

Senate Bill 176

By: Senators Mullis of the 53rd, Gooch of the 51st, Harper of the 7th, Miller of the 49th,
Burke of the 11th 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 elections and primaries generally, so as to provide for increased penalties for certain election
3 fraud; to provide that it shall be illegal to knowingly and willfully and without authorization
4 tamper with, alter, destroy, modify, or falsify the electronic data constituting the official
5 returns or votes cast in a primary, election, or runoff or cause the electronic data constituting
6 the official returns or votes cast in a primary, election, or runoff to display incorrectly; to
7 provide for penalties; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
12 primaries generally, is amended by revising Code Section 21-2-580, relating to tampering
13 with, damaging, improper preparation of, or prevention of proper operation of voting
14 machines or electronic ballot markers or tabulating machines, as follows:

15 "21-2-580.

16 Any person who:

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- 17 (1) Unlawfully opens, tampers with, or damages any voting machine or electronic ballot
18 marker or tabulating machine to be used or being used at any primary or election;
- 19 (2) Willfully prepares a voting machine or an electronic ballot marker or tabulating
20 machine for use in a primary or election in improper order for voting; or
- 21 (3) Prevents or attempts to prevent the correct operation of such electronic ballot marker
22 or tabulating machine or voting machine
- 23 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
24 for not less than ten nor more than 25 years or to pay a fine not to exceed \$100,000.00, or
25 both."

26

SECTION 2.

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

30 "21-2-582.

31 Any person who tampers with or damages any direct recording electronic (DRE)
32 equipment or electronic ballot marker or tabulating machine or device to be used or being
33 used at or in connection with any primary or election or who prevents or attempts to
34 prevent the correct operation of any direct recording electronic (DRE) equipment or
35 electronic ballot marker or tabulating machine or device shall be guilty of a felony and,
36 upon conviction thereof, shall be sentenced to imprisonment for not less than ten nor more
37 than 25 years or to pay a fine not to exceed \$100,000.00, or both."

38

SECTION 3.

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

41 "21-2-582.1.

42 (a) For the purposes of this Code section, the term 'voting equipment' shall mean a voting
43 machine, tabulating machine, optical scanning voting system, direct recording electronic
44 voting system, or electronic ballot marker.

45 (b) Any person or entity, including, but not limited to, a manufacturer or seller of voting
46 equipment, who alters, modifies, or changes any aspect of such voting equipment without
47 prior approval of the Secretary of State is shall be guilty of a felony and, upon conviction
48 thereof, shall be sentenced to imprisonment for not less than ten nor more than 25 years or
49 to pay a fine not to exceed \$100,000.00, or both."

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SECTION 4.

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

52 "21-2-582.2.

53 It shall be illegal for any person to knowingly and willfully and without authorization
54 tamper with, alter, destroy, modify, or falsify the electronic data constituting the official
55 returns or votes cast in a primary, election, or runoff or to cause the electronic data
56 constituting the official returns or votes cast in a primary, election, or runoff to display
57 incorrectly. A person convicted of violating this Code section shall be guilty of a felony
58 and, upon conviction thereof, shall be sentenced to imprisonment for not less than ten nor
59 more than 25 years or to pay a fine not to exceed \$100,000.00, or both."

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SECTION 5.

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

63 "21-2-587.

64 Any poll officer who willfully:

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

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

68 (3) Registers fraudulent votes upon any voting machine or certifies as correct a return
69 of fraudulent votes cast upon any voting machine;

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

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

72 (6) Tamper with any voting machine, direct recording electronic (DRE) equipment,
73 electronic ballot marker, or tabulating machine or device;

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

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

83 shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment
84 for not less than ~~one~~ ten nor more than ~~ten~~ 25 years or to pay a fine not to exceed
85 \$100,000.00, or both."

86

SECTION 6.

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