

[First Reprint]

ASSEMBLY, No. 4475

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 14 (Mercer and Middlesex)

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District 28 (Essex)

Co-Sponsored by:

**Assemblymen Verrelli, Zwicker, Johnson and Assemblywoman Vainieri
Huttle**

SYNOPSIS

Requires county boards of election to establish ballot drop boxes in each county at least 45 days before election.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on August 13, 2020, with amendments.



(Sponsorship Updated As Of: 8/24/2020)

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

30 b. (1) For any election, the county board of elections in each
 31 county shall establish ballot drop boxes where voters may deposit
 32 their voted mail-in ballots at least ¹**[seven]** ⁴⁵¹ days before the
 33 election. The ballot drop boxes shall be located throughout the
 34 county in a manner ¹**[that provides the greatest convenience to**
 35 voters. Ballot drop boxes shall include both staffed and unstaffed
 36 locations as specified under paragraph (2) of this subsection. Each
 37 ballot drop box and drop box location shall meet the population,
 38 geographic, accessibility, security, and other requirements
 39 developed by the Secretary of State in consultation with county
 40 clerks and municipal clerks as provided under subsection c. of this
 41 section] specified under paragraph (2) of this subsection¹.

42 (2) (a) ¹**[A “staffed ballot drop box” shall mean a drop box that**
 43 is placed in a location that is in the view of a live person who is
 44 employed at the location of the drop box, a municipal or county

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.

1 employee, or a temporary worker or volunteer retained for the
2 purpose of monitoring the drop box. Staffed ballot drop box
3 locations may include, but may not be limited to, municipal offices,
4 county offices, public libraries, local businesses, and offices of
5 community-based organizations. A staffed ballot drop box shall not
6 be required to be available for use by a voter 24 hours a day, but
7 shall be available and staffed beginning at least seven days before
8 the election and for the time designated for ballot drop boxes to be
9 in effect before each election and until the time designated for the
10 closing of the polls on election day. A ballot drop box shall mean a
11 secured drop box that is not required to be within view of a live
12 person for monitoring. All ballot drop boxes shall be available for
13 use by a voter 24 hours a day and shall be placed at locations
14 equipped with security cameras that allow for surveillance of the
15 ballot drop box¹.

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

36 (c) ¹[Staffed and unstaffed] The board of elections of any
37 county that has fewer than 10 ballot drop boxes upon establishing
38 the drop boxes at each location required under subparagraph (b) of
39 this paragraph shall establish additional locations for ballot drop
40 boxes, pursuant to the provisions of subsection c. of this section, so
41 that the county has no fewer than 10 ballot drop boxes. The
42 additional drop boxes shall be placed at county or municipal
43 government buildings, including, but not limited to, courthouses,
44 offices, town halls, police stations, fire stations, and libraries.

45 (d) All¹ ballot drop box locations shall be on sites that meet the
46 accessibility requirements applicable to polling places under
47 R.S.19:8-2 and shall be subject to the same compliance oversight

1 applicable to polling places under section 3 of P.L.1991, c.429
2 (C.19:8-3.3). A ¹["staffed or unstaffed"]¹ ballot drop box ¹["sites]
3 site¹ shall be considered accessible if it is in compliance with the
4 federal "Americans with Disabilities Act of 1990"
5 (42 U.S.C. s. 12101 et seq.).

6 c. The Secretary of State, in consultation with county clerks
7 and municipal clerks, shall establish the rules and regulations
8 necessary to ensure the secure and successful implementation of the
9 mail-in ballot drop boxes required by this section. In determining
10 the ballot drop box locations, the secretary and clerks shall
11 consider, at a minimum, concentrations of population, geographic
12 areas, voter convenience, proximity to public transportation,
13 community-based locations, and security. The rules and regulations
14 shall include, but may not be limited to, criteria for each county
15 board of elections to:

16 (1) determine the number of ¹["staffed and unstaffed"]¹ ballot
17 drop boxes required per voter population, considering both the
18 number of registered voters and the number of registered mail-in
19 voters in each county before each election;

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

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

25 (4) maintain the security of ballot drop boxes and of the ballots
26 deposited therein, including standards and procedures for ballot
27 retrieval by authorized persons only, and for ensuring the proper
28 chain of custody and safe storage of voted mail-in ballots before
29 each election.

30

31 2. There is hereby appropriated from the State General Fund to
32 the Department of State such sums as shall be necessary to
33 reimburse counties and municipalities for the costs of implementing
34 this act, P.L. , c. (C.) (pending before the Legislature as this
35 bill), subject to the approval of the Director of the Division of
36 Budget and Accounting in the Department of the Treasury. The
37 clerk of each county shall certify to the Department of State, in a
38 manner prescribed by the department, the total cost incurred by the
39 county and municipalities within the county to implement the
40 provisions of this act.

41

42 3. This act shall take effect immediately.