

A new part 6225 shall be added to 9 NYCRR to read as follows:

6225.1 Purpose.

The purpose of this Article is to establish guidelines for security measures and procedures if a local board of elections establishes one or more ballot return drop-off locations using drop boxes. The provisions of this part do not apply to polling places or boards of elections.

6225.2 Definitions.

(a) "Designated ballot retrievers" shall mean authorized board of elections employees duly authorized by the board of elections to retrieve ballots from drop boxes.

(b) "Secure ballot container" shall mean a lockable and secure container that is placed inside a drop box or is a stand-alone container.

(c) "Secure ballot transfer device" shall mean a sealable or lockable container that ballots deposited into the drop box shall be placed in by the designated ballot retrievers for secure transport to the office or facility of the board of elections.

(d) "Staffed drop box" shall mean a drop box or a secure ballot container 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 city or county employee, board of elections employee, or a temporary worker or volunteer retained for the purpose of monitoring the drop box. A staffed drop box is typically not available for use by a voter 24 hours a day. Staff employed at the location of the drop box must receive training and/or instructions from the CBOE to ensure safeguards are in place.

(e) "Unstaffed drop box" shall mean a secured drop box that is not necessarily within view of a live person for monitoring and is available for use by a voter 24 hours a day.

(f) "Drop box" shall mean a repository for paper ballot return as provided for by this part.

(g) "Drop-off location" shall mean the immediate premises where the ballot drop box is situated.

6225.3. Drop Box Design and Requirements.

(a) To prevent physical damage and unauthorized entry, an unstaffed drop box located outdoors shall be constructed of durable material able to withstand vandalism, removal, and inclement weather.

(b) To prevent fire damage to ballots, an unstaffed drop box located outdoors shall contain fire mitigation features, as for example described in CISA Ballot Drop Box Security Best Practices For Incendiary Devices publish October 2024 -

[https://www.cisa.gov/sites/default/files/2024-10/Ballot Drop Box Security Best Practices Protect2024-508.pdf](https://www.cisa.gov/sites/default/files/2024-10/Ballot_Drop_Box_Security_Best_Practices_Protect2024-508.pdf).

(c) To ensure that ballot envelopes can be deposited but not be removed by anyone other than designated ballot retrievers, all drop boxes (both staffed and unstaffed) shall have an opening slot that is not large enough to allow ballots to be tampered with or removed. The opening slot shall be designed to minimize the ability for liquid to be poured into the drop box, and to fully prevent rainwater or snow from entering the drop box if the box is to be used in a location unsheltered from the elements of weather.

(d) A drop box, and a secure ballot container placed within the drop box, as applicable, shall be designed such that any unauthorized physical access results in physical evidence that unauthorized access has taken place. The board of elections may use a tamper-evident seal for purposes of this section.

(e) A drop box or secure ballot container shall provide specific points identifying where ballots are to be inserted. A drop box may have more than one ballot slot (e.g. one for drive-up ballot drop-offs and one for walk-up drop-offs).

(f) The drop box shall be clearly and visibly marked, as an "Official Ballot Drop Box". The following information shall be provided, in the manner prescribed by the board of elections, at drop boxes and drop-off locations in all languages required under state or federal law anywhere in the county:

1. Language stating that tampering with the drop box is a felony pursuant to state and federal law.

2. A statement that no postage is necessary when depositing the ballot into the drop box.

3. A statement requesting that the county board of elections be notified immediately in the event the drop box is full, not functioning, or has been damaged in any fashion. Contact information for this purpose shall be provided.

4. A statement informing the public that no ballots will be accepted after 9:00 pm on Election Day.

5. A statement informing the public that nothing other than ballots may be deposited into the drop box.

6. Any other language or information required by the New York State Board of Elections.

(f) Drop boxes shall be designed to function as follows:

1. Drop box hardware shall be operable without any tight grasping, pinching, or twisting of the wrist.

2. Drop box hardware shall require no more than 5 lbs. of pressure for the voter to operate.

3. Accessible drop boxes shall be operable within reach-range of 15 to 48 inches from the finish floor or ground for a person utilizing a wheelchair. This shall not apply to a drop box meant to be exclusively used by drivers of vehicles, and shall also not apply to a drop box if it is immediately adjacent to a drop box which does meet this requirement.

4. Signage for ballot drop boxes shall be in a distinct color type that contrasts with the background and have a no-glare finish.

(g) Each unstaffed drop box used in a particular county shall have the same use features, and be of substantially similar design, color scheme, and signage to facilitate identification by the public.

(h) Each staffed drop box used in a particular county shall have the same use features, and be of substantially similar design, color scheme, and signage to facilitate identification by the public.

(i) The board of elections shall determine drop box size based on the use and needs of the county.

#### 6225.4. Determination of Drop-off Locations and Number of Drop Boxes.

(a) Drop-off locations, if any, shall be determined by the local board of elections. In determining locations, the board of elections shall, at a minimum, consider concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, security, and available funding.

(b) Staffed drop box locations may include, but are not limited to: municipal offices, public libraries, senior citizen housing or recreation facilities, local businesses, and any other suitable locations in the community.

(c) The number of drop-off locations and drop boxes, if any, shall be determined by the local board of elections. Locations of drop boxes shall be shared with the New York State Board of Elections.

(d) Drop box locations shall be designated by the County Board of Elections no later than March 15 of any year..

#### 6225.5. Accessibility of Ballot Drop Boxes.

(a) The board of elections shall ensure that drop box locations are accessible to voters with disabilities, and shall also ensure the following:

1. If a location has only one drop box, the design and placement of that drop box shall meet the accessibility requirements outlined in this part.

2. If a location has more than one drop box, at least one of the drop boxes must meet accessibility requirements outlined in this part and otherwise applicable requirements such that the design and placement of drop boxes at that location shall in aggregate be fully accessible under all governing law including this part.

3. At a location with multiple drop boxes, if not all drop boxes meet the accessibility requirements outlined in this subdivision, then each inaccessible drop box shall have directional signage indicating the location of an accessible drop box.

(b) For drop boxes, as specified in subdivision (a), depending on points of entry available for a location and any limitations arising out of local ordinances or private landowners, the county board of elections shall make a reasonable effort to meet the following accessibility requirements with regard to design and placement:

1. If there is a public transportation stop available within 200 feet of the property line, then a drop box shall be placed along an accessible path connecting to the public transportation stop.

2. If there is a parking lot available at the location, then a drop box shall be placed along an accessible path connecting to the parking lot. The parking lot should have at least one van accessible parking space designated by the International Symbol of Accessibility (ISA).

3. If there is a passenger drop-off zone at the location, then a drop box shall be placed along an accessible path connecting to the passenger drop-off point as determined by the board of elections based upon the location.

4. Drop box locations that are placed inside a building shall be assessed for accessibility as if they were a polling place.

#### 6225.6. Drop-off Location and Drop Box Security.

(a) An unstaffed drop box placed outdoors shall be securely fastened in a manner as to prevent moving or tampering, for example, fastening the drop box to concrete or an immovable object by means of secure bolts or metal chain.

(b) An unstaffed drop box placed outdoors shall be placed in areas that are well lit at night to discourage tampering. This may include permanent or temporary lighting during times when in operation.

(c) An unstaffed drop box placed inside a building shall be secured in a manner that will prevent unauthorized removal by fastening to a stationary surface or to an immovable object using bolts, metal chain or cable.

(d) A staffed drop box shall be placed in an area that is inaccessible to the public and/or otherwise safeguarded during the hours the drop box is not in use, which may be its location while in use if such location meets these requirements.

(e) All drop boxes shall be monitored by a video security surveillance system, or an internal camera that can capture digital images and/or video. A video security surveillance system can include existing systems on or in municipal or private buildings provided access to images or video recordings is provided for in writing prior to placement of the drop box. Any such surveillance system must capture an image of any person approaching a ballot that is of sufficient quality to be helpful to law enforcement investigation of an illegal act related to such ballot drop box.

(f) Notwithstanding the physical design and physical security requirements of this part, any drop box in use as of the 2025 general election may continue in use in like manner at the location it was previously in use until December 31, 2028.

#### 6225.7. Drop-off Location and Drop Box Hours. Public Notification. Collection Times.

(a) The local board of elections shall publish on its website the locations of drop-off locations and drop boxes at least 30 days prior to the election. The announcement must include the days and estimated times a particular staffed drop box will be available. The announcement must also include information on accessibility, including wheelchair access, for each drop-off location and drop box. The official list of drop box locations shall be provided to the New York State Board of Elections no later than 30 days before the election to which it relates, and any change shall be updated with the state board of elections the same day the change occurs.

(b) Drop boxes shall be locked and covered, or otherwise made unavailable to the public until the day the board of elections begins to issue paper ballots. The board of elections shall determine the appropriate method or design to make the drop boxes unavailable for use. Prior to use before the election, all drop boxes shall be inspected for damage and to ensure proper functionality and to ensure they are empty. A board of elections that provides a generic drop box outside of their office throughout the year for the purposes of

voters delivering completed voter registration forms or other forms shall not be required to lock and cover those drop boxes from use outside of the voting period.

(c) Ballots shall be retrieved from drop boxes at times determined by the board of elections, but shall be subject to the following:

1. Ballots shall be retrieved from both staffed and unstaffed drop boxes during the period they are open at least once every business day.

(d) Upon closing the polls on Election Day, all drop boxes shall be locked and covered or otherwise made unavailable at that time to ensure that no ballots are dropped off after the polls have closed.

(e) The board of elections must retrieve ballots on the night of an election and return them to the board of elections in like manner as the return of voted ballots from poll sites is provided for.

(f) Signage on or near a drop box shall indicate that pursuant to 17-150 and 17-154 of the Election Law, among other provisions, duress or intimidation of voters seeking to access a drop box is a crime

#### 6225.8. Ballot Collection Procedures and Chain of Custody.

(a) The board of elections shall develop ballot collection and chain of custody procedures, which shall be filed with and approved by the state board of elections, substantially similar to the following:

1. The county board of elections shall assign at least two designated ballot retrievers, on a bipartisan basis, to retrieve voted ballots from a drop box. Each designated ballot retriever shall wear a badge or similar identification that readily identifies them as a designated ballot retriever. In addition, each designated ballot retriever must take the requisite oath applicable to all poll workers prior to retrieving ballots:

2. Only a designated ballot retriever, or law enforcement official in jurisdictions using law enforcement for ballot transport, identified and appointed by the county board of elections, may transport the retrieved ballots.

3. Upon arrival at a drop box, the bipartisan ballot retrievers shall note, on a retrieval form prescribed by the county board of elections, the location and unique identifier of the drop box and the date and time of arrival.

4. The designated ballot retrievers shall retrieve the voted ballots from the drop box and, as applicable, place the voted ballots in a secure ballot transfer device, retrieve the secure ballot container that is placed inside the drop box, or retrieve the staffed drop box which

also serves as a secure ballot container. A secure ballot transfer device shall be duly sealed, and any seal numbers shall be recorded as part of chain of custody procedures. In the event the designated ballot retrievers are placing the voted ballots in a secure ballot transfer container, they must note the number of ballots moved on the retrieval form, and confirm that the drop box is empty on said retrieval form.

5. If a drop box includes a secure ballot container, the designated ballot retrievers shall place an empty secure ballot container inside the drop box prior to departure.

6. Upon completion of retrieval of the ballots, the designated ballot retrievers shall reseal the drop boxes and note the new seal numbers on the retrieval form.

7. After the final retrieval after the closing of the polls, an empty secure ballot container shall not be placed in the drop box, and the drop box should be locked and/or covered to prevent any further ballots from being deposited.

8. The time of departure from the drop box shall be noted on the ballot retrieval form.

9. Upon arrival at the office of the board of elections, a ballot receiving center, or a ballot processing location, or any other location at which chain of custody is transferred, the designated ballot retrievers who retrieved the ballots shall note the time of arrival on the ballot retrieval form.

10. The board of elections or bipartisan designees thereof, shall inspect the secure ballot container for evidence of tampering and shall receive the retrieved ballots by signing the retrieval form.

11. The completed retrieval form shall be attached to the outside of the secure ballot container or maintained in a manner prescribed by the board of elections that ensures that the form is traceable to its respective secure ballot container. It must document all transfers of custody from the drop box to the board of elections.

12. When the secure container is opened by the board of elections, the number of ballots retrieved and placed in that secure container shall be noted on the retrieval form. The number of ballots received from each ballot drop box shall be reported to the State Board of Elections at the times and in the manner to be established by the Operations Unit of the State Board of Elections.

13. The retrieval form described by this section may be in an electronic form. In the event an electronic form is used, the secure container must be identified in a manner to match the container with the electronic form. In addition, the board of elections shall develop a method to capture and retain the required signatures on the electronic form.

14. The state board of elections operations unit shall provide an exemplar chain of custody form which may be used or a form substantially equivalent thereto may be used.

15. Any ballots retrieved from a drop box shall be processed in the same manner as ballots personally delivered to the board of elections by the voter.

#### 6225.9. Record Retention

All records of the board of elections created or possessed pursuant to this Part shall be retained by the Board of Elections in the same manner and duration as records created for the conduct of an election at a poll site. The board of elections shall take reasonable measures to request that surveillance video of drop box locations in the possession of third parties is retained and accessible for at least thirty days.