

Senate Bill 59

By: Senators Tate of the 38th, Jones of the 10th, Lucas of the 26th, Parent of the 42nd, Jones II of the 22nd 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 requirements for direct recording
3 electronic voting systems used in this state; to provide for voter verified paper audit trails;
4 to provide a definition; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
9 primaries generally, is amended by revising Code Section 21-2-379.1, relating to
10 requirements for use of direct recording electronic voting systems, as follows:

11 "21-2-379.1.

12 (a) No direct recording electronic voting system shall be adopted or used unless it shall,
13 at the time, satisfy the following requirements:

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

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

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

22 (4) It shall permit each elector to vote, at any election, for any person and for any office
23 for whom and for which he or she is lawfully entitled to vote, whether or not the name
24 of such person or persons appears as a candidate for election; to vote for as many persons
25 for an office as he or she is entitled to vote for; and to vote for or against any question
26 upon which he or she is entitled to vote;

27 (5) It shall preclude the counting of votes for any candidate or upon any question for
 28 whom or upon which an elector is not entitled to vote; shall preclude the counting of
 29 votes for more persons for any office than he or she is entitled to vote for; and shall
 30 preclude the counting of votes for any candidate for the same office or upon any question
 31 more than once;

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

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

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

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

39 (10) It shall be safely transportable; and

40 (11) It shall produce a voter verified paper audit trail as provided in subsection (b) of this
 41 Code section.

42 (b)(1) As used in this Code section, the term 'voter verified paper audit trail' means a
 43 contemporaneous paper record of a ballot printed for the voter to confirm his or her votes
 44 before the voter casts his or her ballot.

45 (2) On and after January 1, 2018, neither the state nor any county or municipality in this
 46 state shall purchase a direct recording electronic voting machine that does not include a
 47 voter verified paper audit trail.

48 (3) All direct recording electronic voting machines in use on or after January 1, 2018,
 49 shall include a voter verified paper audit trail, except for those direct recording electronic
 50 voting machines which were in use during the 2016 general election.

51 (4) All direct recording electronic voting machines purchased on or after
 52 January 1, 2018, shall include a voter verified paper audit trail.

53 (5) A direct recording electronic voting machine with a voter verified paper audit trail
 54 shall meet the following conditions:

55 (A) The voter verified paper audit trail shall be verified by the elector before the
 56 casting of the elector's ballot;

57 (B) The voter verified paper audit trail shall not be retained by the elector;

58 (C) The voter verified paper audit trail shall not contain individual voter information;

59 (D) The paper used in producing the voter verified paper audit trail shall be sturdy,
 60 clean, and resistant to degradation; and

61 (E) The voter verified paper audit trail shall be readable in a manner that makes the
 62 elector's ballot choices obvious to the elector without the use of computer or electronic
 63 code.

64 (6)(A) For any recount of an election in which ballots are cast using a direct recording
65 electronic voting machine with a voter verified paper audit trail, the voter verified paper
66 audit trail shall serve as the official ballot to be recounted.

67 (B) Voter verified paper audit trails shall be preserved in the same manner and for the
68 same time period as ballots and certificates are preserved under Code
69 Section 21-2-500."

70 **SECTION 2.**

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