

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4655

STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly State and Local Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4655.

This bill would limit the presence of police officers at polling places during the conduct of an election and at ballot drop box locations in use during the conduct of an election.

Except as provided in the bill, the bill would prohibit a district board of elections, and any member thereof, from requesting, any municipal, county, or State police officer to assist in preserving the peace and good order in and about a polling place. Under the bill, an elections board or superintendent of elections in the county in which an election is held may contact a law enforcement agency if information is obtained prior to or during the election that in the judgment of the election board or superintendent of elections should be communicated to a law enforcement agency.

The bill prohibits a person who is employed as a police officer, including police officers at an institution of higher education, from serving as a member of the district board of elections, unless the person is off-duty, or serve as a duly authorized challenger during that election. The bill also prohibits a challenger from wearing a police officer's uniform or carrying an exposed weapon at a polling place on election day.

Nothing in the bill is to be construed to prohibit a police officer who is a candidate for an office and whose name appears upon the ballot to be voted for an election from acting as a challenger during that election as may be permitted by law.

The bill also prohibits police officers from being assigned to a polling place during the conduct of an election, except 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.

Nothing in the bill is to be construed to prohibit the dispatch, detail, or assignment of a police officer or other law enforcement officer due to a request for assistance made with regard to a specific emergency,

allegation of criminal conduct, or disturbance that exists at the time the request for assistance is made. The police officers or law enforcement officers responding to the request for assistance is required to take any prompt actions as may be available and as may be necessary in order to address the emergency, allegation, or disturbance and ensure the continued orderly conduct of the election and election processes. Under the bill, police officers would remain present at that location during the conduct of the election only as long as necessary to investigate, address, and remove that specific emergency or disturbance.

The bill provides that the district board is required to promptly notify the county board of elections or superintendent of elections, as appropriate, of the dispatch of any police officer or other law enforcement officer in response to a request for assistance in accordance with the bill. The county board of elections or superintendent of elections, as appropriate, is required to promptly notify the Secretary of State of the dispatch of that police officer or other law enforcement officer. The Secretary of State, county boards of elections, and superintendents of elections must maintain a record of all dispatches issued and reported, which must include, but need not be limited to, the time of the dispatch, polling place location, reason for the dispatch, name of the police or law enforcement officer, the police or law enforcement officer's badge number, the duration of the police or law enforcement officer's presence, and the immediate outcome of the dispatch. Information obtained would be deemed to be a public or government record and be subject to disclosure as provided in the public records law.

The bill also prohibit persons employed as State, county, or municipal police officers, whether on or off-duty or whether in or out of uniform, from remaining or standing within 100 feet of a polling place or ballot drop box during the conduct of an election unless that officer is present at the location in response to a request for assistance in accordance with the provisions of the bill.

Nothing in the bill is to be interpreted to prohibit a police officer or law enforcement officer from:

- traveling to and from, or remaining within, their personal residence if that residence is within 100 feet of a polling place or ballot drop box;

- voting at that polling place or ballot drop box in a personal capacity; or

- escorting to or from, or both, a polling place or ballot drop box a person who may require assistance of the officer.

Under the bill, notwithstanding the provisions of the bill, a ballot drop box that has already been installed and permanently affixed prior to the bill's effective date, at any of the following locations may remain at that location notwithstanding that the ballot drop box is within 100 feet of an entrance or exit of a State, county, or municipal

police station if the county commissioners approve the continued presence at that location by a majority vote of the commissioners and with the reasons therefor subject to public disclosure:

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

Finally, the bill also prohibits wearing, displaying, selling, giving, or providing any political or campaign slogan, badge, button, or other insignia associated with any political party or candidate within 100 feet of a ballot drop box in use during the conduct of an election, except with respect to the badge furnished by the county board as provided by law.