

Senate Bill 325

By: Senators Miller of the 49th, Ginn of the 47th, McNeill of the 3rd, Mullis of the 53rd,  
Payne of the 54th 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 elections and primaries generally, so as to remove provisions relating to absentee ballot drop  
3 boxes and the requirements therefor; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
7 primaries generally, is amended by revising Code Section 21-2-382, relating to additional  
8 buildings as additional registrar's office or place of registration for receiving absentee ballots  
9 and for advance voting and drop boxes, as follows:

10 "21-2-382.

11 (a) Any other provisions of this chapter to the contrary notwithstanding, the board of  
12 registrars may establish additional registrar's offices or places of registration for the  
13 purpose of receiving absentee ballots under Code Section 21-2-381 and for the purpose of  
14 advance voting under Code Section 21-2-385, provided that any such site is a building that  
15 is a branch of the county courthouse, a courthouse annex, a government service center  
16 providing general government services, another government building generally accessible

17 to the public, or a building that is used as an election day polling place, notwithstanding  
18 that such building is not a government building.

19 (b) Any other provisions of this chapter to the contrary notwithstanding, in all counties of  
20 this state having a population of 550,000 or more according to the United States decennial  
21 census of 1990 or any future such census, any building that is a branch of the county  
22 courthouse or courthouse annex established within any such county shall be an additional  
23 registrar's or absentee ballot clerk's office or place of registration for the purpose of  
24 receiving absentee ballots under Code Section 21-2-381 and for the purpose of advance  
25 voting under Code Section 21-2-385.

26 ~~(c)(1) A board of registrars or absentee ballot clerk shall establish at least one drop box~~  
27 ~~as a means for absentee by mail electors to deliver their ballots to the board of registrars~~  
28 ~~or absentee ballot clerk. A board of registrars or absentee ballot clerk may establish~~  
29 ~~additional drop boxes, subject to the limitations of this Code section, but may only~~  
30 ~~establish additional drop boxes totaling the lesser of either one drop box for~~  
31 ~~every 100,000 active registered voters in the county or the number of advance voting~~  
32 ~~locations in the county. Any additional drop boxes shall be evenly geographically~~  
33 ~~distributed by population in the county. Drop boxes established pursuant to this Code~~  
34 ~~section shall be established at the office of the board of registrars or absentee ballot clerk~~  
35 ~~or inside locations at which advance voting, as set forth in subsection (d) of Code~~  
36 ~~Section 21-2-385, is conducted in the applicable primary, election, or runoff and may be~~  
37 ~~open during the hours of advance voting at that location. Such drop boxes shall be closed~~  
38 ~~when advance voting is not being conducted at that location. All drop boxes shall be~~  
39 ~~closed when the advance voting period ends, as set forth in subsection (d) of Code~~  
40 ~~Section 21-2-385. The drop box location shall have adequate lighting and be under~~  
41 ~~constant surveillance by an election official or his or her designee, law enforcement~~  
42 ~~official, or licensed security guard. During an emergency declared by the Governor~~  
43 ~~pursuant to Code Section 38-3-51, drop boxes may be located outside the office of the~~

44 ~~board of registrars or absentee ballot clerk or outside of locations at which advance voting~~  
45 ~~is taking place, subject to the other limitations of this Code section.~~

46 ~~(2) The opening slot of a drop box shall not allow ballots to be tampered with or~~  
47 ~~removed and shall be designed to minimize the ability for liquid or other substances that~~  
48 ~~may damage ballots to be poured into the drop box. A drop box shall be labeled~~  
49 ~~"OFFICIAL ABSENTEE BALLOT DROP BOX" and shall clearly display the signage~~  
50 ~~developed by the Secretary of State pertaining to Georgia law with regard to who is~~  
51 ~~allowed to return absentee ballots and destroying, defacing, or delaying delivery of~~  
52 ~~ballots.~~

53 ~~(3) The board of registrars or absentee ballot clerk shall arrange for the collecting and~~  
54 ~~return of ballots deposited at each drop box at the conclusion of each day where advance~~  
55 ~~voting takes place. Collection of ballots from a drop box shall be made by a team of at~~  
56 ~~least two people. Any person collecting ballots from a drop box shall have sworn an oath~~  
57 ~~in the same form as the oath for poll officers set forth in Code Section 21-2-95. The~~  
58 ~~collection team shall complete and sign a ballot transfer form upon removing the ballots~~  
59 ~~from the drop box which shall include the date, time, location, number of ballots,~~  
60 ~~confirmation that the drop box was locked after the removal of the ballots, and the~~  
61 ~~identity of each person collecting the ballots. The collection team shall then immediately~~  
62 ~~transfer the ballots to the board of registrars or absentee ballot clerk, who shall process~~  
63 ~~and store the ballots in the same manner as absentee ballots returned by mail are~~  
64 ~~processed and stored. The board of registrars, absentee ballot clerk, or a designee of the~~  
65 ~~board of registrars or absentee ballot clerk shall sign the ballot transfer form upon receipt~~  
66 ~~of the ballots from the collection team. Such form shall be considered a public record~~  
67 ~~pursuant to Code Section 50-18-70.~~

68 ~~(4) At the beginning of voting at each advance location where a drop box is present, the~~  
69 ~~manager of the advance voting location shall open the drop box and confirm on the~~  
70 ~~reconciliation form for that advance voting location that the drop box is empty. If the~~

71 ~~drop box is not empty, the manager shall secure the contents of the drop box and~~  
72 ~~immediately inform the election superintendent, board of registrars, or absentee ballot~~  
73 ~~clerk, who shall inform the Secretary of State."~~

74 **SECTION 2.**

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