

House Bill 680

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

A BILL TO BE ENTITLED
AN ACT

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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

13 style="text-align:center">**SECTION 2.**

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

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

21 (1) 'Ballot' means 'official ballot' or 'paper ballot' ~~and shall include the instrument,~~
22 ~~whether paper, mechanical, or electronic, by which an elector casts his or her vote that~~
23 is an individual durable paper instrument by which an elector casts his or her vote which
24 includes paper ballots designed to be read by automatic tabulating equipment. The term
25 shall include, in appropriate contexts, conventional paper ballots.

26 (2) 'Ballot labels' means the cards, paper, or other material placed on the front of a voting
 27 machine containing the names of offices and candidates and statements of questions to
 28 be voted on marking device' means a pen, pencil, or similar writing tool, or an electronic
 29 device, all designed for use in marking paper ballots, and so designed or fabricated that
 30 the mark it leaves may be detected and the vote so cast counted by automatic tabulating
 31 equipment.

32 (2.1) 'Ballot scan voting system' means a system employing paper ballots under which
 33 votes are cast by electors by marking paper ballots with a ballot marking device and
 34 thereafter counted by the use of automatic tabulating equipment.

35 (2.2) 'Ballot scanner' means an electronic recording device into which an elector's voted
 36 ballot is cast which tabulates those votes by its own devices and is also known as a
 37 'tabulating machine.'

38 "(4.1) 'Direct recording electronic' or 'DRE' voting equipment means a computer driven
 39 unit for casting and counting votes on which an elector touches a video screen or a button
 40 adjacent to a video screen to cast his or her vote. Such term shall not encompass ballot
 41 marking devices.

42 (4.2) 'Durable paper' means a paper instrument sufficiently durable to withstand repeated
 43 handling and long-term storage for the purposes of tabulation, scanning, retabulation,
 44 audits, and recounts."

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

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

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

60 "(28.1) 'Precinct ballot scanner' is a ballot scanner."

61 "(32.1) 'Scanning ballot' means a printed paper ballot designed to be marked by an
 62 elector with a ballot marking device and inserted for casting into a ballot scanner."

63 ~~"(40) 'Voting machine' is a mechanical device on which an elector may cast a vote and~~
 64 ~~which tabulates those votes by its own devices and is also known as a 'lever machine.'~~
 65 Reserved."

SECTION 3.

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

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

SECTION 4.

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

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

SECTION 5.

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

89 "(a) The governing authority of each county and municipality shall provide and the
 90 superintendent shall cause all rooms used as polling places to be provided with suitable
 91 heat and light and, in precincts in which ballots are used, with a sufficient number of voting
 92 compartments or booths with proper supplies in which the electors may conveniently mark
 93 their ballots, with a curtain, screen, or door in the upper part of the front of each
 94 compartment or booth so that in the marking thereof they may be screened from the
 95 observation of others. A curtain, screen, or door shall not be required, however, for the
 96 self-contained units used as voting booths in which ~~direct recording electronic (DRE)~~

97 ~~voting units~~ electronic ballot markers are located if such booths have been designed so as
 98 to ensure the privacy of the elector. When practicable, every polling place shall consist of
 99 a single room, every part of which is within the unobstructed view of those present therein
 100 and shall be furnished with a guardrail or barrier closing the inner portion of such room,
 101 which guardrail or barrier shall be so constructed and placed that only such persons as are
 102 inside such rail or barrier can approach within six feet of the ballot box and voting
 103 compartments, or booths, ~~or voting machines,~~ as the case may be. The ballot box and
 104 voting compartments or booths shall be so arranged in the voting room within the enclosed
 105 space as to be in full view of those persons in the room outside the guardrail or barrier.
 106 ~~The voting machine or machines shall be placed in the voting rooms within the enclosed~~
 107 ~~space so that, unless its construction shall otherwise require, the ballot labels on the face~~
 108 ~~of the machine can be plainly seen by the poll officers when the machine is not occupied~~
 109 ~~by an elector.~~ In the case of ~~direct recording electronic (DRE) voting units~~ electronic ballot
 110 markers, the ~~units~~ devices shall be arranged in such a manner as to ensure the privacy of
 111 the elector while voting on such units devices, to allow monitoring of the units devices by
 112 the poll officers while the polls are open, and to permit the public to observe the voting
 113 without affecting the privacy of the electors as they vote."

114

SECTION 6.

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

117 "21-2-293.

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

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

132 **SECTION 7.**

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

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

140 **SECTION 8.**

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

144 **SECTION 9.**

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

147 "21-2-365.

148 No ~~optical scanning ballot scan~~ voting system shall be adopted or used unless it shall, at
 149 the time, satisfy the following requirements:

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

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

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

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

163 (5) ~~An optical scanning tabulator~~ A ballot scanner shall preclude the counting of votes
 164 for any candidate or upon any question for whom or upon which an elector is not entitled
 165 to vote; shall preclude the counting of votes for more persons for any office than he or

166 she is entitled to vote for; and shall preclude the counting of votes for any candidate for
 167 the same office or upon any question more than once;

168 (6) It shall permit voting in absolute secrecy so that no person can see or know for whom
 169 any other elector has voted or is voting, save an elector whom he or she has assisted or
 170 is assisting in voting, as prescribed by law;

171 (7) It shall be constructed of material of good quality in a neat and workmanlike manner;

172 (8) It shall, when properly operated, record correctly and accurately every vote cast;

173 (9) It shall be so constructed that an elector may readily learn the method of operating
 174 it; and

175 (10) It shall be safely transportable.

176 21-2-366.

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

183 21-2-367.

184 (a) When the use of ~~optical scanning~~ ballot scan voting systems has been authorized in the
 185 manner prescribed in this part, such ~~optical scanning~~ ballot scan voting systems shall be
 186 installed, either simultaneously or gradually, within the county or municipality. Upon the
 187 installation of ~~optical scanning~~ ballot scan voting systems in any precinct, the use of paper
 188 ballots or other voting machines or apparatus therein shall be discontinued, except as
 189 otherwise provided by this chapter.

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

193 (c) ~~Optical scanning~~ Ballot scan voting systems of different kinds may be used for
 194 different precincts in the same county or municipality.

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

200 21-2-368.

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

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

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

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

231 (e) Any vendor who completes a sale of ~~optical-scanning~~ ballot scan voting system that has
232 not been certified by the Secretary of State to a governmental body in this state shall be
233 subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement
234 of all costs and expenses incurred by the governmental body in connection with the sale.
235 The State Election Board shall have authority to impose such penalty upon a finding that
236 such a sale has occurred.

237 (f) When ~~an optical scanning~~ a ballot scan voting system has been so approved, no
 238 improvement or change that does not impair its accuracy, efficiency, or capacity shall
 239 render necessary a reexamination or reapproval of the ~~optical scanning voting~~ system, or
 240 of its kind.

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

245 21-2-369.

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

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

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

258 21-2-369.1.

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

267 21-2-370.

268 Reserved.

269 21-2-371.

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

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

284 21-2-372.

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

290 21-2-373.

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

297 21-2-374.

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

301 (b) On or before the third day preceding a primary or election, including special primaries,
 302 special elections, and referendum elections, the superintendent shall have the ~~optical~~

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

325 (c) In every primary or election, the superintendent shall furnish, at the expense of the
326 county or municipality, all ballots, forms of certificates, and other papers and supplies
327 required under this chapter and which are not furnished by the Secretary of State, all of
328 which shall be in the form and according to the specifications prescribed, from time to
329 time, by the Secretary of State.

330 21-2-375.

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

335 (b) The superintendent shall provide ample protection against molestation of and injury
336 to the ~~optical scanning tabulator~~ ballot scanner and, for that purpose, shall call upon any
337 law enforcement officer to furnish such assistance as may be necessary; and it shall be the

338 duty of the law enforcement officer to furnish such assistance when so requested by the
339 superintendent.

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

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

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

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

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

352 21-2-376.

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

361 21-2-377.

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

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

368 21-2-378.

369 The governing authority of any county or municipality which adopts ~~optical scanning ballot~~
370 scan voting systems in the manner provided for by this part shall, upon the purchase of
371 ~~optical scanning~~ ballot scan voting systems, provide for their payment by the county or

372 municipality. Bonds or ~~other~~ evidence of indebtedness may be issued in accordance with
 373 the provisions of law relating to the increase of indebtedness of counties or municipalities
 374 to meet all or any part of the cost of the ~~optical scanning~~ ballot scan voting systems.

375 21-2-379.

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

388 **SECTION 10.**

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

391 "Part 5

392 21-2-379.1.

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

395 21-2-379.2.

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

398 21-2-379.3.

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

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

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

433 21-2-379.4.

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

439 requesting such examination or reexamination shall pay to the Secretary of State the
440 reasonable expenses of such examination or reexamination. The Secretary of State shall
441 publish and maintain on his or her website the cost of such examination or reexamination.
442 The Secretary of State may, at any time, in his or her discretion, reexamine any such
443 device.

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

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

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

464 (e) When a device has been so approved, no improvement or change that does not impair
465 its accuracy, efficiency, or capacity shall render necessary a reexamination or reproval of
466 such device, or of its kind.

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

471 21-2-379.5.

472 (a) The superintendent of each county or municipality shall cause the proper ballot design
473 and style to be programmed for each electronic ballot marker which is to be used in any
474 precinct within such county or municipality, cause each such device to be placed in proper

475 order for voting, and examine each unit before it is sent to a polling place for use in a
 476 primary or election to verify that each device is properly recording votes and producing
 477 proper ballots.

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

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

498 21-2-379.6.

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

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

507 **SECTION 11.**

508 Said chapter is further amended by revising subparagraph (b)(2)(B) of Code
 509 Section 21-2-381, relating to making of application for absentee ballot, determination of

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

562

SECTION 14.

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

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

578

SECTION 15.

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

581 "21-2-413.

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

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

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

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

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

605 (f) All persons except poll officers, poll watchers, persons in the course of voting and such
606 persons' children under 18 years of age or any child who is 12 years of age or younger
607 accompanying such persons, persons lawfully giving assistance to electors, duly authorized
608 investigators of the State Election Board, and peace officers when necessary for the
609 preservation of order, must remain outside the enclosed space during the progress of the
610 voting. Notwithstanding any other provision of this chapter, any elector shall be permitted
611 to be accompanied into the enclosed area and into a voting compartment or ~~voting machine~~
612 booth while voting by such elector's child or children under 18 years of age or any child
613 who is 12 years of age or younger unless the poll manager or an assistant manager
614 determines in his or her sole discretion that such child or children are causing a disturbance

615 or are interfering with the conduct of voting. Children accompanying an elector in the
 616 enclosed space pursuant to this subsection shall not in any manner handle any ballot nor
 617 operate any function of the voting equipment under any circumstances.

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

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

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

632 **SECTION 16.**

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

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

644 **SECTION 17.**

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

647

SECTION 18.

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

650 "21-2-482.

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

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

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

664

SECTION 19.

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

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

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

681 "(h) ~~In precincts in which voting machines have been used, when the records agree with~~
682 ~~the returns regarding the number registered on the voting machine, the votes recorded for~~

683 ~~each candidate shall be read by an assistant slowly, audibly, and in an orderly manner from~~
 684 ~~the general return sheet which has been returned unsealed; and the figures announced shall~~
 685 ~~be compared by other assistants with the duplicate return sheet which has been returned~~
 686 ~~sealed. If the voting machine is of the type equipped with a mechanism for printing paper~~
 687 ~~proof sheets, such general and duplicate return sheets shall also be compared with such~~
 688 ~~proof sheets, which have been returned as aforesaid. If any discrepancies are discovered,~~
 689 ~~the superintendent shall examine all of the return sheets, proof sheets, and other papers in~~
 690 ~~his or her possession relating to the same precinct. Such proof sheets shall be deemed to~~
 691 ~~be prima-facie evidence of the result of the primary or election and to be prima facie~~
 692 ~~accurate; and, if the proper proof sheets, properly identified, shall be mutually consistent~~
 693 ~~and if the general and duplicate returns or either of such returns from such precinct shall~~
 694 ~~not correspond with such proof sheets, they shall be corrected so as to correspond with~~
 695 ~~such proof sheets in the absence of allegation of specific fraud or error proved to the~~
 696 ~~satisfaction of the superintendent. Reserved.~~"

697 **SECTION 20.**

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

701 "~~(b) In precincts where voting machines have been used, whenever it appears that there is~~
 702 ~~a discrepancy in the returns recorded for any voting machine or machines or that an error,~~
 703 ~~although not apparent on the face of the returns, exists, the superintendent shall, either of~~
 704 ~~his or her own motion or upon the sworn petition of three electors of any precinct, order~~
 705 ~~a recanvass of the votes shown on that particular machine or machines. Such recanvass~~
 706 ~~may be conducted at any time prior to the certification of the consolidated returns by the~~
 707 ~~superintendent. In conducting such recanvass, the superintendent shall summon the poll~~
 708 ~~officers of the precinct, and such officers, in the presence of the superintendent, shall make~~
 709 ~~a record of the number of the seal upon the voting machine or machines and the number~~
 710 ~~of the protective counter or other device; shall make visible the registering counters of each~~
 711 ~~such machine; and, without unlocking the machine against voting, shall recanvass the vote~~
 712 ~~thereon. Before making such recanvass, the superintendent shall give notice in writing to~~
 713 ~~the custodian of voting machines, to each candidate, and to the county or municipal~~
 714 ~~chairperson of each party or body affected by the recanvass. Each such candidate may be~~
 715 ~~present in person or by representative, and each of such parties or bodies may send two~~
 716 ~~representatives to be present at such recanvass. If, upon such recanvass, it shall be found~~
 717 ~~that the original canvass of the returns has been correctly made from the machine and that~~
 718 ~~the discrepancy still remains unaccounted for, the superintendent, with the assistance of the~~

719 ~~custodian, in the presence of the poll officers and the authorized candidates and~~
 720 ~~representatives, shall unlock the voting and counting mechanism of the machine and shall~~
 721 ~~proceed thoroughly to examine and test the machine to determine and reveal the true cause~~
 722 ~~or causes, if any, of the discrepancy in returns from such machine. Each counter shall be~~
 723 ~~reset at zero before it is tested, after which it shall be operated at least 100 times. After the~~
 724 ~~completion of such examination and test, the custodian shall then and there prepare a~~
 725 ~~statement, in writing, giving in detail the result of the examination and test; and such~~
 726 ~~statement shall be witnessed by the persons present and shall be filed with the~~
 727 ~~superintendent. If, upon such recanvass, it shall appear that the original canvass of the~~
 728 ~~returns by the poll officers was incorrect, such returns and all papers being prepared by the~~
 729 ~~superintendent shall be corrected accordingly; provided, however, that in the case of~~
 730 ~~returns from any precinct wherein the primary or election was held by the use of a voting~~
 731 ~~machine equipped with a mechanism for printing paper proof sheets, such proof sheets, if~~
 732 ~~mutually consistent, shall be deemed to be prima-facie evidence of the result of the primary~~
 733 ~~or election and to be prima facie accurate; and there shall not be considered to be any~~
 734 ~~discrepancy or error in the returns from any such precinct, such as to require a recanvass~~
 735 ~~of the vote, if all available proof sheets, from the voting machine used therein, identified~~
 736 ~~to the satisfaction of the superintendent and shown to his or her satisfaction to have been~~
 737 ~~produced from proper custody, shall be mutually consistent; and, if the general and~~
 738 ~~duplicate returns, or either of such returns from such precincts shall not correspond with~~
 739 ~~such proof sheets, they and all other papers being prepared by the superintendent shall be~~
 740 ~~corrected so as to correspond with such proof sheets in the absence of allegation of specific~~
 741 ~~fraud or error proved to the satisfaction of the superintendent by the weight of the evidence;~~
 742 ~~and only in such case shall the vote of such precinct be recanvassed under this Code~~
 743 ~~section. Reserved.~~"

744 **SECTION 21.**

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

747 "21-2-498.

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

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

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

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

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

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

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

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

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

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

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

786 (1) For each contest election being audited, the State Election Board in conjunction with
787 the local election superintendents shall set a risk limit no larger than 10 percent, while
788 providing a minimum 90 percent chance of detecting and correcting a result where the
789 outcome of the original tabulation is inconsistent with the election outcome obtained by
790 conducting a full recount;

791 (2) The State Election Board shall provide notice of the time and place of the random
792 selection of the audit units to be manually tallied and of the times and places of such
793 audits;

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

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

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

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

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

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

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

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

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

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

823 (j) In connection with the promulgation of such rules, regulations, and procedures, the
824 State Election Board shall consult with recognized statistical experts, including statistical
825 experts with experience in election auditing, equipment vendors, and local election
826 superintendents, and shall consider the best practices for conducting such risk-limiting
827 audits. Reserved."

828

SECTION 22.

829 Said chapter is further amended by revising Code Section 21-2-500, relating to delivery of
830 voting materials, presentation to grand jury in certain cases, preservation and destruction, and
831 destruction of unused ballots, as follows:

832 "21-2-500.

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

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

860 (c) Immediately upon completing the returns required by this article, the municipal
861 superintendent shall deliver in sealed containers to the city clerk the used and void ballots
862 and the stubs of all ballots used; one copy of the oaths of poll officers; and one copy of
863 each numbered list of voters, tally paper, ~~voting machine paper proof sheet~~, and return
864 sheet involved in the primary or election. In addition, the municipal superintendent shall

865 deliver copies of the ~~voting machine ballot labels~~, computer chips containing ballot
 866 tabulation programs, copies of computer records of ballot design, and similar items or an
 867 electronic record of the program by which votes are to be recorded or tabulated, which is
 868 captured prior to the election, and which is stored on some alternative medium such as a
 869 CD-ROM or floppy disk simultaneously with the programming of the PROM or other
 870 memory storage device. Such ballots and other documents shall be preserved under seal
 871 in the office of the city clerk for at least 24 months; and then they may be destroyed unless
 872 otherwise provided by order of the mayor and council if a contest has been filed or by court
 873 order, provided that the electors list, voter's certificates, and duplicate oaths of assisted
 874 electors shall be immediately returned by the superintendent to the county registrar."

875 **SECTION 23.**

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

878 "21-2-566.

879 Any person who:

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

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

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

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

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

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

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

893 ~~(8)~~(7) Willfully tampers with any electors list, voter's certificate, numbered list of voters,
 894 ballot box, ~~voting machine, direct recording electronic (DRE) equipment,~~ electronic
 895 ballot marker, or tabulating machine

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

899 **SECTION 24.**

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

903 "21-2-568.

904 (a) Any person who knowingly:

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

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

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

911 (4) Discloses to anyone how another elector voted, without said elector's consent, except
 912 when required to do so in any legal proceeding

913 shall be guilty of a felony.

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

919 **SECTION 25.**

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

923 "21-2-579.

924 Any voter at any primary or election who:

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

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

930 (3) Without having made the affirmation under oath or declaration required by Code
 931 Section 21-2-409, or when the disability which he or she declared at the time of
 932 registration no longer exists, permits another to accompany him or her into the voting
 933 compartment or ~~voting-machine~~ booth or to mark his or her ballot or to ~~register his or her~~

934 ~~vote on the voting machine or direct recording electronic (DRE) equipment~~ use an
 935 electronic ballot marker; or
 936 (4) States falsely to any poll officer that because of his or her inability to read the English
 937 language or because of blindness, near-blindness, or other physical disability he or she
 938 cannot mark the ballot ~~or operate the voting machine~~ without assistance
 939 shall be guilty of a misdemeanor."

940 **SECTION 26.**

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

944 "21-2-580.

945 Any person who:

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

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

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

952 shall be guilty of a felony."

953 **SECTION 27.**

954 Said chapter is further amended by repealing and reserving Code Section 21-2-581, relating
 955 to unauthorized making or possession of voting machine key.

956 **SECTION 28.**

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

960 "21-2-582.

961 Any person who tampers with or damages any ~~direct recording electronic (DRE)~~
 962 ~~equipment~~ electronic ballot marker or tabulating ~~computer~~ machine or device to be used
 963 or being used at or in connection with any primary or election or who prevents or attempts
 964 to prevent the correct operation of any ~~direct recording electronic (DRE) equipment~~
 965 electronic ballot marker or tabulating ~~computer~~ machine or device shall be guilty of a
 966 felony."

967 **SECTION 29.**

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

970 "21-2-582.1.

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

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

977 **SECTION 30.**

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

980 "21-2-587.

981 Any poll officer who willfully:

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

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

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

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

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

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

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

993 (8) Fails to return to the officials prescribed by this chapter, following any primary or
 994 election, any ~~keys of a voting machine~~, ballot box, general or duplicate return sheet, tally
 995 paper, oaths of poll officers, affidavits of electors and others, record of assisted voters,
 996 numbered list of voters, electors list, voter's certificate, spoiled and canceled ballots,
 997 ~~ballots deposited, written, or affixed in or upon a voting machine, DRE~~ electronic ballot
 998 marker or tabulating machine memory cards, or any certificate or any other paper or
 999 record required to be returned under this chapter

1000 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
 1001 for not less than one nor more than ten years or to pay a fine not to exceed \$100,000.00,
 1002 or both."

1003 **SECTION 31.**

1004 Said chapter is further amended by revising Code Section 21-2-591, relating to poll officers
1005 permitting unlawful assistance to voters, as follows:

1006 "21-2-591.

1007 Any poll officer who permits a voter to be accompanied by another into the voting
1008 compartment or ~~voting machine~~ booth when such poll officer knows that the disability
1009 which the voter declared at the time of registration no longer exists or that the disability
1010 which the voter declared at the time of voting did not exist shall be guilty of a
1011 misdemeanor."

1012 **SECTION 32.**

1013 Section 7 and this section of this Act shall become effective upon its approval by the
1014 Governor or upon its becoming law without such approval. The remaining sections of this
1015 Act shall become effective on January 1, 2019.

1016 **SECTION 33.**

1017 All laws and parts of laws in conflict with this Act are repealed.