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ASSEMBLY, No. 4655

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

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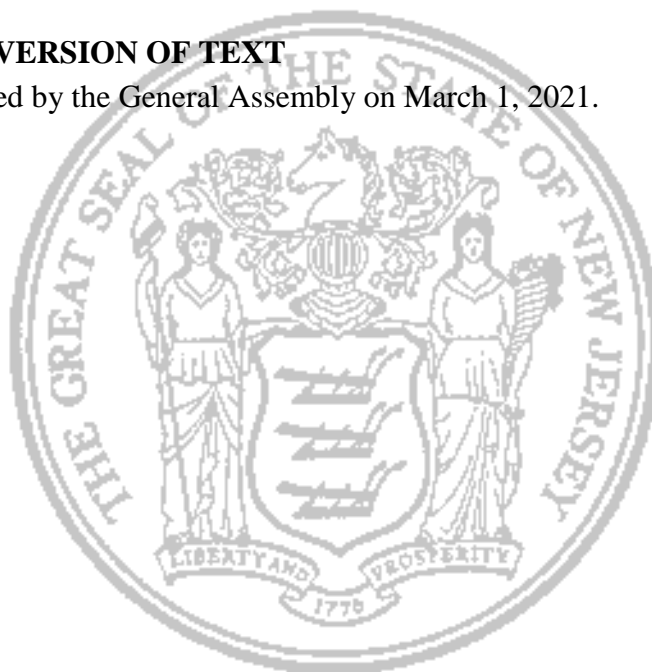
Assemblywoman Jasey, Assemblymen Verrelli and Chiaravalloti

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 amended by the General Assembly on March 1, 2021.



(Sponsorship Updated As Of: 3/17/2021)

1 AN ACT concerning law enforcement presence at polling places and
2 ballot drop box locations, ¹prohibiting electioneering within 100
3 feet of ballot drop boxes¹, 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 ¹c. 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.¹

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 ¹unless
43 the person is off-duty¹ 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:

¹Assembly AAP committee amendments adopted October 26, 2020.

²Assembly floor amendments adopted March 1, 2021.

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. ¹This 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.¹ [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. ²Nothing herein shall be
18 interpreted to prohibit a police officer or law enforcement officer from
19 traveling to and from, or remaining within, their personal residence if
20 that residence is within 100 feet of a polling place.²

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

22
23 3. R.S.19:6-16 is amended to read as follows:

24 19:6-16. a. The commission, committee, board or official having
25 charge of the police department in any municipality [may] shall not
26 assign [one or more] police officers to any district board in such
27 municipality [whenever the said commission, committee, board or
28 official deems it necessary to do so. Any police officers so assigned
29 shall, under the direction of the board,], in order to enforce the
30 election laws, maintain order, peace and quiet during the hours of
31 registry and election, [and] ¹[assist the members of the board in
32 carrying the ballot box or boxes to the office of the municipal clerk
33 after the ballots are counted]¹ [The police officers so assigned shall
34 not] ²[¹] ² assist the board by performing the duties of a board
35 member, nor shall those police officers serve at the polling place of
36 that district board [as challengers for a party or candidate or on a
37 public question], or for other routine purposes related to the conduct
38 of elections ¹, except that a district board, superintendent of elections,
39 or a county clerk may request that a police officer or sheriff's officer
40 be assigned to transport specific election materials to a polling place or
41 from a polling place to the district board or county clerk and a police
42 officer or sheriff's officer may be assigned for that purpose¹.

43 This subsection shall also apply with regard to any other law
44 enforcement officer or law enforcement agency as defined in
45 subsection b. of this section.

46 b. As used in this section:

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

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

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

29 The district board shall promptly notify the ²Secretary of State
30 after] county board of elections or superintendent of elections, as
31 appropriate,² of the detail or assignment of any police officer or other
32 law enforcement officer in accordance with this subsection. ²The
33 county board of elections or superintendent of elections, as
34 appropriate, shall promptly notify the Secretary of State of the detail or
35 assignment of that police officer or other law enforcement officer.²
36 The Secretary of State shall maintain a record of all such emergencies
37 or disturbances, which shall include, but need not be limited to, the
38 time of the summons, polling place location, reason for the summons,
39 name of the police or law enforcement officer, the police or law
40 enforcement officer’s badge number, and if known, the duration of the
41 police or law enforcement officer’s presence, and the outcome of the
42 emergency or disturbance.

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

44
45 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
46 as follows:

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

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

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

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

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

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

8 (e) ¹~~【No】~~ ²【Commencing on January 1, 2021, and thereafter, no¹】
9 No² ballot drop box shall be located inside, or within 100 feet of an
10 entrance or exit, of a law enforcement agency as defined in R.S.19:6-
11 16.

12 ²【(f) No law enforcement officer as defined in R.S.19:6-16 shall
13 remain or stand within 100 feet of a ballot drop box during the conduct
14 of an election except to vote in a personal capacity if qualified to vote.
15 Nothing herein shall be interpreted to prohibit a law enforcement
16 officer from traveling to and from, or remaining within, their personal
17 residence if that residence is within 100 feet of a ballot drop box.²

18 ²~~【(f)】~~ ²【(g) No person shall wear, display, sell, give, or provide
19 any political or campaign slogan, badge, button, or other insignia
20 associated with any political party or candidate within one hundred
21 feet of a ballot drop box, except the badge furnished by the county
22 board as provided by law. A person violating the provisions of this
23 subparagraph shall be guilty of a disorderly persons offense.¹

24 c. The Secretary of State, in consultation with county boards of
25 elections, shall establish the rules and regulations necessary to ensure
26 the secure and successful implementation of the mail-in ballot drop
27 boxes required by this section. In determining the ballot drop box
28 locations, the secretary and county boards of elections shall consider,
29 at a minimum, concentrations of population, geographic areas, voter
30 convenience, proximity to public transportation, community-based
31 locations, and security. The rules and regulations shall include, but
32 may not be limited to, criteria for each county board of elections to:

33 (1) determine the number of ballot drop boxes required per voter
34 population, considering both the number of registered voters and the
35 number of registered mail-in voters in each county before each
36 election;

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

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

42 (4) maintain the security of ballot drop boxes and of the ballots
43 deposited therein, including standards and procedures for ballot
44 retrieval by authorized persons only, and for ensuring the proper chain
45 of custody and safe storage of voted mail-in ballots before each
46 election.

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

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

2 19:34-15. If a person shall distribute or display any circular or
3 printed matter or offer any suggestion or solicit any support for any
4 candidate, party or public question within the polling place or room or
5 within a distance of one hundred feet of the outside entrance to such
6 polling place or room, or within one hundred feet of a ballot drop box,
7 he shall be guilty of a disorderly persons offense.¹

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

9

10 ²6. (New section) The Secretary of State may adopt regulations
11 necessary to effectuate the purposes of this act, which regulations shall
12 be effective immediately upon filing with the Office of Administrative
13 Law for a period not to exceed 18 months, and may, thereafter, be
14 amended, adopted or readopted in accordance with the provisions of
15 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.).²

17

18 ¹[5.] ²[6.] ¹ 7.² This act shall take effect ¹[on the 60th day after
19 the date of enactment] immediately¹.