

House Bill 1096

By: Representatives Moore of the 95<sup>th</sup>, Beverly of the 143<sup>rd</sup>, McLeod of the 105<sup>th</sup>, Hutchinson of the 107<sup>th</sup>, Alexander of the 66<sup>th</sup>, 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 provide for drop boxes for use in returning  
3 absentee ballots; to provide for locations; to provide for requirements and operation; to  
4 provide for ballot collection; to provide for related matters; to provide an effective date; 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 21-2-385, relating to procedure for voting  
10 by absentee ballot and advance voting, by adding a new subsection to read as follows:

11 "(a.1)(1) The registrars of each county may establish one or more drop box locations in  
12 the county as a means for absentee-by-mail electors to deliver their ballots to the  
13 registrars. The placing of a voted absentee ballot into a drop box shall be deemed a  
14 delivery pursuant to this Code section and is subject to the limitations on who may  
15 deliver a ballot on behalf of an elector under this Code section.

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16 (2) A drop box shall be located only on county or municipal government property that  
17 is generally accessible to the public.

18 (3) Drop box locations may open beginning 49 days prior to any presidential preference  
19 primary, general primary other than a municipal general primary, general election other  
20 than a municipal general election, or special primary or special election in which there  
21 is a federal candidate on the ballot and shall close at 7:00 P.M. on the day of such primary  
22 or election. For a state-wide or federal special election or a state-wide or federal runoff  
23 election, drop box locations may be opened on the first day of advance voting for such  
24 elections or runoffs. On the day of the primary, election, or runoff, every drop box shall  
25 be closed and the ballots collected at 7:00 P.M. Any person acting on behalf of the  
26 registrars who opens a drop box prior to an election shall have sworn an oath in the same  
27 form as the oath for poll officers set forth in Code Section 21-2-95 prior to opening the  
28 drop box and shall sign a form indicating that the drop box was empty and secure at the  
29 time of opening. Counties shall provide notice of the location of each drop box by  
30 posting such information on the home page of the county election website no later than  
31 the day the drop boxes are placed in a location.

32 (4) Drop box locations shall have adequate lighting, and a video recording device shall  
33 be used to monitor each drop box location. The video recording device shall either  
34 continuously record the drop box location or use a motion detection feature that records  
35 one frame or more per minute until the motion triggers continuous recording. Video  
36 recordings of the drop box locations shall be retained by the registrars for a period of not  
37 less than 30 days after the final certification of the election, or until conclusion of any  
38 contest involving an election on the ballot in the county, whichever is later, and shall be  
39 made available to Secretary of State investigators, upon request, or to the public, upon  
40 request, as soon as possible, either free of charge or at a reasonable charge.

41 (5) A drop box shall be constructed of durable material able to withstand vandalism and  
42 inclement weather. The opening slot of a drop box shall not allow ballots to be tampered

43 with or removed and shall be designed to minimize the ability for liquid to be poured into  
44 the drop box or rainwater to seep in. A drop box shall be securely fastened to the ground  
45 or an immovable fixture. A drop box that features a drop slot into a building shall be  
46 designed so that the ballots drop into a locked container, and both the drop slot and the  
47 container shall be monitored by video recording devices. A drop box shall be clearly  
48 labeled 'OFFICIAL ABSENTEE BALLOT DROP BOX.' Each drop box location shall  
49 clearly display signage developed by the Secretary of State regarding Georgia law related  
50 to absentee ballot harvesting and destroying, defacing, or delaying delivery of ballots.  
51 (6) Prior to the second Monday before a primary, election, or runoff, the registrars shall  
52 arrange for the collection of the ballots from each drop box at least once every 72 hours.  
53 Beginning on the second Monday before a primary, election, or runoff and up until 7:00  
54 P.M. on the day of the primary, election, or runoff, the registrars shall collect the ballots  
55 from each drop box location at least once every 24 hours. On the day of the primary,  
56 election, or runoff, every drop box shall be closed and ballots collected at 7:00 P.M.  
57 Collection of ballots from a drop box shall be made by a team of at least two people. Any  
58 person collecting ballots from a drop box shall have sworn an oath in the same form as  
59 the oath for poll officers set forth in Code Section 21-2-95. The collection team shall  
60 complete and sign a ballot transfer form upon removing the ballots from the drop box,  
61 which shall include the date, time, location, and number of ballots collected. After  
62 emptying the drop box at 7:00 P.M. on the day of the primary, election, or runoff, the  
63 collection team shall close the drop box and indicate on the ballot transfer form that the  
64 drop box was emptied and closed. The ballots from the drop box shall be immediately  
65 transported to the registrars and processed and stored in the same manner as that of  
66 absentee ballots returned by mail. The registrars or a designee thereof shall sign the  
67 ballot transfer form upon receipt of the ballots from the collection team."

68 **SECTION 2.**

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

71 **SECTION 3.**

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