

The House Committee on Governmental Affairs offers the following substitute to HB 977:

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.

H. B. 977 (SUB)

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.