

The House Committee on Governmental Affairs offers 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 provide
3 for a pilot program during the 2006 November general election and any runoff therefrom in
4 certain counties; to require that all electronic recording voting systems used in such pilot
5 project produce a permanent paper record of the votes recorded on such systems for each
6 voter; to provide that such voters have an opportunity to verify such record after voting; to
7 provide for certain storage devices for such systems; to provide that such paper records be
8 retained for use in recounts and election challenge proceedings; to provide for procedures for
9 voting on such electronic recording voting systems; to provide for the verification and count
10 of such paper records; to provide for related matters; to provide for certain public hearings
11 and reports; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

13 **SECTION 1.**

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

15 **SECTION 2.**

16 Part 5 of Article 9 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
17 relating to electronic recording voting systems, is amended by adding a new Code Section
18 21-2-379.12 to read as follows:

19 "21-2-379.12.

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

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

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

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

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

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

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

21 (c)(1) In those counties constituting the pilot project in the 2006 November general
22 election and any runoff therefrom, each duly qualified elector shall cast his or her vote
23 on a DRE unit by touching the screen or pressing the appropriate button on the unit for
24 the candidate or issue of such elector's choice. After having the opportunity to vote in
25 all races and upon all questions in which the elector is eligible to vote, the unit shall
26 display a summary of the choices which the elector has made. At that time, the elector
27 shall also be notified of any races or questions in which the elector did not make a
28 selection and all other choices of the elector shall be displayed for the elector's review.
29 The elector shall have the opportunity to change any choices which the elector made in
30 voting the ballot and be allowed to vote in those races and on those questions in which
31 the elector did not previously make a selection or cast a vote, and the elector shall again
32 be presented with a summary display of his or her choices. After the summary screen is
33 displayed and the elector desires to make no further changes to his or her votes, the
34 elector shall be notified that he or she is about to cast the ballot. Prior to the elector
35 casting his or her vote on the unit, the unit shall print a permanent paper record of the
36 elector's votes. The elector shall then review such permanent paper record and, if such
37 record is correct, the elector shall then press the appropriate button on the unit or location

1 on the screen to actually cast his or her ballot and cause such votes to be recorded, which
2 shall also cause the permanent paper record to be deposited in a ballot box or other secure
3 container. If the votes shown on the permanent paper record are incorrect, the unit shall
4 allow the elector to correct such error or errors by rejecting and voiding the permanent
5 paper record that was printed and changing such elector's votes on the unit. After making
6 such corrections, the unit shall print a new permanent paper record for the elector's
7 review. If the new record is correct, the elector shall then press the appropriate button on
8 the unit or location on the screen to actually cast his or her ballot. If the new record is
9 incorrect, the unit shall allow the voter to reject and void the new permanent paper record
10 and again change the elector's votes on the unit. After making such corrections, the unit
11 shall print a permanent paper record of the elector's votes and shall cause the elector's
12 ballot to be cast and such votes to be recorded. The elector shall only be allowed to
13 adjust his or her votes three times before casting the ballot. After pressing the
14 appropriate button on the unit or location on the screen to cast the ballot, the elector's
15 vote shall be final and shall not be subsequently altered. In the event that the DRE unit
16 cannot produce a correct permanent paper record of the elector's votes, such unit shall
17 be shut down and sealed and the superintendent and the Secretary of State shall be
18 immediately notified of such problem.

19 (2) The permanent paper records shall be secured in locked ballot boxes or other secure
20 containers at all times and such ballot boxes or containers shall not be opened nor shall
21 such ballots be counted until the polls are closed. After the close of the polls in each of
22 the precincts in the pilot project, a random sample of the permanent paper records created
23 by the DRE units shall be counted at each precinct under the direction of the poll manager
24 in accordance with this subsection.

25 (3) After the polls have closed and all voting in the precinct has ceased, the poll manager
26 shall shut down the DRE units and extract the election results from each unit as follows:

27 (A) The manager shall obtain at least three results tapes from each DRE unit and verify
28 that the number of ballots cast as recorded on the tapes matches the public count
29 number as displayed on the DRE unit; and

30 (B) The manager shall then extract the memory card from each DRE unit.

31 (4) Upon completion of shutting down each DRE unit and extracting the election results,
32 the manager shall cause to be completed and signed a ballot recap form, in sufficient
33 counterparts, showing:

34 (A) The number of valid ballots;

35 (B) The number of spoiled and invalid ballots;

36 (C) The number of provisional ballots; and

37 (D) The number of unused provisional ballots and any other unused ballots.

1 The manager shall cause to be placed in the ballot supply container one copy of the recap
2 form and any unused, defective, spoiled, and invalid ballots.

3 (5) The manager shall collect and retain the zero tape and one of the results tapes for
4 each DRE unit and place such tapes with the memory card for each unit and enclose all
5 such items for all of the DRE units used in the precinct in one envelope which shall be
6 sealed and initialed by the manager so that it cannot be opened without breaking the seal.

7 (6) After collecting the tapes from the DRE units, the manager shall randomly select one
8 contested race from the ballot for a hand count. Such selection shall be made by listing
9 all of the contested races on the ballot individually on uniform sized slips of paper,
10 uniformly folding such slips of paper such that the name of the race cannot be seen,
11 placing the slips of paper into a container and mixing the slips thoroughly, and then
12 drawing from the container one slip of paper. Upon drawing the slip of paper, the
13 manager shall then announce the race that will be hand counted. The slips of paper shall
14 be available for examination by any member of the public who desires to do so.

15 (7) After randomly selecting the race for a hand count, the manager or a poll officer
16 under the direction of the manager shall unlock the ballot boxes containing the permanent
17 paper records and shall count the number of records in such ballot boxes which number
18 shall then be entered onto a recap sheet and compared to the number of persons shown
19 as having voted on the electors list, the numbered list of voters, and the voters'
20 certificates. Any discrepancy shall be duly noted.

21 (8) After completing the count of the number of permanent paper records contained in
22 the ballot boxes, the manager shall then proceed to count the votes cast in the randomly
23 selected race as shown on the records. Such count shall be performed in the same manner
24 as for paper ballots as provided in Code Section 21-2-437 for the randomly selected race.
25 Upon the conclusion of the count, the manager or a poll officer under the direction of the
26 manager shall record the results of the hand count on the return sheet and shall compare
27 the results for the race to the results shown on the tapes from the DRE units for such race.
28 In the event of a discrepancy in the count between the totals for such race, the manager
29 or a poll officer under the direction of the manager shall post the results of the hand count
30 and one set of return tapes from the DRE units, noting any discrepancies found, at the
31 polling place for the information of the public.

32 (9) After performing the hand count of the race or races, the manager shall cause the
33 permanent paper records to be securely sealed in the ballot box and shall seal the return
34 sheets, tally sheets, one set of return tapes, and other completed forms in an envelope for
35 transfer to the election superintendent.

36 (10) The manager and one poll worker shall then deliver the ballot boxes and envelopes
37 to the tabulating center for the county or municipality or to such other place designated

1 by the superintendent and shall receive a receipt therefor. The copies of the recap forms,
2 unused ballots, records, and other materials shall be returned to the designated location
3 and retained as provided by law.

4 (11) Upon receipt of the sealed envelope containing the zero tapes, results tapes, and
5 memory cards, the election superintendent shall verify the signatures on the envelope.
6 Once verified, the superintendent shall break the seal of the envelope and remove its
7 contents. The superintendent shall then download the results stored on the memory card
8 from each DRE unit into the election management system located at the central tabulation
9 point of the county in order to obtain election results for certification.

10 (12) In the event of a discrepancy between the hand count totals from the precincts and
11 the totals from the DRE memory cards, the superintendent shall use the hand count totals
12 as the official results. The superintendent shall immediately make the public aware of
13 any such discrepancy by posting notice of such discrepancy at his or her office for the
14 information of the public and on the official website of the county or municipality on
15 which the county or municipality posts election returns if the county or municipality has
16 such a website. The superintendent shall note on the official returns for the primary,
17 election, or runoff, as appropriate, the vote totals that are based, in whole or in part, on
18 hand counts as a result of a discrepancy between the hand count and the machine totals.

19 (d) In addition to the count performed at the close of the polls, the Secretary of State shall
20 cause a complete manual audit to be performed on each DRE unit used in the pilot project
21 for voting within 30 days following the 2006 November general election and within 30
22 days of any runoff of such election. The audit shall compare the results of the permanent
23 paper records from each DRE unit with the electronic record recorded by the DRE unit.
24 The results of such audits shall be made available to the public upon the completion of the
25 audits.

26 (e) The Secretary of State shall provide the DRE units and all necessary software, supplies,
27 training, and support for the pilot project.

28 (f) The State of Georgia shall provide the funding needed to implement such pilot project.
29 Implementation of such pilot project shall be dependent upon such funding.

30 (g) This Code section shall be repealed by operation of law on January 1, 2007."

31 **SECTION 3.**

32 Within 45 days after the election, the Secretary of State shall conduct a public hearing in
33 each of the pilot areas. A summary of the findings as well as the comments received shall
34 be submitted to the General Assembly and made available to the general public.

1 **SECTION 4.**

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

4 **SECTION 5.**

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