

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

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

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:**

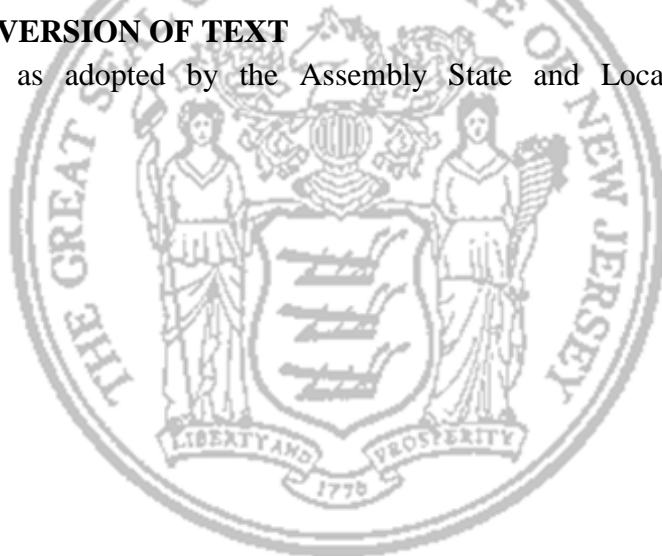
**Assemblywoman Jasey, Assemblymen Verrelli, Chiaravalloti,  
Assemblywomen McKnight, Downey, Assemblymen Houghtaling and  
McKeon**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly State and Local Government  
Committee.



**(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 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]** including a person appointed as a police officer by an  
43 institution of higher education pursuant to P.L.1970, c.211 (C.18A:6-  
44 4.2 et seq.), shall serve as a member of a district board of elections,

**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.

1 unless the person is off-duty, or [serves] serve as a duly authorized  
 2 challenger for a political party or a candidate or on a public question [,  
 3 shall wear a police officer's uniform or carry an exposed weapon while  
 4 serving as a board member or a challenger, as the case may be,] in the  
 5 municipality in which that person is employed, or if employed by an  
 6 institution of higher education, any municipality in which the  
 7 institution is physically located, or if employed by a county or the  
 8 State, in the county in which that person is employed or stationed,  
 9 respectively, or wear a police officer's uniform or carry an exposed  
 10 weapon at any time, including at a polling place on an election day.

11 [Any person who violates this section is guilty of a crime of the fourth  
 12 degree.] Nothing in this subsection shall be construed to prohibit a  
 13 police officer who is a candidate for an office and whose name appears  
 14 upon the ballot to be voted for an election from acting as a challenger  
 15 during that election as may be permitted by another provision of law  
 16 for a candidate to act as a challenger

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

24 c. Nothing herein shall be interpreted to prohibit a police officer  
 25 or law enforcement officer from:

26 traveling to and from, or remaining within, their personal residence  
 27 if that residence is within 100 feet of a polling place;

28 voting at that polling place in a personal capacity; or

29 escorting to or from, or both, a polling place a person who may  
 30 require assistance of the officer.

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

32

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

34 19:6-16. a. The commission, committee, board or official having  
 35 charge of the police department in any county or municipality [may]  
 36 shall not assign [one or more] police officers to any district board in  
 37 [such] that county or municipality [whenever the said commission,  
 38 committee, board or official deems it necessary to do so. Any police  
 39 officers so assigned shall, under the direction of the board,], in order  
 40 to enforce the election laws, maintain order, peace and quiet during the  
 41 hours of registry and election, [and assist the members of the board in  
 42 carrying the ballot box or boxes to the office of the municipal clerk  
 43 after the ballots are counted. The police officers so assigned shall not]  
 44 assist the board by performing the duties of a board member, [nor  
 45 shall those police officers] or serve at the polling place of that district  
 46 board [as challengers for a party or candidate or on a public question],  
 47 or in order to perform other routine purposes related to the conduct of

1 elections, except that a district board, superintendent of elections, or a  
2 county clerk may request that a police officer or sheriff's officer be  
3 assigned to transport specific election materials to a polling place or  
4 from a polling place to the district board or county clerk and a police  
5 officer or sheriff's officer may be assigned for that purpose.

6 b. Nothing in subsection a. of this section, subsection b of  
7 R.S.19:6-15, or subsection b. of section 2 of P.L.1991, c.306 (C.19:6-  
8 15.1) shall be construed to prohibit the dispatch, detail, or assignment  
9 of a police officer or other law enforcement officer due to a request for  
10 assistance made to the commission, committee, board, body, authority,  
11 or official having charge of the police department in any county or  
12 municipality, or to any other law enforcement agency, for assistance  
13 with regard to a specific emergency, allegation of criminal conduct, or  
14 disturbance that exists at the time the request for assistance is made.  
15 The police officers or law enforcement officers responding to the  
16 request for assistance shall take any prompt actions as may be  
17 available and as may be necessary in order to address the emergency,  
18 allegation, or disturbance and ensure the continued orderly conduct of  
19 the election and election processes, and shall remain present at that  
20 location during the conduct of the election only as long as necessary to  
21 investigate, address, and remove that specific emergency or  
22 disturbance.

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

41  
42 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read  
43 as follows:

44 1. a. In addition to delivering a voted mail-in ballot by mail or in  
45 person as provided under "The Vote By Mail Law," P.L.2009, c.79  
46 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the  
47 voter's completed mail-in ballot in a ballot drop box established by the  
48 county board of elections as provided under this section. Each mail-in

1 ballot deposited in a ballot drop box by the time designated under  
2 current law for the closing of the polls for that election shall be  
3 considered valid and shall be canvassed. If, at the closing of the polls,  
4 a voter deposits a mail-in ballot at a ballot drop box in a county in  
5 which the voter does not reside, the county board of elections, upon  
6 discovering that fact, shall notify and timely deliver the ballot to the  
7 county board of elections of the county in which the voter resides, who  
8 shall accept the ballot for processing. The limitations and prohibitions  
9 applicable to mail-in ballot bearers under “The Vote By Mail Law,”  
10 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

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

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

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

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

44 (d) All ballot drop box locations shall be on sites that meet the  
45 accessibility requirements applicable to polling places under R.S.19:8-  
46 2 and shall be subject to the same compliance oversight applicable to  
47 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A  
48 ballot drop box site shall be considered accessible if it is in compliance

1 with the federal “Americans with Disabilities Act of 1990”  
2 (42 U.S.C. s.12101 et seq.).

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

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

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

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

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

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

44 c. The Secretary of State, in consultation with county boards of  
45 elections, shall establish the rules and regulations necessary to ensure  
46 the secure and successful implementation of the mail-in ballot drop  
47 boxes required by this section. In determining the ballot drop box  
48 locations, the secretary and county boards of elections shall consider,

1 at a minimum, concentrations of population, geographic areas, voter  
2 convenience, proximity to public transportation, community-based  
3 locations, and security. The rules and regulations shall include, but  
4 may not be limited to, criteria for each county board of elections to:

5 (1) determine the number of ballot drop boxes required per voter  
6 population, considering both the number of registered voters and the  
7 number of registered mail-in voters in each county before each  
8 election;

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

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

14 (4) maintain the security of ballot drop boxes and of the ballots  
15 deposited therein, including standards and procedures for ballot  
16 retrieval by authorized persons only, and for ensuring the proper chain  
17 of custody and safe storage of voted mail-in ballots before each  
18 election.

19 d. Whenever a municipal, school, or special election is held,  
20 the board may open only the ballot drop box located geographically  
21 closest to the municipal government building in which the main  
22 office of the municipal clerk is located and the ballot drop box  
23 located at the board of elections or county office, if one is placed at  
24 that location. When a school election encompasses more than one  
25 municipality, the board shall be responsible for the selection of the  
26 ballot drop box location with respect to each municipality.

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

28

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

30 19:34-15. If a person shall distribute or display any circular or  
31 printed matter or offer any suggestion or solicit any support for any  
32 candidate, party or public question within the polling place or room or  
33 within a distance of **【one hundred】 100** feet of the outside entrance to  
34 such polling place or room, or within 100 feet of a ballot drop box in  
35 use during the conduct of an election, 【he】 the person shall be guilty  
36 of a disorderly persons offense.

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

38

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

47

48 7. This act shall take effect immediately.