

**SENATE, No. 3595**

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

INTRODUCED MARCH 22, 2021

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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2

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 polling  
12 places, during the progress of all elections and the counting of the  
13 votes cast thereat. To that end each member of every such board,  
14 during the progress of an election and the counting and canvassing of  
15 the votes, shall be and hereby is invested and charged with all the  
16 powers and duties of constables of this state in criminal matters.

17 b. Such election board, or any **[two]** members thereof, **[may, by**  
18 writing under their hands whenever in their opinion it shall be  
19 necessary to do so,] shall not request the **[municipal]** authorities of  
20 any municipality **[within which their district is situate]** , county, or  
21 the State, or the body or officer having charge and direction of the  
22 police force in such municipality, county, or the State to detail one  
23 or more **[policemen]** police officers to assist in preserving the peace  
24 and good order in and about such polling place, **[which]** and no such  
25 request shall **[forthwith]** be complied with **[as far as possible]** by  
26 the body or officer to whom the same is made.

27 c. The election board or the superintendent of elections in the  
28 county in which an election is held may contact a law enforcement  
29 agency if information is obtained prior to or during the election that in  
30 the judgment of the election board or superintendent of elections should  
31 be communicated to a law enforcement agency.

32 d. Nothing in this section shall be construed to prohibit any activity  
33 otherwise permitted under R.S.19:6-16.

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

35  
36 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to read  
37 as follows:

38 2. a. No person who is employed as a police officer, either full-  
39 time or part-time, by the State or an instrumentality thereof, or by a  
40 political subdivision of the State or an instrumentality thereof, **[and who**  
41 **is]** including a person appointed as a police officer by an institution of  
42 higher education pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.),  
43 shall serve as a member of a district board of elections, unless the person  
44 is off-duty, or [serves] serve as a duly authorized challenger for a

**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 political party or a candidate or on a public question **】, shall wear a**  
2 police officer's uniform or carry an exposed weapon while serving as a  
3 board member or a challenger, as the case may be, **】** in the municipality  
4 in which that person is employed, or if employed by an institution of  
5 higher education, any municipality in which the institution is physically  
6 located, or if employed by a county or the State, in the county in which  
7 that person is employed or stationed, respectively, or wear a police  
8 officer's uniform or carry an exposed weapon at any time, including at  
9 a polling place on an election day. **【**Any person who violates this  
10 section is guilty of a crime of the fourth degree. **】** Nothing in this  
11 subsection shall be construed to prohibit a police officer who is a  
12 candidate for an office and whose name appears upon the ballot to be  
13 voted for an election from acting as a challenger during that election as  
14 may be permitted by another provision of law for a candidate to act as a  
15 challenger

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

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

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

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

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

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

31

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

33 19:6-16. a. The commission, committee, board or official having  
34 charge of the police department in any county or municipality **【**may**】**  
35 shall not assign **【**one or more**】** police officers to any district board in  
36 **【**such**】** that county or municipality **【**whenever the said commission,  
37 committee, board or official deems it necessary to do so. Any police  
38 officers so assigned shall, under the direction of the board, **】, in order to**  
39 enforce the election laws, maintain order, peace and quiet during the  
40 hours of registry and election, **【**and assist the members of the board in  
41 carrying the ballot box or boxes to the office of the municipal clerk after  
42 the ballots are counted. The police officers so assigned shall not**】** assist  
43 the board by performing the duties of a board member, **【**nor shall those  
44 police officers**】** or serve at the polling place of that district board **【**as  
45 challengers for a party or candidate or on a public question**】, or in order**  
46 to perform other routine purposes related to the conduct of elections,  
47 except that a district board, superintendent of elections, or a county clerk

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

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

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

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

39

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

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

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

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

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

19 (b) **【At】** Beginning with the 2021 general election, at least one  
20 ballot drop box shall be located 【at each of the following locations】: at  
21 any county government building in which the main office of the county  
22 clerk is located; 【any municipal government building in which the main  
23 office of the municipal clerk is located in municipalities with  
24 populations】 in each municipality with a population larger than 5,000  
25 residents; 【the main campus of each county community college;】 at the  
26 main campus of each State college or university; and at the main campus  
27 of each independent four-year college or university with enrollments  
28 larger than 5,000 students.

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

1 drop box site shall be considered accessible if it is in compliance with  
2 the federal “Americans with Disabilities Act of 1990”  
3 (42 U.S.C. s.12101 et seq.).

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

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

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

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

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

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

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

1 shall consider, at a minimum, concentrations of population, geographic  
2 areas, voter convenience, proximity to public transportation,  
3 community-based locations, travel time to the location, proximity to  
4 other voting locations and ballot drop boxes, commuter traffic patterns,  
5 and security. The **【rules and regulations】** guidelines shall include, but  
6 may not be limited to, criteria for each county board of elections to:

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

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

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

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

19 d. Whenever a municipal, school, or special election is held, the  
20 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)

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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 of  
36 a disorderly persons offense.

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

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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 accordance  
45 with the provisions of the “Administrative Procedure Act,” P.L.1968,  
46 c.410 (C.52:14B-1 et seq.).

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48 7. This act shall take effect immediately.

STATEMENT

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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 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



1 accordance with the bill. The county board of elections or  
2 superintendent of elections, as appropriate, is required to promptly  
3 notify the Secretary of State of the dispatch of that police officer or  
4 other law enforcement officer. The Secretary of State, county boards  
5 of elections, and superintendents of elections must maintain a record  
6 of all dispatches issued and reported, which must include, but need  
7 not be limited to, the time of the dispatch, polling place location,  
8 reason for the dispatch, name of the police or law enforcement  
9 officer, the police or law enforcement officer's badge number, the  
10 duration of the police or law enforcement officer's presence, and the  
11 immediate outcome of the dispatch. Information obtained would be  
12 deemed to be a public or government record and be subject to  
13 disclosure as provided in the public records law.

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

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

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

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

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

29 Under the bill, notwithstanding the provisions of the bill, a ballot  
30 drop box that has already been installed and permanently affixed  
31 prior to the bill's effective date, at any of the following locations may  
32 remain at that location notwithstanding that the ballot drop box is  
33 within 100 feet of an entrance or exit of a State, county, or municipal  
34 police station if the county commissioners approve the continued  
35 presence at that location by a majority vote of the commissioners and  
36 with the reasons therefor subject to public disclosure:

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

44 Under the bill, beginning with the 2021 general election, a ballot  
45 drop box would be required to be located in each municipality with a  
46 population larger than 5,000 residents, instead the municipal clerk's  
47 office building in such municipalities. The bill also eliminates the  
48 requirement for a ballot drop box to be located on the main campus

1 of each county community college, or for additional drop boxes to be  
2 located in county or municipal government buildings.

3 The bill also provides for the Secretary of State to issue guidelines,  
4 instead of regulations, for the placement of ballot drop boxes to  
5 ensure adequate access in various geographic areas of the county. The  
6 bill adds travel time to the location, proximity to other voting  
7 locations and ballot drop boxes, and commuter traffic patterns to the  
8 criteria that would be considered to determine placement.

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