



## **HB 316 – Elections – Replacing Georgia’s Voting Machines**

LC 28 9185, February 19, 2019

Association County Commissioners of Georgia

### **New Voting Machines**

This omnibus elections legislation provides that the state will provide new, uniform voting machines for every county in Georgia.

This voting equipment will consist of “ballot marking devices” -- electronic devices, similar to the DRE interface currently used by voters, to mark their ballots. The difference is that these devices then produce a paper “scanning ballot” which can be read and reviewed by the voter prior to the voter placing the ballot in a “ballot scanner”. The ballot scanner is an electronic recording device which then tabulates the votes of all ballots (also known as a tabulating machine) and stores/retains the scanning ballots, maintaining a paper trail for auditing, if necessary.

A significant portion of HB 316 sets out the requirements and specifications for ballot marking devices, including their display and programming; ballot scanners; all equipment’s examination, testing and storage; vendor’s responsibilities and conflicts of interest; and security.

The Governor’s proposed FY 2020 budget, a separate bill, contains \$150 million in recommended bond funding to pay for this equipment, which, according to HB 316, the state will furnish for use in each Georgia county “as soon as possible”. Should this legislation and the \$150 million appropriation pass, the procurement of this equipment, as well as its distribution to counties, will ultimately be made by the Georgia Secretary of State (SOS) -- once that office has certified the equipment safe and practical for use.

It is anticipated that the equipment will be piloted during the 2019 municipal elections, then ready for use for the 2020 primaries and general elections. The uniform equipment will be used for all federal, state, and county general primaries and general elections, as well as special primaries and special elections in the state. Counties and cities may purchase, lease or otherwise acquire additional equipment at their own expense.



Additional elections revisions contained in HB 316 include:

### **Voter Registration**

- Prior to notifying an applicant that their identity cannot be verified, the local board of registrars must review the application to ensure there are no data entry errors and ensure that the applicant did not provide sufficient evidence of his or her identity.
- Not less than 30 days nor more than 60 days prior to an application being rejected, the board must mail a final notice to the applicant that her or his identification cannot be verified and that he or she must provide additional evidence of their identity.

### **Removing Inactive Voters from the Rolls**

- An elector now has five years (rather than three years in current law) of non-activity/participation with Georgia's elections process before being removed from the active voting rolls.

### **Accuracy of Elections – Moving Out of State**

- The bill authorizes the SOS to enroll Georgia in a 25-state collaboration (the Electronic Registration Information Center) to share voting information in order to track and cancel voters who move out of state. The Center is made up of elections officials of states and U.S. territories that are members.
- When a person moves from Georgia and registers to vote in another state, and Georgia receives notice but not documented proof of the voter registering in the other state, the SOS or board of registrars will send the elector a confirmation that his or her Georgia registration is about to be cancelled.

### **Felony Verification**

- The SOS, upon receiving a list of persons convicted of felonies, will contact local registrars, who must then mail a notice to the person's last known mailing address stating that the voter will be removed from the rolls 30 days after the notification, unless the person requests a hearing to contest said removal.



## **Precincts and Polling Places**

- Counties cannot divide, alter, format or consolidate a voting precinct until at least 30 day's notice is given in the local legal organ and a copy of the notice is mailed to the SOS. Current law only calls for 10 days notice.
- Polling places cannot be changed on Election Day, nor during the 60-day period leading up to general elections nor 30 days for special elections and runoffs, unless there is an emergency or the polling place has become unusable.
- Electors (who are entitled to receive voting assistance at a polling place) may receive assistance from any person so long as the helper is not their employer, an agent of the employer, or an agent of the elector's union. Those who assist are no longer limited to 10 electors to whom they offer assistance.
- Voter identification cards remain valid if the voter changes his or her address, so long as the address remains in the same county in which it was issued.
- Counties must provide one ballot marking device per every 250 voters during elections.

## **Absentee Voting**

- Persons in a county jail or in custody, but not convicted of a felony, can now be mailed an absentee ballot to vote. An employee of the jail may mail the ballot back.
- Absentee ballot applications cannot be rejected due to an apparent mismatch between the voter's signature on the application and their voter registration signature. In these cases, the elector will be mailed a provisional absentee ballot and instructions that he or she can cure the mismatch by submitting an affidavit to the board of registrars along with a copy of appropriate identification.
- Electors no longer have to provide their address or year of birth on the oath provided with a returned absentee ballot.
- Currently a person cannot assist more than 10 disabled or non-English-speaking individuals complete absentee ballots. That limit has been removed.



- Caregivers of a disabled person may now mail back an absentee ballot (current law allows only family members or someone else living in the household).
- Disabled or illiterate persons can now be assisted in voting by anyone of their choice, so long as the person assisting is not an employer, a fellow union member, a candidate, or a family member of a candidate.
- If a voter's absentee ballot is rejected, a notice is given, and they have until the end of the period by which to verify provisional ballots to cure their absentee ballot error(s).

### **Advance and Provisional Voting**

- Election superintendents must now notify the SOS (each time an elector casts a provisional ballot) whether the ballot was counted and, if not counted, the reason why.
- Boards of registrars must now go through additional steps and check additional information before rejecting a provisional ballot. Boards must also notify a voter "at the earliest time possible" that their ballot has been rejected.

### **Elections Certification and Recounts**

- Elections superintendents have four additional days to certify election returns.
- An election's certification date can be extended by the SOS if it is determined necessary to complete a precertification audit.
- The threshold by which a candidate may request a recount has been reduced from a difference of 1 percent of the votes cast to ½ of 1 percent.
- Rules pertaining to mandated precertification audits are revised and spelled out.
- The SOS is required to conduct a risk-limiting audit pilot program with a risk limit of not greater than 10 percent in one or more counties by December 31, 2021. Results must be provided to the General Assembly.