

[First Reprint]

ASSEMBLY, No. 1548

STATE OF NEW JERSEY
215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

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SYNOPSIS

Requires written security plan when school is polling place and open to students; provides that schools may be used as polling places only under certain circumstances; makes an appropriation.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on May 13, 2013, with amendments.



1 AN ACT concerning security when a school is used as a polling
2 place, amending R.S.19:8-2 and R.S.19:8-3, Title 19 of the
3 Revised Statutes and making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.19:8-2 is amended to read as follows:

9 19:8-2. a. The clerk of every municipality, on or before April 1
10 shall certify to the county board of every county wherein such
11 municipality is located a suggested list of places in the municipality
12 suitable for polling places. The county board shall select the
13 polling places for the election districts in the municipalities of the
14 county for all elections in the municipalities thereof, including all
15 commission government elections in the county. The county boards
16 shall not be obliged to select the polling places so suggested by the
17 municipal clerks, but may choose others where they may deem it
18 expedient. **Preference** Subject to the requirements of subsection
19 b. of this section, preference in locations shall be given to schools
20 and public buildings where space shall be made available by the
21 authorities in charge, upon request, if same can be done without
22 detrimental interruption of school or the usual public services
23 thereof, and for which the authority in charge shall be reimbursed,
24 by agreement, for expenses of light, janitorial and other attending
25 services arising from such use. Each polling place selected shall be
26 accessible to individuals with disabilities and the elderly. A polling
27 place shall be considered accessible if it is in compliance with the
28 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.
29 12101 et seq.). In no case shall the authorities in charge of a public
30 school or other public building deny the request of the county board
31 for the use, as a polling place, of any building they own or lease.

32 Where the county board shall fail to agree as to the selection of
33 the polling place or places for any election district, within five days
34 of an election, the county clerk shall select and designate the
35 polling place or places in any such election district.

36 The county board may select a polling place other than a
37 schoolhouse or public building outside of the district but such
38 polling place shall not be located more than 1,000 feet distant from
39 the boundary line of the district. The Secretary of State may,
40 however, permit a polling place to be more than 1,000 feet distant
41 from the boundary line of the district if there is no suitable polling
42 place accessible to individuals with disabilities and the elderly
43 within the district or 1,000 feet distant from the boundary line of the
44 district.

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:

¹Assembly AED committee amendments adopted May 13, 2013.

1 Whenever possible, the county board shall contact the managers
2 or owners of commercial or private buildings that the board deems
3 suitable to use as polling places, and are in or near an election
4 district lacking an accessible polling place, to determine whether a
5 portion of such a building may be used as a polling place on the day
6 of an election. Reimbursement for the use of a portion of such a
7 building shall be the same as provided by this section for schools
8 and public buildings.

9 Neither the owner nor operator of a facility designated as a
10 polling place by the county board is permitted or authorized to
11 relocate the polling place room in the building without the express
12 prior approval of the board.

13 b. A school or schoolhouse shall not be used as a polling place
14 on a day that classes are in session, unless voting takes place in a
15 room that is directly accessible from the outside '【, or that】 and¹ is
16 secured by a door or other barrier from the rest of the building, or
17 there is a uniformed law enforcement officer present, and voters are
18 not permitted to pass without supervision through the interior of the
19 building when entering or leaving that room.

20 (cf: P.L.2011, c.134, s.11)

21

22 2. R.S.19:8-3 is amended to read as follows:

23 19:8-3. a. 【The】 Subject to the requirements of subsection b. of
24 this section, the county board may select the schoolhouse or
25 schoolhouses, public building or public buildings as the polling
26 places in any municipality in the county whether or not such
27 schoolhouses or public buildings are located within the election
28 district for which the polling place is established; and shall
29 designate the rooms or places, entrances and exits to be used in the
30 schoolhouses or public buildings.

31 The county board may select a polling place other than a
32 schoolhouse or public building for an election district, when the
33 location of the election district and of the schoolhouses and public
34 buildings in the municipality in which the election district is located
35 is such that inconvenience would be caused the voters of such
36 election district by locating the polling place thereof in a
37 schoolhouse or public building. In the selection of a polling place
38 other than a schoolhouse or public building for an election district,
39 consideration shall be given to the use of buildings accessible to
40 individuals with disabilities and the elderly.

41 The county board shall determine and certify to the board of
42 chosen freeholders the amount to be paid the several boards of
43 education or municipalities, as the case may be, for expenses in
44 connection with the use of schoolhouses or public buildings for
45 election purposes; not to exceed in any case the amount paid for
46 polling places in private premises.

1 b. A school or schoolhouse shall not be used as a polling place
2 on a day that classes are in session, unless voting takes place in a
3 room that is directly accessible from the outside ¹【, or that】 and¹ is
4 secured by a door or other barrier from the rest of the building, or
5 there is a uniformed law enforcement officer present, and voters are
6 not permitted to pass without supervision through the interior of the
7 building when entering or leaving that room.

8 (cf: P.L.2005, c.146, s.2)

9
10 3. (New section) a. Whenever a polling place is located in a
11 public school on the day of an election, the board of education of
12 the school district shall have the option of whether to hold classes
13 in the school on the day of the election. If a school board chooses
14 to do so, it shall establish and implement a written security plan,
15 based on guidelines established by the Attorney General and taking
16 into consideration the provisions of subsections b. of R.S.19:8-2
17 and R.S.19:8-3, to ensure that an appropriate level of security is
18 maintained to protect students when the school is open and to
19 maintain the proper functioning and integrity of the voting process
20 during the election. No later than the 90th day prior to the day of
21 the election, the security plan shall be submitted to the Attorney
22 General for the review and approval thereof.

23 b. Reimbursement for costs incurred pursuant to subsection a.
24 of this section shall be made by the State upon application
25 submitted by a board of education of a school district to the
26 Attorney General in such form and manner as may be required
27 thereby, pursuant to regulations promulgated under the
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
29 seq.). The application shall contain a copy of the approved written
30 security plan and the itemized costs incurred by the school district.

31 c. Security procedures and information submitted pursuant to
32 subsection b. of this section shall not be publicly accessible under
33 P.L.1963, c.73 (C. 47:1A-1 et seq.), or any other law or regulation.

34
35 4. There is appropriated from the General Fund to the
36 Department of the Treasury such sums as may be necessary to
37 provide the reimbursements required by section 3 of P.L. ,
38 c. (C.) (pending before the Legislature as this bill), in such
39 amount as approved by the State Treasurer after consultation with
40 the Attorney General and certified by the Director of the Division
41 of Budget and Accounting.

42
43 5. This act shall take effect immediately, except that sections 1
44 and 2 shall apply to elections occurring more than four months after
45 that effective date.