

# ASSEMBLY, No. 4655

## STATE OF NEW JERSEY

### 219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Limits law enforcement presence at polling places and ballot drop boxes.

**CURRENT VERSION OF TEXT**

As introduced.



A4655 REYNOLDS-JACKSON, WIMBERLY

2

1 AN ACT concerning law enforcement presence at polling places and  
2 ballot drop box locations, and amending various parts of the  
3 statutory law.

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

7  
8 1. R.S.19:6-15 is amended to read as follows:

9 19:6-15. a. The district boards of every election district shall  
10 preserve the peace and maintain good order in their respective polling  
11 places, during the progress of all elections and the counting of the  
12 votes cast thereat. To that end each member of every such board,  
13 during the progress of an election and the counting and canvassing of  
14 the votes, shall be and hereby is invested and charged with all the  
15 powers and duties of constables of this state in criminal matters.

16 b. Such election board, or any **two** members thereof, **may**, by  
17 writing under their hands whenever in their opinion it shall be  
18 necessary to do so, **shall not** request the municipal authorities of any  
19 municipality within which their district is situate or the body or  
20 officer having charge and direction of the police force in such  
21 municipality, to detail one or more **policemen** police officers  
22 to assist in preserving the peace and good order in and about such  
23 polling place, **which** and no such request shall **forthwith** be  
24 complied with **as far as possible** by the body or officer to whom  
25 the same is made. This subsection shall also apply with regard to any  
26 other law enforcement officer or law enforcement agency as defined  
27 in R.S.19:6-16.

28 (cf: R.S.19:6-15)

29  
30 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to read  
31 as follows:

32 2. a. No person who is employed as a police officer, either full-  
33 time or part-time, by the State or an instrumentality thereof, or by a  
34 political subdivision of the State or an instrumentality thereof, **and**  
35 **who is** shall serve as a member of a district board of elections or  
36 **serves** as a duly authorized challenger for a political party or a  
37 candidate or on a public question, shall wear a police officer's  
38 uniform or carry an exposed weapon while serving as a board  
39 member or a challenger, as the case may be, **at any time, including**  
40 at a polling place on an election day. **Any person who violates this**  
41 **section is guilty of a crime of the fourth degree.**

42 This subsection shall also apply with regard to any other law  
43 enforcement officer or law enforcement agency as defined in  
44 R.S.19:6-16.

**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        b. No person employed as a police officer or law enforcement  
2 officer as described in subsection a. of this section, whether on or  
3 off-duty or whether in or out of uniform, shall remain or stand within  
4 100 feet of a polling place during the conduct of an election except  
5 to vote in a personal capacity if qualified to vote.

6 (cf: P.L.1991, c.306, s.2)

7  
8        3. R.S.19:6-16 is amended to read as follows:

9        19:6-16. a. The commission, committee, board or official  
10 having charge of the police department in any municipality [may]  
11 shall not assign [one or more] police officers to any district board in  
12 such municipality [whenever the said commission, committee, board  
13 or official deems it necessary to do so. Any police officers so  
14 assigned shall, under the direction of the board,], in order to enforce  
15 the election laws, maintain order, peace and quiet during the hours of  
16 registry and election, [and] assist the members of the board in  
17 carrying the ballot box or boxes to the office of the municipal clerk  
18 after the ballots are counted [. The police officers so assigned shall  
19 not] , assist the board by performing the duties of a board member,  
20 nor shall those police officers serve at the polling place of that district  
21 board [as challengers for a party or candidate or on a public  
22 question] , or for other routine purposes related to the conduct of  
23 elections.

24        This subsection shall also apply with regard to any other law  
25 enforcement officer or law enforcement agency as defined in  
26 subsection b. of this section.

27        b. As used in this section:

28        “Law enforcement agency” means an agency of the federal  
29 government or the State or an instrumentality thereof , or any agency  
30 of a political subdivision of the State or an instrumentality thereof,  
31 that employs, full time or part time, law enforcement officers,  
32 including an educational institution that appoints law enforcement  
33 officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

34        “Law enforcement officer” means a person who is employed, full  
35 time or part time, by a law enforcement agency whose public duties  
36 include the power to act as an officer for the detection, investigation,  
37 apprehension, arrest, conviction, detention, or rehabilitation of  
38 persons violating the laws of this State or of the United States,  
39 including a person appointed as a police officer by an educational  
40 institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

41        c. The provisions of subsection a. of this section, of subsection  
42 b of R.S.19:6-15, or of subsection b. of section 2 of P.L.1991, c.306  
43 (C.19:6-15.1) shall not be deemed to prohibit the detail or assignment  
44 of a police officer or other law enforcement officer due to a summons  
45 made to the commission, committee, board, body, authority, or  
46 official having charge of the police department in any municipality,  
47 or to any other law enforcement agency, for assistance with regard to

1 a specific emergency or disturbance that exists at the time the  
2 summons is made. The police officers or law enforcement officers  
3 responding to the summons shall take such prompt actions as may be  
4 available and as may be necessary in order to address and remove the  
5 emergency or disturbance from the location and ensure the continued  
6 orderly conduct of the election and election processes, and shall  
7 remain at that location only as long as necessary to address and  
8 remove that specific emergency or disturbance.

9 The district board shall promptly notify the Secretary of State after  
10 of the detail or assignment of any police officer or other law  
11 enforcement officer in accordance with this subsection. The  
12 Secretary of State shall maintain a record of all such emergencies or  
13 disturbances, which shall include, but need not be limited to, the time  
14 of the summons, polling place location, reason for the summons,  
15 name of the police or law enforcement officer, the police or law  
16 enforcement officer's badge number, and if known, the duration of  
17 the police or law enforcement officer's presence, and the outcome of  
18 the emergency or disturbance.

19 (cf: P.L.1991, c.306, s.1)

20

21 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read  
22 as follows:

23 1. a. In addition to delivering a voted mail-in ballot by mail or  
24 in person as provided under "The Vote By Mail Law," P.L.2009, c.79  
25 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the  
26 voter's completed mail-in ballot in a ballot drop box established by  
27 the county board of elections as provided under this section. Each  
28 mail-in ballot deposited in a ballot drop box by the time designated  
29 under current law for the closing of the polls for that election shall  
30 be considered valid and shall be canvassed. If, at the closing of the  
31 polls, a voter deposits a mail-in ballot at a ballot drop box in a county  
32 in which the voter does not reside, the county board of elections, upon  
33 discovering that fact, shall notify and timely deliver the ballot to the  
34 county board of elections of the county in which the voter resides,  
35 who shall accept the ballot for processing. The limitations and  
36 prohibitions applicable to mail-in ballot bearers under "The Vote By  
37 Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this  
38 section.

39 b. (1) For any election, the county board of elections in each  
40 county shall establish ballot drop boxes where voters may deposit  
41 their voted mail-in ballots at least 45 days before the election. The  
42 ballot drop boxes shall be located throughout the county in a manner  
43 specified under paragraph (2) of this subsection.

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

1 (b) At least one ballot drop box shall be located at each of the  
2 following locations: any county government building in which the  
3 main office of the county clerk is located; any municipal government  
4 building in which the main office of the municipal clerk is located in  
5 municipalities with populations larger than 5,000 residents; the main  
6 campus of each county community college; the main campus of each  
7 State college or university; and the main campus of each independent  
8 four-year college or university with enrollments larger than 5,000  
9 students.

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

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

31 (e) No ballot drop box shall be located inside, or within 100 feet  
32 of an entrance or exit, of a law enforcement agency as defined in  
33 R.S.19:6-16.

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

43 (1) determine the number of ballot drop boxes required per voter  
44 population, considering both the number of registered voters and the  
45 number of registered mail-in voters in each county before each  
46 election;

1 (2) select the geographic location of each ballot drop box,  
2 ensuring an equitable distribution of ballot drop boxes across the  
3 county to maximize convenience to voters;

4 (3) ensure the accessibility of ballot drop boxes and drop box  
5 locations to persons with disabilities; and

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

11 (cf: P.L.2020, c.72, s.1)

12

13 5. This act shall take effect on the 60th day after the date of  
14 enactment.

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#### STATEMENT

18

19 This bill would limit the presence of law enforcement officers and  
20 law enforcement agencies at polling places and during the conduct of  
21 elections.

22 The bill would prohibit a district board of elections, and any  
23 member thereof, from requesting, whenever in their opinion it would  
24 be necessary to do so, that law enforcement officers be detailed to  
25 assist in preserving the peace and good order in and about a polling  
26 place. Current law permits this.

27 The bill would prohibit a law enforcement agency from assigning  
28 law enforcement officers to any district board, whenever the agency  
29 deems it necessary to do so, in order to enforce the election laws,  
30 maintain order, peace and quiet during the hours of registry and  
31 election, and assist the members of the board in carrying the ballot  
32 box or boxes to the office of the municipal clerk after the ballots are  
33 counted. Current law permits this.

34 This bill would prohibit a law enforcement officer from serving as  
35 a member of the district board of elections or as a challenger during  
36 an election. Current law permits this.

37 This bill would prohibit a law enforcement officer, whether on or  
38 off-duty or in or out of uniform, from standing or remaining within  
39 100 feet of a polling place during the conduct of an election except  
40 to vote in a personal capacity if qualified to vote.

41 The provisions of this bill would not be deemed to prohibit the  
42 presence of a law enforcement officer when the law enforcement  
43 agency receives a call for assistance with regard to a specific  
44 emergency or disturbance that exists at the time the call is made. The  
45 law enforcement officers responding to the call must take such  
46 prompt actions as may be available and as may be necessary in order  
47 to address and remove the emergency or disturbance from the  
48 location and ensure the continued orderly conduct of the election and

1 election processes, and the officers can remain at that location only  
2 as long as necessary to address and remove that specific emergency  
3 or disturbance.

4 The district board must promptly notify the Secretary of State after  
5 law enforcement officers arrive due to an emergency or disturbance  
6 and the Secretary of State must keep a record of such incidents.

7 Finally, the bill would prohibit the placement of a ballot drop box  
8 inside, or within 100 feet of an entrance or exit, of a law enforcement  
9 agency.

10 As used in the bill,

11 “law enforcement agency” means an agency of the federal  
12 government or the State or an instrumentality thereof, or an agency  
13 of a political subdivision of the State or an instrumentality thereof,  
14 that employs, full time or part time, law enforcement officers,  
15 including an educational institution that appoints law enforcement  
16 officers pursuant to N.J.S.A.18A:6-4.2 et seq.; and

17 “law enforcement officer” means a person who is employed, full  
18 time or part time, by a law enforcement agency whose public duties  
19 include the power to act as an officer for the detection, investigation,  
20 apprehension, arrest, conviction, detention, or rehabilitation of  
21 persons violating the laws of this State or of the United States,  
22 including a person appointed as a police officer by an educational  
23 institution pursuant to N.J.S.A.8A:6-4.2 et seq.