

**SENATE, No. 3596**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MARCH 22, 2021

**Sponsored by:**

**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 introduced.



**(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 1. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read  
8 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 voter's  
12 completed mail-in ballot in a ballot drop box established by the county  
13 board of elections as provided under this section. Each mail-in ballot  
14 deposited in a ballot drop box by the time designated under current law  
15 for the closing of the polls for that election shall be considered valid and  
16 shall be canvassed. If, at the closing of the polls, a voter deposits a mail-  
17 in ballot at a ballot drop box in a county in which the voter does not  
18 reside, the county board of elections, upon discovering that fact, shall  
19 notify and timely deliver the ballot to the county board of elections of  
20 the county in which the voter resides, who shall accept the ballot for  
21 processing. The limitations and prohibitions applicable to mail-in ballot  
22 bearers under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et  
23 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 drop  
27 boxes shall be located throughout the county in a manner specified  
28 under paragraph (2) of this subsection.

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

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

**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.**

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

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

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

34 c. The Secretary of State, in consultation with county boards of  
35 elections, shall establish the **【rules and regulations】** guidelines  
36 necessary to ensure the secure and successful implementation of the  
37 mail-in ballot drop boxes required by this section to ensure adequate  
38 access in various geographic areas of the county. In determining the  
39 ballot drop box locations, the secretary and county boards of elections  
40 shall consider, at a minimum, concentrations of population, geographic  
41 areas, voter convenience, proximity to public transportation,  
42 community-based locations, travel time to the location, proximity to  
43 other voting locations and ballot drop boxes, commuter traffic patterns,  
44 and security. The **【rules and regulations】** guidelines shall include, but  
45 may not be limited to, criteria for each county board of elections to:

- 1 (1) determine the number of ballot drop boxes required per voter  
2 population, considering both the number of registered voters and the  
3 number of registered mail-in voters in each county before each election;
- 4 (2) select the geographic location of each ballot drop box, ensuring  
5 an equitable distribution of ballot drop boxes across the county to  
6 maximize convenience to voters;
- 7 (3) ensure the accessibility of ballot drop boxes and drop box  
8 locations to persons with disabilities; and
- 9 (4) maintain the security of ballot drop boxes and of the ballots  
10 deposited therein, including standards and procedures for ballot  
11 retrieval by authorized persons only, and for ensuring the proper chain  
12 of custody and safe storage of voted mail-in ballots before each election.
- 13 d. Each county clerk shall include the locations of the ballot drop  
14 boxes established in the county along with the instructions furnished  
15 with the mail-in ballot package sent to each mail-in voter pursuant to  
16 section 7 of P.L.2009, c.79 (C.19:63-7). At least 45 days before each  
17 election, each county board of elections shall cause to be published on  
18 their respective websites the location of the ballot drop boxes in each  
19 county, and shall provide this information to the Secretary of State for  
20 publishing the same on the Division of Elections website.  
21 (cf: P.L.2020, c.72, s.1)

22  
23 2. This act shall take effect immediately.  
24  
25

26 STATEMENT  
27

28 This bill allows county boards of elections to determine the  
29 location of certain ballot drop boxes by majority vote of its members  
30 under certain circumstances.

31 Under current law, at least one ballot drop box must be placed at  
32 each of the following locations: any county government building in  
33 which the main office of the county clerk is located; any municipal  
34 government building in which the main office of the municipal clerk  
35 is located in municipalities with populations larger than 5,000  
36 residents; the main campus of each county community college; the  
37 main campus of each State college or university; and the main  
38 campus of each independent four-year college or university with  
39 enrollments larger than 5,000 students.

40 Under the bill, beginning with the 2021 general election, a ballot  
41 drop box would be required to be located in each municipality with a  
42 population larger than 5,000 residents, instead the municipal clerk's  
43 office building in such municipalities. The bill also eliminates the  
44 requirement for a ballot drop box to be located on the main campus  
45 of each county community college, or for additional drop boxes to be  
46 located in county or municipal government buildings.

47 Under the bill, whenever two or more ballot drop box locations  
48 are separated by a distance of less than 2,000 feet, the board of

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1 elections in each county would determine secondary locations for  
2 those ballot drop boxes in compliance with the requirements under  
3 existing law. The secondary locations would be located within the  
4 municipality where those ballot drop boxes were originally located  
5 and would require approval by the majority of the board members. If  
6 there is a tie in the votes cast by the members of the board of  
7 elections, the county clerk would cast the deciding vote. Whenever  
8 possible, at least one ballot drop box would be located in a  
9 municipality where an election is taking place with an average per  
10 capita income or a median family income at or below 250% of the  
11 federal poverty guideline according to the most recent federal  
12 American Community Survey.

13 The ballot drop box locations would be in compliance with  
14 existing provisions, such as the requirement to establish at least 10  
15 ballot drop boxes and the provisions concerning drop box security,  
16 accessibility, population, and geographic distribution. The bill adds  
17 travel time to the location, proximity to other voting locations and  
18 ballot drop boxes, and commuter traffic patterns to the criteria  
19 required to be considered in the placement of ballot drop boxes to  
20 ensure adequate access in various geographic areas of the county. The  
21 bill also provides for the Secretary of State to issue guidelines,  
22 instead of regulations, for the placement of ballot drop boxes to  
23 ensure adequate access in various geographic areas of the county.

24 The bill also requires each county clerk to include the locations of  
25 the ballot drop boxes established in the county along with the  
26 instructions furnished with the mail-in ballot package sent to each  
27 mail-in voter. At least 45 days before each election, each county  
28 board of elections would cause to be published on their respective  
29 websites the location of the ballot drop boxes in each county, and  
30 would provide this information to the Secretary of State for  
31 publishing the same on the Division of Elections website.