

SENATE, No. 3766

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:
Senator SAMUEL D. THOMPSON
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.



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.

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

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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

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 within the district or 1,000 feet distant from the boundary line of the
2 district.

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

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

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

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

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

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

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

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

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

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STATEMENT

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