

[Second Reprint]

SENATE, No. 2923

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 34 (Essex and Passaic)

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 amended by the Senate on February 19, 2021.



(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 ²c. The election board or the superintendent of elections in the
 31 county in which an election is held may contact a law enforcement
 32 agency as defined in R.S.19:6-16 if information is obtained prior to
 33 the election that in the judgment of the election board or
 34 superintendent of elections should be communicated to a law
 35 enforcement agency.²

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

37

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

40 2. a. No person who is employed as a police officer, either
 41 full-time or part-time, by the State or an instrumentality thereof, or
 42 by a political subdivision of the State or an instrumentality thereof,
 43 **[and who is]** shall serve as a member of a district board of
 44 elections ²unless the person is off-duty² or **[serves]** as a duly

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.

²Senate floor amendments adopted February 19, 2021.

1 authorized challenger for a political party or a candidate or on a
 2 public question[, shall wear a police officer's uniform or carry an
 3 exposed weapon while serving as a board member or a challenger,
 4 as the case may be,] at any time, including at a polling place on an
 5 election day. ¹This subsection shall not be deemed to prohibit a
 6 police officer who is a candidate for an office whose name appears
 7 upon the ballot to be voted for an election from acting as a
 8 challenger during that election as may be permitted by another
 9 provision of law for a candidate to act as a challenger.¹ [Any
 10 person who violates this section is guilty of a crime of the fourth
 11 degree.]

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

15 b. No person employed as a police officer or law enforcement
 16 officer as described in subsection a. of this section, whether on or
 17 off-duty or whether in or out of uniform, shall remain or stand
 18 within 100 feet of a polling place during the conduct of an election
 19 except to vote in a personal capacity if qualified to vote. ²Nothing
 20 herein shall be interpreted to prohibit a police officer or law
 21 enforcement officer from traveling to and from, or remaining
 22 within, their personal residence if that residence is within 100 feet
 23 of a polling place.²

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

25
 26 3. R.S.19:6-16 is amended to read as follows:

27 19:6-16. a. The commission, committee, board or official
 28 having charge of the police department in any municipality [may]
 29 shall not assign [one or more] police officers to any district board
 30 in such municipality [whenever the said commission, committee,
 31 board or official deems it necessary to do so. Any police officers so
 32 assigned shall, under the direction of the board,], in order to
 33 enforce the election laws, maintain order, peace and quiet during
 34 the hours of registry and election, [and] ²[assist the members of
 35 the board in carrying the ballot box or boxes to the office of the
 36 municipal clerk after the ballots are counted]² [. The police
 37 officers so assigned shall not] ²[,]² assist the board by performing
 38 the duties of a board member, nor shall those police officers serve
 39 at the polling place of that district board [as challengers for a party
 40 or candidate or on a public question] , or for other routine purposes
 41 related to the conduct of elections ¹, except that a district board or a
 42 county clerk may request that a police officer ²or sheriff's officer²
 43 be assigned to transport specific election materials to a polling
 44 place or from a polling place to the district board or county clerk
 45 and a police officer ²or sheriff's officer² may be assigned for that
 46 purpose¹.

1 This subsection shall also apply with regard to any other law
2 enforcement officer or law enforcement agency as defined in
3 subsection b. of this section.

4 b. As used in this section:

5 “Law enforcement agency” means an agency of the federal
6 government or the State or an instrumentality thereof , or any
7 agency of a political subdivision of the State or an instrumentality
8 thereof, that employs, full time or part time, law enforcement
9 officers, including an educational institution that appoints law
10 enforcement officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
11 seq.).

12 “Law enforcement officer” means a person who is employed, full
13 time or part time, by a law enforcement agency whose public duties
14 include the power to act as an officer for the detection,
15 investigation, apprehension, arrest, conviction, detention, or
16 rehabilitation of persons violating the laws of this State or of the
17 United States, including a person appointed as a police officer by an
18 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
19 seq.).

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

36 The district board shall promptly notify the ²[Secretary of State
37 after] county board of elections or superintendent of elections, as
38 appropriate,² of the detail or assignment of any police officer or
39 other law enforcement officer in accordance with this subsection.

40 ²The county board of elections or superintendent of elections, as
41 appropriate, shall promptly notify the Secretary of State of the
42 detail or assignment of that police officer or other law enforcement
43 officer.² The Secretary of State shall maintain a record of all such
44 emergencies or disturbances, which shall include, but need not be
45 limited to, the time of the summons, polling place location, reason
46 for the summons, name of the police or law enforcement officer, the
47 police or law enforcement officer’s badge number, and if known,

1 the duration of the police or law enforcement officer's presence,
2 and the outcome of the emergency or disturbance.

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

4

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

7 1. a. In addition to delivering a voted mail-in ballot by mail or
8 in person as provided under "The Vote By Mail Law," P.L.2009,
9 c.79 (C.19:63-1 et seq.), a mail-in voter shall be entitled to deposit
10 the voter's completed mail-in ballot in a ballot drop box established
11 by the county board of elections as provided under this section.
12 Each mail-in ballot deposited in a ballot drop box by the time
13 designated under current law for the closing of the polls for that
14 election shall be considered valid and shall be canvassed. If, at the
15 closing of the polls, a voter deposits a mail-in ballot at a ballot drop
16 box in a county in which the voter does not reside, the county board
17 of elections, upon discovering that fact, shall notify and timely
18 deliver the ballot to the county board of elections of the county in
19 which the voter resides, who shall accept the ballot for processing.
20 The limitations and prohibitions applicable to mail-in ballot bearers
21 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
22 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
25 their voted mail-in ballots at least 45 days before the election. The
26 ballot drop boxes shall be located throughout the county in a
27 manner specified under paragraph (2) of this subsection.

28 (2) (a) A ballot drop box shall mean a secured drop box that is
29 not required to be within view of a live person for monitoring. All
30 ballot drop boxes shall be available for use by a voter 24 hours a
31 day and shall be placed at locations equipped with security cameras
32 that allow 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
36 government building in which the main office of the municipal
37 clerk is located in municipalities with populations larger than 5,000
38 residents; the main campus of each county community college; the
39 main campus of each State college or university; and the main
40 campus of each independent four-year college or university with
41 enrollments larger than 5,000 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
46 of subsection c. of this section, so that the county has no fewer than
47 10 ballot drop boxes. The additional drop boxes shall be placed at
48 county or municipal government buildings. To the best of their

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

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

15 (e) ¹~~1~~²Commencing on January 1, 2021, and thereafter,
16 no¹ No² ballot drop box shall be located inside, or within 100 feet
17 of an entrance or exit, of a law enforcement agency as defined in
18 R.S.19:6-16.

19 ¹(f) ²No law enforcement officer as defined in R.S.19:6-16 shall
20 remain or stand within 100 feet of a ballot drop box during the
21 conduct of an election except to vote in a personal capacity if
22 qualified to vote. Nothing herein shall be interpreted to prohibit a
23 law enforcement officer from traveling to and from, or remaining
24 within, their personal residence if that residence is within 100 feet
25 of a ballot drop box.

26 (g)² No person shall wear, display, sell, give, or provide any
27 political or campaign slogan, badge, button, or other insignia
28 associated with any political party or candidate within one hundred
29 feet of a ballot drop box, except the badge furnished by the county
30 board as provided by law. A person violating the provisions of this
31 subparagraph shall be guilty of a disorderly persons offense.¹

32 c. The Secretary of State, in consultation with county boards of
33 elections, shall establish the rules and regulations necessary to
34 ensure the secure and successful implementation of the mail-in
35 ballot drop boxes required by this section. In determining the ballot
36 drop box locations, the secretary and county boards of elections
37 shall consider, at a minimum, concentrations of population,
38 geographic areas, voter convenience, proximity to public
39 transportation, community-based locations, and security. The rules
40 and regulations shall include, but may not be limited to, criteria for
41 each county board of elections to:

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

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

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

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

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

12

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

14 19:34-15. If a person shall distribute or display any circular or
15 printed matter or offer any suggestion or solicit any support for any
16 candidate, party or public question within the polling place or room
17 or within a distance of one hundred feet of the outside entrance to
18 such polling place or room, or within one hundred feet of a ballot
19 drop box, he shall be guilty of a disorderly persons offense.¹

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

21

22 ¹~~5.~~ 6.¹ This act shall take effect ¹~~on the 60th day after the~~
23 ~~date of enactment~~ immediately¹.