

Senate Bill 500

By: Senators Price of the 56th, Stephens of the 51st and Johnson of the 1st

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 21-2-379.1 of the Official Code of Georgia Annotated, relating to
 2 requirements for use of electronic recording voting systems, so as to require all electronic
 3 recording voting systems to produce a permanent paper record of the votes recorded on such
 4 systems for each voter; to provide that voters have an opportunity to verify such record after
 5 voting; to provide that such paper records be retained for use in recounts and election
 6 challenge proceedings; to provide for related matters; to provide for a contingency; to
 7 provide an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 21-2-379.1 of the Official Code of Georgia Annotated, relating to requirements
 11 for use of electronic recording voting systems, is amended by adding new paragraphs (6.1)
 12 and (6.2) to read as follows:

13 "(6.1) It shall produce a permanent paper record with a manual audit capacity for such
 14 system which shall be available as an official record for any recount conducted under
 15 Code Section 21-2-495 or for any election challenge under Article 13 of this chapter
 16 involving any primary or election in which such system is used;

17 (6.2) It shall provide the voter with an opportunity to review the permanent paper record
 18 after casting his or her vote on the system and to change his or her ballot or correct any
 19 error in such vote;".

20 **SECTION 2.**

21 Said chapter is further amended by striking subsection (b) of Code Section 21-2-379.10,
 22 relating to procedure for electors using DRE units, and inserting in lieu thereof a new
 23 subsection (b) to read as follows:

24 "(b) After the summary screen is displayed and the elector desires to make no further
 25 changes to his or her votes, the elector shall be notified that he or she is about to cast the
 26 ballot. The elector shall then press the appropriate button on the unit or location on the

1 screen to actually cast his or her ballot. After pressing the appropriate button on the unit
 2 or location on the screen to cast the ballot, the elector's vote shall be final and shall not be
 3 subsequently altered except as provided in this subsection. Upon the elector casting his or
 4 her vote on the unit, the unit shall produce for the elector's review a permanent paper
 5 record of the elector's votes cast. The unit shall produce the permanent paper record in a
 6 manner that will allow a full and complete review by the elector but shall not permit the
 7 elector to touch or tamper with the record or place the record in the actual physical
 8 possession of the elector. The elector shall then review such permanent paper record and,
 9 if such record is correct, shall cause the unit to deposit such record in a locked secure
 10 container. If the elector discovers an error or errors in the votes cast as shown on the
 11 permanent paper record, the elector shall advise the poll officers who shall take such steps
 12 as necessary to allow the elector to correct such error or errors. The permanent paper
 13 records shall be secured in such locked containers at all times and such containers shall not
 14 be opened nor shall such ballots be counted unless and until required to be counted
 15 pursuant to a recount or an election contest proceeding."

16 SECTION 3.

17 Nothing in this Act shall be effective until such time as the federal Election Assistance
 18 Commission develops and adopts new voting equipment standards to govern the design of
 19 a voter verifiable paper record of a ballot for direct recording electronic voting systems and
 20 its use by all voters, including voters with disabilities, and until such time as the United
 21 States Congress appropriates adequate funds to pay for the addition of such voter verifiable
 22 paper record enhancement to Georgia's direct recording electronic voting systems.

23 (a) The Secretary of State shall test or cause to be tested and certify such printers in
 24 accordance with Code Section 21-2-379.2. In so doing, the Secretary of State shall have
 25 the authority to promulgate reasonable rules and regulations for the purpose of certifying
 26 such printers.

27 (b) Printers that are regularly and routinely used in commercial applications such as
 28 automatic teller machines and similar devices for providing receipts to customers in
 29 everyday commercial transactions shall not require hardware testing.

30 (c) When a direct recording electronic voting system has been previously approved by the
 31 Secretary of State, the improvement or change of such system through the addition or
 32 attachment of a printer to provide a permanent paper record with a manual audit capacity
 33 for the votes cast by each individual voter that does not impair the accuracy, efficiency, or
 34 capacity of the system shall not require a reexamination or reapproval of such system or
 35 of its kind; provided, however, that the Secretary of State may require the testing of the

1 software associated with such printer and the interface between the direct recording
2 electronic voting equipment and the printer.

3 **SECTION 4.**

4 This Act shall become effective on July 1, 2006.

5 **SECTION 5.**

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