

House Bill 1031

By: Representatives Teasley of the 37th, Rynders of the 152nd, Brockway of the 102nd, and Hightower of the 68th

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 primaries and elections generally, so as to provide that, if the votes received by a candidate
3 in a primary or election are within not more than 1 percent of the total votes which were cast
4 for such office in such primary or election of receiving a majority of the votes cast for such
5 office and being declared as the candidate nominated or elected, such candidate shall be
6 qualified to request a recount; to provide for related matters; to provide an effective date; to
7 repeal 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 primaries and
11 elections generally, is amended by revising paragraph (1) of subsection (c) of Code
12 Section 21-2-495, relating to procedure for recount or recanvass of votes and losing
13 candidate's right to a recount, as follows:

14 "(c)(1) Whenever the difference between the number of votes received by a candidate
15 who has been declared nominated for an office in a primary election or who has been
16 declared elected to an office in an election or who has been declared eligible for a run-off
17 primary or election and the number of votes received by any other candidate or
18 candidates not declared so nominated or elected or eligible for a runoff shall be not more
19 than 1 percent of the total votes which were cast for such office therein, any such
20 candidate or candidates receiving a sufficient number of votes so that the difference
21 between his or her vote and that of a candidate declared nominated, elected, or eligible
22 for a runoff is not more than 1 percent of the total votes cast, within a period of two
23 business days following the certification of the election results, shall have the right to a
24 recount of the votes cast, if such request is made in writing by the losing candidate. If the
25 office sought is a federal or state office voted upon by the electors of more than one
26 county, the request shall be made to the Secretary of State who shall direct that the

27 recount be performed in all counties in which electors voted for such office and notify the
28 superintendents of the several counties involved of the request. In all other cases, the
29 request shall be made to the superintendent. The superintendent or superintendents shall
30 order a recount of such votes to be made immediately. If, upon such recount, it is
31 determined that the original count was incorrect, the returns and all papers prepared by
32 the superintendent, the superintendents, or the Secretary of State shall be corrected
33 accordingly and the results recertified. In addition, if the votes received by a candidate
34 in a primary or election are within not more than 1 percent of the total votes which were
35 cast for such office in such primary or election of receiving a majority of the votes cast
36 for such office and being declared as the candidate nominated or elected, such candidate
37 shall be qualified to request a recount under the provisions of this subsection."

38 **SECTION 2.**

39 This Act shall become effective upon its approval by the Governor or upon its becoming law
40 without such approval.

41 **SECTION 3.**

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