

The House Committee on Governmental Affairs offers the following substitute to SB 214:

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 so as to provide for the provision by the state of new
3 voting equipment as of January 1, 2028; to provide for ballot on demand printing; to revise
4 and provide for definitions; to provide for the design, review, and record keeping of ballots
5 printed by ballot on demand printing equipment; to provide for storage, programming,
6 testing, and custody of ballot on demand printing equipment; to provide that a certain number
7 of electronic ballot marking devices are ready for use at each election day and advance
8 voting location for voters with disabilities; to provide for provisions related to official ballot
9 for vote tabulation of optical scanned ballots; to provide for preferential treatment during
10 advance voting to certain voters accompanied by children two years of age or younger; to
11 revise provisions related to certain voters who need assistance; to provide for preferential
12 treatment during certain hours on election day to certain voters accompanied by children two
13 years of age or younger; to revise provisions related to certain voters who need assistance;
14 to provide that ballot scanners at precincts and at advance voting locations be programmed
15 to reject ballots with overvotes to allow for electors to review their overvoted ballot prior to
16 acceptance; to revise provisions related to the posting of certain digital images following an
17 election; to revise provisions related to a pilot program for auditing paper ballots; to making
18 conforming changes; to revise provisions related to certain offenses to include references to

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19 ballot on demand printing equipment; to amend an Act relating to elections and primaries
20 approved May 6, 2024 (Ga. L. 2024, p. 1028), SB 189, so as to revise an effective date; to
21 provide for related matters; to provide effective dates; to repeal conflicting laws; and for
22 other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
26 primaries generally, is amended in Code Section 21-2-2, relating to definitions, by adding
27 a new paragraph to read as follows:

28 "(2.05) 'Ballot on demand printing' means a system that prints ballots for each ballot style
29 within a county or municipality."

30 **SECTION 2.**

31 Said chapter is further amended by revising Code Section 21-2-283, relating to printing and
32 safekeeping of ballots and labels by superintendent, as follows:

33 "21-2-283.

34 In any primary or election, the superintendent or municipal governing authority shall cause
35 all the ballots and ballot labels to be printed accurately and in the form prescribed by this
36 chapter, and the superintendent or municipal governing authority shall be responsible for
37 the safekeeping of the same while in his or her or its possession or that of his or her or its
38 agent. The superintendent or municipal governing authority shall keep a record of the
39 number of official ballots printed prior to the election and furnished to each precinct at each
40 primary and election and the number of stubs where used, unused ballots, spoiled, and
41 canceled ballots subsequently returned therefrom. The superintendent or municipal
42 governing authority shall keep a record of the number of official ballots created by ballot

43 on demand printing equipment at each primary or election and the number of stubs where
44 used, unused ballots, spoiled, and canceled ballots subsequently returned."

45 **SECTION 3.**

46 Said chapter is further amended in Code Section 21-2-283.1, relating to ballot proof check
47 and review procedures, by revising subsections (b) and (c) as follows:

48 "(b) In any primary, special primary, election, or special election ~~occurring after~~
49 ~~January 1, 2025~~, prior to the printing of the final official ballots, the final programming of
50 any ballot on demand printing equipment, or the final programming of the display of the
51 official ballot on electronic ballot markers pursuant to Code Section 21-2-379.25, the
52 superintendent shall check the ballot proof to ensure the accuracy of the official ballot by
53 verifying that:

54 (1) The ballots for each precinct contain the correct contests for the voters in that
55 precinct and no other contests;

56 (2) The ballots for each precinct contain the correct ballot questions for the voters in that
57 precinct and no other questions; and

58 (3) The name, political party or political body designation, incumbency status, and other
59 identifying information for each candidate appearing on such ballots are properly
60 displayed.

61 (c) After the superintendent has completed the ballot review and proofing procedures
62 provided for in subsection (b) of this Code section, and has made any needed corrections,
63 but before the ballots have been approved and sent to print, for final programming of any
64 ballot on demand printing, or for final programming pursuant to Code Section 21-2-379.25,
65 the superintendent shall make available the final set of approved ballot proofs, clearly
66 marked as ballot proofs, to any candidate appearing on the ballot, or such candidate's agent,
67 using at least one of the following procedures:

68 (1) By email, if the candidate has provided an email address at the time of qualifying; or

69 (2) By making physical copies available for review at the office of the superintendent
70 during normal business hours.
71 The ballot proof review procedures to be used in an election are at the sole discretion of the
72 superintendent."

73 **SECTION 4.**

74 Said chapter is further amended in Code Section 21-2-286, relating to printing specifications,
75 numbering, and binding of ballots, by revising paragraph (3) of subsection (b) as follows:
76 "(3) Ballots printed by an electronic ballot marker or ballot on demand printing
77 equipment shall be designed as prescribed by the Secretary of State to ensure ease of
78 reading by electors, provided that each ballot shall have the name and designation of the
79 precinct printed at the top."

80 **SECTION 5.**

81 Said chapter is further amended by revising Code Section 21-2-294, relating to responsibility
82 of superintendent for recording number of ballots furnished and number of stubs, unused
83 ballots, and canceled ballots returned, as follows:
84 "21-2-294.
85 The superintendent shall keep a record of the number of official ballots printed and
86 furnished to each precinct at each primary and election and of the number of stubs where
87 used, unused ballots, spoiled, and canceled ballots subsequently returned therefrom. The
88 superintendent shall keep a record of the number of official ballots created by ballot on
89 demand printing equipment at each primary or election and the number of stubs where
90 used, unused ballots, spoiled, and canceled ballots subsequently returned."

SECTION 6.

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Said chapter is further amended by revising Code Section 21-2-300, relating to provision of new voting equipment by state, uniform system using ballot scanners, pilot programs, county obligations, and use of physical ballots, as follows:

"21-2-300.

(a)(1) The equipment used for casting and counting votes in county, state, and federal elections shall be the same in each county in this state and shall be provided to each county by the state, as determined by the Secretary of State.

(2) ~~As soon as possible, once~~ Once such equipment is certified by the Secretary of State as safe and practicable for use, but no earlier than February 1, 2027, all federal, state, and county general primaries and general elections as well as special primaries and special elections in the State of Georgia occurring after December 31, 2027, shall be conducted with the use of scanning ballots marked by electronic ballot markers and that do not print QR codes or bar codes for use in tabulation or an optical scanning voting system utilizing paper ballots and ballot on demand printing equipment. Ballots shall be tabulated by using ballot scanners that also create scanned images of tabulated ballots for voting at the polls and for absentee ballots cast in person, unless otherwise authorized by law; provided, however, that electronic ballot markers that do not print QR codes or bar codes for use in tabulation shall be available and accessible at each polling place and advance voting location for individuals with disabilities and that any such electronic ballot markers system shall produce paper ballots which are marked with the elector's choices in a format readable by the elector.

(3) The state shall furnish a uniform system of election equipment for use in each county as soon as possible after February 1, 2027. Additionally, if such uniform system uses optical scanning voting systems utilizing paper ballots and ballot on demand printing the state shall furnish a uniform system of electronic ballot markers ~~and ballot scanners~~ in sufficient numbers to comply with Code Section 21-2-379.21 for use in each county as

118 soon as possible. ~~Such equipment~~ Any electronic ballot markers and ballot scanners shall
119 be certified by the United States Election Assistance Commission prior to purchase, lease,
120 or acquisition. At its own expense, the governing authority of a county may purchase,
121 lease, or otherwise acquire additional optical scanning voting system and ballot on
122 demand printing equipment, electronic ballot markers, and ballot scanners of the type
123 furnished by the state; if the governing authority so desires. Additionally, at its own
124 expense, the governing authority of a municipality may choose to acquire its own optical
125 scanning voting system, ballot on demand printing equipment, electronic ballot markers,
126 and ballot scanners by purchase, lease, or other procurement process.

127 (3.1)(A) As of February 1, 2027, to assist the Secretary of State in certifying a new
128 uniform system of election equipment pursuant to this Code section, an advisory
129 committee shall be established and shall comprise the following members:

- 130 (i) Two electors of the state to be appointed by the Governor;
131 (ii) One member of the Senate to be appointed by the President of the Senate;
132 (iii) One member of the Senate to be appointed by the majority leader of the Senate;
133 (iv) One member of the Senate to be appointed by the minority leader of the Senate;
134 (v) One member of the House of Representatives to be appointed by the Speaker of
135 the House of Representatives;
136 (vi) One member of the House of Representatives to be appointed by the majority
137 leader of the House of Representatives;
138 (vii) One member of the House of Representatives to be appointed by the minority
139 leader of the House of Representatives;
140 (viii) One county election official to be appointed by the Secretary of State from a list
141 of at least five nominees, provided by the Georgia Association of Voter Registration
142 and Election Officials, of county election officials from counties having 500,000 or
143 more registered electors; and

144 (ix) One county election official to be appointed by the Secretary of State from a list
145 of at least five nominees, provided by the Georgia Association of Voter Registration
146 and Election Officials, of county election officials from counties other than those
147 provided for in division (viii) of this subparagraph.

148 (B) The Secretary of State shall be the chairperson of the advisory committee and shall
149 call and organize any meeting of the committee; provided, however, that a meeting may
150 also be called by seven members of the committee.

151 (C) This subsection shall stand repealed on July 1, 2029.

152 (4) Notwithstanding any provision of law to the contrary, as of February 1, 2027, the
153 Secretary of State is authorized to conduct pilot programs to test and evaluate the use of
154 an optical scanning voting system, ballot on demand printing equipment, electronic ballot
155 markers, and ballot scanners in primaries and elections in this state.

156 (b) Each county shall, prior to being provided with voting equipment by the state, provide
157 polling places that are adequate for the operation of such equipment including, if necessary,
158 the placement within the polling places of a sufficient number of electrical outlets and
159 telephone lines.

160 (c) Each county shall, prior to being provided with voting equipment by the state, provide
161 or contract for adequate technical support for the installation, set up, and operation of such
162 voting equipment for each primary, election, and special primary and special election as
163 the Secretary of State shall determine by rule or regulation.

164 (d) The Secretary of State shall be responsible for the development, implementation, and
165 provision of a continuing program to educate voters, election officials, and poll workers
166 in the proper use of such voting equipment. Each county shall bear the costs, including
167 transportation, subsistence, and lodging, incurred by its election and registration officials
168 in attending courses taught by or arranged by the Secretary of State for instruction in the
169 use of the voting equipment.

170 (e)(1) Counties shall be authorized to contract with municipal governments for the use
 171 of such voting equipment in municipal elections under terms and conditions specified by
 172 the Secretary of State to assure that the equipment is properly used and kept secure.

173 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee
 174 for use of state owned voting equipment but may require municipalities to reimburse the
 175 county for the actual expenses related to the election or elections that are subject to the
 176 county and municipal contract.

177 ~~(f)(1) Notwithstanding any provision of this Code section to the contrary, provided that~~
 178 ~~the county election superintendent has petitioned and received the approval of the State~~
 179 ~~Election Board at least 10 days prior to the beginning of advance voting, in any election~~
 180 ~~with less than 5,000 registered electors, such superintendent may provide the electors~~
 181 ~~physical ballots on the same type of ballot that is used for absentee ballots pursuant to~~
 182 ~~subsection (a) of Code Section 21-2-383 and allow electors to mark their ballot using a~~
 183 ~~pen, pencil, or similar non-electronic writing tool as an alternative to using electronic~~
 184 ~~ballot marking devices.~~

185 ~~(2) Such physical ballots may only be used to conduct:~~

186 ~~(A) Special primaries, special elections, or runoffs thereof for county offices; or~~

187 ~~(B) Special elections to present a question to the voters of a county.~~

188 ~~Furthermore, such primary, special primary, election, or special election shall occur~~
 189 ~~independently and apart from a presidential preference primary, state-wide general~~
 190 ~~primary, state-wide special primary, state-wide general election, or state-wide special~~
 191 ~~election."~~

192 **SECTION 7.**

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

194 "21-2-374.1.

195 (a) The superintendent of each county or municipality shall cause the proper ballot designs
196 and styles to be programmed for ballot on demand printing equipment which is to be used
197 in any precinct within such county or municipality, shall cause such equipment to be placed
198 in proper order for voting, and shall examine such equipment before it is sent to a polling
199 place for use in a primary or election, to verify that such equipment produces proper
200 ballots.

201 (b) The superintendent of each county or municipality may appoint, with the approval of
202 the county or municipal governing authority, as appropriate, a custodian of ballot on
203 demand printing equipment, and deputy custodians as may be necessary, whose duty shall
204 be to prepare such equipment to be used in the county or municipality at the primaries and
205 elections to be held therein. Each custodian and deputy custodian shall receive from the
206 county or municipality such compensation as shall be fixed by the governing authority of
207 such county or municipality. Such custodian shall, under the direction of such
208 superintendent, have charge of and shall represent the superintendent during the
209 preparation of the ballot on demand printing equipment as required by this chapter. Each
210 custodian and deputy custodian shall serve at the pleasure of such superintendent and each
211 shall take an oath of office prepared by the Secretary of State before each primary or
212 election, which shall be filed with the superintendent.

213 (c) On or before the third day preceding a primary or election, including special primaries,
214 special elections, and referendum elections, the superintendent of each county or
215 municipality shall have ballot on demand printing equipment tested to ensure that it
216 correctly produces a ballot as required by this chapter. Public notice of the time and place
217 of such test shall be made at least five days prior thereto. Such superintendent shall publish
218 such notice on the homepage of the county's or municipality's publicly accessible website
219 associated with elections, if the county or municipality maintains such a website, and in a
220 newspaper of general circulation in the county or municipality and by posting in a

221 prominent location within the county or municipality. Such notice shall state the date,
 222 time, and place or places where preparation and testing of the ballot on demand printing
 223 equipment for use in the primary or election will commence, that such preparation and
 224 testing shall continue from day to day until complete, and that representatives of political
 225 parties and bodies, news media, and the public shall be permitted to observe such tests.
 226 The superintendent shall also provide such notice to the Secretary of State who shall
 227 publish on its website the information received from superintendents stating the dates,
 228 times, and place or places for preparation and testing of ballot on demand printing
 229 equipment. However, such representatives of political parties and bodies, news media, and
 230 the public shall not in any manner interfere with the preparation and testing of such
 231 equipment. The advertisement in the newspaper of general circulation shall be prominently
 232 displayed, shall not be less than 30 square inches, and shall not be placed in the section of
 233 the newspaper where legal notices appear."

234 **SECTION 8.**

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

237 "21-2-377.

238 (a) The superintendent shall designate a person or persons who shall have custody of the
 239 ballot on demand printing equipment and ballot scanners of the county or municipality
 240 when they are not in use at a primary or election and shall provide for his or her
 241 compensation and for the safe storage and care of ~~the ballot~~ such equipment and scanners.

242 (b) All ballot on demand printing equipment and ballot scanners, when not in use, shall be
 243 properly ~~covered and stored and secured under conditions as shall be specified by the State~~
 244 Election Board in a suitable place or places."

245 **SECTION 9.**

246 Said chapter is further amended by revising Code Section 21-2-379.21, relating to access to
247 optical scanning voting systems for disabled, as follows:

248 "21-2-379.21.

249 Each polling place in this state utilizing optical scanning voting systems shall be equipped
250 with at least one electronic ballot marker that meets the requirements as set forth in this
251 part and in Code Section 21-2-300 that is accessible to individuals with disabilities."

252 **SECTION 10.**

253 Said chapter is further amended in Code Section 21-2-379.23, as becomes effective on July
254 1, 2026, relating to requirements for ballot display and official ballot for vote tabulation,
255 recount, and audit, by revising subsection (d) as follows:

256 "(d) ~~The text portion of the paper ballot marked and by the elector or printed by the~~
257 ~~electronic ballot marker indicating the elector's selection shall constitute the official ballot~~
258 ~~and shall constitute the official vote for purposes of vote tabulation, any recount conducted~~
259 ~~pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code~~
260 ~~Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon~~
261 ~~the text portion or the machine mark, provided that such mark clearly denotes the elector's~~
262 ~~selection and does not use a QR code, bar code, or similar coding, of such ballots and not~~
263 ~~any machine coding that may be printed on such ballots~~ elector's marked selection;
264 provided, however, that nothing in this chapter shall be deemed to prohibit or prevent the
265 use of timing marks by optical scanning voting systems to determine the elector's marked
266 selection."

267 **SECTION 11.**

268 Said chapter is further amended in Code Section 21-2-379.24, relating to examination of
269 electronic ballot markers, revocation of approval, penalty to vendors for inappropriate sale,

270 improvements or changes to devices, prohibition on pecuniary interest, and limitation on
 271 public inspection, by revising subsection (g) as follows:

272 "(g) Documents or information that, if made public, would endanger the security of any
 273 voting system used or being considered for use in this state, or any component thereof,
 274 including, but not limited to, electronic ballot markers, DREs, ballot on demand printing
 275 equipment, ballot scanners, pollbooks, and software or ~~data bases~~ databases used for voter
 276 registration, shall not be open for public inspection except upon order of a court of
 277 competent jurisdiction."

278 **SECTION 12.**

279 Said chapter is further amended in Code Section 21-2-383, relating to preparation and
 280 delivery of ballots, form of ballots, casting ballot in person using DRE unit, and casting
 281 ballot in person or as absentee using electronic ballot markers, by adding a new subsection
 282 to read as follows:

283 "(d) Notwithstanding any other provision of this Code section to the contrary, in
 284 jurisdictions in which an optical scanning voting system with ballot scanners is used in the
 285 polling places on election day, such scanners, along with any ballot on demand equipment,
 286 shall be used for casting absentee ballots in person at a registrar's or absentee ballot clerk's
 287 office or in accordance with Code Section 21-2-382, providing for additional sites."

288 **SECTION 13.**

289 Said chapter is further amended by revising Code Section 21-2-385.1, relating to preferential
 290 treatment for older and disabled voters, as follows:

291 "21-2-385.1.

292 During the period of advance voting established pursuant to subsection (d) of Code
 293 Section 21-2-385, each elector who is 75 years of age or older, who is accompanied by one
 294 or more children two years of age or younger, or who is disabled ~~and requires assistance~~

295 ~~in casting an absentee ballot in person at the registrar's office, absentee ballot clerk's office,~~
 296 ~~or other locations as provided for in Code Section 21-2-382~~ such that standing in line
 297 would be impracticable shall, upon request to a designated office employee or other
 298 individual, be authorized to vote immediately at the next available voting compartment or
 299 booth without having to wait in line if such location utilizes direct recording electronic
 300 voting systems or be authorized to go to the head of any line necessary to cast a written
 301 absentee ballot. Notice of the provisions of this Code section shall be prominently
 302 displayed in the registrar's office or absentee ballot clerk's office and at the voting location."

303 **SECTION 14.**

304 Said chapter is further amended by revising Code Section 21-2-409.1, relating to voting by
 305 electors who are 75 years of age or older or disabled electors without having to wait in line,
 306 as follows:

307 "21-2-409.1.

308 On election day between the hours of 9:30 A.M. and 4:30 P.M., each elector who is 75
 309 years of age or older, who is accompanied by one or more children two years of age or
 310 younger, or who is disabled ~~and requires assistance in voting as authorized by Code~~
 311 ~~Section 21-2-409~~, such that standing in line would be impracticable shall, upon request to
 312 a poll officer, be authorized at any primary or election to vote immediately at the next
 313 available voting compartment or booth without having to wait in line. Notice of the
 314 provisions of this Code section shall be prominently displayed ~~in~~ at the voting ~~place~~
 315 location."

316 **SECTION 15.**

317 Said chapter is further amended by revising Code Section 21-2-481, relating to design, size,
 318 and stock of ballots, as follows:

319 "21-2-481.

320 (a) Ballots in a precinct using optical scanning voting equipment shall be of suitable
 321 design, size, and stock to permit processing by a tabulating machine and shall be printed
 322 in black ink on white or colored material. A serially numbered strip shall be attached to
 323 each ballot to be counted by a central count tabulator in the same form as required by Code
 324 Section 21-2-372.

325 (b) In primaries and elections in which optical scanning voting equipment is used at the
 326 precinct or advance voting location, each ballot scanner shall be programmed to initially
 327 reject any ballot on which an overvote or other error is detected and allow the elector the
 328 opportunity for such elector to review and correct any ballot so rejected prior to such ballot
 329 scanner accepting such ballot. The State Election Board is authorized to prescribe by rule
 330 or regulation the procedures necessary for the implementation of the requirements of this
 331 subsection at each precinct or advance voting location."

332 **SECTION 16.**

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

335 "21-2-482.

336 Ballots in a precinct using optical scanning voting equipment for voting by absentee
 337 electors shall either be prepared sufficiently in advance by the superintendent and shall be
 338 delivered to the board of registrars as provided in Code Section 21-2-384, or shall be
 339 printed using ballot on demand printing equipment. Such ballots shall be marked 'Official
 340 Absentee Ballot' and shall be in substantially the form for ballots required by Article 8 of
 341 this chapter, except that in counties or municipalities using voting machines, direct
 342 recording electronic (DRE) units, or ballot scanners, the ballots may be in substantially the
 343 form for the ballot labels required by Article 9 of this chapter or in such form as will allow

344 the ballot to be machine tabulated. Every such ballot shall have printed on the face thereof
345 the following:

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

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

351 **SECTION 17.**

352 Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots,
353 public accessibility to tabulating center and precincts, execution of ballot recap forms,
354 procedure for torn, bent, or otherwise defective ballots, and preparation of duplicate ballots,
355 by revising subsections (a) and (b) as follows:

356 "(a) In primaries and elections in which optical scanners are used, the ballots shall be
357 counted at the precinct, advance voting location, or tabulating center under the direction
358 of the superintendent. All persons who perform any duties at the tabulating center shall be
359 deputized by the superintendent, and only persons so deputized shall touch any ballot,
360 container, paper, or machine utilized in the conduct of the count or be permitted to be
361 inside the area designated for officers deputized to conduct the count.

362 (b) All proceedings at the tabulating center, advance voting location, and precincts shall
363 be open to the view of the public, but no person except one employed and designated for
364 the purpose by the superintendent or the superintendent's authorized deputy shall touch any
365 ballot or ballot container."

366 **SECTION 18.**

367 Said chapter is further amended in Code Section 21-2-493, relating to computation,
368 canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount

369 procedure, posting of digital images of scanned paper ballots, certification of returns, and
370 change in returns, by revising subsection (j.1) and adding a new subsection to read as
371 follows:

372 “(h.1) Notwithstanding any provision of this Code section related to paper ballots to the
373 contrary, in precincts in which optical scanning voting equipment has been used, the
374 superintendent shall verify the computation of votes cast in such precinct by examining and
375 comparing reports produced by the optical scanning voting equipment, ballot on demand
376 system if used, the state's voter registration system, and all pertinent information reported
377 by the poll managers on recapitulation forms. If, upon consideration by the superintendent
378 of the reports and forms from any precinct, it appears that the total votes returned for any
379 single candidate or the total votes returned for any combination of candidates for the same
380 office or nomination or on any question exceeds the number of electors in such precinct or
381 exceeds the total number of persons who voted in such precinct or the total number of
382 ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall
383 be investigated by the superintendent. Such excess shall authorize the summoning of the
384 poll officers to appear immediately with any primary or election papers in their possession.
385 The superintendent shall then examine all the registration and primary or election
386 documents relating to such precinct in the presence of representatives of each party, body,
387 and interested candidate. Such examination may include a recount or recanvass of the
388 votes of that precinct if deemed necessary by the superintendent. Upon investigating any
389 excess pursuant to this subsection, the superintendent shall immediately notify the
390 Secretary of State. If any discrepancies are discovered, the superintendent shall investigate
391 the discrepancy and, if necessary, correct the results.”

392 “(j.1) The Secretary of State shall create and maintain a state-wide program for the posting
393 of digital images of the scanned paper ballots created by the voting system. All such scans
394 shall have a resolution of no less than 200 dots per inch. Digital images of the scanned
395 ballots created as part of the preliminary tabulation process, cast vote records, and system

396 log files of central tabulators shall be posted no later than 5:00 P.M. on the second Friday
397 following the day of the election, and such postings shall be supplemented by the posting
398 of any additional ballot images created in the tabulation process through final certification
399 of such election."

400 **SECTION 19.**

401 Said chapter is further amended by revising Code Section 21-2-498.1, relating to pilot
402 program to audit paper ballots using optical character recognition, as follows:

403 "21-2-498.1.

404 The ~~Secretary of State~~ State Election Board shall create a pilot program for the auditing of
405 paper ballot images using optical character recognition technology or other related
406 technology which shall verify the human-readable text portion of the ballot. Such auditing
407 program shall not be based on or tabulate any QR code, bar code, or similar machine
408 coding that may be printed on such ballots. Such audits shall include all ballot types, and
409 the audit findings shall be reported prior to final certification of the election. Any similar
410 pilot program being conducted by the Secretary of State on the effective date of this Code
411 section shall be immediately terminated."

412 **SECTION 20.**

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

415 "21-2-566.

416 Any person who:

- 417 (1) Willfully prevents or attempts to prevent any poll officer from holding any primary
418 or election under this chapter;
- 419 (2) Uses or threatens violence in a manner that would prevent a reasonable poll officer,
420 election official, or poll watcher or actually prevents a poll officer, election official, or

421 poll watcher; as provided for by Code Section 21-2-408, from the execution of his or her
422 duties or materially interrupts or improperly and materially interferes with the execution
423 of a poll officer, election official, or poll watcher's, as provided for by Code Section
424 21-2-408, duties;

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

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

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

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

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

432 (8) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
433 ballot box, voting machine, direct recording electronic (DRE) equipment, electronic
434 ballot marker, optical scanning voting system, ballot on demand printing equipment, or
435 tabulating machine,

436 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
437 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
438 or both."

439 **SECTION 21.**

440 Said chapter is further amended by revising Code Section 21-2-580, relating to tampering
441 with, damaging, improper preparation of, or prevention of proper operation of voting
442 machines or electronic ballot markers or tabulating machines, as follows:

443 "21-2-580.

444 Any person who:

445 (1) Unlawfully opens, tampers with, or damages any voting machine, ~~or~~ electronic ballot
446 marker, optical scanning voting system, ballot on demand printing equipment, ballot
447 scanner, or tabulating machine to be used or being used at any primary or election;

448 (2) Willfully prepares a voting machine, ~~or an~~ electronic ballot marker, optical scanning
449 voting system, ballot on demand printing equipment, ballot scanner, or tabulating
450 machine for use in a primary or election in improper order for voting; or

451 (3) Prevents or attempts to prevent the correct operation of such voting machine,
452 electronic ballot marker, optical scanning voting system, ballot on demand printing
453 equipment, ballot scanner, or tabulating machine ~~or voting machine,~~

454 shall be guilty of a felony."

455

SECTION 22.

456 Said chapter is further amended by revising Code Section 21-2-582, relating to tampering
457 with, damaging, or preventing of proper operation of direct recording electronic equipment
458 or electronic ballot marker or tabulating machine or device, as follows:

459 "21-2-582.

460 Any person who tampers with or damages any direct recording electronic (DRE)
461 equipment, ~~or~~ electronic ballot marker, optical scanning voting system, ballot on demand
462 printing equipment, ballot scanner, or tabulating machine or device to be used or being
463 used at or in connection with any primary or election or who prevents or attempts to
464 prevent the correct operation of any direct recording electronic (DRE) equipment, ~~or~~
465 electronic ballot marker, optical scanning voting system, ballot on demand printing
466 equipment, ballot scanner, or tabulating machine or device shall be guilty of a felony."

467 **SECTION 23.**

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

470 "21-2-582.1.

471 (a) ~~For the purposes of~~ As used in this Code section, the term 'voting equipment' shall
 472 mean a voting machine, ballot scanner, tabulating machine, optical scanning voting system,
 473 ballot on demand printing equipment, direct recording electronic voting system, or
 474 electronic ballot marker.

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

478 **SECTION 24.**

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

481 "21-2-587.

482 Any poll officer who willfully:

- 483 (1) Makes a false return of the votes cast at any primary or election;
- 484 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of
 485 ballots;
- 486 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
 487 of fraudulent votes cast upon any voting machine;
- 488 (4) Makes any false entries in the electors list;
- 489 (5) Destroys or alters any ballot, voter's certificate, or electors list;
- 490 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment,
 491 electronic ballot marker, optical scanning voting system, ballot on demand printing
 492 equipment, ballot scanner, or tabulating machine or device;

493 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually
494 voting at such primary or election; or
495 (8) Fails to return to the officials prescribed by this chapter, following any primary or
496 election, any keys of a voting machine; ballot box; general or duplicate return sheet; tally
497 paper; oaths of poll officers; affidavits of electors and others; record of assisted voters;
498 numbered list of voters; electors list; voter's certificate; spoiled and canceled ballots;
499 ballots deposited, written, or affixed in or upon a voting machine; DRE, electronic ballot
500 marker, ballot scanner, or tabulating machine memory cards; or any certificate or any
501 other paper or record required to be returned under this chapter,
502 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
503 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
504 or both."

505 **SECTION 25.**

506 An Act relating to elections and primaries approved May 6, 2024 (Ga. L. 2024, p. 1028),
507 SB 189, is amended by revising subsection (d) of Section 13 as follows:
508 "(d) Section 7 of this Act shall become effective on January 1, 2028."

509 **SECTION 26.**

510 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
511 on January 1, 2027.
512 (b)(1) This section and Sections 13, 14, 17, 18, 19, 25, and 27 of this Act shall become
513 effective upon its approval by the Governor or upon its becoming law without such
514 approval.
515 (2) Section 10 of this Act shall become effective on January 1, 2028.

516

SECTION 27.

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