

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF NEW JERSEY STATE POLICE
OFFICE OF EMERGENCY MANAGEMENT

Administrative Order No. 2021-3

General Election Voting at Polling Places Located on School District Premises

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are also adopted by reference herein, which established enhanced social mitigation strategies for combatting COVID-19, including the closure of all facilities where personal care services are performed; and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, the Governor declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, on June 4, 2021, the Governor signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that following the termination of the Public Health Emergency declared in Executive Order No. 103 (2020), the Governor, Commissioner of the Department of Health (“DOH”), and the head of any other State agency may continue to issue orders related to implementation of recommendations of the Centers for Disease Control and Prevention (“CDC”) to prevent or limit the transmission of

COVID-19 and related to vaccine distribution, administration, and management, COVID-19 testing, and data collection; and

WHEREAS, on August 6, 2021, recognizing the need for in-person instruction for the students of New Jersey yet acknowledging that individuals under the age of twelve are currently ineligible for vaccination, the Governor signed Executive Order No. 251 (2021), the facts and circumstances of which are also adopted by reference herein, which required all public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively “school districts”), to maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of the school district premises, with limited exceptions; and

WHEREAS, county boards of election have selected school district buildings to serve as polling places for certain election districts in accordance with N.J.S.A. 19:8-3; and

WHEREAS, the application of Executive Order No. 251 (2021) to the conduct of elections held within school district buildings would create discontinuity in the manner by which elections are administered under Title 19 of the Revised Statutes; and

WHEREAS, it is necessary to clarify the application of Executive Order No. 251 (2021) to school district buildings serving as polling locations on Election Day; and

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

Polling Sites Located Inside of School District Premises

1. On November 2, 2021, from 12:00 a.m. to 11:59 p.m., the definition of “the indoor portion of school district premises” as used in Executive Order No. 251 (2021) shall temporarily exclude the following locations:
 - a. Rooms within a school district premises that are used exclusively to conduct the General Election.
 - b. For those districts that are serving as polling locations and are not simultaneously delivering full in-person instruction, the temporarily-excluded location shall also include any indoor space necessary to gain access to the room(s) identified in subparagraph a. hereof.
 - c. For those districts that are serving as polling locations while simultaneously delivering in-person instruction, temporarily-excluded locations, as identified in subparagraph a., shall, to the extent possible, be directly accessible from the outside and secured by a door or barrier from the rest of the building such that there is no interaction between individuals accessing the voting equipment and students, school staff, or school administrators of the school district during the school day. If such direct access is not possible, the indoor space necessary to gain access to the temporarily-excluded location shall also be temporarily excluded

and should be as secure and as segregated from the rest of the building as possible such that there is no interaction between individuals accessing the voting equipment and students, school staff, or school administrators of the school district during the school day. A district that cannot ensure that there is no interaction between individuals accessing the voting equipment and students, school staff, or school administrators of the school district during the school day should not offer full in-person instruction from 12:00 a.m. to 11:59 p.m. on November 2, 2021.

2. County Boards of Election and school districts shall cooperate to ensure the satisfaction of the requirements of Paragraph 1, as applicable.

Effective Date

3. This ORDER shall take effect at 12:00 a.m. on November 2, 2021 and shall remain in effect until 11:59 p.m. on November 2, 2021.

October 19, 2021

A handwritten signature in cursive script that reads "Patrick J. Callahan".

Colonel Patrick J. Callahan
State Director of Emergency Management