

[First Reprint]

SENATE, No. 2923

STATE OF NEW JERSEY
219th LEGISLATURE

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Sponsored by:

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SYNOPSIS

Limits law enforcement presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on October 19, 2020, with amendments.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning law enforcement presence at polling places and
2 ballot drop box locations, ¹prohibiting electioneering within 100
3 feet of ballot drop boxes¹, 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 or the body or
22 officer having charge and direction of the police force in such
23 municipality, to detail one or more **[policemen]** police officers
24 to assist in preserving the peace and good order in and about such
25 polling place, **[which]** and no such request shall **[forthwith]** be
26 complied with **[as far as possible]** by the body or officer to whom
27 the same is made. This subsection shall also apply with regard to
28 any other law enforcement officer or law enforcement agency as
29 defined in R.S.19:6-16.

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

31
32 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to
33 read as follows:

34 2. a. No person who is employed as a police officer, either
35 full-time or part-time, by the State or an instrumentality thereof, or
36 by a political subdivision of the State or an instrumentality thereof,
37 **[and who is]** shall serve as a member of a district board of
38 elections or **[serves]** as a duly authorized challenger for a political
39 party or a candidate or on a public question**],** shall wear a police
40 officer's uniform or carry an exposed weapon while serving as a
41 board member or a challenger, as the case may be,**]** at any time,
42 including at a polling place on an election day. ¹This subsection
43 shall not be deemed to prohibit a police officer who is a candidate
44 for an office whose name appears upon the ballot to be voted for an

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 SSG committee amendments adopted October 19, 2020.

1 election from acting as a challenger during that election as may be
2 permitted by another provision of law for a candidate to act as a
3 challenger.¹ **【Any person who violates this section is guilty of a**
4 **crime of the fourth degree.】**

5 This subsection shall also apply with regard to any other law
6 enforcement officer or law enforcement agency as defined in
7 R.S.19:6-16.

8 b. No person employed as a police officer or law enforcement
9 officer as described in subsection a. of this section, whether on or
10 off-duty or whether in or out of uniform, shall remain or stand
11 within 100 feet of a polling place during the conduct of an election
12 except to vote in a personal capacity if qualified to vote.

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

14
15 3. R.S.19:6-16 is amended to read as follows:

16 19:6-16. a. The commission, committee, board or official
17 having charge of the police department in any municipality **【may】**
18 shall not assign **【one or more】** police officers to any district board
19 in such municipality **【whenever the said commission, committee,**
20 board or official deems it necessary to do so. Any police officers so
21 assigned shall, under the direction of the board,**】**, in order to
22 enforce the election laws, maintain order, peace and quiet during
23 the hours of registry and election, **【and】** assist the members of the
24 board in carrying the ballot box or boxes to the office of the
25 municipal clerk after the ballots are counted **【**. The police officers
26 so assigned shall not**】** , assist the board by performing the duties of
27 a board member, nor shall those police officers serve at the polling
28 place of that district board **【as challengers for a party or candidate**
29 or on a public question**】** , or for other routine purposes related to
30 the conduct of elections ¹, except that a district board or a county
31 clerk may request that a police officer be assigned to transport
32 specific election materials to a polling place or from a polling place
33 to the district board or county clerk and a police officer may be
34 assigned for that purpose¹.

35 This subsection shall also apply with regard to any other law
36 enforcement officer or law enforcement agency as defined in
37 subsection b. of this section.

38 b. As used in this section:

39 “Law enforcement agency” means an agency of the federal
40 government or the State or an instrumentality thereof , or any
41 agency of a political subdivision of the State or an instrumentality
42 thereof, that employs, full time or part time, law enforcement
43 officers, including an educational institution that appoints law
44 enforcement officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
45 seq.).

46 “Law enforcement officer” means a person who is employed, full
47 time or part time, by a law enforcement agency whose public duties

1 include the power to act as an officer for the detection,
2 investigation, apprehension, arrest, conviction, detention, or
3 rehabilitation of persons violating the laws of this State or of the
4 United States, including a person appointed as a police officer by an
5 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
6 seq.).

7 c. The provisions of subsection a. of this section, of subsection
8 b of R.S.19:6-15, or of subsection b. of section 2 of P.L.1991, c.306
9 (C.19:6-15.1) shall not be deemed to prohibit the detail or
10 assignment of a police officer or other law enforcement officer due
11 to a summons made to the commission, committee, board, body,
12 authority, or official having charge of the police department in any
13 municipality, or to any other law enforcement agency, for assistance
14 with regard to a specific emergency or disturbance that exists at the
15 time the summons is made. The police officers or law enforcement
16 officers responding to the summons shall take such prompt actions
17 as may be available and as may be necessary in order to address and
18 remove the emergency or disturbance from the location and ensure
19 the continued orderly conduct of the election and election
20 processes, and shall remain at that location only as long as
21 necessary to address and remove that specific emergency or
22 disturbance.

23 The district board shall promptly notify the Secretary of State
24 after of the detail or assignment of any police officer or other law
25 enforcement officer in accordance with this subsection. The
26 Secretary of State shall maintain a record of all such emergencies or
27 disturbances, which shall include, but need not be limited to, the
28 time of the summons, polling place location, reason for the
29 summons, name of the police or law enforcement officer, the police
30 or law enforcement officer's badge number, and if known, the
31 duration of the police or law enforcement officer's presence, and
32 the outcome of the emergency or disturbance.

33 (cf: P.L.1991, c.306, s.1)

34

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

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

1 which the voter resides, who shall accept the ballot for processing.
2 The limitations and prohibitions applicable to mail-in ballot bearers
3 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
4 shall apply under this section.

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

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

15 (b) At least one ballot drop box shall be located at each of the
16 following locations: any county government building in which the
17 main office of the county clerk is located; any municipal
18 government building in which the main office of the municipal
19 clerk is located in municipalities with populations larger than 5,000
20 residents; the main campus of each county community college; the
21 main campus of each State college or university; and the main
22 campus of each independent four-year college or university with
23 enrollments larger than 5,000 students.

24 (c) The board of elections of any county that has fewer than 10
25 ballot drop boxes upon establishing the drop boxes at each location
26 required under subparagraph (b) of this paragraph shall establish
27 additional locations for ballot drop boxes, pursuant to the provisions
28 of subsection c. of this section, so that the county has no fewer than
29 10 ballot drop boxes. The additional drop boxes shall be placed at
30 county or municipal government buildings. To the best of their
31 ability, the board of elections of every county shall place secure
32 ballot drop boxes based on geographic location and population
33 density to best serve the voters of each county pursuant to the
34 regulations adopted pursuant to subsection c. of this section. The
35 Secretary of State shall establish guidelines for the placement of the
36 ballot drop boxes, the security of the ballot drop boxes, and the
37 schedule for ballot pickup from the ballot boxes.

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

45 (e) ¹[No] Commencing on January 1, 2021, and thereafter, no¹
46 ballot drop box shall be located inside, or within 100 feet of an
47 entrance or exit, of a law enforcement agency as defined in
48 R.S.19:6-16.

1 ¹(f) 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 one hundred
4 feet of a ballot drop box, except the badge furnished by the county
5 board as provided by law. A person violating the provisions of this
6 subparagraph shall be guilty of a disorderly persons offense.¹

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

21 (2) select the geographic location of each ballot drop box,
22 ensuring an equitable distribution of ballot drop boxes across the
23 county to 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
29 chain of custody and safe storage of voted mail-in ballots before
30 each election.

31 (cf: P.L.2020, c.72, s.1)

32

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

34 19:34-15. If a person shall distribute or display any circular or
35 printed matter or offer any suggestion or solicit any support for any
36 candidate, party or public question within the polling place or room
37 or within a distance of one hundred feet of the outside entrance to
38 such polling place or room, or within one hundred feet of a ballot
39 drop box, he shall be guilty of a disorderly persons offense.¹

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

41

42 ¹~~5.~~ 6.¹ This act shall take effect ¹~~on the 60th day after the~~
43 ~~date of enactment~~ immediately¹.