House Bill 680
By: Representatives Turner of the 21st, Holcomb of the 81st, Teasley of the 37th, Mosby of the 83rd, Caldwell of the 20th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide that direct recording electronic voting systems shall not be used in primaries or elections in this state after January 1, 2019; to repeal provisions regarding voting machines; to provide for definitions; to provide for ballot marking devices and standards and procedures for such devices; to provide for risk-limiting audits and for definitions, intent, and procedures; to provide for conforming changes; to provide for related matters; to provide a short title; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Secure Transparent Accurate Reliable Voting Act."

SECTION 2.
Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising paragraphs (1), (2), (4.1), (16), and (40) of Code Section 21-2-2, relating to definitions, and adding new paragraphs to read as follows:

"(3) 'Automatic tabulating equipment' means apparatus, including ballot scanning machines, that are utilized to ascertain the manner by which paper ballots have been marked by electors, whether by hand or by means of electronic ballot markers, and that count the votes marked on such ballots.

(1) 'Ballot' means 'official ballot' or 'paper ballot' and shall include the instrument, whether paper, mechanical, or electronic, by which an elector casts his or her vote, that is an individual durable paper instrument by which an elector casts his or her vote which includes paper ballots designed to be read by automatic tabulating equipment. The term shall include, in appropriate contexts, conventional paper ballots.
(2) 'Ballot labels' means the cards, paper, or other material placed on the front of a voting machine containing the names of offices and candidates and statements of questions to be voted on.

(2.1) 'Ballot scan voting system' means a system employing paper ballots under which votes are cast by electors by marking paper ballots with a ballot marking device and thereafter counted by the use of automatic tabulating equipment.

(2.2) 'Ballot scanner' means an electronic recording device into which an elector's voted ballot is cast which tabulates those votes by its own devices and is also known as a 'tabulating machine.'

"(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven unit for casting and counting votes on which an elector touches a video screen or a button adjacent to a video screen to cast his or her vote. Such term shall not encompass ballot marking devices.

(4.2) 'Durable paper' means a paper instrument sufficiently durable to withstand repeated handling and long-term storage for the purposes of tabulation, scanning, retabulation, audits, and recounts."

"(7.1) 'Electronic ballot marker' means an electronic device that does not compute or retain votes that may integrate components such as a ballot scanner, printer, touch screen monitor, audio output, and a navigational keypad and uses electronic technology to independently and privately mark a paper ballot at the direction of an elector, interpret ballot selections, communicate such interpretation for elector verification, and print an elector-verifiable paper ballot." 

"(16) 'Numbered list of voters' means one or more sheets of uniform size containing consecutively numbered blank spaces for the insertion of voters' names at the time of and in the order of receiving their ballots or number slips governing admissions to the voting machines." 

"(18) 'Official ballot' means a durable paper ballot, whether paper, mechanical, or electronic, which is furnished by the superintendent or governing authority in accordance with Code Section 21-2-280; including ballots read by optical scanning tabulators that is read by scanning tabulators and for purposes of audits and recounts, is not a cast vote record, ASCII representation, digital ballot picture, 2D scanned image, or facsimile."

"(28.1) 'Precinct ballot scanner' is a ballot scanner.

"(32.1) 'Scanning ballot' means a printed paper ballot designed to be marked by an elector with a ballot marking device and inserted for casting into a ballot scanner."
"(40) ‘Voting machine’ is a mechanical device on which an elector may cast a vote and which tabulates those votes by its own devices and is also known as a ‘lever machine.’

Reserved."

SECTION 3.

Said chapter is further amended by revising paragraph (15) of subsection (a) of Code Section 21-2-50, relating to the powers and duties of the Secretary of State and prohibition against serving in a fiduciary capacity, as follows:

"(15) To develop, program, build, and review ballots for use by counties and municipalities on direct recording electronic (DRE) voting systems in use in the state."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-230, relating to challenge of persons on list of electors by other electors, procedure, hearing, and right of appeal, as follows:

“(a) Any elector of the county or municipality may challenge the right of any other elector of the county or municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the election whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to 5:00 P.M. on the day before the election; provided, however, that challenges to persons voting by absentee ballot in person at the office of the registrars or the absentee ballot clerk whose vote is cast on a DRE unit must be made prior to such person's voting."

SECTION 5.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-267, relating to equipment, arrangement, and storage at polling places, as follows:

“(a) The governing authority of each county and municipality shall provide and the superintendent shall cause all rooms used as polling places to be provided with suitable heat and light and, in precincts in which ballots are used, with a sufficient number of voting compartments or booths with proper supplies in which the electors may conveniently mark their ballots, with a curtain, screen, or door in the upper part of the front of each compartment or booth so that in the marking thereof they may be screened from the observation of others. A curtain, screen, or door shall not be required, however, for the self-contained units used as voting booths in which direct recording electronic (DRE)
voting units electronic ballot markers are located if such booths have been designed so as
to ensure the privacy of the elector. When practicable, every polling place shall consist of
a single room, every part of which is within the unobstructed view of those present therein
and shall be furnished with a guardrail or barrier closing the inner portion of such room,
which guardrail or barrier shall be so constructed and placed that only such persons as are
inside such rail or barrier can approach within six feet of the ballot box and voting
compartments, or booths, or voting machines, as the case may be. The ballot box and
voting compartments or booths shall be so arranged in the voting room within the enclosed
space as to be in full view of those persons in the room outside the guardrail or barrier.
The voting machine or machines shall be placed in the voting rooms within the enclosed
space so that, unless its construction shall otherwise require, the ballot labels on the face
of the machine can be plainly seen by the poll officers when the machine is not occupied
by an elector. In the case of direct recording electronic (DRE) voting units electronic ballot
markers, the units devices shall be arranged in such a manner as to ensure the privacy of
the elector while voting on such units devices, to allow monitoring of the units devices by
the poll officers while the polls are open, and to permit the public to observe the voting
without affecting the privacy of the electors as they vote."

SECTION 6.

Said chapter is further amended by revising Code Section 21-2-293, relating to correction of
mistakes and omissions on ballots, as follows:

"21-2-293.
(a) If the election superintendent discovers that a mistake or omission has occurred in the
printing of official ballots or in the programming of the display of the official ballot on
DRE voting equipment electronic ballot markers for any primary or election, the
superintendent is authorized on his or her own motion to take such steps as necessary to
correct such mistake or omission if the superintendent determines that such correction is
feasible and practicable under the circumstances; provided, however, that the
superintendent gives at least 24 hours notice to the Secretary of State and any affected
candidates of the mistake or omission prior to making such correction.
(b) When it is shown by affidavit that a mistake or omission has occurred in the printing
of official ballots or in the programming of the display of the official ballot on DRE voting
equipment electronic ballot markers for any primary or election, the superior court of the
proper county may, upon the application of any elector of the county or municipality,
require the superintendent to correct the mistake or omission or to show cause why he or
she should not do so."

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SECTION 7.

Said chapter is further amended by adding a new subsection to Code Section 21-2-300, relating to provision of new voting equipment by state, contingent upon appropriations, county responsibilities, education, and county and municipal contracts for equipment, to read as follows:

"(f) Notwithstanding any provision of law to the contrary, the Secretary of State is authorized to conduct pilot programs to test and evaluate the use of optical scanning voting systems and voter-verifiable ballots in primaries and elections in this state."

SECTION 8.

Said chapter is further amended by repealing and reserving Parts 1 and 2, relating to general provisions regarding voting machines and vote recorders and voting machines, respectively, of Article 9, relating to voting machines and vote recorders generally.

SECTION 9.

Said chapter is further amended by revising Part 4 of Article 9, relating to optical scanning voting systems, as follows:

"21-2-365. No optical scanning ballot scan voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;

(2) It shall permit each elector, in one operation per ballot, to vote for all the candidates of one party or body for presidential electors;

(3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears upon a ballot as a candidate for election; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;

(5) An optical scanning tabulator. A ballot scanner shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or
she is entitled to vote for; and shall preclude the counting of votes for any candidate for
the same office or upon any question more than once;
(6) It shall permit voting in absolute secrecy so that no person can see or know for whom
any other elector has voted or is voting, save an elector whom he or she has assisted or
is assisting in voting, as prescribed by law;
(7) It shall be constructed of material of good quality in a neat and workmanlike manner;
(8) It shall, when properly operated, record correctly and accurately every vote cast;
(9) It shall be so constructed that an elector may readily learn the method of operating
it; and
(10) It shall be safely transportable.

21-2-366.
The governing authority of any county or municipality may, at any regular meeting or at
a special meeting called for the purpose, by a majority vote authorize and direct the use of
optical scanning ballot scan voting systems for recording and computing the vote at
elections held in the county or municipality. If so authorized and directed, the governing
authority shall purchase, lease, rent, or otherwise procure optical scanning ballot scan
voting systems conforming to the requirements of this part.

21-2-367.
(a) When the use of optical scanning ballot scan voting systems has been authorized in the
manner prescribed in this part, such optical scanning ballot scan voting systems shall be
installed, either simultaneously or gradually, within the county or municipality. Upon the
installation of optical scanning ballot scan voting systems in any precinct, the use of paper
ballots or other voting machines or apparatus therein shall be discontinued, except as
otherwise provided by this chapter.
(b) In each precinct in which optical scanning ballot scan voting systems are used, the
county or municipal governing authority, as appropriate, shall provide at least one voting
booth or enclosure for each 200 electors therein, or fraction thereof.
(c) Optical scanning ballot scan voting systems of different kinds may be used for
different precincts in the same county or municipality.
(d) The county or municipal governing authority, as appropriate, shall provide optical
scanning ballot scan voting systems in good working order and of sufficient capacity to
accommodate the names of a reasonable number of candidates for all party offices and
nominations and public offices which, under the provisions of existing laws and party rules,
are likely to be voted for at any future primary or election.

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(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any optical scanning ballot scan voting system may request the Secretary of State to examine the optical scanning ballot scan voting system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any optical scanning ballot scan voting system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any optical scanning ballot scan voting system.

(b) The Secretary of State shall thereupon examine or reexamine such optical scanning ballot scan voting system and shall make and file in his or her office a report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion, the kind of optical scanning ballot scan voting system so examined can be safely and accurately used by electors at primaries and elections as provided in this chapter. If this report states that the optical scanning ballot scan voting system can be so used, the optical scanning ballot scan voting system shall be deemed approved; and optical scanning ballot scan voting systems of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of optical scanning ballot scan voting system not so approved shall be used at any primary or election and if, upon the reexamination of any optical scanning ballot scan voting system previously approved, it shall appear that the optical scanning ballot scan voting system so reexamined can no longer be safely or accurately used by electors at primaries or elections as provided in this chapter because of any problem concerning its ability to accurately record or tabulate votes, the approval of the same shall immediately be revoked by the Secretary of State; and no such optical scanning ballot scan voting system shall thereafter be purchased for use or be used in this state.

(d) At least ten days prior to any primary or election, including special primaries, special elections, and referendum elections, the election superintendent shall verify and certify in writing to the Secretary of State that all voting will occur on equipment certified by the Secretary of State.

(e) Any vendor who completes a sale of optical scanning ballot scan voting system that has not been certified by the Secretary of State to a governmental body in this state shall be subject to a penalty of $100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses incurred by the governmental body in connection with the sale. The State Election Board shall have authority to impose such penalty upon a finding that such a sale has occurred.
(f) When an optical scanning ballot scan voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the optical scanning voting system, or of its kind.

(g) Neither the Secretary of State, nor any custodian, nor the governing authority of any county or municipality or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any optical scanning ballot scan voting system or in the manufacture or sale thereof.

21-2-369.

(a) The ballots shall be printed in black ink upon clear, white, or colored material, of such size and arrangement as will suit the construction of the optical ballot scanner, and in plain, clear type so as to be easily readable by persons with normal vision; provided, however, that red material shall not be used except that all ovals appearing on the ballot to indicate where a voter should mark to cast a vote may be printed in red ink.

(b) The arrangement of offices, names of candidates, and questions upon the ballots shall conform as nearly as practicable to this chapter for the arrangement of same on paper ballots; provided, however, that such form may be varied in order to present a clear presentation of candidates and questions to the electors and that the ballots shall not be required to have a name stub.

(c) The form and arrangement of ballots shall be prescribed by the Secretary of State and prepared by the superintendent.

21-2-369.1.

If two or more candidates for the same nomination or office shall have the same or similar names, the Secretary of State, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed the residence of all candidates for such nomination or office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the designated official shall be conclusive.

21-2-370.

Reserved.
21-2-371.
(a) If ballots for a precinct at which an optical scanning ballot scan voting system is to be used shall not be delivered to the poll officers as required by this chapter, the chief manager of such precinct shall cause other ballots to be prepared, printed, or written, as nearly in the form of official ballots as practicable; and the poll officers shall cause the ballots, so substituted, to be used at the primary or election, in the same manner, as nearly as may be, as the official ballots. Such ballots, so substituted, shall be known as unofficial ballots.

(b) If any optical scanning ballot scan voting system being used in any primary or election shall become out of order during such primary or election, it shall, if possible, be repaired or another optical scanning ballot scan voting system substituted by the custodian or superintendent as promptly as possible, for which purpose the governing authority of the county or municipality may purchase as many extra optical scanning ballot scan voting systems as it may deem necessary; but, in case such repair or substitution cannot be made, the ballots may be voted manually.

21-2-372.
Ballots shall be of suitable design, size, and stock to permit processing by a tabulating machine ballot scanner and shall be printed in black ink on clear, white, or colored material. In counties using a central count tabulating system, a serially numbered strip shall be attached to each ballot in a manner and form similar to that prescribed in this chapter for paper ballots.

21-2-373.
In elections, electors shall be permitted to cast write-in votes. The design of the ballot shall permit the superintendents, in counting the write-in votes, to determine readily whether an elector has cast any write-in vote not authorized by law. The Secretary of State, in specifying the form of the ballot, and the State Election Board, in promulgating rules and regulations respecting the conduct of elections, shall provide for ballot secrecy in connection with write-in votes.

21-2-374.
(a) The superintendent of each county or municipality shall order the proper programming to be placed in each tabulator ballot scanner used in any precinct or central tabulating location.

(b) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have the optical
scanning tabulators ballot scanners tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which are improperly marked and one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning tabulator ballot scanner to reject such votes. The optical scanning tabulator ballot scanner shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the tabulator ballot scanner is approved. The superintendent shall cause the pretested tabulators ballot scanners to be placed at the various polling places to be used in the primary or election. The superintendent shall require that each optical scanning tabulator ballot scanner be thoroughly tested and inspected prior to each primary and election in which it is used and shall keep such tested material as certification of an errorless count on each tabulator ballot scanner. In counties using central count optical scanning tabulators ballot scanners, the same test shall be repeated immediately before the start of the official count of the ballots and at the conclusion of such count. Precinct tabulators ballot scanners shall produce a zero tape prior to any ballots being inserted on the day of any primary or election.

(c) In every primary or election, the superintendent shall furnish, at the expense of the county or municipality, all ballots, forms of certificates, and other papers and supplies required under this chapter and which are not furnished by the Secretary of State, all of which shall be in the form and according to the specifications prescribed, from time to time, by the Secretary of State.
duty of the law enforcement officer to furnish such assistance when so requested by the superintendent.

(c) The superintendent shall at least one hour before the opening of the polls:

1. Provide sufficient lighting to enable electors, while in the voting booth, to read the ballot, which lighting shall be suitable for the use of poll officers in examining the booth; and such lighting shall be in good working order before the opening of the polls;

2. Prominently post directions for voting on the optical scanning ballot within the voting booth; at least two sample ballots in use for the primary or election shall be posted prominently outside the enclosed space within the polling place;

3. Ensure that the precinct count optical scanning tabulator ballot scanner shall have a seal securing the memory pack in use throughout the election day; such seal shall not be broken unless the tabulator ballot scanner is replaced due to malfunction; and

4. Provide such other materials and supplies as may be necessary or as may be required by law.

21-2-376.

During the 30 days next preceding a general primary or election or during the ten days next preceding a special primary or election, the superintendent shall place on public exhibition, in such public places and at such times as he or she may deem most suitable for the information and instruction of the electors, one or more sets of sample ballots that will be used in such election. The sample ballots shall show the offices and questions to be voted upon, the names and arrangements of parties and bodies, and the names and arrangements of the candidates to be voted for. Such ballots shall be under the charge and care of a person competent as an instructor.

21-2-377.

(a) The superintendent shall designate a person or persons who shall have custody of the optical scanning tabulators ballot scanners of the county or municipality when they are not in use at a primary or election and shall provide for his or her compensation and for the safe storage and care of the optical scanning tabulators ballot scanners.

(b) All optical scanning tabulators ballot scanners, when not in use, shall be properly covered and stored in a suitable place or places.

21-2-378.

The governing authority of any county or municipality which adopts optical scanning ballot scan voting systems in the manner provided for by this part shall, upon the purchase of optical scanning ballot scan voting systems, provide for their payment by the county or
municipality. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties or municipalities to meet all or any part of the cost of the optical scanning ballot scan voting systems.

21-2-379.

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of optical scanning ballot scan voting systems is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of optical scanning ballot scan voting systems for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of optical scanning ballot scan voting systems wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by any other lawful method authorized in this chapter. In such cases, appropriate ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such method.”

SECTION 10.

Said chapter is further amended by revising Part 5 of Article 9, relating to electronic recording voting systems, by repealing the part and inserting in lieu thereof the following:

"Part 5

21-2-379.1.

On and after January 1, 2019, no primaries or elections in this state shall be conducted on direct recording electronic (DRE) voting systems.

21-2-379.2.

Each polling place in this state utilizing ballot scan voting systems shall be equipped with at least one electronic ballot marker that meets the requirements as set forth in this part.

21-2-379.3.

No electronic ballot marker shall be adopted or used in primaries or elections in this state unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for marking scanning ballots for all such candidates and questions for which the elector shall be entitled to vote in a primary or election;

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(2) It shall permit each elector, in one operation, to mark a vote for presidential electors
for all the candidates of one party or body for the office of presidential elector;
(3) Except as provided in paragraph (2) of this Code section for presidential electors, it
shall permit each elector, at other than primaries, to mark votes for a ticket selected from
the nominees of any and all parties or bodies, from independent nominations, and from
persons not in nomination;
(4) It shall permit each elector to mark votes, at any election, for any person and for any
office for whom and for which he or she is lawfully entitled to vote, whether or not the
name of such person or persons appears as a candidate for election; to mark votes for as
many persons for an office as he or she is entitled to vote for; and to mark votes for or
against any question upon which he or she is entitled to vote;
(5) It shall preclude the marking of votes for any candidate or upon any question for
whom or upon which an elector is not entitled to vote; shall preclude the marking of votes
for more persons for any office than he or she is entitled to vote for; and shall preclude
the marking of votes for any candidate for the same office or upon any question more
than once;
(6) It shall permit voting in absolute secrecy so that no person can see or know for whom
any other elector has voted or is voting, save an elector whom he or she has assisted or
is assisting in voting, as prescribed by law;
(7) It shall be constructed of material of good quality in a neat and workmanlike manner;
(8) It shall, when properly operated, mark correctly and accurately every vote cast;
(9) It shall be so constructed that an elector may readily learn the method of operating
it;
(10) It shall be safely transportable; and
(11) After use by the elector, it shall produce a ballot which is the same size and
appearance as other ballots used in the primary or election for electors voting the same
ballot style and on such ballot shall be marked the choices made by the elector using the
electronic ballot marker. Such ballot shall contain all candidate names and questions in
all of the contests for that particular style of ballot and not solely the names of those
candidates or questions for which the elector chose to vote.

21-2-379.4.
(a) Any person or organization owning, manufacturing, or selling, or being interested in
the manufacture or sale of, any electronic ballot marker may request the Secretary of State
to examine the device. Any ten or more electors of this state may, at any time, request the
Secretary of State to reexamine any such device previously examined and approved by him
or her. Before any such examination or reexamination, the person, persons, or organization

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requesting such examination or reexamination shall pay to the Secretary of State the
reasonable expenses of such examination or reexamination. The Secretary of State shall
publish and maintain on his or her website the cost of such examination or reexamination.
The Secretary of State may, at any time, in his or her discretion, reexamine any such
device.
(b) The Secretary of State shall thereupon examine or reexamine such device and shall
make and file in his or her office a report, attested by his or her signature and the seal of
his or her office, stating whether, in his or her opinion, the kind of device so examined can
be safely and accurately used by electors at primaries and elections as provided in this
chapter. If this report states that the device can be so used, the device shall be deemed
approved; and devices of its kind may be adopted for use at primaries and elections as
provided in this chapter.
(c) No kind of device not so approved shall be used at any primary or election and if, upon
the reexamination of any such device previously approved, it shall appear that the device
so reexamined can no longer be safely or accurately used by electors at primaries or
elections as provided in this chapter because of any problem concerning its ability to
accurately record votes, the approval of the same shall immediately be revoked by the
Secretary of State; and no such device shall thereafter be purchased for use or be used in
this state.
(d) Any vendor who completes a sale of an electronic ballot marker that has not been
certified by the Secretary of State to a governmental body in this state shall be subject to
a penalty of $100,000.00, payable to the State of Georgia, plus reimbursement of all costs
and expenses incurred by the governmental body in connection with the sale. The State
Election Board shall have authority to impose such penalty upon a finding that such a sale
has occurred.
(e) When a device has been so approved, no improvement or change that does not impair
its accuracy, efficiency, or capacity shall render necessary a reexamination or reproval of
such device, or of its kind.
(f) Neither the Secretary of State, nor any custodian, nor the governing authority of any
county or municipality or a member of such authority nor any other person involved in the
examination process shall have any pecuniary interest in any device or in the manufacture
or sale thereof.

21-2-379.5.
(a) The superintendent of each county or municipality shall cause the proper ballot design
and style to be programmed for each electronic ballot marker which is to be used in any
precinct within such county or municipality, cause each such device to be placed in proper
order for voting, and examine each unit before it is sent to a polling place for use in a primary or election to verify that each device is properly recording votes and producing proper ballots.

(b) The superintendent may appoint, with the approval of the county or municipal governing authority, as appropriate, a custodian of the electronic ballot markers, and deputy custodians as may be necessary, whose duty shall be to prepare the devices to be used in the county or municipality at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the county or municipality such compensation as shall be fixed by the governing authority of such county or municipality. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the devices as required by this chapter. The custodian and deputy custodians shall serve at the pleasure of the superintendent. Each custodian and deputy custodian shall take an oath of office prepared by the Secretary of State before each primary or election which shall be filed with the superintendent.

(c) On or before the third day preceding a primary or election, including special primaries, special elections, and referendum elections, the superintendent shall have each electronic ballot marker tested to ascertain that it will correctly record the votes cast for all offices and on all questions and produce a ballot reflecting such choices of the elector in a manner that the State Election Board shall prescribe by rule or regulation. Public notice of the time and place of the test shall be made at least five days prior thereto; provided, however, that, in the case of a runoff, the public notice shall be made at least three days prior thereto. Representatives of political parties and bodies, news media, and the public shall be permitted to observe such tests.

21-2-379.6.

(a) All electronic ballot markers and related equipment, when not in use, shall be properly stored and secured under conditions as shall be specified by the Secretary of State.

(b) The superintendent shall store the devices and related equipment under his or her supervision or shall designate a person or entity who shall provide secure storage of such devices and related equipment when it is not in use at a primary or election. The superintendent shall provide compensation for the safe storage and care of such devices and related equipment if the devices and related equipment are stored by a person or entity other than the superintendent.

SECTION 11.

Said chapter is further amended by revising subparagraph (b)(2)(B) of Code Section 21-2-381, relating to making of application for absentee ballot, determination of
eligibility by ballot clerk, furnishing of applications to colleges and universities, and persons
entitled to make application, as follows:

'(B) If the application is made in person, shall issue the ballot to the elector to be voted
on a direct recording electronic (DRE) voting system within the confines of the
registrar's or absentee ballot clerk's office as required by Code Section 21-2-383 if the
ballot is issued during the advance voting period established pursuant to subsection (d)
of Code Section 21-2-385; or''

SECTION 12.

Said chapter is further amended by revising Code Section 21-2-383, relating to preparation
and delivery of ballots, form of ballots, and casting ballot in person using DRE unit, as
follows:

"21-2-383.

(a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the
superintendent and shall be delivered to the board of registrars or absentee ballot clerk as
provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot'
and shall be in substantially the form for ballots required by Article 8 of this chapter;
except that in counties using voting machines or direct recording electronic (DRE) units
the ballots may be in substantially the form for the ballot labels required by Article 9 of this
chapter. Every such ballot shall have printed with other instructions thereon the following:
'I understand that the offer or acceptance of money or any other object of value to vote
for any particular candidate, list of candidates, issue, or list of issues included in this
election constitutes an act of voter fraud and is a felony under Georgia law.'
The form for either ballot shall be determined and prescribed by the Secretary of State,
except in municipal primaries or elections, in which the form of absentee ballots which
follows the paper ballot format shall be determined and prescribed by the superintendent.
(b) Notwithstanding any other provision of this Code section, in jurisdictions in which
direct recording electronic (DRE) voting systems are used at the polling places on election
day, such direct recording electronic (DRE) voting systems shall be used for casting
absentee ballots in person at a registrar's or absentee ballot clerk's office or in accordance
with Code Section 21-2-382, providing for additional sites.'

SECTION 13.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-405, relating
to meeting of poll officers at place of primary or election, oaths, failure of poll officer to
appear, custodians of voting materials, temporary absence or disability, and poll workers
working less than entire day, as follows:

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“(c) After the poll officers of a precinct have been organized, the chief manager shall designate one of the assistant managers to have custody of the electors list. In precincts in which ballots are used, the other assistant manager shall have charge of the receipt and deposit of ballots in the ballot box, the chief manager or one of the clerks shall issue the ballots to electors after they are found entitled to vote, and the other clerk shall have custody of the voter's certificate binder and shall place the voter's certificates therein as they are received and approved. In precincts in which voting machines are used, the other assistant manager or clerk shall have custody of the voter's certificate binder and shall place the voter's certificates therein as they are received and approved, and the chief manager shall have special charge of the operation of the voting machine; provided, however, that The chief manager may make other arrangements for the division of the duties imposed by this chapter, so long as each poll officer is assigned some specific duty to perform. In municipal primaries being held with separate precinct managers, the chief managers appointed by each party shall jointly appoint the person or persons to be in charge of the electors list. In all precincts, the chief manager shall assign an assistant manager or a clerk to keep a numbered list of voters, in sufficient counterparts, during the progress of the voting.”

SECTION 14.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-408, relating to poll watchers, designation, duties, removal for interference with election, reports by poll watchers of infractions or irregularities, and ineligibility of candidates to serve as poll watchers, as follows:

“(c) In counties or municipalities using direct recording electronic (DRE) voting systems or optical scanning voting systems, each political party may appoint two poll watchers in each primary or election, each political body may appoint two poll watchers in each election, each nonpartisan candidate may appoint one poll watcher in each nonpartisan election, and each independent candidate may appoint one poll watcher in each election to serve in the locations designated by the superintendent within the tabulating center. Such designated locations shall include the check-in area, the computer room, the duplication area, and such other areas as the superintendent may deem necessary to the assurance of fair and honest procedures in the tabulating center. The poll watchers provided for in this subsection shall be appointed and serve in the same manner as other poll watchers. Reserved.”
SECTION 15.

Said chapter is further amended by revising Code Section 21-2-413, relating to conduct of voters, campaigners, and others at polling places generally, as follows:

(a) No elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another except when giving assistance as permitted by this chapter.

(b) No elector shall remain in a voting compartment or voting machine booth an unreasonable length of time; and, if such elector shall refuse to leave after such period, he or she shall be removed by the poll officers.

(c) No elector except a poll officer or poll watcher shall reenter the enclosed space after he or she has once left it except to give assistance as provided by this chapter.

(d) No person, when within the polling place, shall electioneer or solicit votes for any political party or body or candidate or question, nor shall any written or printed matter be posted within the room, except as required by this chapter. The prohibitions contained within Code Section 21-2-414 shall be equally applicable within the polling place and no elector shall violate the provisions of Code Section 21-2-414.

(e) No person shall use photographic or other electronic monitoring or recording devices, cameras, or cellular telephones while such person is in a polling place while voting is taking place; provided, however, that a poll manager, in his or her discretion, may allow the use of photographic devices in the polling place under such conditions and limitations as the election superintendent finds appropriate, and provided, further, that no photography shall be allowed of a ballot or the face of a voting machine or DRE unit electronic ballot marker while an elector is voting such ballot or machine or DRE unit electronic ballot marker and no photography shall be allowed of an electors list, electronic electors list, or the use of an electors list or electronic electors list. This subsection shall not prohibit the use of photographic or other electronic monitoring or recording devices, cameras, or cellular telephones by poll officials for official purposes.

(f) All persons except poll officers, poll watchers, persons in the course of voting and such persons' children under 18 years of age or any child who is 12 years of age or younger accompanying such persons, persons lawfully giving assistance to electors, duly authorized investigators of the State Election Board, and peace officers when necessary for the preservation of order, must remain outside the enclosed space during the progress of the voting. Notwithstanding any other provision of this chapter, any elector shall be permitted to be accompanied into the enclosed area and into a voting compartment or voting machine booth while voting by such elector's child or children under 18 years of age or any child who is 12 years of age or younger unless the poll manager or an assistant manager determines in his or her sole discretion that such child or children are causing a disturbance.
or are interfering with the conduct of voting. Children accompanying an elector in the enclosed space pursuant to this subsection shall not in any manner handle any ballot nor operate any function of the voting equipment under any circumstances.

(g) When the hour for closing the polls shall arrive, all electors who have already qualified and are inside the enclosed space shall be permitted to vote; and, in addition thereto, all electors who are then in the polling place outside the enclosed space, or then in line outside the polling place, waiting to vote, shall be permitted to do so if found qualified, but no other persons shall be permitted to vote.

(h) It shall be the duty of the chief manager to secure the observances of this Code section, to keep order in the polling place, and to see that no more persons are admitted within the enclosed space than are permitted by this chapter. Further, from the time a polling place is opened until the ballots are delivered to the superintendent, the ballots shall be in the custody of at least two poll officers at all times.

(i) No person except peace officers regularly employed by the federal, state, county, or municipal government or certified security guards shall be permitted to carry firearms within 150 feet of any polling place as provided for in subsection (b) of Code Section 16-11-127."

SECTION 16.

Said chapter is further amended by revising subsection (h) of Code Section 21-2-418, relating to provisional ballots, as follows:

"(h) Notwithstanding any other provision of this chapter to the contrary, in the event that the voting machines or DRE units at a polling place malfunction and cannot be used to cast ballots or some other emergency situation exists which prevents the use of such equipment to cast votes, provisional ballots may be used by the electors at the polling place to cast their ballots. In such event, the ballots cast by electors whose names appear on the electors list for such polling place shall not be considered provisional ballots and shall not require verification as provided by Code Section 21-2-419; provided, however, that persons whose names do not appear on the electors list for such polling place shall vote provisional ballots which shall be subject to verification under Code Section 21-2-419. Reserved."

SECTION 17.

Said chapter is further amended by repealing and reserving Part 3 of Article 11, relating to preparation for and conduct of primaries and elections in precinct using voting machines.
SECTION 18.

Said chapter is further amended by revising Code Section 21-2-482, relating to absentee ballots for precincts using optical scanning voting equipment, as follows:

"21-2-482.

Ballots in a precinct using optical scanning voting equipment ballot scan voting systems for the voting by absentee electors shall be prepared sufficiently in advance by the superintendent and shall be delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots required by Article 8 of this chapter, except that in counties or municipalities using voting machines, direct recording electronic (DRE) units, or optical scanners, the ballots may be in substantially the form for the ballot labels required by Article 9 of this chapter or shall be in such form as will allow the ballot to be machine tabulated. Every such ballot shall have printed on the face thereof the following:

'I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.'

The form for either the ballot shall be determined and prescribed by the Secretary of State."

SECTION 19.

Said chapter is further amended by revising subsections (d), (f), and (h) of Code Section 21-2-493, relating to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount procedure, certification of returns, and change in returns, as follows:

"(d) In precincts in which voting machines have been used, the superintendent may require a recanvass of the votes recorded on the machines used in the precinct, as provided in Code Section 21-2-495. Reserved."

"(f) In precincts in which voting machines have been used, there shall be read from the general return the identifying number or other designation of each voting machine used and the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after the close of the same, whereupon the assistant having charge of the records of the superintendent showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place shall publicly announce the numbers so registered; and, unless it appears that such records and such general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the superintendent. Reserved."

"(h) In precincts in which voting machines have been used, when the records agree with the returns regarding the number registered on the voting machine, the votes recorded for
each candidate shall be read by an assistant slowly, audibly, and in an orderly manner from
the general return sheet which has been returned unsealed; and the figures announced shall
be compared by other assistants with the duplicate return sheet which has been returned
sealed. If the voting machine is of the type equipped with a mechanism for printing paper
proof sheets, such general and duplicate return sheets shall also be compared with such
proof sheets, which have been returned as aforesaid. If any discrepancies are discovered;
the superintendent shall examine all of the return sheets, proof sheets, and other papers in
his or her possession relating to the same precinct. Such proof sheets shall be deemed to
be prima-facie evidence of the result of the primary or election and to be prima-facie
accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent
and if the general and duplicate returns or either of such returns from such precinct shall
not correspond with such proof sheets, they shall be corrected so as to correspond with
such proof sheets in the absence of allegation of specific fraud or error proved to the
satisfaction of the superintendent. Reserved.

SECTION 20.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-495, relating
to procedure for recount or recanvass of votes; losing candidate's right to a recount, as
follows:

"(b) In precincts where voting machines have been used, whenever it appears that there is
a discrepancy in the returns recorded for any voting machine or machines or that an error,
although not apparent on the face of the returns, exists, the superintendent shall, either of
his or her own motion or upon the sworn petition of three electors of any precinct, order
a recanvass of the votes shown on that particular machine or machines. Such recanvass
may be conducted at any time prior to the certification of the consolidated returns by the
superintendent. In conducting such recanvass, the superintendent shall summon the poll
officers of the precinct; and such officers, in the presence of the superintendent, shall make
a record of the number of the seal upon the voting machine or machines and the number
of the protective counter or other device; shall make visible the registering counters of each
such machine; and, without unlocking the machine against voting, shall recanvass the vote
thereon. Before making such recanvass, the superintendent shall give notice in writing to
the custodian of voting machines, to each candidate, and to the county or municipal
chairperson of each party or body affected by the recanvass. Each such candidate may be
present in person or by representative, and each of such parties or bodies may send two
representatives to be present at such recanvass. If, upon such recanvass, it shall be found
that the original canvass of the returns has been correctly made from the machine and that
the discrepancy still remains unaccounted for, the superintendent, with the assistance of the
custodian, in the presence of the poll officers and the authorized candidates and
representatives, shall unlock the voting and counting mechanism of the machine and shall
proceed thoroughly to examine and test the machine to determine and reveal the true cause
or causes, if any, of the discrepancy in returns from such machine. Each counter shall be
reset at zero before it is tested, after which it shall be operated at least 100 times. After the
completion of such examination and test, the custodian shall then and there prepare a
statement, in writing, giving in detail the result of the examination and test; and such
statement shall be witnessed by the persons present and shall be filed with the
superintendent. If, upon such recanvass, it shall appear that the original canvass of the
returns by the poll officers was incorrect, such returns and all papers being prepared by the
superintendent shall be corrected accordingly; provided, however, that in the case of
returns from any precinct wherein the primary or election was held by the use of a voting
machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if
mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary
or election and to be prima facie accurate; and there shall not be considered to be any
discrepancy or error in the returns from any such precinct, such as to require a recanvass
of the vote, if all available proof sheets, from the voting machine used therein, identified
to the satisfaction of the superintendent and shown to his or her satisfaction to have been
produced from proper custody, shall be mutually consistent; and, if the general and
duplicate returns, or either of such returns from such precincts shall not correspond with
such proof sheets, they and all other papers being prepared by the superintendent shall be
corrected so as to correspond with such proof sheets in the absence of allegation of specific
fraud or error proved to the satisfaction of the superintendent by the weight of the evidence;
and only in such case shall the vote of such precinct be recanvassed under this Code
section. Reserved.’

SECTION 21.

Said chapter is further amended by revising Code Section 21-2-498, which was previously
reserved, as follows:

‘21-2-498.

(a) As used in this Code section, the term:

(1) ’Audit unit’ means a precinct, a set of ballots (such as all the ballots tabulated on one
vote tabulating device or a batch of ballots), or a single ballot. A precinct, a set of ballots,
or a single ballot may be used as an audit unit for purposes of this Code section only if
both of the following conditions are satisfied:

(A) The relevant vote tabulating device is able to produce a report of the votes cast in
the precinct, set of ballots, or single ballot; and

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(B) Each ballot is assigned to not more than one audit unit.

(2) 'Contest' means any primary, election, runoff primary, or runoff election for an office or for a measure.

(3) 'Risk-limiting audit' means a manual tally employing a statistical method that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the vote tabulating system for the audited contest. A risk-limiting audit shall begin with a manual tally of the votes in one or more audit units and shall continue to manually tally votes in additional audit units until there is strong statistical evidence that the electoral outcome is correct. In the event that counting additional audit units does not provide strong statistical evidence that the electoral outcome is correct, the audit shall continue until there has been a full manual tally to determine the correct electoral outcome of the audited contest.

(4) 'Tabulation audits' means verifying that the votes on voter verified paper ballots made available for the audit are counted and tabulated accurately enough to determine the correct outcome.

(5) 'Unofficial final results' means election results tabulated.

(b) The General Assembly hereby finds, determines, and declares that auditing of election results is necessary to ensure effective election administration and public confidence in election results. Further, risk-limiting audits provide a more effective manner of conducting audits than traditional audit methods in that risk-limiting audits typically require only limited resources for election contests with wide margins of victory, whereas greater resources are required for close contests.

(c) Beginning on January 1, 2019, the State Election Board in conjunction with local election superintendents shall be authorized to conduct risk-limiting audits after all state-wide primary, general, and special elections and any runoffs of such elections, in accordance with the requirements of this Code section. On and after January 1, 2021, the State Election Board in conjunction with local election superintendents shall conduct postelection risk-limiting audits for all federal and gubernatorial elections for both the primary and general elections in accordance with requirements of this Code section.

(d) The risk-limiting audit shall be conducted as follows:

(1) For each contest election being audited, the State Election Board in conjunction with the local election superintendents shall set a risk limit no larger than 10 percent, while providing a minimum 90 percent chance of detecting and correcting a result where the outcome of the original tabulation is inconsistent with the election outcome obtained by conducting a full recount.
(2) The State Election Board shall provide notice of the time and place of the random selection of the audit units to be manually tallied and of the times and places of such audits;

(3) The State Election Board shall make available to the public a report of the unofficial final tabulated vote results for the contest, including the results for each audit unit in the contest, prior to the random selection of audit units to be manually tallied and prior to the commencement of the audit;

(4) The State Election Board shall make available to the public the statistical basis for the size of the random samples so that the public can review the process;

(5) The State Election Board in conjunction with the local election superintendents shall conduct the audit upon tabulation of the unofficial final results;

(6) The State Election Board in conjunction with the local election superintendents shall conduct the audit in public view by manually interpreting the actual ballots that the voters themselves verified, not an image or a duplicated ballot or a barcode associated with such ballot; and

(7) All ballots, whether cast in person, by absentee ballot, early voting, provisional ballot, or otherwise, shall be subject to audit.

(e) The audit must be completed prior to the final certification of the results of the contest.

(f) If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using the voting system, the vote counts according to that manual tally shall replace the vote counts reported for the purpose of determining the official contest results.

(g) The results of any audits conducted under this Code section shall be published on the website of the Secretary of State within 48 hours of the completion of the audit. If the audit involved a manual tally of one or more entire precincts, then the names and numbers of all precincts audited and a comparison of the vote tabulator results with the manual tally for each precinct shall be published with the audit results on the website. Similarly, if the audit units are sets of ballots or single ballots, a comparison of the unofficial final results and the audit results shall be published on the website.

(h) Any audit required under this Code section shall not commence for any election subject to a recount until the conclusion of such recount.

(i) The State Election Board shall promulgate rules, regulations, and procedures necessary to implement this Code section.

(j) In connection with the promulgation of such rules, regulations, and procedures, the State Election Board shall consult with recognized statistical experts, including statistical experts with experience in election auditing, equipment vendors, and local election superintendents, and shall consider the best practices for conducting such risk-limiting audits. Reserved."
Said chapter is further amended by revising Code Section 21-2-500, relating to delivery of voting materials, presentation to grand jury in certain cases, preservation and destruction, and destruction of unused ballots, as follows:

"21-2-500.

(a) Immediately upon completing the returns required by this article, in the case of elections other than municipal elections, the superintendent shall deliver in sealed containers to the clerk of the superior court or, if designated by the clerk of the superior court, to the county records manager or other office or officer under the jurisdiction of a county governing authority which maintains or is responsible for records, as provided in Code Section 50-18-99, the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the superintendent shall deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. The clerk, county records manager, or the office or officer designated by the clerk shall hold such ballots and other documents under seal, unless otherwise directed by the superior court, for at least 24 months, after which time they shall be presented to the grand jury for inspection at its next meeting. Such ballots and other documents shall be preserved in the office of the clerk, county records manager, or officer designated by the clerk until the adjournment of such grand jury, and then they may be destroyed, unless otherwise provided by order of the superior court.

(b) The superintendent shall retain all unused ballots for 30 days after the election or primary and, if no challenge or contest is filed prior to or during that period that could require future use of such ballots, may thereafter destroy such unused ballots. If a challenge or contest is filed during that period that could require the use of such ballots, they shall be retained until the final disposition of the challenge or contest and, if remaining unused, may thereafter be destroyed.

(c) Immediately upon completing the returns required by this article, the municipal superintendent shall deliver in sealed containers to the city clerk the used and void ballots and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of each numbered list of voters, tally paper, voting machine paper proof sheet, and return sheet involved in the primary or election. In addition, the municipal superintendent shall...
deliver copies of the voting machine ballot labels, computer chips containing ballot tabulation programs, copies of computer records of ballot design, and similar items or an electronic record of the program by which votes are to be recorded or tabulated, which is captured prior to the election, and which is stored on some alternative medium such as a CD-ROM or floppy disk simultaneously with the programming of the PROM or other memory storage device. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county registrar."

SECTION 23.

Said chapter is further amended by revising Code Section 21-2-566, relating to interference with primaries and elections generally, as follows:

"21-2-566.

Any person who:

(1) Willfully prevents or attempts to prevent any poll officer from holding any primary or election under this chapter;

(2) Uses or threatens violence in a manner that would prevent a reasonable poll officer or actually prevents a poll officer from the execution of his or her duties or materially interrupts or improperly and materially interferes with the execution of a poll officer's duties;

(3) Willfully blocks or attempts to block the avenue to the door of any polling place;

(4) Uses or threatens violence in a manner that would prevent a reasonable elector from voting or actually prevents any elector from voting;

(5) Willfully prepares or presents to any poll officer a fraudulent voter's certificate not signed by the elector whose certificate it purports to be;

(6) Knowingly deposits fraudulent ballots in the ballot box; or

(7) Knowingly registers fraudulent votes upon any voting machine; or

(8) Willfully tampers with any electors list, voter's certificate, numbered list of voters, ballot box, voting machine, direct recording electronic (DRE) equipment, electronic ballot marker, or tabulating machine shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both."
SECTION 24.

Said chapter is further amended by revising Code Section 21-2-568, relating to entry into voting compartment or booth while another voting, interfering with elector, inducing elector to reveal or revealing elector's vote, and influencing voter while assisting, as follows:

"21-2-568.

(a) Any person who knowingly:

(1) Goes into the voting compartment or booth while another is voting or marks the ballot or registers the vote for another, except in strict accordance with this chapter;

(2) Interferes with any elector marking his or her ballot or registering his or her vote;

(3) Attempts to induce any elector before depositing his or her ballot to show how he or she marks or has marked his or her ballot; or

(4) Discloses to anyone how another elector voted, without said elector's consent, except when required to do so in any legal proceeding shall be guilty of a felony.

(b) Any person who, while giving lawful assistance to another, attempts to influence the vote of the elector he or she is assisting or marks a ballot or registers a vote in any other way than that requested by the voter he or she is assisting shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both."

SECTION 25.

Said chapter is further amended by revising Code Section 21-2-579, relating to fraudulently allowing ballot or voting machine to be seen, casting unofficial ballot, and receiving unauthorized assistance in voting, as follows:

"21-2-579.

Any voter at any primary or election who:

(1) Allows his or her ballot or the face of the voting machine used by him or her to be seen by any person with the apparent intention of letting it be known for a fraudulent purpose how he or she is about to vote;

(2) Casts or attempts to cast any ballot other than the official ballot which has been given to him or her by the proper poll officer, or advises or procures another to do so;

(3) Without having made the affirmation under oath or declaration required by Code Section 21-2-409, or when the disability which he or she declared at the time of registration no longer exists, permits another to accompany him or her into the voting compartment or voting machine booth or to mark his or her ballot or to register his or her
vote on the voting machine or direct recording electronic (DRE) equipment use an

electronic ballot marker; or

(4) States falsely to any poll officer that because of his or her inability to read the English

language or because of blindness, near-blindness, or other physical disability he or she

cannot mark the ballot or operate the voting machine without assistance

shall be guilty of a misdemeanor.”

SECTION 26.

Said chapter is further amended by revising Code Section 21-2-580, relating to tampering

with, damaging, improper preparation of, or prevention of proper operation of voting

machines, as follows:

“21-2-580.

Any person who:

(1) Unlawfully opens, tampers with, or damages any voting machine electronic ballot

marker or tabulating machine to be used or being used at any primary or election;

(2) Willfully prepares a voting machine an electronic ballot marker or tabulating

machine for use in a primary or election in improper order for voting; or

(3) Prevents or attempts to prevent the correct operation of such electronic ballot marker

or tabulating machine

shall be guilty of a felony.”

SECTION 27.

Said chapter is further amended by repealing and reserving Code Section 21-2-581, relating

to unauthorized making or possession of voting machine key.

SECTION 28.

Said chapter is further amended by revising Code Section 21-2-582, relating to tampering

with, damaging, or preventing of proper operation of direct recording electronic equipment

or tabulating device, as follows:

“21-2-582.

Any person who tampers with or damages any direct recording electronic (DRE) equipment electronic ballot marker or tabulating computer machine or device to be used

or being used at or in connection with any primary or election or who prevents or attempts

to prevent the correct operation of any direct recording electronic (DRE) equipment

electronic ballot marker or tabulating computer machine or device shall be guilty of a

felony.”

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SECTION 29.

Said chapter is further amended by revising Code Section 21-2-582.1, relating to penalty for voting equipment modification, as follows:

"21-2-582.1.

(a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting machine, tabulating machine, optical scanning ballot scan voting system, or direct recording electronic voting system electronic ballot marker.

(b) Any person or entity, including but not limited to a manufacturer or seller of voting equipment, who alters, modifies, or changes any aspect of such voting equipment without prior approval of the Secretary of State is guilty of a felony."

SECTION 30.

Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll workers, as follows:

"21-2-587.

Any poll officer who willfully:

   (1) Makes a false return of the votes cast at any primary or election;

   (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of ballots;

   (3) Registers fraudulent votes upon any voting machine or certifies as correct a return of fraudulent votes cast upon any voting machine Reserved;

   (4) Makes any false entries in the electors list;

   (5) Destroys or alters any ballot, voter's certificate, or electors list;

   (6) Tampers with any voting machine, direct recording electronic (DRE) equipment electronic ballot marker, or tabulating computer machine or device;

   (7) Prepares or files any false voter's certificate not prepared by or for an elector actually voting at such primary or election; or

   (8) Fails to return to the officials prescribed by this chapter, following any primary or election, any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of poll officers, affidavits of electors and others, record of assisted voters, numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots, ballots deposited, written, or affixed in or upon a voting machine, DRE electronic ballot marker or tabulating machine memory cards, or any certificate or any other paper or record required to be returned under this chapter shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years or to pay a fine not to exceed $100,000.00, or both."
SECTION 31.

Said chapter is further amended by revising Code Section 21-2-591, relating to poll officers permitting unlawful assistance to voters, as follows:

"21-2-591.
Any poll officer who permits a voter to be accompanied by another into the voting compartment or voting machine booth when such poll officer knows that the disability which the voter declared at the time of registration no longer exists or that the disability which the voter declared at the time of voting did not exist shall be guilty of a misdemeanor."

SECTION 32.

Section 7 and this section of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. The remaining sections of this Act shall become effective on January 1, 2019.

SECTION 33.

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