

House Bill 113

By: Representatives Holmes of the 53rd, Martin of the 47th, Hudson of the 120th, DeLoach of the 172nd and Mobley of the 69th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 21-2-495 of the Official Code of Georgia Annotated, relating to
2 procedure for recount or recanvass of votes, so as to provide that, whenever the difference
3 between the number of votes received by a candidate who has been declared eligible for a
4 run-off primary or election and the number of votes required to win the primary or election
5 without a runoff shall be not more than 1 percent of the total votes which were cast for such
6 office therein, such candidate or candidates may, upon application, obtain a recount or
7 recanvass of the votes cast in such primary or election; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 21-2-495 of the Official Code of Georgia Annotated, relating to procedure for
12 recount or recanvass of votes, is amended by striking subsection (c) of that Code section in
13 its entirety and inserting in lieu thereof a new subsection (c) to read 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 five days
23 following the certification of the election results, shall have the right to a recount or
24 recanvass, as appropriate, of the votes cast, if such request is made in writing by the
25 losing candidate. If the office sought is a federal or state office voted upon by the
26 electors of more than one county, the request shall be made to the Secretary of State who

1 shall notify the superintendents of the several counties involved of the request. In all
2 other cases, the request shall be made to the superintendent. The superintendent or
3 superintendents shall order a recount or recanvass, as appropriate, of such votes to be
4 made immediately. If, upon such recount or recanvass, it is determined that the original
5 count was incorrect, the returns and all papers prepared by the superintendent, the
6 superintendents, or the Secretary of State shall be corrected accordingly and the results
7 recertified.

8 (2) Whenever the difference between the number of votes received by a candidate in a
9 primary or election who has been declared eligible for a run-off primary or election and
10 the number of votes required to win such primary or election without a runoff shall be not
11 more than 1 percent of the total votes which were cast for such office therein, such
12 candidate or candidates receiving a sufficient number of votes so that the difference
13 between his or her vote and the number of votes required to win without a runoff is not
14 more than 1 percent of the total votes cast, within a period of five days following the
15 certification of the election results, shall have the right to a recount or recanvass, as
16 appropriate, of the votes cast, if such request is made in writing by such candidate. If the
17 office sought is a federal or state office voted upon by the electors of more than one
18 county, the request shall be made to the Secretary of State who shall notify the
19 superintendents of the several counties involved of the request. In all other cases, the
20 request shall be made to the superintendent. The superintendent or superintendents shall
21 order a recount or recanvass, as appropriate, of such votes to be made immediately. If,
22 upon such recount or recanvass, it is determined that the original count was incorrect, the
23 returns and all papers prepared by the superintendent, the superintendents, or the
24 Secretary of State shall be corrected accordingly and the results recertified."

25 **SECTION 2.**

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