

[Second 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 December 2, 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

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 (C.18A:6-4.2 et seq.), shall serve as a member of a district board of
2 elections, unless the person is off-duty, or [serves] serve as a duly
3 authorized challenger for a political party or a candidate or on a
4 public question [, shall wear a police officer's uniform or carry an
5 exposed weapon while serving as a board member or a challenger,
6 as the case may be,] in the municipality in which that person is
7 employed, or if employed by an institution of higher education, any
8 municipality in which the institution is physically located, or if
9 employed by a county or the State, in the county in which that
10 person is employed or stationed, respectively, or wear a police
11 officer's uniform or carry an exposed weapon at any time, including
12 at a polling place on an election day. [Any person who violates this
13 section is guilty of a crime of the fourth degree.] Nothing in this
14 subsection shall be construed to prohibit a police officer who is a
15 candidate for an office and whose name appears upon the ballot to
16 be voted for an election from acting as a challenger during that
17 election as may be permitted by another provision of law for a
18 candidate to act as a challenger

19 b. No person employed as a police officer as described in
20 subsection a. of this section, whether on or off-duty or whether in or
21 out of uniform, shall remain or stand within 100 feet of a polling
22 place during the conduct of an election unless present at the
23 location in response to a request for assistance in accordance with
24 '[R.S.19:16-16] R.S.19:6-16¹ or as otherwise provided herein or
25 pursuant to this act, P.L. c. (pending before the Legislature as
26 this bill).

27 c. Nothing herein shall be interpreted to prohibit a police
28 officer or law enforcement officer from:
29 traveling to and from, or remaining within, their personal
30 residence if that residence is within 100 feet of a polling place;
31 voting at that polling place in a personal capacity; or
32 escorting to or from, or both, a polling place a person who may
33 require assistance of the officer.

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

35
36 3. R.S.19:6-16 is amended to read as follows

37 19:6-16. a. The commission, committee, board or official
38 having charge of the police department in any county or
39 municipality [may] shall not assign [one or more] police officers
40 to any district board in [such] that county or municipality
41 [whenever the said commission, committee, board or official deems
42 it necessary to do so. Any police officers so assigned shall, under
43 the direction of the board,], in order to enforce the election laws,
44 maintain order, peace and quiet during the hours of registry and
45 election, [and assist the members of the board in carrying the ballot
46 box or boxes to the office of the municipal clerk after the ballots are

1 counted. The police officers so assigned shall not] assist the board
2 by performing the duties of a board member, [nor shall those police
3 officers] or serve at the polling place of that district board [as
4 challengers for a party or candidate or on a public question], or in
5 order to perform other routine purposes related to the conduct of
6 elections, except that a district board, superintendent of elections, or
7 a county clerk may request that a police officer or sheriff's officer
8 be assigned to transport specific election materials to a polling
9 place or from a polling place to the district board or county clerk
10 and a police officer or sheriff's officer may be assigned for that
11 purpose. ²The commission, committee, board or official having
12 charge of the police department in any county or municipality may
13 assign one or more police officers to a senior residential center that
14 has reported a threat or safety concern, and any such officer
15 assigned to a senior residential center shall not interfere with any
16 person present at the location for the purpose of voting.²

17 b. Nothing in subsection a. of this section, subsection b ^{1.1} of
18 R.S.19:6-15, or subsection b. of section 2 of P.L.1991, c.306
19 (C.19:6-15.1) shall be construed to prohibit the dispatch, detail, or
20 assignment of a police officer or other law enforcement officer due
21 to a request for assistance made to the commission, committee,
22 board, body, authority, or official having charge of the police
23 department in any county or municipality, or to any other law
24 enforcement agency, for assistance with regard to a specific
25 emergency, allegation of criminal conduct, or disturbance that
26 exists at the time the request for assistance is made. The police
27 officers or law enforcement officers responding to the request for
28 assistance shall take any prompt actions as may be available and as
29 may be necessary in order to address the emergency, allegation, or
30 disturbance and ensure the continued orderly conduct of the election
31 and election processes, and shall remain present at that location
32 during the conduct of the election only as long as necessary to
33 investigate, address, and remove that specific emergency or
34 disturbance.

35 The district board shall promptly notify the county board of
36 elections or superintendent of elections, as appropriate, of the
37 dispatch of any police officer or other law enforcement officer in
38 response to a request for assistance in accordance with this
39 subsection. The county board of elections or superintendent of
40 elections, as appropriate, shall promptly notify the Secretary of
41 State of the dispatch of that police officer or other law enforcement
42 officer. The Secretary of State, county boards of elections, and
43 superintendents of elections shall maintain a record of all dispatches
44 issued and reported pursuant to this section, which shall include, but
45 need not be limited to, the time of the dispatch, polling place
46 location, reason for the dispatch, name of the police or law
47 enforcement officer, the police or law enforcement officer's badge

1 number, the duration of the police or law enforcement officer's
2 presence, and the immediate outcome of the dispatch. Information
3 obtained pursuant to this section is deemed to be a public or
4 government record and shall be subject to disclosure as provided in
5 the public records law, P.L.1963, c.73 (C.47:1A-1 et seq.)
6 (cf: P.L.1991, c.306, s.1)
7

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

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

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

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

35 (b) **【At】** Beginning with the 2021 general election, at least one
36 ballot drop box shall be located 【at each of the following locations】: at
37 any county government building in which the main office of the
38 county clerk is located; 【any municipal government building in which
39 the main office of the municipal clerk is located in municipalities with
40 populations】 in each municipality with a population larger than
41 5,000 residents; 【the main campus of each county community
42 college;】 at the main campus of each State college or university; and
43 at the main campus of each independent four-year college or university
44 with enrollments larger than 5,000 students.

45 (c) The board of elections **【of any】** in each county **【that has fewer**
46 than 10 ballot drop boxes upon establishing the drop boxes at each
47 location required under subparagraph (b) of this paragraph shall

1 establish additional locations for ballot drop boxes, pursuant to the
2 provisions of subsection c. of this section, so that the county has **shall**
3 establish no fewer than 10 ballot drop boxes. **【The additional drop**
4 **boxes shall be placed at county or municipal government buildings.】**
5 To the best of their ability, the board of elections of every county shall
6 place secure ballot drop boxes based on geographic location and
7 population density to best serve the voters of each county **【pursuant**
8 **to】** in compliance with the **【regulations】** guidelines adopted pursuant
9 to subsection c. of this section. The Secretary of State shall establish
10 guidelines for the placement of the ballot drop boxes, the security of
11 the ballot drop boxes, and the schedule for ballot pickup from the
12 ballot boxes.

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

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

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

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

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

45 voting at that ballot drop box in a personal capacity;

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

1 investigating, addressing, or removing any cause for a
2 disturbance, or otherwise responding to a request for assistance, on
3 or around the premises of the location of that ballot drop box; or
4 escorting to or from, or both, a ballot drop box or the premise on
5 which it is located any person who may require the assistance of the
6 officer.

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

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

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

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

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

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

41 d. Whenever a municipal, school, or special election is held,
42 the board may open only the ballot drop box located geographically
43 closest to the municipal government building in which the main
44 office of the municipal clerk is located and the ballot drop box
45 located at the board of elections or county office, if one is placed at
46 that location. When a school election encompasses more than one

1 municipality, the board shall be responsible for the selection of the
2 ballot drop box location with respect to each municipality.

3 (cf: P.L.2020, c.72, s.1)]¹

4
5 ¹4. 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) Beginning with the 2021 general election, at least one ballot
34 drop box shall be located: at any county government building in
35 which the main office of the county clerk is located; in each
36 municipality with a population larger than 5,000 residents; at the
37 main campus of each State college or university; and the main
38 campus of each independent four-year college or university with
39 enrollments larger than 5,000 students. Notwithstanding the
40 locational criteria established by this subparagraph, whenever two
41 or more ballot drop box locations are separated by a distance of less
42 than 2,000 feet, the board of elections in each county shall
43 determine secondary locations for those ballot drop boxes in
44 compliance with the requirements of this section. The secondary
45 ballot drop box locations shall be located within the municipality
46 where those ballot drop boxes were originally located and shall be
47 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.