

SENATE, No. 2580

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Pou, Gill and Turner

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/17/2020)

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

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

40 (2) (a) A “staffed ballot drop box” shall mean a drop box that is
41 placed in a location that is in the view of a live person who is
42 employed at the location of the drop box, a municipal or county
43 employee, or a temporary worker or volunteer retained for the
44 purpose of monitoring the drop box. Staffed ballot drop box locations
45 may include, but may not be limited to, municipal offices, county
46 offices, public libraries, local businesses, and offices of community-
47 based organizations. A staffed ballot drop box shall not be required

1 to be available for use by a voter 24 hours a day, but shall be available
2 and staffed beginning at least seven days before the election and for
3 the time designated for ballot drop boxes to be in effect before each
4 election and until the time designated for the closing of the polls on
5 election day.

6 (b) An “unstaffed ballot drop box” shall mean a secured drop box
7 that is not required to be within view of a live person for monitoring.
8 Unstaffed ballot drop boxes shall be available for use by a voter 24
9 hours a day. Unstaffed ballot drop boxes may be located in each
10 municipality or Census-Designated Place (CDP) with a post office,
11 outside of every municipal clerk’s office, board of elections office,
12 town hall, police station, firehouse, United States Postal Service
13 retail location, on each campus of a state institution of higher
14 education located within the county that has two thousand or more
15 enrolled students, or any other location equipped with security
16 cameras that allow for the surveillance of the unstaffed ballot drop
17 box.

18 (c) Staffed and unstaffed ballot drop box locations shall be on
19 sites that meet the accessibility requirements applicable to polling
20 places under R.S.19:8-2 and shall be subject to the same compliance
21 oversight applicable to polling places under section 3 of P.L.1991,
22 c.429 (C.19:8-3.3). A staffed or unstaffed ballot drop box sites shall
23 be considered accessible if it is in compliance with the federal
24 “Americans with Disabilities Act of 1990”
25 (42 U.S.C. s. 12101 et seq.).

26 c. The Secretary of State, in consultation with county clerks and
27 municipal clerks, shall establish the rules and regulations necessary
28 to ensure the secure and successful implementation of the mail-in
29 ballot drop boxes required by this section. In determining the ballot
30 drop box locations, the secretary and clerks shall consider, at a
31 minimum, concentrations of population, geographic areas, voter
32 convenience, proximity to public transportation, community-based
33 locations, and security. The rules and regulations shall include, but
34 may not be limited to, criteria for each county board of elections to:

35 (1) determine the number of staffed and unstaffed ballot drop
36 boxes required per voter population, considering both the number of
37 registered voters and the number of registered mail-in voters in each
38 county before each election;

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

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

44 (4) maintain the security of ballot drop boxes and of the ballots
45 deposited therein, including standards and procedures for ballot
46 retrieval by authorized persons only, and for ensuring the proper

1 chain of custody and safe storage of voted mail-in ballots before each
2 election.

3
4 2. There is hereby appropriated from the State General Fund to
5 the Department of State such sums as shall be necessary to reimburse
6 counties and municipalities for the costs of implementing this act,
7 P.L. , c. (C.) (pending before the Legislature as this bill), subject
8 to the approval of the Director of the Division of Budget and
9 Accounting in the Department of the Treasury. The clerk of each
10 county shall certify to the Department of State, in a manner
11 prescribed by the department, the total cost incurred by the county
12 and municipalities within the county to implement the provisions of
13 this act.

14
15 3. This act shall take effect immediately.

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18 STATEMENT

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20 This bill requires county boards of election to establish mail-in
21 ballot drop boxes in each county at least seven days before the
22 election. Under current law, voters who vote using a mail-in ballot
23 may deposit their ballot in the mail or may deliver it in person to the
24 county board of elections or provide it to a mail-in ballot bearer to
25 deliver their ballot. This bill would also entitle mail-in voters to
26 deposit their ballot in a ballot drop box before the time designated
27 for the closing of the polls on election day.

28 Under the bill, the county board of elections in each county would
29 establish ballot drop boxes throughout the county in a manner that
30 provides the greatest convenience to voters. Ballot drop boxes would
31 include both staffed and unstaffed locations. “Staffed” ballot drop
32 boxes would be in the view of a live person who is employed at the
33 drop box location, a municipal or county employee, or a temporary
34 worker or volunteer retained to monitor the drop box. Staffed ballot
35 drop box locations may include, but may not be limited to, municipal
36 offices, county offices, public libraries, local businesses, and offices
37 of community-based organizations. A staffed ballot drop box would
38 not be required to be available for use by a voter 24 hours a day, but
39 would be required to be available and staffed beginning at least seven
40 days before the election and for the time designated for ballot drop
41 boxes to be in effect before each election and until the time
42 designated for the closing of the polls on election day. “Unstaffed”
43 ballot drop boxes would be secure but not required to be within view
44 of a live person for monitoring. Unstaffed ballot drop boxes would
45 be available for use by a voter 24 hours a day, and may be located in
46 each municipality or Census-Designated Place (CDP) with a post
47 office, outside of every municipal clerk’s office, board of elections

1 office, town hall, police station, firehouse, United States Postal
2 Service retail location, on each campus of a state institution of higher
3 education located within the county that has two thousand or more
4 enrolled students, or any other location equipped with security
5 cameras that allow for the surveillance of the unstaffed ballot drop
6 box. Both staffed and unstaffed drop box locations would be required
7 to be accessible to voters with disabilities.

8 The bill requires the Secretary of State, in consultation with
9 county clerks and municipal clerks, to establish the rules and
10 regulations necessary to ensure the secure and successful
11 implementation of the mail-in ballot drop boxes. The rules and
12 regulations would include, but may not be limited to, criteria for each
13 county board of elections to: (1) determine the number of staffed and
14 unstaffed ballot drop boxes required per voter population,
15 considering both the number of registered voters and the number of
16 registered mail-in voters in each county before each election; (2)
17 select the geographic location of each ballot drop box, ensuring an
18 equitable distribution of ballot drop boxes across the county to
19 maximize convenience to voters; (3) ensure the accessibility of ballot
20 drop boxes and drop box locations to persons with disabilities; and
21 (4) maintain the security of ballot drop boxes and of the ballots
22 deposited therein, including standards and procedures for ballot
23 retrieval by authorized persons only, and for ensuring the proper
24 chain of custody and safe storage of voted mail-in ballots before each
25 election.

26 The bill also provides for an appropriation from the State General
27 Fund to the Department of State of the sums necessary to reimburse
28 counties and municipalities for the costs of implementing its
29 provisions.