

SENATE, No. 2923

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Limits law enforcement presence at polling places and ballot drop boxes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning law enforcement presence at polling places and
2 ballot drop box locations, and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. R.S.19:6-15 is amended to read as follows:

9 19:6-15. a. The district boards of every election district shall
10 preserve the peace and maintain good order in their respective polling
11 places, during the progress of all elections and the counting of the
12 votes cast thereat. To that end each member of every such board,
13 during the progress of an election and the counting and canvassing of
14 the votes, shall be and hereby is invested and charged with all the
15 powers and duties of constables of this state in criminal matters.

16 b. Such election board, or any **two** members thereof, **may**, by
17 writing under their hands whenever in their opinion it shall be
18 necessary to do so, **shall not** request the municipal authorities of any
19 municipality within which their district is situate or the body or
20 officer having charge and direction of the police force in such
21 municipality, to detail one or more **policemen** police officers to
22 assist in preserving the peace and good order in and about such
23 polling place, **which** and no such request shall **forthwith** be
24 complied with **as far as possible** by the body or officer to whom
25 the same is made. This subsection shall also apply with regard to any
26 other law enforcement officer or law enforcement agency as defined
27 in R.S.19:6-16.

28 (cf: R.S.19:6-15)

29
30 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to read
31 as follows:

32 2. a. No person who is employed as a police officer, either full-
33 time or part-time, by the State or an instrumentality thereof, or by a
34 political subdivision of the State or an instrumentality thereof, **and**
35 **who is** shall serve as a member of a district board of elections or
36 **serves** as a duly authorized challenger for a political party or a
37 candidate or on a public question, shall wear a police officer's
38 uniform or carry an exposed weapon while serving as a board
39 member or a challenger, as the case may be, **at any time, including**
40 **at a polling place on an election day.** **Any person who violates this**
41 **section is guilty of a crime of the fourth degree.**

42 This subsection shall also apply with regard to any other law
43 enforcement officer or law enforcement agency as defined in
44 R.S.19:6-16.

45 b. No person employed as a police officer or law enforcement

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 officer as described in subsection a. of this section, whether on or
2 off-duty or whether in or out of uniform, shall remain or stand within
3 100 feet of a polling place during the conduct of an election except
4 to vote in a personal capacity if qualified to vote.

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

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

8 19:6-16. a. The commission, committee, board or official having
9 charge of the police department in any municipality [may] shall not
10 assign [one or more] police officers to any district board in such
11 municipality [whenever the said commission, committee, board or
12 official deems it necessary to do so. Any police officers so assigned
13 shall, under the direction of the board,], in order to enforce the
14 election laws, maintain order, peace and quiet during the hours of
15 registry and election, [and] assist the members of the board in
16 carrying the ballot box or boxes to the office of the municipal clerk
17 after the ballots are counted [. The police officers so assigned shall
18 not] , assist the board by performing the duties of a board member,
19 nor shall those police officers serve at the polling place of that district
20 board [as challengers for a party or candidate or on a public
21 question] , or for other routine purposes related to the conduct of
22 elections.

23 This subsection shall also apply with regard to any other law
24 enforcement officer or law enforcement agency as defined in
25 subsection b. of this section.

26 b. As used in this section:

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

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

40 c. The provisions of subsection a. of this section, of subsection b
41 of R.S.19:6-15, or of subsection b. of section 2 of P.L.1991, c.306
42 (C.19:6-15.1) shall not be deemed to prohibit the detail or assignment
43 of a police officer or other law enforcement officer due to a summons
44 made to the commission, committee, board, body, authority, or
45 official having charge of the police department in any municipality,
46 or to any other law enforcement agency, for assistance with regard to
47 a specific emergency or disturbance that exists at the time the

1 summons is made. The police officers or law enforcement officers
2 responding to the summons shall take such prompt actions as may be
3 available and as may be necessary in order to address and remove the
4 emergency or disturbance from the location and ensure the continued
5 orderly conduct of the election and election processes, and shall
6 remain at that location only as long as necessary to address and
7 remove that specific emergency or disturbance.

8 The district board shall promptly notify the Secretary of State after
9 of the detail or assignment of any police officer or other law
10 enforcement officer in accordance with this subsection. The
11 Secretary of State shall maintain a record of all such emergencies or
12 disturbances, which shall include, but need not be limited to, the time
13 of the summons, polling place location, reason for the summons,
14 name of the police or law enforcement officer, the police or law
15 enforcement officer's badge number, and if known, the duration of
16 the police or law enforcement officer's presence, and the outcome of
17 the emergency or disturbance.

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

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

22 1. a. In addition to delivering a voted mail-in ballot by mail or in
23 person as provided under "The Vote By Mail Law," P.L.2009, c.79
24 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the
25 voter's completed mail-in ballot in a ballot drop box established by
26 the county board of elections as provided under this section. Each
27 mail-in ballot deposited in a ballot drop box by the time designated
28 under current law for the closing of the polls for that election shall
29 be considered valid and shall be canvassed. If, at the closing of the
30 polls, a voter deposits a mail-in ballot at a ballot drop box in a county
31 in which the voter does not reside, the county board of elections, upon
32 discovering that fact, shall notify and timely deliver the ballot to the
33 county board of elections of the county in which the voter resides,
34 who shall accept the ballot for processing. The limitations and
35 prohibitions applicable to mail-in ballot bearers under "The Vote By
36 Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this
37 section.

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

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

1 (b) At least one ballot drop box shall be located at each of the
2 following locations: any county government building in which the
3 main office of the county clerk is located; any municipal government
4 building in which the main office of the municipal clerk is located in
5 municipalities with populations larger than 5,000 residents; the main
6 campus of each county community college; the main campus of each
7 State college or university; and the main campus of each independent
8 four-year college or university with enrollments larger than 5,000
9 students.

10 (c) The board of elections of any county that has fewer than 10
11 ballot drop boxes upon establishing the drop boxes at each location
12 required under subparagraph (b) of this paragraph shall establish
13 additional locations for ballot drop boxes, pursuant to the provisions
14 of subsection c. of this section, so that the county has no fewer than
15 10 ballot drop boxes. The additional drop boxes shall be placed at
16 county or municipal government buildings. To the best of their
17 ability, the board of elections of every county shall place secure
18 ballot drop boxes based on geographic location and population
19 density to best serve the voters of each county pursuant to the
20 regulations adopted pursuant to subsection c. of this section. The
21 Secretary of State shall establish guidelines for the placement of the
22 ballot drop boxes, the security of the ballot drop boxes, and the
23 schedule for ballot pickup from the ballot boxes.

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

31 (e) No ballot drop box shall be located inside, or within 100 feet
32 of an entrance or exit, of a law enforcement agency as defined in
33 R.S.19:6-16.

34 c. The Secretary of State, in consultation with county boards of
35 elections, shall establish the rules and regulations necessary to ensure
36 the secure and successful implementation of the mail-in ballot drop
37 boxes required by this section. In determining the ballot drop box
38 locations, the secretary and county boards of elections shall consider,
39 at a minimum, concentrations of population, geographic areas, voter
40 convenience, proximity to public transportation, community-based
41 locations, and security. The rules and regulations shall include, but
42 may not be limited to, criteria for each county board of elections to:

43 (1) determine the number of ballot drop boxes required per voter
44 population, considering both the number of registered voters and the
45 number of registered mail-in voters in each county before each
46 election;

1 election processes, and the officers can remain at that location only
2 as long as necessary to address and remove that specific emergency
3 or disturbance.

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

7 Finally, the bill would prohibit the placement of a ballot drop box
8 inside, or within 100 feet of an entrance or exit, of a law enforcement
9 agency.

10 As used in the bill,

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

17 “law enforcement officer” means a person who is employed, full
18 time or part time, by a law enforcement agency whose public duties
19 include the power to act as an officer for the detection, investigation,
20 apprehension, arrest, conviction, detention, or rehabilitation of
21 persons violating the laws of this State or of the United States,
22 including a person appointed as a police officer by an educational
23 institution pursuant to N.J.S.A.8A:6-4.2 et seq.