

[First Reprint]

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)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

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District 15 (Hunterdon and Mercer)

SYNOPSIS

Allows county board of elections to determine location of certain ballot drop boxes by majority vote of its members under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on March 17, 2021, with amendments.



(Sponsorship Updated As Of: 3/22/2021)

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**[**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
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

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.

1 the event of a tie in the votes cast by the members of the board of
2 elections, the county clerk shall cast the deciding vote. Whenever
3 possible, at least one ballot drop box shall be located in a municipality
4 with an average per capita income or a median family income at or
5 below 250% of the federal poverty guideline according to the most
6 recent federal American 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**
13 **boxes shall be placed at county or municipal government buildings.】**
14 To the best of their ability, the board of elections of every county shall
15 place secure ballot drop boxes based on geographic location and
16 population density to best serve the voters of each county **【pursuant**
17 **to】** in compliance with the regulations adopted pursuant to subsection
18 c. of this section. The Secretary of State shall establish guidelines for
19 the placement of the ballot drop boxes, the security of the ballot drop
20 boxes, 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
25 ballot drop box site shall be considered accessible if it is in compliance
26 with the federal "Americans with Disabilities Act of 1990" (42 U.S.C.
27 s. 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,
34 at 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
37 locations and ballot drop boxes, commuter traffic patterns, and
38 security. The rules and regulations shall include, but may not be
39 limited to, criteria for each 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
43 election;

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

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

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

8 (cf: P.L.2020, c.72, s.1)]¹

9

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

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

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

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

38 (b) At least one ballot drop box shall be located at each of the
39 following locations: any county government building in which the
40 main office of the county clerk is located; any municipal
41 government building in which the main office of the municipal
42 clerk is located in municipalities with populations larger than 5,000
43 residents; the main campus of each county community college; the
44 main campus of each State college or university; and the main
45 campus of each independent four-year college or university with
46 enrollments larger than 5,000 students. Notwithstanding the
47 locational criteria established by this subparagraph, whenever two
48 or more ballot drop box locations are separated by a distance of less

1 than 2,000 feet, the board of elections in each county shall
2 determine secondary locations for those ballot drop boxes in
3 compliance with the requirements of this section. The secondary
4 ballot drop box locations shall be located within the municipality
5 where those ballot drop boxes were originally located and shall be
6 approved by a majority vote of the members of the board of
7 elections. However, in the event of a tie in the votes cast by the
8 members of the board of elections, the county clerk shall cast the
9 deciding vote. Whenever possible, at least one ballot drop box shall
10 be located in a municipality with an average per capita income or a
11 median family income at or below 250% of the federal poverty
12 guideline according to the most recent federal American
13 Community Survey.

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

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

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

1 guidelines shall include, but may not be limited to, criteria for each
2 county board of elections to:

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

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

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

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

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

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

27

28 2. This act shall take effect immediately.