

House Bill 1108

By: Representatives Byrd of the 20th, Kahaian of the 81st, and Fincher of the 23rd

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 revise provisions related to the state-wide uniform
3 system of voting equipment; to transfer responsibility for the certification and selection of
4 such system from the Secretary of State to the State Election Board; to provide that such
5 system shall use hand marked and hand counted paper ballots; to provide for the use of ballot
6 marking devices by voters precluded from using hand marked ballots; to provide for the use
7 of the same equipment in municipal elections; to make conforming changes to provisions
8 related to scanning absentee ballots; to provide for related matters; to provide an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
13 primaries generally, is amended by revising Code Section 21-2-300, relating to provision of
14 new voting equipment by state, uniform system using ballot scanners, pilot programs, county
15 obligations, and use of physical ballots, as follows:

16 "21-2-300.

17 (a)(1) The equipment used for casting and counting votes in county, state, and federal
18 elections shall be the same in each county in this state and shall be provided to each
19 county by the state, as determined by the ~~Secretary~~ of State Election Board.

20 (2) As soon as possible, once such equipment is certified by the ~~Secretary~~ of State
21 Election Board as safe and practicable for use, all federal, state, and county general
22 primaries and general elections as well as special primaries and special elections in the
23 State of Georgia shall be conducted with the use of ~~scanning the same type of paper~~
24 ~~ballots marked by electronic ballot markers and tabulated by using ballot scanners for~~
25 ~~voting at the polls and used for absentee ballots cast in person, unless otherwise~~
26 ~~authorized by law; provided, however, that such electronic ballot markers shall produce~~
27 ~~paper ballots which are marked with the elector's choices in a format readable by the~~
28 ~~elector provided for in subsection (a) of Code Section 21-2-283, hand marked by the~~
29 ~~elector, and tabulated in a publicly recorded hand count occurring at the polling place~~
30 ~~where such ballots were cast. Notwithstanding any other provisions of this Code section~~
31 ~~to the contrary, each polling place shall also have available for use by electors with~~
32 ~~disabilities, an electronic ballot marker that produces a paper ballot upon which such an~~
33 ~~elector can mark his or her choices in a format understandable to such elector that~~
34 ~~precludes the use of a hand marked paper ballot. Such electronic ballot markers shall also~~
35 ~~be certified by the State Election Board as safe and practicable for use for elections held~~
36 in this state.

37 (3) The state shall furnish a uniform system ~~of electronic ballot markers and ballot~~
38 ~~scanners and method to mark and count ballots~~ for use in each county as soon as possible,
39 ~~provided that all such tabulation, result publication, and voter authentication equipment~~
40 ~~is incapable of being accessed remotely and is procured from an American owned~~
41 ~~corporation; uses hardware, software, firmware, and components that are all made in~~
42 ~~America; and is developed and maintained exclusively by American citizens. Such~~

43 ~~equipment shall be certified by the United States Election Assistance Commission prior~~
44 ~~to purchase, lease, or acquisition.~~ At its own expense, the governing authority of a
45 county may purchase, lease, or otherwise acquire additional ~~electronic ballot markers and~~
46 ~~ballot scanners~~ voting equipment of the type furnished by the state, if the governing
47 authority so desires. Additionally, at its own expense, the governing authority of a
48 municipality may choose to acquire its own ~~electronic ballot markers and~~ ~~ballot scanners~~
49 ~~by purchase, lease, or other procurement process~~ voting equipment as furnished by the
50 state.

51 (4) Notwithstanding any provision of law to the contrary, the Secretary of State Election
52 Board is authorized to conduct pilot programs to test and evaluate the use of ~~electronic~~
53 ~~ballot markers and ballot scanners~~ hand marked and counted paper ballots in primaries
54 and elections in this state.

55 (b) Each county shall, prior to being provided with voting equipment by the state, provide
56 polling places that are adequate for the operation of such equipment, including, if
57 necessary, the placement within the polling places of a sufficient number of electrical
58 outlets and telephone lines.

59 (c) Each county shall, prior to being provided with voting equipment by the state, provide
60 or contract for adequate technical support for the installation, set up, and operation of such
61 voting equipment for each primary, election, and special primary and special election as
62 the Secretary of State Election Board shall determine by rule or regulation.

63 (d) The Secretary of State Election Board shall be responsible for the development,
64 implementation, and provision of a continuing program to educate voters, election officials,
65 and poll workers in the proper use of such voting equipment. Each county shall bear the
66 costs, including transportation, subsistence, and lodging, incurred by its election and
67 registration officials in attending courses taught by or arranged by the Secretary of State
68 Election Board for instruction in the use of the voting equipment.

69 (e)(1) Counties shall be authorized to contract with municipal governments for the use
70 of such voting equipment in municipal elections under terms and conditions specified by
71 the ~~Secretary of State~~ Election Board to assure that the equipment is properly used and
72 kept secure.

73 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee
74 for use of state owned voting equipment but may require municipalities to reimburse the
75 county for the actual expenses related to the election or elections that are subject to the
76 county and municipal contract.

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

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

86 (A) ~~Special primaries, special elections, or runoffs thereof for county offices, or~~
87 (B) ~~Special elections to present a question to the voters of a county.~~

88 Furthermore, such primary, special primary, election, or special election shall occur
89 independently and apart from a presidential preference primary, state-wide general
90 primary, state-wide special primary, state-wide general election, or state-wide special
91 election."

92 SECTION 2.

93 Said chapter is further amended in Code Section 21-2-386, relating to procedures regarding
94 absentee ballots, by revising subsection (g) as follows:

95 "(g) Notwithstanding any other provision of law to the contrary, including, but not limited
96 to, the certification requirement in paragraph (3) of subsection (a) of Code Section
97 21-2-300, all absentee ballots tabulated pursuant to this Code section shall be scanned so
98 that there is a digital image of each such ballot. All such scans shall have a resolution of
99 no less than 600 dots per inch, or the highest resolution possible within the certified voting
100 system. All such scans shall be posted and maintained by the program provided for in
101 subsection (j.1) of Code Section 21-2-493."

SECTION 3.

103 This Act shall become effective on January 1, 2027.

SECTION 4.

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