

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4655**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 26, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4655, with committee amendments.

As amended by the committee, this bill would limit the presence of law enforcement officers and law enforcement agencies at polling places and during the conduct of elections.

The bill would prohibit a district board of elections, and any member thereof, from requesting, whenever in their opinion it would be necessary to do so, that law enforcement officers be detailed to assist in preserving the peace and good order in and about a polling place. As amended, the bill provides that an election board or the superintendent of elections in the county in which the election is held may contact a law enforcement agency if information is obtained prior to an election that in the judgment of the board or superintendent of elections should be communicated to a law enforcement agency.

The bill would prohibit a law enforcement agency from assigning law enforcement officers to any district board, whenever the agency deems it necessary to do so, in order to enforce the election laws, maintain order, peace and quiet during the hours of registry and election.

As amended, this bill would prohibit a law enforcement officer from serving as a member of the district board of elections unless the officer is off-duty, or as a challenger during an election unless the officer is a candidate in that election.

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

The bill, as amended, also provides that a district board, superintendent of elections, or a county clerk may request that a police officer or sheriff's officer be assigned to transport specific election materials to a polling place or from a polling place to the district board or county clerk and a police officer or sheriff's officer may be assigned for that purpose.

The provisions of this bill would not be deemed to prohibit the presence of a law enforcement officer when the law enforcement agency receives a call for assistance with regard to a specific

emergency or disturbance that exists at the time the call is made. The law enforcement officers responding to the call must take such prompt actions as may be available and as may be necessary in order to address and remove the emergency or disturbance from the location and ensure the continued orderly conduct of the election and election processes, and the officers can remain at that location only as long as necessary to address and remove that specific emergency or disturbance.

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

Finally, the bill would prohibit the placement of a ballot drop box inside, or within 100 feet of an entrance or exit, of a law enforcement agency starting on January 1, 2021 and thereafter. As amended by the committee, the bill would also prohibit electioneering within 100 feet of ballot drop boxes.

As used in the bill,

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

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

#### COMMITTEE ADMENDMENTS

The committee amendments:

- (1) prohibit electioneering within 100 feet of ballot drop boxes;
- (2) delay to January 1, 2021 and thereafter, the prohibition against a ballot drop box being located inside, or within 100 feet of an entrance or exit, of a law enforcement agency;
- (3) provide that an election board or the superintendent of elections in the county in which the election is held may contact a law enforcement agency if information is obtained prior to the election that in the judgment of the board or superintendent of elections should be communicated to a law enforcement agency;
- (4) provide that a police officer may serve on a district board if the officer is off-duty;
- (5) provide that a police officer who is a candidate for an office whose name appears on the ballot to be voted for at an election may

act as a challenger during that election as may be permitted by another provision of law for a candidate to act as a challenger;

(6) remove the provision prohibiting a police officer from being assigned to assist the members of the board in carrying the ballot box or boxes to the office of the municipal clerk after the ballots are counted;

(7) provide that a district board, superintendent of elections, or a county clerk may request that a police officer or sheriff's officer be assigned to transport specific election materials to a polling place or from a polling place to the district board or county clerk and a police officer or sheriff's officer may be assigned for that purpose; and

(8) provide that the bill would take effect immediately.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.