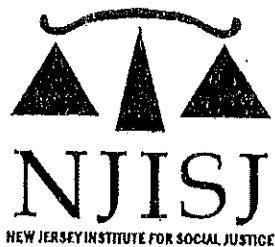


"Social Justice should be the underlying goal of all humanity."

-Alan V. Lowenstein, Institute Founder



Written Testimony of Nuzhat Chowdhury

New Jersey Institute for Social Justice

In Opposition to S3850

New Jersey Senate State Government, Wagering, Tourism & Historic Preservation
Committee

Tuesday, February 25, 2025

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do social justice.

Chair Beach, Vice Chair McKeon, and members of the Committee:

The New Jersey Institute for Social Justice (the "Institute") thanks you for this chance to submit written testimony on S3850, permitting county boards of elections to extend the distance within which electioneering is prohibited. The Institute works to build and strengthen an inclusive, multiracial democracy by advocating for reforms that make voting and democracy more accessible, and through election protection efforts during primary and general elections.

Because S3850 creates significant confusion in the application of the state's electioneering policy, the Institute requests amendments to the language.

The current law in New Jersey is clean and simple—electioneering is prohibited within 100 feet of all polling places, rooms and drop boxes, and that prohibition applies to all polling places and drop boxes in all counties the same. The uniform consistency of the current law makes any violations easy to identify and address by poll site workers, county officials and election protection volunteers.

Although the Institute has no problem with extending the electioneering prohibition to 200 feet at polling places and drop boxes, the current language of S3850 leaves significant areas of ambiguity that will create confusion for voters, candidates, poll workers and election protection efforts.

The suggested language of S3850 unfortunately creates an extremely confusing situation where in a single election, some polling places and drop boxes will have a 100 foot prohibition, while others may have a 200 foot ban, and this may differ from county to county.

The language is also not clear on the length of time or frequency with which the prohibition applies. Will the 200 feet prohibition only be for certain designated polling sites and drop boxes in the county, or will it apply to all polling sites and drop boxes in that county? Will the 200 feet prohibition carry over between elections, or will it reset to 100 feet the next election, unless otherwise specified by the county board of elections? How does a county board of election decide which sites and drop boxes deserve a 200 feet ban instead of a 100 feet ban? Why do some require an additional 100 feet, while for others the standard 100 feet is fine? How early must the county board publish the notice of the amended 200 feet ban? It likely would only add to confusion to post this official change the day before voting begins.

The current language of S3850 unfortunately leaves a lot of questions regarding implementation without clear answers.

Inconsistency in electioneering rules from poll site to poll site and county to county will cause confusion for poll workers, voters and candidates, and make election and voting protection work more difficult.

Currently, S3850 allows county boards to selectively extend the prohibition of electioneering to 200 feet without requiring uniformity. This could easily lead to situations where there is a 100 feet bar for polling places, but a 200 feet bar for drop boxes, or vice versa, within the same area of the same county. This kind of inconsistency will create confusion for poll workers, voters and candidates, all of whom may have to navigate different rules each election and between different polling sites. It may even cause confusion within the *same* polling location over time—for example, a poll worker and voter who works and votes at the same polling location from election to election may know about the 100 feet ban for a primary election, but not that it has been extended to 200 feet for the general election.

Similarly, the lack of uniformity creates an unusually confusing situation for state and congressional candidates and campaigns that are involved in district races that cross counties. A state legislative candidate running in District 17, for example, would have voters in both Middlesex and Somerset. With S3850, such candidates may need their campaign to conform to different rules from one county to the other—or, given the current language, even from one polling place to another.

This policy would also make it difficult for nonpartisan organizations, like the Institute, to conduct election protection work. Each election cycle, voters call in or post about electioneering at polling locations; the calls and posts get directed to the Election Protection Coalition and we work with the Secretary of State's office and county boards to make sure that the issue is addressed as soon as possible. Having some sites with a 100 feet ban and others with a 200 feet ban will create confusion in both reporting and addressing the issue, impeding the important election protection work that happens each election to make sure these laws are followed and voters are able to vote without hindrance.

In addition to confusion, in this current climate, inconsistent electioneering rules may create a hostile environment for voters and election protection monitors. During the past November 2024 election, field workers from our election protection team already reported high levels of tension and suspicion from poll workers and site administrators toward election protection volunteers, who were legally allowed to be outside of the 100 feet to help voters. Adding an additional layer of confusion regarding what the ban is for a particular location will likely only exacerbate this tension and ultimately impact voters from getting the help they need from nonpartisan volunteers and protection efforts.

To avoid the confusion described above, the Institute strongly recommends the following changes:

S3850 should be amended to create uniformity like the current law—instead of allowing the county board case-by-case discretion, S3850 should simply amend the previous law to prohibit all electioneering within 200 feet of a polling place or drop box. This will once again create a clean and simple rule that avoids all of the confusion and pitfalls of the current language.

Because the current bill language creates a disruptive new electioneering policy that is confusing to voters, poll workers, candidates and election protection efforts, the Institute opposes S3850 in its current form. We therefore strongly urge this Committee to vote no on the current version of S3850 and pass this bill only after it has been amended for uniformity as suggested above.

Thank you.