

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 500:

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:

SECTION 1.

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

SECTION 2.

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

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 print a
18 permanent paper record of the elector's votes. The elector shall then review such
19 permanent paper record and, if such record is correct, the elector shall then press the
20 appropriate button on the unit or location on the screen to actually cast his or her ballot and
21 cause such votes to be recorded, which shall also cause the permanent paper record to be
22 deposited in a ballot box or other secure container. If the votes shown on the permanent
23 paper record are incorrect, the unit shall allow the elector to correct such error or errors by
24 rejecting and voiding the permanent paper record that was printed and changing such
25 elector's votes on the unit. After making such corrections, the unit shall print a new
26 permanent paper record for the elector's review. If the new record is correct, the elector
27 shall then press the appropriate button on the unit or location on the screen to actually cast
28 his or her ballot. If the new record is incorrect, the unit shall allow the voter to reject and
29 void the new permanent paper record and again change the elector's votes on the unit.
30 After making such corrections, the unit shall print a permanent paper record of the elector's
31 votes and shall cause the elector's ballot to be cast and such votes to be recorded. The
32 elector shall only be allowed to adjust his or her votes three times before casting the ballot.
33 After pressing the appropriate button on the unit or location on the screen to cast the ballot,
34 the elector's vote shall be final and shall not be subsequently altered. The permanent paper
35 records shall be secured in locked ballot boxes or other secure containers at all times and

1 such ballot boxes or containers shall not be opened nor shall such ballots be counted unless
 2 and until required to be counted pursuant to a recount or an election contest proceeding."

3 **SECTION 4.**

4 Said part is further amended by adding a new Code Section 21-2-379.12 to read as follows:
 5 "21-2-379.12.

6 (a) The Secretary of State shall implement a pilot program providing for the use of direct
 7 recording electronic (DRE) voting equipment equipped and configured with an elector
 8 verified, permanent paper record of the votes cast by each elector on each DRE unit in one
 9 precinct each in the Counties of Cobb, Bibb, and Camden in the 2006 November general
 10 election and any runoff from such election.

11 (b)(1) Each DRE unit used in the pilot project shall meet the requirements of this
 12 subsection and shall be of the same general type from the same vendor or manufacturer
 13 as those DRE units in use in the state.

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

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

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

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

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

31 (c) In those counties constituting the pilot project in the 2006 November general election
 32 and any runoff therefrom, each duly qualified elector shall cast his or her vote on a DRE
 33 unit by touching the screen or pressing the appropriate button on the unit for the candidate
 34 or issue of such elector's choice. After having the opportunity to vote in all races and upon
 35 all questions in which the elector is eligible to vote, the unit shall display a summary of the
 36 choices which the elector has made. At that time, the elector shall also be notified of any

1 races or questions in which the elector did not make a selection and all other choices of the
2 elector shall be displayed for the elector's review. The elector shall have the opportunity
3 to change any choices which the elector made in voting the ballot and be allowed to vote
4 in those races and on those questions in which the elector did not previously make a
5 selection or cast a vote, and the elector shall again be presented with a summary display
6 of his or her choices. After the summary screen is displayed and the elector desires to
7 make no further changes to his or her votes, the elector shall be notified that he or she is
8 about to cast the ballot. Prior to the elector casting his or her vote on the unit, the unit shall
9 print a permanent paper record of the elector's votes. The elector shall then review such
10 permanent paper record and, if such record is correct, the elector shall then press the
11 appropriate button on the unit or location on the screen to actually cast his or her ballot and
12 cause such votes to be recorded, which shall also cause the permanent paper record to be
13 deposited in a ballot box or other secure container. If the votes shown on the permanent
14 paper record are incorrect, the unit shall allow the elector to correct such error or errors by
15 rejecting and voiding the permanent paper record that was printed and changing such
16 elector's votes on the unit. After making such corrections, the unit shall print a new
17 permanent paper record for the elector's review. If the new record is correct, the elector
18 shall then press the appropriate button on the unit or location on the screen to actually cast
19 his or her ballot. If the new record is incorrect, the unit shall allow the voter to reject and
20 void the new permanent paper record and again change the elector's votes on the unit.
21 After making such corrections, the unit shall print a permanent paper record of the elector's
22 votes and shall cause the elector's ballot to be cast and such votes to be recorded. The
23 elector shall only be allowed to adjust his or her votes three times before casting the ballot.
24 After pressing the appropriate button on the unit or location on the screen to cast the ballot,
25 the elector's vote shall be final and shall not be subsequently altered. The permanent paper
26 records shall be secured in locked ballot boxes or other secure containers at all times and
27 such ballot boxes or containers shall not be opened nor shall such ballots be counted unless
28 and until required to be counted pursuant to a recount or an election contest proceeding;
29 provided, however, that the Secretary of State shall cause a complete manual audit to be
30 performed on each DRE unit used in the pilot project for voting within 30 days following
31 the 2006 November general election and within 30 days of any runoff of such election.
32 The audit shall compare the results of the permanent paper records from each DRE unit
33 with the electronic record recorded by the DRE unit. The results of such audits shall be
34 made available to the public upon the completion of the audits.

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

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

SECTION 5.1
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Section 4 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The remainder of this Act shall become effective on July 1, 2007.

SECTION 6.5
6

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