

[Second Reprint]

**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)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Senator NELLIE POU**

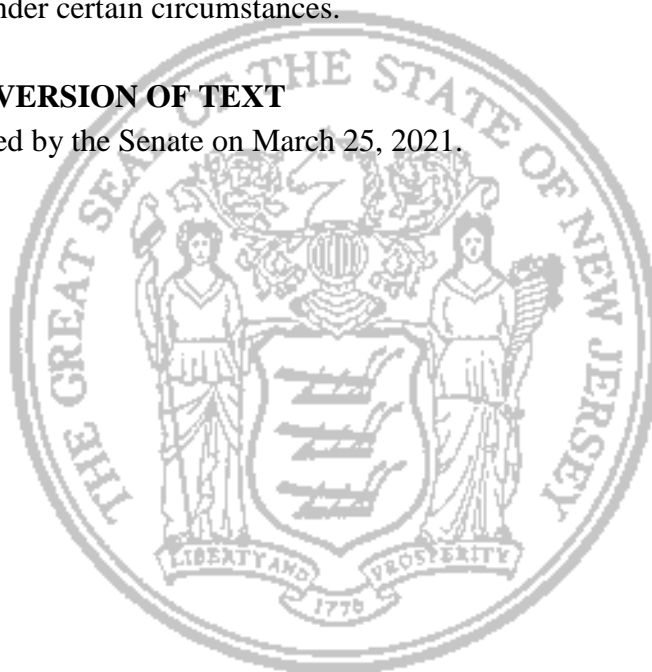
**District 35 (Bergen and Passaic)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on March 25, 2021.



**(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 <sup>1</sup>**[**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  
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

**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:

<sup>1</sup>Assembly ASL committee amendments adopted March 17, 2021.

<sup>2</sup>Senate floor amendments adopted March 25, 2021.

1 the event of a tie in the votes cast by the members of the board of  
2 elections, the county clerk shall cast the deciding vote. Whenever  
3 possible, at least one ballot drop box shall be located in a municipality  
4 with an average per capita income or a median family income at or  
5 below 250% of the federal poverty guideline according to the most  
6 recent federal American 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**  
13 **boxes shall be placed at county or municipal government buildings.】**  
14 To the best of their ability, the board of elections of every county shall  
15 place secure ballot drop boxes based on geographic location and  
16 population density to best serve the voters of each county **【pursuant**  
17 **to】** in compliance with the regulations adopted pursuant to subsection  
18 c. of this section. The Secretary of State shall establish guidelines for  
19 the placement of the ballot drop boxes, the security of the ballot drop  
20 boxes, 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  
25 ballot drop box site shall be considered accessible if it is in compliance  
26 with the federal "Americans with Disabilities Act of 1990" (42 U.S.C.  
27 s. 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,  
34 at 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  
37 locations and ballot drop boxes, commuter traffic patterns, and  
38 security. The rules and regulations shall include, but may not be  
39 limited to, criteria for each 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  
43 election;

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

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

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

8 (cf: P.L.2020, c.72, s.1)]<sup>1</sup>

9

10 <sup>1</sup>1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read  
11 as follows:

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

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

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

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

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

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

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

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

1 include, but may not be limited to, criteria for each county board of  
2 elections to:

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

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

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

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

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

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

26

27 2. This act shall take effect immediately.