

P.L. 2021, CHAPTER 44, *approved April 9, 2021*
Assembly, No. 5373 (*Second Reprint*)

1 **AN ACT** concerning the location of ballot drop boxes in each county
2 and amending P.L.2020, c.72.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 ¹**[**1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to
8 read as follows:

9 1. a. In addition to delivering a voted mail-in ballot by mail or in
10 person as provided under "The Vote By Mail Law," P.L.2009, c.79
11 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the
12 voter's completed mail-in ballot in a ballot drop box established by the
13 county board of elections as provided under this section. Each mail-in
14 ballot deposited in a ballot drop box by the time designated under
15 current law for the closing of the polls for that election shall be
16 considered valid and shall be canvassed. If, at the closing of the polls,
17 a voter deposits a mail-in ballot at a ballot drop box in a county in
18 which the voter does not reside, the county board of elections, upon
19 discovering that fact, shall notify and timely deliver the ballot to the
20 county board of elections of the county in which the voter resides, who
21 shall accept the ballot for processing. The limitations and prohibitions
22 applicable to mail-in ballot bearers under "The Vote By Mail Law,"
23 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

24 b. (1) For any election, the county board of elections in each
25 county shall establish ballot drop boxes where voters may deposit their
26 voted mail-in ballots at least 45 days before the election. The ballot
27 drop boxes shall be located throughout the county in a manner
28 specified under paragraph (2) of this subsection.

29 (2) (a) A ballot drop box shall mean a secured drop box that is
30 not required to be within view of a live person for monitoring. All
31 ballot drop boxes shall be available for use by a voter 24 hours a day
32 and shall be placed at locations equipped with security cameras that
33 allow for surveillance of the ballot drop box.

34 (b) **[**At least one ballot drop box shall be located at each of the
35 following locations: any county government building in which the
36 main office of the county clerk is located; any municipal government
37 building in which the main office of the municipal clerk is located in
38 municipalities with populations larger than 5,000 residents; the main
39 campus of each county community college; the main campus of each
40 State college or university; and the main campus of each independent
41 four-year college or university with enrollments larger than 5,000

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted March 17, 2021.

²Senate floor amendments adopted March 25, 2021.

1 students.】 The board of elections in each county shall determine the
2 locations of the ballot drop boxes in compliance with the requirements
3 of this section. The ballot drop box locations shall be approved by a
4 majority vote of the members of the board of elections. However, in
5 the event of a tie in the votes cast by the members of the board of
6 elections, the county clerk shall cast the deciding vote. Whenever
7 possible, at least one ballot drop box shall be located in a municipality
8 with an average per capita income or a median family income at or
9 below 250% of the federal poverty guideline according to the most
10 recent federal American Community Survey.

11 (c) The board of elections **【of any】** in each county **【that has fewer**
12 **than 10 ballot drop boxes upon establishing the drop boxes at each**
13 **location required under subparagraph (b) of this paragraph shall**
14 **establish additional locations for ballot drop boxes, pursuant to the**
15 **provisions of subsection c. of this section, so that the county has】** shall
16 establish no fewer than 10 ballot drop boxes. **【The additional drop**
17 **boxes shall be placed at county or municipal government buildings.】**
18 To the best of their ability, the board of elections of every county shall
19 place secure ballot drop boxes based on geographic location and
20 population density to best serve the voters of each county **【pursuant**
21 **to】** in compliance with the regulations adopted pursuant to subsection
22 c. of this section. The Secretary of State shall establish guidelines for
23 the placement of the ballot drop boxes, the security of the ballot drop
24 boxes, and the schedule for ballot pickup from the ballot boxes.

25 (d) All ballot drop box locations shall be on sites that meet the
26 accessibility requirements applicable to polling places under R.S.19:8-
27 2 and shall be subject to the same compliance oversight applicable to
28 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A
29 ballot drop box site shall be considered accessible if it is in compliance
30 with the federal "Americans with Disabilities Act of 1990" (42 U.S.C.
31 s. 12101 et seq.).

32 c. The Secretary of State, in consultation with county boards of
33 elections, shall establish the rules and regulations necessary to ensure
34 the secure and successful implementation of the mail-in ballot drop
35 boxes required by this section to ensure adequate access in various
36 geographic areas of the county. In determining the ballot drop box
37 locations, the secretary and county boards of elections shall consider,
38 at a minimum, concentrations of population, geographic areas, voter
39 convenience, proximity to public transportation, community-based
40 locations, travel time to the location, proximity to other voting
41 locations and ballot drop boxes, commuter traffic patterns, and
42 security. The rules and regulations shall include, but may not be
43 limited to, criteria for each county board of elections to:

44 (1) determine the number of ballot drop boxes required per voter
45 population, considering both the number of registered voters and the
46 number of registered mail-in voters in each county before each
47 election;

(2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters;

(3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and

(4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

(cf: P.L.2020, c.72, s.1)]¹

¹1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read as follows:

1. a. In addition to delivering a voted mail-in ballot by mail or in person as provided under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the voter's completed mail-in ballot in a ballot drop box established by the county board of elections as provided under this section. Each mail-in ballot deposited in a ballot drop box by the time designated under current law for the closing of the polls for that election shall be considered valid and shall be canvassed. If, at the closing of the polls, a voter deposits a mail-in ballot at a ballot drop box in a county in which the voter does not reside, the county board of elections, upon discovering that fact, shall notify and timely deliver the ballot to the county board of elections of the county in which the voter resides, who shall accept the ballot for processing. The limitations and prohibitions applicable to mail-in ballot bearers under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

b. (1) For any election, the county board of elections in each county shall establish ballot drop boxes where voters may deposit their voted mail-in ballots at least 45 days before the election. The ballot drop boxes shall be located throughout the county in a manner specified under paragraph (2) of this subsection.

(2) (a) A ballot drop box shall mean a secured drop box that is not required to be within view of a live person for monitoring. All ballot drop boxes shall be available for use by a voter 24 hours a day and shall be placed at locations equipped with security cameras that allow for surveillance of the ballot drop box.

(b) ²[At] Beginning with the 2021 general election, at² least one ballot drop box shall be located ²[at each of the following locations]²: ²at² any county government building in which the main office of the county clerk is located; ²[any municipal government building in which the main office of the municipal clerk is located in municipalities with populations] in each municipality with a population² larger than 5,000 residents; ²[the main campus of each county community college;] at² the main campus of each State college or university; and the main

1 campus of each independent four-year college or university with
2 enrollments larger than 5,000 students. Notwithstanding the locational
3 criteria established by this subparagraph, whenever two or more ballot
4 drop box locations are separated by a distance of less than 2,000 feet,
5 the board of elections in each county shall determine secondary
6 locations for those ballot drop boxes in compliance with the
7 requirements of this section. The secondary ballot drop box locations
8 shall be located within the municipality where those ballot drop boxes
9 were originally located and shall be approved by a majority vote of the
10 members of the board of elections. However, in the event of a tie in
11 the votes cast by the members of the board of elections, the county
12 clerk shall cast the deciding vote. Whenever possible, at least one
13 ballot drop box shall be located in a municipality with an average per
14 capita income or a median family income at or below 250% of the
15 federal poverty guideline according to the most recent federal
16 American Community Survey.

17 (c) The board of elections **【of any】** in each county **【that has fewer**
18 **than 10 ballot drop boxes upon establishing the drop boxes at each**
19 **location required under subparagraph (b) of this paragraph shall**
20 **establish additional locations for ballot drop boxes, pursuant to the**
21 **provisions of subsection c. of this section, so that the county has】** shall
22 establish no fewer than 10 ballot drop boxes. **【The additional drop**
23 **boxes shall be placed at county or municipal government buildings.】**
24 To the best of their ability, the board of elections of every county shall
25 place secure ballot drop boxes based on geographic location and
26 population density to best serve the voters of each county **【pursuant**
27 **to】** in compliance with the 【regulations】 guidelines adopted pursuant
28 to subsection c. of this section. The Secretary of State shall establish
29 guidelines for the placement of the ballot drop boxes, the security of
30 the ballot drop boxes, and the schedule for ballot pickup from the
31 ballot boxes.

32 (d) All ballot drop box locations shall be on sites that meet the
33 accessibility requirements applicable to polling places under R.S.19:8-
34 2 and shall be subject to the same compliance oversight applicable to
35 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A
36 ballot drop box site shall be considered accessible if it is in compliance
37 with the federal "Americans with Disabilities Act of 1990" (42 U.S.C.
38 s. 12101 et seq.).

39 c. The Secretary of State, in consultation with county boards of
40 elections, shall establish the **【rules and regulations】** guidelines
41 necessary to ensure the secure and successful implementation of the
42 mail-in ballot drop boxes required by this section to ensure adequate
43 access in various geographic areas of the county. In determining the
44 ballot drop box locations, the secretary and county boards of elections
45 shall consider, at a minimum, concentrations of population, geographic
46 areas, voter convenience, proximity to public transportation,
47 community-based locations, travel time to the location, proximity to

1 other voting locations and ballot drop boxes, commuter traffic
2 patterns, and security. The [rules and regulations] guidelines shall
3 include, but may not be limited to, criteria for each county board of
4 elections to:

5 (1) determine the number of ballot drop boxes required per voter
6 population, considering both the number of registered voters and the
7 number of registered mail-in voters in each county before each
8 election;

9 (2) select the geographic location of each ballot drop box, ensuring
10 an equitable distribution of ballot drop boxes across the county to
11 maximize convenience to voters;

12 (3) ensure the accessibility of ballot drop boxes and drop box
13 locations to persons with disabilities; and

14 (4) maintain the security of ballot drop boxes and of the ballots
15 deposited therein, including standards and procedures for ballot
16 retrieval by authorized persons only, and for ensuring the proper chain
17 of custody and safe storage of voted mail-in ballots before each
18 election.

19 d. Each county clerk shall include the locations of the ballot drop
20 boxes established in the county along with the instructions furnished
21 with the mail-in ballot package sent to each mail-in voter pursuant to
22 section 7 of P.L.2009, c.79 (C.19:63-7). At least 45 days before each
23 election, each county board of elections shall cause to be published on
24 their respective websites the location of the ballot drop boxes in each
25 county, and shall provide this information to the Secretary of State for
26 publishing the same on the Division of Elections website.¹

27 (cf: P.L.2020, c.72, s.1)

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29 2. This act shall take effect immediately.

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34 Allows county board of elections to determine location of certain
35 ballot drop boxes under certain circumstances.