

House Bill 501

By: Representatives Blackmon of the 146th and Roberts of the 52nd

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 recounts shall count the text portions
3 of ballots; to provide for discretionary recounts in certain circumstances; to provide certain
4 procedures for conducting recounts in partisan elections; to provide for related matters; to
5 repeal 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 in Code Section 21-2-379.23, relating to requirements for
10 ballot display, role of Secretary of State, and printed paper ballot controls during recount, by
11 revising subsection (d) as follows:

12 "(d) The text portion of the paper ballot marked and printed by the electronic ballot marker
13 shall constitute the official ballot and shall be used for, and govern the result in, any
14 recount conducted pursuant to Code Section 21-2-495 and any audit conducted pursuant
15 to Code Section 21-2-498."

H. B. 501

SECTION 2.

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Said chapter is further amended in Code Section 21-2-495, relating to procedure for recount or recanvass of votes, losing candidate's right to a recount, and rules and regulations, by revising subsection (a) and adding new subsections to read as follows:

"(a) In precincts where paper ballots or scanning ballots have been used, the superintendent may, either of his or her own motion, ~~or upon petition of any candidate or political party,~~ or upon the sworn petition of three electors of any county, order the recount of all the ballots for a particular precinct or precincts for one or more offices in which it shall appear that a discrepancy or error, although not apparent on the face of the returns, has been made. Such discretionary recount ~~may~~ must be held at any time prior to the certification of the consolidated returns by the superintendent and shall be conducted under the direction of the superintendent. In the event that the superintendent denies such a recount request, the superintendent shall provide such denial in writing, along with the reason for such denial, to the petitioner. Before making such discretionary recount, the superintendent shall give notice in writing to each candidate and to the county or municipal chairperson of each party or body affected by the recount. Each such candidate may be present in person or by representative, and each such party or body may send two representatives to be present at such discretionary recount. If upon such discretionary recount, it shall appear that the original count by the poll officers was incorrect, such returns and all papers being prepared by the superintendent shall be corrected accordingly."

"(c.1) Notwithstanding any other provision of this chapter to the contrary, all recounts shall be conducted by hand, and the count shall be based upon the text portion of the ballots.

(c.2) In a recount of a partisan election, the recount team shall be composed of the election superintendent or designee thereof and one person selected by the election superintendent from a list provided by the county executive committee of each political party and body having candidates whose names appear on the ballot for such election; provided, however, that if there is no organized county executive committee for a political party or body, the

43 person shall be selected from a list provided by the state executive committee of the
44 political party or body. If, after the superintendent provides reasonable notice and a
45 deadline to the executive committee, a county executive committee or state executive
46 committee does not provide a sufficient number of names or does not deliver the list of
47 names in a timely manner, the superintendent shall be permitted to select the persons to
48 serve on the recount team on behalf of the political party or body as needed. Any candidate
49 or his or her designee shall be permitted to monitor the process at a distance close enough
50 that he or she can reasonably read all documents and electronic display screens used in the
51 recount process."

52 **SECTION 3.**

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