

ASSEMBLY STATE AND LOCAL GOVERNMENT COMMITTEE

STATEMENT TO **ASSEMBLY, No. 5373**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 5373.

As amended, this bill allows county boards of elections to determine the location of certain ballot drop boxes by majority vote of its members under certain circumstances.

Under current law, at least one ballot drop box must be placed at each of the following locations: any county government building in which the main office of the county clerk is located; any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; the main campus of each county community college; the main campus of each State college or university; and the main campus of each independent four-year college or university with enrollments larger than 5,000 students.

Under the bill, whenever two or more ballot drop box locations are separated by a distance of less than 2,000 feet, the board of elections in each county would determine secondary locations for those ballot drop boxes in compliance with the requirements under existing law. The secondary locations would be located within the municipality where those ballot drop boxes were originally located and would require approval by the majority of the board members. If there is a tie in the votes cast by the members of the board of elections, the county clerk would cast the deciding vote. Whenever possible, at least one ballot drop box would be located in a municipality where an election is taking place with an average per capita income or a median family income at or below 250% of the federal poverty guideline according to the most recent federal American Community Survey.

The ballot drop box locations would be in compliance with existing provisions, such as the requirement to establish at least 10 ballot drop boxes and the provisions concerning drop box security, accessibility, population, and geographic distribution. The bill adds travel time to the location, proximity to other voting locations and ballot drop boxes, and commuter traffic patterns to the criteria required

to be considered in the placement of ballot drop boxes to ensure adequate access in various geographic areas of the county.

PROPOSED COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

(1) keep in place the existing ballot drop box location criteria provided under current law;

(2) provide that the board of elections in each county would determine secondary locations of ballot drop boxes in the event that two or more ballot drop boxes are separated by less than 2,000 feet;

(3) provide that the county clerk would cast any tie-breaking vote concerning the secondary placement of ballot drop boxes;

(4) provide that secondary locations of ballot drop boxes must be within the municipality of the original ballot drop box location;

(5) provide that the county clerk will include the locations of the ballot drop boxes established in the county along with the instructions furnished with the mail-in ballot sent to each mail-in voter;

(6) provide that at least 45 days before each election, each county board of elections will publish on their respective websites the location of the ballot drop boxes in each county and provide this information to the Secretary of State to publish on the Division of Elections website; and

(7) provide that the Secretary of State, in consultation with county boards of elections, will establish the guidelines necessary to ensure the secure and successful implementation of ballot drop boxes.