

**ASSEMBLY, No. 5051**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED JANUARY 12, 2023

**Sponsored by:**

**Assemblyman ALEX SAUICKIE**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman ROBERT D. CLIFTON**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Requires schools to be used as polling places only if other public, private, or commercial locations are not available.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/8/2023)**

1 AN ACT requiring school buildings to be used as polling places only  
2 in certain circumstances and amending R.S.19:8-2 and R.S.19:8-  
3 3.

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

7  
8 1. R.S.19:8-2 is amended to read as follows:

9 19:8-2. The clerk of every municipality, on or before April 1  
10 shall certify to the county board of every county wherein such  
11 municipality is located a suggested list of places in the municipality  
12 suitable for polling places. The county board shall select the  
13 polling places for the election districts in the municipalities of the  
14 county for all elections in the municipalities thereof, including all  
15 commission government elections in the county. The county boards  
16 shall not be obliged to select the polling places so suggested by the  
17 municipal clerks, but may choose others where they may deem it  
18 expedient. Preference in locations shall be given first to **schools**  
19 **and** public buildings, and last to schools which shall be selected  
20 only when other public, private, or commercial buildings are not  
21 available and accessible as a polling place, where space shall be  
22 made available by the authorities in charge, upon request, if same  
23 can be done without detrimental interruption of school or the usual  
24 public services thereof, and for which the authority in charge shall  
25 be reimbursed, by agreement, for expenses of light, janitorial and  
26 other attending services arising from such use. Each polling place  
27 selected shall be accessible to individuals with disabilities and the  
28 elderly. A polling place shall be considered accessible if it is in  
29 compliance with the federal "Americans with Disabilities Act of  
30 1990" (42 U.S.C. s. 12101 et seq.). In no case shall the authorities  
31 in charge of a public school or other public building deny the  
32 request of the county board for the use, as a polling place, of any  
33 building they own or lease.

34 Where the county board shall fail to agree as to the selection of  
35 the polling place or places for any election district, within five days  
36 of an election, the county clerk shall select and designate the  
37 polling place or places in any such election district.

38 The county board may select a polling place other than a  
39 schoolhouse or public building outside of the district but such  
40 polling place shall not be located more than 1,000 feet distant from  
41 the boundary line of the district. The Secretary of State may,  
42 however, permit a polling place to be more than 1,000 feet distant  
43 from the boundary line of the district if there is no suitable polling  
44 place accessible to individuals with disabilities and the elderly  
45 within the district or 1,000 feet distant from the boundary line of the  
46 district.

**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 Whenever possible, the county board shall contact the managers  
2 or owners of commercial or private buildings that the board deems  
3 suitable to use as polling places, and are in or near an election  
4 district **【lacking an accessible polling place】**, to determine whether  
5 a portion of such a building may be used as a polling place on the  
6 day of an election. Reimbursement for the use of a portion of such  
7 a building shall be the same as provided by this section for schools  
8 and public buildings.

9 Neither the owner nor operator of a facility designated as a  
10 polling place by the county board is permitted or authorized to  
11 relocate the polling place room in the building without the express  
12 prior approval of the board.

13 (cf: P.L.2011, c.134, s.11)

14  
15 2. R.S.19:8-3 is amended to read as follows:

16 19:8-3. The county board may select the schoolhouse or  
17 schoolhouses, public building or public buildings as the polling  
18 places in any municipality in the county whether or not such  
19 schoolhouses or public buildings are located within the election  
20 district for which the polling place is established; and shall  
21 designate the rooms or places, entrances and exits to be used in the  
22 schoolhouses or public buildings. A schoolhouse may be selected  
23 only when other public, private, or commercial buildings are not  
24 available and accessible as a polling place.

25 The county board may select a private or commercial building as  
26 a polling place other than a schoolhouse or public building for an  
27 election district, when the location of the election district and of the  
28 **【schoolhouses and】** public buildings in the municipality in which  
29 the election district is located is such that inconvenience would be  
30 caused the voters of such election district by locating the polling  
31 place thereof in a **【schoolhouse or】** public building. A schoolhouse  
32 may be selected only when other public, private, or commercial  
33 buildings are not available and accessible as a polling place. In the  
34 selection of a polling place other than a schoolhouse or public  
35 building for an election district, consideration shall be given to the  
36 use of buildings accessible to individuals with disabilities and the  
37 elderly.

38 The county board shall determine and certify to the board of  
39 chosen freeholders the amount to be paid the several boards of  
40 education or municipalities, as the case may be, for expenses in  
41 connection with the use of schoolhouses or public buildings for  
42 election purposes; not to exceed in any case the amount paid for  
43 polling places in private premises.

44 (cf: P.L.2005, c.146, s.2)

45  
46 3. This act shall take effect January 1 of the year next following  
47 the date of enactment.

1 STATEMENT

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3 This bill requires that school buildings be selected by the county  
4 boards of elections as polling places only when no public, private,  
5 or commercial building is available and accessible to individuals  
6 with disabilities and the elderly. In doing so, this bill promotes the  
7 safety and security of all staff and students who attend school in  
8 New Jersey, and limits disruptions to the learning environment that  
9 occur when schools are opened to large numbers of people for use  
10 as a polling place.