

[Second Reprint]
SENATE, No. 3322

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 7, 2021

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Allows county boards of elections to determine location of ballot drop boxes by majority vote of its members.

CURRENT VERSION OF TEXT

As amended by the Senate on February 19, 2021.



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

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

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

35 (b) **【At least one ballot drop box shall be located at each of the**
36 **following locations: any county government building in which the**
37 **main office of the county clerk is located; any municipal**
38 **government building in which the main office of the municipal**
39 **clerk is located in municipalities with populations larger than 5,000**
40 **residents; the main campus of each county community college; the**
41 **main campus of each State college or university; and the main**
42 **campus of each independent four-year college or university with**
43 **enrollments larger than 5,000 students.】 The board of elections in**
44 **each county shall determine the locations of the ballot drop boxes in**
45 **compliance with the requirements of this section. The ballot drop**

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:

¹Senate SSG committee amendments adopted February 11, 2021.

²Senate floor amendments adopted February 19, 2021.

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

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

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

31 ²**【¹(e) No ballot drop box shall be located inside, or within 100**
32 **feet of an entrance or exit, of a law enforcement agency.¹】²**

33 c. The Secretary of State, in consultation with county boards of
34 elections, shall establish the rules and regulations necessary to
35 ensure the secure and successful implementation of the mail-in
36 ballot drop boxes required by this section ¹to ensure adequate
37 access in various geographic areas of the county¹. In determining
38 the ballot drop box locations, the secretary and county boards of
39 elections shall consider, at a minimum, concentrations of
40 population, geographic areas, voter convenience, proximity to
41 public transportation, community-based locations, ¹travel time to
42 the location, proximity to other voting locations and ballot drop
43 boxes, commuter traffic patterns,¹ and security. The rules and
44 regulations shall include, but may not be limited to, criteria for each
45 county board of elections to:

46 (1) determine the number of ballot drop boxes required per voter
47 population, considering both the number of registered voters and

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1 the number of registered mail-in voters in each county before each
2 election;

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

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

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

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

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15 2. This act shall take effect immediately.