

[First Reprint]

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 reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on February 11, 2021, with amendments.



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
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:

¹Senate SSG committee amendments adopted February 11, 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. ¹Whenever
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.¹

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 ¹(e) No ballot drop box shall be located inside, or within 100 feet
29 of an entrance or exit, of a law enforcement agency.¹

30 c. The Secretary of State, in consultation with county boards of
31 elections, shall establish the rules and regulations necessary to ensure
32 the secure and successful implementation of the mail-in ballot drop
33 boxes required by this section ¹to ensure adequate access in various
34 geographic areas of the county¹. In determining the ballot drop box
35 locations, the secretary and county boards of elections shall consider,
36 at a minimum, concentrations of population, geographic areas, voter
37 convenience, proximity to public transportation, community-based
38 locations, ¹travel time to the location, proximity to other voting
39 locations and ballot drop boxes, commuter traffic patterns,¹ and
40 security. The rules and regulations shall include, but may not be
41 limited to, criteria for each county board of elections to:

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

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

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

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

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

12

13 2. This act shall take effect immediately.