

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

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 prepare recommendations for the specifications, standards, and
4 requirements for a new uniform system of election equipment; to provide for membership
5 and duties; to provide for input from subject matter experts; to provide for reporting; to
6 provide for the extent to which the Secretary of State is authorized to provide for the
7 selection, certification, or procurement of the new uniform system of election equipment; to
8 declare certain actions void and ultra vires; to provide for input from certain stakeholders;
9 to authorize per diems and expenses; to provide for automatic repeal; to establish provisions
10 related to mandatory recounts of votes in certain circumstances; to provide for the state to
11 reimburse the costs of such recounts; to authorize grants to counties; to revise provisions
12 related to selected contests subject to risk-limiting audits; to amend an Act relating to
13 elections and primaries approved May 6, 2024 (Ga. L. 2024, p. 1028), SB 189, so as to revise
14 an effective date; to provide for related matters; to provide for an effective date; to repeal
15 conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 3EX

SECTION 1.

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

"21-2-301.

(a) There is created the Election Equipment Specifications and Standards Committee that shall recommend the specifications, standards, and requirements for a new uniform system of election equipment based upon hand marked paper ballots produced utilizing ballot on demand printing. Such committee shall be composed the following:

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

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

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

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

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

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

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

(4) Cybersecurity experts; and

(5) Accessibility or disability experts.

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

44 (d)(1) Notwithstanding any other law to the contrary, except as provided for in
 45 paragraph (2) of this subsection, the Secretary of State in office on the effective date of
 46 this Code section shall have no role or authority in the selection, certification, or
 47 procurement of such new uniform system, including, but not limited to, the preparation
 48 of any requests for proposals, requests for qualifications, or other solicitations to potential
 49 vendors of election equipment to be used as a part of such uniform system. Any and all
 50 actions taken by the Secretary of State in office on the effective date of this Code section
 51 related to the selection, certification, or procurement of a new uniform system of election
 52 equipment shall be void and ultra vires.

53 (2) Notwithstanding paragraph (1) of this subsection to the contrary, by majority vote the
 54 committee may request input and comment from the elections director or any other
 55 employee of the Secretary of State's office.

56 (e) Each nonlegislative member of the committee shall receive a per diem in an amount
 57 equal to the per diem received by members of the General Assembly for each day or
 58 portion of a day thereof spent in serving as a member of the committee and shall be paid
 59 his or her necessary traveling expenses while engaged in the business of the committee
 60 from funds appropriated to the State Election Board.

61 (f) This Code section shall stand repealed on July 1, 2029."

62 **SECTION 2.**

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

66 "(d.1)(1) For the purposes of this subsection the term 'qualified contest' shall mean a
 67 general election contest for the offices of Governor, Lieutenant Governor, Secretary of
 68 State, Attorney General, State School Superintendent, Commissioner of Insurance,
 69 Commissioner of Agriculture, and Commissioner of Labor.

70 (2) Notwithstanding any provisions of subsection (c) of this Code section to the contrary,
 71 in any qualified contest that appears as the first or second contest on a ballot, the
 72 difference between the number of votes received by a candidate who has been declared
 73 elected to an office in such qualified contest and the number of votes received by any
 74 other candidate or candidates not declared so elected shall be not more than one-half of
 75 1 percent of the total votes which were cast in such qualified contest. If such difference
 76 is not more than one-half of 1 percent, no later than two business days following the date
 77 for certification of the election results required by subsection (k) of Code
 78 Section 21-2-493, the Secretary of State shall direct that a manual recount of all ballots
 79 cast in such qualified contest be performed in all counties. If, upon such recount, it is
 80 determined that the original count was incorrect, the returns and all papers prepared by
 81 the superintendents or the Secretary of State shall be corrected pursuant to subsection (i)
 82 of Code Section 21-2-493 and the results recertified.
 83 (3) The state shall reimburse counties the reasonable costs incurred by such counties in
 84 any recount conducted pursuant to this subsection; provided, however, that, to be eligible
 85 for such reimbursement, the superintendent for such county shall complete such recount
 86 within seventeen days of the Secretary of State ordering the recount."

87 **SECTION 3.**

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

91 "(4) 'Selected contests' means:

92 (A) The contest at the top of a ballot; ~~and~~

93 (B) If they are on the ballot, each of the following races: presidential, United States
 94 Senate, United States Representative, Governor, Lieutenant Governor, Secretary of

95 State, and Attorney General, provided that such selected contest is not the race at the
96 top of the ballot as provided for by subparagraph (A) of this paragraph; and
97 (C) If the following races are on a ballot, one contest from the following races as
98 selected pursuant to subsection (d) of this Code section: ~~United States Senate,~~
99 ~~Governor, Lieutenant Governor, Secretary of State, Attorney General,~~ State School
100 Superintendent, Commissioner of Insurance, Commissioner of Agriculture,
101 Commissioner of Labor, Supreme Court Justice, Judge of the Court of Appeals, or
102 Public Service Commissioner, provided that such selected contest is not the race at the
103 top of the ballot."

104 **SECTION 4.**

105 An Act relating to elections and primaries approved May 6, 2024 (Ga. L. 2024, p. 1028),
106 SB 189, is amended by revising subsection (d) of Section 13 as follows:
107 "(d) Section 7 of this Act shall become effective on January 1, 2028."

108 **SECTION 5.**

109 This Act shall become effective upon its approval by the Governor or upon its becoming law
110 without such approval.

111 **SECTION 6.**

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