

[First Reprint]

**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)**

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**District 22 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

**Assemblywoman Jasey and Assemblyman Verrelli**

**SYNOPSIS**

Limits law enforcement presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on October 26, 2020, with amendments.



**(Sponsorship Updated As Of: 10/29/2020)**

1 AN ACT concerning law enforcement presence at polling places and  
2 ballot drop box locations, <sup>1</sup>prohibiting electioneering within 100  
3 feet of ballot drop boxes<sup>1</sup>, and amending various parts of the  
4 statutory law.

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

8  
9 1. R.S.19:6-15 is amended to read as follows:  
10 19:6-15. a. The district boards of every election district shall  
11 preserve the peace and maintain good order in their respective  
12 polling places, during the progress of all elections and the counting  
13 of the votes cast thereat. To that end each member of every such  
14 board, during the progress of an election and the counting and  
15 canvassing of the votes, shall be and hereby is invested and charged  
16 with all the powers and duties of constables of this state in criminal  
17 matters.

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

30 <sup>1</sup>c. The election board or the superintendent of elections in the  
31 county in which an election is held may contact a law enforcement  
32 agency as defined in R.S.19:6-16 if information is obtained prior to the  
33 election that in the judgment of the election board or superintendent of  
34 elections should be communicated to a law enforcement agency.<sup>1</sup>

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

36  
37 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to read  
38 as follows:

39 2. a. No person who is employed as a police officer, either full-  
40 time or part-time, by the State or an instrumentality thereof, or by a  
41 political subdivision of the State or an instrumentality thereof, **[and**  
42 **who is]** shall serve as a member of a district board of elections <sup>1</sup>unless  
43 the person is off-duty<sup>1</sup> or **[serves]** as a duly authorized challenger for  
44 a political party or a candidate or on a public question**],** shall wear a

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted October 26, 2020.

1 police officer's uniform or carry an exposed weapon while serving as a  
2 board member or a challenger, as the case may be,] at any time,  
3 including at a polling place on an election day. <sup>1</sup>This subsection shall  
4 not be deemed to prohibit a police officer who is a candidate for an  
5 office whose name appears upon the ballot to be voted for an election  
6 from acting as a challenger during that election as may be permitted by  
7 another provision of law for a candidate to act as a challenger.<sup>1</sup> [Any  
8 person who violates this section is guilty of a crime of the fourth  
9 degree.]

10 This subsection shall also apply with regard to any other law  
11 enforcement officer or law enforcement agency as defined in R.S.19:6-  
12 16.

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

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

19

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

21 19:6-16. a. The commission, committee, board or official having  
22 charge of the police department in any municipality [may] shall not  
23 assign [one or more] police officers to any district board in such  
24 municipality [whenever the said commission, committee, board or  
25 official deems it necessary to do so. Any police officers so assigned  
26 shall, under the direction of the board,], in order to enforce the  
27 election laws, maintain order, peace and quiet during the hours of  
28 registry and election, [and] <sup>1</sup>[assist the members of the board in  
29 carrying the ballot box or boxes to the office of the municipal clerk  
30 after the ballots are counted]<sup>1</sup> [The police officers so assigned shall  
31 not] <sup>1</sup>, <sup>1</sup> assist the board by performing the duties of a board member,  
32 nor shall those police officers serve at the polling place of that district  
33 board [as challengers for a party or candidate or on a public question],  
34 or for other routine purposes related to the conduct of elections <sup>1</sup>,  
35 except that a district board, superintendent of elections, or a county  
36 clerk may request that a police officer or sheriff's officer be assigned  
37 to transport specific election materials to a polling place or from a  
38 polling place to the district board or county clerk and a police officer  
39 or sheriff's officer may be assigned for that purpose<sup>1</sup>.

40 This subsection shall also apply with regard to any other law  
41 enforcement officer or law enforcement agency as defined in  
42 subsection b. of this section.

43 b. As used in this section:

44 "Law enforcement agency" means an agency of the federal  
45 government or the State or an instrumentality thereof, or any agency  
46 of a political subdivision of the State or an instrumentality thereof, that  
47 employs, full time or part time, law enforcement officers, including an

1 educational institution that appoints law enforcement officers pursuant  
2 to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

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

10 c. The provisions of subsection a. of this section, of subsection b  
11 of R.S.19:6-15, or of subsection b. of section 2 of P.L.1991, c.306  
12 (C.19:6-15.1) shall not be deemed to prohibit the detail or assignment  
13 of a police officer or other law enforcement officer due to a summons  
14 made to the commission, committee, board, body, authority, or official  
15 having charge of the police department in any municipality, or to any  
16 other law enforcement agency, for assistance with regard to a specific  
17 emergency or disturbance that exists at the time the summons is made.  
18 The police officers or law enforcement officers responding to the  
19 summons shall take such prompt actions as may be available and as  
20 may be necessary in order to address and remove the emergency or  
21 disturbance from the location and ensure the continued orderly  
22 conduct of the election and election processes, and shall remain at that  
23 location only as long as necessary to address and remove that specific  
24 emergency or disturbance.

25 The district board shall promptly notify the Secretary of State after  
26 of the detail or assignment of any police officer or other law  
27 enforcement officer in accordance with this subsection. The Secretary  
28 of State shall maintain a record of all such emergencies or  
29 disturbances, which shall include, but need not be limited to, the time  
30 of the summons, polling place location, reason for the summons, name  
31 of the police or law enforcement officer, the police or law enforcement  
32 officer’s badge number, and if known, the duration of the police or law  
33 enforcement officer’s presence, and the outcome of the emergency or  
34 disturbance.

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

36

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

39 1. a. In addition to delivering a voted mail-in ballot by mail or in  
40 person as provided under "The Vote By Mail Law," P.L.2009, c.79  
41 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the  
42 voter's completed mail-in ballot in a ballot drop box established by the  
43 county board of elections as provided under this section. Each mail-in  
44 ballot deposited in a ballot drop box by the time designated under  
45 current law for the closing of the polls for that election shall be  
46 considered valid and shall be canvassed. If, at the closing of the polls,  
47 a voter deposits a mail-in ballot at a ballot drop box in a county in  
48 which the voter does not reside, the county board of elections, upon

1 discovering that fact, shall notify and timely deliver the ballot to the  
2 county board of elections of the county in which the voter resides, who  
3 shall accept the ballot for processing. The limitations and prohibitions  
4 applicable to mail-in ballot bearers under “The Vote By Mail Law,”  
5 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

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

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

16 (b) At least one ballot drop box shall be located at each of the  
17 following locations: any county government building in which the  
18 main office of the county clerk is located; any municipal government  
19 building in which the main office of the municipal clerk is located in  
20 municipalities with populations larger than 5,000 residents; the main  
21 campus of each county community college; the main campus of each  
22 State college or university; and the main campus of each independent  
23 four-year college or university with enrollments larger than 5,000  
24 students.

25 (c) The board of elections of any county that has fewer than 10  
26 ballot drop boxes upon establishing the drop boxes at each location  
27 required under subparagraph (b) of this paragraph shall establish  
28 additional locations for ballot drop boxes, pursuant to the provisions of  
29 subsection c. of this section, so that the county has no fewer than 10  
30 ballot drop boxes. The additional drop boxes shall be placed at county  
31 or municipal government buildings. To the best of their ability, the  
32 board of elections of every county shall place secure ballot drop boxes  
33 based on geographic location and population density to best serve the  
34 voters of each county pursuant to the regulations adopted pursuant to  
35 subsection c. of this section. The Secretary of State shall establish  
36 guidelines for the placement of the ballot drop boxes, the security of  
37 the ballot drop boxes, and the schedule for ballot pickup from the  
38 ballot boxes.

39 (d) All ballot drop box locations shall be on sites that meet the  
40 accessibility requirements applicable to polling places under R.S.19:8-  
41 2 and shall be subject to the same compliance oversight applicable to  
42 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A  
43 ballot drop box site shall be considered accessible if it is in compliance  
44 with the federal "Americans with Disabilities Act of 1990" (42 U.S.C.  
45 s.12101 et seq.).

46 (e) <sup>1</sup>【No】 Commencing on January 1, 2021, and thereafter, no<sup>1</sup>  
47 ballot drop box shall be located inside, or within 100 feet of an

1 entrance or exit, of a law enforcement agency as defined in R.S.19:6-  
2 16.

3 <sup>1</sup>(f) No person shall wear, display, sell, give, or provide any  
4 political or campaign slogan, badge, button, or other insignia  
5 associated with any political party or candidate within one hundred  
6 feet of a ballot drop box, except the badge furnished by the county  
7 board as provided by law. A person violating the provisions of this  
8 subparagraph shall be guilty of a disorderly persons offense.<sup>1</sup>

9 c. The Secretary of State, in consultation with county boards of  
10 elections, shall establish the rules and regulations necessary to ensure  
11 the secure and successful implementation of the mail-in ballot drop  
12 boxes required by this section. In determining the ballot drop box  
13 locations, the secretary and county boards of elections shall consider,  
14 at a minimum, concentrations of population, geographic areas, voter  
15 convenience, proximity to public transportation, community-based  
16 locations, and security. The rules and regulations shall include, but  
17 may not be limited to, criteria for each county board of elections to:

18 (1) determine the number of ballot drop boxes required per voter  
19 population, considering both the number of registered voters and the  
20 number of registered mail-in voters in each county before each  
21 election;

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

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

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

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

33

34 <sup>1</sup>5. R.S.19:34-15 is amended to read as follows:

35 19:34-15. If a person shall distribute or display any circular or  
36 printed matter or offer any suggestion or solicit any support for any  
37 candidate, party or public question within the polling place or room or  
38 within a distance of one hundred feet of the outside entrance to such  
39 polling place or room, or within one hundred feet of a ballot drop box,  
40 he shall be guilty of a disorderly persons offense.<sup>1</sup>

41 (cf: P.L.2005, c.154, s.34)

42

43 <sup>1</sup>5. ~~6.~~<sup>1</sup> This act shall take effect <sup>1</sup>on the 60th day after the  
44 date of enactment] immediately<sup>1</sup>.