

ASSEMBLY, No. 4452

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2022

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Assemblyman Auth, Assemblywomen DeFuccio, McCarthy Patrick,

Assemblymen Space, Bergen and Rooney

SYNOPSIS

Removes prohibition on police presence at ballot drop boxes and polling places.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/15/2022)

1 AN ACT concerning police presence at ballot drop boxes and polling
2 places, and amending various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

8 19:6-15. a. The district boards of every election district shall
9 preserve the peace and maintain good order in their respective
10 polling places during the progress of all elections and the counting
11 of the votes cast thereat. To that end, each member of every such
12 board, during the progress of an election and the counting and
13 canvassing of the votes, shall be and hereby is invested and charged
14 with all the powers and duties of constables of this State in criminal
15 matters.

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

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

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

30 (cf: P.L.2021, c.459, s.1)

31

32 2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to read as
33 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 **[including a person appointed as a police officer by an institution of**
38 **higher education pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.),**
39 **shall serve as]** and who is a member of a district board of elections,
40 **[unless the person is off-duty,]** or **[serve]** serves as a duly
41 authorized challenger for a political party or a candidate or on a
42 public question **[in the municipality in which that person is**
43 **employed, or if employed by an institution of higher education, any**
44 **municipality in which the institution is physically located, or if**

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.

1 employed by a county or the State, in the county in which that
2 person is employed or stationed, respectively, or**】** , shall wear a
3 police officer's uniform or carry an exposed weapon **【**at any time,
4 including**】** while serving as a district board member or challenger,
5 as the case may be, at a polling place **【**on an election day. Nothing
6 in this subsection shall be construed to prohibit a police officer who
7 is a candidate for an office and whose name appears upon the ballot
8 to be voted for an election from acting as a challenger during that
9 election as may be permitted by another provision of law for a
10 candidate to act as a challenger.**】** during the conduct of an election.
11 Any person who violates this subsection shall be guilty of a crime
12 of the fourth degree.

13 **【**b. No person employed as a police officer as described in
14 subsection a. of this section, whether on or off-duty or whether in or
15 out of uniform, shall remain or stand within 100 feet of a polling
16 place during the conduct of an election unless present at the
17 location in response to a request for assistance in accordance with
18 R.S.19:6-16 or as otherwise provided herein or pursuant to this act,
19 P.L.2021 c.459.

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

22 traveling to and from, or remaining within, their personal
23 residence if that residence is within 100 feet of a polling place;
24 voting at that polling place in a personal capacity; or
25 escorting to or from, or both, a polling place a person who may
26 require assistance of the officer.**】**

27 (cf: P.L.2021, c.459, s.2)

28

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

30 19:6-16. **【**a.**】** The commission, committee, board or official
31 having charge of the police department in any county or
32 municipality **【**shall not**】** may assign one or more police officers to
33 any district board in that county or municipality **【**, in order to**】**
34 whenever the said commission, committee, board or official deems it
35 necessary to do so. Any police officers so assigned shall, under the
36 direction of the district board enforce the election laws, maintain
37 order, peace and quiet during the hours of registry and election, and
38 assist the members of the district board in transporting any election
39 materials to and from the polling place to the district board or a
40 municipal or county clerk, as appropriate. The police officers so
41 assigned shall not assist the district board by performing the duties
42 of a district board member, **【**or**】** nor shall those police officers
43 serve at the polling place of that district board **【**, or in order to
44 perform other routine purposes related to the conduct of elections,
45 except that a district board, superintendent of elections, or a county
46 clerk may request that a police officer or sheriff's officer be
47 assigned to transport specific election materials to a polling place or

1 from a polling place to the district board or county clerk and a
2 police officer or sheriff's officer may be assigned for that purpose.
3 The commission, committee, board or official having charge of the
4 police department in any county or municipality may assign one or
5 more police officers to a senior residential center that has reported a
6 threat or safety concern, and any such officer assigned to a senior
7 residential center shall not interfere with any person present at the
8 location for the purpose of voting **】 as challengers for a party or**
9 **candidate or on a public question.**

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

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

46 (cf: P.L.2021, c.459, s.3)

1 4. Section 1 of P.L.2020, c.72 (C.19:63-16.1) is amended to read
2 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
7 the county board of elections as provided under this section. Each
8 mail-in ballot deposited in a ballot drop box by the time designated
9 under current law for the closing of the polls for that election shall
10 be considered valid and shall be canvassed. If, at the closing of the
11 polls, a voter deposits a mail-in ballot at a ballot drop box in a
12 county in which the voter does not reside, the county board of
13 elections, upon discovering that fact, shall notify and timely deliver
14 the ballot to the county board of elections of the county in which
15 the voter resides, who shall accept the ballot for processing. The
16 limitations and prohibitions applicable to mail-in ballot bearers
17 under "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1 et seq.)
18 shall apply under this section.

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

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

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

1 guideline according to the most recent federal American
2 Community Survey.

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

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

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

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

31 any county government building in which the main office of the
32 county clerk is located; any municipal government building in
33 which the main office of the municipal clerk is located in
34 municipalities with populations larger than 5,000 residents; the
35 main campus of a county community college; the main campus of a
36 State college or university; and the main campus of an independent
37 four-year college or university with enrollments larger than 5,000
38 students. **】** (Deleted by amendment, P.L. , c.) (pending before
39 the Legislature as this bill)

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

44 voting at that ballot drop box in a personal capacity;
45 traveling to and from, or remaining within, their personal
46 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.】 (Deleted by amendment, P.L. , c.) (pending before the
7 Legislature as this bill)

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

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

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

31 (2) select the geographic location of each ballot drop box,
32 ensuring an equitable distribution of ballot drop boxes across the
33 county to 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
39 chain of custody and safe storage of voted mail-in ballots before
40 each election.

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

1 information to the Secretary of State for publishing the same on the
2 Division of Elections website.

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

11 (cf: P.L.2021, c.459, s.4)

12
13 5. This act shall take effect immediately.
14
15

16 STATEMENT
17

18 Under current law, the presence of police officers at polling
19 places during the conduct of an election and at ballot drop box
20 locations in use during the conduct of an election is limited.

21 This bill removes the prohibition on police presence at ballot
22 drop boxes and polling places that was adopted into law in 2021
23 (P.L.2021, c.459). Under this bill, police are once again permitted
24 to be within 100 feet of a ballot drop box or polling place during the
25 conduct of an election while in an official capacity. The bill also
26 removes the following provisions of current law:

- 27 • a provision requiring a district board of elections to notify
28 the county board of elections or superintendent of elections,
29 as appropriate, of the dispatch of a police officer or other
30 law enforcement officer to polling place;
- 31 • a provision requiring the county board of elections or
32 superintendent of elections, as appropriate, to notify the
33 Secretary of State of the dispatch of a police officer or other
34 law enforcement officer to a polling place; and
- 35 • a provision requiring the Secretary of State, county boards of
36 elections, and superintendents of elections to maintain a
37 record of all dispatches issued and reported to a polling
38 place.