

ASSEMBLY, No. 5373

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:
Assemblyman WILLIAM F. MOEN, JR.
District 5 (Camden and Gloucester)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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 read
8 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 voter's
12 completed mail-in ballot in a ballot drop box established by the county
13 board of elections as provided under this section. Each mail-in ballot
14 deposited in a ballot drop box by the time designated under current law
15 for the closing of the polls for that election shall be considered valid and
16 shall be canvassed. If, at the closing of the polls, a voter deposits a mail-
17 in ballot at a ballot drop box in a county in which the voter does not
18 reside, the county board of elections, upon discovering that fact, shall
19 notify and timely deliver the ballot to the county board of elections of
20 the county in which the voter resides, who shall accept the ballot for
21 processing. The limitations and prohibitions applicable to mail-in ballot
22 bearers under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et
23 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 drop
27 boxes shall be located throughout the county in a manner specified
28 under paragraph (2) of this subsection.

29 (2) (a) A ballot drop box shall mean a secured drop box that is not
30 required to be within view of a live person for monitoring. All ballot
31 drop boxes shall be available for use by a voter 24 hours a day and shall
32 be placed at locations equipped with security cameras that allow for
33 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 main**
36 **office of the county clerk is located; any municipal government building**
37 **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**
42 **students.】** The board of elections in each county shall determine the
43 locations of the ballot drop boxes in compliance with the requirements
44 of this section. The ballot drop box locations shall be approved by a
45 majority vote of the members of the board of elections. However, in the

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.

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

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

21 (d) All ballot drop box locations shall be on sites that meet the
22 accessibility requirements applicable to polling places under R.S.19:8-
23 2 and shall be subject to the same compliance oversight applicable to
24 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A ballot
25 drop box site shall be considered accessible if it is in compliance with
26 the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
27 12101 et seq.).

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

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

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

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

1 (4) maintain the security of ballot drop boxes and of the ballots
2 deposited therein, including standards and procedures for ballot
3 retrieval by authorized persons only, and for ensuring the proper chain
4 of custody and safe storage of voted mail-in ballots before each election.
5 (cf: P.L.2020, c.72, s.1)

6
7 2. This act shall take effect immediately.
8
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10 STATEMENT
11

12 This bill allows county boards of elections to determine the
13 location of ballot drop boxes in each county by majority vote of its
14 members.

15 Under current law, at least one ballot drop box must be placed at
16 each of the following locations: any county government building in
17 which the main office of the county clerk is located; any municipal
18 government building in which the main office of the municipal clerk
19 is located in municipalities with populations larger than 5,000
20 residents; the main campus of each county community college; the
21 main campus of each State college or university; and the main
22 campus of each independent four-year college or university with
23 enrollments larger than 5,000 students. The bill removes these
24 specific locational requirements.

25 Under the bill, each county board of elections would instead be
26 allowed to determine the location of the ballot drop boxes. The
27 locations would require approval by the majority of the board
28 members. If there is a tie in the votes cast by the members of the
29 board of elections, the county clerk would cast the deciding vote.
30 Whenever possible, at least one ballot drop box would be located in
31 a municipality with an average per capita income or a median family
32 income at or below 250% of the federal poverty guideline according
33 to the most recent federal American Community Survey.

34 The ballot drop box locations would be in compliance with
35 existing provisions, such as the requirement to establish at least 10
36 ballot drop boxes and the provisions concerning drop box security,
37 accessibility, population, and geographic distribution. The bill adds
38 travel time to the location, proximity to other voting locations and
39 ballot drop boxes, and commuter traffic patterns to the criteria
40 required to be considered in the placement of ballot drop boxes to
41 ensure adequate access in various geographic areas of the county.