

“Social justice should be the underlying goal of all humanity.”

-Alan V. Lowenstein, Institute Founder



NEW JERSEY INSTITUTE
FOR SOCIAL JUSTICE

October 8, 2020

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do social justice.

Dear Governor Murphy, Senate President Sweeney, and Assembly Speaker Coughlin:

We write to urge you to immediately pass and sign legislation (A4655/S2923) limiting the presence of law enforcement near voting locations – allowing police only to respond to emergencies. Connecting voting and law enforcement is a bad idea at any time. But particularly in light of the current climate and the growing awareness of matters of racism around policing, along with the increase in voter anxiety with regard to this November’s election, it is imperative to ensure that there are no deterrents to voting, especially for Black and other communities of color.

Whether intentional or not, having police presence near a voting site can be intimidating to voters – especially many Black voters – and suppress the vote. Unfortunately, this year, voters are concerned that law enforcement could be present intentionally to intimidate voters. The president recently said that he would send law enforcement to polling places to address non-existent voter fraud.¹ During the 1981 gubernatorial election here in New Jersey, off duty police officers were used to intimidate voters in Black and Brown communities.² This led to a Consent Decree to prohibit such actions in future elections.³ In 2009, the federal judge that renewed the Consent Decree acknowledged: “Some voters—especially in minority districts where the legacy of racism and history of clashes between the population and authorities has given rise to a suspicion of police and other officials—may choose to refrain from voting.”⁴ However, that Consent Decree expired in December 2017,⁵ and the first presidential election in a generation without this added protection is now upon us.

To be clear, the president does not have the authority to send local law enforcement to the polls. It is also illegal to intimidate voters. We have faith that the Attorney General’s office will be ready to address any voter intimidation issues. However, voters are understandably concerned and the state must step up to reassure voters by passing legislation that will address their concerns.

This issue extends beyond polling places to all voting locations. For the July primary, where each county was required to have five secure ballot drop

boxes, some placed those drop boxes at law enforcement sites. Voters expressed concern over this.⁶ For the November election – and in future elections – we are correctly increasing the number of secure drop boxes in every county. Drop boxes are a great option for voters, as they are meant to be accessible 24/7 and have video surveillance. However, drop boxes at law enforcement agencies are simply not “accessible” to all communities, particularly some Black voters, who may not feel comfortable having police presence when they are casting their vote. While drop box locations have been decided, there is a window to make changes because in many places, the changes would be to move the location of the drop box to the other side of government buildings. This would be a small change, but a meaningful one for voters who may otherwise feel apprehension at casting their vote in front of a police station.

A4655/S2923 is historic legislation that will allow voters to cast their ballots without fear of intimidation by limiting law enforcement presence at all voting locations. This legislation would prohibit law enforcement officers from serving as challengers for either party and would bar law enforcement presence within 100 feet of a polling location, in or out of uniform, except to vote in their personal capacities or when called upon by election officials to address an emergency. The legislation will also bar the placement of secure drop boxes within 100 feet of a law enforcement agency.

To be sure, election officials must be able to summon police to address an emergency and maintain the peace. This legislation explicitly allows for this. The legislation is also reasonable in terms of logistics. 100 feet is not a great distance – but is enough to allow voters peace of mind.

This is arguably the most important election of our lifetimes. As elected officials and advocates, it is our responsibility to address voter concerns and to work to fortify our elections so that all New Jersey voters, regardless of their race, feel comfortable exercising their right to vote. This legislation is crucial and we urge you to pass and sign it immediately to make it effective for November’s election.

Respectfully,

ACLU-NJ
ALALS Rutgers Law
All of Us or None-Northern NJ
American Reentry Initiative
BlueWaveNJ
Clean Water Action
EraseTheRedline Inc
Faith in New Jersey
Forcing Out Recidivism Through Education (F.O.R.T.E. House)
Greater New Jersey Pride at Work
Latino Action Network
LatinoJustice PRLDEF
League of Women Voters of New Jersey
LEAM NJ

Lutherans Engaging in Advocacy Ministry NJ
Middlesex County Community Reentry Coalition
National Coalition of Latino Officers
NAACP Metuchen Edison Piscataway Branch
NAACP New Jersey State Conference
New Jersey League of Conservation Voters
New Jersey Institute for Social Justice
New Jersey Policy Perspective
NJ 11th For Change
NJ Appleseed Public Interest Law Center
NJ Citizen Action
NJ Working Families
NJ- Prison Justice Watch
NJCAIC
People's Organization for Progress
Salvation and Social Justice
Students for Prison Education, Abolition and Reform -- Princeton
The New Jersey Parents Caucus, Inc.
Women Who Never Give Up, Inc

cc: Asw. Verlina Reynolds-Jackson
Sen. Shirley K. Turner

¹ Fredreka Schouten, *Trump pledges to send 'sheriffs' and 'law enforcement' to polling places on Election Day, but it's not clear he can*, CNN POLITICS (Aug. 21, 2020), <https://www.cnn.com/2020/08/20/politics/trump-election-day-sheriffs/index.html>.

² Vann R. Newkirk II, *The Republican Party Emerges From Decades of Court Supervision*, THE ATLANTIC (Jan. 19, 2018), <https://www.theatlantic.com/politics/archive/2018/01/the-gop-just-received-another-tool-for-suppressing-votes/550052/>.

³ *Id.*

⁴ *Democratic Nat. Comm. v. Republican Nat. Comm.*, 671 F. Supp. 2d 575, 612 (D.N.J. 2009), *aff'd*, 673 F.3d 192 (3d Cir. 2012).

⁵ Vann R. Newkirk II, *The Republican Party Emerges From Decades of Court Supervision*, THE ATLANTIC (Jan. 19, 2018), <https://www.theatlantic.com/politics/archive/2018/01/the-gop-just-received-another-tool-for-suppressing-votes/550052/>.

⁶ N.J. INST. FOR SOC. JUSTICE, LEAGUE OF WOMEN VOTERS OF N.J., & NAACP N.J. STATE CONF., 2020 PRIMARY POST-ELECTION ASSESSMENT AND RECOMMENDATIONS FOR FUTURE ELECTIONS 8, https://d3n8a8pro7vhmx.cloudfront.net/njisj/pages/698/attachments/original/1600882579/2020_Primary_Post-Election_Assessment.pdf?1600882579 (last visited Sept. 30, 2020).