

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 2580**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: AUGUST 24, 2020

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2580 (1R).

This bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill as amended, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, as amended, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, as amended, requires at least one ballot drop box to be placed at each of the following locations: (1) 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 larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or university; and (4) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings.

The bill requires the Secretary of State, in consultation with county boards of elections, to establish the rules and regulations necessary to

ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each 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.

The bill, as amended, makes it a crime of the third degree for any person who is authorized to receive and canvass completed mail-in ballots to knowingly disclose to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

Finally, the bill, as amended by the committee, makes certain temporary modifications to the law to provide for the 2020 general election to be conducted primarily using mail-in ballots.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require that, to the best of their ability, boards of elections of elections are to choose the locations for secure ballot drop boxes based on geographic location and population density;
- require that the Secretary of State consult with county boards of elections, rather than county and municipal clerks, concerning the placement of drop boxes;
- incorporate certain requirements for the conduct of a primarily vote-by-mail election for the 2020 general election, including:
  - that all active and registered will receive mail-in ballots without request and certain notices related thereto;
  - that all vote-by-mail return envelopes will have prepaid First-Class postage;
  - suspending the mailing of sample ballots;
  - closing schools on the day of the general election to permit them to be used as a polling place if designated by the county board of elections;
  - establishing the minimum number of polling places in each municipality and county;
  - the establishment of measures to reduce the likelihood of spread of COVID-19;

- permitting the Secretary of State to modify the use of poll books to accommodate the provisions of the bill;
- permitting voters who appear in person at a polling place but who have not voted by mail to vote provisionally;
- requiring that the county boards designate each polling place as a location to receive mail-in ballots;
- modify certain election timelines to accommodate a primarily vote-by-mail election, including the deadlines for mailing mail-in ballots, filling vacancies, submitting public questions, and applying for and returning mail-in ballots; and
- establishing modified time frames for the receipt, rejection, and canvassing of mail-in ballots pursuant to certain criteria, the certification of election results, and the preparation of certain reports;
- suspend the December 2020 special school elections pursuant to subsection a. of P.L.1995, c.278 (C.19:60-2) until the authorized January 2021 special school election date;
- establish that it is a crime of the third degree for any person who is authorized to receive and canvass completed mail-in-ballots to knowingly disclose to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls; and
- modify the effective date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate increase in State and local government costs.