

Senate Bill 233

By: Senators Jones of the 25th, Beach of the 21st, Harbin of the 16th, Brass of the 28th,  
Anavitarte of the 31st and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 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), (2.1), (4.1), (7.1), (18), and  
14 (19.1) of Code Section 21-2-2, relating to definitions, and adding new paragraphs to read as  
15 follows:

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

19 (2) 'Ballot marker' means a nonelectronic marking tool designed for electors to indelibly  
20 hand mark votes on paper ballots or paper ballot card or cards. 'Ballot marking device'  
21 means a pen, pencil, or similar writing tool, or an electronic device designed for use in  
22 ~~marking paper ballots in a manner that is detected as a vote so cast and then counted by~~  
23 ~~ballot scanners.~~

24 (2.1) 'Ballot of record' means indelible, human-readable marks on an official paper ballot  
25 or paper card or cards by which an elector casts his or her votes that constitute the  
26 elector's vote.

27 ~~(2.1)~~(2.2) 'Ballot scanner' means an electronic recording device which receives an  
28 elector's ballot and tabulates the votes on the ballot by its own devices; also known as a  
29 'tabulating machine.'

30 "(3.2) 'Cast vote record' or 'CVR' means a machine and human readable, digitally  
31 recorded representation of an elector's intent after it has been recorded by optical  
32 scanners."

33 "(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven  
34 unit for casting and counting votes on which an elector touches a video screen or a button  
35 adjacent to a video screen to cast his or her vote. Such term shall not encompass  
36 electronic ballot marking devices or electronic ballot markers.

37 (4.2) 'Durable paper' means paper that is sufficiently sturdy to withstand repeated  
38 handling and long-term storage for the purposes of tabulation, scanning, retabulation,  
39 audits, and recounts."

40 "(7.1) 'Electronic ballot marking device' or 'BMD' means an electronic device that meets  
41 the requirements of the federal Help America Vote Act of 2002 and does not have the  
42 capability to tabulate or retain votes in computer memory; may integrate components

43 such as a printer, touch screen monitor, audio output, and a navigational keypad; uses  
 44 electronic technology to mark a paper ballot at the direction of an elector in a manner that  
 45 an elector can independently verify that the ballot was marked as the elector desired; and  
 46 prints human-readable marks on an official paper ballot or paper card or cards suitable  
 47 for tabulation by manual counting or by optical scanners. 'Electronic ballot marker'  
 48 means an electronic device that does not compute or retain votes; may integrate  
 49 components such as a ballot scanner, printer, touch screen monitor, audio output, and a  
 50 navigational keypad; and uses electronic technology to independently and privately mark  
 51 a paper ballot at the direction of an elector, interpret ballot selections, communicate such  
 52 interpretation for elector verification, and print an elector verifiable paper ballot."

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

56 "(19.1) 'Optical scanner' means an optical or digital electronic recording and tabulating  
 57 device that receives a ballot of record, records the marks on the ballot, and tabulates the  
 58 human-readable votes by its own devices.

59 ~~(19.1)~~(19.2) 'Optical scanning voting system' means a system employing paper ballots  
 60 on which electors cast votes with a ballot marker ~~marking device~~ or electronic ballot  
 61 ~~marker~~ marking device after which votes are counted by ballot scanners."

## 62 **SECTION 1-2.**

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

65 "(a) The governing authority of each county and municipality shall provide and the  
 66 superintendent shall cause all rooms used as polling places to be provided with suitable  
 67 heat and light and, ~~in precincts in which ballots are used~~, with a sufficient number of voting  
 68 compartments or booths with proper supplies in which the electors may conveniently mark

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

92

**SECTION 1-3.**

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

96 "21-2-280.

97 All primaries and elections in this state shall be conducted by hand-marked paper ballot by  
 98 means of a ballot marker, except when, for in-person voting, at the sole discretion of the  
 99 elector, he or she shall prefer to mark his or her selections on a paper ballot by means of  
 100 an electronic ballot marking device ~~voting machines are used as provided by law. A ballot~~  
 101 ~~may be electronic or printed on paper.~~ All ballots used in any primary or election shall be  
 102 provided by the superintendent or municipal governing authority in accordance with this  
 103 article, and only official ballots furnished by the superintendent or governing authority,  
 104 printed on paper, shall be cast or counted in any primary or election in any precinct in  
 105 which ballots are used."

106

**SECTION 1-4.**

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

109 "21-2-286.

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

112 (b)(1) Paper ballots ~~other than those printed~~ for electronic ballot marking devices and for  
 113 optical scanning voting systems shall be at least six inches long and four inches wide and  
 114 ~~shall~~ uniform in size and have a margin extending beyond any printing thereon. They  
 115 shall be printed with the same kind of type, which shall not be smaller than the size  
 116 known as 'brevier' or 'eight-point body,' upon white paper of uniform quality, without any  
 117 impression or mark to distinguish one from another, and with sufficient thickness to

118 prevent the printed matter from showing through, except that ballots being used in  
119 primaries held by more than one party may be of different colors or may have colored  
120 stripes or blocks to distinguish the ballots if the parties so agree. Each ballot shall be  
121 attached to a name stub, and all the ballots for the same precinct shall be bound together  
122 in books of 25, 50, or 100, in such manner that each ballot may be detached from its stub  
123 and removed separately. The ballots for each party to be used at a primary shall be bound  
124 separately. The name stubs of the ballots shall be consecutively numbered; and, in the  
125 case of primary ballots, the number shall be preceded by an initial or abbreviation  
126 designating the party name. The number and initial or abbreviation which appears upon  
127 the stub shall also be printed in the upper portion of the front of the ballot, separated from  
128 the remainder of the ballot by a horizontal perforated line so as to constitute a number  
129 strip and so prepared that the upper portion of the front of the ballot containing the  
130 number may be detached from the ballot before it is deposited in the ballot box. The  
131 number strip on the ballot shall also have the following words printed thereon: "Tear off  
132 before depositing ballot in ballot box."

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

135 (3) Ballots printed by an electronic ballot ~~marker~~ marking device shall be designed as  
136 prescribed by the Secretary of State to ensure ease of reading by electors."

137 **SECTION 1-5.**

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

140 "21-2-293.

141 (a) If the election superintendent discovers that a mistake or omission has occurred in the  
142 printing of official ballots or in the programming of the display of the official ballot on  
143 DRE voting equipment or in the programming of the display or printing of the official

144 ballot on electronic ballot ~~markers~~ marking devices for any primary or election, the  
 145 superintendent is authorized on his or her own motion to take such steps as necessary to  
 146 correct such mistake or omission if the superintendent determines that such correction is  
 147 feasible and practicable under the circumstances; provided, however, that the  
 148 superintendent gives at least 24 hours' notice to the Secretary of State and any affected  
 149 candidates of the mistake or omission prior to making such correction.

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

157

#### SECTION 1-6.

158 Said chapter is further amended by revising Code Section 21-2-300, relating to provision of  
 159 new voting equipment by state, uniform system for all elections to be conducted with use of  
 160 scanning ballots marked by electronic ballot markers, pilot programs authorized, county  
 161 responsibilities, education, and county and municipal contracts for equipment, as follows:  
 162 "21-2-300.

163 (a)(1) The equipment used for casting and counting votes in county, state, and federal  
 164 elections shall be the same in each county in this state and shall be provided to each  
 165 county by the state, as determined by the Secretary of State.

166 ~~(2) As soon as possible, once such equipment is certified by the Secretary of State as safe  
 167 and practicable for use, all federal, state, and county general primaries and general  
 168 elections as well as special primaries and special elections in the State of Georgia shall  
 169 be conducted with the use of scanning ballots marked by electronic ballot markers and~~

170 ~~tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in~~  
171 ~~person, unless otherwise authorized by law; provided, however, that such electronic ballot~~  
172 ~~markers shall produce paper ballots which are marked with the elector's choices in a~~  
173 ~~format readable by the elector.~~

174 ~~(3) The state shall furnish a uniform system of electronic ballot markers and ballot~~  
175 ~~scanners for use in each county as soon as possible. Such equipment shall be certified~~  
176 ~~by the United States Election Assistance Commission prior to purchase, lease, or~~  
177 ~~acquisition. At its own expense, the governing authority of a county may purchase, lease,~~  
178 ~~or otherwise acquire additional electronic ballot markers and ballot scanners of the type~~  
179 ~~furnished by the state, if the governing authority so desires. Additionally, at its own~~  
180 ~~expense, the governing authority of a municipality may choose to acquire its own~~  
181 ~~electronic ballot markers and ballot scanners by purchase, lease, or other procurement~~  
182 ~~process.~~

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

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

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

194 (d) The Secretary of State shall be responsible for the development, implementation, and  
195 provision of a continuing program to educate voters, election officials, and poll workers  
196 in the proper use of such voting equipment. Each county shall bear the costs, including



197 transportation, subsistence, and lodging, incurred by its election and registration officials  
198 in attending courses taught by or arranged by the Secretary of State for instruction in the  
199 use of the voting equipment.

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

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

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

210 (g) On and after July 1, 2021, no primaries, elections, or runoffs shall be conducted on  
211 direct recording electronic voting systems in this state and such direct recording electronic  
212 voting systems shall be decertified for use in primaries, elections, and runoffs in this state."

213

### SECTION 1-7.

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

216 "21-2-365.

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

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

- 222 (2) It shall permit each elector, in one operation per ballot, to vote for all the candidates  
223 of one party or body for presidential electors;
- 224 (3) Except as provided in paragraph (2) of this Code section for presidential electors, it  
225 shall permit each elector, at other than primaries, to vote a ticket selected from the  
226 nominees of any and all parties or bodies, from independent nominations, and from  
227 persons not in nomination;
- 228 (4) It shall permit each elector to vote, at any election, for any person and for any office  
229 for whom and for which he or she is lawfully entitled to vote, whether or not the name  
230 of such person or persons appears upon a ballot as a candidate for election; to vote for as  
231 many persons for an office as he or she is entitled to vote for; and to vote for or against  
232 any question upon which he or she is entitled to vote;
- 233 (5) An optical ballot scanner used in such system shall preclude the counting of votes  
234 for any candidate or upon any question for whom or upon which an elector is not entitled  
235 to vote; shall preclude the counting of votes for more persons for any office than he or  
236 she is entitled to vote for; and shall preclude the counting of votes for any candidate for  
237 the same office or upon any question more than once;
- 238 (6) It shall permit voting in absolute secrecy so that no person can see or know for whom  
239 any other elector has voted or is voting, save an elector whom he or she has assisted or  
240 is assisting in voting, as prescribed by law and the paper ballots shall not be possible to  
241 be associated with a particular elector after the ballot is cast;
- 242 (7) It shall be constructed of material of good quality in a neat and workmanlike manner;
- 243 (8) It shall, when properly operated, record correctly and accurately every vote cast;
- 244 (9) It shall be so constructed that an elector may readily learn the method of operating  
245 it; and
- 246 (10) It shall be safely transportable;

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

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

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

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

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

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

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

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

269 (2) Shall file with the Secretary of State a waiver, prepared by the Secretary of State,  
270 which shall waive all rights of the vendor or manufacturer to assert intellectual property  
271 or trade secret rights in any court of competent jurisdiction hearing a challenge to the  
272 results of any primary, election, or runoff and agreeing that programming source coding,  
273 firmware, and software as well as voting systems or equipment may be tested by

274 independent experts under court supervision which at the conclusion of such proceeding  
 275 shall be sealed; and  
 276 (3) Shall file with the Secretary of State a consent to having and cooperating in the  
 277 testing of any programming, source coding, firmware, or software, pursuant to an order  
 278 of the Secretary of State or any election superintendent or court of competent jurisdiction.  
 279 The Secretary of State, election superintendent, or court or agent thereof shall be required  
 280 to maintain the confidentiality of any proprietary material that is provided or disclosed  
 281 by the manufacturer or vendor."

282 **SECTION 1-8.**

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

285 "21-2-372.

286 Ballots shall be of suitable durability, design, size, and stock to permit manual counting or  
 287 processing by a ballot an optical scanner and shall be printed in black ink on clear, white,  
 288 or colored material."

289 **SECTION 1-9.**

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

293 "(a) The superintendent of each county or municipality shall order the proper programming  
 294 to be placed in each ~~ballot~~ optical scanner used in any precinct or central tabulating  
 295 location.

296 (b) On or before the third day preceding a primary or election, including special primaries,  
 297 special elections, and referendum elections, the superintendent shall have the ~~ballot~~ optical  
 298 scanners tested to ascertain that they will correctly count the votes cast for all offices and

299 on all questions. Public notice of the time and place of the test shall be made at least five  
300 days prior thereto; provided, however, that, in the case of a runoff, the public notice shall  
301 be made at least three days prior thereto. Representatives of political parties and bodies,  
302 candidates, news media, and the public shall be permitted to observe such tests. The test  
303 shall be conducted by processing a preaudited group of ballots so marked as to record a  
304 predetermined number of valid votes for each candidate and on each question and shall  
305 include for each office one or more ballots which are improperly marked and one or more  
306 ballots which have votes in excess of the number allowed by law in order to test the ability  
307 of the ballot optical scanner to reject such votes. The ballot optical scanner shall not be  
308 approved unless it produces an errorless count. If any error is detected, the cause therefor  
309 shall be ascertained and corrected; and an errorless count shall be made before the ballot  
310 optical scanner is approved. The superintendent shall cause the pretested ballot optical  
311 scanners to be placed at the various polling places to be used in the primary or election.  
312 The superintendent shall require that each ballot optical scanner be thoroughly tested and  
313 inspected prior to each primary and election in which it is used and shall keep such tested  
314 material as certification of an errorless count on each ballot optical scanner. In counties  
315 using central count ballot optical scanners, the same test shall be repeated immediately  
316 before the start of the official count of the ballots and at the conclusion of such count.  
317 Precinct ballot optical scanners shall produce a zero results tape prior to any ballots being  
318 inserted on the day of any primary or election."

319

**SECTION 1-10.**

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

322 "21-2-375.

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

327 (b) The superintendent shall provide ample protection against molestation of and injury  
328 to the ballot optical scanner and, for that purpose, shall call upon any law enforcement  
329 officer to furnish such assistance as may be necessary; and it shall be the duty of the law  
330 enforcement officer to furnish such assistance when so requested by the superintendent.

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

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

335 (2) Prominently post directions for voting within the voting booth and post within the  
336 enclosed space signs reminding electors to verify their ballot choices prior to inserting  
337 the scanning ballot into the ballot scanner and stating that sample ballots are available for  
338 review upon request; at least two sample ballots in use for the primary or election shall  
339 be posted prominently outside the enclosed space within the polling place and additional  
340 sample ballots shall be available upon request;

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

344 (4) Provide at least one electronic ballot marking device for the precinct; and

345 ~~(4)(5)~~ Provide such other materials and supplies as may be necessary or as may be  
346 required by law."

347 **SECTION 1-11.**

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

350 "21-2-377.

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

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

357 **SECTION 1-12.**

358 Said chapter is further amended by revising Part 6 of Article 9, relating to electronic  
359 balloting, as follows:

360 "Part 6

361 21-2-379.21.

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

366 21-2-379.22.

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

- 369 (1) Provide facilities for marking ballots for all candidates and for all referendums or  
370 questions for which the elector shall be entitled to vote in a primary or election;
- 371 (2) Permit each elector, in one operation, to mark a vote for presidential electors for all  
372 the candidates of one party or body for the office of presidential elector;
- 373 (3) Permit each elector to mark votes, at any election, for any person and for any office  
374 for whom and for which he or she is lawfully entitled to vote, whether or not the name  
375 of such person or persons appears as a candidate for election; to mark votes for as many  
376 persons for an office as he or she is entitled to vote for; and to mark votes for or against  
377 any question upon which he or she is entitled to vote;
- 378 (4) Preclude the marking of votes for any candidate or upon any question for whom or  
379 upon which an elector is not entitled to vote; preclude the marking of votes for more  
380 persons for any office than the elector is entitled to vote for; and preclude the marking of  
381 votes for any candidate for the same office or upon any question more than once;
- 382 (5) Permit voting in absolute secrecy so that no person can see or know any other  
383 elector's votes, except when he or she has assisted the elector in voting, as prescribed by  
384 law;
- 385 (6) Produce a paper ballot which is marked with the elector's choices in a format readable  
386 by the elector;
- 387 (7) Be constructed of good quality material in a neat and workmanlike manner;
- 388 (8) When properly operated, mark correctly and accurately every vote cast;
- 389 (9) Be so constructed that an elector may readily learn the method of operating it; and
- 390 (10) Be safely transportable; and
- 391 (11) Not include any device or functionality that is or is potentially capable of externally  
392 transmitting or receiving data over the internet or by radio waves or other wireless means  
393 or methods..



394 21-2-379.23.

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

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

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

401 ~~(1) The words 'OFFICIAL BALLOT';~~

402 ~~(2) The name and date of the election;~~

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

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

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

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

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

415 (a)(1) The ballots for electronic ballot marking devices shall be of such size and  
416 arrangement as will suit the construction of the device's screen and shall be in plain, clear  
417 type that is easily readable by persons with normal vision. If the device has the capacity  
418 for color display, the names of all candidates in a particular race shall be displayed in the  
419 same color, font, and size and the political party or body affiliation of candidates may be  
420 displayed in a color different from that used to display the names of the candidates, but

421 all political party or body affiliations shall be displayed in the same color. All candidates'  
422 names and political parties shall be printed in the same size and font. All ballot questions  
423 and constitutional amendments shall be displayed in the same color.

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

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

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

433 (b)(1) If two or more candidates for the same nomination or office shall have the same  
434 or similar names, the Secretary of State, in the case of federal or state offices, the  
435 superintendent of elections, in the case of county offices, or the official with whom such  
436 candidates qualify, in the case of municipal elections, shall print or cause to be printed  
437 the residence of all candidates for such nomination or office on the ballot under their  
438 names. The designated official shall determine whether the names of the candidates are  
439 of such a similar nature as to warrant printing the residence of all candidates for that  
440 office on the ballot; and the decision of the designated official shall be conclusive.

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

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

445 (4) Unless a candidate has filed with his or her nominating petition a certificate from a  
446 political party or body attesting that such candidate is the nominee of such party or body

447 by virtue of having been nominated in a duly constituted party or body convention, the  
448 candidate's name shall appear on the ballot as an independent.

449 (5) When presidential electors are to be elected, the ballot shall not list the individual  
450 names of the candidates for presidential electors but shall list the names of each political  
451 party and body and the names of the political party or body candidates for the office of  
452 President and Vice President. The individual names or the nominees of each political  
453 party or body for such offices shall be posted at each polling place arranged  
454 alphabetically under the names of the candidates of the party or body for President and  
455 Vice President of the United States. A vote for the candidates for President and Vice  
456 President of a political party or body shall be deemed to be a vote for each of the  
457 candidates for presidential electors of such political party or body.

458 (6) When proposed constitutional amendments or other questions are submitted to a vote  
459 of the electors, each amendment or other question so submitted may be printed upon the  
460 ballot below the groups of candidates for the various offices. Proposed constitutional  
461 amendments so submitted shall be printed in the order determined by the Constitutional  
462 Amendments Publication Board and in brief form as directed by the General Assembly  
463 or, in the event of a failure to so direct, the form shall be determined by the Secretary of  
464 State and shall include the short title or heading provided for in subsection (c) of Code  
465 Section 50-12-101. Unless otherwise provided by law, any other state-wide questions or  
466 questions to be presented to the electors of more than one county so submitted shall be  
467 printed in brief form as directed by the General Assembly or, in the event of a failure to  
468 so direct, the form shall be determined by the Secretary of State and shall include a short  
469 title or heading in bold face at the beginning of each such question on the ballot; and any  
470 local questions so submitted shall be printed in brief form as directed by the General  
471 Assembly or, in the event of a failure to so direct, the form shall be determined by the  
472 superintendent. Next to or below the question there shall be placed the words 'YES' and  
473 'NO' between which the elector may choose in casting his or her vote.

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

476 21-2-379.24.

477 (a) Any person or organization owning, manufacturing, or selling, or being interested in  
478 the manufacture or sale of, any electronic ballot ~~marker~~ marking device system may  
479 request that the Secretary of State examine the device system. Any ten or more electors  
480 of this state may, at any time, request that the Secretary of State reexamine any such device  
481 system previously examined and approved by him or her. Before any such examination  
482 or reexamination, the person, persons, or organization requesting such examination or  
483 reexamination shall pay to the Secretary of State the reasonable expenses of such  
484 examination or reexamination. The Secretary of State shall publish and maintain on his or  
485 her website the cost of such examination or reexamination. The Secretary of State may,  
486 at any time, in his or her discretion, reexamine any such device system.

487 (b) The Secretary of State shall thereupon examine or reexamine such device system and  
488 shall make and file in his or her office a report, attested by his or her signature and the seal  
489 of his or her office, stating whether, in his or her opinion, the kind of device system so  
490 examined can be safely and accurately used by electors at primaries and elections as  
491 provided in this chapter. If this report states that the device system can be so used, the  
492 device system shall be deemed approved, and ~~devices~~ device systems of its kind may be  
493 adopted for use at primaries and elections as provided in this chapter.

494 (c) Any device system that is not so approved shall not be used at any primary or election  
495 and if, upon reexamination, a previously approved device system appears to be no longer  
496 safe or accurate for use by electors at primaries or elections as provided in this chapter  
497 because of an inability to accurately record, mark, and print votes on paper ballots, the  
498 approval of the same shall immediately be revoked by the Secretary of State, and no such  
499 device system shall thereafter be used or purchased for use in this state.

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

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

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

513 (g) Documents or information that, if made public, would endanger the security of any  
514 voting system used or being considered for use in this state, or any component thereof,  
515 including, but not limited to, electronic ballot ~~markers~~ marking devices, DREs, ballot  
516 scanners, pollbooks, and software or data bases used for voter registration, shall not be  
517 open for public inspection except upon order of a court of competent jurisdiction.

518 21-2-379.25.

519 (a) The superintendent of each county or municipality shall cause the proper ballot design  
520 and style to be programmed for each electronic ballot ~~marker~~ marking device which is to  
521 be used in any precinct within such county or municipality, shall cause each such device  
522 to be placed in proper order for voting accurately recording, marking, and printing votes  
523 on paper ballots, and shall examine each ~~device~~ unit before it is sent to a polling place for  
524 use in a primary or election, to verify that each device is properly recording, marking, and  
525 printing votes and producing proper printed paper ballots.

526 (b) The superintendent may appoint, with the approval of the county or municipal  
527 governing authority, as appropriate, a custodian of the electronic ballot ~~markers~~ marking  
528 devices, and deputy custodians as may be necessary, whose duty shall be to prepare the  
529 devices to be used in the county or municipality at the primaries and elections to be held  
530 therein. Each custodian and deputy custodian shall receive from the county or municipality  
531 such compensation as shall be fixed by the governing authority of such county or  
532 municipality. Such custodian shall, under the direction of the superintendent, have charge  
533 of and represent the superintendent during the preparation of the devices as required by this  
534 chapter. The custodian and deputy custodians shall serve at the pleasure of the  
535 superintendent and each shall take an oath of office prepared by the Secretary of State  
536 before each primary or election, which shall be filed with the superintendent.

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

546 21-2-379.26.

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

550 (b) The superintendent shall store the devices and related equipment under his or her  
551 supervision or shall designate another person or entity to provide secure storage of such

552 devices and related equipment when it is not in use at a primary or election. The  
553 superintendent shall provide compensation for the safe storage and care of such devices and  
554 related equipment if the devices and related equipment are stored by another person or  
555 entity.

556 21-2-379.27.

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

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

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

568 (3) Shall file with the Secretary of State a consent to having and cooperating in the  
569 testing of any programming, source coding, firmware, or software, pursuant to an order  
570 of the Secretary of State or any election superintendent or court of competent jurisdiction.

571 The Secretary of State, election superintendent, or court or agent thereof shall be required  
572 to maintain the confidentiality of any proprietary material that is provided or disclosed  
573 by the manufacturer or vendor."

574

### **SECTION 1-13.**

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

577 "21-2-413.

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

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

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

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

590 (e) No person shall use photographic or other electronic monitoring or recording devices,  
591 cameras, or cellular telephones while such person is in a polling place while voting is  
592 taking place; provided, however, that a poll manager, in his or her discretion, may allow  
593 the use of photographic devices in the polling place under such conditions and limitations  
594 as the election superintendent finds appropriate, and provided, further, that no photography  
595 shall be allowed of a ballot or the face of a ~~voting machine~~ or DRE unit or electronic ballot  
596 ~~marker~~ marker marking device while an elector is voting such ballot ~~or machine~~ or DRE unit or  
597 using such electronic ballot ~~marker~~ marker marking device, and no photography shall be allowed  
598 of an electors list, electronic electors list, or the use of an electors list or electronic electors  
599 list. This subsection shall not prohibit the use of photographic or other electronic  
600 monitoring or recording devices, cameras, or cellular telephones by poll officials for  
601 official purposes.

602 (f) All persons except poll officers, poll watchers, persons in the course of voting and such  
603 persons' children under 18 years of age or any child who is 12 years of age or younger



604 accompanying such persons, persons lawfully giving assistance to electors, duly authorized  
605 investigators of the State Election Board, and peace officers when necessary for the  
606 preservation of order, ~~must~~ shall remain outside the enclosed space during the progress of  
607 the voting. Notwithstanding any other provision of this chapter, any elector shall be  
608 permitted to be accompanied into the enclosed area and into a voting compartment ~~or~~  
609 ~~voting machine booth~~ while voting by such elector's child or children under 18 years of age  
610 or any child who is 12 years of age or younger unless the poll manager or an assistant  
611 manager determines in his or her sole discretion that such child or children are causing a  
612 disturbance or are interfering with the conduct of voting. Children accompanying an  
613 elector in the enclosed space pursuant to this subsection shall not in any manner handle any  
614 ballot nor operate any function of the voting equipment under any circumstances.

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

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

625 (i) No person except peace officers regularly employed by the federal, state, county, or  
626 municipal government or certified security guards shall be permitted to carry firearms  
627 within 150 feet of any polling place as provided for in subsection (b) of Code Section  
628 16-11-127."

629

**SECTION 1-14.**

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

632 "21-2-482.

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

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

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

647

**SECTION 1-15.**

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

651 "21-2-493.

652 (a) The superintendent shall, at or before 12:00 Noon on the day following the primary or  
653 election, at his or her office or at some other convenient public place at the county seat or  
654 in the municipality, of which due notice shall have been given as provided by Code Section

655 21-2-492, publicly commence the computation and canvassing of the returns and continue  
656 the same from day to day until completed. For this purpose the superintendent may  
657 organize his or her assistants into sections, each of which may simultaneously proceed with  
658 the computation and canvassing of the returns from various precincts of the county or  
659 municipality in the manner provided by this Code section. Upon the completion of such  
660 computation and canvassing, the superintendent shall tabulate the figures for the entire  
661 county or municipality and sign, announce, and attest the same, as required by this Code  
662 section.

663 (b) The superintendent, before computing the votes cast in any precinct, shall compare the  
664 registration figure with the certificates returned by the poll officers showing the number  
665 of persons who voted in each precinct or the number of ballots cast. If, upon consideration  
666 by the superintendent of the returns and certificates before him or her from any precinct,  
667 it shall appear that the total vote returned for any candidate or candidates for the same  
668 office or nomination or on any question exceeds the number of electors in such precinct or  
669 exceeds the total number of persons who voted in such precinct or the total number of  
670 ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall  
671 be investigated by the superintendent; and no votes shall be recorded from such precinct  
672 until an investigation shall be had. Such excess shall authorize the summoning of the poll  
673 officers to appear immediately with any primary or election papers in their possession. The  
674 superintendent shall then examine all the registration and primary or election documents  
675 whatever relating to such precinct in the presence of representatives of each party, body,  
676 and interested candidate. Such examination may, if the superintendent deems it necessary,  
677 include a recount or recanvass of the votes of that precinct and a report of the facts of the  
678 case to the district attorney where such action appears to be warranted.

679 (c) In precincts in which paper ballots have been used, the superintendent may require the  
680 production of the ballot box and the recount of the ballots contained in such ballot box,  
681 either generally or respecting the particular office, nomination, or question as to which the

682 excess exists, in the discretion of the superintendent, and may require the correction of the  
683 returns in accordance with the result of such recount. If the ballot box is found to contain  
684 more ballots than there are electors registered in such precinct or more ballots than the  
685 number of voters who voted in such precinct at such primary or election, the superintendent  
686 may, in his or her discretion, exclude the poll of that precinct, either as to all offices,  
687 candidates, questions, or parties and bodies or as to any particular offices, candidates,  
688 questions, or parties and bodies, as to which such excess exists.

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

692 (e) In precincts in which paper ballots have been used, the general returns made by the poll  
693 officers from the various precincts shall be read one after another in the usual order, slowly  
694 and audibly, by one of the assistants who shall, in each case of a return from a precinct in  
695 which ballots were used, read therefrom the number of ballots issued, spoiled, canceled,  
696 and cast, respectively, whereupon the assistant having charge of the records of the  
697 superintendent showing the number of ballots furnished for each precinct, including the  
698 number of stubs and unused ballots and spoiled and canceled ballots returned, shall  
699 publicly announce the number of the same respectively; and, unless it appears by such  
700 number or calculations therefrom that such records and such general return correspond, no  
701 further returns shall be read from the latter until all discrepancies are explained to the  
702 satisfaction of the superintendent.

703 ~~(f) In precincts in which voting machines have been used, there shall be read from the~~  
704 ~~general return the identifying number or other designation of each voting machine used and~~  
705 ~~the numbers registered on the protective counter or device on each machine prior to the~~  
706 ~~opening of the polls and immediately after the close of the same, whereupon the assistant~~  
707 ~~having charge of the records of the superintendent showing the number registered on the~~  
708 ~~protective counter or device of each voting machine prior to delivery at the polling place~~

709 ~~shall publicly announce the numbers so registered; and, unless it appears that such records~~  
710 ~~and such general return correspond, no further returns shall be read from the latter until any~~  
711 ~~and all discrepancies are explained to the satisfaction of the superintendent~~ Reserved.

712 (g) In precincts in which paper ballots have been used, when the records agree with such  
713 returns regarding the number of ballots and the number of votes recorded for each  
714 candidate, such votes for each candidate shall be read by an assistant slowly, audibly, and  
715 in an orderly manner from the general return which has been returned unsealed; and the  
716 figures announced shall be compared by other assistants with the general return which has  
717 been returned sealed. The figures announced for all precincts shall be compared by one of  
718 the assistants with the tally papers from the respective precincts. If any discrepancies are  
719 discovered, the superintendent shall examine all of the return sheets, tally papers, and other  
720 papers in his or her possession relating to the same precinct. If the tally papers and sealed  
721 general return sheet agree, the unsealed general return shall be immediately corrected to  
722 conform thereto. In every other case the superintendent shall immediately cause the ballot  
723 box of the precinct to be opened and the vote therein to be recounted in the presence of  
724 interested candidates or their representatives; and, if the recount shall not be sufficient to  
725 correct the error, the superintendent may summon the poll officers to appear immediately  
726 with all election papers in their possession.

727 (h) ~~In precincts in which voting machines have been used, when the records agree with the~~  
728 ~~returns regarding the number registered on the voting machine, the votes recorded for each~~  
729 ~~candidate shall be read by an assistant slowly, audibly, and in an orderly manner from the~~  
730 ~~general return sheet which has been returned unsealed; and the figures announced shall be~~  
731 ~~compared by other assistants with the duplicate return sheet which has been returned~~  
732 ~~sealed. If the voting machine is of the type equipped with a mechanism for printing paper~~  
733 ~~proof sheets, such general and duplicate return sheets shall also be compared with such~~  
734 ~~proof sheets, which have been returned as aforesaid. If any discrepancies are discovered,~~  
735 ~~the superintendent shall examine all of the return sheets, proof sheets, and other papers in~~

736 ~~his or her possession relating to the same precinct. Such proof sheets shall be deemed to~~  
737 ~~be prima-facie evidence of the result of the primary or election and to be prima facie~~  
738 ~~accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent~~  
739 ~~and if the general and duplicate returns or either of such returns from such precinct shall~~  
740 ~~not correspond with such proof sheets, they shall be corrected so as to correspond with~~  
741 ~~such proof sheets in the absence of allegation of specific fraud or error proved to the~~  
742 ~~satisfaction of the superintendent Reserved.~~

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

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

748 (k) As the returns from each precinct are read, computed, and found to be correct or  
749 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until  
750 all the returns from the various precincts which are entitled to be counted shall have been  
751 duly recorded; then they shall be added together, announced, and attested by the assistants  
752 who made and computed the entries respectively and shall be signed by the superintendent.  
753 The consolidated returns shall then be certified by the superintendent in the manner  
754 required by this chapter. Such returns shall be certified by the superintendent not later than  
755 5:00 P.M. on the ~~second Friday~~ eighth calendar day following the date on which such  
756 election was held and such returns shall be immediately transmitted to the Secretary of  
757 State; provided, however, that such certification date may be extended by the Secretary of  
758 State in his or her discretion if necessary to complete a precertification audit as provided  
759 in Code Section 21-2-498.

760 (l) In such case where the results of an election contest change the returns so certified, a  
761 corrected return shall be certified and filed by the superintendent which makes such  
762 corrections as the court orders."

763

**SECTION 1-16.**

764 Said chapter is further amended by revising Code Section 21-2-498, relating to  
765 precertification tabulation audits, as follows:

766 "21-2-498.

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

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

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

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

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

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

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

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

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

787 ~~(4) Complete the audit in public view; and~~

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

789 ~~(d) The State Election Board shall be authorized to promulgate rules, regulations, and~~  
790 ~~procedures to implement and administer the provisions of this Code section. The~~  
791 ~~procedures prescribed by the State Election Board shall include security procedures to~~  
792 ~~ensure that collection of validly cast ballots is complete, accurate, and trustworthy~~  
793 ~~throughout the audit.~~

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

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

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

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

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

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



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

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

820 (4) 'Risk-limiting audit' means a hand-counted audit of ballots that ensures a large,  
821 predetermined minimum chance of requiring a full manual tally whenever a full manual  
822 tally would show an electoral outcome that differs from the unofficial reported outcome  
823 for the audited contest. The 'risk limit' of a risk-limiting audit is 100 percent minus this  
824 minimum chance; that is, the 'risk limit' is the largest chance that the audit will not  
825 include a full manual tally, if that tally would show an electoral outcome that differs from  
826 the unofficial reported outcome. A risk-limiting audit necessarily involves manually  
827 inspecting physical ballots to ascertain elector intent. A risk-limiting audit continues to  
828 inspect ballots manually until either the audit finds strong statistical evidence that the  
829 unofficial reported outcome agrees with the outcome that a full manual tally of the votes  
830 would find or a full manual tally has been conducted, in which case, the results according  
831 to that full manual tally become official results to be certified.

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

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

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

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

847 (b) Beginning with the 2022 general primary, the Secretary of State in conjunction with  
848 local election superintendents shall be authorized to conduct post-election risk-limiting  
849 audits for any special or general primary, special or general election, any runoffs of such  
850 primaries or elections, or any ballot question, in accordance with requirements set forth by  
851 rule or regulation of the State Election Board.

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

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

859 (1) Determine which other contests are required to be audited to a prespecified risk limit.  
860 Contests may be added for reasons of expressed public interest or concern after unofficial  
861 final results are published pursuant to rules promulgated by the State Election Board.

862 The remaining contests shall be automatically subject to a risk-measuring audit;

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

- 866 (3) Provide notice of the time and place of a public, independently verifiable random  
867 selection of ballots or audit units to be manually inspected and of the times and places of  
868 the conduct of audits;
- 869 (4) Make available to the public a report of the unofficial final results for the contest,  
870 including, if applicable, the results for each audit unit in the contest, prior to the random  
871 selection of ballots or audit units to be manually tallied and prior to the commencement  
872 of the audit;
- 873 (5) Make available to the public the evidence that formed the basis for the sample size  
874 and random selection of the audit units so that the public can check the process;
- 875 (6) Conduct the audit upon tabulation of the unofficial final results;
- 876 (7) Conduct the audit in public view by manually interpreting the actual ballots that the  
877 electors themselves marked or verified, not an image or a duplicated ballot or a barcode  
878 associated with the ballot, without access to previous interpretations of the votes on such  
879 ballots;
- 880 (8) Subject to selection for audit all eligible cast ballots, including ballots cast in polling  
881 places, absentee ballots, advance voting ballots, accepted provisional ballots, and  
882 hand-marked originals of ballots duplicated to permit machine counting, including both  
883 machine-counted ballots and hand-counted ballots;
- 884 (9) Treat electronic replicas of each ballot described in paragraph (8) of this subsection  
885 as part of the publicly accessible record of the election and subject to retention and  
886 preservation for a period no shorter than that for voted paper ballots;
- 887 (10) Subject to redaction any instance of a ballot described in paragraph (8) of this  
888 subsection for which substantive anonymity is not achieved to protect elector privacy  
889 prior to scanning, tabulation, and possible selection for audit;
- 890 (11) Treat any ballot selected for audit for which substantive anonymity cannot yet be  
891 achieved by redaction and that by law cannot be exposed to the public as inaccessible to

892 the audit and in a manner that guarantees that the audit will not terminate sooner than it  
893 would if the elector's intent for that ballot were known;

894 (12) Prior to final certification of the results for all contests, correct any discovered  
895 discrepancies in vote interpretation; and

896 (13) When the evidence gained from the manual tally of a random sample of ballots is  
897 insufficient to attain the risk limit, the risk-limiting audit shall sample more ballots,  
898 continuing until completion of a full manual tally if needed to attain the risk limit. The  
899 vote counts according to the manual tallies of each of the audited units shall replace the  
900 corresponding subsets of unofficial final results for the purpose of determining the  
901 official certified results and contest outcome.

902 (e)(1) The results of any audits conducted under this Code section shall be published on  
903 the website of the Secretary of State within two business days of the audit's completion.

904 (2) If the audit involved a manual tally of one or more entire precincts, then the names  
905 and numbers of all precincts audited and a comparison of the applicable unofficial audit  
906 unit results with the hand counts for each precinct shall be published with the audit results  
907 on the website.

908 (3) If the audit units are sets of ballots or single ballots or cards, a comparison of the  
909 applicable unofficial audit unit results and the results derived from manual examination  
910 shall be published on the website.

911 (4) For jurisdictions that have equipment incapable of providing a report of elector  
912 selections on individual ballots, a ballot-polling audit may be authorized by the Secretary  
913 of State.

914 (5) For a ballot-polling audit, the results derived from manual observation of each  
915 sampled ballot shall be published on the website.

916 (f) The State Election Board shall promulgate rules, regulations, and procedures necessary  
917 to implement and administer the provisions of this Code section.

918 (g) In connection with the promulgation of the rules, the Secretary of State and State  
 919 Election Board shall consult statistical experts with experience in election auditing,  
 920 equipment vendors, and election superintendents and shall consider best practices for  
 921 conducting risk-limiting audits."

922 **SECTION 1-17.**

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

925 "(7) Knowingly registers fraudulent votes upon any ~~voting machine~~ optical scanner or  
 926 tabulating machine; or

927 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,  
 928 ballot box, ~~voting machine~~, direct recording electronic (DRE) equipment, electronic  
 929 ballot ~~marker~~ marking device, or tabulating machine"

930 **SECTION 1-18.**

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

934 "21-2-579.

935 Any voter at any primary or election who:

936 (1) Allows his or her ballot ~~or the face of the voting machine used by him or her~~ to be  
 937 seen by any person with the apparent intention of letting it be known for a fraudulent  
 938 purpose how he or she is about to vote;

939 (2) Casts or attempts to cast any other than the official ballot which has been given to  
 940 him or her by the proper poll officer, or advises or procures another to do so;

941 (3) Without having made the affirmation under oath or declaration required by Code  
 942 Section 21-2-409, or when the disability which he or she declared at the time of

943 registration no longer exists, permits another to accompany him or her into the voting  
 944 compartment ~~or voting machine booth~~ or to mark his or her ballot or to register his or her  
 945 vote on ~~the voting machine~~ an optical scanner or direct recording electronic (DRE)  
 946 equipment or use an electronic ballot ~~marker~~ marking device; or  
 947 (4) States falsely to any poll officer that because of his or her inability to read the English  
 948 language or because of blindness, near-blindness, or other physical disability he or she  
 949 cannot mark the ballot or operate ~~the voting machine~~ an optical scanner without  
 950 assistance  
 951 shall be guilty of a misdemeanor."

952 **SECTION 1-19.**

953 Said chapter is further amended by revising Code Section 21-2-580, relating to tampering  
 954 with, damaging, improper preparation of, or prevention of proper operation of voting  
 955 machines or electronic ballot markers or tabulating machines, as follows:

956 "21-2-580.

957 Any person who:

- 958 (1) Unlawfully opens, tampers with, or damages any ~~voting machine~~ or electronic ballot  
 959 ~~marker~~ or tabulating machine to be used or being used at any primary or election;  
 960 (2) Willfully prepares a ~~voting machine~~ or an electronic ballot ~~marker~~ marking device  
 961 or tabulating machine for use in a primary or election in improper order for voting; or  
 962 (3) Prevents or attempts to prevent the correct operation of such electronic ballot ~~marker~~  
 963 marking device or tabulating machine ~~or voting machine~~  
 964 shall be guilty of a felony."

965 **SECTION 1-20.**

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

968 "21-2-581.

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

972 **SECTION 1-21.**

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

976 "21-2-582.

977 Any person who tampers with or damages any direct recording electronic (DRE)  
978 equipment or electronic ballot ~~marker~~ marking device or tabulating machine or device to  
979 be used or being used at or in connection with any primary or election or who prevents or  
980 attempts to prevent the correct operation of any direct recording electronic (DRE)  
981 equipment or electronic ballot ~~marker~~ marking device or tabulating machine or device shall  
982 be guilty of a felony."

983 **SECTION 1-22.**

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

986 "21-2-582.1.

987 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a ~~voting~~  
988 ~~machine~~, tabulating machine, optical scanning voting system, direct recording electronic  
989 voting system, or electronic ballot ~~marker~~ marking device.

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

993

**SECTION 1-23.**

994 Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll  
 995 officers, as follows:

996 "21-2-587.

997 Any poll officer who willfully:

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

999 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of  
 1000 ballots;

1001 (3) Registers fraudulent votes upon any ~~voting machine~~ optical scanner or tabulating  
 1002 machine or certifies as correct a return of fraudulent votes ~~cast upon any voting machine~~;

1003 (4) Makes any false entries in the electors list;

1004 (5) Destroys or alters any ballot, voter's certificate, or electors list;

1005 (6) Tampered with any ~~voting machine~~, direct recording electronic (DRE) equipment,  
 1006 electronic ballot ~~marker~~, marking device, optical scanner or tabulating machine or device;

1007 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually  
 1008 voting at such primary or election; or

1009 (8) Fails to return to the officials prescribed by this chapter, following any primary or  
 1010 election, any keys of a device used in voting machine; ballot box; general or duplicate  
 1011 return sheet; tally paper; oaths of poll officers; affidavits of electors and others; record  
 1012 of assisted voters; numbered list of voters; electors list; voter's certificate; spoiled and  
 1013 canceled ballots; ballots deposited, written, or affixed in or upon a ~~voting machine~~; DRE,  
 1014 electronic ballot ~~marker~~ marking device, or tabulating machine memory cards; or any  
 1015 certificate or any other paper or record required to be returned under this chapter

1016 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
 1017 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
 1018 or both."



1019 **PART TWO**1020 **SECTION 2-1.**

1021 Said chapter is further amended by revising paragraph (5) of Code Section 21-2-70, relating  
1022 to powers and duties of superintendents, as follows:

1023 "(5) To purchase, ~~except voting machines,~~ preserve, store, and maintain election  
1024 equipment of all kinds, including voting booths and ballot boxes and to procure ballots  
1025 and all other supplies for primaries and elections;"

1026 **SECTION 2-2.**

1027 Said chapter is further amended by revising Code Section 21-2-72, relating to primary and  
1028 election records to be open to public, as follows:

1029 "21-2-72.

1030 Except when otherwise provided by law or court order, the primary and election records  
1031 of each superintendent, registrar, municipal governing authority, and committee of a  
1032 political party or body, including registration statements, nomination petitions, affidavits,  
1033 certificates, tally papers, returns, accounts, contracts, reports, paper ballots of record, paper  
1034 ballots, electronic ballot images and cast vote records (CVRs), and other documents in  
1035 official custody, ~~except the contents of voting machines,~~ shall be open to public inspection  
1036 and may be inspected and copied by any elector of the county or municipality during usual  
1037 business hours at any time when they are not necessarily being used by the custodian or his  
1038 or her employees having duties to perform in reference thereto; provided, however, that  
1039 such public inspection shall only be in the presence of the custodian or his or her employee  
1040 and shall be subject to proper regulation for the safekeeping of such documents and subject  
1041 to the further provisions of this chapter. The custodian shall also, upon request, if  
1042 photocopying equipment is available in the building in which the records are housed, make  
1043 and furnish to any member of the public copies of any of such records upon payment of the  
1044 actual cost of copying the records requested."

1045 **SECTION 2-3.**

1046 Said chapter is further amended by repealing and reserving Parts 1 and 2 of Article 9, relating  
1047 to general provisions and voting machines, respectively, in their entirety.

1048 **SECTION 2-4.**

1049 Said chapter is further amended by revising subsection (a) of Code Section 21-2-383, relating  
1050 to preparation and delivery of absentee ballots, form of ballots, casting ballot in person using  
1051 DRE unit, and casting ballot in person or as absentee using electronic ballot markers, as  
1052 follows:

1053 "(a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the  
1054 superintendent and shall be delivered to the board of registrars or absentee ballot clerk as  
1055 provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot'  
1056 and shall be in substantially the form for ballots required by Article 8 of this chapter,  
1057 except that in counties using ~~voting machines~~ or optical scanners or direct recording  
1058 electronic (DRE) units the ballots may be in substantially the form for the ballot labels  
1059 required by Article 9 of this chapter. Every such ballot shall have printed with other  
1060 instructions thereon the following:

1061 I understand that the offer or acceptance of money or any other object of value to vote  
1062 for any particular candidate, list of candidates, issue, or list of issues included in this  
1063 election constitutes an act of voter fraud and is a felony under Georgia law.'

1064 The form for either ballot shall be determined and prescribed by the Secretary of State,  
1065 except in municipal primaries or elections, in which the form of absentee ballots which  
1066 follows the paper ballot format shall be determined and prescribed by the superintendent."

1067 **SECTION 2-5.**

1068 Said chapter is further amended by revising subsection (a) of Code Section 21-2-402, relating  
1069 to preparation of voter's certificates by Secretary of State, form of certificates, binders for  
1070 certificates, and other voter's certificates, as follows:

1071 "(a) At each primary and election, the Secretary of State shall prepare and furnish to each  
1072 superintendent a suitable number of voter's certificates which shall be in substantially the  
1073 following form:

1074 **VOTER'S CERTIFICATE**

1075 I hereby certify that I am qualified to vote at the (primary or election) held on  
1076 \_\_\_\_\_, that I have not and will not vote elsewhere in this (primary or election)  
1077 in my own name or in any other name, and that I am a citizen of the United States and am  
1078 not currently serving a sentence for a felony conviction. I understand that making a false  
1079 statement on this certificate is a felony under Code Section 21-2-562.

1080 Signature \_\_\_\_\_

1081 Current residence address of elector:  
1082 \_\_\_\_\_

1083 Elector's date of birth: \_\_\_\_\_

1084 Name or initials of poll officer receiving voter's certificate: \_\_\_\_\_

1085 In case of physical disability or illiteracy, fill out the following:

1086 Reason for assistance (Check appropriate square):

1087  Elector is unable to read the English language.

1088  Elector requires assistance due to physical disability.

1089 \_\_\_\_\_

1090 Signature of poll officer

1091 ~~Number of stub of ballot or number of admission to voting machine: \_\_\_\_\_."~~

1092 **SECTION 2-6.**

1093 Said chapter is further amended by revising subsection (c) of Code Section 21-2-405, relating  
1094 to meeting of poll officers at place of primary or election, oaths, failure of poll officer to  
1095 appear, custodians of voting materials, temporary absence or disability, and poll workers  
1096 working less than entire day, as follows:

1097 "(c) After the poll officers of a precinct have been organized, the chief manager shall  
1098 designate one of the assistant managers to have custody of the electors list. In precincts in  
1099 which ballots are used, the other assistant manager shall have charge of the receipt and  
1100 deposit of ballots in the ballot box, the chief manager or one of the clerks shall issue the  
1101 ballots to electors after they are found entitled to vote, and the other clerk shall have  
1102 custody of the voter's certificate binder and shall place the voter's certificates therein as  
1103 they are received and approved. ~~In precincts in which voting machines are used, the other~~  
1104 ~~assistant manager or clerk shall have custody of the voter's certificate binder and shall place~~  
1105 ~~the voter's certificates therein as they are received and approved, and the chief manager~~  
1106 ~~shall have special charge of the operation of the voting machine; provided, however, that~~  
1107 ~~the~~ The chief manager may make other arrangements for the division of the duties imposed  
1108 by this chapter, so long as each poll officer is assigned some specific duty to perform. In  
1109 municipal primaries being held with separate precinct managers, the chief managers  
1110 appointed by each party shall jointly appoint the person or persons to be in charge of the  
1111 electors list. In all precincts, the chief manager shall assign an assistant manager or a clerk  
1112 to keep a numbered list of voters, in sufficient counterparts, during the progress of the  
1113 voting."

1114 **SECTION 2-7.**

1115 Said chapter is further amended by revising subsection (h) of Code Section 21-2-418, relating  
1116 to provisional ballots, as follows:

1117 "(h) Notwithstanding any other provision of this chapter to the contrary, in the event that  
1118 the ~~voting machines or~~ optical scanners or DRE units at a polling place malfunction and  
1119 cannot be used to cast ballots or some other emergency situation exists which prevents the  
1120 use of such equipment to cast votes, provisional ballots may be used by the electors at the  
1121 polling place to cast their ballots. In such event, the ballots cast by electors whose names  
1122 appear on the electors list for such polling place shall not be considered provisional ballots  
1123 and shall not require verification as provided by Code Section 21-2-419; provided,  
1124 however, that persons whose names do not appear on the electors list for such polling place  
1125 shall vote provisional ballots which shall be subject to verification under Code Section  
1126 21-2-419."

1127 **SECTION 2-8.**

1128 Said chapter is further amended by revising subsection (a) of Code Section 21-2-431, relating  
1129 to execution of voter's certificate, procedure upon qualification of elector, elector unable to  
1130 sign name, voting outside precinct of residence, and registration as prerequisite to voting, as  
1131 follows:

1132 "(a) At every primary and election, each elector who desires to vote shall first execute a  
1133 voter's certificate and hand the same to the poll officer in charge of the electors list. When  
1134 an elector has been found entitled to vote, the poll officer who examined his or her voter's  
1135 certificate shall sign his or her name or initials on the voter's certificate and shall, if the  
1136 voter's signature is not readily legible, print such voter's name under his or her signature.  
1137 As each elector is found to be qualified and votes, the poll officers shall check off the  
1138 elector's name on the electors list and shall enter the number of the stub of the ballot issued  
1139 to him or her, ~~or his or her number in the order of admission to the voting machines,~~ on the

1140 voter's certificate of such elector. As each elector votes, his or her name in the order of  
1141 voting shall be recorded in the numbered list of voters provided for that purpose."

1142 **SECTION 2-9.**

1143 Said chapter is further amended by repealing and reserving Part 3 of Article 11, relating to  
1144 precincts using voting machines, in its entirety.

1145 **SECTION 2-10.**

1146 Said chapter is further amended by revising subsection (b) of Code Section 21-2-495, relating  
1147 to procedure for recount or recanvass of votes and losing candidate's right to a recount, as  
1148 follows:

1149 ~~"(b) In precincts where voting machines have been used, whenever it appears that there is~~  
1150 ~~a discrepancy in the returns recorded for any voting machine or machines or that an error,~~  
1151 ~~although not apparent on the face of the returns, exists, the superintendent shall, either of~~  
1152 ~~his or her own motion or upon the sworn petition of three electors of any precinct, order~~  
1153 ~~a recanvass of the votes shown on that particular machine or machines. Such recanvass~~  
1154 ~~may be conducted at any time prior to the certification of the consolidated returns by the~~  
1155 ~~superintendent. In conducting such recanvass, the superintendent shall summon the poll~~  
1156 ~~officers of the precinct, and such officers, in the presence of the superintendent, shall make~~  
1157 ~~a record of the number of the seal upon the voting machine or machines and the number~~  
1158 ~~of the protective counter or other device; shall make visible the registering counters of each~~  
1159 ~~such machine; and, without unlocking the machine against voting, shall recanvass the vote~~  
1160 ~~thereon. Before making such recanvass, the superintendent shall give notice in writing to~~  
1161 ~~the custodian of voting machines, to each candidate, and to the county or municipal~~  
1162 ~~chairperson of each party or body affected by the recanvass. Each such candidate may be~~  
1163 ~~present in person or by representative, and each of such parties or bodies may send two~~  
1164 ~~representatives to be present at such recanvass. If, upon such recanvass, it shall be found~~

1165 that the original canvass of the returns has been correctly made from the machine and that  
1166 the discrepancy still remains unaccounted for, the superintendent, with the assistance of the  
1167 custodian, in the presence of the poll officers and the authorized candidates and  
1168 representatives, shall unlock the voting and counting mechanism of the machine and shall  
1169 proceed thoroughly to examine and test the machine to determine and reveal the true cause  
1170 or causes, if any, of the discrepancy in returns from such machine. Each counter shall be  
1171 reset at zero before it is tested, after which it shall be operated at least 100 times. After the  
1172 completion of such examination and test, the custodian shall then and there prepare a  
1173 statement, in writing, giving in detail the result of the examination and test, and such  
1174 statement shall be witnessed by the persons present and shall be filed with the  
1175 superintendent. If, upon such recanvass, it shall appear that the original canvass of the  
1176 returns by the poll officers was incorrect, such returns and all papers being prepared by the  
1177 superintendent shall be corrected accordingly; provided, however, that in the case of  
1178 returns from any precinct wherein the primary or election was held by the use of a voting  
1179 machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if  
1180 mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary  
1181 or election and to be prima facie accurate; and there shall not be considered to be any  
1182 discrepancy or error in the returns from any such precinct, such as to require a recanvass  
1183 of the vote, if all available proof sheets, from the voting machine used therein, identified  
1184 to the satisfaction of the superintendent and shown to his or her satisfaction to have been  
1185 produced from proper custody, shall be mutually consistent, and, if the general and  
1186 duplicate returns, or either of such returns from such precincts shall not correspond with  
1187 such proof sheets, they and all other papers being prepared by the superintendent shall be  
1188 corrected so as to correspond with such proof sheets in the absence of allegation of specific  
1189 fraud or error proved to the satisfaction of the superintendent by the weight of the evidence;  
1190 and only in such case shall the vote of such precinct be recanvassed under this Code section  
1191 Reserved."

1192

**SECTION 2-11.**

1193 Said chapter is further amended by revising subsections (a) and (c) of Code  
1194 Section 21-2-500, relating to delivery of voting materials, presentation to grand jury in  
1195 certain cases, preservation and destruction, and destruction of unused ballots, as follows:

1196 "(a) Immediately upon completing the returns required by this article, in the case of  
1197 elections other than municipal elections, the superintendent shall deliver in sealed  
1198 containers to the clerk of the superior court or, if designated by the clerk of the superior  
1199 court, to the county records manager or other office or officer under the jurisdiction of a  
1200 county governing authority which maintains or is responsible for records, as provided in  
1201 Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy  
1202 of the oaths of poll officers; and one copy of each numbered list of voters, tally paper,  
1203 ~~voting machine paper proof sheet~~, and return sheet involved in the primary or election. In  
1204 addition, the superintendent shall deliver copies of the ~~voting machine ballot labels~~,  
1205 computer chips containing ballot tabulation programs, copies of computer records of ballot  
1206 design, and similar items or an electronic record of the program by which votes are to be  
1207 recorded or tabulated, which is captured prior to the election, and which is stored on some  
1208 alternative medium such as a CD-ROM or floppy disk simultaneously with the  
1209 programming of the PROM or other memory storage device. The clerk, county records  
1210 manager, or the office or officer designated by the clerk shall hold such ballots and other  
1211 documents under seal, unless otherwise directed by the superior court, for at least 24  
1212 months, after which time they shall be presented to the grand jury for inspection at its next  
1213 meeting. Such ballots and other documents shall be preserved in the office of the clerk,  
1214 county records manager, or officer designated by the clerk until the adjournment of such  
1215 grand jury, and then they may be destroyed, unless otherwise provided by order of the  
1216 superior court."

1217 "(c) Immediately upon completing the returns required by this article, the municipal  
1218 superintendent shall deliver in sealed containers to the city clerk the used and void ballots



1219 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of  
1220 each numbered list of voters, tally paper, ~~voting machine paper proof sheet~~, and return  
1221 sheet involved in the primary or election. In addition, the municipal superintendent shall  
1222 deliver copies of the ~~voting machine ballot labels~~, computer chips containing ballot  
1223 tabulation programs, copies of computer records of ballot design, and similar items or an  
1224 electronic record of the program by which votes are to be recorded or tabulated, which is  
1225 captured prior to the election, and which is stored on some alternative medium such as a  
1226 CD-ROM or floppy disk simultaneously with the programming of the PROM or other  
1227 memory storage device. Such ballots and other documents shall be preserved under seal  
1228 in the office of the city clerk for at least 24 months; and then they may be destroyed unless  
1229 otherwise provided by order of the mayor and council if a contest has been filed or by court  
1230 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted  
1231 electors shall be immediately returned by the superintendent to the county registrar."

1232

**SECTION 2-12.**

1233 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code  
1234 Section 21-2-568, relating to entry into voting compartment or booth while another voting,  
1235 interfering with elector, inducing elector to reveal or revealing elector's vote, and influencing  
1236 voter while assisting, as follows:

1237 "(1) Goes into the voting compartment ~~or voting machine booth~~ while another is voting  
1238 or marks the ballot or registers the vote for another, except in strict accordance with this  
1239 chapter;"

1240

**SECTION 2-13.**

1241 Said chapter is further amended by revising Code Section 21-2-591, relating to poll officers  
1242 permitting unlawful assistance to voters, as follows:

1243 "21-2-591.

1244 Any poll officer who permits a voter to be accompanied by another into the voting  
1245 compartment ~~or voting machine booth~~ when such poll officer knows that the disability  
1246 which the voter declared at the time of registration no longer exists or that the disability  
1247 which the voter declared at the time of voting did not exist shall be guilty of a  
1248 misdemeanor."

1249 **PART THREE**

1250 **SECTION 3-1.**

1251 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1252 without such approval.

1253 **SECTION 3-2.**

1254 All laws and parts of laws in conflict with this Act are repealed.