

CHAPTER 459
(CORRECTED COPY)

AN ACT concerning law enforcement presence at polling places and ballot drop box locations, prohibiting electioneering within 100 feet of ballot drop boxes, and amending various parts of the statutory law.

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

1. R.S.19:6-15 is amended to read as follows:

Constabulary powers of members; police assistance.

19:6-15. a. The district boards of every election district shall preserve the peace and maintain good order in their respective polling places, during the progress of all elections and the counting of the votes cast thereat. To that end each member of every such board, during the progress of an election and the counting and canvassing of the votes, shall be and hereby is invested and charged with all the powers and duties of constables of this state in criminal matters.

b. Such election board, or any members thereof, shall not request the authorities of any municipality, county, or the State, or the body or officer having charge and direction of the police force in such municipality, county, or the State, to detail one or more police officers to assist in preserving the peace and good order in and about such polling place, and no such request shall be complied with by the body or officer to whom the same is made.

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

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

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

C.19:6-15.1 Uniforms and exposed weapons forbidden; penalty.

2. a. No person who is employed as a police officer, either full-time or part-time, by the State or an instrumentality thereof, or by a political subdivision of the State or an instrumentality thereof, including a person appointed as a police officer by an institution of higher education pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), shall serve as a member of a district board of elections, unless the person is off-duty, or serve as a duly authorized challenger for a political party or a candidate or on a public question in the municipality in which that person is employed, or if employed by an institution of higher education, any municipality in which the institution is physically located, or if employed by a county or the State, in the county in which that person is employed or stationed, respectively, or wear a police officer's uniform or carry an exposed weapon at any time, including at a polling place on an election day. Nothing in this subsection shall be construed to prohibit a police officer who is a candidate for an office and whose name appears upon the ballot to be voted for an election from acting as a challenger during that election as may be permitted by another provision of law for a candidate to act as a challenger.

b. No person employed as a police officer as described in subsection a. of this section, whether on or off-duty or whether in or out of uniform, shall remain or stand within 100 feet of a polling place during the conduct of an election unless present at the location in response

to a request for assistance in accordance with R.S.19:6-16 or as otherwise provided herein or pursuant to this act, P.L.2021 c.459.

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

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

voting at that polling place in a personal capacity; or

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

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

Police assigned to the district boards in municipalities.

19:6-16. a. The commission, committee, board or official having charge of the police department in any county or municipality shall not assign police officers to any district board in that county or municipality, in order to enforce the election laws, maintain order, peace and quiet during the hours of registry and election, assist the board by performing the duties of a board member, or serve at the polling place of that district board, or in order to perform other routine purposes related to the conduct of elections, except that a district board, superintendent of elections, or a county clerk may request that a police officer or sheriff's officer be assigned to transport specific election materials to a polling place or from a polling place to the district board or county clerk and a police officer or sheriff's officer may be assigned for that purpose. The commission, committee, board or official having charge of the police department in any county or municipality may assign one or more police officers to a senior residential center that has reported a threat or safety concern, and any such officer assigned to a senior residential center shall not interfere with any person present at the location for the purpose of voting.

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

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

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

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

C.19:63-16.1 Options for delivery of mail-in ballot by voter.

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

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

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

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

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

(d) All ballot drop box locations shall be on sites that meet the accessibility requirements applicable to polling places under R.S.19:8-2 and shall be subject to the same compliance oversight applicable to polling places under section 3 of P.L.1991, c.429 (C.19:8-3.3). A ballot drop box site 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.).

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

Notwithstanding the provisions of this subparagraph, a ballot drop box that has already been installed and permanently affixed prior to the effective date of this act, P.L.2021, c.459, at any of the following locations may remain at that location notwithstanding that the ballot drop box is within 100 feet of an entrance or exit of a State, county, or municipal police station if the county commissioners approve the continued presence at that location by a majority vote of the commissioners and with the reasons therefor subject to public disclosure:

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

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

voting at that ballot drop box in a personal capacity;

traveling to and from, or remaining within, their personal residence if that residence is within 100 feet of a ballot drop box;

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

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

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

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

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

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

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

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

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

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

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

Electioneering within or about polling place; disorderly persons offense.

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

6. The Secretary of State may adopt guidelines or regulations, or both, necessary to effectuate the purposes of this act, P.L.2021, c.459. Any such regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

7. This act shall take effect immediately.

Approved January 18, 2022.