

The Senate Committee on Ethics offered the following substitute to SB 62:

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 elections and primaries generally, so as to provide that the name and designation of the  
3 precinct appears on every ballot; to provide for the use of overt, covert, and forensic level  
4 security elements on ballots; to provide for the storage and retention of absentee ballots by  
5 precinct with secure chain of custody; to provide for high security end to end secure supply  
6 chain for ballots using a secure print facility, restricted security inks, restricted ink markers,  
7 and verification devices for the security elements on ballots; to provide for a turn key supply  
8 chain delivery system of ballots including secure storage, packaging, shipping, training,  
9 auditing, reports, and analytics of all processes involving ballots; to provide for the manner  
10 of handling and processing ballots requiring duplication for processing; to provide for the  
11 maintenance of certain lists of absentee voters; to provide for related matters; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
16 primaries generally, is amended by revising subsection (a) of Code Section 21-2-284, relating

17 to form of official primary ballot and attestation regarding receiving value in exchange for  
18 vote, as follows:

19 "(a) In each primary separate official ballots shall be prepared for the political party  
20 holding the primary. At the top of each ballot shall be printed in prominent type the words  
21 'OFFICIAL PRIMARY BALLOT OF \_\_\_\_\_ PARTY FOR,' followed by the  
22 name and designation of the precinct for which it is prepared and the name and date of the  
23 primary."

24

## SECTION 2.

25 Said chapter is further amended by revising Code Section 21-2-284.1, relating to form of  
26 ballot in nonpartisan municipal primaries, as follows:

27 "21-2-284.1.

28 In the case of nonpartisan municipal primaries, the form of the official nonpartisan primary  
29 ballot shall conform insofar as practicable to the form of the official primary ballot as  
30 detailed in Code Section 21-2-284, including the printing of the name and designation of  
31 the precinct on the top of the ballot, except that:

32 (1) The following shall be printed at the top of each ballot in prominent type:

33 'OFFICIAL NONPARTISAN PRIMARY BALLOT OF

34

\_\_\_\_\_

35

(Name of Municipality)';

36 (2) There shall be no name or designation of any political organization nor any words,  
37 designation, or emblems descriptive of a candidate's political affiliation printed under or  
38 after any candidate's name which is printed on the ballot; and

39 (3) The incumbency of a candidate seeking election for the public office he or she then  
40 holds shall be indicated on the ballot."

41

**SECTION 3.**

42 Said chapter is further amended by revising subsection (a) of Code Section 21-2-285, relating  
43 to form of official election ballot, attestation on receipt of benefit in exchange for vote, and  
44 when an election is not required, as follows:

45 "(a) At the top of each ballot for an election shall be printed in prominent type the words  
46 'OFFICIAL BALLOT,' followed by the name and designation of the precinct for which it  
47 is prepared and the name and date of the election."

48

**SECTION 4.**

49 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of  
50 ballot in nonpartisan elections, run-off election, and declaration of prevailing candidate as  
51 duly elected, as follows:

52 "21-2-285.1.

53 The names of all candidates for offices which the General Assembly has by general law or  
54 local Act provided for election in a nonpartisan election shall be printed on each official  
55 primary ballot; and insofar as practicable such offices to be filled in the nonpartisan  
56 election shall be separated from the names of candidates for party nomination to other  
57 offices by being listed last on each ballot, with the top of that portion of each official  
58 primary ballot relating to the nonpartisan election to have printed in prominent type the  
59 words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a  
60 ballot that contains just the official nonpartisan election ballot available for electors who  
61 choose not to vote in a party primary. Such ballot shall have printed at the top the name  
62 and designation of the precinct. Directions that explain how to cast a vote, how to write  
63 in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall  
64 appear immediately under the caption, as specified by rule or regulation of the State  
65 Election Board. Immediately under the directions, the name of each such nonpartisan  
66 candidate shall be arranged alphabetically by last name under the title of the office for

67 which they are candidates and be printed thereunder. The incumbency of a candidate  
68 seeking election for the public office he or she then holds shall be indicated on the ballot.  
69 No party designation or affiliation shall appear beside the name of any candidate for  
70 nonpartisan office. An appropriate space shall also be placed on the ballot for the casting  
71 of write-in votes for such offices. In the event that no candidate in such nonpartisan  
72 election receives a majority of the total votes cast for such office, there shall be a  
73 nonpartisan election runoff between the candidates receiving the two highest numbers of  
74 votes; and the names of such candidates shall be placed on the official ballot at the general  
75 primary runoff in the same manner as prescribed in this Code section for the nonpartisan  
76 election and there shall be a separate official nonpartisan election runoff ballot for those  
77 electors who do not choose or are not eligible to vote in the general primary runoff. Such  
78 ballot shall have printed at the top the name and designation of the precinct. In the event  
79 that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot  
80 shall be as prescribed by the Secretary of State or election superintendent in essentially the  
81 same format as prescribed for the nonpartisan election, including the name and designation  
82 of the precinct. The candidate having a majority of the votes cast in the nonpartisan  
83 election or the candidate receiving the highest number of votes cast in the nonpartisan  
84 election runoff shall be declared duly elected to such office."

85

**SECTION 5.**

86 Said chapter is further amended by revising paragraph (3) of subsection (b) of Code  
87 Section 21-2-286, relating to printing specifications, numbering, and binding of ballots, as  
88 follows:

89 "(3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the  
90 Secretary of State to ensure ease of reading by electors, provided that each ballot shall  
91 have the name and designation of the precinct printed at the top."

92

**SECTION 6.**

93 Said chapter is further amended by revising Code Section 21-2-287, relating to form of  
94 absentee ballot, as follows:

95 "21-2-287.

96 The form for the absentee ballot shall be in substantially the same form as the official  
97 ballots used in the precincts, except it shall be printed with only the name stub and without  
98 a number strip and ~~may~~ shall have the precinct name and designation printed or stamped  
99 thereon."

100

**SECTION 7.**

101 Said chapter is further amended in Article 8, relating to voting by ballot, by adding a new  
102 Code section to read as follows:

103 "21-2-295.

104 Every ballot used in primaries and elections in this state, including paper ballots, ballots  
105 used in optical scanning voting systems, and ballots produced by electronic ballot markers  
106 shall have overt, covert, and forensic elements embedded in the ballots of which some of  
107 these security elements can be validated at the polling place at the time of voting. Such  
108 devices or seals shall not be capable of identifying the elector who cast the ballot but shall  
109 be designed to restore voter confidence in the ballot and to prevent fraud."

110

**SECTION 8.**

111 Said chapter is further amended by revising subsection (a) of Code Section 21-2-369, relating  
112 to printing of ballots for optical scanning voting systems and arrangement, as follows:

113 "(a) The ballots shall be printed ~~in black ink upon clear, white, or colored~~ on material; of  
114 such size and arrangement as will suit the construction of the ballot scanner, ~~and in plain,~~  
115 The ballot text shall be easily read in clear type with good contrast so as to be easily  
116 readable by persons with normal vision; ~~provided, however, that red material shall not be~~

117 ~~used except that all ovals appearing on the ballot to indicate where a voter should mark to~~  
118 ~~cast a vote may be printed in red ink."~~

119 **SECTION 9.**

120 Said chapter is further amended in Code Section 21-2-379.23, relating to requirements for  
121 ballot display for electronic ballot markers, role of Secretary of State, and printed paper  
122 ballot controls during recount, by adding a new subsection to read as follows:

123 "(e) Each ballot printed by an electronic ballot marker shall include the name and  
124 designation of the precinct at the top."

125 **SECTION 10.**

126 Said chapter is further amended by revising subsection (d) of Code Section 21-2-384, relating  
127 to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and  
128 persons assisting absentee electors, master list of ballots sent, challenges, and electronic  
129 transmission of ballots, as follows:

130 "(d) Each board of registrars or absentee ballot clerk shall maintain for public inspection  
131 a an up-to-date master list, arranged by precincts, setting forth the name and residence of  
132 every elector to whom an official absentee ballot has been sent or issued, the date sent,  
133 whether such ballot has been returned, whether such ballot has been accepted, and the  
134 current status of such ballot. Absentee electors whose names appear on the master list may  
135 be challenged by any elector prior to 5:00 P.M. on the day before the primary or election."

136 **SECTION 11.**

137 Said chapter is further amended in Code Section 21-2-386, relating to safekeeping,  
138 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to  
139 manager, duties of managers, precinct returns, and notification of challenged elector, by  
140 adding a new subsection to read as follows:

141 "(g) The ballots shall be subject to security review at all times by authorized security  
142 auditors trained and equipped to detect ballot fraud. Upon the conclusion of the counting,  
143 the absentee ballots shall be sorted and stored by precinct in security sealed containers.  
144 Best practices of chain of custody for such containers shall be maintained and subject to  
145 authorized security auditors inspection and review until such ballots can be legally  
146 disposed of."

147

**SECTION 12.**

148 Said chapter is further amended in Code Section 21-2-390, relating to delivery of election  
149 materials to clerk of superior court or city clerk after primary or election and accounting for  
150 ballots by registrars or municipal absentee ballot clerks, as follows:

151 "21-2-390.

152 All official absentee ballots and envelopes on which the forms of affidavits and jurats  
153 appear shall be delivered to the clerk of the superior court or the city clerk upon the  
154 conclusion of the primary or election in security sealed containers maintaining a chain of  
155 custody for such documents and shall be safely kept by him or her for the period required  
156 by law and then shall be destroyed. The applications for such ballots shall be retained by  
157 the board of registrars or the municipal absentee ballot clerk for at least 24 months and then  
158 may be destroyed. On the day following the primary or election, the board of registrars or  
159 the municipal absentee ballot clerk shall transmit all canceled, spoiled, and rejected  
160 absentee ballots and copies of requests for cancellation of absentee ballots in security  
161 sealed containers maintaining a chain of custody for such documents to the clerk of the  
162 superior court or the city clerk to be held with other election materials as provided in Code  
163 Section 21-2-500. The registrars or the municipal absentee ballot clerk shall also transmit  
164 an accounting of all absentee ballots, including the number furnished by the registrars or  
165 the municipal absentee ballot clerk, the number issued to electors, the number spoiled, and  
166 the number rejected."

167

**SECTION 13.**

168 Said chapter is further amended by revising subsection (a) of Code Section 21-2-480, relating  
169 to caption for ballots, party designations, and form and arrangement, as follows:

170 "(a) At the top of each ballot for an election in a precinct using optical scanning voting  
171 equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed  
172 by the name and designation of the precinct for which it is prepared and the name and date  
173 of the election."

174

**SECTION 14.**

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

177 "21-2-482.

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

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

190 The form for either ballot shall be determined and prescribed by the Secretary of State and  
191 shall have printed at the top the name and designation of the precinct."

192

**SECTION 15.**

193 Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots,  
194 public accessibility to tabulating center and precincts, execution of ballot recap forms, and  
195 preparation of duplicate ballots, by adding a new subsection to read as follows:

196 "(g.1) When counting ballots and it becomes necessary for processing purposes to prepare  
197 a duplicate of the ballot, the original ballot shall be given a unique serial number which  
198 shall also be entered on the duplicate ballot and, other than when such duplicate ballot is  
199 being processed, such ballots shall be kept together and retained as with other official  
200 ballots."

201

**SECTION 16.**

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