ASSEMBLY, No. 5774

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 18, 2021

Sponsored by:
Assemblywoman SERENA DIMASO
District 13 (Monmouth)

SYNOPSIS

Directs Secretary of State to develop process for verifying compliance with ballot bearer rules at drop boxes; requires sharing of drop box surveillance video with campaigns and political parties.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning ballot bearer rules and surveillance of ballot drop boxes and amending P.L.2020, c.72.

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

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

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

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

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

(b) Beginning with the 2021 general election, at least one ballot drop box shall be located: at any county government building in which the main office of the county clerk is located; in each municipality with a population larger than 5,000 residents; at 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. Notwithstanding the locational criteria established by this subparagraph, 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 shall determine secondary locations for those ballot drop boxes in compliance with

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 <u>thus</u> is new matter.

the requirements of this section. The secondary ballot drop box locations shall be located within the municipality where those ballot drop boxes were originally located and shall be approved by a majority vote of the members of the board of elections. However, in the event of a tie in the votes cast by the members of the board of elections, the county clerk shall cast the deciding vote. Whenever possible, at least one ballot drop box shall be located in a municipality 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.

(c) The board of elections in each county shall establish no fewer than 10 ballot drop boxes. To the best of their ability, the board of elections of every county shall place secure ballot drop boxes based on geographic location and population density to best serve the voters of each county in compliance with the guidelines adopted pursuant to subsection c. of this section. The Secretary of State shall establish guidelines for the placement of the ballot drop boxes, the security of the ballot drop boxes, and the schedule for ballot pickup from the ballot boxes.

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

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

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

e. The Secretary of State shall promulgate regulations to establish a process for verifying compliance with the limitations and prohibitions applicable to mail-in ballot bearers under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.). In addition, the security camera surveillance video recorded for each ballot drop box shall be made available to a candidate's campaign and to a political party upon request, at the expense of the campaign or party.

(cf: P.L.2021, c.44, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill directs the Secretary of State to promulgate regulations to establish a process for verifying compliance with the ballot bearer rules at ballot drop boxes, and requires the sharing of drop box surveillance video with campaigns and political parties at their expense.

Under current law, a person, known as a "bearer," cannot deliver a voted ballot for more than three qualified voters in an election, but may do so for up to five qualified voters in an election if those voters are immediate family members residing in the same household as the bearer. A person who is a candidate in the election for which the voter requests a mail-in ballot is not permitted to serve as a bearer. A person serving as a bearer must certify on the mail-in ballot outer envelope that the bearer received the mail-in ballot directly from the voter and is authorized to deliver the ballot to the appropriate board of election or designee on behalf of the voter.

Under this bill, in order to ensure the integrity and security of the voting process using the ballot drop boxes, the Secretary of State is

directed promulgate regulations to establish a process for verifying compliance with the bearer limitations and prohibitions established by law. In addition, this bill requires that the security camera surveillance video recorded for each ballot drop box must be made available to a candidate's campaign and to a political party upon request, at the expense of the campaign or party.