

House Bill 977

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 contests at the top of ballot; and
- 28 (B) If such following types of office are on a ballot, one contest from each of the
 29 following types of office as selected pursuant to subsection (d) of this Code section:
 - 30 (i) United States Senate or United States House of Representatives;
 - 31 (ii) Governor, Lieutenant Governor, Secretary of State, Attorney General, State
 32 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture,
 33 Commissioner of Labor, Supreme Court Justice, Judge of the Court of Appeals, or
 34 Public Service Commissioner;
 - 35 (iii) Member of the General Assembly;
 - 36 (iv) Judge of the superior court or district attorney;
 - 37 (v) County offices; and
 - 38 (vi) Municipal offices.

39 (b) Local election superintendents shall conduct precertification tabulation or risk-limiting
 40 audits on ~~one contest~~ selected contests following any election, special election, election
 41 runoff, special election runoff, primary, special primary, primary runoff, or special primary
 42 runoff ~~with federal or state-wide contests~~ in accordance with requirements set forth by rule

43 or regulation of the State Election Board. Audits performed under this Code section shall
44 be conducted by manual inspection of random samples of the paper official ballots.

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

46 (1) Complete the audit prior to final certification of the ~~contest~~ contests;

47 (2) Ensure that all types of ballots are included in the audit, whether cast in person, by
48 absentee ballot, advance voting, provisional ballot, or otherwise;

49 (3) Provide a report of the unofficial final tabulated vote results for the ~~contest~~ contests
50 to the public prior to conducting the audit;

51 (4) Complete the audit in public view; and

52 (5) Provide details of the audit to the public within 48 hours of completion.

53 (d)(1) For offices listed in divisions (i) and (ii) of subparagraph (a)(4)(B) of this Code
54 section, the selected contests shall be selected by majority vote of the Governor,
55 Lieutenant Governor, and the Speaker of the House of Representatives.

56 (2) For offices listed in division (iii) of subparagraph (a)(4)(B) of this Code section, if
57 multiple races of a type listed are on the ballot, the selected contests shall be selected at
58 random by the Secretary of State. Such random selection shall be accomplished by the
59 Secretary of State numbering each contest on the ballot, placing a piece of paper with the
60 number of each contest in a container with all of the numbers of similar types of races,
61 and then pulling one such number from the container. In the event there is only one of
62 a listed type of contest on a ballot, that contest shall be the selected contest for that type
63 of contest. Only one Senate and one House of Representatives contest state-wide shall
64 be selected by the Secretary of State.

65 (3) For offices listed in divisions (iv) through (vi) of subparagraph (a)(4)(B) of this Code
66 section, if multiple races of a type listed are on the ballot, the selected contests shall be
67 selected at random by the local election superintendent. Such random selection shall be
68 accomplished by the superintendent numbering each contest on the ballot, placing a piece
69 of paper with the number of each contest in a container with all of the numbers of similar

70 types of races, and then pulling one such number from the container. In the event there
71 is only one of a listed type of contest on a ballot, that contest shall be the selected contest
72 for that type of contest.

73 ~~(d)~~(e) The State Election Board shall be authorized to promulgate rules, regulations, and
74 procedures to implement and administer the provisions of this Code section. The
75 procedures prescribed by the State Election Board shall include security procedures to
76 ensure that collection of validly cast ballots is complete, accurate, and trustworthy
77 throughout the audit."

78 **SECTION 2.**

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