

19:63-16.1
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2021 **CHAPTER:** 44

NJSA: 19:63-16.1 (Allows county board of elections to determine location of certain ballot drop boxes under certain circumstances.)

BILL NO: A5373 (Substituted for S3596)

SPONSOR(S) Moen, William F. and others

DATE INTRODUCED: 2/23/2021

COMMITTEE: **ASSEMBLY:** State & Local Government

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/25/2021

SENATE: 3/25/2021

DATE OF APPROVAL: 4/9/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

A5373

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S3596

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"MOEN, VERRELLI AND REYNOLDS-JACKSON BILL ALLOWING COUNTY BOARDS OF ELECTIONS TO DETERMINE LOCATION OF CERTAIN BALLOT DROP BOXES NOW LAW." US Fed News (USA), April 9, 2021.

RH/CL

P.L. 2021, CHAPTER 44, *approved April 9, 2021*
Assembly, No. 5373 (*Second Reprint*)

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

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹**[**1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to
8 read as follows:

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

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

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

34 (b) **[**At least one ballot drop box shall be located at each of the
35 following locations: any county government building in which the
36 main office of the county clerk is located; any municipal government
37 building in which the main office of the municipal clerk is located in
38 municipalities with populations larger than 5,000 residents; the main
39 campus of each county community college; the main campus of each
40 State college or university; and the main campus of each independent
41 four-year college or university with enrollments larger than 5,000

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 March 17, 2021.

²Senate floor amendments adopted March 25, 2021.

1 students.】 The board of elections in each county shall determine the
2 locations of the ballot drop boxes in compliance with the requirements
3 of this section. The ballot drop box locations shall be approved by a
4 majority vote of the members of the board of elections. However, in
5 the event of a tie in the votes cast by the members of the board of
6 elections, the county clerk shall cast the deciding vote. Whenever
7 possible, at least one ballot drop box shall be located in a municipality
8 with an average per capita income or a median family income at or
9 below 250% of the federal poverty guideline according to the most
10 recent federal American Community Survey.

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

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

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

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

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

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

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

11 (cf: P.L.2020, c.72, s.1)]¹

12

13 ¹1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
14 as follows:

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

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

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

40 (b) ²[At] Beginning with the 2021 general election, at² least one
41 ballot drop box shall be located ²[at each of the following locations]²:
42 ²at² any county government building in which the main office of the
43 county clerk is located; ²[any municipal government building in which
44 the main office of the municipal clerk is located in municipalities with
45 populations] in each municipality with a population² larger than 5,000
46 residents; ²[the main campus of each county community college;] at²
47 the main campus of each State college or university; and the main

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

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

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

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

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

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

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

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

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

19 d. Each county clerk shall include the locations of the ballot drop
20 boxes established in the county along with the instructions furnished
21 with the mail-in ballot package sent to each mail-in voter pursuant to
22 section 7 of P.L.2009, c.79 (C.19:63-7). At least 45 days before each
23 election, each county board of elections shall cause to be published on
24 their respective websites the location of the ballot drop boxes in each
25 county, and shall provide this information to the Secretary of State for
26 publishing the same on the Division of Elections website.¹

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

28

29 2. This act shall take effect immediately.

30

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32

33

34 _____
35 Allows county board of elections to determine location of certain
ballot drop boxes under certain circumstances.

ASSEMBLY, No. 5373

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Allows county boards of elections to determine location of ballot drop boxes by majority vote of its members.

CURRENT VERSION OF TEXT

As introduced.



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

3

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

6

7 1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
8 as follows:

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

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

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

34 (b) **【**At least one ballot drop box shall be located at each of the
35 following locations: any county government building in which the main
36 office of the county clerk is located; any municipal government building
37 in which the main office of the municipal clerk is located in
38 municipalities with populations larger than 5,000 residents; the main
39 campus of each county community college; the main campus of each
40 State college or university; and the main campus of each independent
41 four-year college or university with enrollments larger than 5,000
42 students.**】** The board of elections in each county shall determine the
43 locations of the ballot drop boxes in compliance with the requirements
44 of this section. The ballot drop box locations shall be approved by a
45 majority vote of the members of the board of elections. However, in 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.

1 event of a tie in the votes cast by the members of the board of elections,
2 the county clerk shall cast the deciding vote. Whenever possible, at least
3 one ballot drop box shall be located in a municipality with an average
4 per capita income or a median family income at or below 250% of the
5 federal poverty guideline according to the most recent federal American
6 Community Survey.

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

21 (d) All ballot drop box locations shall be on sites that meet the
22 accessibility requirements applicable to polling places under R.S.19:8-
23 2 and shall be subject to the same compliance oversight applicable to
24 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A ballot
25 drop box site shall be considered accessible if it is in compliance with
26 the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
27 12101 et seq.).

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

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

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

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

1 (4) maintain the security of ballot drop boxes and of the ballots
2 deposited therein, including standards and procedures for ballot
3 retrieval by authorized persons only, and for ensuring the proper chain
4 of custody and safe storage of voted mail-in ballots before each election.
5 (cf: P.L.2020, c.72, s.1)

6

7 2. This act shall take effect immediately.

8

9

10

STATEMENT

11

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

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

25 Under the bill, each county board of elections would instead be
26 allowed to determine the location of the ballot drop boxes. The
27 locations would require approval by the majority of the board
28 members. If there is a tie in the votes cast by the members of the
29 board of elections, the county clerk would cast the deciding vote.
30 Whenever possible, at least one ballot drop box would be located in
31 a municipality with an average per capita income or a median family
32 income at or below 250% of the federal poverty guideline according
33 to the most recent federal American Community Survey.

34 The ballot drop box locations would be in compliance with
35 existing provisions, such as the requirement to establish at least 10
36 ballot drop boxes and the provisions concerning drop box security,
37 accessibility, population, and geographic distribution. The bill adds
38 travel time to the location, proximity to other voting locations and
39 ballot drop boxes, and commuter traffic patterns to the criteria
40 required to be considered in the placement of ballot drop boxes to
41 ensure adequate access in various geographic areas of the county.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5373

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 5373.

As amended, this bill allows county boards of elections to determine the location of certain ballot drop boxes by majority vote of its members under certain circumstances.

Under current law, at least one ballot drop box must be placed at each of the following locations: any county government building in which the main office of the county clerk is located; any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; the main campus of each county community college; the main campus of each State college or university; and the main campus of each independent four-year college or university with enrollments larger than 5,000 students.

Under the bill, whenever two or more ballot drop box locations are separated by a distance of less than 2,000 feet, the board of elections in each county would determine secondary locations for those ballot drop boxes in compliance with the requirements under existing law. The secondary locations would be located within the municipality where those ballot drop boxes were originally located and would require approval by the majority of the board members. If there is a tie in the votes cast by the members of the board of elections, the county clerk would cast the deciding vote. Whenever possible, at least one ballot drop box would be located in a municipality where an election is taking place with an average per capita income or a median family income at or below 250% of the federal poverty guideline according to the most recent federal American Community Survey.

The ballot drop box locations would be in compliance with existing provisions, such as the requirement to establish at least 10 ballot drop boxes and the provisions concerning drop box security, accessibility, population, and geographic distribution. The bill adds travel time to the location, proximity to other voting locations and ballot drop boxes, and commuter traffic patterns to the criteria required

to be considered in the placement of ballot drop boxes to ensure adequate access in various geographic areas of the county.

PROPOSED COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

(1) keep in place the existing ballot drop box location criteria provided under current law;

(2) provide that the board of elections in each county would determine secondary locations of ballot drop boxes in the event that two or more ballot drop boxes are separated by less than 2,000 feet;

(3) provide that the county clerk would cast any tie-breaking vote concerning the secondary placement of ballot drop boxes;

(4) provide that secondary locations of ballot drop boxes must be within the municipality of the original ballot drop box location;

(5) provide that the county clerk will include the locations of the ballot drop boxes established in the county along with the instructions furnished with the mail-in ballot sent to each mail-in voter;

(6) provide that at least 45 days before each election, each county board of elections will publish on their respective websites the location of the ballot drop boxes in each county and provide this information to the Secretary of State to publish on the Division of Elections website; and

(7) provide that the Secretary of State, in consultation with county boards of elections, will establish the guidelines necessary to ensure the secure and successful implementation of ballot drop boxes.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 5373

with Senate Floor Amendments
(Proposed by Senator BEACH)

ADOPTED: MARCH 25, 2021

These Senate amendments provide that, beginning with the 2021 general election, a ballot drop box would not have to be located on the main campus of each county community college. The amendments also require a ballot drop box to be located in each municipality with a population larger than 5,000 residents, and removes the requirement that a ballot drop box be located in any municipal government building in which the main office of the municipal clerk is located in such municipalities.

These Senate floor amendments make this bill identical to Senate Bill No. 3596.

SENATE, No. 3596

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Allows county board of elections to determine location of certain ballot drop boxes under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

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

3

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

6

7 1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
8 as follows:

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

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

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

34 (b) **【At】** Beginning with the 2021 general election, at least one
35 ballot drop box shall be located 【at each of the following locations】: at
36 any county government building in which the main office of the county
37 clerk is located; 【any municipal government building in which the main
38 office of the municipal clerk is located in municipalities with
39 populations】 in each municipality with a population larger than 5,000
40 residents; 【the main campus of each county community college;】 at
41 the main campus of each State college or university; and at the main campus
42 of each independent four-year college or university with enrollments
43 larger than 5,000 students. Notwithstanding the locational criteria
44 established by this subparagraph, whenever two or more ballot drop box
45 locations are separated by a distance of less than 2,000 feet, the board

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of elections in each county shall determine secondary locations for those
2 ballot drop boxes in compliance with the requirements of this section.
3 The secondary ballot drop box locations shall be located within the
4 municipality where those ballot drop boxes were originally located and
5 shall be approved by a majority vote of the members of the board of
6 elections. However, in the event of a tie in the votes cast by the
7 members of the board of elections, the county clerk shall cast the
8 deciding vote. Whenever possible, at least one ballot drop box shall be
9 located in a municipality with an average per capita income or a median
10 family income at or below 250% of the federal poverty guideline
11 according to the most recent federal American Community Survey.

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

27 (d) All ballot drop box locations shall be on sites that meet the
28 accessibility requirements applicable to polling places under R.S.19:8-
29 2 and shall be subject to the same compliance oversight applicable to
30 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A ballot
31 drop box site shall be considered accessible if it is in compliance with
32 the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
33 12101 et seq.).

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

- 1 (1) determine the number of ballot drop boxes required per voter
2 population, considering both the number of registered voters and the
3 number of registered mail-in voters in each county before each election;
4 (2) select the geographic location of each ballot drop box, ensuring
5 an equitable distribution of ballot drop boxes across the county to
6 maximize convenience to voters;
7 (3) ensure the accessibility of ballot drop boxes and drop box
8 locations to persons with disabilities; and
9 (4) maintain the security of ballot drop boxes and of the ballots
10 deposited therein, including standards and procedures for ballot
11 retrieval by authorized persons only, and for ensuring the proper chain
12 of custody and safe storage of voted mail-in ballots before each election.
13 d. Each county clerk shall include the locations of the ballot drop
14 boxes established in the county along with the instructions furnished
15 with the mail-in ballot package sent to each mail-in voter pursuant to
16 section 7 of P.L.2009, c.79 (C.19:63-7). At least 45 days before each
17 election, each county board of elections shall cause to be published on
18 their respective websites the location of the ballot drop boxes in each
19 county, and shall provide this information to the Secretary of State for
20 publishing the same on the Division of Elections website.
21 (cf: P.L.2020, c.72, s.1)

22
23 2. This act shall take effect immediately.
24
25

26 STATEMENT
27

28 This bill allows county boards of elections to determine the
29 location of certain ballot drop boxes by majority vote of its members
30 under certain circumstances.

31 Under current law, at least one ballot drop box must be placed at
32 each of the following locations: any county government building in
33 which the main office of the county clerk is located; any municipal
34 government building in which the main office of the municipal clerk
35 is located in municipalities with populations larger than 5,000
36 residents; the main campus of each county community college; the
37 main campus of each State college or university; and the main
38 campus of each independent four-year college or university with
39 enrollments larger than 5,000 students.

40 Under the bill, beginning with the 2021 general election, a ballot
41 drop box would be required to be located in each municipality with a
42 population larger than 5,000 residents, instead the municipal clerk's
43 office building in such municipalities. The bill also eliminates the
44 requirement for a ballot drop box to be located on the main campus
45 of each county community college, or for additional drop boxes to be
46 located in county or municipal government buildings.

47 Under the bill, whenever two or more ballot drop box locations
48 are separated by a distance of less than 2,000 feet, the board of

S3596 BEACH, POU

1 elections in each county would determine secondary locations for
2 those ballot drop boxes in compliance with the requirements under
3 existing law. The secondary locations would be located within the
4 municipality where those ballot drop boxes were originally located
5 and would require approval by the majority of the board members. If
6 there is a tie in the votes cast by the members of the board of
7 elections, the county clerk would cast the deciding vote. Whenever
8 possible, at least one ballot drop box would be located in a
9 municipality where an election is taking place with an average per
10 capita income or a median family income at or below 250% of the
11 federal poverty guideline according to the most recent federal
12 American Community Survey.

13 The ballot drop box locations would be in compliance with
14 existing provisions, such as the requirement to establish at least 10
15 ballot drop boxes and the provisions concerning drop box security,
16 accessibility, population, and geographic distribution. The bill adds
17 travel time to the location, proximity to other voting locations and
18 ballot drop boxes, and commuter traffic patterns to the criteria
19 required to be considered in the placement of ballot drop boxes to
20 ensure adequate access in various geographic areas of the county. The
21 bill also provides for the Secretary of State to issue guidelines,
22 instead of regulations, for the placement of ballot drop boxes to
23 ensure adequate access in various geographic areas of the county.

24 The bill also requires each county clerk to include the locations of
25 the ballot drop boxes established in the county along with the
26 instructions furnished with the mail-in ballot package sent to each
27 mail-in voter. At least 45 days before each election, each county
28 board of elections would cause to be published on their respective
29 websites the location of the ballot drop boxes in each county, and
30 would provide this information to the Secretary of State for
31 publishing the same on the Division of Elections website.

Governor Murphy Takes Action on Legislation

04/9/2021

TRENTON - Today, Governor Murphy signed the following bill into law:

A-5373/S-3596 (Moen, Verrelli, Reynolds-Jackson/Beach, Pou) - Allows county board of elections to determine location of certain ballot drop boxes under certain circumstances.