

House Bill 740

By: Representatives Mangham of the 94th, Brooks of the 63rd, Franklin of the 43rd, and Stephenson of the 92nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia
2 Annotated, relating to 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 an effective date; to repeal
7 conflicting laws; and for other purposes.

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

9 **SECTION 1.**

10 Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
11 relating to 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 part is further amended by striking subsection (b) of Code Section 21-2-379.10, relating
22 to procedure for electors using DRE units, and inserting in lieu thereof a new subsection (b)
23 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

1 ballot. The elector shall then press the appropriate button on the unit or location on the
 2 screen to actually cast his or her ballot. After pressing the appropriate button on the unit
 3 or location on the screen to cast the ballot, the elector's vote shall be final and shall not be
 4 subsequently altered except as provided in this subsection. Upon the elector casting his or
 5 her vote on the unit, the unit shall produce for the elector's review a permanent paper
 6 record of the elector's votes cast. The elector shall then review such permanent paper
 7 record and, if such record is correct, shall cause such record to be deposited in a ballot box
 8 prior to leaving the enclosed space at the polling place. If the elector discovers an error or
 9 errors in the votes cast as shown on the permanent paper record, the elector shall advise the
 10 poll officers who shall take such steps as necessary to allow the elector to correct such error
 11 or errors. The permanent paper records shall be secured in locked ballot boxes at all times
 12 in a manner similar to paper ballots under this chapter and such ballot boxes shall not be
 13 opened nor shall such ballots be counted unless and until required to be counted pursuant
 14 to a recount or an election contest proceeding."

15 SECTION 3.

16 Said part is further amended by adding a new Code Section 21-2-379.12 to read as follows:

17 "21-2-379.12.

18 Until the federal Elections Assistance Commission established pursuant to the federal Help
 19 America Vote Act of 2002, on or after the effective date of this Code section, adopts
 20 standards for printers attached or connected to direct recording electronic voting equipment
 21 and used for the purpose of providing permanent paper records with a manual audit
 22 capacity for the votes cast by each individual voter, no provision of this chapter nor any
 23 rule or regulation of the Secretary of State or the State Election Board shall prohibit the use
 24 of direct recording electronic voting equipment that utilizes printers and printer interfaces
 25 to provide such permanent paper records that has not received certification for the use of
 26 such printers and printer interfaces from an independent testing authority that tests and
 27 certifies voting equipment or other certifying body or entity."

28 SECTION 4.

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

30 SECTION 5.

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