

House Bill 665

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 2010 general  
3 primary and general election for the electronic transmission of absentee ballots by military  
4 and overseas citizens; to provide for the requirements and procedures for such program; to  
5 provide for certain rules and regulations; to provide for certain reports; to provide for related  
6 matters; to repeal conflicting laws; and 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, subject to the availability of funding, develop and  
14 implement a pilot program for the electronic transmission, receipt, and counting of  
15 absentee ballots by persons who are entitled to vote by absentee ballot under the federal  
16 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.,  
17 as amended, in the 2010 general primary and general election.

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 primary or  
23 election, 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 a primary or  
26 election;

- 27 (6) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of  
28 such system;
- 29 (7) The uninterrupted reliability of such system for casting ballots by qualified voters;
- 30 (8) The capability of the elector to determine if the electronic transmission of the ballot  
31 was successful;
- 32 (9) The ability to audit such ballots and to verify that such ballots were properly counted;  
33 and
- 34 (10) The ability to verify that the information transmitted over the secure network was  
35 not viewed or altered by sites that lie between the voting location and the vote counting  
36 destination.
- 37 (c) The Secretary of State shall develop procedures by which persons who are eligible to  
38 utilize the pilot program to vote shall be notified of its availability and the procedures and  
39 methods for its utilization.
- 40 (d) The Secretary of State and the State Election Board are authorized to promulgate such  
41 rules and regulations as necessary to implement the provisions of this Code section.
- 42 (e) The Secretary of State shall review the results of the pilot program and shall provide  
43 the members of the General Assembly with a comprehensive report no later than  
44 January 10, 2011, on the effectiveness of such pilot program with any recommendations  
45 for its continued use and any needed changes in such program for future elections.
- 46 (f) This Code section shall be repealed by operation of law on July 1, 2011 Reserved."

47 **SECTION 2.**

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