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Sponsored by:**Assemblywoman VERLINA REYNOLDS-JACKSON****District 15 (Hunterdon and Mercer)****Assemblyman BENJIE E. WIMBERLY****District 35 (Bergen and Passaic)****Assemblywoman LINDA S. CARTER****District 22 (Middlesex, Somerset and Union)****Co-Sponsored by:****Assemblywoman Jasey and Assemblyman Verrelli****SYNOPSIS**

Limits law enforcement presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on October 26, 2020, with amendments.

AN ACT concerning law enforcement presence at polling places and ballot drop box locations, ¹prohibiting electioneering within 100 feet of ballot drop boxes¹, and amending various parts of the statutory law.

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

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

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

b. Such election board, or any [two] members thereof, [may, by writing under their hands whenever in their opinion it shall be necessary to do so,] shall not request the municipal authorities of any municipality within which their district is situate or the body or officer having charge and direction of the police force in such municipality, to detail one or more [policemen] police officers to assist in preserving the peace and good order in and about such polling place, [which] and no such request shall [forthwith] be complied with [as far as possible] by the body or officer to whom the same is made. This subsection shall also apply with regard to any other law enforcement officer or law enforcement agency as defined in R.S.19:6-16.

¹c. The election board or the superintendent of elections in the county in which an election is held may contact a law enforcement agency as defined in R.S.19:6-16 if information is obtained prior to the election that in the judgment of the election board or superintendent of elections should be communicated to a law enforcement agency.¹

(cf: R.S.19:6-15)

2. Section 2 of P.L.1991, c.306 (C.19:6-15.1) is amended to read as follows:

2. a. No person who is employed as a police officer, either full-time or part-time, by the State or an instrumentality thereof, or by a political subdivision of the State or an instrumentality thereof, [and who is] shall serve as a member of a district board of elections ¹unless the person is off-duty¹ or [serves] as a duly authorized challenger for a political party or a candidate or on a public question[, shall wear a police officer's uniform or carry an exposed weapon while serving as a board member or a challenger, as the case may be,] at any time, including at a polling place on an election day. ¹This subsection shall not be deemed to prohibit a police officer who is a candidate for an office whose name appears upon the ballot to be voted for an election from acting as a challenger during that election as may be permitted by another provision of law for a candidate to act as a challenger.¹ [Any person who violates this section is guilty of a crime of the fourth degree.]

This subsection shall also apply with regard to any other law enforcement officer or law enforcement agency as defined in R.S.19:6-16.

b. No person employed as a police officer or law enforcement officer as described in subsection a. of this section, whether on or off-duty or whether in or out of uniform, shall

remain or stand within 100 feet of a polling place during the conduct of an election except to vote in a personal capacity if qualified to vote.

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

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

19:6-16. a. The commission, committee, board or official having charge of the police department in any municipality [may] shall not assign [one or more] police officers to any district board in such municipality [whenever the said commission, committee, board or official deems it necessary to do so. Any police officers so assigned shall, under the direction of the board,], in order to enforce the election laws, maintain order, peace and quiet during the hours of registry and election, [and] ¹[assist the members of the board in carrying the ballot box or boxes to the office of the municipal clerk after the ballots are counted]¹ [. The police officers so assigned shall not] ¹,¹ assist the board by performing the duties of a board member, nor shall those police officers serve at the polling place of that district board [as challengers for a party or candidate or on a public question], or for other routine purposes related to the conduct of elections ¹, except that a district board, superintendent of elections, or a county clerk may request that a police officer or sheriff's officer be assigned to transport specific election materials to a polling place or from a polling place to the district board or county clerk and a police officer or sheriff's officer may be assigned for that purpose¹.

This subsection shall also apply with regard to any other law enforcement officer or law enforcement agency as defined in subsection b. of this section.

b. As used in this section:

"Law enforcement agency" means an agency of the federal government or the State or an instrumentality thereof, or any agency of a political subdivision of the State or an instrumentality thereof, that employs, full time or part time, law enforcement officers, including an educational institution that appoints law enforcement officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

"Law enforcement officer" means a person who is employed, full time or part time, by a law enforcement agency whose public duties include the power to act as an officer for the detection, investigation, apprehension, arrest, conviction, detention, or rehabilitation of persons violating the laws of this State or of the United States, including a person appointed as a police officer by an educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

c. The provisions of subsection a. of this section, of subsection b of R.S.19:6-15, or of subsection b. of section 2 of P.L.1991, c.306 (C.19:6-15.1) shall not be deemed to prohibit the detail or assignment of a police officer or other law enforcement officer due to a summons made to the commission, committee, board, body, authority, or official having charge of the police department in any municipality, or to any other law enforcement agency, for assistance with regard to a specific emergency or disturbance that exists at the time the summons is made. The police officers or law enforcement officers responding to the summons shall take such prompt actions as may be available and as may be necessary in order to address and remove the emergency or disturbance from the location and ensure the continued orderly conduct of the election and election processes, and shall remain at that location only as long as necessary to address and remove that specific emergency or disturbance.

The district board shall promptly notify the Secretary of State after of the detail or assignment of any police officer or other law enforcement officer in accordance with this subsection. The Secretary of State shall maintain a record of all such emergencies or disturbances, which shall include, but need not be limited to, the time of the summons, polling place location, reason for the summons, name of the police or law enforcement officer, the police or law enforcement officer's badge number, and if known, the duration of the police or law enforcement officer's presence, and the outcome of the emergency or disturbance.
(cf: P.L.1991, c.306, s.1)

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

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

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

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

(b) At least one ballot drop box shall be located at each of the following locations: any county government building in which the main office of the county clerk is located; any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents; the main campus of each county community college; the main campus of each State college or university; and the main campus of each independent four-year college or university with enrollments larger than 5,000 students.

(c) The board of elections of any county that has fewer than 10 ballot drop boxes upon establishing the drop boxes at each location required under subparagraph (b) of this paragraph shall establish additional locations for ballot drop boxes, pursuant to the provisions of subsection c. of this section, so that the county has no fewer than 10 ballot drop boxes. The additional drop boxes shall be placed at county or municipal government buildings. To the best of their ability, the board of elections of every county shall place secure ballot drop boxes based on geographic location and population density to best serve the voters of each county pursuant to the regulations adopted pursuant to subsection c. of this section. The Secretary of

State shall establish guidelines for the placement of the ballot drop boxes, the security of the ballot drop boxes, and the schedule for ballot pickup from the ballot boxes.

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

(e) ¹~~[No] Commencing on January 1, 2021, and thereafter, no~~¹ ballot drop box shall be located inside, or within 100 feet of an entrance or exit, of a law enforcement agency as defined in R.S.19:6-16.

¹~~(f) 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 one hundred feet of a ballot drop box, except 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.~~¹

c. The Secretary of State, in consultation with county boards of elections, shall establish the rules and regulations necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes required by this section. 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, and security. The rules and regulations 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.

(cf: P.L.2020, c.72, s.1)

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

19:34-15. If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of one hundred feet of the outside entrance to such polling place or room, or within one hundred feet of a ballot drop box, he shall be guilty of a disorderly persons offense.¹

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

¹~~[5.]~~ 6.¹ This act shall take effect ¹~~[on the 60th day after the date of enactment]~~
immediately¹.