

[Second Reprint]

ASSEMBLY, No. 1947

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

Co-Sponsored by:

**Assemblywomen Jimenez, Pinkin, Assemblyman Schaer and
Assemblywoman Riley**

SYNOPSIS

Requires county elections board give notice by Internet posting, mail or electronic means when polling place location changes unexpectedly before election; requires board develop plan for polling place change notification.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 8, 2014, with amendments.

(Sponsorship Updated As Of: 5/23/2014)

1 AN ACT concerning a change in polling place location for any
2 election district and amending R.S.19:8-2.

3

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

6

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

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

30 Where the county board shall fail to agree as to the selection of
31 the polling place or places for any election district, within five days
32 of an election, the county clerk shall select and designate the
33 polling place or places in any such election district.

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

43 Whenever possible, the county board shall contact the managers

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:

¹Assembly AJU committee amendments adopted February 24, 2014.

²Assembly AAP committee amendments adopted May 8, 2014.

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

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

12 ¹b. (1)¹ When the location of a polling place for ¹[any] an¹
13 election district is changed to another location within 60 days next
14 preceding any election, the county board of the county in which the
15 affected voters reside shall direct and cause a notice of such change
16 to be sent by mail to the residence of each affected voter ¹if the
17 change occurs ²[more than]² 14 days ²or more² before the day of
18 the election. If the change occurs less than 14 days before or on the
19 day of an election, the notice of the change shall be sent by
20 electronic means to each effected voter whose electronic contact
21 information is on file with the county¹. The county board shall also
22 direct and cause a notice of such change ²to be transmitted to the
23 county clerk and² to be posted and displayed prominently on the
24 county's Internet site ¹as soon as possible after the decision to make
25 the change has been finalized¹. ²The county board shall transmit to
26 the county clerk an electronic copy of any notice that the board
27 issues by surface mail or electronic means.² The county board shall
28 arrange for ²[the assignment of a police officer or other fully
29 competent person] signage² to be posted outside the previous
30 polling place location during all polling place hours on the day of
31 any election to provide guidance to voters concerning the change in
32 polling place location.

33 ¹(2) Each county shall develop, based on guidelines issued by
34 the Secretary of State, a contingency plan for notifying the residents
35 of the county when the location of a polling place for an election
36 district is changed due to the declaration of an emergency in the
37 municipality or county in which the polling place is located, or the
38 State as a whole, or due to any other reason.

39 (3) Notwithstanding the provisions of paragraph (1) of
40 subsection b. of this section, no notification by mail shall be
41 required if the location of a polling place is changed preceding any
42 election due to the declaration of an emergency. In such a
43 circumstance, the county board shall follow the procedures for
44 changing the location of a polling place established in the
45 contingency plan developed pursuant to paragraph (2) of this

1 subsection.¹

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

3

4 2. This act shall take effect immediately.