

House Bill 665 (AS PASSED HOUSE AND SENATE)

By: Representatives Hamilton of the 23<sup>rd</sup>, Scott of the 153<sup>rd</sup>, Amerson of the 9<sup>th</sup>, Collins of the 27<sup>th</sup>, Hanner of the 148<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 primaries and elections generally, so as to provide for a pilot program for the electronic  
3 transmission of absentee ballots by military and overseas citizens; to provide for the  
4 requirements and procedures for such program; to provide for certain rules and regulations;  
5 to provide for certain reports; to provide for related matters; to repeal conflicting laws; and  
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
10 elections generally, is amended by revising Code Section 21-2-387, which is reserved, as  
11 follows:

12 "21-2-387.

13 (a) The Secretary of State shall develop and implement a pilot program for the electronic  
14 transmission, receipt, and counting of absentee ballots by persons who are entitled to vote  
15 by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting  
16 Act, 42 U.S.C. Section 1973ff, et seq., as amended, for use in a general election and  
17 general election runoff.

18 (b) Such pilot program shall provide, at a minimum, for:

19 (1) The encryption of information and the transmission of such information over a secure  
20 network;

21 (2) The authentication of such information;

22 (3) The verification of the identity and eligibility of the elector to vote in the election or  
23 runoff, as the case may be;

24 (4) The protection of the privacy, anonymity, and integrity of the ballots cast;

25 (5) The prevention of the casting of multiple ballots by the same elector in an election;

- 26 (6) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of  
 27 such system;
- 28 (7) The uninterrupted reliability of such system for casting ballots by qualified voters;
- 29 (8) The capability of the elector to determine if the electronic transmission of the ballot  
 30 was successful;
- 31 (9) The ability to audit such ballots and to verify that such ballots were properly counted;  
 32 and
- 33 (10) The ability to verify that the information transmitted over the secure network was  
 34 not viewed or altered by sites that lie between the voting location and the vote counting  
 35 destination.
- 36 (c) The Secretary of State shall develop procedures by which persons who are eligible to  
 37 utilize the pilot program to vote shall be notified of its availability and the procedures and  
 38 methods for its utilization.
- 39 (d) The Secretary of State and the State Election Board are authorized to promulgate such  
 40 rules and regulations as necessary to implement the provisions of this Code section.
- 41 (e) The Secretary of State shall review the results of the pilot program and shall provide  
 42 the members of the General Assembly with a comprehensive report no later than 90 days  
 43 following the general election and general election runoff in which such pilot program is  
 44 used on the effectiveness of such pilot program with any recommendations for its  
 45 continued use and any needed changes in such program for future elections.
- 46 (f) The pilot program shall be used in the first general election and general election runoff  
 47 following:
- 48 (1) The inclusion in the Appropriations Act of a specific line item appropriation for  
 49 funding of such pilot program or a determination by the Secretary of State that there is  
 50 adequate funding through public or private funds, or a combination of public and private  
 51 funds, to conduct the pilot program; provided, however, that no funds shall be accepted  
 52 from registered political parties or political bodies for this purpose; and
- 53 (2) Certification by the Secretary of State that such pilot program is feasible and can be  
 54 implemented for such general election and general election runoff.
- 55 (g) This Code section shall be repealed by operation of law on July 1 of the year following  
 56 the conclusion of the pilot program Reserved."

57 **SECTION 2.**

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