

ASSEMBLY, No. 5438

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 8, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywomen Reynolds-Jackson and McKnight

SYNOPSIS

Requires county boards of elections to establish ballot drop boxes at certain long-term care facilities at least 45 days before election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2021)

1 AN ACT requiring county boards of elections to establish ballot drop
2 boxes at certain long-term care facilities and amending P.L.2020,
3 c.72.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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

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

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

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

36 (b) At least one ballot drop box shall be located at each of the
37 following locations: any county government building in which the
38 main office of the county clerk is located; any municipal government
39 building in which the main office of the municipal clerk is located in
40 municipalities with populations larger than 5,000 residents; the main
41 campus of each county community college; the main campus of each
42 State college or university; **[and]** the main campus of each
43 independent four-year college or university with enrollments larger
44 than 5,000 students; and each nursing home, assisted living
45 residence, comprehensive personal care home, residential health care

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 facility, and dementia care home licensed pursuant to P.L.1971, c.136
2 (C.26:2H-1 et seq.) with a population of at least 50 residents.

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

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

24 c. The Secretary of State, in consultation with county boards of
25 elections, shall establish the rules and regulations necessary to ensure
26 the secure and successful implementation of the mail-in ballot drop
27 boxes required by this section. In determining the ballot drop box
28 locations, the secretary and county boards of elections shall consider,
29 at a minimum, concentrations of population, geographic areas, voter
30 convenience, proximity to public transportation, community-based
31 locations, and security. The rules and regulations shall include, but
32 may not be limited to, criteria for each county board of elections to:

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

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

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

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

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

1 2. This act shall take effect on July 1, 2021.

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STATEMENT

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6 This bill would require the county board of elections in each
7 county to establish, in addition to those already required by law,
8 ballot drop boxes at certain long-term care facilities at least 45 days
9 before an election. Under the bill, a ballot drop box would be
10 established at each licensed nursing home, assisted living residence,
11 comprehensive personal care home, residential health care facility,
12 and dementia care home with a population of at least 50 residents.
13 Current law requires that drop boxes be placed at any county
14 government building in which the main office of the county clerk is
15 located; any municipal government building in which the main office
16 of the municipal clerk is located in municipalities with populations
17 larger than 5,000 residents; the main campus of each county
18 community college; the main campus of each State college or
19 university; and the main campus of each independent four-year
20 college or university with enrollments larger than 5,000 students.