

The House Committee on Governmental Affairs offers the following substitute to SB 189:

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 that the text portions or machine marks
3 on ballots produced by ballot marking devices shall be counted for vote tabulation and
4 recount purposes instead of any machine coding; to authorize the use of physical ballots in
5 certain circumstances; to provide timelines for the tabulation of absentee ballots and ballots
6 cast by advance voting; to provide for related matters; to provide effective dates; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
11 primaries generally, is amended in Code Section 21-2-300, relating to provision of new
12 voting equipment by state, uniform system for all elections to be conducted with the use of
13 scanning ballots marked by electronic ballot markers, pilot programs, county responsibilities,
14 education, and county and municipal contracts for equipment, by adding a new subsection
15 to read as follows:

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

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

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

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

27 Furthermore, such primary, special primary, election, or special election shall occur
 28 independently and apart from a presidential preference primary, state-wide general
 29 primary, state-wide special primary, state-wide general election, or state-wide special
 30 election.”

31 **SECTION 2.**

32 Said chapter is further amended in Code Section 21-2-379.23, relating to requirements for
 33 ballot display, role of Secretary of State, and printed paper ballot controls during recount, by
 34 revising subsection (d) as follows:

35 “(d) The text portion of the paper ballot marked and printed by the electronic ballot marker
 36 indicating the elector's selection shall constitute the official ballot and shall be used for, and
 37 govern the result in, constitute the official vote for purposes of vote tabulation, any recount
 38 conducted pursuant to Code Section 21-2-495, and any audit conducted pursuant to Code
 39 Section 21-2-498. The official tabulation count of any ballot scanner shall be based upon
 40 the text portion or the machine mark, provided that such mark clearly denotes the elector's

41 selection and does not use a QR code, bar code, or similar coding, of such ballots and not
42 any machine coding that may be printed on such ballots."

43 **SECTION 3.**

44 Said chapter is further amended in Code Section 21-2-386, relating to safekeeping,
45 certification, and validation of absentee ballots, rejection of ballot, delivery of ballots to
46 location designated by superintendent, duties of superintendent and managers, precinct
47 returns, report of returns of verified and accepted absentee ballots cast as soon as possible
48 following closing of polls, notification of challenged elector, and unlawful disclosure of
49 tabulation results, by revising paragraph (3) of subsection (a) as follows:

50 "(3) A county election superintendent may, in his or her discretion, after 7:00 A.M. on
51 the day of the primary, election, or runoff begin tabulating the absentee ballots; provided,
52 however, that all absentee ballots that have been verified and accepted pursuant to
53 subparagraph (a)(1)(B) of this Code section by the Monday prior to the day of the
54 primary, election, or runoff shall be tabulated and the results reported by no later than
55 8:00 P.M. on the day of such primary, election, or runoff or within one hour of the
56 closing of all polls in such county, whichever occurs later. If the county election
57 superintendent chooses to open the inner envelopes and begin tabulating such ballots
58 prior to the close of the polls on the day of the primary, election, or runoff, the
59 superintendent shall notify in writing, at least seven days prior to the primary, election,
60 or runoff, the Secretary of State of the superintendent's intent to begin the absentee ballot
61 tabulation prior to the close of the polls. The county executive committee or, if there is
62 no organized county executive committee, the state executive committee of each political
63 party and political body having candidates whose names appear on the ballot for such
64 election in such county shall have the right to designate two persons and each
65 independent and nonpartisan candidate whose name appears on the ballot for such
66 election in such county shall have the right to designate one person to act as monitors for

67 such process. In the event that the only issue to be voted upon in an election is a
68 referendum question, the superintendent shall also notify in writing the chief judge of the
69 superior court of the county who shall appoint two electors of the county to monitor such
70 process."

71 **SECTION 4.**

72 Said chapter is further amended in Code Section 21-2-493, relating to computation,
73 canvassing, and tabulation of returns, investigation of discrepancies in vote counts, recount
74 procedure, pilot program for posting of digital images of scanned paper ballots, certification
75 of returns, and change in returns, by revising subsection (a) as follows:

76 "(a) The superintendent shall, after the close of the polls on the day of a primary or
77 election, at his or her office or at some other convenient public place at the county seat or
78 in the municipality, of which due notice shall have been given as provided by Code
79 Section 21-2-492, publicly commence the computation and canvassing of the returns and
80 continue until all absentee ballots received by the close of the polls, including those cast
81 by advance voting; provided, however, that such votes cast by advance voting shall be
82 tabulated and the results reported by no later than 8:00 P.M. on such day or within one hour
83 of the closing of all polls in such county, whichever occurs later, and all ballots cast on the
84 day of the primary or election have been counted and tabulated and the results of such
85 tabulation released to the public and, then, continuing with provisional ballots as provided
86 in Code Sections 21-2-418 and 21-2-419 and those absentee ballots as provided in
87 subparagraph (a)(1)(G) of Code Section 21-2-386 from day to day until completed. For
88 this purpose, the superintendent may organize his or her assistants into sections, each of
89 whom may simultaneously proceed with the computation and canvassing of the returns
90 from various precincts of the county or municipality in the manner provided by this Code
91 section. Upon the completion of such computation and canvassing, the superintendent

92 shall tabulate the figures for the entire county or municipality and sign, announce, and
93 attest the same, as required by this Code section."

94 **SECTION 5.**

95 Sections 1 and 2 of this Act shall become effective on July 1, 2026. The remaining
96 provisions of this Act shall become effective on July 1, 2024.

97 **SECTION 6.**

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