

§6
T & E and
Note to
R.S.19:6-15,
C.19:6-15.1,
R.S.19:6-16,
C.19:63-16.1 and
R.S.19:34-15

P.L. 2021, CHAPTER 459, *approved January 18, 2022*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 4655

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.

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

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

4
5 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to
6 read as follows:

7 2. a. No person who is employed as a police officer, either
8 full-time or part-time, by the State or an instrumentality thereof, or
9 by a political subdivision of the State or an instrumentality thereof,
10 【and who is】 including a person appointed as a police officer by an
11 institution of higher education pursuant to P.L.1970, c.211
12 (C.18A:6-4.2 et seq.), shall serve as a member of a district board of
13 elections, unless the person is off-duty, or 【serves】 serve as a duly
14 authorized challenger for a political party or a candidate or on a
15 public question 【, shall wear a police officer's uniform or carry an
16 exposed weapon while serving as a board member or a challenger,
17 as the case may be,】 in the municipality in which that person is
18 employed, or if employed by an institution of higher education, any
19 municipality in which the institution is physically located, or if
20 employed by a county or the State, in the county in which that
21 person is employed or stationed, respectively, or wear a police
22 officer's uniform or carry an exposed weapon at any time, including
23 at a polling place on an election day. 【Any person who violates this
24 section is guilty of a crime of the fourth degree.】 Nothing in this
25 subsection shall be construed to prohibit a police officer who is a
26 candidate for an office and whose name appears upon the ballot to
27 be voted for an election from acting as a challenger during that
28 election as may be permitted by another provision of law for a
29 candidate to act as a challenger

30 b. No person employed as a police officer as described in
31 subsection a. of this section, whether on or off-duty or whether in or
32 out of uniform, shall remain or stand within 100 feet of a polling
33 place during the conduct of an election unless present at the
34 location in response to a request for assistance in accordance with
35 ‘【R.S.19:16-16】 R.S.19:6-16¹ or as otherwise provided herein or
36 pursuant to this act, P.L. c. (pending before the Legislature as
37 this bill).

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

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

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

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

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

46
47 3. R.S.19:6-16 is amended to read as follows

1 19:6-16. a. The commission, committee, board or official
2 having charge of the police department in any county or
3 municipality ~~may~~ shall not assign ~~one or more~~ police officers
4 to any district board in ~~such~~ that county or municipality
5 ~~whenever the said commission, committee, board or official deems~~
6 ~~it necessary to do so. Any police officers so assigned shall, under~~
7 ~~the direction of the board,~~ in order to enforce the election laws,
8 maintain order, peace and quiet during the hours of registry and
9 election, ~~and assist the members of the board in carrying the ballot~~
10 ~~box or boxes to the office of the municipal clerk after the ballots are~~
11 ~~counted. The police officers so assigned shall not~~ assist the board
12 by performing the duties of a board member, ~~nor shall those police~~
13 ~~officers~~ or serve at the polling place of that district board ~~as~~
14 ~~challengers for a party or candidate or on a public question,~~ or in
15 order to perform other routine purposes related to the conduct of
16 elections, except that a district board, superintendent of elections, or
17 a county clerk may request that a police officer or sheriff's officer
18 be assigned to transport specific election materials to a polling
19 place or from a polling place to the district board or county clerk
20 and a police officer or sheriff's officer may be assigned for that
21 purpose. ²The commission, committee, board or official having
22 charge of the police department in any county or municipality may
23 assign one or more police officers to a senior residential center that
24 has reported a threat or safety concern, and any such officer
25 assigned to a senior residential center shall not interfere with any
26 person present at the location for the purpose of voting. ²

27 b. Nothing in subsection a. of this section, subsection b ¹ of
28 R.S.19:6-15, or subsection b. of section 2 of P.L.1991, c.306
29 (C.19:6-15.1) shall be construed to prohibit the dispatch, detail, or
30 assignment of a police officer or other law enforcement officer due
31 to a request for assistance made to the commission, committee,
32 board, body, authority, or official having charge of the police
33 department in any county or municipality, or to any other law
34 enforcement agency, for assistance with regard to a specific
35 emergency, allegation of criminal conduct, or disturbance that
36 exists at the time the request for assistance is made. The police
37 officers or law enforcement officers responding to the request for
38 assistance shall take any prompt actions as may be available and as
39 may be necessary in order to address the emergency, allegation, or
40 disturbance and ensure the continued orderly conduct of the election
41 and election processes, and shall remain present at that location
42 during the conduct of the election only as long as necessary to
43 investigate, address, and remove that specific emergency or
44 disturbance.

45 The district board shall promptly notify the county board of
46 elections or superintendent of elections, as appropriate, of the
47 dispatch of any police officer or other law enforcement officer in

1 response to a request for assistance in accordance with this
2 subsection. The county board of elections or superintendent of
3 elections, as appropriate, shall promptly notify the Secretary of
4 State of the dispatch of that police officer or other law enforcement
5 officer. The Secretary of State, county boards of elections, and
6 superintendents of elections shall maintain a record of all dispatches
7 issued and reported pursuant to this section, which shall include, but
8 need not be limited to, the time of the dispatch, polling place
9 location, reason for the dispatch, name of the police or law
10 enforcement officer, the police or law enforcement officer's badge
11 number, the duration of the police or law enforcement officer's
12 presence, and the immediate outcome of the dispatch. Information
13 obtained pursuant to this section is deemed to be a public or
14 government record and shall be subject to disclosure as provided in
15 the public records law, P.L.1963, c.73 (C.47:1A-1 et seq.)
16 (cf: P.L.1991, c.306, s.1)

17
18 ¹4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
19 as follows:

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

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

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

45 (b) At least one ballot drop box shall be located at each of the
46 following locations: any county government building in which the
47 main office of the county clerk is located; any municipal government
48 building in which the main office of the municipal clerk is located in

1 municipalities with populations larger than 5,000 residents; the main
2 campus of each county community college; the main campus of each
3 State college or university; and the main campus of each independent
4 four-year college or university with enrollments larger than 5,000
5 students.

6 (c) The board of elections of any county that has fewer than 10
7 ballot drop boxes upon establishing the drop boxes at each location
8 required under subparagraph (b) of this paragraph shall establish
9 additional locations for ballot drop boxes, pursuant to the provisions of
10 subsection c. of this section, so that the county has no fewer than 10
11 ballot drop boxes. The additional drop boxes shall be placed at county
12 or municipal government buildings. To the best of their ability, the
13 board of elections of every county shall place secure ballot drop boxes
14 based on geographic location and population density to best serve the
15 voters of each county pursuant to the regulations adopted pursuant to
16 subsection c. of this section. The Secretary of State shall establish
17 guidelines for the placement of the ballot drop boxes, the security of
18 the ballot drop boxes, and the schedule for ballot pickup from the
19 ballot boxes.

20 (d) All ballot drop box locations shall be on sites that meet the
21 accessibility requirements applicable to polling places under R.S.19:8-
22 2 and shall be subject to the same compliance oversight applicable to
23 polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A
24 ballot drop box site shall be considered accessible if it is in compliance
25 with the federal “Americans with Disabilities Act of 1990”
26 (42 U.S.C. s.12101 et seq.).

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

30 Notwithstanding the provisions of this subparagraph, a ballot drop
31 box that has already been installed and permanently affixed prior to
32 the effective date of this act, P.L. , c. (pending before the
33 Legislature as this bill), at any of the following locations may
34 remain at that location notwithstanding that the ballot drop box is
35 within 100 feet of an entrance or exit of a State, county, or
36 municipal police station if the county commissioners approve the
37 continued presence at that location by a majority vote of the
38 commissioners and with the reasons therefor subject to public
39 disclosure:

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

- 1 (f) Except as otherwise permitted herein, no State, county, or
2 municipal police officer shall remain or stand within 100 feet of a
3 ballot drop box in use during the conduct of an election. Nothing
4 herein shall be interpreted to prohibit the police officer from:
5 voting at that ballot drop box in a personal capacity;
6 traveling to and from, or remaining within, their personal
7 residence if that residence is within 100 feet of a ballot drop box;
8 investigating, addressing, or removing any cause for a
9 disturbance, or otherwise responding to a request for assistance, on
10 or around the premises of the location of that ballot drop box; or
11 escorting to or from, or both, a ballot drop box or the premise on
12 which it is located any person who may require the assistance of the
13 officer.
- 14 (g) No person shall wear, display, sell, give, or provide any
15 political or campaign slogan, badge, button, or other insignia
16 associated with any political party or candidate within 100 feet of a
17 ballot drop box in use during the conduct of an election, except with
18 respect to the badge furnished by the county board as provided by law.
19 A person violating the provisions of this subparagraph shall be guilty
20 of a disorderly persons offense.
- 21 c. The Secretary of State, in consultation with county boards of
22 elections, shall establish the rules and regulations necessary to ensure
23 the secure and successful implementation of the mail-in ballot drop
24 boxes required by this section. In determining the ballot drop box
25 locations, the secretary and county boards of elections shall consider,
26 at a minimum, concentrations of population, geographic areas, voter
27 convenience, proximity to public transportation, community-based
28 locations, and security. The rules and regulations shall include, but
29 may not be limited to, criteria for each county board of elections to:
- 30 (1) determine the number of ballot drop boxes required per voter
31 population, considering both the number of registered voters and the
32 number of registered mail-in voters in each county before each
33 election;
- 34 (2) select the geographic location of each ballot drop box, ensuring
35 an equitable distribution of ballot drop boxes across the county to
36 maximize convenience to voters;
- 37 (3) ensure the accessibility of ballot drop boxes and drop box
38 locations to persons with disabilities; and
- 39 (4) maintain the security of ballot drop boxes and of the ballots
40 deposited therein, including standards and procedures for ballot
41 retrieval by authorized persons only, and for ensuring the proper chain
42 of custody and safe storage of voted mail-in ballots before each
43 election.
- 44 d. Whenever a municipal, school, or special election is held,
45 the board may open only the ballot drop box located geographically
46 closest to the municipal government building in which the main
47 office of the municipal clerk is located and the ballot drop box
48 located at the board of elections or county office, if one is placed at

1 that location. When a school election encompasses more than one
 2 municipality, the board shall be responsible for the selection of the
 3 ballot drop box location with respect to each municipality.
 4 (cf: P.L.2020, c.72, s.1)]¹

5
 6 ¹4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to
 7 read 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
 12 the county board of elections as provided under this section. Each
 13 mail-in ballot deposited in a ballot drop box by the time designated
 14 under current law for the closing of the polls for that election shall
 15 be considered valid and shall be canvassed. If, at the closing of the
 16 polls, a voter deposits a mail-in ballot at a ballot drop box in a
 17 county in which the voter does not reside, the county board of
 18 elections, upon discovering that fact, shall notify and timely deliver
 19 the ballot to the county board of elections of the county in which
 20 the voter resides, who shall accept the ballot for processing. The
 21 limitations and prohibitions applicable to mail-in ballot bearers
 22 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
 23 shall apply under this section.

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

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

34 (b) Beginning with the 2021 general election, at least one ballot
 35 drop box shall be located: at any county government building in
 36 which the main office of the county clerk is located; in each
 37 municipality with a population larger than 5,000 residents; at the
 38 main campus of each State college or university; and the main
 39 campus of each independent four-year college or university with
 40 enrollments larger than 5,000 students. Notwithstanding the
 41 locational criteria established by this subparagraph, whenever two
 42 or more ballot drop box locations are separated by a distance of less
 43 than 2,000 feet, the board of elections in each county shall
 44 determine secondary locations for those ballot drop boxes in
 45 compliance with the requirements of this section. The secondary
 46 ballot drop box locations shall be located within the municipality
 47 where those ballot drop boxes were originally located and shall be
 48 approved by a majority vote of the members of the board of

1 elections. However, in the event of a tie in the votes cast by the
2 members of the board of elections, the county clerk shall cast the
3 deciding vote. Whenever possible, at least one ballot drop box shall
4 be located in a municipality with an average per capita income or a
5 median family income at or below 250% of the federal poverty
6 guideline according to the most recent federal American
7 Community Survey.

8 (c) The board of elections in each county shall establish no
9 fewer than 10 ballot drop boxes. To the best of their ability, the
10 board of elections of every county shall place secure ballot drop
11 boxes based on geographic location and population density to best
12 serve the voters of each county in compliance with the guidelines
13 adopted pursuant to subsection c. of this section. The Secretary of
14 State shall establish guidelines for the placement of the ballot drop
15 boxes, the security of the ballot drop boxes, and the schedule for
16 ballot pickup from the ballot boxes.

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

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

27 Notwithstanding the provisions of this subparagraph, a ballot
28 drop box that has already been installed and permanently affixed
29 prior to the effective date of this act, P.L. , c. (pending before
30 the Legislature as this bill), at any of the following locations may
31 remain at that location notwithstanding that the ballot drop box is
32 within 100 feet of an entrance or exit of a State, county, or
33 municipal police station if the county commissioners approve the
34 continued presence at that location by a majority vote of the
35 commissioners and with the reasons therefor subject to public
36 disclosure:

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

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

1 voting at that ballot drop box in a personal capacity;
 2 traveling to and from, or remaining within, their personal
 3 residence if that residence is within 100 feet of a ballot drop box;
 4 investigating, addressing, or removing any cause for a
 5 disturbance, or otherwise responding to a request for assistance, on
 6 or around the premises of the location of that ballot drop box; or
 7 escorting to or from, or both, a ballot drop box or the premise on
 8 which it is located any person who may require the assistance of the
 9 officer.

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

17 c. The Secretary of State, in consultation with county boards of
 18 elections, shall establish the guidelines necessary to ensure the
 19 secure and successful implementation of the mail-in ballot drop
 20 boxes required by this section to ensure adequate access in various
 21 geographic areas of the county. In determining the ballot drop box
 22 locations, the secretary and county boards of elections shall
 23 consider, at a minimum, concentrations of population, geographic
 24 areas, voter convenience, proximity to public transportation,
 25 community-based locations, travel time to the location, proximity to
 26 other voting locations and ballot drop boxes, commuter traffic
 27 patterns, and security. The guidelines shall include, but may not be
 28 limited to, criteria for each county board of elections to:

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

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

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

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

43 d. Each county clerk shall include the locations of the ballot
 44 drop boxes established in the county along with the instructions
 45 furnished with the mail-in ballot package sent to each mail-in voter
 46 pursuant to section 7 of P.L.2009, c.79 (C.19:63-7). At least 45
 47 days before each election, each county board of elections shall
 48 cause to be published on their respective websites the location of

1 the ballot drop boxes in each county, and shall provide this
2 information to the Secretary of State for publishing the same on the
3 Division of Elections website.

4 e. Whenever a municipal, school, or special election is held,
5 the board may open only the ballot drop box located geographically
6 closest to the municipal government building in which the main
7 office of the municipal clerk is located and the ballot drop box
8 located at the board of elections or county office, if one is placed at
9 that location. When a school election encompasses more than one
10 municipality, the board shall be responsible for the selection of the
11 ballot drop box location with respect to each municipality.¹

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

13
14 5. R.S.19:34-15 is amended to read as follows:

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

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

23
24 6. (New section) The Secretary of State may adopt guidelines
25 or regulations, or both, necessary to effectuate the purposes of this
26 act, P.L. , c. (pending before the Legislature as this bill). Any
27 such regulations shall be effective immediately upon filing with the
28 Office of Administrative Law for a period not to exceed 18 months,
29 and may, thereafter, be amended, adopted or readopted in
30 accordance with the provisions of the “Administrative Procedure
31 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

32
33 7. This act shall take effect immediately.

34
35
36
37
38 Limits police presence at polling places and ballot drop boxes;
39 prohibits electioneering within 100 feet of ballot drop box.