

[Third Reprint]

**SENATE, No. 3322**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JANUARY 7, 2021

**Sponsored by:**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**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.



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 <sup>3</sup>[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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate SSG committee amendments adopted February 11, 2021.

<sup>2</sup>Senate floor amendments adopted February 19, 2021.

<sup>3</sup>Assembly ASL committee amendments adopted March 17, 2021.

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. <sup>1</sup>Whenever possible, at least one ballot drop  
5 box shall be located in a municipality with an average per capita  
6 income or a median family income at or below 250% of the federal  
7 poverty guideline according to the most recent federal American  
8 Community Survey.<sup>1</sup>

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

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

31 <sup>2</sup>**[<sup>1</sup>(e) No ballot drop box shall be located inside, or within 100**  
32 **feet of an entrance or exit, of a law enforcement agency.<sup>1</sup>]<sup>2</sup>**

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

46 (1) determine the number of ballot drop boxes required per voter  
47 population, considering both the number of registered voters and

1 the number of registered mail-in voters in each county before each  
2 election;

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

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

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

13 (cf: P.L.2020, c.72, s.1)<sup>3</sup>

14

15 <sup>3</sup>1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read  
16 as follows:

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

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

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

42 (b) At least one ballot drop box shall be located at each of the  
43 following locations: any county government building in which the  
44 main office of the county clerk is located; any municipal government  
45 building in which the main office of the municipal clerk is located in  
46 municipalities with populations larger than 5,000 residents; the main  
47 campus of each county community college; the main campus of each  
48 State college or university; and the main campus of each independent

1 four-year college or university with enrollments larger than 5,000  
2 students. Notwithstanding the locational criteria established by this  
3 subparagraph, whenever two or more ballot drop box locations are  
4 separated by a distance of less than 2,000 feet, the board of elections in  
5 each county shall determine secondary locations for those ballot drop  
6 boxes in compliance with the requirements of this section. The  
7 secondary ballot drop box locations shall be located within the  
8 municipality where those ballot drop boxes were originally located and  
9 shall be approved by a majority vote of the members of the board of  
10 elections. However, in the event of a tie in the votes cast by the  
11 members of the board of elections, the county clerk shall cast the  
12 deciding vote. Whenever possible, at least one ballot drop box shall be  
13 located in a municipality with an average per capita income or a  
14 median family income at or below 250% of the federal poverty  
15 guideline according to the most recent federal American Community  
16 Survey.

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

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

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

1 other voting locations and ballot drop boxes, commuter traffic  
2 patterns, and security. The [rules and regulations] guidelines shall  
3 include, but may not be limited to, criteria for each county board of  
4 elections to:

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

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

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

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

19 d. Each county clerk shall include the locations of the ballot drop  
20 boxes established in the county along with the instructions furnished  
21 with the mail-in ballot package sent to each mail-in voter pursuant to  
22 section 7 of P.L.2009, c.79 (C.19:63-7). At least 45 days before each  
23 election, each county board of elections shall cause to be published on  
24 their respective websites the location of the ballot drop boxes in each  
25 county, and shall provide this information to the Secretary of State for  
26 publishing the same on the Division of Elections website.<sup>3</sup>

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

28

29 2. This act shall take effect immediately.