

# SENATE, No. 997

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Requires written security plan when school is polling place and open to students; provides that schools may be used as polling places only under certain circumstances; makes an appropriation.

**CURRENT VERSION OF TEXT**

As introduced.



S997 GREENSTEIN

2

1 AN ACT concerning security when a school is used as a polling  
2 place, amending R.S.19:8-2 and R.S.19:8-3, supplementing  
3 chapter 36 of Title 18A of the New Jersey Statutes and making  
4 an appropriation.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. R.S.19:8-2 is amended to read as follows:

10 19:8-2. a. The clerk of every municipality, on or before April 1  
11 shall certify to the county board of every county wherein such  
12 municipality is located a suggested list of places in the municipality  
13 suitable for polling places. The county board shall select the  
14 polling places for the election districts in the municipalities of the  
15 county for all elections in the municipalities thereof, including all  
16 commission government elections in the county. The county boards  
17 shall not be obliged to select the polling places so suggested by the  
18 municipal clerks, but may choose others where they may deem it  
19 expedient. **[Preference]** Subject to the requirements of subsection  
20 b. of this section, preference in locations shall be given to schools  
21 and public buildings where space shall be made available by the  
22 authorities in charge, upon request, if same can be done without  
23 detrimental interruption of school or the usual public services  
24 thereof, and for which the authority in charge shall be reimbursed,  
25 by agreement, for expenses of light, janitorial and other attending  
26 services arising from such use. Each polling place selected shall be  
27 accessible to individuals with disabilities and the elderly. A polling  
28 place shall be considered accessible if it is in compliance with the  
29 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.  
30 12101 et seq.). In no case shall the authorities in charge of a public  
31 school or other public building deny the request of the county board  
32 for the use, as a polling place, of any building they own or lease.

33 Where the county board shall fail to agree as to the selection of  
34 the polling place or places for any election district, within five days  
35 of an election, the county clerk shall select and designate the  
36 polling place or places in any such election district.

37 The county board may select a polling place other than a  
38 schoolhouse or public building outside of the district but such  
39 polling place shall not be located more than 1,000 feet distant from  
40 the boundary line of the district. The Secretary of State may,  
41 however, permit a polling place to be more than 1,000 feet distant  
42 from the boundary line of the district if there is no suitable polling  
43 place accessible to individuals with disabilities and the elderly  
44 within the district or 1,000 feet distant from the boundary line of the  
45 district.

**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 Whenever possible, the county board shall contact the managers  
2 or owners of commercial or private buildings that the board deems  
3 suitable to use as polling places, and are in or near an election  
4 district lacking an accessible polling place, to determine whether a  
5 portion of such a building may be used as a polling place on the day  
6 of an election. Reimbursement for the use of a portion of such a  
7 building shall be the same as provided by this section for schools  
8 and public buildings.

9 Neither the owner nor operator of a facility designated as a  
10 polling place by the county board is permitted or authorized to  
11 relocate the polling place room in the building without the express  
12 prior approval of the board.

13 b. A school or schoolhouse shall not be used as a polling place  
14 on a day that classes are in session, unless voting takes place in a  
15 room that is directly accessible from the outside, or that is secured  
16 by a door or other barrier from the rest of the building, or there is a  
17 uniformed law enforcement officer present, and voters are not  
18 permitted to pass without supervision through the interior of the  
19 building when entering or leaving that room.

20 (cf: P.L.2011, c.134, s.11)

21

22 2. R.S.19:8-3 is amended to read as follows:

23 19:8-3. a. [The] Subject to the requirements of subsection b. of  
24 this section, the county board may select the schoolhouse or  
25 schoolhouses, public building or public buildings as the polling  
26 places in any municipality in the county whether or not such  
27 schoolhouses or public buildings are located within the election  
28 district for which the polling place is established; and shall  
29 designate the rooms or places, entrances and exits to be used in the  
30 schoolhouses or public buildings.

31 The county board may select a polling place other than a  
32 schoolhouse or public building for an election district, when the  
33 location of the election district and of the schoolhouses and public  
34 buildings in the municipality in which the election district is located  
35 is such that inconvenience would be caused the voters of such  
36 election district by locating the polling place thereof in a  
37 schoolhouse or public building. In the selection of a polling place  
38 other than a schoolhouse or public building for an election district,  
39 consideration shall be given to the use of buildings accessible to  
40 individuals with disabilities and the elderly.

41 The county board shall determine and certify to the board of  
42 chosen freeholders the amount to be paid the several boards of  
43 education or municipalities, as the case may be, for expenses in  
44 connection with the use of schoolhouses or public buildings for  
45 election purposes; not to exceed in any case the amount paid for  
46 polling places in private premises.

47 b. A school or schoolhouse shall not be used as a polling place  
48 on a day that classes are in session, unless voting takes place in a

S997 GREENSTEIN

1 room that is directly accessible from the outside, or that is secured  
2 by a door or other barrier from the rest of the building, or there is a  
3 uniformed law enforcement officer present, and voters are not  
4 permitted to pass without supervision through the interior of the  
5 building when entering or leaving that room.

6 (cf: P.L.2005, c.146, s.2)

7

8 3. (New section) a. Whenever a polling place is located in a  
9 public school on the day of an election, the board of education of  
10 the school district shall have the option of whether to hold classes  
11 in the school on the day of the election. If a school board chooses  
12 to do so, it shall establish and implement a written security plan,  
13 based on guidelines established by the Attorney General and taking  
14 into consideration the provisions of subsections b. of R.S.19:8-2  
15 and R.S.19:8-3, to ensure that an appropriate level of security is  
16 maintained to protect students when the school is open and to  
17 maintain the proper functioning and integrity of the voting process  
18 during the election. No later than the 90th day prior to the day of  
19 the election, the security plan shall be submitted to the Attorney  
20 General for the review and approval thereof.

21 b. Reimbursement for costs incurred pursuant to subsection a.  
22 of this section shall be made by the State upon application  
23 submitted by a board of education of a school district to the  
24 Attorney General in such form and manner as may be required  
25 thereby, pursuant to regulations promulgated under the  
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
27 seq.). The application shall contain a copy of the approved written  
28 security plan and the itemized costs incurred by the school district.

29 c. Security procedures and information submitted pursuant to  
30 subsection b. of this section shall not be publicly accessible under  
31 P.L.1963, c.73 (C. 47:1A-1 et seq.), or any other law or regulation.

32

33 4. There is appropriated from the General Fund to the  
34 Department of the Treasury such sums as may be necessary to  
35 provide the reimbursements required by section 3 of P.L. ,  
36 c. (C. ) (pending before the Legislature as this bill), in such  
37 amount as approved by the State Treasurer after consultation with  
38 the Attorney General and certified by the Director of the Division  
39 of Budget and Accounting.

40

41 5. This act shall take effect immediately, except that sections 1  
42 and 2 shall apply to elections occurring more than four months after  
43 that effective date.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

This bill provides that whenever a polling place is located in a public school on the day of an election, the board of education of the school district will have the option of whether to hold classes in the school on that day. If a school board chooses to do so, it must establish and implement a written security plan, based on guidelines established by the Attorney General, to ensure that an appropriate level of security is maintained to protect students when the school is open and to maintain the proper functioning and integrity of the voting process during the election. Building security procedures and any information submitted to the Attorney General would not be accessible to the public under the provisions of the public records act, P.L.1963, c.73, or any other law.

Under the bill, any expenses incurred by a school district in carrying out the bill's provisions would be reimbursed by the State upon application to the Attorney General. The bill appropriates from the General Fund to the Department of the Treasury such amounts as may be necessary to provide the reimbursement required under the bill.

In addition, the bill will help ensure the safety of students when public schools are used as polling places on a day when classes are in session. It provides that a school cannot be used as a polling place on a day that classes are in session, unless voting takes place in a room that is directly accessible from the outside, or that is secured by a door or other barrier from the rest of the building, or there is a uniformed law enforcement officer present, and voters are not permitted to pass without supervision through the interior of the building when entering or leaving that room.

The bill provides that it would take effect immediately but in order to avoid disrupting already-scheduled elections, its provisions would apply to elections occurring more than four months after the effective date.