

House Bill 406

By: Representatives Wade of the 9th, Blackmon of the 146th, Ridley of the 6th, Williamson of the 115th, Gambill of the 15th, 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 audits of certain primaries and
3 elections; to provide for procedures; to provide for access to election records for such
4 auditors; to provide for public access to the results of such audits; to provide for the audit of
5 specific elections; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
10 primaries generally, is amended in Article 12, relating to returns, by adding a new Code
11 section to read as follows:

12 "21-2-505.

13 (a) The Secretary of State shall be responsible for auditing or causing an audit to be
14 performed in accordance with this Code section of each general primary, general primary
15 runoff, general election, and general election runoff conducted in this state in accordance
16 with subsection (b) of this Code section. In addition, the Secretary of State shall be

17 responsible for auditing or causing to be audited the voter registrations and absentee ballot
18 applications identified in subsections (c) and (d) of this Code section.

19 (b)(1) Following each general primary, general primary runoff, general election, and
20 general election runoff, the Secretary of State shall audit or cause to be audited the 20
21 most populous counties in the state and 20 other counties selected at random from the
22 remaining counties. The audit shall examine all congressional and state-wide contests.
23 The audit shall examine all of the absentee ballot applications for completeness and
24 accuracy in verifying the identity of the elector and compare the number of approved
25 applications to the number of absentee ballots issued. The audit shall include a hand
26 count of all absentee ballots received which shall be compared to the recorded count of
27 absentee ballots and any discrepancies noted. The audit shall also include a hand count
28 of ballots cast on the day of the primary, election, or runoff and a hand count of the
29 ballots cast at advance voting locations. Such hand counts shall be compared to the
30 recorded results from the tabulating machines and any discrepancies noted.

31 (2) The audit under this subsection shall take place within 180 days following each
32 general primary, general primary runoff, general election, and general election runoff;
33 provided, however, that, if the votes received by a candidate who is declared eligible for
34 a runoff or elected to an office and the votes received by any other candidate who is not
35 declared to be elected to an office or eligible for a runoff in any state-wide or
36 congressional race are within 2 percent or less of the total votes cast for such contest,
37 such audit shall begin immediately.

38 (c) The Secretary of State shall audit or cause to be audited on an ongoing basis all newly
39 registered electors to verify that such newly registered electors are properly registered and
40 eligible to vote in this state. Such audits shall be conducted as such electors are added to
41 the list of electors.

42 (d) The Secretary of State shall audit or cause to be audited on an ongoing basis during the
43 absentee ballot application and absentee balloting period before a general primary, general

44 primary runoff, general election, and general election runoff any absentee ballot request
45 that requests for an absentee ballot be mailed or transmitted to an address outside of this
46 state. Such audit shall be performed as such requests are made and shall verify that such
47 electors still meet the residency requirements to vote in this state in such primary, election,
48 or runoff for which the ballot is requested.

49 (e) In order to conduct the audits required by this Code section, the Secretary of State and
50 his or her authorized agents shall be granted access to all necessary election records,
51 documents, computer files and systems, and ballots by the county officials who have
52 custody of such records, documents, files, systems, and ballots.

53 (f) The results of the audits under this Code section shall be available for public inspection
54 and copying.

55 (g) Not later than December 31, 2021, the Secretary of State shall undertake and complete
56 an audit of the congressional and state-wide contests on the November 3, 2020, general and
57 special election and the January 5, 2021, general and special election runoff in accordance
58 with the provisions of subsection (b) of this Code section."

59 **SECTION 2.**

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