ASSEMBLY, No. 5565

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 24, 2026

Sponsored by:
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District 12 (Burlington, Middlesex, Monmouth and Ocean)

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SYNOPSIS

"Election Integrity Through Drop Box and Canvassing Security Act"; requires video surveillance and recording of mail-in ballot drop boxes and counting of voted mail-in ballots.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 10/19/2026)

AN ACT requiring video surveillance and recording of mail-in ballot drop boxes and counting of voted mail-in ballots, designated as the Election Integrity Through Drop Box and Canvassing Security Act, and amending P.L.2020, c.72 and P.L.2009, c.79.

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. The county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes, consistent with the guidelines established by the Secretary of State pursuant to subparagraph (c) of 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 <u>and video recording</u> of the ballot drop box. <u>The video surveillance of the ballot drop box shall be made available to the public on the Internet website of the respective county board of elections as a live stream during the conduct of the election and as a recording thereafter. For the purposes of this subparagraph, “live stream” means the live audio and video</u>

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.

transmission of content over a county board of election's Internet website to a public audience.

(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 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.).

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

Notwithstanding the provisions of this subparagraph, a ballot drop box that has already been installed and permanently affixed prior to the effective date of this act, P.L.2021, c.459, at any of the following locations may remain at that location notwithstanding that the ballot drop box is within 100 feet of an entrance or exit of a

State, county, or municipal police station if the county commissioners approve the continued presence at that location by a majority vote of the commissioners and with the reasons therefor subject to public disclosure:

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 a county community college; the main campus of a State college or university; and the main campus of an independent four-year college or university with enrollments larger than 5,000 students.

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

voting at that ballot drop box in a personal capacity;

traveling to and from, or remaining within, their personal residence if that residence is within 100 feet of a ballot drop box;

investigating, addressing, or removing any cause for a disturbance, or otherwise responding to a request for assistance, on or around the premises of the location of that ballot drop box; or

escorting to or from, or both, a ballot drop box or the premise on which it is located any person who may require the assistance of the officer.

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

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, and for the use of standardized logs, which shall be made available to the public on the Internet website of the respective county board of elections, documenting the chain of custody and safe storage of the ballots. The logs made available to the public shall not include any information that may compromise the security of the ballots.

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

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

2. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to read as follows:

22. a. On the day of each election, or as provided under subsection b. of this section, each county board of elections shall open in the presence of the commissioner of registration, or the designee thereof, the inner envelopes that contain the mail-in ballots with the votes cast for the election. The inner envelopes containing the ballots that the board or the Superior Court has rejected shall not be so opened, but shall be retained as provided for by this act. The board shall then proceed to canvass the votes cast on the mail-in ballots, but no such ballot shall be counted in any primary election for the general election if the ballot of the political party marked for voting thereon differs from the designation of the

political party in the primary election of which such ballot is intended to be voted as marked on the envelope by the county board of elections.

Every mail-in ballot that bears a postmark date before or of the day of the election and that is received by the county board within 144 hours after the time of the closing of the polls for the election that the ballot was prepared shall be considered valid and shall be canvassed. Every mail-in ballot that does not bear a postmark date but that is received by the county board by delivery of the United States Postal Service before, or within 48 hours after, the time of the closing of the polls for the election for which the ballot was prepared shall be considered valid and shall be canvassed.

b. A county board of elections may begin opening the inner envelopes for each mail-in ballot and canvassing each mail-in ballot from the inner envelope no earlier than five 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. In addition to the guidelines concerning the early canvassing process, the Secretary of State shall promulgate regulations to ensure that any county board of elections that begins opening the inner envelopes and canvassing the mail-in ballots from the inner envelopes prior to the closing of the polls on election day shall do so in a manner that prevents any person, including any person who is authorized to receive and canvass completed mail-in ballots, from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day. No tally or tabulation of results shall occur prior to the opening of polls on election day. As provided under R.S.19:34-13, any person who is authorized to receive and canvass completed mail-in-ballots 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.

c. Immediately after the canvass is completed, the respective county boards of election shall certify the result of the canvass to the county clerk or the municipal or district clerk or other appropriate officer, as the case may be, showing the result of the

canvass by municipality and ward. The votes thus canvassed shall be counted in determining the result of the election.

The county board of elections shall, immediately after the canvass is completed for any primary election, certify the results of the votes cast for members of the county committees to the respective municipal clerks, and those votes shall be counted in determining the result of the election.

Each mail-in ballot cast, canvassed, and tallied in an election under this section, excluding a fire district election, shall be reported in the results for the election district in which the voter resides. Whenever the reporting requirement of this subsection would cause a voter's privacy to be violated, the election results shall be reported in a manner that maintains the privacy of the vote.

d. Each county board of elections shall use video cameras to monitor and record the canvassing of mail-in ballots; provided, however, that the video monitoring shall not compromise the secrecy of such ballots. The county board shall implement such measures as may be necessary to ensure the continued secrecy of the mail-in ballots. The video recordings of the canvassing shall be made available to the public on the Internet website of the respective county board of elections upon completion of the canvassing.

(cf: P.L.2022, c.70, s.7)

3. This act shall take effect January 1 next following the date of enactment.

STATEMENT

This bill, which is designated as the “Election Integrity Through Drop Box and Canvassing Security Act,” requires video surveillance and recording of mail-in ballot drop boxes and counting of voted mail-in ballots.

Under current law, a ballot drop box is required to be placed at locations equipped with security cameras that allow for surveillance of the ballot drop box. The bill requires video recording of ballot drop boxes and for the respective county board of elections to include a live stream or recording of the ballot drop boxes on its website. The bill defines a “live stream” as the live audio and video transmission of content over a county board of election’s Internet website to a public audience.

Under current law, the Secretary of State, in consultation with county boards of elections, is required to establish the guidelines necessary to 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. The bill requires the use of standardized logs, to be made available to the public on the website of the respective county board of elections, documenting the chain of custody and safe storage of the ballots. The logs made available to the public will not include any information that may compromise the security of the ballots.

The bill also requires each county board of elections to use video cameras to monitor and record the canvassing of the mail-in ballots; provided, however, that the video monitoring will not compromise the secrecy of the ballots. The county board will implement measures as may be necessary to ensure the continued secrecy of the mail-in ballots.

In other states, video recordings have provided clues and evidence of improper and potentially illegal activity in the handling and submission of ballots via drop box. Also, in other states, there have been allegations of interference with monitors authorized to observe canvassing. This bill is intended to the help ensure confidence in the State's election procedures related to the collection of mail-in ballots from drop boxes and the canvassing of mail-in ballots.