

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 introduced.



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1 AN ACT concerning the location of ballot drop boxes in each county
2 and amending P.L.2020, c.72.

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

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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.

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.

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

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

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

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

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

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

46 (4) maintain the security of ballot drop boxes and of the ballots
47 deposited therein, including standards and procedures for ballot

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1 retrieval by authorized persons only, and for ensuring the proper
2 chain of custody and safe storage of voted mail-in ballots before
3 each election.

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

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6 2. This act shall take effect immediately.

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STATEMENT

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

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

24 Under the bill, each county board of elections would instead be
25 allowed to determine the location of the ballot drop boxes. The
26 locations would require approval by the majority of the board
27 members. If there is a tie in the votes cast by the members of the
28 board of elections, the county clerk would cast the deciding vote.
29 The locations would be in compliance with existing provisions,
30 such as the requirement to establish at least 10 ballot drop boxes
31 and the provisions concerning drop box security, accessibility,
32 population, and geographic distribution.