

The House Committee on Rules 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, that may include hand marked paper ballots; to  
4 provide for ballot on demand printing; to revise and provide for definitions; to provide for  
5 the design, review, and record keeping of ballots printed by ballot on demand printing  
6 equipment; to provide for storage, programming, testing, and custody of ballot on demand  
7 printing equipment; to provide that a certain number of electronic ballot marking devices are  
8 ready for use at each election day and advance voting location for voters with disabilities;  
9 to provide for provisions related to official ballot for vote tabulation of optical scanned  
10 ballots; to provide for preferential treatment during advance voting to certain voters  
11 accompanied by children two years of age or younger; to revise provisions related to certain  
12 voters who need assistance; to provide for preferential treatment during certain hours on  
13 election day to certain voters accompanied by children two years of age or younger; to revise  
14 provisions related to certain voters who need assistance; to provide that ballot scanners at  
15 precincts and at advance voting locations be programmed to reject ballots with overvotes to  
16 allow for electors to review their overvoted ballot prior to acceptance; to revise provisions  
17 related to data that must be posted with scanned ballots following the closing of the polls; to  
18 revise provisions related to the posting of certain digital images following an election; to

19 revise provisions related to a pilot program for auditing paper ballots; to revise provisions  
20 related to certain recounts of votes; to making conforming changes; to revise provisions  
21 related to certain offenses to include references to ballot on demand printing equipment; to  
22 amend an Act relating to elections and primaries approved May 6, 2024 (Ga. L. 2024, p.  
23 1028), SB 189, so as to revise an effective date; to provide for related matters; to provide  
24 effective dates; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 **SECTION 1.**

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

30 "(2.05) 'Ballot on demand printing' means a system that prints ballots for each ballot style  
31 within a county or municipality."

32 "(8.1) 'Hand marked paper ballot' means a paper ballot that is manually completed by the  
33 elector using a nonelectronic ballot marker."

34 **SECTION 2.**

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

37 "21-2-283.

38 In any primary or election, the superintendent or municipal governing authority shall cause  
39 all the ballots and ballot labels to be printed accurately and in the form prescribed by this  
40 chapter, and the superintendent or municipal governing authority shall be responsible for  
41 the safekeeping of the same while in his or her or its possession or that of his or her or its  
42 agent. The superintendent or municipal governing authority shall keep a record of the

43 number of official ballots printed prior to the election and furnished to each precinct at each  
 44 primary and election and the number of stubs where used, unused ballots, spoiled, and  
 45 canceled ballots subsequently returned therefrom. The superintendent or municipal  
 46 governing authority shall keep a record of the number of official ballots created by ballot  
 47 on demand printing equipment at each primary or election and the number of stubs where  
 48 used, unused ballots, spoiled, and canceled ballots subsequently returned."

49 **SECTION 3.**

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

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

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

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

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

65 (c) After the superintendent has completed the ballot review and proofing procedures  
 66 provided for in subsection (b) of this Code section, and has made any needed corrections,  
 67 but before the ballots have been approved and sent to print, for final programming of any  
 68 ballot on demand printing, or for final programming pursuant to Code Section 21-2-379.25,

69 the superintendent shall make available the final set of approved ballot proofs, clearly  
70 marked as ballot proofs, to any candidate appearing on the ballot, or such candidate's agent,  
71 using at least one of the following procedures:

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

73 (2) By making physical copies available for review at the office of the superintendent  
74 during normal business hours.

75 The ballot proof review procedures to be used in an election are at the sole discretion of the  
76 superintendent."

#### 77 SECTION 4.

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

80 "(3) Ballots printed by an electronic ballot marker or ballot on demand printing  
81 equipment shall be designed as prescribed by the Secretary of State to ensure ease of  
82 reading by electors, provided that each ballot shall have the name and designation of the  
83 precinct printed at the top."

#### 84 SECTION 5.

85 Said chapter is further amended by revising Code Section 21-2-294, relating to responsibility  
86 of superintendent for recording number of ballots furnished and number of stubs, unused  
87 ballots, and canceled ballots returned, as follows:

88 "21-2-294.

89 The superintendent shall keep a record of the number of official ballots printed and  
90 furnished to each precinct at each primary and election and of the number of stubs where  
91 used, unused ballots, spoiled, and canceled ballots subsequently returned therefrom. The  
92 superintendent shall keep a record of the number of official ballots created by ballot on

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

95 **SECTION 6.**

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

99 "21-2-300.

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

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

117 (3) The state shall furnish a uniform system of election equipment for use in each county  
118 as soon as possible after February 1, 2027. Additionally, if such uniform system uses

119 optical scanning voting systems utilizing hand marked paper ballots and ballot on demand  
 120 printing the state shall furnish a uniform system of electronic ballot markers ~~and ballot~~  
 121 scanners in sufficient numbers to comply with Code Section 21-2-379.21 for use in each  
 122 county as soon as possible. ~~Such equipment~~ Any electronic ballot markers and ballot  
 123 scanners shall be certified by the United States Election Assistance Commission prior to  
 124 purchase, lease, or acquisition. At its own expense, the governing authority of a county  
 125 may purchase, lease, or otherwise acquire additional optical scanning voting system and  
 126 ballot on demand printing equipment, electronic ballot markers, and ballot scanners of  
 127 the type furnished by the state; if the governing authority so desires. Additionally, at its  
 128 own expense, the governing authority of a municipality may choose to acquire its own  
 129 optical scanning voting system, ballot on demand printing equipment, electronic ballot  
 130 markers, and ballot scanners by purchase, lease, or other procurement process.

131 (3.1)(A) As of February 1, 2027, to assist the Secretary of State in certifying a new  
 132 uniform system of election equipment pursuant to this Code section, an advisory  
 133 committee shall be established and shall comprise the following members:

134 (i) Two electors of the state to be appointed by the Governor;

135 (ii) One member of the Senate to be appointed by the President of the Senate;

136 (iii) One member of the Senate to be appointed by the majority leader of the Senate;

137 (iv) One member of the Senate to be appointed by the minority leader of the Senate;

138 (v) One member of the House of Representatives to be appointed by the Speaker of  
 139 the House of Representatives;

140 (vi) One member of the House of Representatives to be appointed by the majority  
 141 leader of the House of Representatives;

142 (vii) One member of the House of Representatives to be appointed by the minority  
 143 leader of the House of Representatives;

144 (viii) 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 having 500,000 or  
147 more registered electors;

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

152 (x) An elector of the state to be appointed by the Secretary of State who is an expert  
153 in cybersecurity.

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

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

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

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

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

170 (d) The Secretary of State shall be responsible for the development, implementation, and  
171 provision of a continuing program to educate voters, election officials, and poll workers  
172 in the proper use of such voting equipment. Each county shall bear the costs, including

173 transportation, subsistence, and lodging, incurred by its election and registration officials  
174 in attending courses taught by or arranged by the Secretary of State for instruction in the  
175 use of the voting equipment.

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

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

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

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

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

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

194 ~~Furthermore, such primary, special primary, election, or special election shall occur~~  
195 ~~independently and apart from a presidential preference primary, state-wide general~~  
196 ~~primary, state-wide special primary, state-wide general election, or state-wide special~~  
197 ~~election."~~

198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223

### SECTION 7.

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

"21-2-372.

Ballots shall be of suitable design, size, and stock to permit processing by a ballot scanner and shall be printed in black ink on ~~clear, white, or colored~~ material. Other than ballots delivered electronically to qualified electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Section 20301, et seq., the ballots shall be printed on security paper that incorporates features which can be used to authenticate the ballot as an official ballot but which do not make the ballot identifiable to a particular elector, provided that at least one such feature is a visible watermark that identifies the ballot as an official Georgia ballot and another such feature is a unique serialized ballot batch identifier number."

### SECTION 8.

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

"21-2-374.1.

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

(b) The superintendent of each county or municipality may appoint, with the approval of the county or municipal governing authority, as appropriate, a custodian of ballot on demand printing equipment, and deputy custodians as may be necessary, whose duty shall be to prepare such equipment to be used in the county or municipality at the primaries and

224 elections to be held therein. Each custodian and deputy custodian shall receive from the  
225 county or municipality such compensation as shall be fixed by the governing authority of  
226 such county or municipality. Such custodian shall, under the direction of such  
227 superintendent, have charge of and shall represent the superintendent during the  
228 preparation of the ballot on demand printing equipment as required by this chapter. Each  
229 custodian and deputy custodian shall serve at the pleasure of such superintendent and each  
230 shall take an oath of office prepared by the Secretary of State before each primary or  
231 election, which shall be filed with the superintendent.

232 (c) On or before the third day preceding a primary or election, including special primaries,  
233 special elections, and referendum elections, the superintendent of each county or  
234 municipality shall have ballot on demand printing equipment tested to ensure that it  
235 correctly produces a ballot as required by this chapter. Public notice of the time and place  
236 of such test shall be made at least five days prior thereto. Such superintendent shall publish  
237 such notice on the homepage of the county's or municipality's publicly accessible website  
238 associated with elections, if the county or municipality maintains such a website, and in a  
239 newspaper of general circulation in the county or municipality and by posting in a  
240 prominent location within the county or municipality. Such notice shall state the date,  
241 time, and place or places where preparation and testing of the ballot on demand printing  
242 equipment for use in the primary or election will commence, that such preparation and  
243 testing shall continue from day to day until complete, and that representatives of political  
244 parties and bodies, news media, and the public shall be permitted to observe such tests.  
245 The superintendent shall also provide such notice to the Secretary of State who shall  
246 publish on its website the information received from superintendents stating the dates,  
247 times, and place or places for preparation and testing of ballot on demand printing  
248 equipment. However, such representatives of political parties and bodies, news media, and  
249 the public shall not in any manner interfere with the preparation and testing of such  
250 equipment. The advertisement in the newspaper of general circulation shall be prominently

251 displayed, shall not be less than 30 square inches, and shall not be placed in the section of  
 252 the newspaper where legal notices appear."

253 **SECTION 9.**

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

256 "21-2-377.

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

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

264 **SECTION 10.**

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

267 "21-2-379.21.

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

271 **SECTION 11.**

272 Said chapter is further amended in Code Section 21-2-379.23, as becomes effective on July  
 273 1, 2026, relating to requirements for ballot display and official ballot for vote tabulation,  
 274 recount, and audit, by revising subsection (d) as follows:

275       “(d) The ~~text portion of the paper ballot marked and by the elector or printed by the~~  
 276       electronic ballot marker indicating the elector's selection shall constitute the official ballot  
 277       and shall constitute the official vote for purposes of vote tabulation, any recount conducted  
 278       pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code  
 279       Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon  
 280       the ~~text portion or the machine mark, provided that such mark clearly denotes the elector's~~  
 281       ~~selection and does not use a QR code, bar code, or similar coding, of such ballots and not~~  
 282       ~~any machine coding that may be printed on such ballots~~ elector's marked selection;  
 283       provided, however, that nothing in this chapter shall be deemed to prohibit or prevent the  
 284       use of timing marks by optical scanning voting systems to determine the elector's marked  
 285       selection.”

286

#### SECTION 12.

287       Said chapter is further amended in Code Section 21-2-379.24, relating to examination of  
 288       electronic ballot markers, revocation of approval, penalty to vendors for inappropriate sale,  
 289       improvements or changes to devices, prohibition on pecuniary interest, and limitation on  
 290       public inspection, by revising subsection (g) as follows:

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

297

#### SECTION 13.

298       Said chapter is further amended in Code Section 21-2-383, relating to preparation and  
 299       delivery of ballots, form of ballots, casting ballot in person using DRE unit, and casting

300 ballot in person or as absentee using electronic ballot markers, by adding a new subsection  
301 to read as follows:

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

307 **SECTION 14.**

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

310 "21-2-385.1.

311 During the period of advance voting established pursuant to subsection (d) of Code  
312 Section 21-2-385, each elector who is 75 years of age or older, who is accompanied by one  
313 or more children two years of age or younger, or who is disabled ~~and requires assistance~~  
314 ~~in casting an absentee ballot in person at the registrar's office, absentee ballot clerk's office,~~  
315 ~~or other locations as provided for in Code Section 21-2-382~~ such that standing in line  
316 would be impracticable shall, upon request to a designated office employee or other  
317 individual, be authorized to vote immediately at the next available voting compartment or  
318 booth without having to wait in line if such location utilizes direct recording electronic  
319 voting systems or be authorized to go to the head of any line necessary to cast a written  
320 absentee ballot. Notice of the provisions of this Code section shall be prominently  
321 displayed in the registrar's office or absentee ballot clerk's office and at the voting location."

322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347

### SECTION 15.

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

"21-2-409.1.

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

### SECTION 16.

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

"21-2-481.

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

(b) In primaries and elections in which optical scanning voting equipment is used at the precinct or advance voting location, each ballot scanner shall be programmed to initially reject any ballot on which an overvote or other error is detected and allow the elector the opportunity for such elector to review and correct any ballot so rejected prior to such ballot

348 scanner accepting such ballot. The State Election Board is authorized to prescribe by rule  
349 or regulation the procedures necessary for the implementation of the requirements of this  
350 subsection at each precinct or advance voting location."

351 **SECTION 17.**

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

354 "21-2-482.

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

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

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

370 **SECTION 18.**

371 Said chapter is further amended in Code Section 21-2-483, relating to counting of ballots,  
372 public accessibility to tabulating center and precincts, execution of ballot recap forms,

373 procedure for torn, bent, or otherwise defective ballots, and preparation of duplicate ballots,  
374 by revising subsections (a) and (b) as follows:

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

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

385 **SECTION 19.**

386 Said chapter is further amended in Code Section 21-2-493, relating to computation,  
387 canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount  
388 procedure, posting of digital images of scanned paper ballots, certification of returns, and  
389 change in returns, by revising subsection (j.1) and adding a new subsection to read as  
390 follows:

391 "(h.1) Notwithstanding any provision of this Code section related to paper ballots to the  
392 contrary, in precincts in which optical scanning voting equipment has been used, the  
393 superintendent shall verify the computation of votes cast in such precinct by examining and  
394 comparing reports produced by the optical scanning voting equipment, ballot on demand  
395 system if used, the state's voter registration system, and all pertinent information reported  
396 by the poll managers on recapitulation forms. If, upon consideration by the superintendent  
397 of the reports and forms from any precinct, it appears that the total votes returned for any  
398 single candidate or the total votes returned for any combination of candidates for the same

399 office or nomination or on any question exceeds the number of electors in such precinct or  
400 exceeds the total number of persons who voted in such precinct or the total number of  
401 ballots cast therein, such excess shall be deemed a discrepancy and palpable error and shall  
402 be investigated by the superintendent. Such excess shall authorize the summoning of the  
403 poll officers to appear immediately with any primary or election papers in their possession.  
404 The superintendent shall then examine all the registration and primary or election  
405 documents relating to such precinct in the presence of representatives of each party, body,  
406 and interested candidate. Such examination may include a recount or recanvass of the  
407 votes of that precinct if deemed necessary by the superintendent. Upon investigating any  
408 excess pursuant to this subsection, the superintendent shall immediately notify the  
409 Secretary of State. If any discrepancies are discovered, the superintendent shall investigate  
410 the discrepancy and, if necessary, correct the results."

411 "(j.1) The Secretary of State shall create and maintain a state-wide program for the posting  
412 of digital images of the scanned paper ballots created by the voting system. All such scans  
413 shall have a resolution of no less than 200 dots per inch. Digital images of the scanned  
414 ballots created as part of the preliminary tabulation process, cast vote records, and system  
415 log files of central tabulators shall be posted no later than 5:00 P.M. on the second Friday  
416 following the day of the election, and such postings shall be supplemented by the posting  
417 of any additional ballot images created in the tabulation process through final certification  
418 of such election."

419 **SECTION 20.**

420 Said chapter is further amended in Code Section 21-2-495, relating to procedure for recount  
421 or recanvass of votes, losing candidate's right to a recount, and rules and regulations, by  
422 revising subsection (c) as follows:

423 "(c)(1) Whenever the difference between the number of votes received by a candidate  
424 who has been declared nominated for an office in a primary election or who has been

425 declared elected to an office in an election or who has been declared eligible for a run-off  
426 primary or election and the number of votes received by any other candidate or  
427 candidates not declared so nominated or elected or eligible for a runoff shall be not more  
428 than ~~one-half of~~ 1 percent of the total votes which were cast for such office therein, any  
429 such candidate or candidates receiving a sufficient number of votes so that the difference  
430 between his or her vote and that of a candidate declared nominated, elected, or eligible  
431 for a runoff is not more than ~~one-half of~~ 1 percent of the total votes cast, within a period  
432 of two business days following the certification of the election results, shall have the right  
433 to a recount of the votes cast, if such request is made in writing by the losing candidate.  
434 If the office sought is a federal or state office voted upon by the electors of more than one  
435 county, the request shall be made to the Secretary of State who shall direct that the  
436 recount be performed in all counties in which electors voted for such office and notify the  
437 superintendents of the several counties involved of the request. In all other cases, the  
438 request shall be made to the superintendent. The superintendent or superintendents shall  
439 order a recount of such votes to be made immediately. If, upon such recount, it is  
440 determined that the original count was incorrect, the returns and all papers prepared by  
441 the superintendent, the superintendents, or the Secretary of State shall be corrected  
442 accordingly and the results recertified.

443 (2) Whenever the difference between the number of votes for approval or rejection of a  
444 constitutional amendment or binding referendum question shall be not more than ~~one-half~~  
445 ~~of~~ 1 percent of the total votes which were cast on such amendment or question therein,  
446 within a period of two business days following the certification of the election results, the  
447 Constitutional Amendments Publication Board shall be authorized in its discretion to call  
448 for a recount of the votes cast with regard to such amendment or question. In the case of  
449 a constitutional amendment or state-wide referendum question or a question voted upon  
450 by the electors of more than one county, the board shall direct the Secretary of State to  
451 cause a recount to be performed with regard to such amendment or question in all

452 counties involved and notify the superintendents of the recount. In the case of questions  
453 voted upon by the electors of only one county or municipality, the board shall direct the  
454 Secretary of State to cause a recount to be conducted by the county or municipality  
455 involved and the Secretary of State shall notify the superintendent involved of the  
456 recount. Upon notification, the superintendent or superintendents shall order a recount  
457 of such votes to be made immediately. If, upon such recount, it is determined that the  
458 original count was incorrect, the returns and all papers prepared by the superintendent,  
459 the superintendents, or the Secretary of State shall be corrected accordingly and the  
460 results recertified."

461 **SECTION 21.**

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

464 "21-2-498.1.

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

473 **SECTION 22.**

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

476 "21-2-566.

477 Any person who:

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

480 (2) Uses or threatens violence in a manner that would prevent a reasonable poll officer,  
481 election official, or poll watcher or actually prevents a poll officer, election official, or  
482 poll watcher; as provided for by Code Section 21-2-408, from the execution of his or her  
483 duties or materially interrupts or improperly and materially interferes with the execution  
484 of a poll officer, election official, or poll watcher's, as provided for by Code Section  
485 21-2-408, duties;

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

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

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

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

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

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

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

500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515

### SECTION 23.

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

"21-2-580.

Any person who:

- (1) Unlawfully opens, tampers with, or damages any voting machine, ~~or~~ electronic ballot marker, optical scanning voting system, ballot on demand printing equipment, ballot scanner, or tabulating machine to be used or being used at any primary or election;
- (2) Willfully prepares a voting machine, ~~or an~~ electronic ballot marker, optical scanning voting system, ballot on demand printing equipment, ballot scanner, or tabulating machine for use in a primary or election in improper order for voting; or
- (3) Prevents or attempts to prevent the correct operation of such voting machine, electronic ballot marker, optical scanning voting system, ballot on demand printing equipment, ballot scanner, or tabulating machine ~~or voting machine,~~ shall be guilty of a felony."

516  
517  
518  
519  
520  
521  
522  
523  
524  
525

### SECTION 24.

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

"21-2-582.

Any person who tampers with or damages any direct recording electronic (DRE) equipment, ~~or~~ electronic ballot marker, optical scanning voting system, ballot on demand printing equipment, ballot scanner, or tabulating machine or device to be used or being used at or in connection with any primary or election or who prevents or attempts to prevent the correct operation of any direct recording electronic (DRE) equipment, ~~or~~

526 electronic ballot marker, optical scanning voting system, ballot on demand printing  
 527 equipment, ballot scanner, or tabulating machine or device shall be guilty of a felony."

528 **SECTION 25.**

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

531 "21-2-582.1.

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

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

539 **SECTION 26.**

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

542 "21-2-587.

543 Any poll officer who willfully:

- 544 (1) Makes a false return of the votes cast at any primary or election;
- 545 (2) Deposits fraudulent ballots in the ballot box or certifies as correct a false return of  
 546 ballots;
- 547 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return  
 548 of fraudulent votes cast upon any voting machine;
- 549 (4) Makes any false entries in the electors list;
- 550 (5) Destroys or alters any ballot, voter's certificate, or electors list;

551 (6) Tampers with any voting machine, direct recording electronic (DRE) equipment,  
552 electronic ballot marker, optical scanning voting system, ballot on demand printing  
553 equipment, ballot scanner, or tabulating machine or device;  
554 (7) Prepares or files any false voter's certificate not prepared by or for an elector actually  
555 voting at such primary or election; or  
556 (8) Fails to return to the officials prescribed by this chapter, following any primary or  
557 election, any keys of a voting machine; ballot box; general or duplicate return sheet; tally  
558 paper; oaths of poll officers; affidavits of electors and others; record of assisted voters;  
559 numbered list of voters; electors list; voter's certificate; spoiled and canceled ballots;  
560 ballots deposited, written, or affixed in or upon a voting machine; DRE, electronic ballot  
561 marker, ballot scanner, or tabulating machine memory cards; or any certificate or any  
562 other paper or record required to be returned under this chapter,  
563 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment  
564 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,  
565 or both."

566 **SECTION 27.**

567 An Act relating to elections and primaries approved May 6, 2024 (Ga. L. 2024, p. 1028),  
568 SB 189, is amended by revising subsection (d) of Section 13 as follows:

569 "(d) Section 7 of this Act shall become effective on January 1, 2028."

570 **SECTION 28.**

571 (a) Except as provided for in subsection (b) of this section, this Act shall become effective  
572 on January 1, 2027.

573 (b)(1) This section and Sections 14, 15, 18, 19, 27, and 29 of this Act shall become  
574 effective upon its approval by the Governor or upon its becoming law without such  
575 approval.

576 (2) Sections 20 and 21 of this Act shall become effective on July 1, 2026.

577 (3) Section 11 of this Act shall become effective on January 1, 2028.

578 **SECTION 29.**

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