

ASSEMBLY, No. 4809

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 20, 2022

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District 27 (Essex and Morris)

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SYNOPSIS

Requires at least one drive-up ballot drop box in each county; requires certain information to be posted at ballot drop boxes and locations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/27/2022)

1 AN ACT concerning ballot drop boxes and amending P.L.2020,
2 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
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 notify and 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.

25 b. (1) For any election, the county board of elections in each
26 county shall establish ballot drop boxes where voters may deposit
27 their voted mail-in ballots at least 45 days before the election. The
28 ballot drop boxes shall be located throughout the county in a
29 manner specified under paragraph (2) of this subsection. The
30 county board of elections may establish a pickup schedule to
31 retrieve mail-in ballots deposited in ballot drop boxes, consistent
32 with the guidelines established by the Secretary of State pursuant to
33 subparagraph (c) of paragraph (2) of this subsection.

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

39 (b) Beginning with the 2021 general election, at least one ballot
40 drop box shall be located: at any county government building in
41 which the main office of the county clerk is located; in each
42 municipality with a population larger than 5,000 residents; at the
43 main campus of each State college or university; and the main
44 campus of each independent four-year college or university with
45 enrollments larger than 5,000 students. Notwithstanding 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 locational criteria established by this subparagraph, whenever two
2 or more ballot drop box locations are separated by a distance of less
3 than 2,000 feet, the board of elections in each county shall
4 determine secondary locations for those ballot drop boxes in
5 compliance with the requirements of this section. The secondary
6 ballot drop box locations shall be located within the municipality
7 where those ballot drop boxes were originally located and shall be
8 approved by a majority vote of the members of the board of
9 elections. However, in the event of a tie in the votes cast by the
10 members of the board of elections, the county clerk shall cast the
11 deciding vote. Whenever possible, at least one ballot drop box shall
12 be located in a municipality with an average per capita income or a
13 median family income at or below 250% of the federal poverty
14 guideline according to the most recent federal American
15 Community Survey.

16 (c) The board of elections in each county shall establish no
17 fewer than 10 ballot drop boxes. To the best of their ability, the
18 board of elections of every county shall place secure ballot drop
19 boxes based on geographic location and population density to best
20 serve the voters of each county in compliance with the guidelines
21 adopted pursuant to subsection c. of this section. The Secretary of
22 State shall establish guidelines for the placement of the ballot drop
23 boxes, the security of the ballot drop boxes, and the schedule for
24 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
27 R.S.19:8-2 and shall be subject to the same compliance oversight
28 applicable to polling places under section 3 of P.L.1991, c.429
29 (C.19:8-3.3). A ballot drop box site shall be considered accessible
30 if it is in compliance with the federal "Americans with Disabilities
31 Act of 1990" (42 U.S.C. s.12101 et seq.).

32 (e) Except as otherwise provided herein, no ballot drop box shall
33 be located inside, or within 100 feet of an entrance or exit, of a
34 State, county, or municipal police station.

35 Notwithstanding the provisions of this subparagraph, a ballot
36 drop box that has already been installed and permanently affixed
37 prior to the effective date of this act, P.L.2021, c.459, at any of the
38 following locations may remain at that location notwithstanding
39 that the ballot drop box is within 100 feet of an entrance or exit of a
40 State, county, or municipal police station if the county
41 commissioners approve the continued presence at that location by a
42 majority vote of the commissioners and with the reasons therefor
43 subject to public disclosure:

44 any county government building in which the main office of the
45 county clerk is located; any municipal government building in
46 which the main office of the municipal clerk is located in
47 municipalities with populations larger than 5,000 residents; the
48 main campus of a county community college; the main campus of a

1 State college or university; and the main campus of an independent
2 four-year college or university with enrollments larger than 5,000
3 students.

4 (f) Except as otherwise permitted herein, no State, county, or
5 municipal police officer shall remain or stand within 100 feet of a
6 ballot drop box in use during the conduct of an election. Nothing
7 herein shall be interpreted to prohibit the police officer from:

8 voting at that ballot drop box in a personal capacity;

9 traveling to and from, or remaining within, their personal
10 residence if that residence is within 100 feet of a ballot drop box;

11 investigating, addressing, or removing any cause for a
12 disturbance, or otherwise responding to a request for assistance, on
13 or around the premises of the location of that ballot drop box; or

14 escorting to or from, or both, a ballot drop box or the premise on
15 which it is located any person who may require the assistance of the
16 officer.

17 (g) No person shall wear, display, sell, give, or provide any
18 political or campaign slogan, badge, button, or other insignia
19 associated with any political party or candidate within 100 feet of a
20 ballot drop box in use during the conduct of an election, except with
21 respect to the badge furnished by the county board as provided by
22 law. A person violating the provisions of this subparagraph shall be
23 guilty of a disorderly persons offense.

24 (h) At least one ballot drop box in each county shall be a drive-
25 up ballot drop box. As used in this subsection, a “drive-up ballot
26 drop box” means a ballot drop box and location designed and
27 evaluated to possess accessible features including, but not limited
28 to, sufficient vehicle turning radius adjacent to the driver side, curb
29 cuts, availability of handicap parking, and an unimpeded path to the
30 ballot drop box from handicap parking. The drive-up ballot drop
31 box shall be easy to locate by voters and readily visible with
32 adequate lighting and a clear line of sight from the street and
33 parking area.

34 (i) All ballot drop boxes shall be clearly and visibly marked as
35 an “Official Ballot Drop Box.” The following information shall be
36 provided, in a uniform manner prescribed by the Secretary of State,
37 at drop boxes and drop box locations in all languages required
38 under the federal Voting Rights Act of 1965 (52 U.S.C. s. 10503)
39 and those languages applicable to a particular county as required
40 under section 2 of P.L.1965, c. 29 (C.19:23-22.4):

41 (i) language stating that tampering with the drop box is a crime
42 of the third degree, resulting in a prison sentence between 3 and 5
43 years and a fine up to \$15,000 if convicted;

44 (ii) a toll-free voter hotline connecting the voter to either the
45 county board of elections office or the Division of Elections or
46 Secretary of State hotlines;

47 (iii) a statement that “NO POSTAGE IS NECESSARY” when
48 depositing the ballot into the drop box;

1 (iv) a statement that “FOR DEPOSITS FOR MAIL-IN
2 BALLOTS FOR THIS COUNTY ONLY. THIS IS NOT A
3 MAILBOX. FOR ALL OTHER COUNTIES AND STATES,
4 PLEASE MAIL.”

5 (v) a statement informing the public that no mail-in ballots will
6 be accepted after 8:00 p.m. on Election Day, unless there are voters
7 in line at the drop box or the time for the closing of the polls has
8 been extended by a court order.

9 c. The Secretary of State, in consultation with county boards of
10 elections, shall establish the guidelines necessary to ensure the
11 secure and successful implementation of the mail-in ballot drop
12 boxes required by this section to ensure adequate access in various
13 geographic areas of the county. In determining the ballot drop box
14 locations, the secretary and county boards of elections shall
15 consider, at a minimum, concentrations of population, geographic
16 areas, voter convenience, proximity to public transportation,
17 community-based locations, travel time to the location, proximity to
18 other voting locations and ballot drop boxes, commuter traffic
19 patterns, and security. The guidelines shall include, but may not be
20 limited to, criteria for each county board of elections to:

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

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

28 (3) ensure the accessibility of ballot drop boxes and drop box
29 locations to persons with disabilities; **[and]**

30 (4) maintain the security of ballot drop boxes and of the ballots
31 deposited therein, including standards and procedures for ballot
32 retrieval by authorized persons only, and for ensuring the proper
33 chain of custody and safe storage of voted mail-in ballots before
34 each election; and

35 (5) establish an electioneering boundary of 100 feet around a
36 ballot drop box in compliance with R.S.19:34-15, and post signs
37 containing the words “NO ELECTIONEERING WITHIN 100
38 FEET OF A BALLOT DROP BOX” to notify the public, including
39 information that a person shall not distribute or display any circular
40 or printed matter or offer any suggestion or solicit any support for
41 any candidate, party, or public question within the electioneering
42 boundary of the ballot drop box.

43 d. Each county clerk shall include the locations of the ballot
44 drop boxes established in the county along with the instructions
45 furnished with the mail-in ballot package sent to each mail-in voter
46 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
47 days before each election, each county board of elections shall
48 cause to be published on their respective websites the location of

1 the ballot drop boxes in each county, and shall provide this
2 information to the Secretary of State for publishing the same on the
3 Division of Elections website.

4 e. Whenever a municipal, school, or special election is held,
5 the board shall, at a minimum, open the ballot drop box located
6 geographically closest to the municipal government building in
7 which the main office of the municipal clerk is located and the
8 ballot drop box located at the board of elections or county office, if
9 one is placed at that location. When a school election encompasses
10 more than one municipality, the board shall be responsible for the
11 selection of the ballot drop box location with respect to each
12 municipality.

13 (cf: P.L.2022, c.70, s.4)

14

15 2. This act shall take effect immediately.

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STATEMENT

19

20 This bill requires the county board of elections in each county to
21 establish at least one drive-up ballot drop box in the county and to
22 post certain information at ballot drop boxes and locations.

23 Under current law, each county board of elections is required to
24 establish at least 10 ballot drop boxes at locations throughout the
25 county following several criteria. Under this bill, at least one of
26 those locations would be required to be a “drive-up ballot drop
27 box,” defined as a ballot drop box and location designed and
28 evaluated to possess accessible features including, but not limited
29 to, sufficient vehicle turning radius adjacent to the driver side, curb
30 cuts, availability of handicap parking, and an unimpeded path to the
31 ballot drop box from handicap parking. The bill requires the drive-
32 up ballot drop box to be easy to locate and readily visible by voters
33 with adequate lighting and a clear line of sight from the street and
34 parking area.

35 The bill would also require certain information to be posted at
36 ballot drop boxes and drop box locations. Under the bill, all ballot
37 drop boxes would be marked as an “Official Ballot Drop Box.” In
38 addition, in a uniform manner prescribed by the Secretary of State,
39 the following information would be posted at drop boxes and drop
40 box locations in all languages required under the federal Voting
41 Rights Act of 1965 and under current law for the county: the
42 penalties for drop box tampering; a toll free voter hotline; a
43 statement indicating that no postage is necessary for depositing the
44 ballot into the drop box; a statement indicating that the drop box is
45 for mail-in ballots only for that county; and a statement informing
46 the public of the applicable deadline for accepting ballots at the
47 drop box.

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1 Finally, the bill directs the Secretary of State and county boards
2 of elections to include guidelines for county boards of elections to
3 follow to establish an electioneering boundary of 100 feet around
4 each ballot drop box in compliance with current law. The bill
5 requires the posting of signs and information to notify the public of
6 the prohibited electioneering activities within the boundary of the
7 ballot drop box.