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FLOOR AMENDMENT STATEMENT: No

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

A3. "MURPHY APPROVES BILLS SUPPORTING VOTE-BY-MAIL." The Record (Hackensack, NJ), August 31,2020:

"Gov. signs bills paving way for mostly mail-in voting." The Times, (Trenton, NJ), August 30, 2020: 009.

"Gov. signs bills paving way for mostly mail-in." The Star-Ledger, (Trenton, NJ), August 29, 2020: 008.

RWH/CL

§1 - C.19:63-16.1
§2 - C.19:63-31
§3 - T&E & Note
to C.19:60-2
§5 - Approp.
§6 - Note

P.L. 2020, CHAPTER 72, *approved August 28, 2020*
Assembly, No. 4475 (*Third Reprint*)

1 AN ACT concerning the establishment of mail-in ballot drop boxes
2 before each election ²and vote-by-mail procedures for the
3 November 2020 General Election, amending R.S.19:34-13,² and
4 supplementing P.L.2009, c.79 (C.19:63-1 et seq.).
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

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,” P.L.2009,
11 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
12 the voter’s completed mail-in ballot in a ballot drop box established
13 by the county board of elections as provided under this section.
14 Each mail-in ballot deposited in a ballot drop box by the time
15 designated under current law for the closing of the polls for that
16 election shall be considered valid and shall be canvassed. If, at the
17 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
18 box in a county in which the voter does not reside, the county board
19 of elections, upon discovering that fact, shall ¹notify and¹ timely
20 deliver the ballot to the county board of elections of the county in
21 which the voter resides, who shall accept the ballot for processing.
22 The limitations and prohibitions applicable to mail-in ballot bearers
23 under “The Vote By Mail Law,” P.L.2009, c.79 (C.19:63-1 et seq.)
24 shall apply under this section ¹**【**, except that a bearer may deliver a
25 mail-in ballot on behalf of a voter to a staffed ballot drop box
26 location only, as defined under paragraph (2) of subsection b. of
27 this section, provided the staffed ballot drop box location
28 implements the same bearer identification and record-keeping
29 criteria specified under paragraph (2) of subsection d. of section 16
30 of P.L.2009, c.79 (C.19:63-16)**】**¹.

31 b. (1) For any election, the county board of elections in each
32 county shall establish ballot drop boxes where voters may deposit
33 their voted mail-in ballots at least ¹**【seven】** ⁴⁵¹ days before the
34 election. The ballot drop boxes shall be located throughout the

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:

¹Assembly ASL committee amendments adopted August 13, 2020.

²Assembly AAP committee amendments adopted August 24, 2020.

³Assembly amendments adopted in accordance with Governor's
recommendations August 27, 2020.

1 county in a manner ¹that provides the greatest convenience to
2 voters. Ballot drop boxes shall include both staffed and unstaffed
3 locations as specified under paragraph (2) of this subsection. Each
4 ballot drop box and drop box location shall meet the population,
5 geographic, accessibility, security, and other requirements
6 developed by the Secretary of State in consultation with county
7 clerks and municipal clerks as provided under subsection c. of this
8 section] specified under paragraph (2) of this subsection¹.

9 (2) (a) ¹A “staffed ballot drop box” shall mean a drop box that
10 is placed in a location that is in the view of a live person who is
11 employed at the location of the drop box, a municipal or county
12 employee, or a temporary worker or volunteer retained for the
13 purpose of monitoring the drop box. Staffed ballot drop box
14 locations may include, but may not be limited to, municipal offices,
15 county offices, public libraries, local businesses, and offices of
16 community-based organizations. A staffed ballot drop box shall not
17 be required to be available for use by a voter 24 hours a day, but
18 shall be available and staffed beginning at least seven days before
19 the election and for the time designated for ballot drop boxes to be
20 in effect before each election and until the time designated for the
21 closing of the polls on election day] A ballot drop box shall mean a
22 secured drop box that is not required to be within view of a live
23 person for monitoring. All ballot drop boxes shall be available for
24 use by a voter 24 hours a day and shall be placed at locations
25 equipped with security cameras that allow for surveillance of the
26 ballot drop box¹.

27 (b) ¹An “unstaffed ballot drop box” shall mean a secured drop
28 box that is not required to be within view of a live person for
29 monitoring. Unstaffed ballot drop boxes shall be available for use
30 by a voter 24 hours a day. Unstaffed ballot drop boxes may be
31 located in each municipality or Census-Designated Place (CDP)
32 with a post office, outside of every municipal clerk’s office, board
33 of elections office, town hall, police station, firehouse, United
34 States Postal Service retail location, on each campus of a state
35 institution of higher education located within the county that has
36 two thousand or more enrolled students, or any other location
37 equipped with security cameras that allow for the surveillance of
38 the unstaffed ballot drop box] At least one ballot drop box shall be
39 located at each of the following locations: any county government
40 building in which the main office of the county clerk is located; any
41 municipal government building in which the main office of the
42 municipal clerk is located in municipalities with populations larger
43 than 5,000 residents; the main campus of each county community
44 college; the main campus of each State college or university; and
45 the main campus of each independent four-year college or
46 university with enrollments larger than 5,000 students¹.

1 (c) ¹~~Staffed and unstaffed~~ The board of elections of any
2 county that has fewer than 10 ballot drop boxes upon establishing
3 the drop boxes at each location required under subparagraph (b) of
4 this paragraph shall establish additional locations for ballot drop
5 boxes, pursuant to the provisions of subsection c. of this section, so
6 that the county has no fewer than 10 ballot drop boxes. The
7 additional drop boxes shall be placed at county or municipal
8 government buildings ²~~including, but not limited to, courthouses,~~
9 ~~offices, town halls, police stations, fire stations, and libraries~~. To
10 the best of their ability, the board of elections of every county shall
11 place secure ballot drop boxes based on geographic location and
12 population density to best serve the voters of each county pursuant
13 to the regulations adopted pursuant to subsection c. of this section.
14 The Secretary of State shall establish guidelines for the placement
15 of the ballot drop boxes, the security of the ballot drop boxes, and
16 the schedule for ballot pickup from the ballot boxes. ²

17 (d) All ¹ 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 ¹~~staffed or unstaffed~~ ¹ ballot drop box ¹~~sites~~
22 ~~site~~ ¹ shall be considered accessible if it is in compliance with the
23 federal “Americans with Disabilities Act of 1990”
24 (42 U.S.C. s. 12101 et seq.).

25 c. The Secretary of State, in consultation with county ²~~clerks~~
26 ~~and municipal clerks~~ ² boards of elections, shall establish the rules
27 and regulations necessary to ensure the secure and successful
28 implementation of the mail-in ballot drop boxes required by this
29 section. In determining the ballot drop box locations, the secretary
30 and ²~~clerks~~ ² county boards of elections shall consider, at a
31 minimum, concentrations of population, geographic areas, voter
32 convenience, proximity to public transportation, community-based
33 locations, and security. The rules and regulations shall include, but
34 may not be limited to, criteria for each county board of elections to:

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

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

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

44 (4) maintain the security of ballot drop boxes and of the ballots
45 deposited therein, including standards and procedures for ballot
46 retrieval by authorized persons only, and for ensuring the proper

1 chain of custody and safe storage of voted mail-in ballots before
2 each election.

3

4 2. a. The November 2020 General Election shall be conducted
5 primarily via vote-by-mail ballots, which will be sent to all
6 “Active” registered voters without the need for an application to
7 receive a vote-by-mail ballot. The November 2020 General Election
8 shall be conducted in accordance with Title 19 except as set forth
9 below in subsections b. through aa. of this section.

10 b. All vote-by-mail return envelopes shall have prepaid First-
11 Class postage in order to facilitate the proper delivery of all cast
12 vote-by-mail ballots.

13 c. Notwithstanding the provisions of R.S.19:14-25, in lieu of
14 sending a sample ballot as required by that section, the appropriate
15 county official, as identified in R.S.19:14-25, shall send notice to
16 all “Active” voters, pursuant to R.S.19:14-21, advising of the
17 voter’s polling place, the URL to the Division of Election’s Internet
18 website that contains polling place information, locations of secure
19 ballot drop boxes within the county, information on where to obtain
20 a sample ballot prior to the election, a statement indicating that a
21 sample ballot will be available at the polling place on the day of the
22 election, and, if applicable, information on a county website where
23 a sample ballot may be viewed. The notice in lieu of a sample
24 ballot authorized pursuant to this subsection shall be sent return
25 service requested as required by R.S.19:14-23. The notice in lieu
26 of a sample ballot authorized pursuant to this subsection shall be
27 mailed on or before October 23, 2020. Notwithstanding R.S.19:63-
28 6, in lieu of the statutory notice, the county clerks shall, in a time
29 set forth by the Secretary of State, publish a notice to be prepared
30 by the Secretary of State.

31 d. All public primary and secondary schools shall be closed to
32 in-person instruction on November 3, 2020, and pursuant to
33 R.S.19:8-2, the authorities in charge of such schools shall not deny
34 the request of a county board of elections for use of the buildings as
35 polling places. All public primary and secondary schools shall work
36 cooperatively with the county elections officials for the delivery of
37 the necessary equipment for the November 2020 General Election.

38 e. Each county shall open a minimum of at least one polling
39 place in each municipality for the November 2020 General Election.
40 Each county shall open a minimum of 50 percent of its regularly
41 used polling places, and may open more than the minimum number
42 of its regularly used polling places. If a county board of elections is
43 unable to reach a minimum of 50 percent of its regularly used
44 polling places, the county boards of elections shall utilize schools or
45 other large facilities to serve as large voting centers, which shall
46 accommodate more voting districts in one polling place. Each
47 polling place shall meet the applicable requirements of the federal
48 “Americans with Disabilities Act of 1990”

1 (42 U.S.C. s.12101 et seq.). To the best of their ability, the county
2 boards of elections shall select polling places based on geographic
3 location and population density to best serve the voters of each
4 municipality. County boards of elections shall ensure that polling
5 places and poll workers implement, at a minimum, the following
6 requirements for the November 2020 General Election:

7 (1) Limit occupancy within all polling places to a number that
8 permits voters to maintain a distance of six feet between each other
9 and poll workers at any time;

10 (2) Ensure six feet of distance between voters and ensure six
11 feet of distance between voters and poll workers through the
12 demarcation of six feet of spacing in voter lines and poll worker
13 stations to demonstrate appropriate spacing for social distancing;

14 (3) Require infection control practices, such as regular hand
15 washing, coughing and sneezing etiquette, and proper tissue usage
16 and disposal;

17 (4) Provide poll workers break time for repeated handwashing
18 throughout their shifts;

19 (5) Require frequent sanitization of high-touch areas in polling
20 places consistent with CDC guidelines as of the date of the election;

21 (6) Place conspicuous signage at entrances and throughout the
22 polling place alerting poll workers and voters to the required six
23 feet of physical distance;

24 (7) Provide sanitization materials, such as hand sanitizer and
25 sanitizing wipes, to poll workers, voters, and those accompanying
26 voters;

27 (8) Require poll workers to adhere to CDC guidelines as of the
28 date of the election regarding face coverings while in the polling
29 place, except where doing so would inhibit that individual's health,
30 and require poll workers to wear gloves when in contact with voters
31 and those accompanying voters. County boards of elections shall
32 provide any required face coverings and gloves for poll workers,
33 without charge to the poll workers. If a poll worker refuses to wear
34 a required cloth face covering for non-medical reasons, then a
35 county board of elections may decline entry to the individual.
36 Nothing herein should prevent a poll worker from wearing a
37 surgical grade mask or other more protective face covering if the
38 individual is already in possession of such equipment. Where a poll
39 worker declines to wear a required face covering at a polling place
40 due to a medical condition that inhibits such usage, they shall not be
41 required to produce medical documentation verifying the stated
42 condition;

43 (9) Require appointed challengers to adhere to CDC guidelines
44 as of the date of the election regarding face coverings while in the
45 polling places and while in any location where the challenger is
46 serving in such a capacity, such as while observing the counting of
47 ballots. If an appointed challenger refuses to wear a required cloth

1 face covering, then a county board of elections may decline entry to
2 the individual; and

3 (10) Strongly encourage voters and those accompanying voters
4 to adhere to any CDC guidelines as of the date of the election
5 regarding face coverings while inside polling places except where
6 doing so would inhibit that individual's health. County boards of
7 elections may provide such face coverings for voters and those
8 accompanying voters, without charge to them. If a voter or person
9 accompanying a voter refuses to comply with the CDC guidelines, a
10 poll worker shall not deny entry to the voter or person. Nothing
11 herein should prevent a voter from wearing a surgical grade mask or
12 other more protective face covering if the individual is already in
13 possession of such equipment.

14 f. Notwithstanding the provisions of R.S.19:31-21, for the
15 November 2020 General Election, the Secretary of State may
16 modify the requirements concerning the use of poll books and the
17 information contained therein as necessary to address the procedure
18 by which the November 2020 General Election will be conducted
19 pursuant to this section, and the needs resulting therefrom.

20 g. Any voter who appears at a polling place on the day of the
21 November 2020 General Election and does not return a voted mail-
22 in ballot, pursuant to subsection h. of this section, shall vote via a
23 provisional ballot, except that accommodations will be made for
24 voters with disabilities.

25 h. Pursuant to section 16 of P.L.2009, c.79 (C.19:63-16), the
26 county boards of elections shall designate each polling place as a
27 location to receive voted mail-in ballots. A voter may return only
28 the mail-in-ballot that they personally voted to their designated
29 polling place. The Secretary of State shall establish appropriate
30 standards for the acceptance of mail-in ballots, including, but not
31 limited to, the poll worker verification that the voter returning the
32 voted mail-in ballot at the polling place is the individual who voted
33 the mail-in ballot, the securing of the returned mail-in ballots, and
34 the return of the mail-in ballots to the county boards of elections
35 after the close of polls.

36 i. Each polling place shall have signage that provides the
37 location of all ballot drop boxes in the county in which the polling
38 place is located.

39 j. The time restrictions of section 9 of P.L.2009, c.79
40 (C.19:63-9) shall be modified as follows: vote-by-mail ballots shall
41 be mailed to all "Active" voters on or before the 29th day before the
42 November 2020 General Election and in a manner to ensure the
43 timely receipt and return of ballots for counting in the November
44 2020 General Election, and whenever the county clerk forwards a
45 mail-in ballot by mail to a voter between the 29th day and the 13th
46 day before the November 2020 General Election it shall be
47 transmitted within three business days of receipt of the application
48 and in a manner to ensure the timely receipt and return of ballot for

1 counting in the November 2020 General Election. All other
2 provisions of section 9 of P.L.2009, c.79 (C.19:63-9) remain, and
3 this subsection, shall not modify the requirements set forth in the
4 Uniformed and Overseas Citizens Absentee Voting Act,
5 52 U.S.C. §20302(a)(8)(A).

6 k. Notwithstanding any other law to the contrary, to allow
7 enough time for the county clerks to print and mail the ballots to
8 voters, the following deadlines are modified as follows:

9 (1) the deadline to submit a public question for November 2020
10 school board elections to the county clerk by the school board
11 secretary, pursuant to R.S.19:16-4, shall be August 31, 2020;

12 (2) the last day a vacancy may occur for primary election
13 nominees for the November 2020 General Election, under
14 R.S.19:13-20, shall be August 28, 2020;

15 (3) the deadline to fill a vacancy in the primary election
16 nominees for the November 2020 General Election, under
17 R.S.19:13-20, shall be August 31, 2020;

18 (4) the deadline to apply for a mail-in ballot by mail, under
19 section 3 of P.L.2009, c.79 (C.19:63-3), shall be October 23, 2020;
20 and

21 (5) the deadline for returning a vote-by-mail application in-
22 person in subsection d. of section 3 of P.L.2009, c.79 (C.19:63-3)
23 shall be suspended for the November 2020 General Election.

24 (6) Vacancies occurring after August 28, 2020 shall not be
25 placed on the November General Election ballot.

26 l. Vote-by-mail ballots shall be processed and canvassed in
27 accordance with guidelines provided by the CDC, the New Jersey
28 Department of Health, and the respective county departments of
29 health.

30 m. Notwithstanding the provisions of subsection d. of section 4
31 of P.L.1995, c.195 (C.19:59-15) and section 22 of P.L.2009, c.79
32 (C.19:63-22) to the contrary, to account for the increase in vote-by-
33 mail ballots and to ensure that registered voters' efforts to vote are
34 not impacted by delays in the postal service, every vote-by-mail
35 ballot that is postmarked on or before November 3, 2020, and that is
36 received by November 10, 2020, at 8:00 p.m. shall be considered
37 valid and shall be canvassed, assuming the ballot meets all other
38 statutory requirements. Every ballot without a postmark, and ballots
39 mis-marked and confirmed by the post office that those ballots were
40 received by the post office on or before November 3, 2020, that is
41 received by the county boards of elections from the United States
42 Postal Service within 48 hours of the closing of polls on November
43 3, 2020, shall be considered valid and shall be canvassed, assuming
44 the ballot meets all other statutory requirements. In addition, a
45 county board of elections may begin opening the inner envelopes
46 and canvassing each mail-in ballot from the inner envelopes no
47 earlier than ten days prior to the day of the election. The Secretary
48 of State shall establish guidelines concerning the early canvassing

1 process. If a county board of elections begins opening the inner
2 envelopes and canvassing the mail-in ballots from the inner
3 envelopes prior to the day of the election, the county board shall
4 implement the measures necessary to ensure the security and
5 secrecy of the mail-in ballots. The contents of the mail-in ballots
6 and the results of the ballot canvassing shall remain confidential
7 and shall be disclosed only in accordance with the provisions of
8 Title 19 of the Revised Statutes, regulations and guidelines
9 concerning the disclosure of election results, and in no
10 circumstances disclosed prior to the close of polls on the day of the
11 election.

12 n. Notwithstanding the provisions of section 18 of P.L.2009,
13 c.79 (C.19:63-18), to account for the increase in vote-by-mail
14 ballots and to provide the county boards of elections sufficient time
15 to canvass the returned ballots, the county boards of elections may
16 continue the counting of ballots beyond the close of polls on
17 November 3, 2020, and may adjourn counting after 11:00 pm on
18 November 3, 2020 to immediately continue counting at 9:00 am on
19 November 4, 2020, and continue every day thereafter, until the
20 counting is completed within the limits of this section. In addition,
21 notwithstanding the provisions of section 19 of P.L.1999, c.232
22 (C.19:53C-13), the county commissioner of registration may
23 forward provisional ballots to the county board of election for
24 counting on an ongoing basis as the verification process is
25 completed.

26 o. In order to expedite the signature-verification process
27 outlined in section 17 of P.L.2009, c.79 (C.19:63-17), the county
28 boards of elections shall meet at least four days per week starting
29 October 13, 2020. Voters whose ballots are rejected pursuant to
30 section 17 of P.L.2009, c.79 (C.19:63-17), for a missing or
31 discrepant signature, shall be given the opportunity to cure the
32 signature defect in accordance with procedures established by the
33 Secretary of State, in the absence of any governing statute.

34 p. Because of the need to meet the federal deadlines for the
35 State's electors to meet, the meeting of the county Board of
36 Canvassers, under R.S.19:19-1, shall occur on or before November
37 20, 2020 to certify the results of the November 2020 General
38 Election, and no extension under R.S.19:19-4 or R.S.19:19-6 shall
39 be sought. The county clerks' transmittal of the official November
40 2020 General Election results to the Secretary of State, under
41 R.S.19:19-13, shall occur on or before November 23, 2020, and the
42 county clerks shall not seek an extension of this deadline. The
43 meeting of the Board of State Canvassers, under R.S.19:21-1, shall
44 occur on or before December 8, 2020 to certify the results of the
45 November 2020 General Election.

46 q. Notwithstanding the provisions of R.S.19:6-2 to the
47 contrary, county residency shall not be a prerequisite for

- 1 employment as a poll worker for the November 2020 General
2 Election to allow for greater flexibility in obtaining poll workers.
- 3 r. Notwithstanding the provisions of R.S.19:8-2 to the
4 contrary, due to the limited number of polling places that will be
5 open for the November 2020 General Election, the county board of
6 elections may select a polling places located more than 1,000 feet
7 distant from the boundary line of the district.
- 8 s. The time to prepare reports pursuant to sections 1 and 2 of
9 P.L.2005, c.152 (C.19:53B-21 and C.19:53C-21) is extended to
10 November 23, 2020.
- 11 t. Notwithstanding the provisions of paragraph (8) of
12 subsection c. of section 1 of P.L.2007, c.349 (C.19:61-9), to allow
13 enough time for results to be certified prior to the meeting of
14 electors, counties may certify their election results prior to the
15 commencement of the election audit required in that section,
16 provided that the audit is completed by December 4, 2020.
- 17 u. The Secretary of State shall establish other appropriate
18 standards for ensuring that all voters with disabilities are able to
19 exercise their right to vote in the November 2020 General Election.
- 20 v. The Secretary of State and county election officials, as
21 appropriate, shall coordinate with the United States Postal Service
22 to facilitate proper delivery of ballots by the United States Postal
23 Service.
- 24 w. The Secretary of State and county election officials, as
25 appropriate, shall act to facilitate the public's understanding of the
26 rules governing the November 2020 General Election.
- 27 x. The Secretary of State shall establish a hotline number for
28 reports of violations of the election laws and this section in
29 connection with the November 2020 General Election.
- 30 y. Any actions taken by the Secretary of State pursuant to this
31 section shall not be subject to the requirements of the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
33 1 et seq.).
- 34 z. To the extent possible, each county shall have at least a total
35 10 secure ballot drop boxes in locations that are readily accessible
36 to the registered voters within the county. To the best of their
37 ability, the county boards of elections shall place secure ballot drop
38 boxes based on geographic location and population density to best
39 serve the voters of each county. The Secretary of State shall
40 establish guidelines for the placement of the ballot drop boxes, the
41 security of the ballot drop boxes, and the schedule for ballot pickup
42 from the ballot boxes.
- 43 aa. Notwithstanding the provisions of section 13 of P.L.2009,
44 c.79 (C.19:63-13) or any other law to the contrary, a mail-in voter
45 for the November 2020 General Election shall sign the certification
46 affixed to the margin of the flap on the inner envelope of the mail-
47 in ballot notwithstanding the fact the mail-in-voter did not apply for
48 the enclosed ballot.²

1 ²3. December 2020 special school elections pursuant to
 2 subsection a. of P.L.1995, c.278 (C.19:60-2) shall be suspended
 3 until the authorized January 2021 special school election date. ²
 4

5 ²4. R.S.19:34-13 is amended to read as follows:

6 19:34-13. a. Every inspector, judge or clerk of an election,
 7 who, previous to putting the ballot of an elector in the ballot box,
 8 attempts to find out any name on such ballot, or who opens or
 9 suffers the folded ballot of any elector which has been handed in to
 10 be opened or examined previous to putting the same in the ballot
 11 box, or who makes or places any mark or device on any folded
 12 ballot with the view to ascertain the name of any person for whom
 13 the elector has voted, shall be guilty of a crime of the third degree.

14 b. Any person who is authorized to receive and canvass
 15 completed mail-in-ballots pursuant to P.L.2009, c.79 (C.19:63-1)
 16 who knowingly discloses to the public the contents of a mail-in
 17 ballot prior to the time designated by law for the closing of the polls
 18 for each election shall be guilty of a crime of the third degree. ²

19 (cf: P.L.2005, c.154, s.32)
 20

21 ²[2.] ^{5.} ² There is hereby appropriated from the State General
 22 Fund to the Department of State such sums as shall be necessary to
 23 reimburse counties and municipalities for the costs of implementing
 24 this act, P.L. , c. (C.) (pending before the Legislature as this
 25 bill), subject to the approval of the Director of the Division of
 26 Budget and Accounting in the Department of the Treasury. The
 27 clerk of each county shall certify to the Department of State, in a
 28 manner prescribed by the department, the total cost incurred by the
 29 county and municipalities within the county to implement the
 30 provisions of this act.
 31

32 ²[3. This] ^{6.} Section 1 of this² act shall take effect ²on February
 33 1, ³[2020] 2021³ , and sections 2 through 5 of this act shall take
 34 effect² immediately.
 35
 36
 37
 38

39 Requires county boards of election to establish ballot drop boxes
 40 in each county at least 45 days before election; revises procedures
 41 concerning mail-in ballots for 2020 general election.

ASSEMBLY, No. 4475

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Co-Sponsored by:

Assemblymen Verrelli and Zwicker

SYNOPSIS

Requires county boards of election to establish ballot drop boxes in each county at least seven days before election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/13/2020)

A4475 REYNOLDS-JACKSON, BENSON

2

1 AN ACT concerning the establishment of mail-in ballot drop boxes
2 before each election and supplementing P.L.2009, c.79 (C.19:63-
3 1 et seq.).

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

7
8 1. a. In addition to delivering a voted mail-in ballot by mail or
9 in person as provided under “The Vote By Mail Law,” P.L.2009, c.79
10 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the
11 voter’s completed mail-in ballot in a ballot drop box established by
12 the county board of elections as provided under this section. Each
13 mail-in ballot deposited in a ballot drop box by the time designated
14 under current law for the closing of the polls for that election shall
15 be considered valid and shall be canvassed. If, at the closing of the
16 polls, a voter deposits a mail-in ballot at a ballot drop box in a county
17 in which the voter does not reside, the county board of elections, upon
18 discovering that fact, shall timely deliver the ballot to the county
19 board of elections of the county in which the voter resides, who shall
20 accept the ballot for processing. The limitations and prohibitions
21 applicable to mail-in ballot bearers under “The Vote By Mail Law,”
22 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section,
23 except that a bearer may deliver a mail-in ballot on behalf of a voter
24 to a staffed ballot drop box location only, as defined under paragraph
25 (2) of subsection b. of this section, provided the staffed ballot drop
26 box location implements the same bearer identification and record-
27 keeping criteria specified under paragraph (2) of subsection d. of
28 section 16 of P.L.2009, c.79 (C.19:63-16).

29 b. (1) For any election, the county board of elections in each
30 county shall establish ballot drop boxes where voters may deposit
31 their voted mail-in ballots at least seven days before the election. The
32 ballot drop boxes shall be located throughout the county in a manner
33 that provides the greatest convenience to voters. Ballot drop boxes
34 shall include both staffed and unstaffed locations as specified under
35 paragraph (2) of this subsection. Each ballot drop box and drop box
36 location shall meet the population, geographic, accessibility,
37 security, and other requirements developed by the Secretary of State
38 in consultation with county clerks and municipal clerks as provided
39 under subsection c. of this section.

40 (2) (a) A “staffed ballot drop box” shall mean a drop box that is
41 placed in a location that is in the view of a live person who is
42 employed at the location of the drop box, a municipal or county
43 employee, or a temporary worker or volunteer retained for the
44 purpose of monitoring the drop box. Staffed ballot drop box locations
45 may include, but may not be limited to, municipal offices, county
46 offices, public libraries, local businesses, and offices of community-
47 based organizations. A staffed ballot drop box shall not be required
48 to be available for use by a voter 24 hours a day, but shall be available

1 and staffed beginning at least seven days before the election and for
2 the time designated for ballot drop boxes to be in effect before each
3 election and until the time designated for the closing of the polls on
4 election day.

5 (b) An “unstaffed ballot drop box” shall mean a secured drop box
6 that is not required to be within view of a live person for monitoring.
7 Unstaffed ballot drop boxes shall be available for use by a voter 24
8 hours a day. Unstaffed ballot drop boxes may be located in each
9 municipality or Census-Designated Place (CDP) with a post office,
10 outside of every municipal clerk’s office, board of elections office,
11 town hall, police station, firehouse, United States Postal Service
12 retail location, on each campus of a state institution of higher
13 education located within the county that has two thousand or more
14 enrolled students, or any other location equipped with security
15 cameras that allow for the surveillance of the unstaffed ballot drop
16 box.

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

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

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

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

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

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

1 2. There is hereby appropriated from the State General Fund to
2 the Department of State such sums as shall be necessary to reimburse
3 counties and municipalities for the costs of implementing this act,
4 P.L. , c. (C.) (pending before the Legislature as this bill), subject
5 to the approval of the Director of the Division of Budget and
6 Accounting in the Department of the Treasury. The clerk of each
7 county shall certify to the Department of State, in a manner
8 prescribed by the department, the total cost incurred by the county
9 and municipalities within the county to implement the provisions of
10 this act.

11

12 3. This act shall take effect immediately.

13

14

15

STATEMENT

16

17 This bill requires county boards of election to establish mail-in
18 ballot drop boxes in each county at least seven days before the
19 election. Under current law, voters who vote using a mail-in ballot
20 may deposit their ballot in the mail or may deliver it in person to the
21 county board of elections or provide it to a mail-in ballot bearer to
22 deliver their ballot. This bill would also entitle mail-in voters to
23 deposit their ballot in a ballot drop box before the time designated
24 for the closing of the polls on election day.

25 Under the bill, the county board of elections in each county would
26 establish ballot drop boxes throughout the county in a manner that
27 provides the greatest convenience to voters. Ballot drop boxes would
28 include both staffed and unstaffed locations. “Staffed” ballot drop
29 boxes would be in the view of a live person who is employed at the
30 drop box location, a municipal or county employee, or a temporary
31 worker or volunteer retained to monitor the drop box. Staffed ballot
32 drop box locations may include, but may not be limited to, municipal
33 offices, county offices, public libraries, local businesses, and offices
34 of community-based organizations. A staffed ballot drop box would
35 not be required to be available for use by a voter 24 hours a day, but
36 would be required to be available and staffed beginning at least seven
37 days before the election and for the time designated for ballot drop
38 boxes to be in effect before each election and until the time
39 designated for the closing of the polls on election day. “Unstaffed”
40 ballot drop boxes would be secure but not required to be within view
41 of a live person for monitoring. Unstaffed ballot drop boxes would
42 be available for use by a voter 24 hours a day, and may be located in
43 each municipality or Census-Designated Place (CDP) with a post
44 office, outside of every municipal clerk’s office, board of elections
45 office, town hall, police station, firehouse, United States Postal
46 Service retail location, on each campus of a state institution of higher
47 education located within the county that has two thousand or more
48 enrolled students, or any other location equipped with security

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5

1 cameras that allow for the surveillance of the unstaffed ballot drop
2 box. Both staffed and unstaffed drop box locations would be required
3 to be accessible to voters with disabilities.

4 The bill requires the Secretary of State, in consultation with
5 county clerks and municipal clerks, to establish the rules and
6 regulations necessary to ensure the secure and successful
7 implementation of the mail-in ballot drop boxes. The rules and
8 regulations would include, but may not be limited to, criteria for each
9 county board of elections to: (1) determine the number of staffed and
10 unstaffed ballot drop boxes required per voter population,
11 considering both the number of registered voters and the number of
12 registered mail-in voters in each county before each election; (2)
13 select the geographic location of each ballot drop box, ensuring an
14 equitable distribution of ballot drop boxes across the county to
15 maximize convenience to voters; (3) ensure the accessibility of ballot
16 drop boxes and drop box locations to persons with disabilities; and
17 (4) maintain the security of ballot drop boxes and of the ballots
18 deposited therein, including standards and procedures for ballot
19 retrieval by authorized persons only, and for ensuring the proper
20 chain of custody and safe storage of voted mail-in ballots before each
21 election.

22 The bill also provides for an appropriation from the State General
23 Fund to the Department of State of the sums necessary to reimburse
24 counties and municipalities for the costs of implementing its
25 provisions.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4475

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 13, 2020

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 4475.

As amended, this bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill as amended, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, as amended, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, as amended, requires at least one ballot drop box to be placed at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or university; and (4) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings, including, but not limited to, courthouses, offices, town halls, police stations, fire stations, and libraries.

The bill requires the Secretary of State, in consultation with county clerks and municipal clerks, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election; (2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require county boards of elections to notify a voter if the voter deposits a mail-in ballot at a ballot drop box in a county in which the voter does not reside;
- require county boards of elections to establish ballot drop boxes, for the deposit of mail-in ballots, at least 45 days before an election, rather than seven days before an election;
- remove the requirement that counties provide both staffed and unstaffed ballot drop boxes, and instead require that all ballot drop boxes be secured, available for used by a voter 24 hours a day, and placed in locations that would allow the drop box to be monitored by security cameras;
- remove the provisions allowing mail-in ballot bearers to deliver ballots to staffed ballot drop boxes; instead, the restrictions of the Vote By Mail law apply, and bearers may either mail a ballot or deliver it to the board of elections; and
- require that at least 10 ballot drop boxes be established in each county, with at least one ballot drop box at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or

university; and (4) the main campus of each independent four-year college or university with enrollments larger than 5,000 students.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4475

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4475 (1R), with committee amendments.

As amended, this bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill as amended, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, as amended, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, as amended, requires at least one ballot drop box to be placed at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or university; and (4) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings.

The bill requires the Secretary of State, in consultation with county boards of elections, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election; (2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The bill, as amended, makes it a crime of the third degree for any person who is authorized to receive and canvass completed mail-in ballots to knowingly disclose to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

Finally, the bill, as amended by the committee, makes certain temporary modifications to the law to provide for the 2020 general election to be conducted primarily using mail-in ballots.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- remove language providing an example of the types of county or municipal government buildings at which additional ballot boxes may be placed;
- require that, to the best of their ability, boards of elections of elections are to choose the locations for secure ballot drop boxes based on geographic location and population density;
- require that the Secretary of State consult with county boards of elections, rather than county and municipal clerks, concerning the placement of drop boxes;
- incorporate certain requirements for the conduct of a primarily vote-by-mail election for the 2020 general election, including:
 - that all active and registered will receive mail-in ballots without request and certain notices related thereto;
 - that all vote-by-mail return envelopes will have prepaid First-Class postage;
 - suspending the mailing of sample ballots;

- closing schools on the day of the general election to permit them to be used as a polling place if designated by the county board of elections;
- establishing the minimum number of polling places in each municipality and county;
- the establishment of measures to reduce the likelihood of spread of COVID-19;
- permitting the Secretary of State to modify the use of poll books to accommodate the provisions of the bill;
- permitting voters who appear in person at a polling place but who have not voted by mail to vote provisionally;
- requiring that the county boards designate each polling place as a location to receive mail-in ballots;
- modify certain election timelines to accommodate a primarily vote-by-mail election, including the deadlines for mailing mail-in ballots, filling vacancies, submitting public questions, and applying for and returning mail-in ballots; and
- establishing modified time frames for the receipt, rejection, and canvassing of mail-in ballots pursuant to certain criteria, the certification of election results, and the preparation of certain reports;
- suspend the December 2020 special school elections pursuant to subsection a. of P.L.1995, c.278 (C.19:60-2) until the authorized January 2021 special school election date;
- establish that it is a crime of the third degree for any person who is authorized to receive and canvass completed mail-in ballots to knowingly disclose to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls; and
- modify the effective date.

FISCAL IMPACT:

The Office of Legislative Services estimates that this bill will result in an indeterminate increase in State and local government costs.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4475

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 26, 2020

SUMMARY

- Synopsis:** Requires county boards of election to establish ballot drop boxes in each county at least seven days before election.
- Type of Impact:** Annual State and local government cost increases; annual local revenue increases.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with the ballot drop boxes are being reimbursed from federal Coronavirus Aid Relief, and Economic Security Act (CARES Act) funding through year end.
- Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.
- The OLS notes that many of the requirements of the bill coincide with those of Executive Order 144 requiring the procurement of secure ballot drop boxes for the July 7, 2020 primary elections. This bill expands that requirement to any subsequent election in the State. The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act funds at a cost of \$5,000 per box for a total procurement cost of \$525,000. The order required the drop

boxes to be placed in locations that are readily accessible to registered voters in the county. Each of the 105 ballot drop boxes has been delivered and, at the time of this writing, are in the process of being installed, secured to the concrete, and placed in locations with video surveillance capability.

- The OLS notes that the bill requires each county to have five additional drop boxes installed, at the latest, by September 19, 2020 to meet the requirement in the bill that each county have 10 drop boxes installed at least 45 days prior to the election. All drop boxes purchased by December 31, 2020 would be eligible to for CARES Act funding. Using the pricing provided by the division from the original purchase of 105 drop boxes, the OLS assumes that purchasing an additional 105 drop boxes would cost \$525,000, plus installation costs.
- The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

BILL DESCRIPTION

This bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, requires at least one ballot drop box to be placed at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; (4) the main campus of each State college or university; and (5) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings, including, but not limited to, courthouses, offices, town halls, police stations, fire stations, and libraries.

The bill requires the Secretary of State, in consultation with county clerks and municipal clerks, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election; (2) select the geographic location of

each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with their establishment are being reimbursed from federal CARES Act funding through year end. Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.

The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act Funds at a cost of \$5,000 per box for a total procurement cost of \$525,000. The Executive Order required the drop boxes to be placed in locations that are readily accessible to the registered voters in the county. Each of the 105 ballot drop boxes has been delivered to the requisite county and, at the time of this writing, are in the process of being installed. The OLS notes that, according to the division, the demand for ballot drop boxes nationwide required the division to place an order expeditiously for the drop boxes with a supplier that was able to provide the requisite number of drop boxes for delivery within the necessary timeframe. County boards of elections who determine they need additional drop boxes beyond what is required by the executive order can buy additional drop boxes and will be reimbursed with CARES Act funding through the end of the year. Any additional drop boxes purchased would cost approximately \$5,000 to procure with additional undetermined installation costs.

Total installation costs of the drop boxes have not yet been determined. Data indicate that installment costs can add an additional 33 percent to the total cost of drop boxes if installed by outside vendors. Some counties are employing their public works departments to secure the boxes. At this time, all drop boxes are being installed outside, secured to the concrete, and placed in locations with video surveillance capability. According to the division, installation costs will be reimbursed with CARES Act funding. From an operational standpoint, the division indicates that the county boards of elections shall disburse a team of two to collect the ballots from each of the five boxes once per day. These operational costs have not yet been estimated but will only be reimbursed with CARES Act funds through year end.

The OLS notes that the bill requires each county to have five additional drop boxes installed, at the latest, by September 19, 2020 to meet the requirement in the bill that each county have 10 drop boxes installed at least 45 days prior to the election. All drop boxes purchased by December 31, 2020 would be eligible to for CARES Act funding. Using the pricing provided by the division from the original purchase of 105 drop boxes, the OLS assumes that purchasing an additional 105 drop boxes would cost \$525,000, plus installation costs. The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

Section: State Government

Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2580

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Pou, Gill and Turner

SYNOPSIS

Requires county boards of election to establish ballot drop boxes in each county at least seven days before election.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/17/2020)

1 AN ACT concerning the establishment of mail-in ballot drop boxes
2 before each election and supplementing P.L.2009, c.79 (C.19:63-
3 1 et seq.).

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

7
8 1. a. In addition to delivering a voted mail-in ballot by mail or
9 in person as provided under “The Vote By Mail Law,” P.L.2009, c.79
10 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the
11 voter’s completed mail-in ballot in a ballot drop box established by
12 the county board of elections as provided under this section. Each
13 mail-in ballot deposited in a ballot drop box by the time designated
14 under current law for the closing of the polls for that election shall
15 be considered valid and shall be canvassed. If, at the closing of the
16 polls, a voter deposits a mail-in ballot at a ballot drop box in a county
17 in which the voter does not reside, the county board of elections, upon
18 discovering that fact, shall timely deliver the ballot to the county
19 board of elections of the county in which the voter resides, who shall
20 accept the ballot for processing. The limitations and prohibitions
21 applicable to mail-in ballot bearers under “The Vote By Mail Law,”
22 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section,
23 except that a bearer may deliver a mail-in ballot on behalf of a voter
24 to a staffed ballot drop box location only, as defined under paragraph
25 (2) of subsection b. of this section, provided the staffed ballot drop
26 box location implements the same bearer identification and record-
27 keeping criteria specified under paragraph (2) of subsection d. of
28 section 16 of P.L.2009, c.79 (C.19:63-16).

29 b. (1) For any election, the county board of elections in each
30 county shall establish ballot drop boxes where voters may deposit
31 their voted mail-in ballots at least seven days before the election. The
32 ballot drop boxes shall be located throughout the county in a manner
33 that provides the greatest convenience to voters. Ballot drop boxes
34 shall include both staffed and unstaffed locations as specified under
35 paragraph (2) of this subsection. Each ballot drop box and drop box
36 location shall meet the population, geographic, accessibility,
37 security, and other requirements developed by the Secretary of State
38 in consultation with county clerks and municipal clerks as provided
39 under subsection c. of this section.

40 (2) (a) A “staffed ballot drop box” shall mean a drop box that is
41 placed in a location that is in the view of a live person who is
42 employed at the location of the drop box, a municipal or county
43 employee, or a temporary worker or volunteer retained for the
44 purpose of monitoring the drop box. Staffed ballot drop box locations
45 may include, but may not be limited to, municipal offices, county
46 offices, public libraries, local businesses, and offices of community-
47 based organizations. A staffed ballot drop box shall not be required

1 to be available for use by a voter 24 hours a day, but shall be available
2 and staffed beginning at least seven days before the election and for
3 the time designated for ballot drop boxes to be in effect before each
4 election and until the time designated for the closing of the polls on
5 election day.

6 (b) An “unstaffed ballot drop box” shall mean a secured drop box
7 that is not required to be within view of a live person for monitoring.
8 Unstaffed ballot drop boxes shall be available for use by a voter 24
9 hours a day. Unstaffed ballot drop boxes may be located in each
10 municipality or Census-Designated Place (CDP) with a post office,
11 outside of every municipal clerk’s office, board of elections office,
12 town hall, police station, firehouse, United States Postal Service
13 retail location, on each campus of a state institution of higher
14 education located within the county that has two thousand or more
15 enrolled students, or any other location equipped with security
16 cameras that allow for the surveillance of the unstaffed ballot drop
17 box.

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

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

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

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

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

44 (4) maintain the security of ballot drop boxes and of the ballots
45 deposited therein, including standards and procedures for ballot
46 retrieval by authorized persons only, and for ensuring the proper

1 chain of custody and safe storage of voted mail-in ballots before each
2 election.

3
4 2. There is hereby appropriated from the State General Fund to
5 the Department of State such sums as shall be necessary to reimburse
6 counties and municipalities for the costs of implementing this act,
7 P.L. , c. (C.) (pending before the Legislature as this bill), subject
8 to the approval of the Director of the Division of Budget and
9 Accounting in the Department of the Treasury. The clerk of each
10 county shall certify to the Department of State, in a manner
11 prescribed by the department, the total cost incurred by the county
12 and municipalities within the county to implement the provisions of
13 this act.

14
15 3. This act shall take effect immediately.

16
17
18 STATEMENT

19
20 This bill requires county boards of election to establish mail-in
21 ballot drop boxes in each county at least seven days before the
22 election. Under current law, voters who vote using a mail-in ballot
23 may deposit their ballot in the mail or may deliver it in person to the
24 county board of elections or provide it to a mail-in ballot bearer to
25 deliver their ballot. This bill would also entitle mail-in voters to
26 deposit their ballot in a ballot drop box before the time designated
27 for the closing of the polls on election day.

28 Under the bill, the county board of elections in each county would
29 establish ballot drop boxes throughout the county in a manner that
30 provides the greatest convenience to voters. Ballot drop boxes would
31 include both staffed and unstaffed locations. “Staffed” ballot drop
32 boxes would be in the view of a live person who is employed at the
33 drop box location, a municipal or county employee, or a temporary
34 worker or volunteer retained to monitor the drop box. Staffed ballot
35 drop box locations may include, but may not be limited to, municipal
36 offices, county offices, public libraries, local businesses, and offices
37 of community-based organizations. A staffed ballot drop box would
38 not be required to be available for use by a voter 24 hours a day, but
39 would be required to be available and staffed beginning at least seven
40 days before the election and for the time designated for ballot drop
41 boxes to be in effect before each election and until the time
42 designated for the closing of the polls on election day. “Unstaffed”
43 ballot drop boxes would be secure but not required to be within view
44 of a live person for monitoring. Unstaffed ballot drop boxes would
45 be available for use by a voter 24 hours a day, and may be located in
46 each municipality or Census-Designated Place (CDP) with a post
47 office, outside of every municipal clerk’s office, board of elections

S2580 SINGLETON, SARLO

5

1 office, town hall, police station, firehouse, United States Postal
2 Service retail location, on each campus of a state institution of higher
3 education located within the county that has two thousand or more
4 enrolled students, or any other location equipped with security
5 cameras that allow for the surveillance of the unstaffed ballot drop
6 box. Both staffed and unstaffed drop box locations would be required
7 to be accessible to voters with disabilities.

8 The bill requires the Secretary of State, in consultation with
9 county clerks and municipal clerks, to establish the rules and
10 regulations necessary to ensure the secure and successful
11 implementation of the mail-in ballot drop boxes. The rules and
12 regulations would include, but may not be limited to, criteria for each
13 county board of elections to: (1) determine the number of staffed and
14 unstaffed ballot drop boxes required per voter population,
15 considering both the number of registered voters and the number of
16 registered mail-in voters in each county before each election; (2)
17 select the geographic location of each ballot drop box, ensuring an
18 equitable distribution of ballot drop boxes across the county to
19 maximize convenience to voters; (3) ensure the accessibility of ballot
20 drop boxes and drop box locations to persons with disabilities; and
21 (4) maintain the security of ballot drop boxes and of the ballots
22 deposited therein, including standards and procedures for ballot
23 retrieval by authorized persons only, and for ensuring the proper
24 chain of custody and safe storage of voted mail-in ballots before each
25 election.

26 The bill also provides for an appropriation from the State General
27 Fund to the Department of State of the sums necessary to reimburse
28 counties and municipalities for the costs of implementing its
29 provisions.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 2580

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 20, 2020

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2580.

As amended by the committee, this bill requires county boards of elections to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill, as amended, the county board of elections in each county would establish ballot drop boxes throughout the county in a manner that provides the greatest convenience to voters. Ballot drop boxes would be secured, but not required to be within view of a live person for monitoring. Ballot drop boxes would be available for use by a voter 24 hours a day at locations equipped with security cameras for the surveillance of the ballot drop boxes. At least 10 ballot drop boxes would be established in each county, with at least one ballot drop box at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or university; and (4) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. The board of elections of any county that has fewer than 10 ballot drop boxes upon establishing the drop boxes at each of these locations would be required to establish additional locations for ballot drop boxes, so that the county has no fewer than 10 ballot drop boxes. These additional drop boxes would be placed at county or municipal government buildings.

The bill requires the Secretary of State, in consultation with county clerks and municipal clerks, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election; (2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

COMMITTEE AMENDMENTS

The amendments:

(1) require county boards of elections, in addition to transmitting the ballot to the correct county board of elections, to notify that county board of elections if a voter deposits a mail-in ballot at a ballot drop box in a county in which the voter does not reside;

(2) require county boards of elections to establish ballot drop boxes at least 45 days before an election, rather than seven days before an election;

(3) remove the requirement that counties provide staffed ballot drop boxes, and instead require that all ballot drop boxes be secure, available for used by a voter 24 hours a day, and placed in locations that would allow the drop box to be monitored by security cameras;

(4) apply the restrictions of “The Vote By Mail Law” to ballot bearers depositing mail-in ballots in ballot drop boxes;

(5) require that at least 10 ballot drop boxes be established in each county, with at least one ballot drop box at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or university; and (4) the main campus of each

independent four-year college or university with enrollments larger than 5,000 students;

(6) provide that the board of elections of any county that has fewer than 10 ballot drop boxes upon establishing the drop boxes at each location required would establish additional locations for ballot drop boxes, so that the county has no fewer than 10 ballot drop boxes; and

(7) provide that such additional drop boxes must be placed at county or municipal government buildings.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2580

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2580 (1R).

This bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill as amended, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, as amended, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, as amended, requires at least one ballot drop box to be placed at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; the main campus of each State college or university; and (4) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings.

The bill requires the Secretary of State, in consultation with county boards of elections, to establish the rules and regulations necessary to

ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election; (2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The bill, as amended, makes it a crime of the third degree for any person who is authorized to receive and canvass completed mail-in ballots to knowingly disclose to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

Finally, the bill, as amended by the committee, makes certain temporary modifications to the law to provide for the 2020 general election to be conducted primarily using mail-in ballots.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require that, to the best of their ability, boards of elections of elections are to choose the locations for secure ballot drop boxes based on geographic location and population density;
- require that the Secretary of State consult with county boards of elections, rather than county and municipal clerks, concerning the placement of drop boxes;
- incorporate certain requirements for the conduct of a primarily vote-by-mail election for the 2020 general election, including:
 - that all active and registered will receive mail-in ballots without request and certain notices related thereto;
 - that all vote-by-mail return envelopes will have prepaid First-Class postage;
 - suspending the mailing of sample ballots;
 - closing schools on the day of the general election to permit them to be used as a polling place if designated by the county board of elections;
 - establishing the minimum number of polling places in each municipality and county;
 - the establishment of measures to reduce the likelihood of spread of COVID-19;

- permitting the Secretary of State to modify the use of poll books to accommodate the provisions of the bill;
- permitting voters who appear in person at a polling place but who have not voted by mail to vote provisionally;
- requiring that the county boards designate each polling place as a location to receive mail-in ballots;
- modify certain election timelines to accommodate a primarily vote-by-mail election, including the deadlines for mailing mail-in ballots, filling vacancies, submitting public questions, and applying for and returning mail-in ballots; and
- establishing modified time frames for the receipt, rejection, and canvassing of mail-in ballots pursuant to certain criteria, the certification of election results, and the preparation of certain reports;
- suspend the December 2020 special school elections pursuant to subsection a. of P.L.1995, c.278 (C.19:60-2) until the authorized January 2021 special school election date;
- establish that it is a crime of the third degree for any person who is authorized to receive and canvass completed mail-in-ballots to knowingly disclose to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls; and
- modify the effective date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in an indeterminate increase in State and local government costs.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2580
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 6, 2020

SUMMARY

- Synopsis:** Requires county boards of election to establish ballot drop boxes in each county at least seven days before election.
- Type of Impact:** Annual State and local government cost increases; annual local revenue increases.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Cost Increase	Indeterminate
Annual Local Cost Increase	Indeterminate
Annual Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with the ballot drop boxes are being reimbursed from federal Coronavirus Aid Relief, and Economic Security Act (CARES Act) funding through year end.
- Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.
- The OLS notes that many of the requirements of the bill coincide with those of Executive Order 144 requiring the procurement of secure ballot drop boxes for the July 7, 2020 primary elections. This bill expands that requirement to any subsequent election in the State. The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act funds at a

cost of \$5,000 per box for a total procurement cost of \$525,000. The order required the drop boxes to be placed in locations that are readily accessible to registered voters in the county. Each of the 105 ballot drop boxes has been delivered and, at the time of this writing, are in the process of being installed.

BILL DESCRIPTION

This bill requires county boards of elections to establish mail-in ballot drop boxes in each county at least seven days before any election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill, the board of elections in each county would establish ballot drop boxes in a manner that provides the greatest convenience to voters. Ballot drop boxes would include both staffed and unstaffed locations. Staffed ballot drop boxes would be in the view of a live person who is employed at the drop box location, a municipal or county employee, or a temporary worker or volunteer retained to monitor the drop box. A staffed ballot drop box would not be required to be available for use by a voter 24 hours a day, but would be required to be available and staffed beginning at least seven days before the election. Unstaffed ballot drop boxes would be secure but not required to be within view of a live person for monitoring. Unstaffed ballot drop boxes would be available for use by a voter 24 hours a day in a location equipped with security cameras that allow for the surveillance. Both staffed and unstaffed drop box locations would be required to be accessible to voters with disabilities.

The bill requires the Secretary of State, in consultation with county clerks and municipal clerks, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with their establishment are being reimbursed from federal CARES Act funding through year end. Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.

The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act Funds at a cost of \$5,000 per box for a total procurement cost of \$525,000. The Executive Order required the drop boxes to be placed in locations that are readily accessible to the registered voters in the county. Each of the 105 ballot drop boxes has been delivered to the requisite county and, at the time of this writing, are in the process of being installed. The OLS notes that, according to the division, the demand for ballot drop boxes nationwide required the division to place an order expeditiously for the drop boxes with a supplier that was able to provide the requisite number of drop boxes for delivery within the necessary timeframe. County boards of elections who determine they need additional drop boxes beyond what is required by the executive order can buy additional drop boxes and will be reimbursed with CARES Act funding through the end of the year.

Total installation costs of the drop boxes have not yet been determined. Data indicate that installment costs can add an additional 33 percent to the total cost of drop boxes if installed by outside vendors. Some counties are employing their public works departments to secure the boxes. At this time, all drop boxes are being installed outside, secured to the concrete, and placed in locations with video surveillance capability. According to the division, installation costs will be reimbursed with CARES Act funding. From an operational standpoint, the division indicates that the county boards of elections shall disburse a team of two to collect the ballots from each of the five boxes once per day. These operational costs have not yet been estimated but will only be reimbursed with CARES Act funds through year end.

This bill requires the installation of both unstaffed and staffed drop boxes. The drop boxes that have been procured and are being installed have been unstaffed drop boxes. Depending upon the rules and regulations established by the Secretary of State regarding the secure and successful implementation of the drop boxes, as required by this bill, the secretary of State could purchase additional drop boxes to provide for staffed drop boxes, reallocate some of the drop boxes already purchased and installed to provide for staffed drop boxes, or could satisfy the requirement using a combination of procurement and reallocation depending on the requirements of this bill. Any additional drop boxes purchased would cost approximately \$5,000 to procure with additional undetermined installation costs.

Section: State Government Section
Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2580 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 26, 2020

SUMMARY

- Synopsis:** Requires county boards of election to establish ballot drop boxes in each county at least seven days before election.
- Type of Impact:** Annual State and local government cost increases; annual local revenue increases.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with the ballot drop boxes are being reimbursed from federal Coronavirus Aid Relief, and Economic Security Act (CARES Act) funding through year end.
- Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.
- The OLS notes that many of the requirements of the bill coincide with those of Executive Order 144 requiring the procurement of secure ballot drop boxes for the July 7, 2020 primary elections. This bill expands that requirement to any subsequent election in the State. The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act funds at a

cost of \$5,000 per box for a total procurement cost of \$525,000. The order required the drop boxes to be placed in locations that are readily accessible to registered voters in the county. Each of the 105 ballot drop boxes has been delivered and, at the time of this writing, are in the process of being installed, secured to the concrete, and placed in locations with video surveillance capability.

- The OLS notes that the bill requires each county to have five additional drop boxes installed, at the latest, by September 19, 2020 to meet the requirement in the bill that each county have 10 drop boxes installed at least 45 days prior to the election. All drop boxes purchased by December 31, 2020 would be eligible to for CARES Act funding. Using the pricing provided by the division from the original purchase of 105 drop boxes, the OLS assumes that purchasing an additional 105 drop boxes would cost \$525,000, plus installation costs.
- The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

BILL DESCRIPTION

This bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, requires at least one ballot drop box to be placed at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; (4) the main campus of each State college or university; and (5) the main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings, including, but not limited to, courthouses, offices, town halls, police stations, fire stations, and libraries.

The bill requires the Secretary of State, in consultation with county clerks and municipal clerks, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of

registered mail-in voters in each county before each election; (2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The bill also provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with their establishment are being reimbursed from federal CARES Act funding through year end. Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.

The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act Funds at a cost of \$5,000 per box for a total procurement cost of \$525,000. The Executive Order required the drop boxes to be placed in locations that are readily accessible to the registered voters in the county. Each of the 105 ballot drop boxes has been delivered to the requisite county and, at the time of this writing, are in the process of being installed. The OLS notes that, according to the division, the demand for ballot drop boxes nationwide required the division to place an order expeditiously for the drop boxes with a supplier that was able to provide the requisite number of drop boxes for delivery within the necessary timeframe. County boards of elections who determine they need additional drop boxes beyond what is required by the executive order can buy additional drop boxes and will be reimbursed with CARES Act funding through the end of the year. Any additional drop boxes purchased would cost approximately \$5,000 to procure with additional undetermined installation costs.

Total installation costs of the drop boxes have not yet been determined. Data indicate that installment costs can add an additional 33 percent to the total cost of drop boxes if installed by outside vendors. Some counties are employing their public works departments to secure the boxes. At this time, all drop boxes are being installed outside, secured to the concrete, and placed in locations with video surveillance capability. According to the division, installation costs will be reimbursed with CARES Act funding. From an operational standpoint, the division indicates that the county boards of elections shall disburse a team of two to collect the ballots from each of the

five boxes once per day. These operational costs have not yet been estimated but will only be reimbursed with CARES Act funds through year end.

The OLS notes that the bill requires each county to have five additional drop boxes installed, at the latest, by September 19, 2020 to meet the requirement in the bill that each county have 10 drop boxes installed at least 45 days prior to the election. All drop boxes purchased by December 31, 2020 would be eligible to for CARES Act funding. Using the pricing provided by the division from the original purchase of 105 drop boxes, the OLS assumes that purchasing an additional 105 drop boxes would cost \$525,000, plus installation costs. The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to reimburse counties and municipalities for the costs of implementing its provisions.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2580

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

SUMMARY

- Synopsis:** Requires county boards of election to establish ballot drop boxes in each county at least 45 days before election; revises procedures concerning mail-in ballots for 2020 general election.
- Type of Impact:** Annual State and local government cost increases; annual local revenue increases.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with the ballot drop boxes are being reimbursed from federal Coronavirus Aid Relief, and Economic Security Act (CARES Act) funding through year end.
- Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.
- The OLS notes that many of the requirements of the bill coincide with those of Executive Order 144 requiring the procurement of secure ballot drop boxes for the July 7, 2020 primary elections. This bill expands that requirement to any subsequent election in the State. The Division of Elections informed the OLS that, in accordance with Executive Order 144, it

had purchased five ballot drop boxes for each county in the State using CARES Act funds at a cost of \$5,000 per box for a total procurement cost of \$525,000. The order required the drop boxes to be placed in locations that are readily accessible to registered voters in the county. Each of the 105 ballot drop boxes has been delivered and, at the time of this writing, are in the process of being installed, secured to the concrete, and placed in locations with video surveillance capability.

- The OLS notes that the bill requires each county to have five additional drop boxes installed, at the latest, by September 19, 2020 to meet the requirement in the bill that each county have 10 drop boxes installed at least 45 days prior to the election. All drop boxes purchased by December 31, 2020 would be eligible to for CARES Act funding. Using the pricing provided by the division from the original purchase of 105 drop boxes, the OLS assumes that purchasing an additional 105 drop boxes would cost \$525,000, plus installation costs.
- The bill incorporates certain requirements for the conduct of a primarily vote-by-mail election for the 2020 general election including, but not limited to mailing ballots to all active and registered voters; affixing prepaid First-Class postage to all vote-by-mail return envelopes; suspending the mailing of sample ballots; closing schools on the day of the general election; establishing COVID-19 safety measures and protocols at polling places; establishing a minimum number of polling places in each municipality and county; and establishing protocols to accommodate canvassing and certification timelines. These provisions to establish mail-in voting procedures for the 2020 General election will have an indeterminate expenditure increase to the State.
- The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to establish mail-in voting procedures for the 2020 General election and to reimburse counties and municipalities for the costs of implementing its provisions.

BILL DESCRIPTION

This bill requires county boards of election to establish mail-in ballot drop boxes in each county at least 45 days before the election. Under current law, voters who vote using a mail-in ballot may deposit their ballot in the mail or may deliver it in person to the county board of elections or provide it to a mail-in ballot bearer to deliver their ballot. This bill would also entitle mail-in voters to deposit their ballot in a ballot drop box before the time designated for the closing of the polls on election day.

Under the bill, the county board of elections in each county would establish ballot drop boxes throughout the county in accordance with the bill. Ballot drop boxes are defined under the bill, as amended, to mean a secured drop box that is not required to be within view of a live person for monitoring, and must be (1) available for use by a voter 24 hours a day and (2) placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. Drop box locations would be required to be accessible to voters with disabilities.

The bill, as amended, requires at least one ballot drop box to be placed at each of the following locations: (1) any county government building in which the main office of the county clerk is located; (2) any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; (3) the main campus of each county community college; (4) the main campus of each State college or university; and (5) the

main campus of each independent four-year college or university with enrollments larger than 5,000 students. If upon establishing the drop boxes at each of these locations the county has fewer than 10 ballot drop boxes, the board of elections is to establish additional locations until there are at least 10 ballot drop boxes in the county. The additional drop boxes are to be placed at county or municipal government buildings.

The bill requires the Secretary of State, in consultation with county boards of elections, to establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes. The rules and regulations would include, but may not be limited to, criteria for each county board of elections to: (1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election; (2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters; (3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities; and (4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election.

The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to establish mail-in voting procedures for the 2020 General election and to reimburse counties and municipalities for the costs of implementing its provisions.

Finally, the bill makes certain temporary modifications to the law to provide for the 2020 general election to be conducted primarily using mail-in ballots.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill will result in indeterminate annual State and local government cost increases to provide ballot drop boxes for all elections in the State. However, there will be no net increase in State and local expenditures through December 31, 2020 because all costs associated with their establishment are being reimbursed from federal CARES Act funding through year end. Any local costs incurred after this date to meet the requirements of the bill are not eligible for federal reimbursement; however, the bill provides that counties and municipalities are to be reimbursed from the State General Fund for any expenditures needed to implement the provisions of this bill.

The Division of Elections informed the OLS that, in accordance with Executive Order 144, it had purchased five ballot drop boxes for each county in the State using CARES Act Funds at a cost of \$5,000 per box for a total procurement cost of \$525,000. The Executive Order required the drop boxes to be placed in locations that are readily accessible to the registered voters in the county. Each of the 105 ballot drop boxes has been delivered to the requisite county and, at the time of this writing, are in the process of being installed. The OLS notes that, according to the division, the demand for ballot drop boxes nationwide required the division to place an order expeditiously for the drop boxes with a supplier that was able to provide the requisite number of drop boxes for delivery within the necessary timeframe. County boards of elections who determine

they need additional drop boxes beyond what is required by the executive order can buy additional drop boxes and will be reimbursed with CARES Act funding through the end of the year. Any additional drop boxes purchased would cost approximately \$5,000 to procure with additional undetermined installation costs.

Total installation costs of the drop boxes have not yet been determined. Data indicate that installment costs can add an additional 33 percent to the total cost of drop boxes if installed by outside vendors. Some counties are employing their public works departments to secure the boxes. At this time, all drop boxes are being installed outside, secured to the concrete, and placed in locations with video surveillance capability. According to the division, installation costs will be reimbursed with CARES Act funding. From an operational standpoint, the division indicates that the county boards of elections shall disburse a team of two to collect the ballots from each of the five boxes once per day. These operational costs have not yet been estimated but will only be reimbursed with CARES Act funds through year end.

The OLS notes that the bill requires each county to have five additional drop boxes installed, at the latest, by September 19, 2020 to meet the requirement in the bill that each county have 10 drop boxes installed at least 45 days prior to the election. All drop boxes purchased by December 31, 2020 would be eligible to for CARES Act funding. Using the pricing provided by the division from the original purchase of 105 drop boxes, the OLS assumes that purchasing an additional 105 drop boxes would cost \$525,000, plus installation costs.

The bill incorporates certain requirements for the conduct of a primarily vote-by-mail election for the 2020 general election including, but not limited to mailing ballots to all active and registered voters; affixing prepaid First-Class postage to all vote-by-mail return envelopes; suspending the mailing of sample ballots; closing schools on the day of the general election; establishing COVID-19 safety measures and protocols at polling places, establishing a minimum number of polling places in each municipality and county; and establishing protocols to accommodate canvassing and certification timelines. These provisions to establish mail-in voting procedures for the 2020 General election will have an indeterminate expenditure increase to the State.

The OLS notes that the bill provides for an appropriation from the State General Fund to the Department of State of the sums necessary to establish mail-in voting procedures for the 2020 General election and to reimburse counties and municipalities for the costs of implementing its provisions.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY BILL NO. 4475
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 4475 (Second Reprint) with my recommendations for reconsideration.

This bill would require county boards of election to establish mail-in drop boxes in each county at least 45 days prior to the election. In addition, the bill would establish vote-by-mail procedures for the November 2020 General Election. I applaud the sponsors of this legislation for seeking to quickly codify, and expand upon, Executive Order Nos. 177 and 179 in order to facilitate participation in the democratic process this November.

My recommended revision corrects the effective date of section 1 of the bill, which is intended to dictate the requirements for mail-in ballot boxes beginning on February 1, 2021. Section 2, which takes effect immediately, will govern the election procedures, including requirements for mail-in drop boxes, in November.

Therefore, I herewith return Assembly Bill No. 4475 (Second Reprint) and recommend that it be amended as follows:

Page 11, Section 6, Line 22: Delete "2020" and insert "2021"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Robert L. Garrenger

Senior Special Counsel to the Governor