

Senate Bill 500

By: Senators Stephens of the 27th, Wiles of the 37th, Staton of the 18th and others

A BILL TO BE ENTITLED
AN ACT

1 To provide a short title; to amend Part 5 of Article 9 of Chapter 2 of Title 21 of the Official
2 Code of Georgia Annotated, relating to electronic recording voting systems, so as to require
3 all electronic recording voting systems to produce a permanent paper record of the votes
4 recorded on such systems for each voter; to provide that voters have an opportunity to verify
5 such record after voting; to provide for certain storage devices for such systems; to provide
6 that such paper records be retained for use in recounts and election challenge proceedings;
7 to provide for procedures for voting on electronic recording voting systems; to provide for
8 a pilot program during the 2006 November general election and any runoff therefrom in
9 certain counties; to provide for related matters; to provide for effective dates; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 This Act shall be known and may be cited as the "2006 Georgia Accuracy in Elections Act."

14 style="text-align:center">**SECTION 2.**

15 Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
16 relating to electronic recording voting systems, is amended by adding new paragraphs (6.1),
17 (6.2), (6.3), and (6.4) to Code Section 21-2-379.1, relating to requirements for use of
18 electronic recording voting systems, to read as follows:

19 "(6.1) It shall produce an elector verified, permanent paper record of the votes cast by
20 each elector with a manual audit capacity for such system which shall be available for
21 any recount conducted under Code Section 21-2-495 or for any election challenge under
22 Article 13 of this chapter involving any primary or election in which such system is used;
23 (6.2) It shall provide the elector with an opportunity to review the permanent paper
24 record privately and independently before casting his or her vote on the system and to

1 change his or her ballot or correct any error in such record or vote; provided, however,
2 that it shall not allow the elector to have actual physical possession of such record;

3 (6.3) Each DRE unit shall bear a unique identifying number;

4 (6.4) Each DRE unit shall be equipped with a storage device that:

5 (A) Stores each of the elector verified, permanent paper records at the same time as
6 such elector's votes are stored electronically by the DRE unit;

7 (B) Bears the same unique identifying number as the DRE unit to which it is attached;
8 and

9 (C) Can be removed from the DRE unit for the purpose of transporting the permanent
10 paper records contained therein to a central tabulating center;".

11 SECTION 3.

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

15 "(b) After the summary screen is displayed and the elector desires to make no further
16 changes to his or her votes, the elector shall be notified that he or she is about to cast the
17 ballot. The Prior to the elector casting his or her vote on the unit, the unit shall produce for
18 the elector's review a permanent paper record of the elector's votes to be cast. The elector
19 shall then review such permanent paper record and, if such record is correct, the elector
20 shall then press the appropriate button on the unit or location on the screen to actually cast
21 his or her ballot and cause such votes to be recorded, which shall also cause the permanent
22 paper record to be deposited in a ballot box or other secure container. If the elector
23 discovers an error or errors in the votes shown on the permanent paper record, the elector
24 shall advise the poll officers who shall take such steps as necessary to allow the elector to
25 correct such error or errors. After pressing the appropriate button on the unit or location
26 on the screen to cast the ballot, the elector's vote shall be final and shall not be
27 subsequently altered. The permanent paper records shall be secured in locked ballot boxes
28 or other secure containers at all times and such ballot boxes or containers shall not be
29 opened nor shall such ballots be counted unless and until required to be counted pursuant
30 to a recount or an election contest proceeding."

31 SECTION 4.

32 Said part is further amended by adding a new Code Section 21-2-379.12 to read as follows:
33 "21-2-379.12.

34 (a) The Secretary of State shall implement a pilot program providing for the use of direct
35 recording electronic (DRE) voting equipment equipped and configured with an elector

1 verified, permanent paper record of the votes cast by each elector on each DRE unit in one
2 precinct each in the Counties of Cobb, Bibb, and Camden in the 2006 November general
3 election and any runoff from such election.

4 (b)(1) Each DRE unit used in the pilot project shall meet the requirements of this
5 subsection and shall be of the same type of DRE units as are presently in use in elections
6 in this state from the same vendor with the exception of an added device or capability to
7 produce the elector verified, permanent paper record of the votes cast.

8 (2) Each DRE unit used by the counties in the pilot project shall have received national
9 qualification and shall have passed state certification for use in elections. For the
10 purposes of this Code section, the Secretary of State is authorized to provide for a
11 conditional certification of the units which shall expire on December 31, 2006.

12 (3) Each unit shall produce an elector verified, permanent paper record of the votes cast
13 by each elector on such device and shall provide the elector with an opportunity to review
14 the permanent paper record privately and independently before casting his or her vote on
15 the unit and to change his or her ballot or correct any error in such record or vote;
16 provided, however, that it shall not allow the elector to have actual physical possession
17 of such record. Each unit shall bear a unique identifying number and each unit shall be
18 equipped with a storage device that:

19 (A) Stores each of the elector verified, permanent paper records at the same time as
20 such elector's votes are stored electronically by the DRE unit;

21 (B) Bears the same unique identifying number as the DRE unit to which it is attached;
22 and

23 (C) Can be removed from the DRE unit for the purpose of transporting the permanent
24 paper records contained therein to a central tabulating center.

25 (c) In those counties constituting the pilot project in the 2006 November general election
26 and any runoff therefrom, each duly qualified elector shall cast his or her vote on a DRE
27 unit by touching the screen or pressing the appropriate button on the unit for the candidate
28 or issue of such elector's choice. After having the opportunity to vote in all races and upon
29 all questions in which the elector is eligible to vote, the unit shall display a summary of the
30 choices which the elector has made. At that time, the elector shall also be notified of any
31 races or questions in which the elector did not make a selection and all other choices of the
32 elector shall be displayed for the elector's review. The elector shall have the opportunity
33 to change any choices which the elector made in voting the ballot and be allowed to vote
34 in those races and on those questions in which the elector did not previously make a
35 selection or cast a vote, and the elector shall again be presented with a summary display
36 of his or her choices. After the summary screen is displayed and the elector desires to
37 make no further changes to his or her votes, the elector shall be notified that he or she is

1 about to cast the ballot. Prior to the elector casting his or her vote on the unit, the unit shall
2 produce for the elector's review a permanent paper record of the elector's votes to be cast.
3 The elector shall then review such permanent paper record and, if such record is correct,
4 the elector shall then press the appropriate button on the unit or location on the screen to
5 actually cast his or her ballot and cause such votes to be recorded, which shall also cause
6 the permanent paper record to be deposited in a ballot box or other secure container. If the
7 elector discovers an error or errors in the votes shown on the permanent paper record, the
8 elector shall advise the poll officers who shall take such steps as necessary to allow the
9 elector to correct such error or errors. After pressing the appropriate button on the unit or
10 location on the screen to cast the ballot, the elector's vote shall be final and shall not be
11 subsequently altered. The permanent paper records shall be secured in locked ballot boxes
12 or other secure containers at all times and such ballot boxes or containers 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; provided, however, that the Secretary of
15 State shall cause a complete manual audit to be performed on each DRE unit used in the
16 pilot project for voting within 30 days following the 2006 November general election and
17 within 30 days of any runoff of such election. The audit shall compare the results of the
18 permanent paper records from each DRE unit with the electronic record recorded by the
19 DRE unit. The results of such audits shall be made available to the public upon the
20 completion of the audits.

21 (d) The Secretary of State shall provide the DRE units and all necessary software, supplies,
22 training, and support for the pilot project.

23 (e) This Code section shall be repealed by operation of law on July 1, 2007."

24 **SECTION 5.**

25 Section 4 of this Act shall become effective upon its approval by the Governor or upon its
26 becoming law without such approval. The remainder of this Act shall become effective on
27 July 1, 2007.

28 **SECTION 6.**

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