

[Third 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 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 ³[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:

¹**Senate SSG committee amendments adopted February 11, 2021.**

²**Senate floor amendments adopted February 19, 2021.**

³**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. ¹Whenever 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.¹

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 ²**【¹(e) No ballot drop box shall be located inside, or within 100**
32 **feet of an entrance or exit, of a law enforcement agency. ¹】²**

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 ¹to ensure adequate
37 access in various geographic areas of the county¹. 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, ¹travel time to
42 the location, proximity to other voting locations and ballot drop
43 boxes, commuter traffic patterns,¹ 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) **1**³

14

15 ³1. 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.³

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

28
29 2. This act shall take effect immediately.