

[First Reprint]

SENATE, No. 3595

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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 June 3, 2021.



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
 34 activity 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.

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.19:6-16' 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

1 by performing the duties of a board member, **nor shall those police**
2 **officers** or serve at the polling place of that district board [as
3 challengers for a party or candidate or on a public question], or in
4 order to perform other routine purposes related to the conduct of
5 elections, except that a district board, superintendent of elections, or
6 a county clerk may request that a police officer or sheriff's officer
7 be assigned to transport specific election materials to a polling
8 place or from a polling place to the district board or county clerk
9 and a police officer or sheriff's officer may be assigned for that
10 purpose.

11 b. Nothing in subsection a. of this section, subsection b ¹ of
12 R.S.19:6-15, or subsection b. of section 2 of P.L.1991, c.306
13 (C.19:6-15.1) shall be construed to prohibit the dispatch, detail, or
14 assignment of a police officer or other law enforcement officer due
15 to a request for assistance made to the commission, committee,
16 board, body, authority, or official having charge of the police
17 department in any county or municipality, or to any other law
18 enforcement agency, for assistance with regard to a specific
19 emergency, allegation of criminal conduct, or disturbance that
20 exists at the time the request for assistance is made. The police
21 officers or law enforcement officers responding to the request for
22 assistance shall take any prompt actions as may be available and as
23 may be necessary in order to address the emergency, allegation, or
24 disturbance and ensure the continued orderly conduct of the election
25 and election processes, and shall remain present at that location
26 during the conduct of the election only as long as necessary to
27 investigate, address, and remove that specific emergency or
28 disturbance.

29 The district board shall promptly notify the county board of
30 elections or superintendent of elections, as appropriate, of the
31 dispatch of any police officer or other law enforcement officer in
32 response to a request for assistance in accordance with this
33 subsection. The county board of elections or superintendent of
34 elections, as appropriate, shall promptly notify the Secretary of
35 State of the dispatch of that police officer or other law enforcement
36 officer. The Secretary of State, county boards of elections, and
37 superintendents of elections shall maintain a record of all dispatches
38 issued and reported pursuant to this section, which shall include, but
39 need not be limited to, the time of the dispatch, polling place
40 location, reason for the dispatch, name of the police or law
41 enforcement officer, the police or law enforcement officer's badge
42 number, the duration of the police or law enforcement officer's
43 presence, and the immediate outcome of the dispatch. Information
44 obtained pursuant to this section is deemed to be a public or
45 government record and shall be subject to disclosure as provided in
46 the public records law, P.L.1963, c.73 (C.47:1A-1 et seq.)
47 (cf: P.L.1991, c.306, s.1)

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

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

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

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

28 (b) **At** Beginning with the 2021 general election, at least one
29 ballot drop box shall be located **at each of the following locations**: at
30 any county government building in which the main office of the
31 county clerk is located; **any municipal government building in which**
32 the main office of the municipal clerk is located in municipalities with
33 populations **in each municipality with a population** larger than
34 5,000 residents; **the main campus of each county community**
35 college; **at** the main campus of each State college or university; and
36 at the main campus of each independent four-year college or university
37 with enrollments larger than 5,000 students.

38 (c) The board of elections **of any** in each county **that has fewer**
39 than 10 ballot drop boxes upon establishing the drop boxes at each
40 location required under subparagraph (b) of this paragraph shall
41 establish additional locations for ballot drop boxes, pursuant to the
42 provisions of subsection c. of this section, so that the county has **shall**
43 establish no fewer than 10 ballot drop boxes. **The additional drop**
44 boxes shall be placed at county or municipal government buildings. **]**
45 To the best of their ability, the board of elections of every county shall
46 place secure ballot drop boxes based on geographic location and

1 population density to best serve the voters of each county **【**pursuant
2 to**】** in compliance with the **【**regulations**】** guidelines adopted pursuant
3 to subsection c. of this section. The Secretary of State shall establish
4 guidelines for the placement of the ballot drop boxes, the security of
5 the ballot drop boxes, and the schedule for ballot pickup from the
6 ballot boxes.

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

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

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

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

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

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

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

45 escorting to or from, or both, a ballot drop box or the premise on
46 which it is located any person who may require the assistance of the
47 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 **【rules and regulations】** 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 **【rules and regulations】** 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. 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.

(cf: P.L.2020, c.72, s.1)¹

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

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

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

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

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

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

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

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

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

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

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

42 voting at that ballot drop box in a personal capacity;
43 traveling to and from, or remaining within, their personal
44 residence if that residence is within 100 feet of a ballot drop box;
45 investigating, addressing, or removing any cause for a
46 disturbance, or otherwise responding to a request for assistance, on
47 or around the premises of the location of that ballot drop box; or

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

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

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

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

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

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

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

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

46 e. Whenever a municipal, school, or special election is held,
47 the board may open only the ballot drop box located geographically
48 closest to the municipal government building in which the main

1 office of the municipal clerk is located and the ballot drop box
2 located at the board of elections or county office, if one is placed at
3 that location. When a school election encompasses more than one
4 municipality, the board shall be responsible for the selection of the
5 ballot drop box location with respect to each municipality.¹

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

7
8 5. R.S.19:34-15 is amended to read as follows:

9 19:34-15. If a person shall distribute or display any circular or
10 printed matter or offer any suggestion or solicit any support for any
11 candidate, party or public question within the polling place or room or
12 within a distance of **【one hundred】** 100 feet of the outside entrance to
13 such polling place or room, or within 100 feet of a ballot drop box in
14 use during the conduct of an election, **【he】** the person shall be guilty
15 of a disorderly persons offense.

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

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

26
27 7. This act shall take effect immediately.