

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED MARCH 17, 2021

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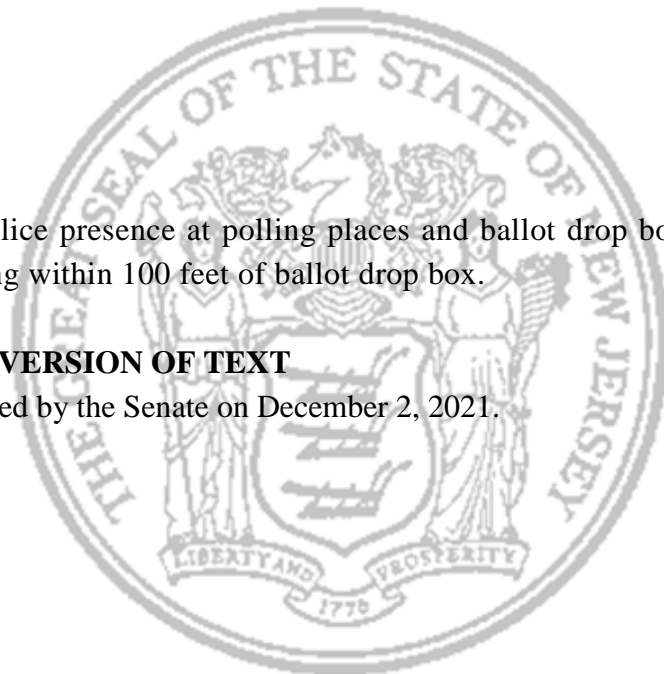
McKeon

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 amended by the Senate on December 2, 2021.



(Sponsorship Updated As Of: 1/10/2022)

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

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

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

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

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

36

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

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

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:

¹Senate floor amendments adopted June 3, 2021.

²Senate floor amendments adopted December 2, 2021.

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

18 **b. No person employed as a police officer as described in**
19 **subsection a. of this section, whether on or off-duty or whether in or**
20 **out of uniform, shall remain or stand within 100 feet of a polling**
21 **place during the conduct of an election unless present at the**
22 **location in response to a request for assistance in accordance with**
23 **'[R.S.19:16-16] R.S.19:6-16¹ or as otherwise provided herein or**
24 **pursuant to this act, P.L. c. (pending before the Legislature as**
25 **this bill).**

26 **c. Nothing herein shall be interpreted to prohibit a police**
27 **officer or law enforcement officer from:**
28 **traveling to and from, or remaining within, their personal**
29 **residence if that residence is within 100 feet of a polling place;**
30 **voting at that polling place in a personal capacity; or**
31 **escorting to or from, or both, a polling place a person who may**
32 **require assistance of the officer.**

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

34
35 3. R.S.19:6-16 is amended to read as follows

36 19:6-16. **a.** The commission, committee, board or official
37 having charge of the police department in any **county or**
38 **municipality [may] shall not** assign **[one or more]** police officers
39 to any district board in **[such] that county or** municipality
40 **[whenever the said commission, committee, board or official deems**
41 **it necessary to do so. Any police officers so assigned shall, under**
42 **the direction of the board,], in order to** enforce the election laws,
43 maintain order, peace and quiet during the hours of registry and
44 election, **[and assist the members of the board in carrying the ballot**
45 **box or boxes to the office of the municipal clerk after the ballots are**
46 **counted. The police officers so assigned shall not]** assist the board
47 by performing the duties of a board member, **[nor shall those police**

1 officers] or serve at the polling place of that district board [as
2 challengers for a party or candidate or on a public question], or in
3 order to perform other routine purposes related to the conduct of
4 elections, except that a district board, superintendent of elections, or
5 a county clerk may request that a police officer or sheriff's officer
6 be assigned to transport specific election materials to a polling
7 place or from a polling place to the district board or county clerk
8 and a police officer or sheriff's officer may be assigned for that
9 purpose. ²The commission, committee, board or official having
10 charge of the police department in any county or municipality may
11 assign one or more police officers to a senior residential center that
12 has reported a threat or safety concern, and any such officer
13 assigned to a senior residential center shall not interfere with any
14 person present at the location for the purpose of voting.²

15 b. Nothing in subsection a. of this section, subsection b ¹.¹ of
16 R.S.19:6-15, or subsection b. of section 2 of P.L.1991, c.306
17 (C.19:6-15.1) shall be construed to prohibit the dispatch, detail, or
18 assignment of a police officer or other law enforcement officer due
19 to a request for assistance made to the commission, committee,
20 board, body, authority, or official having charge of the police
21 department in any county or municipality, or to any other law
22 enforcement agency, for assistance with regard to a specific
23 emergency, allegation of criminal conduct, or disturbance that
24 exists at the time the request for assistance is made. The police
25 officers or law enforcement officers responding to the request for
26 assistance shall take any prompt actions as may be available and as
27 may be necessary in order to address the emergency, allegation, or
28 disturbance and ensure the continued orderly conduct of the election
29 and election processes, and shall remain present at that location
30 during the conduct of the election only as long as necessary to
31 investigate, address, and remove that specific emergency or
32 disturbance.

33 The district board shall promptly notify the county board of
34 elections or superintendent of elections, as appropriate, of the
35 dispatch of any police officer or other law enforcement officer in
36 response to a request for assistance in accordance with this
37 subsection. The county board of elections or superintendent of
38 elections, as appropriate, shall promptly notify the Secretary of
39 State of the dispatch of that police officer or other law enforcement
40 officer. The Secretary of State, county boards of elections, and
41 superintendents of elections shall maintain a record of all dispatches
42 issued and reported pursuant to this section, which shall include, but
43 need not be limited to, the time of the dispatch, polling place
44 location, reason for the dispatch, name of the police or law
45 enforcement officer, the police or law enforcement officer's badge
46 number, the duration of the police or law enforcement officer's
47 presence, and the immediate outcome of the dispatch. Information

1 obtained pursuant to this section is deemed to be a public or
2 government record and shall be subject to disclosure as provided in
3 the public records law, P.L.1963, c.73 (C.47:1A-1 et seq.)
4 (cf: P.L.1991, c.306, s.1)

5
6 ¹[4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
7 as follows:

8 1. a. In addition to delivering a voted mail-in ballot by mail or in
9 person as provided under "The Vote By Mail Law," P.L.2009, c.79
10 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit the
11 voter's completed mail-in ballot in a ballot drop box established by the
12 county board of elections as provided under this section. Each mail-in
13 ballot deposited in a ballot drop box by the time designated under
14 current law for the closing of the polls for that election shall be
15 considered valid and shall be canvassed. If, at the closing of the polls,
16 a voter deposits a mail-in ballot at a ballot drop box in a county in
17 which the voter does not reside, the county board of elections, upon
18 discovering that fact, shall notify and timely deliver the ballot to the
19 county board of elections of the county in which the voter resides, who
20 shall accept the ballot for processing. The limitations and prohibitions
21 applicable to mail-in ballot bearers under "The Vote By Mail Law,"
22 P.L.2009, c.79 (C.19:63-1 et seq.) shall apply under this section.

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

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

33 (b) At least one ballot drop box shall be located at each of the
34 following locations: any county government building in which the
35 main office of the county clerk is located; any municipal government
36 building in which the main office of the municipal clerk is located in
37 municipalities with populations larger than 5,000 residents; the main
38 campus of each county community college; the main campus of each
39 State college or university; and the main campus of each independent
40 four-year college or university with enrollments larger than 5,000
41 students.

42 (c) The board of elections of any county that has fewer than 10
43 ballot drop boxes upon establishing the drop boxes at each location
44 required under subparagraph (b) of this paragraph shall establish
45 additional locations for ballot drop boxes, pursuant to the provisions of
46 subsection c. of this section, so that the county has no fewer than 10
47 ballot drop boxes. The additional drop boxes shall be placed at county
48 or [municipal government buildings. To the best of their ability, the

1 board of elections of every county shall place secure ballot drop boxes
2 based on geographic location and population density to best serve the
3 voters of each county pursuant to the regulations adopted pursuant to
4 subsection c. of this section. The Secretary of State shall establish
5 guidelines for the placement of the ballot drop boxes, the security of
6 the ballot drop boxes, and the schedule for ballot pickup from the
7 ballot boxes.

8 (d) All ballot drop box locations shall be on sites that meet the
9 accessibility requirements applicable to polling places under R.S.19:8-
10 2 and shall be subject to the same compliance oversight applicable to
11 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A
12 ballot drop box site shall be considered accessible if it is in compliance
13 with the federal "Americans with Disabilities Act of 1990"
14 (42 U.S.C. s.12101 et seq.).

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

18 Notwithstanding the provisions of this subparagraph, a ballot drop
19 box that has already been installed and permanently affixed prior to
20 the effective date of this act, P.L. _____, c. _____ (pending before the
21 Legislature as this bill), at any of the following locations may
22 remain at that location notwithstanding that the ballot drop box is
23 within 100 feet of an entrance or exit of a State, county, or
24 municipal police station if the county commissioners approve the
25 continued presence at that location by a majority vote of the
26 commissioners and with the reasons therefor subject to public
27 disclosure:

28 any county government building in which the main office of the
29 county clerk is located; any municipal government building in
30 which the main office of the municipal clerk is located in
31 municipalities with populations larger than 5,000 residents; the
32 main campus of a county community college; the main campus of a
33 State college or university; and the main campus of an independent
34 four-year college or university with enrollments larger than 5,000
35 students.

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

40 voting at that ballot drop box in a personal capacity;
41 traveling to and from, or remaining within, their personal
42 residence if that residence is within 100 feet of a ballot drop box;
43 investigating, addressing, or removing any cause for a
44 disturbance, or otherwise responding to a request for assistance, on
45 or around the premises of the location of that ballot drop box; or
46 escorting to or from, or both, a ballot drop box or the premise on
47 which it is located any person who may require the assistance of the
48 officer.

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

8 c. The Secretary of State, in consultation with county boards of
9 elections, shall establish the rules and regulations necessary to ensure
10 the secure and successful implementation of the mail-in ballot drop
11 boxes required by this section. In determining the ballot drop box
12 locations, the secretary and county boards of elections shall consider,
13 at a minimum, concentrations of population, geographic areas, voter
14 convenience, proximity to public transportation, community-based
15 locations, and security. The rules and regulations shall include, but
16 may not be limited to, criteria for each county board of elections to:

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

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

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

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

31 d. Whenever a municipal, school, or special election is held,
32 the board may open only the ballot drop box located geographically
33 closest to the municipal government building in which the main
34 office of the municipal clerk is located and the ballot drop box
35 located at the board of elections or county office, if one is placed at
36 that location. When a school election encompasses more than one
37 municipality, the board shall be responsible for the selection of the
38 ballot drop box location with respect to each municipality.

39 (cf: P.L.2020, c.72, s.1) **1**
40

41 ¹⁴. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to
42 read as follows:

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

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

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

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

21 (b) Beginning with the 2021 general election, at least one ballot
22 drop box shall be located: at any county government building in
23 which the main office of the county clerk is located; in each
24 municipality with a population larger than 5,000 residents; at the
25 main campus of each State college or university; and the main
26 campus of each independent four-year college or university with
27 enrollments larger than 5,000 students. Notwithstanding the
28 locational criteria established by this subparagraph, whenever two
29 or more ballot drop box locations are separated by a distance of less
30 than 2,000 feet, the board of elections in each county shall
31 determine secondary locations for those ballot drop boxes in
32 compliance with the requirements of this section. The secondary
33 ballot drop box locations shall be located within the municipality
34 where those ballot drop boxes were originally located and shall be
35 approved by a majority vote of the members of the board of
36 elections. However, in the event of a tie in the votes cast by the
37 members of the board of elections, the county clerk shall cast the
38 deciding vote. Whenever possible, at least one ballot drop box shall
39 be located in a municipality with an average per capita income or a
40 median family income at or below 250% of the federal poverty
41 guideline according to the most recent federal American
42 Community Survey.

43 (c) The board of elections in each county shall establish no
44 fewer than 10 ballot drop boxes. To the best of their ability, the
45 board of elections of every county shall place secure ballot drop
46 boxes based on geographic location and population density to best
47 serve the voters of each county in compliance with the guidelines
48 adopted pursuant to subsection c. of this section. The Secretary of

1 State shall establish guidelines for the placement of the ballot drop
2 boxes, the security of the ballot drop boxes, and the schedule for
3 ballot pickup from the ballot boxes.

4 (d) All ballot drop box locations shall be on sites that meet the
5 accessibility requirements applicable to polling places under
6 R.S.19:8-2 and shall be subject to the same compliance oversight
7 applicable to polling places under section 3 of P.L.1991, c.429
8 (C.19:8-3.3). A ballot drop box site shall be considered accessible if
9 it is in compliance with the federal "Americans with Disabilities
10 Act of 1990" (42 U.S.C. s. 12101 et seq.).

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

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

24 any county government building in which the main office of the
25 county clerk is located; any municipal government building in
26 which the main office of the municipal clerk is located in
27 municipalities with populations larger than 5,000 residents; the
28 main campus of a county community college; the main campus of a
29 State college or university; and the main campus of an independent
30 four-year college or university with enrollments larger than 5,000
31 students.

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

36 voting at that ballot drop box in a personal capacity;
37 traveling to and from, or remaining within, their personal
38 residence if that residence is within 100 feet of a ballot drop box;

39 investigating, addressing, or removing any cause for a
40 disturbance, or otherwise responding to a request for assistance, on
41 or around the premises of the location of that ballot drop box; or

42 escorting to or from, or both, a ballot drop box or the premise on
43 which it is located any person who may require the assistance of the
44 officer.

45 (g) No person shall wear, display, sell, give, or provide any
46 political or campaign slogan, badge, button, or other insignia
47 associated with any political party or candidate within 100 feet of a
48 ballot drop box in use during the conduct of an election, except with

1 respect to the badge furnished by the county board as provided by
2 law. A person violating the provisions of this subparagraph shall be
3 guilty of a disorderly persons offense.

4 c. The Secretary of State, in consultation with county boards of
5 elections, shall establish the guidelines necessary to ensure the
6 secure and successful implementation of the mail-in ballot drop
7 boxes required by this section to ensure adequate access in various
8 geographic areas of the county. In determining the ballot drop box
9 locations, the secretary and county boards of elections shall
10 consider, at a minimum, concentrations of population, geographic
11 areas, voter convenience, proximity to public transportation,
12 community-based locations, travel time to the location, proximity to
13 other voting locations and ballot drop boxes, commuter traffic
14 patterns, and security. The guidelines shall include, but may not be
15 limited to, criteria for each county board of elections to:

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

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

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

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

30 d. Each county clerk shall include the locations of the ballot
31 drop boxes established in the county along with the instructions
32 furnished with the mail-in ballot package sent to each mail-in voter
33 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
34 days before each election, each county board of elections shall
35 cause to be published on their respective websites the location of
36 the ballot drop boxes in each county, and shall provide this
37 information to the Secretary of State for publishing the same on the
38 Division of Elections website.

39 e. Whenever a municipal, school, or special election is held,
40 the board may open only the ballot drop box located geographically
41 closest to the municipal government building in which the main
42 office of the municipal clerk is located and the ballot drop box
43 located at the board of elections or county office, if one is placed at
44 that location. When a school election encompasses more than one
45 municipality, the board shall be responsible for the selection of the
46 ballot drop box location with respect to each municipality.¹

47 (cf: P.L.2021, c.44, s.1)

1 5. R.S.19:34-15 is amended to read as follows:

2 19:34-15. If a person shall distribute or display any circular or
3 printed matter or offer any suggestion or solicit any support for any
4 candidate, party or public question within the polling place or room or
5 within a distance of ~~【one hundred】~~ 100 feet of the outside entrance to
6 such polling place or room, or within 100 feet of a ballot drop box in
7 use during the conduct of an election, 【he】 the person shall be guilty
8 of a disorderly persons offense.

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

10

11 6. (New section) The Secretary of State may adopt guidelines
12 or regulations, or both, necessary to effectuate the purposes of this
13 act, P.L. , c. (pending before the Legislature as this bill). Any
14 such regulations shall be effective immediately upon filing with the
15 Office of Administrative Law for a period not to exceed 18 months,
16 and may, thereafter, be amended, adopted or readopted in
17 accordance with the provisions of the “Administrative Procedure
18 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

19

20 7. This act shall take effect immediately.