§1 - C.19:63-16.1
§2 - C.19:63-31
§3 - T&E & Note
to C.19:60-2
§5 - Approp.
§6 - Note

P.L. 2020, CHAPTER 72, ***approved August 28, 2020***
Assembly, No. 4475 ***(Third Reprint)***

AN ACT concerning the establishment of mail-in ballot drop boxes before each election [2]and vote-by-mail procedures for the November 2020 General Election, amending R.S.19:34-13,[2] and supplementing P.L.2009, c.79 (C.19:63-1 et seq.).

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

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 [1]notify and[1] 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 [1][, except that a bearer may deliver a mail-in ballot on behalf of a voter to a staffed ballot drop box location only, as defined under paragraph (2) of subsection b. of this section, provided the staffed ballot drop box location implements the same bearer identification and record-keeping criteria specified under paragraph (2) of subsection d. of section 16 of P.L.2009, c.79 (C.19:63-16)]1.

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 [1][seven] 45[1] days before the election. The ballot drop boxes shall be located throughout 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.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly ASL committee amendments adopted August 13, 2020.
[2]Assembly AAP committee amendments adopted August 24, 2020.
[3]Assembly amendments adopted in accordance with Governor's recommendations August 27, 2020.

county in a manner [1]**[**that provides the greatest convenience to voters. Ballot drop boxes shall include both staffed and unstaffed locations as specified under paragraph (2) of this subsection. Each ballot drop box and drop box location shall meet the population, geographic, accessibility, security, and other requirements developed by the Secretary of State in consultation with county clerks and municipal clerks as provided under subsection c. of this section**]** specified under paragraph (2) of this subsection[1].

(2) (a) [1]**[**A "staffed ballot drop box" shall mean a drop box that is placed in a location that is in the view of a live person who is employed at the location of the drop box, a municipal or county employee, or a temporary worker or volunteer retained for the purpose of monitoring the drop box. Staffed ballot drop box locations may include, but may not be limited to, municipal offices, county offices, public libraries, local businesses, and offices of community-based organizations. A staffed ballot drop box shall not be required to be available for use by a voter 24 hours a day, but shall be available and staffed beginning at least seven days before the election and for the time designated for ballot drop boxes to be in effect before each election and until the time designated for the closing of the polls on election day**]** 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[1].

(b) [1]**[**An "unstaffed ballot drop box" shall mean a secured drop box that is not required to be within view of a live person for monitoring. Unstaffed ballot drop boxes shall be available for use by a voter 24 hours a day. Unstaffed ballot drop boxes may be located in each municipality or Census-Designated Place (CDP) with a post office, outside of every municipal clerk's office, board of elections office, town hall, police station, firehouse, United States Postal Service retail location, on each campus of a state institution of higher education located within the county that has two thousand or more enrolled students, or any other location equipped with security cameras that allow for the surveillance of the unstaffed ballot drop box**]** At least one ballot drop box shall be located 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[1].

(c) [1]**[**Staffed and unstaffed**]** The board of elections of any county that has fewer than 10 ballot drop boxes upon establishing the drop boxes at each location required under subparagraph (b) of this paragraph shall establish additional locations for ballot drop boxes, pursuant to the provisions of subsection c. of this section, so that the county has no fewer than 10 ballot drop boxes. The additional drop boxes shall be placed at county or municipal government buildings [2]**[**, including, but not limited to, courthouses, offices, town halls, police stations, fire stations, and libraries**]**. 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 pursuant to the regulations 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.[2]

(d) All[1] 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 [1]**[**staffed or unstaffed**]**[1] ballot drop box [1]**[**sites**]** site[1] 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 [2]**[**clerks and municipal clerks**]** boards of elections[2], shall establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes required by this section. In determining the ballot drop box locations, the secretary and [2]**[**clerks**]** county boards of elections[2] shall consider, at a minimum, concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, and security. The rules and regulations shall include, but may not be limited to, criteria for each county board of elections to:

(1) determine the number of [1]**[**staffed and unstaffed**]**[1] 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.

[2]2. a. The November 2020 General Election shall be conducted primarily via vote-by-mail ballots, which will be sent to all "Active" registered voters without the need for an application to receive a vote-by-mail ballot. The November 2020 General Election shall be conducted in accordance with Title 19 except as set forth below in subsections b. through aa. of this section.

b. All vote-by-mail return envelopes shall have prepaid First-Class postage in order to facilitate the proper delivery of all cast vote-by-mail ballots.

c. Notwithstanding the provisions of R.S.19:14-25, in lieu of sending a sample ballot as required by that section, the appropriate county official, as identified in R.S.19:14-25, shall send notice to all "Active" voters, pursuant to R.S.19:14-21, advising of the voter's polling place, the URL to the Division of Election's Internet website that contains polling place information, locations of secure ballot drop boxes within the county, information on where to obtain a sample ballot prior to the election, a statement indicating that a sample ballot will be available at the polling place on the day of the election, and, if applicable, information on a county website where a sample ballot may be viewed. The notice in lieu of a sample ballot authorized pursuant to this subsection shall be sent return service requested as required by R.S.19:14-23. The notice in lieu of a sample ballot authorized pursuant to this subsection shall be mailed on or before October 23, 2020. Notwithstanding R.S.19:63-6, in lieu of the statutory notice, the county clerks shall, in a time set forth by the Secretary of State, publish a notice to be prepared by the Secretary of State.

d. All public primary and secondary schools shall be closed to in-person instruction on November 3, 2020, and pursuant to R.S.19:8-2, the authorities in charge of such schools shall not deny the request of a county board of elections for use of the buildings as polling places. All public primary and secondary schools shall work cooperatively with the county elections officials for the delivery of the necessary equipment for the November 2020 General Election.

e. Each county shall open a minimum of at least one polling place in each municipality for the November 2020 General Election. Each county shall open a minimum of 50 percent of its regularly used polling places, and may open more than the minimum number of its regularly used polling places. If a county board of elections is unable to reach a minimum of 50 percent of its regularly used polling places, the county boards of elections shall utilize schools or other large facilities to serve as large voting centers, which shall accommodate more voting districts in one polling place. Each polling place shall meet the applicable requirements of the federal "Americans with Disabilities Act of 1990"

(42 U.S.C. s.12101 et seq.). To the best of their ability, the county boards of elections shall select polling places based on geographic location and population density to best serve the voters of each municipality. County boards of elections shall ensure that polling places and poll workers implement, at a minimum, the following requirements for the November 2020 General Election:

(1) Limit occupancy within all polling places to a number that permits voters to maintain a distance of six feet between each other and poll workers at any time;

(2) Ensure six feet of distance between voters and ensure six feet of distance between voters and poll workers through the demarcation of six feet of spacing in voter lines and poll worker stations to demonstrate appropriate spacing for social distancing;

(3) Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;

(4) Provide poll workers break time for repeated handwashing throughout their shifts;

(5) Require frequent sanitization of high-touch areas in polling places consistent with CDC guidelines as of the date of the election;

(6) Place conspicuous signage at entrances and throughout the polling place alerting poll workers and voters to the required six feet of physical distance;

(7) Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to poll workers, voters, and those accompanying voters;

(8) Require poll workers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling place, except where doing so would inhibit that individual's health, and require poll workers to wear gloves when in contact with voters and those accompanying voters. County boards of elections shall provide any required face coverings and gloves for poll workers, without charge to the poll workers. If a poll worker refuses to wear a required cloth face covering for non-medical reasons, then a county board of elections may decline entry to the individual. Nothing herein should prevent a poll worker from wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment. Where a poll worker declines to wear a required face covering at a polling place due to a medical condition that inhibits such usage, they shall not be required to produce medical documentation verifying the stated condition;

(9) Require appointed challengers to adhere to CDC guidelines as of the date of the election regarding face coverings while in the polling places and while in any location where the challenger is serving in such a capacity, such as while observing the counting of ballots. If an appointed challenger refuses to wear a required cloth

face covering, then a county board of elections may decline entry to the individual; and

(10) Strongly encourage voters and those accompanying voters to adhere to any CDC guidelines as of the date of the election regarding face coverings while inside polling places except where doing so would inhibit that individual's health. County boards of elections may provide such face coverings for voters and those accompanying voters, without charge to them. If a voter or person accompanying a voter refuses to comply with the CDC guidelines, a poll worker shall not deny entry to the voter or person. Nothing herein should prevent a voter from wearing a surgical grade mask or other more protective face covering if the individual is already in possession of such equipment.

f. Notwithstanding the provisions of R.S.19:31-21, for the November 2020 General Election, the Secretary of State may modify the requirements concerning the use of poll books and the information contained therein as necessary to address the procedure by which the November 2020 General Election will be conducted pursuant to this section, and the needs resulting therefrom.

g. Any voter who appears at a polling place on the day of the November 2020 General Election and does not return a voted mail-in ballot, pursuant to subsection h. of this section, shall vote via a provisional ballot, except that accommodations will be made for voters with disabilities.

h. Pursuant to section 16 of P.L.2009, c.79 (C.19:63-16), the county boards of elections shall designate each polling place as a location to receive voted mail-in ballots. A voter may return only the mail-in-ballot that they personally voted to their designated polling place. The Secretary of State shall establish appropriate standards for the acceptance of mail-in ballots, including, but not limited to, the poll worker verification that the voter returning the voted mail-in ballot at the polling place is the individual who voted the mail-in ballot, the securing of the returned mail-in ballots, and the return of the mail-in ballots to the county boards of elections after the close of polls.

i. Each polling place shall have signage that provides the location of all ballot drop boxes in the county in which the polling place is located.

j. The time restrictions of section 9 of P.L.2009, c.79 (C.19:63-9) shall be modified as follows: vote-by-mail ballots shall be mailed to all "Active" voters on or before the 29th day before the November 2020 General Election and in a manner to ensure the timely receipt and return of ballots for counting in the November 2020 General Election, and whenever the county clerk forwards a mail-in ballot by mail to a voter between the 29th day and the 13th day before the November 2020 General Election it shall be transmitted within three business days of receipt of the application and in a manner to ensure the timely receipt and return of ballot for

counting in the November 2020 General Election. All other provisions of section 9 of P.L.2009, c.79 (C.19:63-9) remain, and this subsection, shall not modify the requirements set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §20302(a)(8)(A).

k. Notwithstanding any other law to the contrary, to allow enough time for the county clerks to print and mail the ballots to voters, the following deadlines are modified as follows:

(1) the deadline to submit a public question for November 2020 school board elections to the county clerk by the school board secretary, pursuant to R.S.19:16-4, shall be August 31, 2020;

(2) the last day a vacancy may occur for primary election nominees for the November 2020 General Election, under R.S.19:13-20, shall be August 28, 2020;

(3) the deadline to fill a vacancy in the primary election nominees for the November 2020 General Election, under R.S.19:13-20, shall be August 31, 2020;

(4) the deadline to apply for a mail-in ballot by mail, under section 3 of P.L.2009, c.79 (C.19:63-3), shall be October 23, 2020; and

(5) the deadline for returning a vote-by-mail application in-person in subsection d. of section 3 of P.L.2009, c.79 (C.19:63-3) shall be suspended for the November 2020 General Election.

(6) Vacancies occurring after August 28, 2020 shall not be placed on the November General Election ballot.

l. Vote-by-mail ballots shall be processed and canvassed in accordance with guidelines provided by the CDC, the New Jersey Department of Health, and the respective county departments of health.

m. Notwithstanding the provisions of subsection d. of section 4 of P.L.1995, c.195 (C.19:59-15) and section 22 of P.L.2009, c.79 (C.19:63-22) to the contrary, to account for the increase in vote-by-mail ballots and to ensure that registered voters' efforts to vote are not impacted by delays in the postal service, every vote-by-mail ballot that is postmarked on or before November 3, 2020, and that is received by November 10, 2020, at 8:00 p.m. shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements. Every ballot without a postmark, and ballots mis-marked and confirmed by the post office that those ballots were received by the post office on or before November 3, 2020, that is received by the county boards of elections from the United States Postal Service within 48 hours of the closing of polls on November 3, 2020, shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements. In addition, a county board of elections may begin opening the inner envelopes and canvassing each mail-in ballot from the inner envelopes no earlier than ten days prior to the day of the election. The Secretary of State shall establish guidelines concerning the early canvassing

process. If a county board of elections begins opening the inner envelopes and canvassing the mail-in ballots from the inner envelopes prior to the day of the election, the county board shall implement the measures necessary to ensure the security and secrecy of the mail-in ballots. The contents of the mail-in ballots and the results of the ballot canvassing shall remain confidential and shall be disclosed only in accordance with the provisions of Title 19 of the Revised Statutes, regulations and guidelines concerning the disclosure of election results, and in no circumstances disclosed prior to the close of polls on the day of the election.

n. Notwithstanding the provisions of section 18 of P.L.2009, c.79 (C.19:63-18), to account for the increase in vote-by-mail ballots and to provide the county boards of elections sufficient time to canvass the returned ballots, the county boards of elections may continue the counting of ballots beyond the close of polls on November 3, 2020, and may adjourn counting after 11:00 pm on November 3, 2020 to immediately continue counting at 9:00 am on November 4, 2020, and continue every day thereafter, until the counting is completed within the limits of this section. In addition, notwithstanding the provisions of section 19 of P.L.1999, c.232 (C.19:53C-13), the county commissioner of registration may forward provisional ballots to the county board of election for counting on an ongoing basis as the verification process is completed.

o. In order to expedite the signature-verification process outlined in section 17 of P.L.2009, c.79 (C.19:63-17), the county boards of elections shall meet at least four days per week starting October 13, 2020. Voters whose ballots are rejected pursuant to section 17 of P.L.2009, c.79 (C.19:63-17), for a missing or discrepant signature, shall be given the opportunity to cure the signature defect in accordance with procedures established by the Secretary of State, in the absence of any governing statute.

p. Because of the need to meet the federal deadlines for the State's electors to meet, the meeting of the county Board of Canvassers, under R.S.19:19-1, shall occur on or before November 20, 2020 to certify the results of the November 2020 General Election, and no extension under R.S.19:19-4 or R.S.19:19-6 shall be sought. The county clerks' transmittal of the official November 2020 General Election results to the Secretary of State, under R.S.19:19-13, shall occur on or before November 23, 2020, and the county clerks shall not seek an extension of this deadline. The meeting of the Board of State Canvassers, under R.S.19:21-1, shall occur on or before December 8, 2020 to certify the results of the November 2020 General Election.

q. Notwithstanding the provisions of R.S.19:6-2 to the contrary, county residency shall not be a prerequisite for

employment as a poll worker for the November 2020 General Election to allow for greater flexibility in obtaining poll workers,

r. Notwithstanding the provisions of R.S.19:8-2 to the contrary, due to the limited number of polling places that will be open for the November 2020 General Election, the county board of elections may select a polling places located more than 1,000 feet distant from the boundary line of the district.

s. The time to prepare reports pursuant to sections 1 and 2 of P.L.2005, c.152 (C.19:53B-21 and C.19:53C-21) is extended to November 23, 2020.

t. Notwithstanding the provisions of paragraph (8) of subsection c. of section 1 of P.L.2007, c.349 (C.19:61-9), to allow enough time for results to be certified prior to the meeting of electors, counties may certify their election results prior to the commencement of the election audit required in that section, provided that the audit is completed by December 4, 2020.

u. The Secretary of State shall establish other appropriate standards for ensuring that all voters with disabilities are able to exercise their right to vote in the November 2020 General Election.

v. The Secretary of State and county election officials, as appropriate, shall coordinate with the United States Postal Service to facilitate proper delivery of ballots by the United States Postal Service.

w. The Secretary of State and county election officials, as appropriate, shall act to facilitate the public's understanding of the rules governing the November 2020 General Election.

x. The Secretary of State shall establish a hotline number for reports of violations of the election laws and this section in connection with the November 2020 General Election.

y. Any actions taken by the Secretary of State pursuant to this section shall not be subject to the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

z. To the extent possible, each county shall have at least a total 10 secure ballot drop boxes in locations that are readily accessible to the registered voters within the county. To the best of their ability, the county boards of elections shall place secure ballot drop boxes based on geographic location and population density to best serve the voters of each county. 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.

aa. Notwithstanding the provisions of section 13 of P.L.2009, c.79 (C.19:63-13) or any other law to the contrary, a mail-in voter for the November 2020 General Election shall sign the certification affixed to the margin of the flap on the inner envelope of the mail-in ballot notwithstanding the fact the mail-in-voter did not apply for the enclosed ballot.[2]

[2]3. December 2020 special school elections pursuant to subsection a. of P.L.1995, c.278 (C.19:60-2) shall be suspended until the authorized January 2021 special school election date. [2]

[2]4. R.S.19:34-13 is amended to read as follows:

19:34-13. a. Every inspector, judge or clerk of an election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same in the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, shall be guilty of a crime of the third degree.

b. Any person who is authorized to receive and canvass completed mail-in-ballots pursuant to P.L.2009, c.79 (C.19:63-1) who knowingly discloses to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls for each election shall be guilty of a crime of the third degree.[2]

(cf: P.L.2005, c.154, s.32)

[2][2.] 5.[2] There is hereby appropriated from the State General Fund to the Department of State such sums as shall be necessary to reimburse counties and municipalities for the costs of implementing this act, P.L. , c. (C.) (pending before the Legislature as this bill), subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury. The clerk of each county shall certify to the Department of State, in a manner prescribed by the department, the total cost incurred by the county and municipalities within the county to implement the provisions of this act.

[2][3. This] 6. Section 1 of this[2] act shall take effect [2]on February 1, [3][2020] 2021[3] , and sections 2 through 5 of this act shall take effect[2] immediately.

Requires county boards of election to establish ballot drop boxes in each county at least 45 days before election; revises procedures concerning mail-in ballots for 2020 general election.