section means a portion of an election concerning
 726 an office or concerning a measure for which there is at least one opposing choice on the
 727 ballot.

728 (4) 'Risk-limiting audit' means a hand-counted audit of ballots that ensures a large,
 729 predetermined minimum chance of requiring a full manual tally whenever a full manual
 730 tally would show an electoral outcome that differs from the unofficial reported outcome
 731 for the audited contest. The 'risk limit' of a risk-limiting audit is 100 percent minus this
 732 minimum chance; that is, the 'risk limit' is the largest chance that the audit will not
 733 include a full manual tally, if that tally would show an electoral outcome that differs from
 734 the unofficial reported outcome. A risk-limiting audit necessarily involves manually
 735 inspecting physical ballots to ascertain elector intent. A risk-limiting audit continues to
 736 inspect ballots manually until either the audit finds strong statistical evidence that the
 737 unofficial reported outcome agrees with the outcome that a full manual tally of the votes

738 would find or a full manual tally has been conducted, in which case, the results according
 739 to that full manual tally become official results to be certified.

740 (5) 'Risk-measuring audit' is a procedure that reports the risk limit for which a
 741 risk-limiting audit conducted at that risk limit would have stopped on the basis of all the
 742 evidence that the audit collected, that is, without inspecting additional ballots beyond
 743 those the audit did inspect.

744 (6) 'Substantive anonymity' means the inability of an independent observer of a ballot,
 745 or replica thereof, to use public records to determine beyond reasonable doubt the identity
 746 of the person who marked or caused the ballot to be marked. The Secretary of State shall
 747 promulgate rules to define 'independent observer' such that the elector and persons
 748 associated with the elector, including any person who assisted the elector, are excluded.

749 (7) 'Unofficial final results' means election results published prior to commencement of
 750 the audit in the form of sums of individual votes, or when applicable, other records of
 751 votes per contest tabulated for all eligible and legally cast ballots.

752 (8) 'Unofficial reported outcome' means the name or names of a prevailing candidate or
 753 candidates, or decision concerning a measure, as determined from the unofficial final
 754 results.

755 (b) Beginning with the 2020 presidential preference primary, the Secretary of State in
 756 conjunction with local election superintendents shall be authorized to conduct post-election
 757 risk-limiting audits for any special or general primary, special or general election, any
 758 runoffs of such primaries or elections, or any ballot question, in accordance with
 759 requirements set forth by rule or regulation of the State Election Board.

760 (c) On and after January 1, 2024, the Secretary of State in conjunction with local election
 761 superintendents shall conduct post-election risk-limiting audits for all federal and
 762 gubernatorial primary and general elections, any runoff of such elections, and any
 763 state-wide ballot question, in accordance with requirements set forth by rule or regulation
 764 of the State Election Board.

765 (d) In conducting each audit, the Secretary of State and local election superintendents
 766 shall:

767 (1) Determine which other contests are required to be audited to a prespecified risk limit.
 768 Contests may be added for reasons of expressed public interest or concern after unofficial
 769 final results are published pursuant to rules promulgated by the State Election Board.
 770 The remaining contests shall be automatically subject to a risk-measuring audit;

771 (2) For each contest subject to a risk-limiting audit, set the risk limit. The risk limit for
 772 a contest for state Senate, state House of Representatives, or any contest whose district
 773 has more than 50,000 registered electors shall be no larger than 10 percent;

- 774 (3) Provide notice of the time and place of a public, independently verifiable random
775 selection of ballots or audit units to be manually inspected and of the times and places of
776 the conduct of audits;
- 777 (4) Make available to the public a report of the unofficial final results for the contest,
778 including, if applicable, the results for each audit unit in the contest, prior to the random
779 selection of ballots or audit units to be manually tallied and prior to the commencement
780 of the audit;
- 781 (5) Make available to the public the evidence that formed the basis for the sample size
782 and random selection of the audit units so that the public can check the process;
- 783 (6) Conduct the audit upon tabulation of the unofficial final results;
- 784 (7) Conduct the audit in public view by manually interpreting the actual ballots that the
785 electors themselves marked or verified, not an image or a duplicated ballot or a barcode
786 associated with the ballot, without access to previous interpretations of the votes on such
787 ballots;
- 788 (8) Subject to selection for audit all eligible cast ballots, including ballots cast in polling
789 places, absentee ballots, advance voting ballots, accepted provisional ballots, and
790 hand-marked originals of ballots duplicated to permit machine counting, including both
791 machine-counted ballots and hand-counted ballots;
- 792 (9) Treat electronic replicas of each ballot described in paragraph (8) of this subsection
793 as part of the publicly accessible record of the election and subject to retention and
794 preservation for a period no shorter than that for voted paper ballots;
- 795 (10) Subject to redaction any instance of a ballot described in paragraph (8) of this
796 subsection for which substantive anonymity is not achieved to protect elector privacy
797 prior to scanning, tabulation, and possible selection for audit;
- 798 (11) Treat any ballot selected for audit for which substantive anonymity cannot yet be
799 achieved by redaction and that by law cannot be exposed to the public as inaccessible to
800 the audit and in a manner that guarantees that the audit will not terminate sooner than it
801 would if the elector's intent for that ballot were known;
- 802 (12) Prior to final certification of the results for all contests, correct any discovered
803 discrepancies in vote interpretation; and
- 804 (13) When the evidence gained from the manual tally of a random sample of ballots is
805 insufficient to attain the risk limit, the risk-limiting audit shall sample more ballots,
806 continuing until completion of a full manual tally if needed to attain the risk limit. The
807 vote counts according to the manual tallies of each of the audited units shall replace the
808 corresponding subsets of unofficial final results for the purpose of determining the
809 official certified results and contest outcome.

810 (e)(1) The results of any audits conducted under this Code section shall be published on
 811 the website of the Secretary of State within two business days of the audit's completion.
 812 (2) If the audit involved a manual tally of one or more entire precincts, then the names
 813 and numbers of all precincts audited and a comparison of the applicable unofficial audit
 814 unit results with the hand counts for each precinct shall be published with the audit results
 815 on the website.
 816 (3) If the audit units are sets of ballots or single ballots or cards, a comparison of the
 817 applicable unofficial audit unit results and the results derived from manual examination
 818 shall be published on the website.
 819 (4) For jurisdictions that have equipment incapable of providing a report of elector
 820 selections on individual ballots, a ballot-polling audit may be authorized by the Secretary
 821 of State.
 822 (5) For a ballot-polling audit, the results derived from manual observation of each
 823 sampled ballot shall be published on the website.
 824 (f) The State Election Board shall promulgate rules, regulations, and procedures necessary
 825 to implement and administer the provisions of this Code section.
 826 (g) In connection with the promulgation of the rules, the Secretary of State and State
 827 Election Board shall consult statistical experts with experience in election auditing,
 828 equipment vendors, and election superintendents and shall consider best practices for
 829 conducting risk-limiting audits."

830 **SECTION 1-18.**

831 Said chapter is further amended by revising paragraphs (7) and (8) of Code Section 21-2-566,
 832 relating to interference with primaries and elections generally, as follows:

833 "(7) Knowingly registers fraudulent votes upon any ~~voting machine~~ optical scanner or
 834 tabulating machine; or
 835 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 836 ballot box, ~~voting machine~~, direct recording electronic (DRE) equipment, electronic
 837 ballot marking device, or tabulating machine"

838 **SECTION 1-19.**

839 Said chapter is further amended by revising Code Section 21-2-579, relating to fraudulently
 840 allowing ballot or voting machine to be seen, casting unofficial ballot, and receiving
 841 unauthorized assistance in voting, as follows:

842 "21-2-579.

843 Any voter at any primary or election who:

- 844 (1) Allows his or her ballot ~~or the face of the voting machine used by him or her~~ to be
 845 seen by any person with the apparent intention of letting it be known for a fraudulent
 846 purpose how he or she is about to vote;
- 847 (2) Casts or attempts to cast any other than the official ballot which has been given to
 848 him or her by the proper poll officer, or advises or procures another to do so;
- 849 (3) Without having made the affirmation under oath or declaration required by Code
 850 Section 21-2-409, or when the disability which he or she declared at the time of
 851 registration no longer exists, permits another to accompany him or her into the voting
 852 compartment ~~or voting machine booth~~ or to mark his or her ballot or to register his or her
 853 vote on ~~the voting machine or~~ an optical scanner or direct recording electronic (DRE)
 854 equipment or use an electronic ballot marking device; or
- 855 (4) States falsely to any poll officer that because of his or her inability to read the English
 856 language or because of blindness, near-blindness, or other physical disability he or she
 857 cannot mark the ballot or operate the ~~voting machine~~ optical scanner without assistance
 858 shall be guilty of a misdemeanor."

859 **SECTION 1-20.**

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

863 "21-2-580.

864 Any person who:

- 865 (1) Unlawfully opens, tampers with, or damages any ~~voting machine~~ electronic ballot
 866 marking device or tabulating machine to be used or being used at any primary or election;
- 867 (2) Willfully prepares a ~~voting machine~~ an electronic ballot marking device or tabulating
 868 machine for use in a primary or election in improper order for voting; or
- 869 (3) Prevents or attempts to prevent the correct operation of such electronic ballot
 870 marking device or tabulating machine
- 871 shall be guilty of a felony."

872 **SECTION 1-21.**

873 Said chapter is further amended by revising Code Section 21-2-581, relating to unauthorized
 874 making or possession of voting machine key, as follows:

875 "21-2-581.

876 Any unauthorized person who makes or knowingly has in his or her possession a key to a
 877 ~~voting machine~~ any device for marking, recording, or tabulating votes that is to be used or
 878 being used in any primary or election shall be guilty of a felony."

879

SECTION 1-22.

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

883 "21-2-582.

884 Any person who tampers with or damages any direct recording electronic (DRE)
885 equipment or electronic ballot marking device or tabulating ~~computer~~ machine or device
886 to be used or being used at or in connection with any primary or election or who prevents
887 or attempts to prevent the correct operation of any direct recording electronic (DRE)
888 equipment or electronic ballot marking device or tabulating ~~computer~~ machine or device
889 shall be guilty of a felony."

890

SECTION 1-23.

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

893 "21-2-582.1.

894 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a ~~voting~~
895 ~~machine~~; tabulating machine, optical scanning voting system, ~~or~~ direct recording electronic
896 voting system, or electronic ballot marking device.

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

900

SECTION 1-24.

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

903 "21-2-587.

904 Any poll officer who willfully:

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

906 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of
907 ballots;908 (3) Registers fraudulent votes upon any ~~voting machine~~ optical scanner or tabulating
909 machine or certifies as correct a return of fraudulent votes ~~cast upon any voting machine~~;

910 (4) Makes any false entries in the electors list;

911 (5) Destroys or alters any ballot, voter's certificate, or electors list;

912 (6) Tamper with any ~~voting machine~~, direct recording electronic (DRE) equipment,
 913 electronic ballot marking device, optical scanner, or tabulating ~~computer~~ machine or
 914 device;

915 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
 916 voting at such primary or election; or

917 (8) Fails to return to the officials prescribed by this chapter, following any primary or
 918 election, any keys of a device used in voting machine; ballot box; general or duplicate
 919 return sheet; tally paper; oaths of poll officers; affidavits of electors and others; record
 920 of assisted voters; numbered list of voters; electors list; voter's certificate; spoiled and
 921 canceled ballots; ballots deposited, written, or affixed in or upon a ~~voting machine~~, DRE,
 922 electronic ballot marking device, or tabulating machine memory cards; or any certificate
 923 or any other paper or record required to be returned under this chapter

924 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
 925 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
 926 or both."

927 PART TWO

928 SECTION 2-1.

929 Said chapter is further amended by revising paragraph (5) of Code Section 21-2-70, relating
 930 to powers and duties of superintendents, as follows:

931 "(5) To purchase, ~~except voting machines~~, preserve, store, and maintain election
 932 equipment of all kinds, including voting booths and ballot boxes and to procure ballots
 933 and all other supplies for primaries and elections;"

934 SECTION 2-2.

935 Said chapter is further amended by revising Code Section 21-2-72, relating to primary and
 936 election records to be open to public, as follows:

937 "21-2-72.

938 Except when otherwise provided by law or court order, the primary and election records
 939 of each superintendent, registrar, municipal governing authority, and committee of a
 940 political party or body, including registration statements, nomination petitions, affidavits,
 941 certificates, tally papers, returns, accounts, contracts, reports, paper ballots of record, paper
 942 ballots, electronic ballot images and cast vote records (CVRs), and other documents in
 943 official custody, ~~except the contents of voting machines~~, shall be open to public inspection
 944 and may be inspected and copied by any elector of the county or municipality during usual
 945 business hours at any time when they are not necessarily being used by the custodian or his
 946 or her employees having duties to perform in reference thereto; provided, however, that

947 such public inspection shall only be in the presence of the custodian or his or her employee
 948 and shall be subject to proper regulation for the safekeeping of such documents and subject
 949 to the further provisions of this chapter. The custodian shall also, upon request, if
 950 photocopying equipment is available in the building in which the records are housed, make
 951 and furnish to any member of the public copies of any of such records upon payment of the
 952 actual cost of copying the records requested."

953 **SECTION 2-3.**

954 Said chapter is further amended by repealing Parts 1 and 2 of Article 9, relating to general
 955 provisions and voting machines, respectively, in their entirety.

956 **SECTION 2-4.**

957 Said chapter is further amended by revising subsection (a) of Code Section 21-2-367, relating
 958 to installation of optical scanning voting systems, number of systems, and good working
 959 order, as follows:

960 "(a) When the use of optical scanning voting systems has been authorized in the manner
 961 prescribed in this part, such optical scanning voting systems shall be installed, either
 962 simultaneously or gradually, within the county or municipality. ~~Upon the installation of~~
 963 ~~optical scanning voting systems in any precinct, the use of paper ballots or other voting~~
 964 ~~machines or apparatus therein shall be discontinued, except as otherwise provided by this~~
 965 ~~chapter."~~

966 **SECTION 2-5.**

967 Said chapter is further amended by revising subsection (a) of Code Section 21-2-383, relating
 968 to preparation and delivery of ballots, form of ballots, and casting ballot in person using DRE
 969 unit, as follows:

970 "(a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the
 971 superintendent and shall be delivered to the board of registrars or absentee ballot clerk as
 972 provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot'
 973 and shall be in substantially the form for ballots required by Article 8 of this chapter,
 974 except that in counties using ~~voting machines or~~ optical scanners or direct recording
 975 electronic (DRE) units the ballots may be in substantially the form for the ballot labels
 976 required by Article 9 of this chapter. Every such ballot shall have printed with other
 977 instructions thereon the following:

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

981 The form for either ballot shall be determined and prescribed by the Secretary of State,
982 except in municipal primaries or elections, in which the form of absentee ballots which
983 follows the paper ballot format shall be determined and prescribed by the superintendent."

984 **SECTION 2-6.**

985 Said chapter is further amended by revising subsection (a) of Code Section 21-2-402, relating
986 to preparation of voter's certificates by Secretary of State, form of certificates, binders for
987 certificates, and other voter's certificates, as follows:

988 "(a) At each primary and election, the Secretary of State shall prepare and furnish to each
989 superintendent a suitable number of voter's certificates which shall be in substantially the
990 following form:

991 **VOTER'S CERTIFICATE**

992 I hereby certify that I am qualified to vote at the (primary or election) held on
993 _____, that I have not and will not vote elsewhere in this (primary or election)
994 in my own name or in any other name, and that I am a citizen of the United States and am
995 not currently serving a sentence for a felony conviction. I understand that making a false
996 statement on this certificate is a felony under Code Section 21-2-562.

997 Signature _____

998 Current residence address of elector:
999 _____

1000 Elector's date of birth: _____

1001 Name or initials of poll officer receiving voter's certificate: _____

1002 In case of physical disability or illiteracy, fill out the following:

1003 Reason for assistance (Check appropriate square):

1004 Elector is unable to read the English language.

1005 Elector requires assistance due to physical disability.

1006 _____

1007 Signature of poll officer

1008 ~~Number of stub of ballot or number of admission to voting machine: _____.~~"

1009 **SECTION 2-7.**

1010 Said chapter is further amended by revising subsection (c) of Code Section 21-2-405, relating
1011 to meeting of poll officers at place of primary or election, oaths, failure of poll officer to

1012 appear, custodians of voting materials, temporary absence or disability, and poll workers
1013 working less than entire day, as follows:

1014 "(c) After the poll officers of a precinct have been organized, the chief manager shall
1015 designate one of the assistant managers to have custody of the electors list. In precincts in
1016 which ballots are used, the other assistant manager shall have charge of the receipt and
1017 deposit of ballots in the ballot box, the chief manager or one of the clerks shall issue the
1018 ballots to electors after they are found entitled to vote, and the other clerk shall have
1019 custody of the voter's certificate binder and shall place the voter's certificates therein as
1020 they are received and approved. ~~In precincts in which voting machines are used, the other~~
1021 ~~assistant manager or clerk shall have custody of the voter's certificate binder and shall place~~
1022 ~~the voter's certificates therein as they are received and approved, and the chief manager~~
1023 ~~shall have special charge of the operation of the voting machine; provided, however, that~~
1024 ~~the~~ The chief manager may make other arrangements for the division of the duties imposed
1025 by this chapter, so long as each poll officer is assigned some specific duty to perform. In
1026 municipal primaries being held with separate precinct managers, the chief managers
1027 appointed by each party shall jointly appoint the person or persons to be in charge of the
1028 electors list. In all precincts, the chief manager shall assign an assistant manager or a clerk
1029 to keep a numbered list of voters, in sufficient counterparts, during the progress of the
1030 voting."

1031 **SECTION 2-8.**

1032 Said chapter is further amended by revising subsection (h) of Code Section 21-2-418, relating
1033 to provisional ballots, as follows:

1034 "(h) Notwithstanding any other provision of this chapter to the contrary, in the event that
1035 ~~the voting machines or~~ optical scanners or DRE units at a polling place malfunction and
1036 cannot be used to cast ballots or some other emergency situation exists which prevents the
1037 use of such equipment to cast votes, provisional ballots may be used by the electors at the
1038 polling place to cast their ballots. In such event, the ballots cast by electors whose names
1039 appear on the electors list for such polling place shall not be considered provisional ballots
1040 and shall not require verification as provided by Code Section 21-2-419; provided,
1041 however, that persons whose names do not appear on the electors list for such polling place
1042 shall vote provisional ballots which shall be subject to verification under Code Section
1043 21-2-419."

1044 **SECTION 2-9.**

1045 Said chapter is further amended by revising subsection (a) of Code Section 21-2-431, relating
1046 to execution of voter's certificate, procedure upon qualification of elector, elector unable to

1047 sign name, voting outside precinct of residence, and registration as prerequisite to voting, as
1048 follows:

1049 "(a) At every primary and election, each elector who desires to vote shall first execute a
1050 voter's certificate and hand the same to the poll officer in charge of the electors list. When
1051 an elector has been found entitled to vote, the poll officer who examined his or her voter's
1052 certificate shall sign his or her name or initials on the voter's certificate and shall, if the
1053 voter's signature is not readily legible, print such voter's name under his or her signature.
1054 As each elector is found to be qualified and votes, the poll officers shall check off the
1055 elector's name on the electors list and shall enter the number of the stub of the ballot issued
1056 to him or her, ~~or his or her number in the order of admission to the voting machines,~~ on the
1057 voter's certificate of such elector. As each elector votes, his or her name in the order of
1058 voting shall be recorded in the numbered list of voters provided for that purpose."

1059 **SECTION 2-10.**

1060 Said chapter is further amended by repealing Part 3 of Article 11, relating to precincts using
1061 voting machines, in its entirety.

1062 **SECTION 2-11.**

1063 Said chapter is further amended by revising subsection (b) of Code Section 21-2-495, relating
1064 to procedure for recount or recanvass of votes and losing candidate's right to a recount, as
1065 follows:

1066 ~~"(b) In precincts where voting machines have been used, whenever it appears that there is
1067 a discrepancy in the returns recorded for any voting machine or machines or that an error,
1068 although not apparent on the face of the returns, exists, the superintendent shall, either of
1069 his or her own motion or upon the sworn petition of three electors of any precinct, order
1070 a recanvass of the votes shown on that particular machine or machines. Such recanvass
1071 may be conducted at any time prior to the certification of the consolidated returns by the
1072 superintendent. In conducting such recanvass, the superintendent shall summon the poll
1073 officers of the precinct, and such officers, in the presence of the superintendent, shall make
1074 a record of the number of the seal upon the voting machine or machines and the number
1075 of the protective counter or other device; shall make visible the registering counters of each
1076 such machine; and, without unlocking the machine against voting, shall recanvass the vote
1077 thereon. Before making such recanvass, the superintendent shall give notice in writing to
1078 the custodian of voting machines, to each candidate, and to the county or municipal
1079 chairperson of each party or body affected by the recanvass. Each such candidate may be
1080 present in person or by representative, and each of such parties or bodies may send two
1081 representatives to be present at such recanvass. If, upon such recanvass, it shall be found~~

1082 ~~that the original canvass of the returns has been correctly made from the machine and that~~
 1083 ~~the discrepancy still remains unaccounted for, the superintendent, with the assistance of the~~
 1084 ~~custodian, in the presence of the poll officers and the authorized candidates and~~
 1085 ~~representatives, shall unlock the voting and counting mechanism of the machine and shall~~
 1086 ~~proceed thoroughly to examine and test the machine to determine and reveal the true cause~~
 1087 ~~or causes, if any, of the discrepancy in returns from such machine. Each counter shall be~~
 1088 ~~reset at zero before it is tested, after which it shall be operated at least 100 times. After the~~
 1089 ~~completion of such examination and test, the custodian shall then and there prepare a~~
 1090 ~~statement, in writing, giving in detail the result of the examination and test, and such~~
 1091 ~~statement shall be witnessed by the persons present and shall be filed with the~~
 1092 ~~superintendent. If, upon such recanvass, it shall appear that the original canvass of the~~
 1093 ~~returns by the poll officers was incorrect, such returns and all papers being prepared by the~~
 1094 ~~superintendent shall be corrected accordingly; provided, however, that in the case of~~
 1095 ~~returns from any precinct wherein the primary or election was held by the use of a voting~~
 1096 ~~machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if~~
 1097 ~~mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary~~
 1098 ~~or election and to be prima facie accurate; and there shall not be considered to be any~~
 1099 ~~discrepancy or error in the returns from any such precinct, such as to require a recanvass~~
 1100 ~~of the vote, if all available proof sheets, from the voting machine used therein, identified~~
 1101 ~~to the satisfaction of the superintendent and shown to his or her satisfaction to have been~~
 1102 ~~produced from proper custody, shall be mutually consistent, and, if the general and~~
 1103 ~~duplicate returns, or either of such returns from such precincts shall not correspond with~~
 1104 ~~such proof sheets, they and all other papers being prepared by the superintendent shall be~~
 1105 ~~corrected so as to correspond with such proof sheets in the absence of allegation of specific~~
 1106 ~~fraud or error proved to the satisfaction of the superintendent by the weight of the evidence;~~
 1107 ~~and only in such case shall the vote of such precinct be recanvassed under this Code section~~
 1108 Reserved."

1109

SECTION 2-12.

1110 Said chapter is further amended by revising subsections (a) and (c) of Code
 1111 Section 21-2-500, relating to delivery of voting materials, presentation to grand jury in
 1112 certain cases, preservation and destruction, and destruction of unused ballots, as follows:

1113 "(a) Immediately upon completing the returns required by this article, in the case of
 1114 elections other than municipal elections, the superintendent shall deliver in sealed
 1115 containers to the clerk of the superior court or, if designated by the clerk of the superior
 1116 court, to the county records manager or other office or officer under the jurisdiction of a
 1117 county governing authority which maintains or is responsible for records, as provided in

1118 Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy
 1119 of the oaths of poll officers; and one copy of each numbered list of voters, tally paper,
 1120 ~~voting machine paper proof sheet~~, and return sheet involved in the primary or election. In
 1121 addition, the superintendent shall deliver copies of the ~~voting machine ballot labels~~,
 1122 computer chips containing ballot tabulation programs, copies of computer records of ballot
 1123 design, and similar items or an electronic record of the program by which votes are to be
 1124 recorded or tabulated, which is captured prior to the election, and which is stored on some
 1125 alternative medium such as a CD-ROM or floppy disk simultaneously with the
 1126 programming of the PROM or other memory storage device. The clerk, county records
 1127 manager, or the office or officer designated by the clerk shall hold such ballots and other
 1128 documents under seal, unless otherwise directed by the superior court, for at least 24
 1129 months, after which time they shall be presented to the grand jury for inspection at its next
 1130 meeting. Such ballots and other documents shall be preserved in the office of the clerk,
 1131 county records manager, or officer designated by the clerk until the adjournment of such
 1132 grand jury, and then they may be destroyed, unless otherwise provided by order of the
 1133 superior court."

1134 "(c) Immediately upon completing the returns required by this article, the municipal
 1135 superintendent shall deliver in sealed containers to the city clerk the used and void ballots
 1136 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
 1137 each numbered list of voters, tally paper, ~~voting machine paper proof sheet~~, and return
 1138 sheet involved in the primary or election. In addition, the municipal superintendent shall
 1139 deliver copies of the ~~voting machine ballot labels~~, computer chips containing ballot
 1140 tabulation programs, copies of computer records of ballot design, and similar items or an
 1141 electronic record of the program by which votes are to be recorded or tabulated, which is
 1142 captured prior to the election, and which is stored on some alternative medium such as a
 1143 CD-ROM or floppy disk simultaneously with the programming of the PROM or other
 1144 memory storage device. Such ballots and other documents shall be preserved under seal
 1145 in the office of the city clerk for at least 24 months; and then they may be destroyed unless
 1146 otherwise provided by order of the mayor and council if a contest has been filed or by court
 1147 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted
 1148 electors shall be immediately returned by the superintendent to the county registrar."

1149

SECTION 2-13.

1150 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code
 1151 Section 21-2-568, relating to entry into voting compartment or booth while another voting,
 1152 interfering with elector, inducing elector to reveal or revealing elector's vote, and influencing
 1153 voter while assisting, as follows:

1154 "(1) Goes into the voting compartment ~~or voting machine booth~~ while another is voting
1155 or marks the ballot or registers the vote for another, except in strict accordance with this
1156 chapter;"

1157 **SECTION 2-14.**

1158 Said chapter is further amended by revising Code Section 21-2-591, relating to poll officers
1159 permitting unlawful assistance to voters, as follows:

1160 "21-2-591.

1161 Any poll officer who permits a voter to be accompanied by another into the voting
1162 compartment ~~or voting machine booth~~ when such poll officer knows that the disability
1163 which the voter declared at the time of registration no longer exists or that the disability
1164 which the voter declared at the time of voting did not exist shall be guilty of a
1165 misdemeanor."

1166 **PART THREE**

1167 **SECTION 3-1.**

1168 This Act shall become effective upon its approval by the Governor or upon its becoming law
1169 without such approval.

1170 **SECTION 3-2.**

1171 All laws and parts of laws in conflict with this Act are repealed.