

Senate Bill 3EX

By: Senators Burns of the 23rd, Walker III of the 20th, Anavitarte of the 31st, Robertson of the 29th, Still of the 48th and others

AS PASSED SENATE

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 establish the Election Equipment Specifications
3 and Standards Committee to establish the specifications, standards, and requirements for a
4 new uniform system of election equipment; to provide for membership and duties; to provide
5 for advisement; to provide for reporting; to provide for the extent to which the Secretary of
6 State is authorized to provide for the selection, certification, or procurement of the new
7 uniform system of election equipment; to declare certain actions void and ultra vires; to
8 provide for automatic repeal to revise provisions related to certain recounts of votes;; to
9 revise provisions related to selected contests subject to risk-limiting audits; to amend an Act
10 relating to elections and primaries approved May 6, 2024 (Ga. L. 2024, p. 1028), SB 189, so
11 as to revise an effective date; to provide for related matters; to provide for an effective date;
12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and
16 primaries generally, is amended by adding a new Code section to read as follows:

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17 "21-2-301.

18 (a) There is created the Election Equipment Specifications and Standards Committee that
19 shall establish the specifications, standards, and requirements for a new uniform system of
20 election equipment. Such committee shall be composed the following:

21 (1) Three electors of the state to be appointed by the Governor;

22 (2) Three members of the Senate to be appointed by the Senate Committee on
23 Assignments, one of whom shall be designated as cochairperson; and

24 (3) Three members of the House of Representatives to be appointed by the Speaker of
25 the House of Representatives, one of whom shall be designated as cochairperson.

26 (b) The committee may seek advisement from, but shall not be limited to:

27 (1) The elections director of the Secretary of State's office, or his or her designee;

28 (2) The executive director of the State Election Board;

29 (3) The Georgia Association of Voter Registration and Election Officials;

30 (4) Cybersecurity experts; and

31 (5) Accessibility or disability experts.

32 (c) By January 31, 2027, the committee shall prepare a report which shall provide its
33 recommendations for specifications, standards, and requirements for a new uniform system
34 of election equipment. Such report shall be of sufficient detail so as to allow legislative
35 and executive policymakers to develop appropriations, procurement, and implementation
36 plans to provide for the use of such new uniform system of election equipment in the 2028
37 election cycle. The report shall be delivered to the Governor, the Lieutenant Governor, the
38 Speaker of the House of Representatives, the Secretary of State, and the State Election
39 Board.

40 (d) Notwithstanding any other law to the contrary, except as provided for in paragraph (1)
41 of subsection (b) of this Code section, the Secretary of State in office on the effective date
42 of this Code section shall have no role or authority in the selection, certification, or
43 procurement of such new uniform system, including, but not limited to, the preparation of

44 any requests for proposals, requests for qualifications, or other solicitations to potential
45 vendors of election equipment to be used as a part of such uniform system. Any and all
46 actions taken by the Secretary of State in office on the effective date of this Code section
47 related to the selection, certification, or procurement of a new uniform system of election
48 equipment shall be void and ultra vires.

49 (e) This Code section shall stand repealed on July 1, 2029."

50 **SECTION 1.1.**

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

54 "(d.1)(1) Any other provision of this Code section to the contrary notwithstanding, prior
55 to certification of the election results, each superintendent shall complete a manual
56 recount of all votes cast in any election, special election, election runoff, special election
57 runoff, primary, special primary, primary runoff, or special primary runoff on the two
58 racess at the top of the ballot; provided, however, that, if there is only one race on a ballot,
59 a manual recount of that race is required.

60 (2) If, upon the conclusion of a recount pursuant to paragraph (1) of this subsection, it
61 is determined that the original count was incorrect, the returns and all papers prepared by
62 the superintendent or the Secretary of State shall be corrected accordingly prior to
63 certification of such election by the superintendent."

64 **SECTION 2.**

65 Said chapter is further amended in Code Section 21-2-498, relating to precertification
66 tabulation audits and risk-limiting audits, by revising paragraph (4) of subsection (a) as
67 follows:

68 "(4) 'Selected contests' means:

- 69 (A) The contest at the top of a ballot; ~~and~~
- 70 (B) If they are on the ballot, each of the following races: presidential, United States
- 71 Senator, United States Representative, Governor, Lieutenant Governor, Secretary of
- 72 State, and Attorney General, provided that such selected contest is not the race at the
- 73 top of the ballot; and
- 74 (C) If the following races are on a ballot, one contest from the following races as
- 75 selected pursuant to subsection (d) of this Code section: ~~United States Senate,~~
- 76 ~~Governor, Lieutenant Governor, Secretary of State, Attorney General,~~ State School
- 77 Superintendent, Commissioner of Insurance, Commissioner of Agriculture,
- 78 Commissioner of Labor, Supreme Court Justice, Judge of the Court of Appeals, or
- 79 Public Service Commissioner, provided that such selected contest is not the race at the
- 80 top of the ballot."

81 **SECTION 3.**

82 An Act relating to elections and primaries approved May 6, 2024 (Ga. L. 2024, p. 1028),

83 SB 189, is amended by revising subsection (d) of Section 13 as follows:

84 "(d) Section 7 of this Act shall become effective on January 1, 2028."

85 **SECTION 4.**

86 This Act shall become effective upon its approval by the Governor or upon its becoming law

87 without such approval.

88 **SECTION 5.**

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