

ASSEMBLY, No. 1518

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Prohibits use of schools as polling places.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the use of schools as polling places and
2 amending R.S.19:8-2 and R.S.19:8-3.

3

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

6

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

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

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

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

44 Whenever possible, the county board shall contact the managers
45 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.

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

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

11 b. Notwithstanding the provisions of subsection a. of this
12 section, or any other law, rule, or regulation to the contrary, a
13 school or schoolhouse shall not be selected or used as a polling
14 place for any election.

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

16
17 2. R.S.19:8-3 is amended to read as follows:

18 19:8-3. a. The county board may select the **【schoolhouse or**
19 **schoolhouses,】** public building or public buildings as the polling
20 places in any municipality in the county whether or not such
21 **【schoolhouses or】** public buildings are located within the election
22 district for which the polling place is established; and shall
23 designate the rooms or places, entrances and exits to be used in the
24 **【schoolhouses or】** public buildings.

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

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

41 b. Notwithstanding the provisions of subsection a. of this
42 section, or any other law, rule, or regulation to the contrary, a
43 school or schoolhouse shall not be selected or used as a polling
44 place for any election.

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

46
47 3. This act shall take effect immediately.

STATEMENT

Under current law, a county board of elections may select schools, other public buildings, and commercial or private buildings under certain circumstances, to be used as polling places for any election in this State. This bill prohibits the selection and use of schools as a polling places for any election.