

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 4655**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED MARCH 17, 2021

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman LINDA S. CARTER**

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

**Co-Sponsored by:**

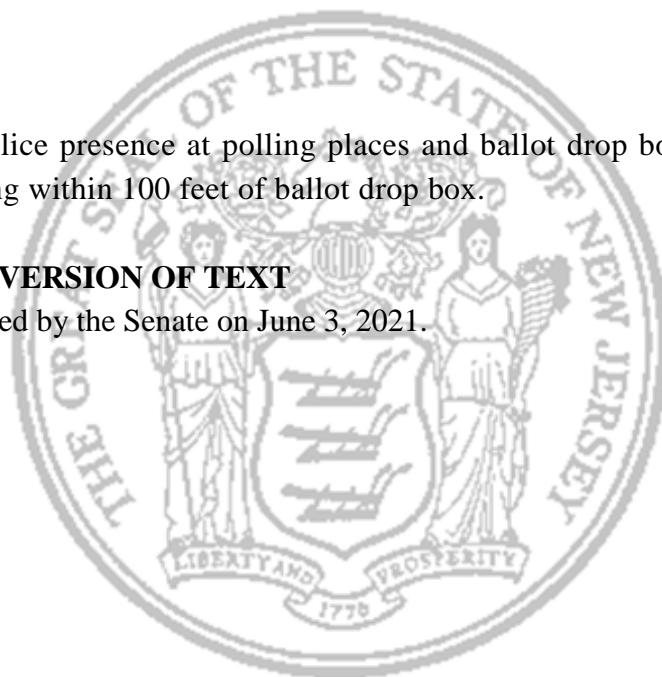
**Assemblywoman Jasey, Assemblymen Verrelli, Chiaravalloti,  
Assemblywomen McKnight, Downey, Assemblymen Houghtaling and  
McKeon**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 3, 2021.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning law enforcement presence at polling places and  
2 ballot drop box locations, prohibiting electioneering within 100  
3 feet of ballot drop boxes, 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] , county, or  
22 the State, or the body or officer having charge and direction of the  
23 police force in such municipality, county, or the State to detail one  
24 or more [policemen] police officers to assist in preserving the  
25 peace and good order in and about such polling place, [which] and  
26 no such request shall [forthwith] be complied with [as far as  
27 possible] by the body or officer to whom the same is made.

28 c. The election board or the superintendent of elections in the  
29 county in which an election is held may contact a law enforcement  
30 agency if information is obtained prior to or during the election that in  
31 the judgment of the election board or superintendent of elections  
32 should be communicated to a law enforcement agency.

33 d. Nothing in this section shall be construed to prohibit any activity  
34 otherwise permitted under R.S.19:6-16.

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  
38 read as follows:

39 2. a. No person who is employed as a police officer, either  
40 full-time or part-time, by the State or an instrumentality thereof, or  
41 by a political subdivision of the State or an instrumentality thereof,  
42 [and who is] including a person appointed as a police officer by an  
43 institution of higher education pursuant to P.L.1970, c.211

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>Senate floor amendments adopted June 3, 2021.

1 (C.18A:6-4.2 et seq.), shall serve as a member of a district board of  
2 elections, unless the person is off-duty, or [serves] serve as a duly  
3 authorized challenger for a political party or a candidate or on a  
4 public question [, shall wear a police officer's uniform or carry an  
5 exposed weapon while serving as a board member or a challenger,  
6 as the case may be,] in the municipality in which that person is  
7 employed, or if employed by an institution of higher education, any  
8 municipality in which the institution is physically located, or if  
9 employed by a county or the State, in the county in which that  
10 person is employed or stationed, respectively, or wear a police  
11 officer's uniform or carry an exposed weapon at any time, including  
12 at a polling place on an election day. [Any person who violates this  
13 section is guilty of a crime of the fourth degree.] Nothing in this  
14 subsection shall be construed to prohibit a police officer who is a  
15 candidate for an office and whose name appears upon the ballot to  
16 be voted for an election from acting as a challenger during that  
17 election as may be permitted by another provision of law for a  
18 candidate to act as a challenger

19 b. No person employed as a police officer as described in  
20 subsection a. of this section, whether on or off-duty or whether in or  
21 out of uniform, shall remain or stand within 100 feet of a polling  
22 place during the conduct of an election unless present at the  
23 location in response to a request for assistance in accordance with  
24 '[R.S.19:16-16] R.S.19:6-16' or as otherwise provided herein or  
25 pursuant to this act, P.L. c. (pending before the Legislature as  
26 this bill).

27 c. Nothing herein shall be interpreted to prohibit a police  
28 officer or law enforcement officer from:  
29 traveling to and from, or remaining within, their personal  
30 residence if that residence is within 100 feet of a polling place;  
31 voting at that polling place in a personal capacity; or  
32 escorting to or from, or both, a polling place a person who may  
33 require assistance of the officer.

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

35

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

37 19:6-16. a. The commission, committee, board or official  
38 having charge of the police department in any county or  
39 municipality [may] shall not assign [one or more] police officers  
40 to any district board in [such] that county or municipality  
41 [whenever the said commission, committee, board or official deems  
42 it necessary to do so. Any police officers so assigned shall, under  
43 the direction of the board,], in order to enforce the election laws,  
44 maintain order, peace and quiet during the hours of registry and  
45 election, [and assist the members of the board in carrying the ballot  
46 box or boxes to the office of the municipal clerk after the ballots are  
47 counted. The police officers so assigned shall not] assist the board

1 by performing the duties of a board member, [nor shall those police  
2 officers] or serve at the polling place of that district board [as  
3 challengers for a party or candidate or on a public question], or in  
4 order to perform other routine purposes related to the conduct of  
5 elections, except that a district board, superintendent of elections, or  
6 a county clerk may request that a police officer or sheriff's officer  
7 be assigned to transport specific election materials to a polling  
8 place or from a polling place to the district board or county clerk  
9 and a police officer or sheriff's officer may be assigned for that  
10 purpose.

11 b. Nothing in subsection a. of this section, subsection b <sup>1</sup>.<sup>1</sup> of  
12 R.S.19:6-15, or subsection b. of section 2 of P.L.1991, c.306  
13 (C.19:6-15.1) shall be construed to prohibit the dispatch, detail, or  
14 assignment of a police officer or other law enforcement officer due  
15 to a request for assistance made to the commission, committee,  
16 board, body, authority, or official having charge of the police  
17 department in any county or municipality, or to any other law  
18 enforcement agency, for assistance with regard to a specific  
19 emergency, allegation of criminal conduct, or disturbance that  
20 exists at the time the request for assistance is made. The police  
21 officers or law enforcement officers responding to the request for  
22 assistance shall take any prompt actions as may be available and as  
23 may be necessary in order to address the emergency, allegation, or  
24 disturbance and ensure the continued orderly conduct of the election  
25 and election processes, and shall remain present at that location  
26 during the conduct of the election only as long as necessary to  
27 investigate, address, and remove that specific emergency or  
28 disturbance.

29 The district board shall promptly notify the county board of  
30 elections or superintendent of elections, as appropriate, of the  
31 dispatch of any police officer or other law enforcement officer in  
32 response to a request for assistance in accordance with this  
33 subsection. The county board of elections or superintendent of  
34 elections, as appropriate, shall promptly notify the Secretary of  
35 State of the dispatch of that police officer or other law enforcement  
36 officer. The Secretary of State, county boards of elections, and  
37 superintendents of elections shall maintain a record of all dispatches  
38 issued and reported pursuant to this section, which shall include, but  
39 need not be limited to, the time of the dispatch, polling place  
40 location, reason for the dispatch, name of the police or law  
41 enforcement officer, the police or law enforcement officer's badge  
42 number, the duration of the police or law enforcement officer's  
43 presence, and the immediate outcome of the dispatch. Information  
44 obtained pursuant to this section is deemed to be a public or  
45 government record and shall be subject to disclosure as provided in  
46 the public records law, P.L.1963, c.73 (C.47:1A-1 et seq.)  
47 (cf: P.L.1991, c.306, s.1)

1       <sup>1</sup>[4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read  
2 as follows:

3       1. a. In addition to delivering a voted mail-in ballot by mail or in  
4 person as provided under "The Vote By Mail Law," P.L.2009, c.79  
5 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the  
6 voter's completed mail-in ballot in a ballot drop box established by the  
7 county board of elections as provided under this section. Each mail-in  
8 ballot deposited in a ballot drop box by the time designated under  
9 current law for the closing of the polls for that election shall be  
10 considered valid and shall be canvassed. If, at the closing of the polls,  
11 a voter deposits a mail-in ballot at a ballot drop box in a county in  
12 which the voter does not reside, the county board of elections, upon  
13 discovering that fact, shall notify and timely deliver the ballot to the  
14 county board of elections of the county in which the voter resides, who  
15 shall accept the ballot for processing. The limitations and prohibitions  
16 applicable to mail-in ballot bearers under "The Vote By Mail Law,"  
17 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

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

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

28       (b) At least one ballot drop box shall be located at each of the  
29 following locations: any county government building in which the  
30 main office of the county clerk is located; any municipal government  
31 building in which the main office of the municipal clerk is located in  
32 municipalities with populations larger than 5,000 residents; the main  
33 campus of each county community college; the main campus of each  
34 State college or university; and the main campus of each independent  
35 four-year college or university with enrollments larger than 5,000  
36 students.

37       (c) The board of elections of any county that has fewer than 10  
38 ballot drop boxes upon establishing the drop boxes at each location  
39 required under subparagraph (b) of this paragraph shall establish  
40 additional locations for ballot drop boxes, pursuant to the provisions of  
41 subsection c. of this section, so that the county has no fewer than 10  
42 ballot drop boxes. The additional drop boxes shall be placed at county  
43 or municipal government buildings. To the best of their ability, the  
44 board of elections of every county shall place secure ballot drop boxes  
45 based on geographic location and population density to best serve the  
46 voters of each county pursuant to the regulations adopted pursuant to  
47 subsection c. of this section. The Secretary of State shall establish  
48 guidelines for the placement of the ballot drop boxes, the security of

1 the ballot drop boxes, and the schedule for ballot pickup from the  
2 ballot boxes.

3 (d) All ballot drop box locations shall be on sites that meet the  
4 accessibility requirements applicable to polling places under R.S.19:8-  
5 2 and shall be subject to the same compliance oversight applicable to  
6 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A  
7 ballot drop box site shall be considered accessible if it is in compliance  
8 with the federal "Americans with Disabilities Act of 1990"  
9 (42 U.S.C. s.12101 et seq.).

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

13 Notwithstanding the provisions of this subparagraph, a ballot drop  
14 box that has already been installed and permanently affixed prior to  
15 the effective date of this act, P.L. , c. (pending before the  
16 Legislature as this bill), at any of the following locations may  
17 remain at that location notwithstanding that the ballot drop box is  
18 within 100 feet of an entrance or exit of a State, county, or  
19 municipal police station if the county commissioners approve the  
20 continued presence at that location by a majority vote of the  
21 commissioners and with the reasons therefor subject to public  
22 disclosure:

23 any county government building in which the main office of the  
24 county clerk is located; any municipal government building in  
25 which the main office of the municipal clerk is located in  
26 municipalities with populations larger than 5,000 residents; the  
27 main campus of a county community college; the main campus of a  
28 State college or university; and the main campus of an independent  
29 four-year college or university with enrollments larger than 5,000  
30 students.

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

35 voting at that ballot drop box in a personal capacity;  
36 traveling to and from, or remaining within, their personal  
37 residence if that residence is within 100 feet of a ballot drop box;

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

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

44 (g) No person shall wear, display, sell, give, or provide any  
45 political or campaign slogan, badge, button, or other insignia  
46 associated with any political party or candidate within 100 feet of a  
47 ballot drop box in use during the conduct of an election, except with  
48 respect to the badge furnished by the county board as provided by law.

1 A person violating the provisions of this subparagraph shall be guilty  
2 of a disorderly persons offense.

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

12 (1) determine the number of ballot drop boxes required per voter  
13 population, considering both the number of registered voters and the  
14 number of registered mail-in voters in each county before each  
15 election;

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

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

21 (4) maintain the security of ballot drop boxes and of the ballots  
22 deposited therein, including standards and procedures for ballot  
23 retrieval by authorized persons only, and for ensuring the proper chain  
24 of custody and safe storage of voted mail-in ballots before each  
25 election.

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

34 (cf: P.L.2020, c.72, s.1)]<sup>1</sup>

35  
36 <sup>1</sup>4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to  
37 read as follows:

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

1 the ballot to the county board of elections of the county in which  
2 the voter resides, who shall accept the ballot for processing. The  
3 limitations and prohibitions applicable to mail-in ballot bearers  
4 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)  
5 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  
8 their voted mail-in ballots at least 45 days before the election. The  
9 ballot drop boxes shall be located throughout the county in a  
10 manner 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  
14 day and shall be placed at locations equipped with security cameras  
15 that allow for surveillance of the ballot drop box.

16 (b) Beginning with the 2021 general election, at least one ballot  
17 drop box shall be located: at any county government building in  
18 which the main office of the county clerk is located; in each  
19 municipality with a population larger than 5,000 residents; at the  
20 main campus of each State college or university; and the main  
21 campus of each independent four-year college or university with  
22 enrollments larger than 5,000 students. Notwithstanding the  
23 locational criteria established by this subparagraph, whenever two  
24 or more ballot drop box locations are separated by a distance of less  
25 than 2,000 feet, the board of elections in each county shall  
26 determine secondary locations for those ballot drop boxes in  
27 compliance with the requirements of this section. The secondary  
28 ballot drop box locations shall be located within the municipality  
29 where those ballot drop boxes were originally located and shall be  
30 approved by a majority vote of the members of the board of  
31 elections. However, in the event of a tie in the votes cast by the  
32 members of the board of elections, the county clerk shall cast the  
33 deciding vote. Whenever possible, at least one ballot drop box shall  
34 be located in a municipality with an average per capita income or a  
35 median family income at or below 250% of the federal poverty  
36 guideline according to the most recent federal American  
37 Community Survey.

38 (c) The board of elections in each county shall establish no  
39 fewer than 10 ballot drop boxes. To the best of their ability, the  
40 board of elections of every county shall place secure ballot drop  
41 boxes based on geographic location and population density to best  
42 serve the voters of each county in compliance with the guidelines  
43 adopted pursuant to subsection c. of this section. The Secretary of  
44 State shall establish guidelines for the placement of the ballot drop  
45 boxes, the security of the ballot drop boxes, and the schedule for  
46 ballot pickup from the ballot boxes.

47 (d) All ballot drop box locations shall be on sites that meet the  
48 accessibility requirements applicable to polling places under



1 R.S.19:8-2 and shall be subject to the same compliance oversight  
2 applicable to polling places under section 3 of P.L.1991, c.429  
3 (C.19:8-3.3). A ballot drop box site shall be considered accessible if  
4 it is in compliance with the federal "Americans with Disabilities  
5 Act of 1990" (42 U.S.C. s. 12101 et seq.).

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

9 Notwithstanding the provisions of this subparagraph, a ballot  
10 drop box that has already been installed and permanently affixed  
11 prior to the effective date of this act, P.L. , c. (pending before  
12 the Legislature as this bill), at any of the following locations may  
13 remain at that location notwithstanding that the ballot drop box is  
14 within 100 feet of an entrance or exit of a State, county, or  
15 municipal police station if the county commissioners approve the  
16 continued presence at that location by a majority vote of the  
17 commissioners and with the reasons therefor subject to public  
18 disclosure:

19 any county government building in which the main office of the  
20 county clerk is located; any municipal government building in  
21 which the main office of the municipal clerk is located in  
22 municipalities with populations larger than 5,000 residents; the  
23 main campus of a county community college; the main campus of a  
24 State college or university; and the main campus of an independent  
25 four-year college or university with enrollments larger than 5,000  
26 students.

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

31 voting at that ballot drop box in a personal capacity;  
32 traveling to and from, or remaining within, their personal  
33 residence if that residence is within 100 feet of a ballot drop box;  
34 investigating, addressing, or removing any cause for a  
35 disturbance, or otherwise responding to a request for assistance, on  
36 or around the premises of the location of that ballot drop box; or  
37 escorting to or from, or both, a ballot drop box or the premise on  
38 which it is located any person who may require the assistance of the  
39 officer.

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

47 c. The Secretary of State, in consultation with county boards of  
48 elections, shall establish the guidelines necessary to ensure the

1 secure and successful implementation of the mail-in ballot drop  
2 boxes required by this section to ensure adequate access in various  
3 geographic areas of the county. In determining the ballot drop box  
4 locations, the secretary and county boards of elections shall  
5 consider, at a minimum, concentrations of population, geographic  
6 areas, voter convenience, proximity to public transportation,  
7 community-based locations, travel time to the location, proximity to  
8 other voting locations and ballot drop boxes, commuter traffic  
9 patterns, and security. The guidelines shall include, but may not be  
10 limited to, criteria for each county board of elections to:

11 (1) determine the number of ballot drop boxes required per voter  
12 population, considering both the number of registered voters and  
13 the number of registered mail-in voters in each county before each  
14 election;

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

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

20 (4) maintain the security of ballot drop boxes and of the ballots  
21 deposited therein, including standards and procedures for ballot  
22 retrieval by authorized persons only, and for ensuring the proper  
23 chain of custody and safe storage of voted mail-in ballots before  
24 each election.

25 d. Each county clerk shall include the locations of the ballot  
26 drop boxes established in the county along with the instructions  
27 furnished with the mail-in ballot package sent to each mail-in voter  
28 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45  
29 days before each election, each county board of elections shall  
30 cause to be published on their respective websites the location of  
31 the ballot drop boxes in each county, and shall provide this  
32 information to the Secretary of State for publishing the same on the  
33 Division of Elections website.

34 e. Whenever a municipal, school, or special election is held,  
35 the board may open only the ballot drop box located geographically  
36 closest to the municipal government building in which the main  
37 office of the municipal clerk is located and the ballot drop box  
38 located at the board of elections or county office, if one is placed at  
39 that location. When a school election encompasses more than one  
40 municipality, the board shall be responsible for the selection of the  
41 ballot drop box location with respect to each municipality.<sup>1</sup>

42 (cf: P.L.2021, c.44, s.1)

43

44 5. R.S.19:34-15 is amended to read as follows:

45 19:34-15. If a person shall distribute or display any circular or  
46 printed matter or offer any suggestion or solicit any support for any  
47 candidate, party or public question within the polling place or room or  
48 within a distance of **【one hundred】** 100 feet of the outside entrance to

1 such polling place or room, or within 100 feet of a ballot drop box in  
2 use during the conduct of an election, [he] the person shall be guilty  
3 of a disorderly persons offense.

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

5

6 6. (New section) The Secretary of State may adopt guidelines  
7 or regulations, or both, necessary to effectuate the purposes of this  
8 act, P.L. , c. (pending before the Legislature as this bill). Any  
9 such regulations shall be effective immediately upon filing with the  
10 Office of Administrative Law for a period not to exceed 18 months,  
11 and may, thereafter, be amended, adopted or readopted in  
12 accordance with the provisions of the “Administrative Procedure  
13 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

14

15 7. This act shall take effect immediately.