

House Bill 998

By: Representatives Horner of the 3<sup>rd</sup>, Cox of the 28<sup>th</sup>, Barrett of the 24<sup>th</sup>, Ridley of the 22<sup>nd</sup>, Jasperse of the 11<sup>th</sup>, 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 prohibit bar codes, QR codes, and other machine  
3 codes on ballots printed by electronic ballot markers; to provide for third-party security  
4 audits of electronic ballot markers; to eliminate authorization for the use of ballot drop boxes;  
5 to provide that out-of-state documents are not acceptable forms of identification for voters;  
6 to revise provisions relating to precertification tabulation audits; to revise the time for  
7 holding runoffs in general and primary elections; to provide for related matters; 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 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
12 elections generally, is amended in Code Section 21-2-379.23, relating to requirements for  
13 ballot display, role of Secretary of State, and printed paper ballot controls during recount, by  
14 revising subsection (d) as follows:

15 "(d) The text portion of the paper ballot marked and printed by the electronic ballot marker  
16 indicating the elector's selection shall constitute the official ballot and shall ~~be used for, and~~

17 ~~govern the result in, constitute the official vote for purposes of vote tabulation,~~ any recount  
18 conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code  
19 Section 21-2-498. No bar codes, QR codes, or other machine coding shall be printed on  
20 the paper ballot marked and printed by the electronic ballot marker."

21 **SECTION 2.**

22 Said chapter is further amended in Code Section 21-2-379.25, relating to programming for  
23 ballot design and style, verification, appointment of custodians, role of custodians, testing  
24 of electronic ballot marker, and public notice of testing, by adding a new subsection to read  
25 as follows:

26 "(d) On or before the fifteenth day preceding a primary or election, including special  
27 primaries, special elections, and referendum elections, the superintendent shall have each  
28 electronic ballot marker subjected to a security audit to ascertain that it is secured from  
29 tampering or malicious or unapproved hardware or software. Such audit shall be  
30 performed by nongovernmental third-party contractors selected by the State Election  
31 Board, and such audits shall be conducted in a manner that the State Election Board shall  
32 prescribe by rule or regulation. Public notice of the time and place of the audit shall be  
33 made at least five days prior thereto. The superintendent of each county or municipality  
34 shall publish such notice on the homepage of the county's or municipality's public website  
35 associated with elections, if the county or municipality maintains a public website, and in  
36 a newspaper of general circulation in the county or municipality and by posting in a  
37 prominent location in the county or municipality. Such notice shall state the date, time, and  
38 place or places where auditing of the voting system components for use in the primary or  
39 election will commence, that such auditing shall continue from day to day until complete,  
40 and that representatives of political parties and bodies, news media, and the public shall be  
41 permitted to observe such audits. The superintendent of the county or municipality shall  
42 also provide such notice to the Secretary of State, and the information received from

43 superintendents stating the dates, times, and locations for auditing of voting system  
44 components shall be posted on the Secretary of State's public website. However, such  
45 representatives of political parties and bodies, news media, and the public shall not in any  
46 manner interfere with the auditing of voting system components. The advertisement in the  
47 newspaper of general circulation shall be prominently displayed, shall not be less than 30  
48 square inches, and shall not be placed in the section of the newspaper where legal notices  
49 appear."

50 **SECTION 3.**

51 Said chapter is further amended by repealing subsection (c) of Code Section 21-2-382,  
52 relating to additional buildings as additional registrar's office or place of registration for  
53 receiving absentee ballots and for advance voting and drop boxes.

54 **SECTION 4.**

55 Said chapter is further amended by revising Code Section 21-2-417, relating to presentation  
56 of proper identification to poll workers, swearing of statement when unable to produce, use  
57 of provisional ballots, and penalty for false swearing as follows:

58 "21-2-417.

59 (a) Except as provided in subsection (c) of this Code section, each elector shall present  
60 proper identification to a poll worker at or prior to completion of a voter's certificate at any  
61 polling place and prior to such person's admission to the enclosed space at such polling  
62 place. Proper identification shall consist of any one of the following:

- 63 (1) A Georgia driver's license which was properly issued by the appropriate state agency;  
64 (2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or  
65 other valid identification card issued by a branch, department, agency, or entity of the  
66 State of Georgia, any other state, or the United States authorized by law to issue personal  
67 identification, provided that such identification card contains a photograph of the elector;

68 (3) A valid United States passport;

69 (4) A valid employee identification card containing a photograph of the elector and  
70 issued by any branch, department, agency, or entity of the United States government, this  
71 state, or any county, municipality, board, authority, or other entity of this state;

72 (5) A valid United States military identification card, provided that such identification  
73 card contains a photograph of the elector; or

74 (6) A valid tribal identification card containing a photograph of the elector.

75 (b) Except as provided in subsection (c) of this Code section, if an elector is unable to  
76 produce any of the items of identification listed in subsection (a) of this Code section, he  
77 or she shall be allowed to vote a provisional ballot pursuant to Code Section 21-2-418 upon  
78 swearing or affirming that the elector is the person identified in the elector's voter  
79 certificate. Such provisional ballot shall only be counted if the registrars are able to verify  
80 current and valid identification of the elector as provided in subsection (a) of this Code  
81 section within the time period for verifying provisional ballots pursuant to Code  
82 Section 21-2-419. Falsely swearing or affirming such statement under oath shall be  
83 punishable as a felony, and the penalty shall be distinctly set forth on the face of the  
84 statement.

85 (c) An elector who registered to vote by mail, but did not comply with subsection (c) of  
86 Code Section 21-2-220, and who votes for the first time in this state shall present to the poll  
87 workers either one of the forms of identification listed in subsection (a) of this Code section  
88 or a copy of a current utility bill, bank statement, government check, paycheck, or other  
89 government document that shows the name and address of such elector. If such elector  
90 does not have any of the forms of identification listed in this subsection, such elector may  
91 vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming  
92 that the elector is the person identified in the elector's voter certificate. Such provisional  
93 ballot shall only be counted if the registrars are able to verify current and valid  
94 identification of the elector as provided in this subsection within the time period for

95 verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or  
 96 affirming such statement under oath shall be punishable as a felony, and the penalty shall  
 97 be distinctly set forth on the face of the statement.

98 (d) Government documents or identifications issued by any state other than this state shall  
 99 not be acceptable forms of identification for any provision of this Code section."

100 **SECTION 5.**

101 Said chapter is further amended by revising Code Section 21-2-498, relating to  
 102 precertification tabulation audits, as follows:

103 "21-2-498.

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

105 (1) ~~'Incorrect outcome' is when the winner of a contest or the answer to a proposed~~  
 106 ~~constitutional amendment or question would be different from the results found in a~~  
 107 ~~manual recount of paper official ballots.~~

108 (2) ~~'Risk limit' means the largest statistical probability that an incorrect outcome is not~~  
 109 ~~detected or corrected in a risk-limiting audit.~~

110 (3) ~~'Risk-limiting audit' means an audit protocol that makes use of statistical methods and~~  
 111 ~~is designed to limit to acceptable levels the risk of certifying a preliminary election~~  
 112 ~~outcome that constitutes an incorrect outcome.~~

113 (b) Local election superintendents shall conduct precertification tabulation ~~or risk-limiting~~  
 114 audits on one contest following any election, special election, election runoff, special  
 115 election runoff, primary, special primary, primary runoff, or special primary runoff with  
 116 federal or state-wide contests in accordance with requirements set forth by rule or  
 117 regulation of the State Election Board. Audits performed under this Code section shall be  
 118 conducted by manual inspection of ~~random samples~~ all of the paper official ballots cast in  
 119 the selected contest.

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

- 121 (1) Complete the audit prior to final certification of the contest;
- 122 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
- 123 absentee ballot, advance voting, provisional ballot, or otherwise;
- 124 (3) Provide a report of the unofficial final tabulated vote results for the contest to the
- 125 public prior to conducting the audit;
- 126 (4) Complete the audit in public view; and
- 127 (5) Provide details of the audit to the public within 48 hours of completion.
- 128 ~~(d)~~(c) The State Election Board shall be authorized to promulgate rules, regulations, and
- 129 procedures to implement and administer the provisions of this Code section. The
- 130 procedures prescribed by the State Election Board shall include security procedures to
- 131 ensure that collection of validly cast ballots is complete, accurate, and trustworthy
- 132 throughout the audit."

133

**SECTION 6.**

134 Said chapter is further amended in Code Section 21-2-501, relating to number of votes

135 required for election and runoff, by revising subsection (a) as follows:

136 "(a)(1) Except as otherwise provided in this Code section, no candidate shall be

137 nominated for public office in any primary or special primary or elected to public office

138 in any election or special election or shall take or be sworn into such elected public office

139 unless such candidate shall have received a majority of the votes cast to fill such

140 nomination or public office. In instances where no candidate receives a majority of the

141 votes cast, a run-off primary, special primary runoff, run-off election, or special election

142 runoff between the candidates receiving the two highest numbers of votes shall be held.

143 Unless such date is postponed by a court order, such runoff shall be held on the

144 ~~twenty-eighth day after the day of holding the preceding~~ Tuesday of the sixth week

145 following such general or special primary or general or special election.

146 (2) If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible,  
147 the remaining candidates receiving the two highest numbers of votes shall be the  
148 candidates in the runoff.

149 (3) The candidate receiving the highest number of the votes cast in such run-off primary,  
150 special primary runoff, run-off election, or special election runoff to fill the nomination  
151 or public office sought shall be declared the winner.

152 (4) The name of a write-in candidate eligible for election in a runoff shall be printed on  
153 the election or special election run-off ballot in the independent column.

154 (5) The run-off primary, special primary runoff, run-off election, or special election  
155 runoff shall be a continuation of the primary, special primary, election, or special election  
156 for the particular office concerned. Only the electors who are duly registered to vote and  
157 not subsequently deemed disqualified to vote in the runoff for candidates for that  
158 particular office shall be entitled to vote therein, and only those votes cast for the persons  
159 designated as candidates in such run-off primary, special primary runoff, run-off election,  
160 or special election runoff shall be counted in the tabulation and canvass of the votes cast.  
161 No elector shall vote in a run-off primary or special primary runoff in violation of Code  
162 Section 21-2-224."

163 **SECTION 7.**

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