ASSEMBLY, No. 254

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)

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

Introduced Pending Technical Review by Legislative Counsel.

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

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

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

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

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

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

Whenever possible, the county board shall contact the managers or owners of commercial or private buildings that the board deems

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.

suitable to use as polling places, and are in or near an election district lacking an accessible polling place, to determine whether a portion of such a building may be used as a polling place on the day of an election. Reimbursement for the use of a portion of such a building shall be the same as provided by this section for schools and public buildings.

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

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

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

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

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

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

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

b. A school or schoolhouse shall not be used as a polling place on a day that classes are in session, unless voting takes place in a room that is directly accessible from the outside and is secured by a door or other barrier from the rest of the building, or there is a

uniformed law enforcement officer present, and voters are not permitted to pass without supervision through the interior of the building when entering or leaving that room.

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

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

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

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

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

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

STATEMENT

The bill provides that a school cannot be used as a polling place on a day that classes are in session, unless voting takes place in a room that is directly accessible from the outside and is secured by a

door or other barrier from the rest of the building, or there is a uniformed law enforcement officer present and voters are not permitted to pass without supervision through the interior of the building when entering or leaving that room.

The bill also clarifies that if a polling place is located in a public school on the day of an election, the board of education of the school district has the option of whether to hold classes on the day of the election. If the board determines to hold classes, the bill requires the board to establish and implement a written security plan, based on guidelines established by the Attorney General, to ensure that an appropriate level of security is maintained to protect students when the school is open and to maintain the proper functioning and integrity of the voting process during the election. The bill requires the school district to submit the security plan to the Attorney General, no later than 90 days prior to the election, for review and approval of the plan. Building security procedures and any information submitted to the Attorney General in regard to the security plan will not be accessible to the public under the provisions of the public records act, P.L.1963, c.73, or any other law.

The bill provides that any expenses incurred by a school district in implementing its security plan will be reimbursed by the State upon application to the Attorney General. The bill appropriates from the General Fund to the Department of the Treasury such amounts as may be necessary to provide the reimbursement required under the bill.