

House Bill 316

By: Representatives Fleming of the 121st, Jones of the 47th, Burns of the 159th, Rynders of the 152nd, Watson of the 172nd, 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 definitions; to provide for uniform
3 election equipment in this state; to provide for ballot marking devices and standards and
4 procedures for such devices; to provide for the manner of qualifying presidential elector
5 candidates for independent candidates for the offices of President and Vice President of the
6 United States; to provide for the time for filing evidence of nomination by political body
7 candidates; to clarify the age for voting; to provide for audits of election results and
8 procedures therefor; to revise and clarify procedures for voter registration and list
9 maintenance activities; to authorize the Secretary of State to become a member of a
10 nongovernmental entity for purposes of maintaining electors lists under certain conditions;
11 to provide for minimum requirements and form of information on electronic ballot markers;
12 to provide for confidentiality of certain records and documents; to extend the time period
13 allowing for public comment on precinct realignments; to place time limits on relocation of
14 polling places; to provide for additional sites for a registrar's office or place of registration
15 for absentee ballots; to provide for the delivery of absentee ballots to certain persons in
16 custody; to provide for the manner of processing absentee ballot applications and absentee
17 ballots; to provide a cure for an elector whose absentee ballot was rejected; to provide for the
18 form of absentee ballot oath envelopes; to provide for the time for advance voting and
19 manner and location of advance voting; to provide for assistance in voting; to provide for
20 ease of reading ballots; to provide that a voter identification card is valid until an elector
21 moves out of the county in which it was issued or is no longer eligible to vote; to provide for
22 notification procedures for status of provisional ballots; to provide for the time for certifying
23 elections; to provide for precertification audits; to provide for entitlement to and methods for
24 recounts; to provide for conforming changes; to provide for related matters; to provide for
25 an effective date; to repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

27
28 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
29 elections generally, is amended by revising paragraphs (2), (4.1), and (18) of Code
30 Section 21-2-2, relating to definitions, and adding new paragraphs to read as follows:

31 "(2) 'Ballot marking device' means the cards, paper, or other material placed on the
32 front of a voting machine containing the names of offices and candidates and statements
33 of questions to be voted on a pen, pencil, or similar writing tool, or an electronic device
34 designed for use in marking paper ballots in a manner that is detected as a vote so cast
35 and then counted by ballot scanners.

36 (2.1) 'Ballot scanner' means an electronic recording device which receives an elector's
37 ballot and tabulates the votes on the ballot by its own devices; also known as a 'tabulating
38 machine.'"

39 "(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven
40 unit for casting and counting votes on which an elector touches a video screen or a button
41 adjacent to a video screen to cast his or her vote. Such term shall not encompass ballot
42 marking devices or electronic ballot markers."

43 "(7.1) 'Electronic ballot marker' means an electronic device that does not compute or
44 retain votes; may integrate components such as a ballot scanner, printer, touch screen
45 monitor, audio output, and a navigational keypad; and uses electronic technology to
46 independently and privately mark a paper ballot at the direction of an elector, interpret
47 ballot selections, communicate such interpretation for elector verification, and print an
48 elector verifiable paper ballot."

49 "(18) 'Official ballot' means a ballot, whether paper, mechanical, or electronic, which is
50 furnished by the superintendent or governing authority in accordance with Code
51 Section 21-2-280, including ballots read by optical scanning tabulators that are read by
52 ballot scanners."

53 "(19.1) 'Optical scanning voting system' means a system employing paper ballots on
54 which electors cast votes with a ballot marking device or electronic ballot marker after
55 which votes are counted by ballot scanners."

56 "(32.1) 'Scanning ballot' means a printed paper ballot designed to be marked by an
57 elector with a ballot marking device or electronic ballot marker or a blank sheet of paper
58 designed to be used in a ballot marking device or electronic ballot marker, which is then
59 inserted for casting into a ballot scanner."

60 **SECTION 2.**

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

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

66 **SECTION 3.**

67 Said chapter is further amended by adding a new Code section to read as follows:

68 "21-2-132.1.

69 (a) An independent candidate for the office of President or Vice President of the United
 70 States shall file with the Secretary of State not later than the Friday before the opening of
 71 qualifying for such office as provided in subsection (d) of Code Section 21-2-132 a slate
 72 of candidates for the office of presidential elector which such independent candidate has
 73 certified as being the presidential electors for such independent candidate.

74 (b) The candidates for presidential electors certified by an independent candidate for the
 75 office of President or Vice President of the United States shall then qualify for election to
 76 such office in accordance with Code Section 21-2-132.

77 (c) An independent candidate for the office of President or Vice President of the United
 78 States may certify a number of candidates for the office of presidential elector that is equal
 79 to or less than the number of presidential electors who may be elected from the State of
 80 Georgia."

81 **SECTION 4.**

82 Said chapter is further amended by revising paragraph (5) of subsection (c) of Code
 83 Section 21-2-172, relating to nomination of presidential electors and candidates of political
 84 bodies by convention, as follows:

85 "(5) That a certified copy of the minutes of the convention, attested to by the chairperson
 86 and secretary of the convention, must be filed by the nominee with his or her ~~notice of~~
 87 candidacy nomination petition."

88 **SECTION 5.**

89 Said chapter is further amended by revising subsections (a) and (c) of Code Section
 90 21-2-216, relating to qualifications of electors generally, reregistration of electors purged
 91 from list, eligibility of nonresidents who vote in presidential elections, retention of
 92 qualification for standing as elector, evidence of citizenship, and check of convicted felons
 93 and deceased persons databases, as follows:

94 "(a) No person shall vote in any primary or election held in this state unless such person
95 shall be:

96 (1) Registered as an elector in the manner prescribed by law;

97 (2) A citizen of this state and of the United States;

98 (3) At least 18 years of age on or before the date of the primary or election in which such
99 person seeks to vote;

100 (4) A resident of this state and of the county or municipality in which he or she seeks to
101 vote; and

102 (5) Possessed of all other qualifications prescribed by law."

103 "(c) Any person who possesses the qualifications of an elector except that concerning age
104 shall be permitted to register to vote if such person will acquire such qualification within
105 six months after the day of registration; provided, however, that such person shall not be
106 permitted to vote in a primary or election ~~until the acquisition of all specified qualifications~~
107 unless such person shall be at least 18 years of age on or before the date of the primary or
108 election in which such person seeks to vote."

109 **SECTION 6.**

110 Said chapter is further amended by revising subsections (c) and (d) of Code
111 Section 21-2-220.1, relating to required documentation for voter registration, as follows:

112 "(c) The authenticity of an applicant's Georgia driver's license number, identification card
113 number of an identification card issued pursuant to Article 5 of Chapter 5 of Title 40, or
114 the last four digits of the social security number may be verified by:

115 (1) The board of registrars matching the Georgia driver's license number, identification
116 card number of an identification card issued pursuant to Article 5 of Chapter 5 of
117 Title 40, or the last four digits of the social security number provided by the applicant
118 with the applicant's record on file with the Department of Driver Services or the federal
119 Social Security Administration; or

120 (2) The applicant providing sufficient evidence to the board of registrars to verify the
121 applicant's identity, which sufficient evidence includes, but is not limited to, providing
122 one of the forms of identification listed in subsection (a) of Code Section 21-2-417.

123 Prior to notifying an applicant that his or her identity cannot be verified pursuant to this
124 Code section, the board of registrars shall review the application to ensure that the failure
125 to verify is not the result of a data entry error or other fault of the board of registrars and
126 to ensure that the applicant did not provide sufficient evidence of his or her identity with
127 the application.

128 (d)(1) If a completed voter registration application has been received by the registration
129 deadline set by Code Section 21-2-224 but the Georgia driver's license number, the

130 identification card number of an identification card issued pursuant to Article 5 of
131 Chapter 5 of Title 40, or the last four digits of the social security number provided by the
132 applicant cannot be verified, the applicant shall be notified that the number cannot be
133 verified and that the applicant must provide sufficient evidence to the board of registrars
134 to verify the applicant's identity in order to have his or her application processed by the
135 board of registrars.

136 (2) If the applicant provides such sufficient evidence on or before the date of a primary
137 or election to the board of registrars, absentee ballot clerk, or a poll manager, and if the
138 applicant is found eligible to vote, the applicant shall be added to the list of electors and
139 shall be permitted to vote in the primary or election and any runoff resulting therefrom
140 and subsequent primaries and elections.

141 (3) If the applicant has not provided such sufficient evidence or such number has not
142 otherwise been verified on or before the date of a primary or election, the applicant
143 presenting himself or herself to vote shall be provided a provisional ballot. The
144 provisional ballot shall be counted only if such number is verified by the end of the time
145 period set forth in subsection (c) of Code Section 21-2-419 or if the applicant presents
146 sufficient evidence to the board of registrars to verify the applicant's identity, by the end
147 of the time period set forth in subsection (c) of Code Section 21-2-419.

148 (4) The voter application shall be rejected if the Georgia driver's license number,
149 identification card number of an identification card issued pursuant to Article 5 of
150 Chapter 5 of Title 40, or last four digits of the social security number provided by the
151 applicant is not verified and the applicant fails to present sufficient evidence to the board
152 of registrars to verify the applicant's identity within 26 months following the date of the
153 application. Not less than 30 nor more than 60 days prior to the application being
154 rejected, the board of registrars shall mail a final notice to the applicant that the applicant
155 must provide sufficient evidence to the board of registrars to verify the applicant's
156 identity in order to have his or her application processed by the board of registrars and
157 the deadline to provide such sufficient evidence.

158 (5) This subsection shall not apply to an electronic voter registration application
159 submitted pursuant to Code Section 21-2-221.2."

160 SECTION 7.

161 Said chapter is further amended by revising Code Section 21-2-225, relating to
162 confidentiality of original registration applications, limitations on registration data available
163 for public inspection, and data made available by Secretary of State, by adding a new
164 subsection to read as follows:

165 "(d)(1) The Secretary of State may become a member of a nongovernmental entity whose
 166 purpose is to share and exchange information in order to improve the accuracy and
 167 efficiency of voter registration systems. The membership of the nongovernmental entity
 168 shall be composed solely of election officials of state and territorial governments of the
 169 United States, except that such membership may also include election officials of the
 170 District of Columbia.

171 (2) Notwithstanding any provision of law to the contrary, the Secretary of State may
 172 share confidential and exempt information after becoming a member of such
 173 nongovernmental entity as provided in paragraph (1) of this subsection.

174 (3) The Secretary of State may become a member of such nongovernmental entity only
 175 if such entity is controlled and operated by the participating jurisdictions. The entity shall
 176 not be operated or controlled by the federal government or any other entity acting on
 177 behalf of the federal government. The Secretary of State must be able to withdraw at any
 178 time from any such membership in such nongovernmental entity.

179 (4) If the Secretary of State becomes a member of such nongovernmental entity, the
 180 Department of Driver Services shall, pursuant to an agreement with the Secretary of
 181 State, provide driver's license or identification card information related to voter eligibility
 182 to the Secretary of State for the purpose of sharing and exchanging voter registration
 183 information with such nongovernmental entity.

184 (5) Notwithstanding any law to the contrary, upon the Secretary of State becoming a
 185 member of a nongovernmental entity as provided in this subsection, information received
 186 by the Secretary of State from the nongovernmental entity is exempt from disclosure
 187 under Article 4 of Chapter 18 of Title 50 and any other provision of law. However, the
 188 Secretary of State may provide such information to the boards of registrars to conduct
 189 voter registration list maintenance activities."

190 **SECTION 8.**

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

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

201 ballot clerk ~~whose vote is cast on a DRE unit must~~ shall be made prior to such person's
 202 voting."

203 **SECTION 9.**

204 Said chapter is further amended by revising subsection (c) of Code Section 21-2-231, relating
 205 to lists of persons convicted of felonies, persons identified as noncitizens, persons declared
 206 mentally incompetent, and deceased persons provided to Secretary of State and Council of
 207 Superior Court Clerks, removal of names from list of electors, obtain information about
 208 persons who died, timing, and list of inactive voters provided to Council of Superior Court
 209 Clerks, as follows:

210 "(c)(1) Upon receipt of the lists described in subsections ~~(a)~~; (a.1)₂ and (b) of this Code
 211 section ~~and the lists of persons convicted of felonies in federal courts received pursuant~~
 212 ~~to 42 U.S.C. Section 1973gg-6(g)~~, the Secretary of State shall transmit the names of such
 213 persons whose names appear on the list of electors to the appropriate county board of
 214 registrars who shall remove all such names from the list of electors and shall mail a notice
 215 of such action and the reason therefor to the last known address of such persons by
 216 first-class mail.

217 (2) Upon receipt of the list described in subsection (a) of this Code section ~~and the lists~~
 218 ~~of persons convicted of felonies in federal courts received pursuant to 52 U.S.C.~~
 219 ~~Section 20507(g)~~, the Secretary of State shall transmit the names of such persons whose
 220 names appear on the lists of electors to the appropriate county board of registrars who
 221 shall mail a notice to the last known address of each such person by first-class mail,
 222 stating that the board of registrars has received information that such person has been
 223 convicted of a felony and will be removed from the list of electors 30 days after the date
 224 of the notice unless such person requests a hearing before the board of registrars on such
 225 removal."

226 **SECTION 10.**

227 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating
 228 to removal of elector's name from list of electors, as follows:

229 "(b)(1) ~~When an elector of this state moves to another county or state and registers to~~
 230 ~~vote and the registration officials send a notice of cancellation reflecting the registration~~
 231 ~~of the elector in the other county or state, the Secretary of State or the board of registrars,~~
 232 ~~as the case may be, shall remove such elector's name from the list of electors. It shall not~~
 233 ~~be necessary to send a confirmation notice to the elector in such circumstances. When~~
 234 an elector of this state moves to another state and registers to vote and the registration
 235 officials in such state send a notice of cancellation reflecting the registration of the elector

236 in the other state, which includes a copy of such elector's voter registration application
 237 bearing the elector's signature, the Secretary of State or the board of registrars, as the case
 238 may be, shall remove such elector's name from the list of electors. It shall not be
 239 necessary to send a confirmation notice to the elector in such circumstances.

240 (2) When an elector of this state moves to another state and the registration officials in
 241 such other state or a nongovernmental entity as described in subsection (d) of Code
 242 Section 21-2-225 sends a notice of cancellation or other information indicating that the
 243 elector has moved to such state but such notice or information does not include a copy
 244 of such elector's voter registration application in such other state bearing the elector's
 245 signature, the Secretary of State or the board of registrars, as the case may be, shall send
 246 a confirmation notice to the elector as provided in Code Section 21-2-234."

247 **SECTION 11.**

248 Said chapter is further amended by revising subsection (a) of Code Section 21-2-234, relating
 249 to electors who have failed to vote and with whom there has been no contact in three years,
 250 confirmation notice requirements and procedure, and time for completion of list maintenance
 251 activities, as follows:

252 "(a)(1) As used in this Code section and Code Section 21-2-235, the term 'no contact'
 253 shall mean that the elector has not filed an updated voter registration card, has not filed
 254 a change of name or address, has not signed a petition which is required by law to be
 255 verified by the election superintendent of a county or municipality or the Secretary of
 256 State, has not signed a voter's certificate, has not submitted an absentee ballot application
 257 or voted an absentee ballot, and has not confirmed the elector's continuation at the same
 258 address during the preceding ~~three~~ five calendar years.

259 (2) In the first six months of each odd-numbered year, the Secretary of State shall
 260 identify all electors whose names appear on the list of electors with whom there has been
 261 no contact during the preceding ~~three~~ five calendar years and who were not identified as
 262 changing addresses under Code Section 21-2-233. The confirmation notice described in
 263 this Code section shall be sent to each such elector during each odd-numbered year. Such
 264 notices shall be sent by forwardable, first-class mail."

265 **SECTION 12.**

266 Said chapter is further amended by revising subsection (b) of Code Section 21-2-235, relating
 267 to inactive list of electors, as follows:

268 "(b) An elector placed on the inactive list of electors shall remain on such list until the day
 269 after the second November general election held after the elector is placed on the inactive
 270 list of electors. If the elector makes no contact, as defined in Code Section 21-2-234,

271 during that period, the elector shall be removed from the inactive list of electors. Not less
 272 than 30 nor more than 60 days prior to the date on which the elector is to be removed from
 273 the inactive list of electors, the board of registrars shall mail a notice to the address on the
 274 elector's registration record."

275 **SECTION 13.**

276 Said chapter is further amended by revising subsection (c) of Code Section 21-2-262, relating
 277 to investigation as to division, redivision, alteration, formation, or consolidation of precincts
 278 and petition of electors or board of registrars, as follows:

279 "(c) Upon the presentation of any such petition by the board of registrars or upon the filing
 280 by the board of its report and recommendations as to any investigation presented under
 281 subsection (a) of this Code section, the superintendent may make such order for the
 282 division, redivision, alteration, formation, or consolidation of precincts as will, in the
 283 superintendent's opinion, promote the convenience of electors and the public interests;
 284 provided, however, that the superintendent shall not make any final order for the division,
 285 redivision, alteration, formation, or consolidation of precincts until at least ~~ten~~ 30 days after
 286 notice of such change shall have been advertised in the legal organ of the county. A copy
 287 of such notice shall be immediately submitted to the Secretary of State. Such notice shall
 288 state briefly the division, redivision, alteration, formation, or consolidation of precincts
 289 recommended by the board of registrars and the date upon which the same will be
 290 considered by the superintendent and shall contain a warning that any person objecting
 291 thereto must file his or her objections with the superintendent prior to such date. Upon the
 292 making of any such final order by the superintendent, a copy thereof shall be certified by
 293 the superintendent to the board of registrars."

294 **SECTION 14.**

295 Said chapter is further amended by revising Code Section 21-2-265, relating to duty of
 296 superintendent to select polling places, change, petition objecting to proposed change, space
 297 for political parties holding primaries, facilities for disabled voters, and selection of polling
 298 place outside precinct to better serve voters, by adding a new subsection to read as follows:

299 "(f) A polling place shall not be changed on a day in which a primary, election, or runoff
 300 is held, or during the 60 day period prior to any general primary or general election or
 301 runoff from such primary or election, nor shall a polling place be changed in the 30 day
 302 period prior to any special primary or special election or runoff from such special primary
 303 or special election, except, in the discretion of the superintendent, when an emergency or
 304 event occurs during such time period which renders the polling place unavailable for use
 305 at such general primary, general election, special primary, special election, or runoff."

306

SECTION 15.

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

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

334

SECTION 16.

335 Said chapter is further amended in subsection (b) of Code Section 21-2-286, relating to
 336 printing specifications, numbering, and binding of ballots, by adding a new paragraph to read
 337 as follows:

338 "(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the
 339 Secretary of State to ensure ease of reading by electors."

340

SECTION 17.

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

343 "21-2-293.

344 (a) If the election superintendent discovers that a mistake or omission has occurred in the
345 printing of official ballots or in the programming of the display of the official ballot on
346 DRE voting equipment or electronic ballot markers for any primary or election, the
347 superintendent is authorized on his or her own motion to take such steps as necessary to
348 correct such mistake or omission if the superintendent determines that such correction is
349 feasible and practicable under the circumstances; provided, however, that the
350 superintendent gives at least 24 ~~hours~~ hours' notice to the Secretary of State and any
351 affected candidates of the mistake or omission prior to making such correction.

352 (b) When it is shown by affidavit that a mistake or omission has occurred in the printing
353 of official ballots or in the programming of the display of the official ballot on DRE voting
354 equipment or electronic ballot markers for any primary or election, the superior court of
355 the proper county may, upon the application of any elector of the county or municipality,
356 require the superintendent to correct the mistake or omission or to show cause why he or
357 she should not do so."

358

SECTION 18.

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

362 ~~"(a)(1) The Provided that the General Assembly specifically appropriates funding to the~~
363 ~~Secretary of State to implement this subsection, the~~ equipment used for casting and
364 counting votes in county, state, and federal elections shall, ~~by the July, 2004, primary~~
365 ~~election and afterwards,~~ be the same in each county in this state and shall be provided to
366 each county by the state, as determined by the Secretary of State.

367 (2) As soon as possible, once such equipment is certified by the Secretary of State as safe
368 and practicable for use, all federal, state, and county general primaries and general
369 elections as well as special primaries and special elections in the State of Georgia shall
370 be conducted with the use of scanning ballots marked by electronic ballot markers and
371 tabulated by using ballot scanners for voting at the polls and for absentee ballots cast in
372 person, unless otherwise authorized by law.

373 (3) The state shall furnish a uniform system of electronic ballot markers and ballot
374 scanners for use in each county as soon as possible. At its own expense, the governing
375 authority of a county may purchase, lease, or otherwise acquire additional electronic

376 ballot markers and ballot scanners of the type furnished by the state, if the governing
 377 authority so desires. Additionally, at its own expense, the governing authority of a
 378 municipality may choose to acquire its own electronic ballot markers and ballot scanners
 379 by purchase, lease, or other procurement process.

380 (4) Notwithstanding any provision of law to the contrary, the Secretary of State is
 381 authorized to conduct pilot programs to test and evaluate the use of electronic ballot
 382 markers and ballot scanners in primaries and elections in this state."

383 **SECTION 19.**

384 Said chapter is further amended by revising paragraph (5) of Code Section 21-2-365, relating
 385 to requirements for use of optical scanning voting systems, as follows:

386 "~~(5) An optical scanning tabulator~~ A ballot scanner shall preclude the counting of votes
 387 for any candidate or upon any question for whom or upon which an elector is not entitled
 388 to vote; shall preclude the counting of votes for more persons for any office than he or
 389 she is entitled to vote for; and shall preclude the counting of votes for any candidate for
 390 the same office or upon any question more than once;"

391 **SECTION 20.**

392 Said chapter is further amended by revising Code Section 21-2-367, relating to installation
 393 of systems, number of systems, and good working order, as follows:

394 "21-2-367.

395 (a) When the use of optical scanning voting systems has been authorized in the manner
 396 prescribed in this part, such optical scanning voting systems shall be installed, either
 397 simultaneously or gradually, within the county or municipality. Upon the installation of
 398 optical scanning voting systems in any precinct, the use of paper ballots or other voting
 399 machines or apparatus therein shall be discontinued, except as otherwise provided by this
 400 chapter.

401 (b) In each precinct in which optical scanning voting systems are used, the county or
 402 municipal governing authority, as appropriate, shall provide at least one voting booth or
 403 enclosure for each ~~200~~ 250 electors therein, or fraction thereof.

404 ~~Optical scanning voting systems of different kinds may be used for different precincts~~
 405 ~~in the same county or municipality~~ Reserved.

406 (d) The county or municipal governing authority, as appropriate, shall provide optical
 407 scanning voting systems in good working order and of sufficient capacity to accommodate
 408 the names of a reasonable number of candidates for all party offices and nominations and
 409 public offices which, under the provisions of existing laws and party rules, are likely to be
 410 voted for at any future primary or election."

411 **SECTION 21.**

412 Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating
 413 to printing of ballots and arrangement, as follows:

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

419 **SECTION 22.**

420 Said chapter is further amended by revising Code Section 21-2-372, relating to ballot
 421 description, as follows:

422 "21-2-372.

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

428 **SECTION 23.**

429 Said chapter is further amended by revising subsections (a) and (b) of Code
 430 Section 21-2-374, relating to proper programming, proper order, testing, and supplies, as
 431 follows:

432 "21-2-374.

433 (a) The superintendent of each county or municipality shall order the proper programming
 434 to be placed in each ~~tabulator~~ ballot scanner used in any precinct or central tabulating
 435 location.

436 (b) On or before the third day preceding a primary or election, including special primaries,
 437 special elections, and referendum elections, the superintendent shall have the ~~optical~~
 438 ~~scanning tabulators~~ ballot scanners tested to ascertain that they will correctly count the
 439 votes cast for all offices and on all questions. Public notice of the time and place of the test
 440 shall be made at least five days prior thereto; provided, however, that, in the case of a
 441 runoff, the public notice shall be made at least three days prior thereto. Representatives of
 442 political parties and bodies, candidates, news media, and the public shall be permitted to
 443 observe such tests. The test shall be conducted by processing a preaudited group of ballots
 444 so marked as to record a predetermined number of valid votes for each candidate and on
 445 each question and shall include for each office one or more ballots which are improperly

446 marked and one or more ballots which have votes in excess of the number allowed by law
 447 in order to test the ability of the ~~optical scanning tabulator~~ ballot scanner to reject such
 448 votes. The ~~optical scanning tabulator~~ ballot scanner shall not be approved unless it
 449 produces an errorless count. If any error is detected, the cause therefor shall be ascertained
 450 and corrected; and an errorless count shall be made before the ~~tabulator~~ ballot scanner is
 451 approved. The superintendent shall cause the pretested ~~tabulators~~ ballot scanners to be
 452 placed at the various polling places to be used in the primary or election. The
 453 superintendent shall require that each ~~optical scanning tabulator~~ ballot scanner be
 454 thoroughly tested and inspected prior to each primary and election in which it is used and
 455 shall keep such tested material as certification of an errorless count on each ~~tabulator~~ ballot
 456 scanner. In counties using central count ~~optical scanning tabulators~~ ballot scanners, the
 457 same test shall be repeated immediately before the start of the official count of the ballots
 458 and at the conclusion of such count. Precinct ~~tabulators~~ ballot scanners shall produce a
 459 zero tape prior to any ballots being inserted on the day of any primary or election."

460 **SECTION 24.**

461 Said chapter is further amended by revising Code Section 21-2-375, relating to delivery of
 462 equipment to polling places, protection for equipment, and required accessories, as follows:
 463 "21-2-375.

464 (a) In counties using precinct count ~~optical scanning tabulators~~ ballot scanners, the
 465 superintendent shall deliver the proper ~~optical scanning tabulator~~ ballot scanner to the
 466 polling places at least one hour before the time set for opening of the polls at each primary
 467 or election and shall cause each to be set up in the proper manner for use in voting.

468 (b) The superintendent shall provide ample protection against molestation of and injury
 469 to the ~~optical scanning tabulator~~ ballot scanner and, for that purpose, shall call upon any
 470 law enforcement officer to furnish such assistance as may be necessary; and it shall be the
 471 duty of the law enforcement officer to furnish such assistance when so requested by the
 472 superintendent.

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

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

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

- 480 (3) Ensure that the precinct count ~~optical scanning tabulator~~ ballot scanner shall have a
 481 seal securing the memory pack in use throughout the election day; such seal shall not be
 482 broken unless the ~~tabulator~~ ballot scanner is replaced due to malfunction; and
 483 (4) Provide such other materials and supplies as may be necessary or as may be required
 484 by law."

485 **SECTION 25.**

486 Said chapter is further amended by revising Code Section 21-2-377, relating to custody and
 487 storage when not in use, as follows:

488 "21-2-377.

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

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

495 **SECTION 26.**

496 Said chapter is further amended in Article 9, relating to voting machines and vote recorders
 497 generally, by adding a new part to read as follows:

498 "Part 6

499 21-2-379.21.

500 Each polling place in this state utilizing optical scanning voting systems shall be equipped
 501 with at least one electronic ballot marker that meets the requirements as set forth in this
 502 part that is accessible to individuals with disabilities.

503 21-2-379.22.

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

506 (1) Provide facilities for marking ballots for all candidates and for all referendums or
 507 questions for which the elector shall be entitled to vote in a primary or election;

508 (2) Permit each elector, in one operation, to mark a vote for presidential electors for all
 509 the candidates of one party or body for the office of presidential elector;

510 (3) Permit each elector to mark votes, at any election, for any person and for any office
 511 for whom and for which he or she is lawfully entitled to vote, whether or not the name

512 of such person or persons appears as a candidate for election; to mark votes for as many
 513 persons for an office as he or she is entitled to vote for; and to mark votes for or against
 514 any question upon which he or she is entitled to vote;

515 (4) Preclude the marking of votes for any candidate or upon any question for whom or
 516 upon which an elector is not entitled to vote; preclude the marking of votes for more
 517 persons for any office than the elector is entitled to vote for; and preclude the marking of
 518 votes for any candidate for the same office or upon any question more than once;

519 (5) Permit voting in absolute secrecy so that no person can see or know any other
 520 elector's votes, except when he or she has assisted the elector in voting, as prescribed by
 521 law;

522 (6) Be constructed of good quality material in a neat and workmanlike manner;

523 (7) When properly operated, mark correctly and accurately every vote cast;

524 (8) Be so constructed that an elector may readily learn the method of operating it; and

525 (9) Be safely transportable.

526 21-2-379.23.

527 (a) The ballot display information and appearance on an electronic ballot marker shall
 528 conform as nearly as practicable to Code Sections 21-2-379.4 and 21-2-379.5.

529 (b) The form and arrangement of ballots marked and printed by an electronic ballot marker
 530 shall be prescribed by the Secretary of State.

531 (c) Notwithstanding any other law to the contrary, ballots marked and printed by an
 532 electronic ballot marker shall, at a minimum, contain:

533 (1) The words 'OFFICIAL BALLOT';

534 (2) The name and date of the election;

535 (3) The titles of the respective offices for which the elector is eligible to vote;

536 (4) Words identifying the proposed constitutional amendments or other questions for
 537 which the elector is eligible to vote;

538 (5) The name of the candidate or the answer to the proposed constitutional amendment
 539 or other question for which the elector intends to vote; and

540 (6) Clear indication that the elector has not marked a vote for any particular office,
 541 constitutional amendment, or other question.

542 21-2-379.24.

543 (a) Any person or organization owning, manufacturing, or selling, or being interested in
 544 the manufacture or sale of, any electronic ballot marker may request that the Secretary of
 545 State examine the device. Any ten or more electors of this state may, at any time, request
 546 that the Secretary of State reexamine any such device previously examined and approved

547 by him or her. Before any such examination or reexamination, the person, persons, or
548 organization requesting such examination or reexamination shall pay to the Secretary of
549 State the reasonable expenses of such examination or reexamination. The Secretary of
550 State shall publish and maintain on his or her website the cost of such examination or
551 reexamination. The Secretary of State may, at any time, in his or her discretion, reexamine
552 any such device.

553 (b) The Secretary of State shall thereupon examine or reexamine such device and shall
554 make and file in his or her office a report, attested by his or her signature and the seal of
555 his or her office, stating whether, in his or her opinion, the kind of device so examined can
556 be safely and accurately used by electors at primaries and elections as provided in this
557 chapter. If this report states that the device can be so used, the device shall be deemed
558 approved, and devices of its kind may be adopted for use at primaries and elections as
559 provided in this chapter.

560 (c) Any device that is not so approved shall not be used at any primary or election and if,
561 upon reexamination, a previously approved device appears to be no longer safe or accurate
562 for use by electors at primaries or elections as provided in this chapter because of an
563 inability to accurately record votes, the approval of the same shall immediately be revoked
564 by the Secretary of State, and no such device shall thereafter be used or purchased for use
565 in this state.

566 (d) Any vendor who completes a sale of an electronic ballot marker that has not been
567 certified by the Secretary of State to a governmental body in this state shall be subject to
568 a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs
569 and expenses incurred by the governmental body in connection with the sale. The State
570 Election Board shall have the authority to impose such penalty upon a finding that such a
571 sale has occurred.

572 (e) When a device has been so approved, no improvement or change that does not impair
573 its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval
574 of such device, or of its kind.

575 (f) Neither the Secretary of State, nor any custodian, nor the governing authority of any
576 county or municipality or a member of such governing authority nor any other person
577 involved in the examination process shall have any pecuniary interest in any device or in
578 the manufacture or sale thereof.

579 (g) Documents or information that, if made public, would endanger the security of any
580 voting system used or being considered for use in this state, or any component thereof,
581 including, but not limited to, electronic ballot markers, DREs, ballot scanners, pollbooks,
582 and software or databases used for voter registration, shall not be open for public inspection
583 except upon order of a court of competent jurisdiction.

584 21-2-379.25.

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

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

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

611 21-2-379.26.

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

614 (b) The superintendent shall store the devices and related equipment under his or her
615 supervision or shall designate another person or entity to provide secure storage of such
616 devices and related equipment when it is not in use at a primary or election. The
617 superintendent shall provide compensation for the safe storage and care of such devices and
618 related equipment if the devices and related equipment are stored by another person or
619 entity."

SECTION 27.

620
621 Said chapter is further amended by revising subparagraph (a)(1)(D) and subsection (b) of
622 Code Section 21-2-381, relating to making of application for absentee ballot, determination
623 of eligibility by ballot clerk, furnishing of applications to colleges and universities, and
624 persons entitled to make application, as follows:

625 “(D) Except in the case of physically disabled electors residing in the county or
626 municipality or electors in custody in a jail or other detention facility in the county or
627 municipality, no absentee ballot shall be mailed to an address other than the permanent
628 mailing address of the elector as recorded on the elector's voter registration record or
629 a temporary out-of-county or out-of-municipality address.”

630 “(b)(1) Upon receipt of a timely application for an absentee ballot, a registrar or absentee
631 ballot clerk shall enter thereon the date received. The registrar or absentee ballot clerk
632 shall determine, in accordance with the provisions of this chapter, if the applicant is
633 eligible to vote in the primary or election involved. In order to be found eligible to vote
634 an absentee ballot by mail, the registrar or absentee ballot clerk shall compare the
635 identifying information on the application with the information on file in the registrar's
636 office and, if the application is signed by the elector, compare the signature or mark of
637 the elector on the application with the signature or mark of the elector on the elector's
638 voter registration card. In order to be found eligible to vote an absentee ballot in person
639 at the registrar's office or absentee ballot clerk's office, such person shall show one of the
640 forms of identification listed in Code Section 21-2-417 and the registrar or absentee ballot
641 clerk shall compare the identifying information on the application with the information
642 on file in the registrar's office.

643 (2) If found eligible, the registrar or absentee ballot clerk shall certify by signing in the
644 proper place on the application and then:

645 (A) Shall mail the ballot as provided in this Code section;

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

651 (C) May deliver the ballot in person to the elector if such elector is confined to a
652 hospital.

653 (3) If found ineligible, the clerk or the board of registrars shall deny the application by
654 writing the reason for rejection in the proper space on the application and shall promptly
655 notify the applicant in writing of the ground of ineligibility, a copy of which notification
656 should be retained on file in the office of the board of registrars or absentee ballot clerk

657 for at least one year. However, an absentee ballot application shall not be rejected due
 658 to an apparent mismatch between the signature of the elector on the application and the
 659 signature of the elector on file with the board of registrars. In such cases, the board of
 660 registrars or absentee ballot clerk shall send the elector a provisional absentee ballot with
 661 the designation 'Provisional Ballot' on the outer oath envelope and information prepared
 662 by the Secretary of State as to the process to be followed to cure the signature
 663 discrepancy. If such ballot is returned to the board of registrars or absentee ballot clerk
 664 prior to the closing of the polls on the day of the primary or election, the elector may cure
 665 the signature discrepancy by submitting an affidavit to the board of registrars or absentee
 666 ballot clerk along with a copy of one of the forms of identification enumerated in
 667 subsection (c) of Code Section 21-2-417 before the close of the period for verifying
 668 provisional ballots contained in subsection (c) of Code Section 21-2-419. If the board of
 669 registrars or absentee ballot clerk finds the affidavit and identification to be sufficient, the
 670 absentee ballot shall be counted as other absentee ballots. If the board of registrars or
 671 absentee ballot clerk finds the affidavit and identification to be insufficient, then the
 672 procedure contained in Code Section 21-2-386 shall be followed for rejected absentee
 673 ballots.

674 (4) If the registrar or clerk is unable to determine the identity of the elector from
 675 information given on the application, the registrar or clerk should promptly write to
 676 request additional information.

677 (5) In the case of an unregistered applicant who is eligible to register to vote, the clerk
 678 or the board shall immediately mail a blank registration card as provided by Code Section
 679 21-2-223, and such applicant, if otherwise qualified, shall be deemed eligible to vote by
 680 absentee ballot in such primary or election, if the registration card, properly completed,
 681 is returned to the clerk or the board on or before the last day for registering to vote in
 682 such primary or election. If the closing date for registration in the primary or election
 683 concerned has not passed, the clerk or registrar shall also mail a ballot to the applicant,
 684 as soon as it is prepared and available; and the ballot shall be cast in such primary or
 685 election if returned to the clerk or board not later than the close of the polls on the day of
 686 the primary or election concerned."

687 **SECTION 28.**

688 Said chapter is further amended by revising subsection (a) of Code Section 21-2-382, relating
 689 to additional sites as additional registrar's office or place of registration for absentee ballots,
 690 as follows:

691 "(a) Any other provisions of this chapter to the contrary notwithstanding, the board of
 692 registrars may establish additional sites as additional registrar's offices or places of

693 registration for the purpose of receiving absentee ballots under Code Section 21-2-381 and
 694 for the purpose of voting absentee ballots under Code Section 21-2-385, provided that any
 695 such site is a branch of the county courthouse, a courthouse annex, a government service
 696 center providing general government services, ~~or~~ another government building generally
 697 accessible to the public, or a location that is used as an election day polling place,
 698 notwithstanding that such location is not a government building."

699 **SECTION 29.**

700 Said chapter is further amended in Code Section 21-2-383, relating to preparation and
 701 delivery of ballots, form of ballots, and casting ballot in person using DRE unit, by adding
 702 a subsection to read as follows:

703 "(c) Notwithstanding any other provision of this Code section to the contrary, in
 704 jurisdictions in which electronic ballot markers are used in the polling places on election
 705 day, such electronic ballot markers shall be used for casting absentee ballots in person at
 706 a registrar's or absentee ballot clerk's office or in accordance with Code Section 21-2-382,
 707 providing for additional sites."

708 **SECTION 30.**

709 Said chapter is further amended by revising subsections (b) and (e) and paragraph (1) of
 710 subsection (c) of Code Section 21-2-384, relating to preparation and delivery of supplies,
 711 mailing of ballots, oath of absentee electors and persons assisting absentee electors, master
 712 list of ballots sent, challenges, and electronic transmission of ballots, as follows:

713 "(b) Except for ballots voted within the confines of the registrar's or absentee ballot clerk's
 714 office, in addition to the mailing envelope addressed to the elector, the superintendent,
 715 board of registrars, or absentee ballot clerk shall provide two envelopes for each official
 716 absentee ballot, of such size and shape as shall be determined by the Secretary of State, in
 717 order to permit the placing of one within the other and both within the mailing envelope.
 718 On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed
 719 the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two
 720 envelopes to be enclosed within the mailing envelope shall be printed the form of oath of
 721 the elector and the oath for persons assisting electors, as provided for in Code Section
 722 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573, 21-2-579,
 723 and 21-2-599 for violations of oaths; and on the face of such envelope shall be printed the
 724 name and address of the board of registrars or absentee ballot clerk. The larger of the two
 725 envelopes shall also display the elector's name and voter registration number. The mailing
 726 envelope addressed to the elector shall contain the two envelopes, the official absentee
 727 ballot, the uniform instructions for the manner of preparing and returning the ballot, in

728 form and substance as provided by the Secretary of State, provisional absentee ballot
 729 information, if necessary, and a notice in the form provided by the Secretary of State of all
 730 withdrawn, deceased, and disqualified candidates and any substitute candidates pursuant
 731 to Code Sections 21-2-134 and 21-2-155 and nothing else. The uniform instructions shall
 732 include information specific to the voting system used for absentee voting concerning the
 733 effect of overvoting or voting for more candidates than one is authorized to vote for a
 734 particular office and information concerning how the elector may correct errors in voting
 735 the ballot before it is cast including information on how to obtain a replacement ballot if
 736 the elector is unable to change the ballot or correct the error.

737 (c)(1) The oaths referred to in subsection (b) of this Code section shall be in substantially
 738 the following form:

739 I, the undersigned, do swear (or affirm) that I am a citizen of the United States and of
 740 the State of Georgia; ~~that my residence address, for voting purposes, is _____~~
 741 ~~County, Georgia~~; that I possess the qualifications of an elector required by the laws of
 742 the State of Georgia; that I am entitled to vote in the precinct containing my residence
 743 in the primary or election in which this ballot is to be cast; that I am eligible to vote by
 744 absentee ballot; that I have not marked or mailed any other absentee ballot, nor will I
 745 mark or mail another absentee ballot for voting in such primary or election; nor shall
 746 I vote therein in person; and that I have read and understand the instructions
 747 accompanying this ballot; and that I have carefully complied with such instructions in
 748 completing this ballot. I understand that the offer or acceptance of money or any other
 749 object of value to vote for any particular candidate, list of candidates, issue, or list of
 750 issues included in this election constitutes an act of voter fraud and is a felony under
 751 Georgia law.

752 _____
 753 ~~Elector's Residence Address~~

754 _____
 755 ~~Year of Elector's Birth~~

756 _____
 757 Signature or Mark of Elector

758 _____
 759 Printed Name of Elector

760 Oath of Person Assisting Elector (if any):

761 I, the undersigned, do swear (or affirm) that I assisted the above-named elector in
 762 marking such elector's absentee ballot as such elector personally communicated such

763 elector's preference to me; and that such elector is entitled to receive assistance in
 764 voting under provisions of subsection (a) of Code Section 21-2-409.

765 This, the _____ day of _____, _____.

766 _____
 767 Signature of Person Assisting
 768 Elector = Relationship
 769 _____
 770 Printed Name of Person
 771 Assisting Elector

772 Reason for assistance (Check appropriate square):

- 773 Elector is unable to read the English language.
- 774 Elector requires assistance due to physical disability.

775 The forms upon which such oaths are printed shall contain the following information:
 776 ~~Georgia law provides, in subsection (b) of Code Section 21-2-409, that no person~~
 777 ~~shall assist more than ten electors in any primary, election, or runoff in which there~~
 778 ~~is no federal candidate on the ballot.~~

779 Georgia law ~~further~~ provides that any person who knowingly falsifies information so
 780 as to vote illegally by absentee ballot or who illegally gives or receives assistance in
 781 voting, as specified in Code Section 21-2-568 or 21-2-573, shall be guilty of a felony."

782 "(e) The State Election Board shall by rule or regulation establish procedures for the
 783 transmission of blank absentee ballots by mail and by electronic transmission for all
 784 electors who are entitled to vote by absentee ballot under the federal Uniformed and
 785 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C.
 786 Section 20302, et seq., as amended, and by which such electors may designate whether the
 787 elector prefers the transmission of such ballots by mail or electronically, for use in county,
 788 state, and federal primaries, elections, and runoffs in this state and, if the Secretary of State
 789 finds it to be feasible, for use in municipal primaries, elections, and runoffs. If no
 790 preference is stated, the ballot shall be transmitted by mail. The State Election Board shall
 791 by rule or regulation establish procedures to ensure to the extent practicable that the
 792 procedures for transmitting such ballots shall protect the security and integrity of such
 793 ballots and shall ensure that the privacy of the identity and other personal data of such
 794 electors who are entitled to vote by absentee ballot under the federal Uniformed and
 795 Overseas Citizens Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C.
 796 Section 20302, et seq., as amended, to whom a blank absentee ballot is transmitted under
 797 this Code section is protected throughout the process of such transmission."

798

SECTION 31.

799 Said chapter is further amended by revising Code Section 21-2-385, relating to procedure for
800 voting by absentee ballot and advance voting, as follows:

801 "21-2-385.

802 (a) At any time after receiving an official absentee ballot, but before the day of the primary
803 or election, except electors who are confined to a hospital on the day of the primary or
804 election, the elector shall vote his or her absentee ballot, then fold the ballot and enclose
805 and securely seal the same in the envelope on which is printed 'Official Absentee Ballot.'
806 This envelope shall then be placed in the second one, on which is printed the form of the
807 oath of the elector; the name, ~~relationship~~, and oath of the person assisting, if any; and
808 other required identifying information. The elector shall then fill out, subscribe, and swear
809 to the oath printed on such envelope. Such envelope shall then be securely sealed and the
810 elector shall then personally mail or personally deliver same to the board of registrars or
811 absentee ballot clerk, provided that mailing or delivery by a physically disabled elector
812 may be made by any adult person upon satisfactory proof that such adult person is such the
813 elector's mother, father, grandparent, aunt, uncle, brother, sister, spouse, son, daughter,
814 niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
815 brother-in-law, sister-in-law, or an individual residing in the household of such disabled
816 elector. The absentee ballot of a disabled elector may be mailed or delivered by the
817 caregiver of such disabled elector, regardless of whether such caregiver resides in such
818 disabled elector's household. The absentee ballot of an elector who is in custody in a jail
819 or other detention facility may be mailed or delivered by any employee of such jail or
820 facility having custody of such elector. An elector who is confined to a hospital on a
821 primary or election day to whom an absentee ballot is delivered by the registrar or absentee
822 ballot clerk shall then and there vote the ballot, seal it properly, and return it to the registrar
823 or absentee ballot clerk. If the elector registered to vote for the first time in this state by
824 mail and has not previously provided the identification required by Code Section 21-2-220
825 and votes for the first time by absentee ballot and fails to provide the identification required
826 by Code Section 21-2-220 with such absentee ballot, such absentee ballot shall be treated
827 as a provisional ballot and shall be counted only if the registrars are able to verify the
828 identification and registration of the elector during the time provided pursuant to Code
829 Section 21-2-419.

830 (b) A physically disabled or illiterate elector may receive assistance in preparing his or her
831 ballot from ~~one of the following: any elector who is qualified to vote in the same county~~
832 ~~or municipality as the disabled or illiterate elector; an attendant care provider or a person~~
833 ~~providing attendant care; or the mother, father, grandparent, aunt, uncle, brother, sister,~~
834 ~~spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law,~~

835 ~~mother-in-law, father-in-law, brother-in-law, or sister-in-law of the disabled or illiterate~~
 836 ~~elector any person of the elector's choice other than such elector's employer or the agent~~
 837 ~~of such employer or an officer or agent of such elector's union; provided, however, that no~~
 838 ~~person whose name appears on the ballot as a candidate at a particular primary, election,~~
 839 ~~or runoff nor the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son,~~
 840 ~~daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,~~
 841 ~~father-in-law, brother-in-law, or sister-in-law of such candidate shall offer assistance~~
 842 ~~during such primary, election, or runoff under the provisions of this Code section to any~~
 843 ~~elector who is not related to such candidate. For the purposes of this subsection, the term~~
 844 ~~'related to such candidate' shall mean such candidate's mother, father, grandparent, aunt,~~
 845 ~~uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law,~~
 846 ~~daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law. The person~~
 847 rendering assistance to the elector in preparing the ballot shall sign the oath printed on the
 848 same envelope as the oath to be signed by the elector. ~~If the disabled or illiterate elector~~
 849 ~~is sojourning outside his or her own county or municipality, a notary public of the~~
 850 ~~jurisdiction may give such assistance and shall sign the oath printed on the same envelope~~
 851 ~~as the oath to be signed by the elector. No person shall assist more than ten such electors~~
 852 ~~in any primary, election, or runoff in which there is no federal candidate on the ballot. Any~~
 853 person who willfully violates this subsection shall be guilty of a felony and, upon
 854 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 855 ten years or to pay a fine not to exceed \$100,000.00, or both, for each such violation.

856 (c) When an elector applies in person for an absentee ballot, after the absentee ballots have
 857 been printed, the absentee ballot may be issued to the elector at the time of the application
 858 therefor within the confines of the registrar's or absentee ballot clerk's office if such
 859 application is made during the advance voting period as provided in subsection (d) of this
 860 Code section or may be mailed to the elector, depending upon the elector's request. If the
 861 ballot is issued to the elector at the time of application, the elector shall then and there
 862 within the confines of the registrar's or absentee ballot clerk's office vote and return the
 863 absentee ballot as provided in subsections (a) and (b) of this Code section. In the case of
 864 persons voting in accordance with subsection (d) of this Code section, the board of
 865 registrars or absentee ballot clerk shall furnish accommodations to the elector to ensure the
 866 privacy of the elector while voting his or her absentee ballot.

867 (d)(1) There shall be a period of advance voting that shall commence:

- 868 (A) On the fourth Monday immediately prior to each primary or election;
- 869 (B) On the fourth Monday immediately prior to a runoff from a general primary;
- 870 (C) On the fourth Monday immediately prior to a runoff from a general election in
- 871 which there are candidates for a federal office on the ballot in the runoff; and

872 (D) As soon as possible prior to a runoff from any other general election in which there
 873 are only state or county candidates on the ballot in the runoff but no later than the
 874 second Monday immediately prior to such runoff

875 and shall end on the Friday immediately prior to each primary, election, or runoff.
 876 Voting shall be conducted during normal business hours on weekdays during such period
 877 and shall be conducted on the second Saturday prior to a primary or election during the
 878 hours of 9:00 A.M. through 4:00 P.M.; provided, however, that in primaries and elections
 879 in which there are no federal or state candidates on the ballot, no Saturday voting hours
 880 shall be required; and provided, further, that, if such second Saturday is a public and legal
 881 holiday pursuant to Code Section 1-4-1, if such second Saturday follows a public and
 882 legal holiday occurring on the Thursday or Friday immediately preceding such second
 883 Saturday, or if such second Saturday immediately precedes a public and legal holiday
 884 occurring on the following Sunday or Monday, such advance voting shall not be held on
 885 such second Saturday but shall be held on the third Saturday prior to such primary or
 886 election. Except as otherwise provided in this paragraph, counties and municipalities
 887 may extend the hours for voting beyond regular business hours and may provide for
 888 additional voting locations pursuant to Code Section 21-2-382 to suit the needs of the
 889 electors of the jurisdiction at their option.

890 (2) The registrars or absentee ballot clerk, as appropriate, shall provide reasonable notice
 891 to the electors of their jurisdiction of the availability of advance voting as well as the
 892 times, dates, and locations at which advance voting will be conducted. In addition, the
 893 registrars or absentee ballot clerk shall notify the Secretary of State in the manner
 894 prescribed by the Secretary of State of the times, dates, and locations at which advance
 895 voting will be conducted."

896 **SECTION 32.**

897 Said chapter is further amended by revising subparagraphs (a)(1)(C) and (a)(1)(D) of Code
 898 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
 899 rejection of ballot, delivery of ballots to manager, duties of managers, precinct returns, and
 900 notification of challenged elector, as follows:

901 "(C) If the elector has failed to sign the oath, or if the signature does not appear to be
 902 valid, or if the elector has failed to furnish required information or information so
 903 furnished does not conform with that on file in the registrar's or clerk's office, or if the
 904 elector is otherwise found disqualified to vote, the registrar or clerk shall write across
 905 the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars
 906 or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of
 907 which notification shall be retained in the files of the board of registrars or absentee

908 ballot clerk for at least two years. Such elector shall have until the end of the period for
 909 verifying provisional ballots contained in subsection (c) of Code Section 21-2-419 to
 910 cure the problem resulting in the rejection of the ballot. The elector may cure a failure
 911 to sign the oath, an invalid signature, or missing information by submitting an affidavit
 912 to the board of registrars or absentee ballot clerk along with a copy of one of the forms
 913 of identification enumerated in subsection (c) of Code Section 21-2-417 before the
 914 close of such period. The affidavit shall affirm that the ballot was submitted by the
 915 elector, is the elector's ballot, and that the elector is registered and qualified to vote in
 916 the primary, election, or runoff in question. If the board of registrars or absentee ballot
 917 clerk finds the affidavit and identification to be sufficient, the absentee ballot shall be
 918 counted.

919 (D) An elector who registered to vote by mail, but did not comply with subsection (c)
 920 of Code Section 21-2-220, and who votes for the first time in this state by absentee
 921 ballot shall include with his or her application for an absentee ballot or in the outer oath
 922 envelope of his or her absentee ballot either one of the forms of identification listed in
 923 subsection (a) of Code Section 21-2-417 or a copy of a current utility bill, bank
 924 statement, government check, paycheck, or other government document that shows the
 925 name and address of such elector. If such elector does not provide any of the forms of
 926 identification listed in this subparagraph with his or her application for an absentee
 927 ballot or with the absentee ballot, such absentee ballot shall be deemed to be a
 928 provisional ballot and such ballot shall only be counted if the registrars are able to
 929 verify current and valid identification of the elector as provided in this subparagraph
 930 within the time period for verifying provisional ballots pursuant to Code
 931 Section 21-2-419. The board of registrars or absentee ballot clerk shall promptly notify
 932 the elector that such ballot is deemed a provisional ballot and shall provide information
 933 on the types of identification needed and how and when such identification is to be
 934 submitted to the board of registrars or absentee ballot clerk to verify the ballot."

935 **SECTION 33.**

936 Said chapter is further amended by revising Code Section 21-2-387, relating to pilot program
 937 for electronic handling of absentee ballots, requirements for pilot program, reporting, and
 938 termination of pilot program, as follows:

939 "21-2-387.

940 (a) The Secretary of State ~~shall~~ is authorized to develop and implement a pilot program for
 941 the electronic transmission, receipt, and counting of absentee ballots by persons who are
 942 entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens
 943 Absentee Voting Act, ~~42 U.S.C. Section 1973ff~~ 52 U.S.C. Section 20302, et seq., as

944 amended, for use in a ~~primary or a general election~~ county, state, and federal primaries;
945 elections; and runoffs in this state and, if the Secretary of State finds it to be feasible, for
946 use in municipal primaries, elections, and runoffs.

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

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

950 (2) The authentication of such information;

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

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

954 (5) The prevention of the casting of multiple ballots by the same elector in a primary,
955 election, or runoff;

956 (6) The prevention of any tampering, abuse, fraudulent use, or illegal manipulation of
957 such system;

958 (7) The uninterrupted reliability of such system for casting ballots by qualified voters;

959 (8) The capability of the elector to determine if the electronic transmission of the ballot
960 was successful;

961 (9) The ability to audit such ballots and to verify that such ballots were properly counted;
962 and

963 (10) The ability to verify that the information transmitted over the secure network was
964 not viewed or altered by sites that lie between the voting location and the vote counting
965 destination.

966 (c) The Secretary of State shall develop procedures by which persons who are eligible to
967 utilize the ~~pilot~~ program to vote shall be notified of its availability and the procedures and
968 methods for its utilization.

969 (d) The provisions of this article shall apply to ballots requested, transmitted, voted,
970 received, and counted under this pilot program as nearly as practicable, but the Secretary
971 of State and the State Election Board shall be authorized to vary such provisions by rule
972 or regulation as necessary to accomplish the goals of this pilot program, provided that such
973 variances shall retain and maintain the same degree of security and integrity of such ballots
974 as provided by this article although in different forms or formats as necessitated by the
975 technology utilized in such pilot program. The Secretary of State and the State Election
976 Board are authorized to promulgate such rules and regulations as necessary to implement
977 the provisions of this Code section and to provide for such variances to this article as
978 needed pursuant to this subsection.

979 (e) The Secretary of State shall review the results of the pilot program and shall provide
980 the members of the General Assembly with a comprehensive report no later than 90 days

981 following the primary or general election in which such pilot program is used on the
 982 effectiveness of such pilot program with any recommendations for its continued use and
 983 any needed changes in such program for future primaries and elections.

984 (f) The pilot program shall be used in the first primary or general election following:

985 (1) The inclusion in the Appropriations Act of a specific line item appropriation for
 986 funding of such pilot program or a determination by the Secretary of State that there is
 987 adequate funding through public or private funds, or a combination of public and private
 988 funds, to conduct the pilot program; provided, however, that no funds shall be accepted
 989 from registered political parties or political bodies for this purpose; and

990 (2) Certification by the Secretary of State that such pilot program is feasible and can be
 991 implemented for such primary or general election.

992 (g) This Code section shall be repealed by operation of law on July 1 of the year following
 993 the conclusion of the pilot program.

994 (h) The Secretary of State is authorized to develop and utilize a pilot program for the
 995 electronic transmission, receipt, and counting of absentee ballots by electors who are
 996 disabled with the same minimum requirements as specified in subsection (b) of this Code
 997 section."

998 **SECTION 34.**

999 Said chapter is further amended by revising Code Section 21-2-388, relating to cancellation
 1000 of absentee ballots of electors who are present in election precinct during primaries and
 1001 elections, as follows:

1002 "21-2-388.

1003 When an absentee ballot which has been voted shall be returned to and received by the
 1004 board of registrars, it shall be deemed to have been voted then and there; and no other
 1005 ballot shall be issued to the same elector. If an elector has requested to vote by absentee
 1006 ballot and has not received such absentee ballot, has such ballot in his or her possession,
 1007 has not yet returned such ballot, or has returned such ballot but the registrars have not
 1008 received such ballot, such elector may have the absentee ballot canceled and vote in person
 1009 on the day of the primary, election, or runoff in one of the following ways:

1010 (1) If the elector is in possession of the ballot, by surrendering the absentee ballot to the
 1011 poll manager of the precinct in which the elector's name appears on the electors list and
 1012 then being permitted to vote the regular ballot. The poll manager shall mark 'Canceled'
 1013 and the date and time across the face of the absentee ballot and shall initial same. The
 1014 poll manager shall also make appropriate notations beside the name of the elector on the
 1015 electors list. All such canceled absentee ballots shall be returned with other ballots to the
 1016 superintendent; or

1017 (2) If the elector has not received the ballot, has not yet returned the ballot, or if the
 1018 elector has returned the ballot but the registrars have not received the ballot, by appearing
 1019 in person before the managers of the elector's precinct, the registrars, or the absentee
 1020 ballot clerk and requesting in writing that the envelope containing the elector's absentee
 1021 ballot be marked 'Canceled.' After having satisfied themselves as to the identity of such
 1022 elector and confirming that the elector's absentee ballot has not yet been received by the
 1023 board of registrars, the registrars or the absentee ballot clerk shall grant the request and
 1024 shall notify the managers of the elector's precinct as to such action so as to permit the
 1025 elector to vote in person in that precinct. If the absentee ballot is in the mail, has not yet
 1026 been returned, or its exact location is unknown, the registrar or the absentee ballot clerk
 1027 shall write 'Canceled' beside the elector's name on the master list of absentee voters and
 1028 shall cancel the ballot itself as soon as it is received. If the location of the requested
 1029 absentee ballot is known to the elector and it has not been surrendered to the poll
 1030 manager, the elector shall destroy the absentee ballot after casting his or her vote in
 1031 person. Canceled absentee ballots shall be disposed of in the same manner as provided
 1032 in subsection (a) of Code Section 21-2-386 for absentee ballots returned too late to be
 1033 cast."

1034

SECTION 35.

1035 Said chapter is further amended by revising subsection (b) of Code Section 21-2-409, relating
 1036 to assisting electors who cannot read English or who have disabilities, as follows:

1037 ~~"(b)(1) In elections in which there is a federal candidate on the ballot, any~~ Any elector who
 1038 is entitled to receive assistance in voting under this Code section shall be permitted by the
 1039 managers to select any person of the elector's choice except such elector's employer or
 1040 agent of that employer or officer or agent of such elector's union:

1041 ~~(2) In all other elections, any elector who is entitled to receive assistance in voting under~~
 1042 ~~this Code section shall be permitted by the managers to select:~~

1043 ~~(A) Any elector, except a poll officer or poll watcher, who is a resident of the precinct~~
 1044 ~~in which the elector requiring assistance is attempting to vote; or~~

1045 ~~(B) The mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter,~~
 1046 ~~niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,~~
 1047 ~~brother-in-law, sister-in-law, or attendant care provider of the elector entitled to receive~~
 1048 ~~assistance~~

1049 to enter the voting compartment or booth with him or her to assist in voting, such
 1050 assistance to be rendered inside the voting compartment or booth. ~~No person shall assist~~
 1051 ~~more than ten such electors in any primary, election, or runoff covered by this paragraph.~~

1052 No person whose name appears on the ballot as a candidate at a particular election nor

1053 the mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece,
 1054 nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law,
 1055 brother-in-law, or sister-in-law of that candidate shall offer assistance during that
 1056 particular election under the provisions of this Code section to any voter who is not
 1057 related to such candidate. For the purposes of this paragraph, 'related to such candidate'
 1058 shall mean the candidate's mother, father, grandparent, aunt, uncle, sister, brother, spouse,
 1059 son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law,
 1060 father-in-law, brother-in-law, or sister-in-law."

1061 **SECTION 36.**

1062 Said chapter is further amended by revising subsection (e) of Code Section 21-2-413, relating
 1063 to conduct of voters, campaigners, and others at polling places generally, as follows:

1064 "(e) No person shall use photographic or other electronic monitoring or recording devices,
 1065 cameras, or cellular telephones while such person is in a polling place while voting is
 1066 taking place; provided, however, that a poll manager, in his or her discretion, may allow
 1067 the use of photographic devices in the polling place under such conditions and limitations
 1068 as the election superintendent finds appropriate, and provided, further, that no photography
 1069 shall be allowed of a ballot or the face of a voting machine or DRE unit or electronic ballot
 1070 marker while an elector is voting such ballot or machine or DRE unit or using such
 1071 electronic ballot marker, and no photography shall be allowed of an electors list, electronic
 1072 electors list, or the use of an electors list or electronic electors list. This subsection shall
 1073 not prohibit the use of photographic or other electronic monitoring or recording devices,
 1074 cameras, or cellular telephones by poll officials for official purposes."

1075 **SECTION 37.**

1076 Said chapter is further amended by revising subsection (f) of Code Section 21-2-417.1,
 1077 relating to voter identification cards, as follows:

1078 "(f) A Georgia voter identification card shall remain valid so long as a person resides at
 1079 in the same address county and remains qualified to vote. It shall be the duty of a person
 1080 who moves his or her residence within the State of Georgia outside of the county in which
 1081 it was issued to surrender his or her card to the board of registrars of the county of his or
 1082 her new residence; and such person may after such surrender apply for and receive a new
 1083 card if such person is otherwise eligible under this Code section. It shall be the duty of a
 1084 person who moves his or her residence outside the State of Georgia or who ceases to be
 1085 qualified to vote to surrender his or her card to the board of registrars by which it was
 1086 issued."

1087 **SECTION 38.**

1088 Said chapter is further amended by revising subsection (e) of Code Section 21-2-418, relating
 1089 to provisional ballots, as follows:

1090 "(e) The registrars shall establish a free access system, such as a toll-free telephone number
 1091 or ~~Internet~~ internet website, by which any elector who casts a provisional ballot in a
 1092 primary or election, or runoff of either, in which federal candidates are on the ballot may
 1093 ascertain whether such ballot was counted and, if such ballot was not counted, the reason
 1094 why such ballot was not counted. The registrars shall establish and maintain reasonable
 1095 procedures necessary to protect the security, confidentiality, and integrity of personal
 1096 information collected, stored, or otherwise used by such free access system. Access to such
 1097 information about an individual provisional ballot shall be restricted to the elector who cast
 1098 such ballot. At the earliest time possible after the casting of a provisional ballot, the
 1099 election superintendent shall notify the Secretary of State that an elector cast a provisional
 1100 ballot, whether such ballot was counted, and, if such ballot was not counted, the reason
 1101 why such ballot was not counted."

1102 **SECTION 39.**

1103 Said chapter is further amended by revising Code Section 21-2-419, relating to validation of
 1104 provisional ballots and reporting to Secretary of State, as follows:

1105 "21-2-419.

1106 (a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the
 1107 county or municipality ~~for mail-in absentee ballots~~. Such provisional ballot shall be sealed
 1108 in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the
 1109 person casting such ballot in a secure, sealed ballot box.

1110 (b) At the earliest time possible after the casting of a provisional ballot, but no later than
 1111 the day after the primary or election in which such provisional ballot was cast, the board
 1112 of registrars of the county or municipality, as the case may be, shall be notified by the
 1113 election superintendent that provisional ballots were cast in the primary or election and the
 1114 registrars shall be provided with the documents completed by the person casting the
 1115 provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be
 1116 securely maintained by the election superintendent until a determination has been made
 1117 concerning their status. The board of registrars shall immediately examine the information
 1118 contained on such documents and make a good faith effort to determine whether the person
 1119 casting the provisional ballot was entitled to vote in the primary or election. Such good
 1120 faith effort shall include a review of all available voter registration documentation,
 1121 including registration information made available by the electors themselves and
 1122 documentation of modifications or alterations of registration data showing changes to an

1123 elector's registration status. Additional sources of information may include, but are not
 1124 limited to, information from the Department of Driver Services, Department of Family and
 1125 Children Services, Department of Natural Resources, public libraries, or any other agency
 1126 of government including, but not limited to, other county election and registration offices.

1127 (c)(1) If the registrars determine after the polls close, but not later than three days
 1128 following the primary or election, that the person casting the provisional ballot timely
 1129 registered to vote and was eligible and entitled to vote in such primary or election, the
 1130 registrars shall notify the election superintendent and the provisional ballot shall be
 1131 counted and included in the county's or municipality's certified election results.

1132 (2) If the registrars determine after the polls close, but not later than three days following
 1133 the primary or election, that the person voting the provisional ballot timely registered and
 1134 was eligible and entitled to vote in the primary or election but voted in the wrong
 1135 precinct, then the board of registrars shall notify the election superintendent. The
 1136 superintendent shall count such person's votes which were cast for candidates in those
 1137 races for which the person was entitled to vote but shall not count the votes cast for
 1138 candidates in those races in which such person was not entitled to vote. The
 1139 superintendent shall order the proper election official at the tabulating center or precinct
 1140 to prepare an accurate duplicate ballot containing only those votes cast by such person
 1141 in those races in which such person was entitled to vote for processing at the tabulating
 1142 center or precinct, which shall be verified in the presence of a witness. Such duplicate
 1143 ballot shall be clearly labeled with the word 'Duplicate,' shall bear the designation of the
 1144 polling place, and shall be given the same serial number as the original ballot. The
 1145 original ballot shall be retained.

1146 (3) If the registrars determine that the person casting the provisional ballot did not timely
 1147 register to vote or was not eligible or entitled to vote in such primary or election or shall
 1148 be unable to determine within three days following such primary or election whether such
 1149 person timely registered to vote and was eligible and entitled to vote in such primary or
 1150 election, the registrars shall so notify the election superintendent and such ballot shall not
 1151 be counted. The election superintendent shall mark or otherwise document that such
 1152 ballot was not counted and shall deliver and store such ballots with all other ballots and
 1153 election materials as provided in Code Section 21-2-500.

1154 (d)(1) ~~The~~ At the earliest time possible after a determination is made regarding a
 1155 provisional ballot, the board of registrars shall notify in writing those persons whose
 1156 provisional ballots were not counted that their ballots were not counted because of the
 1157 inability of the registrars to verify that the persons timely registered to vote or other
 1158 proper reason. The registrars shall process the official voter registration form completed

1159 by such persons pursuant to Code Section 21-2-418 and shall add such persons to the
1160 electors list if found qualified.

1161 (2) ~~The~~ At the earliest time possible after a determination is made regarding a
1162 provisional ballot, the board of registrars shall notify in writing those electors who voted
1163 in the wrong precinct and whose votes were partially counted of their correct precinct.

1164 (e) The board of registrars shall complete a report in a form designated by the Secretary
1165 of State indicating the number of provisional ballots cast and counted in the primary or
1166 election."

1167 **SECTION 40.**

1168 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee
1169 ballots for precincts using optical scanning voting equipment, as follows:

1170 "21-2-482.

1171 Ballots in a precinct using optical scanning voting equipment for ~~use~~ voting by absentee
1172 electors shall be prepared sufficiently in advance by the superintendent and shall be
1173 delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots
1174 shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots
1175 required by Article 8 of this chapter, except that in counties or municipalities using voting
1176 machines, direct recording electronic (DRE) units, or ~~optical~~ ballot scanners, the ballots
1177 may be in substantially the form for the ballot labels required by Article 9 of this chapter
1178 or in such form as will allow the ballot to be machine tabulated. Every such ballot shall
1179 have printed on the face thereof the following:

1180 'I understand that the offer or acceptance of money or any other object of value to vote
1181 for any particular candidate, list of candidates, issue, or list of issues included in this
1182 election constitutes an act of voter fraud and is a felony under Georgia law.'

1183 The form for either ballot shall be determined and prescribed by the Secretary of State."

1184 **SECTION 41.**

1185 Said chapter is further amended by revising subsection (k) of Code Section 21-2-493, relating
1186 to computation, canvassing, and tabulation of returns, investigation of discrepancies in vote
1187 counts, recount procedure, certification of returns, and change in returns, as follows:

1188 "(k) As the returns from each precinct are read, computed, and found to be correct or
1189 corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until
1190 all the returns from the various precincts which are entitled to be counted shall have been
1191 duly recorded; then they shall be added together, announced, and attested by the assistants
1192 who made and computed the entries respectively and shall be signed by the superintendent.

1193 The consolidated returns shall then be certified by the superintendent in the manner

1194 required by this chapter. Such returns shall be certified by the superintendent not later than
 1195 5:00 P.M. on the ~~Monday~~ second Friday following the date on which such election was
 1196 held and such returns shall be immediately transmitted to the Secretary of State; provided,
 1197 however, that such certification date may be extended by the Secretary of State in his or
 1198 her discretion if necessary to complete a precertification audit as provided in Code
 1199 Section 21-2-498."

1200

SECTION 42.

1201 Said chapter is further amended by revising subsections (a) and (c) of Code
 1202 Section 21-2-495, relating to procedure for recount or recanvass of votes and losing
 1203 candidate's right to a recount, and adding new subsections to read as follows:

1204 "(a) In precincts where paper ballots or scanning ballots have been used, the superintendent
 1205 may, either of his or her own motion or upon petition of any candidate or political party,
 1206 order the recount of all the ballots for a particular precinct or precincts for one or more
 1207 offices in which it shall appear that a discrepancy or error, although not apparent on the
 1208 face of the returns, has been made. Such recount may be held at any time prior to the
 1209 certification of the consolidated returns by the superintendent and shall be conducted under
 1210 the direction of the superintendent. Before making such recount, the superintendent shall
 1211 give notice in writing to each candidate and to the county or municipal chairperson of each
 1212 party or body affected by the recount. Each such candidate may be present in person or by
 1213 representative, and each such party or body may send two representatives to be present at
 1214 such recount. If upon such recount, it shall appear that the original count by the poll
 1215 officers was incorrect, such returns and all papers being prepared by the superintendent
 1216 shall be corrected accordingly."

1217 "(c)(1) Whenever the difference between the number of votes received by a candidate
 1218 who has been declared nominated for an office in a primary election or who has been
 1219 declared elected to an office in an election or who has been declared eligible for a run-off
 1220 primary or election and the number of votes received by any other candidate or
 1221 candidates not declared so nominated or elected or eligible for a runoff shall be not more
 1222 than one-half of 1 percent of the total votes which were cast for such office therein, any
 1223 such candidate or candidates receiving a sufficient number of votes so that the difference
 1224 between his or her vote and that of a candidate declared nominated, elected, or eligible
 1225 for a runoff is not more than one-half of 1 percent of the total votes cast, within a period
 1226 of two business days following the certification of the election results, shall have the right
 1227 to a recount of the votes cast, if such request is made in writing by the losing candidate.
 1228 If the office sought is a federal or state office voted upon by the electors of more than one
 1229 county, the request shall be made to the Secretary of State who shall direct that the

1230 recount be performed in all counties in which electors voted for such office and notify the
 1231 superintendents of the several counties involved of the request. In all other cases, the
 1232 request shall be made to the superintendent. The superintendent or superintendents shall
 1233 order a recount of such votes to be made immediately. If, upon such recount, it is
 1234 determined that the original count was incorrect, the returns and all papers prepared by
 1235 the superintendent, the superintendents, or the Secretary of State shall be corrected
 1236 accordingly and the results recertified.

1237 (2) Whenever the difference between the number of votes for approval or rejection of a
 1238 constitutional amendment or binding referendum question shall be not more than one-half
 1239 of 1 percent of the total votes which were cast on such amendment or question therein,
 1240 within a period of two business days following the certification of the election results, the
 1241 Constitutional Amendments Publication Board shall be authorized in its discretion to call
 1242 for a recount of the votes cast with regard to such amendment or question. In the case of
 1243 a constitutional amendment or state-wide referendum question or a question voted upon
 1244 by the electors of more than one county, the board shall direct the Secretary of State to
 1245 cause a recount to be performed with regard to such amendment or question in all
 1246 counties involved and notify the superintendents of the recount. In the case of questions
 1247 voted upon by the electors of only one county or municipality, the board shall direct the
 1248 Secretary of State to cause a recount to be conducted by the county or municipality
 1249 involved and the Secretary of State shall notify the superintendent involved of the
 1250 recount. Upon notification, the superintendent or superintendents shall order a recount
 1251 of such votes to be made immediately. If, upon such recount, it is determined that the
 1252 original count was incorrect, the returns and all papers prepared by the superintendent,
 1253 the superintendents, or the Secretary of State shall be corrected accordingly and the
 1254 results recertified."

1255 "(e) The State Election Board shall be authorized to promulgate rules, regulations, and
 1256 procedures to implement and administer the provisions of this Code section."

1257 **SECTION 43.**

1258 Said chapter is further amended by revising Code Section 21-2-498, which was previously
 1259 reserved, as follows:

1260 "21-2-498.

1261 (a) As soon as possible, the local election superintendents shall conduct precertification
 1262 audits for any federal or state general election in accordance with requirements set forth by
 1263 rule or regulation of the State Election Board.

1264 (b) In conducting each audit, the local election superintendents shall:

1265 (1) Complete the audit prior to final certification of the contest;

- 1266 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
 1267 absentee ballot, advance voting, provisional ballot, or otherwise;
- 1268 (3) Provide a report of the unofficial final tabulated vote results for the contest to the
 1269 public prior to conducting the audit;
- 1270 (4) Complete the audit in public view; and
- 1271 (5) Provide details of the audit to the public within 48 hours of completion.
- 1272 (c) The State Election Board shall be authorized to promulgate rules, regulations, and
 1273 procedures to implement and administer the provisions of this Code section.
- 1274 (d) The Secretary of State shall conduct a risk-limiting audit pilot program with a risk limit
 1275 of not greater than 10 percent in one or more counties by December 31, 2021. The
 1276 Secretary of State shall review the results of the pilot program and shall provide the
 1277 members of the General Assembly with a comprehensive report no later than 90 days
 1278 following the election in which such pilot program is used. Such report shall include an
 1279 implementation plan on how to implement risk-limiting audits statewide. Reserved."

1280 **SECTION 44.**

1281 Said chapter is further amended by revising subsection (b) of Code Section 21-2-499, relating
 1282 to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state
 1283 and federal officers and certification of presidential electors by Governor, as follows:

1284 "(b) The Secretary of State shall also, upon receiving the certified returns for presidential
 1285 electors, proceed to tabulate, compute, and canvass the votes cast for each slate of
 1286 presidential electors and shall immediately lay them before the Governor. Not later than
 1287 5:00 P.M. on the ~~fourteenth~~ seventeenth day following the date on which such election was
 1288 conducted, the Secretary of State shall certify the votes cast for all candidates described in
 1289 subparagraph (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the
 1290 electors of more than one county and shall no later than that same time lay the returns for
 1291 presidential electors before the Governor. The Governor shall enumerate and ascertain the
 1292 number of votes for each person so voted and shall certify the slates of presidential electors
 1293 receiving the highest number of votes. The Governor shall certify the slates of presidential
 1294 electors no later than 5:00 P.M. on the ~~fifteenth~~ eighteenth day following the date on which
 1295 such election was conducted. Notwithstanding the deadlines specified in this Code section,
 1296 such times may be altered for just cause by an order of a judge of superior court of this
 1297 state."

1298 **SECTION 45.**

1299 Said chapter is further amended by revising paragraph (8) of Code Section 21-2-566, relating
 1300 to interference with primaries and elections generally, as follows:

1301 "(8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 1302 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic
 1303 ballot marker, or tabulating machine"

1304 **SECTION 46.**

1305 Said chapter is further amended by revising paragraph (3) of Code Section 21-2-579, relating
 1306 to fraudulently allowing ballot or voting machine to be seen, casting unofficial ballot, and
 1307 receiving unauthorized assistance in voting, as follows:

1308 "(3) Without having made the affirmation under oath or declaration required by Code
 1309 Section 21-2-409, or when the disability which he or she declared at the time of
 1310 registration no longer exists, permits another to accompany him or her into the voting
 1311 compartment or voting machine booth or to mark his or her ballot or to register his or her
 1312 vote on the voting machine or direct recording electronic (DRE) equipment or use an
 1313 electronic ballot marker; or"

1314 **SECTION 47.**

1315 Said chapter is further amended by revising Code Section 21-2-580, relating to tampering
 1316 with, damaging, improper preparation of, or prevention of proper operation of voting
 1317 machines, as follows:

1318 "21-2-580.

1319 Any person who:

1320 (1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot
 1321 marker or tabulating machine to be used or being used at any primary or election;

1322 (2) Willfully prepares a voting machine or an electronic ballot marker or tabulating
 1323 machine for use in a primary or election in improper order for voting; or

1324 (3) Prevents or attempts to prevent the correct operation of such electronic ballot marker
 1325 or tabulating machine or voting machine

1326 shall be guilty of a felony."

1327 **SECTION 48.**

1328 Said chapter is further amended by revising Code Section 21-2-582, relating to tampering
 1329 with, damaging, or preventing of proper operation of direct recording electronic equipment
 1330 or tabulating device, as follows:

1331 "21-2-582.

1332 Any person who tampers with or damages any direct recording electronic (DRE)
 1333 equipment or electronic ballot marker or tabulating computer machine or device to be used
 1334 or being used at or in connection with any primary or election or who prevents or attempts

1335 to prevent the correct operation of any direct recording electronic (DRE) equipment or
 1336 electronic ballot marker or tabulating ~~computer~~ machine or device shall be guilty of a
 1337 felony."

1338 **SECTION 49.**

1339 Said chapter is further amended by revising Code Section 21-2-582.1, relating to penalty for
 1340 voting equipment modification, as follows:

1341 "21-2-582.1.

1342 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting
 1343 machine, tabulating machine, optical scanning voting system, ~~or~~ direct recording electronic
 1344 voting system, or electronic ballot marker.

1345 (b) Any person or entity, including, but not limited to, a manufacturer or seller of voting
 1346 equipment, who alters, modifies, or changes any aspect of such voting equipment without
 1347 prior approval of the Secretary of State is guilty of a felony."

1348 **SECTION 50.**

1349 Said chapter is further amended by revising Code Section 21-2-587, relating to frauds by poll
 1350 workers, as follows:

1351 "21-2-587.

1352 Any poll officer who willfully:

1353 (1) Makes a false return of the votes cast at any primary or election;

1354 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of
 1355 ballots;

1356 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
 1357 of fraudulent votes cast upon any voting machine;

1358 (4) Makes any false entries in the electors list;

1359 (5) Destroys or alters any ballot, voter's certificate, or electors list;

1360 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment,
 1361 electronic ballot marker, or tabulating ~~computer~~ machine or device;

1362 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
 1363 voting at such primary or election; or

1364 (8) Fails to return to the officials prescribed by this chapter, following any primary or
 1365 election, any keys of a voting machine; ballot box; general or duplicate return sheet;
 1366 tally paper; oaths of poll officers; affidavits of electors and others; record of assisted
 1367 voters; numbered list of voters; electors list; voter's certificate; spoiled and canceled
 1368 ballots; ballots deposited, written, or affixed in or upon a voting machine; DRE,

1369 electronic ballot marker, or tabulating machine memory cards; or any certificate or any
1370 other paper or record required to be returned under this chapter
1371 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
1372 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
1373 or both."

1374 **SECTION 51.**

1375 This Act shall become effective upon its approval by the Governor or upon its becoming law
1376 without such approval.

1377 **SECTION 52.**

1378 All laws and parts of laws in conflict with this Act are repealed.