

[First Reprint]

**SENATE, No. 2923**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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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; prohibits electioneering within 100 feet of ballot drop box.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on October 19, 2020, with amendments.



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

1   **AN ACT** concerning law enforcement presence at polling places and  
2   ballot drop box locations, <sup>1</sup>prohibiting electioneering within 100  
3   feet of ballot drop boxes<sup>1</sup>, 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 to  
24   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   (cf: R.S.19:6-15)

31

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

34      2. a. No person who is employed as a police officer, either  
35   full-time or part-time, by the State or an instrumentality thereof, or  
36   by a political subdivision of the State or an instrumentality thereof,  
37   **[and who is]** shall serve as a member of a district board of  
38   elections or **[serves]** as a duly authorized challenger for a political  
39   party or a candidate or on a public question**[,** shall wear a police  
40   officer's uniform or carry an exposed weapon while serving as a  
41   board member or a challenger, as the case may be,**]** at any time,  
42   including at a polling place on an election day. <sup>1</sup>This subsection  
43   shall not be deemed to prohibit a police officer who is a candidate  
44   for an office whose name appears upon the ballot to be voted for an

**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:

<sup>1</sup>Senate SSG committee amendments adopted October 19, 2020.

1    election from acting as a challenger during that election as may be  
2    permitted by another provision of law for a candidate to act as a  
3    challenger.<sup>1</sup> **【Any person who violates this section is guilty of a**  
4    **crime of the fourth degree.】**

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

8    b. No person employed as a police officer or law enforcement  
9    officer as described in subsection a. of this section, whether on or  
10   off-duty or whether in or out of uniform, shall remain or stand  
11   within 100 feet of a polling place during the conduct of an election  
12   except to vote in a personal capacity if qualified to vote.

13   (cf: P.L.1991, c.306, s.2)

14

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

16   19:6-16. a. The commission, committee, board or official  
17   having charge of the police department in any municipality may  
18   shall not assign **【one or more】** police officers to any district board  
19   in such municipality 【whenever the said commission, committee,  
20   board or official deems it necessary to do so. Any police officers so  
21   assigned shall, under the direction of the board,】, in order to  
22   enforce the election laws, maintain order, peace and quiet during  
23   the hours of registry and election, 【and】 assist the members of the  
24   board in carrying the ballot box or boxes to the office of the  
25   municipal clerk after the ballots are counted 【. The police officers  
26   so assigned shall not】, assist the board by performing the duties of  
27   a board member, nor shall those police officers serve at the polling  
28   place of that district board 【as challengers for a party or candidate  
29   or on a public question】, or for other routine purposes related to  
30   the conduct of elections <sup>1</sup>, except that a district board or a county  
31   clerk may request that a police officer be assigned to transport  
32   specific election materials to a polling place or from a polling place  
33   to the district board or county clerk and a police officer may be  
34   assigned for that purpose<sup>1</sup>.

35   This subsection shall also apply with regard to any other law  
36   enforcement officer or law enforcement agency as defined in  
37   subsection b. of this section.

38   b. As used in this section:

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

46   “Law enforcement officer” means a person who is employed, full  
47   time or part time, by a law enforcement agency whose public duties

1   include the power to act as an officer for the detection,  
2   investigation, apprehension, arrest, conviction, detention, or  
3   rehabilitation of persons violating the laws of this State or of the  
4   United States, including a person appointed as a police officer by an  
5   educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et  
6   seq.).

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

23    The district board shall promptly notify the Secretary of State  
24   after of the detail or assignment of any police officer or other law  
25   enforcement officer in accordance with this subsection. The  
26   Secretary of State shall maintain a record of all such emergencies or  
27   disturbances, which shall include, but need not be limited to, the  
28   time of the summons, polling place location, reason for the  
29   summons, name of the police or law enforcement officer, the police  
30   or law enforcement officer's badge number, and if known, the  
31   duration of the police or law enforcement officer's presence, and  
32   the outcome of the emergency or disturbance.

33    (cf: P.L.1991, c.306, s.1)

34

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

37    1. a. In addition to delivering a voted mail-in ballot by mail or  
38    in person as provided under "The Vote By Mail Law," P.L.2009,  
39    c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit  
40    the voter's completed mail-in ballot in a ballot drop box established  
41    by the county board of elections as provided under this section.  
42    Each mail-in ballot deposited in a ballot drop box by the time  
43    designated under current law for the closing of the polls for that  
44    election shall be considered valid and shall be canvassed. If, at the  
45    closing of the polls, a voter deposits a mail-in ballot at a ballot drop  
46    box in a county in which the voter does not reside, the county board  
47    of elections, upon discovering that fact, shall notify and timely  
48    deliver the ballot to the county board of elections of the county in

1 which the voter resides, who shall accept the ballot for processing.  
2 The limitations and prohibitions applicable to mail-in ballot bearers  
3 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)  
4 shall apply under this section.

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

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

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

24 (c) The board of elections of any county that has fewer than 10  
25 ballot drop boxes upon establishing the drop boxes at each location  
26 required under subparagraph (b) of this paragraph shall establish  
27 additional locations for ballot drop boxes, pursuant to the provisions  
28 of subsection c. of this section, so that the county has no fewer than  
29 10 ballot drop boxes. The additional drop boxes shall be placed at  
30 county or municipal government buildings. To the best of their  
31 ability, the board of elections of every county shall place secure  
32 ballot drop boxes based on geographic location and population  
33 density to best serve the voters of each county pursuant to the  
34 regulations adopted pursuant to subsection c. of this section. The  
35 Secretary of State shall establish guidelines for the placement of the  
36 ballot drop boxes, the security of the ballot drop boxes, and the  
37 schedule for ballot pickup from the ballot boxes.

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

45 (e) <sup>1</sup>【No】 Commencing on January 1, 2021, and thereafter, no<sup>1</sup>  
46 ballot drop box shall be located inside, or within 100 feet of an  
47 entrance or exit, of a law enforcement agency as defined in  
48 R.S.19:6-16.

1       <sup>1</sup>(f) No person shall wear, display, sell, give, or provide any  
2       political or campaign slogan, badge, button, or other insignia  
3       associated with any political party or candidate within one hundred  
4       feet of a ballot drop box, except the badge furnished by the county  
5       board as provided by law. A person violating the provisions of this  
6       subparagraph shall be guilty of a disorderly persons offense.<sup>1</sup>

7           c. The Secretary of State, in consultation with county boards of  
8        elections, shall establish the rules and regulations necessary to  
9        ensure the secure and successful implementation of the mail-in  
10      ballot drop boxes required by this section. In determining the ballot  
11      drop box locations, the secretary and county boards of elections  
12      shall consider, at a minimum, concentrations of population,  
13      geographic areas, voter convenience, proximity to public  
14      transportation, community-based locations, and security. The rules  
15      and regulations shall include, but may not be limited to, criteria for  
16      each county board of elections to:

17           (1) determine the number of ballot drop boxes required per voter  
18      population, considering both the number of registered voters and  
19      the number of registered mail-in voters in each county before each  
20      election;

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

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

26           (4) maintain the security of ballot drop boxes and of the ballots  
27      deposited therein, including standards and procedures for ballot  
28      retrieval by authorized persons only, and for ensuring the proper  
29      chain of custody and safe storage of voted mail-in ballots before  
30      each election.

31      (cf: P.L.2020, c.72, s.1)

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33           <sup>1</sup>5. R.S.19:34-15 is amended to read as follows:

34           19:34-15. If a person shall distribute or display any circular or  
35      printed matter or offer any suggestion or solicit any support for any  
36      candidate, party or public question within the polling place or room  
37      or within a distance of one hundred feet of the outside entrance to  
38      such polling place or room, or within one hundred feet of a ballot  
39      drop box, he shall be guilty of a disorderly persons offense.<sup>1</sup>

40      (cf: P.L.2005, c.154, s.34)

41

42           <sup>1</sup>5. 6.<sup>1</sup> This act shall take effect <sup>1</sup>[on the 60th day after the  
43      date of enactment] immediately<sup>1</sup>.