

SENATE, No. 3324

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED NOVEMBER 14, 2022

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Permits county board of elections to open certain ballot drop boxes for fire district elections.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning ballot drop boxes and amending P.L.2020,
2 c.72.

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

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

25 b. (1) For any election, the county board of elections in each
26 county shall establish ballot drop boxes where voters may deposit
27 their voted mail-in ballots at least 45 days before the election. The
28 ballot drop boxes shall be located throughout the county in a
29 manner specified under paragraph (2) of this subsection. The
30 county board of elections may establish a pickup schedule to
31 retrieve mail-in ballots deposited in ballot drop boxes, consistent
32 with the guidelines established by the Secretary of State pursuant to
33 subparagraph (c) of paragraph (2) of this subsection.

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

39 (b) Beginning with the 2021 general election, at least one ballot
40 drop box shall be located: at any county government building in
41 which the main office of the county clerk is located; in each
42 municipality with a population larger than 5,000 residents; at the
43 main campus of each State college or university; and the main
44 campus of each independent four-year college or university with
45 enrollments larger than 5,000 students. Notwithstanding 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.

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

16 (c) The board of elections in each county shall establish no
17 fewer than 10 ballot drop boxes. To the best of their ability, the
18 board of elections of every county shall place secure ballot drop
19 boxes based on geographic location and population density to best
20 serve the voters of each county in compliance with the guidelines
21 adopted pursuant to subsection c. of this section. The Secretary of
22 State shall establish guidelines for the placement of the ballot drop
23 boxes, the security of the ballot drop boxes, and the schedule for
24 ballot pickup from the ballot boxes. Whenever a fire district
25 election is held, the board of elections shall retrieve the mail-in
26 ballots deposited in the ballot drop boxes, at a minimum, once per
27 week.

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

35 (e) Except as otherwise provided herein, no ballot drop box shall
36 be located inside, or within 100 feet of an entrance or exit, of a
37 State, county, or municipal police station.

38 Notwithstanding the provisions of this subparagraph, a ballot
39 drop box that has already been installed and permanently affixed
40 prior to the effective date of this act, P.L.2021, c.459, at any of the
41 following locations may remain at that location notwithstanding
42 that the ballot drop box is within 100 feet of an entrance or exit of a
43 State, county, or municipal police station if the county
44 commissioners approve the continued presence at that location by a
45 majority vote of the commissioners and with the reasons therefor
46 subject to public disclosure:

47 any county government building in which the main office of the
48 county clerk is located; any municipal government building in

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1 which the main office of the municipal clerk is located in
2 municipalities with populations larger than 5,000 residents; the
3 main campus of a county community college; the main campus of a
4 State college or university; and the main campus of an independent
5 four-year college or university with enrollments larger than 5,000
6 students.

7 (f) Except as otherwise permitted herein, no State, county, or
8 municipal police officer shall remain or stand within 100 feet of a
9 ballot drop box in use during the conduct of an election. Nothing
10 herein shall be interpreted to prohibit the police officer from:

- 11 voting at that ballot drop box in a personal capacity;
- 12 traveling to and from, or remaining within, their personal
13 residence if that residence is within 100 feet of a ballot drop box;
- 14 investigating, addressing, or removing any cause for a
15 disturbance, or otherwise responding to a request for assistance, on
16 or around the premises of the location of that ballot drop box; or
- 17 escorting to or from, or both, a ballot drop box or the premises
18 on which it is located any person who may require the assistance of
19 the officer.

20 (g) No person shall wear, display, sell, give, or provide any
21 political or campaign slogan, badge, button, or other insignia
22 associated with any political party or candidate within 100 feet of a
23 ballot drop box in use during the conduct of an election, except with
24 respect to the badge furnished by the county board as provided by
25 law. A person violating the provisions of this subparagraph shall be
26 guilty of a disorderly persons offense.

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

- 39 (1) determine the number of ballot drop boxes required per voter
40 population, considering both the number of registered voters and
41 the number of registered mail-in voters in each county before each
42 election;
- 43 (2) select the geographic location of each ballot drop box,
44 ensuring an equitable distribution of ballot drop boxes across the
45 county to maximize convenience to voters;
- 46 (3) ensure the accessibility of ballot drop boxes and drop box
47 locations to persons with disabilities; and

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

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

15 e. Whenever a municipal, school, fire district, or special
16 election is held, the board shall, at a minimum, open the ballot drop
17 box located geographically closest to the municipal government
18 building in which the main office of the municipal clerk is located
19 and the ballot drop box located at the board of elections or county
20 office, if one is placed at that location. When a school election
21 encompasses more than one municipality, the board shall be
22 responsible for the selection of the ballot drop box location with
23 respect to each municipality.

24 (cf: P.L.2022, c.70, s.4)

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26 2. This act shall take effect immediately.

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STATEMENT

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31 Under current law, whenever a municipal, school, or special
32 election is held, a board of elections must open the following ballot
33 drop boxes:

34 (1) the ballot drop box located geographically closest to the
35 municipal government building in which the main office of the
36 municipal clerk is located; and

37 (2) the ballot drop box located at the board of elections or county
38 office, if one is placed at that location.

39 Under current law, fire district elections are not included. This
40 bill would expand current law and include fire district elections.

41 Under the bill, a board of elections would be permitted to open
42 the following ballot drop boxes during the conduct of a fire district
43 election:

44 (1) the ballot drop box located geographically closest to the
45 municipal government building in which the main office of the
46 municipal clerk is located; and

47 (2) the ballot drop box located at the board of elections or

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1 county office, if one is placed at that location.

2 The bill also provides that whenever a fire district election is
3 held, the board of elections would retrieve the mail-in ballots
4 deposited in the ballot drop boxes, at a minimum, once per week.