

House Bill 977 (COMMITTEE SUBSTITUTE)

By: Representatives LaHood of the 175th, Anderson of the 10th, Leverett of the 123rd, Blackmon of the 146th, Jones of the 25th, 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 primaries and elections generally, so as to expand the number of contests subject to
3 risk-limiting audits; to provide for percentages of risk limits; to provide procedures for
4 selection of contests subject to risk-limiting audits; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
9 elections generally, is amended by revising Code Section 21-2-498, relating to
10 precertification tabulation audits, as follows:

11 "21-2-498.

12 (a) As used in this Code section, the term:

13 (1) 'Incorrect outcome' means the winner of a contest or the answer to a proposed
14 constitutional amendment or question would be different from the results found in a
15 manual recount of paper official ballots.

16 (2) 'Risk limit' means the largest statistical probability that an incorrect outcome is not
17 detected or corrected in a risk-limiting audit; provided, however, that such probability
18 does not exceed:

19 (A) Eight percent in 2024;

20 (B) Six percent in 2026;

21 (C) Four percent in 2028; and

22 (D) Two percent in 2030 and thereafter.

23 (3) 'Risk-limiting audit' means an audit protocol that makes use of statistical methods and
24 is designed to limit to acceptable levels the risk of certifying a preliminary election
25 outcome that constitutes an incorrect outcome.

26 (4) 'Selected contests' means:

27 (A) The contest at the top of a ballot; and

28 (B) If the following races are on a ballot, one contest from the following races as
29 selected pursuant to subsection (d) of this Code section: United States Senate,
30 Governor, Lieutenant Governor, Secretary of State, Attorney General, State School
31 Superintendent, Commissioner of Insurance, Commissioner of Agriculture,
32 Commissioner of Labor, Supreme Court Justice, Judge of the Court of Appeals, or
33 Public Service Commissioner, provided that such selected contest is not the race at the
34 top of the ballot.

35 (b) Local election superintendents shall conduct precertification tabulation or risk-limiting
36 audits on ~~one contest~~ selected contests following any election, special election, election
37 runoff, special election runoff, primary, special primary, primary runoff, or special primary
38 runoff with ~~federal~~ presidential, United States Senate, or state-wide contests in accordance
39 with requirements set forth by rule or regulation of the State Election Board. Audits
40 performed under this Code section shall be conducted by manual inspection of random
41 samples of the paper official ballots.

42 (c) In conducting each audit, the local election superintendents shall:

- 43 (1) Complete the audit prior to final certification of the ~~contest~~ contests;
- 44 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
45 absentee ballot, advance voting, provisional ballot, or otherwise;
- 46 (3) Provide a report of the unofficial final tabulated vote results for the ~~contest~~ contests
47 to the public prior to conducting the audit;
- 48 (4) Complete the audit in public view; and
- 49 (5) Provide details of the audit to the public within 48 hours of completion.
- 50 (d) In the event that multiple qualified races are on a ballot, one race in addition to the race
51 at the top of the ballot shall be selected as selected contests for auditing pursuant to this
52 Code section. The selected contests shall be selected by majority vote of the Governor,
53 Lieutenant Governor, and the Speaker of the House of Representatives, the minority leader
54 of the Senate, and the minority leader of the House of Representatives; provided, however,
55 that, in the event that a majority vote cannot be obtained by 11:00 A.M. on the Thursday
56 immediately following the election, special election, election runoff, special election
57 runoff, primary, special primary, primary runoff, or special primary runoff, the selected
58 contest shall be selected by the chairperson of the State Election Board. The selection vote
59 required by this subsection does not need to occur in person; such vote may be
60 accomplished telephonically, virtually, or via written or electronic correspondence.
- 61 ~~(d)~~(e) The State Election Board shall be authorized to promulgate rules, regulations, and
62 procedures to implement and administer the provisions of this Code section. The
63 procedures prescribed by the State Election Board shall include security procedures to
64 ensure that collection of validly cast ballots is complete, accurate, and trustworthy
65 throughout the audit.
- 66 (f) Nothing in this Code section shall prevent an election superintendent from conducting
67 risk-limiting audits in additional contests if circumstances warrant the auditing of one or
68 more additional contests than those required by this Code Section."

69

SECTION 2.

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