

SENATE STATE GOVERNMENT, WAGERING, TOURISM & HISTORIC PRESERVATION COMMITTEE

STATEMENT TO **SENATE, No. 2923**

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2020

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2923.

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. Current law permits this.

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, and 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. Current law permits this.

This bill would prohibit a law enforcement officer from serving as a member of the district board of elections or as a challenger during an election. Current law permits this.

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 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.

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.

As amended by the committee, the bill would also prohibit electioneering within 100 feet of ballot drop boxes. Under the bill, as amended, the prohibition against a ballot drop box being located inside, or within 100 feet of an entrance or exit, of a law enforcement agency would be implemented starting on January 1, 2021 and thereafter. The bill, as amended, further provides that a police officer who is a candidate for office and whose name appears on the ballot may act as a challenger during that election as current law may allow. As amended, the bill also provides that a district board or a county clerk may request that a police 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 may be assigned for that purpose. As amended, the bill would take effect immediately.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- (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 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;

(4) provide that a district board or a county clerk may request that a police 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 may be assigned for that purpose; and

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