

ASSEMBLY, No. 3726

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 19, 2016

Sponsored by:

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District 20 (Union)

SYNOPSIS

Establishes automatic voter registration process using MVC applicant information to be transmitted to Secretary of State; permits applicant to decline voter registration.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing an automatic voter registration process using
2 Motor Vehicle Commission applicant information and amending
3 and supplementing various parts of the statutory law.

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

7
8 1. (New section) Notwithstanding any law, rule, or regulation
9 to the contrary, the Chief Administrator of the New Jersey Motor
10 Vehicle Commission shall transmit to the Secretary of State
11 electronic records containing the legal name, age, residence,
12 citizenship, and digitized signature of each applicant for a motor
13 vehicle driver's license or non-driver identification card, who meets
14 the criteria specified by the Secretary of State that would make that
15 applicant eligible to be a legal voter, for automatic voter registration
16 purposes as specified under this section.

17 Upon receiving an applicant's electronic record and digitized
18 signature, the Secretary of State shall transmit the information to
19 the county commissioner of registration of the county in which the
20 applicant resides. The county commissioner of registration shall
21 notify the applicant of the automatic voter registration, and shall
22 inform the applicant of the process to decline being registered to
23 vote or, if not declining, of the option to select a political party
24 affiliation. If the applicant does not decline the voter registration
25 within 30 calendar days after the county commissioner of
26 registration issues the notification, the applicant's electronic record
27 and digitized signature shall constitute a complete voter registration
28 form for the purposes of Title 19 of the Revised Statutes, and the
29 applicant shall be registered to vote if the county commissioner of
30 registration determines that the applicant is eligible to register to
31 vote pursuant to Article II, Section I, paragraph 3 of the New Jersey
32 Constitution and Title 19 of the Revised Statutes, and is not
33 disqualified. A county commissioner of registration shall delete the
34 electronic record and digitized signature of an applicant who
35 declines to be registered to vote pursuant to this section.

36 Notwithstanding the provisions of any law, rule, or regulation to
37 the contrary, a person who is 17 years of age shall be eligible to be
38 registered to vote in accordance with the provisions of this section,
39 provided that the person's registration shall become official on the
40 person's 18th birthday.

41 The Chief Administrator shall also transmit to the Secretary of
42 State the electronic record and digitized signature of an applicant
43 who is updating the legal name or address information on an
44 existing motor vehicle driver's license or non-driver identification
45 card, who meets the criteria specified by the Secretary of State that

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.

1 would qualify that applicant as a legal voter, for automatic voter
2 registration purposes as specified under this section and for
3 updating an existing voter registration record.

4 The Secretary of State, in consultation with the Chief
5 Administrator of the New Jersey Motor Vehicle Commission, shall
6 promulgate the rules and regulations necessary to implement the
7 provisions of this section.

8

9 2. R.S.19:31-6 is amended to read as follows:

10 19:31-6. Any person qualified to vote in an election shall be
11 entitled to vote in the election if the person shall have registered to
12 vote on or before the 21st day preceding the election by:

13 a. registering in person at any offices designated by the
14 commissioner of registration for providing and receiving
15 registration forms;

16 b. **【completing a voter registration form】** registering
17 automatically while applying for a motor vehicle driver's license
18 **【from an agent of】** or non-driver identification card at the New
19 Jersey Motor Vehicle Commission, as provided for in section 1 of
20 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
21 bill) and section 24 of P.L.1994, c.182 (C.39:2-3.2);

22 c. completing and returning to the **【Attorney General】**
23 Secretary of State or having returned thereto a voter registration
24 form received from a voter registration agency, as defined in
25 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), while
26 applying for services or assistance or seeking a recertification,
27 renewal or change of address at an office of that agency;

28 d. completing and returning to the **【Attorney General】**
29 Secretary of State a voter registration form obtained from a public
30 agency, as defined in subsection a. of section 15 of P.L.1974,
31 c.30 (C.19:31-6.3);

32 e. completing and returning to the **【Attorney General】**
33 Secretary of State or having returned thereto a voter registration
34 form received from a door-to-door canvass or mobile registration
35 drive, as provided for in section 19 of P.L.1974, c.30 (C.19:31-6.7);

36 f. completing and returning to the **【Attorney General】**
37 Secretary of State a federal mail voter registration form, as
38 prescribed in subsection (b) of section 9 of the "National Voter
39 Registration Act of 1993," (42 U.S.C. s.1973gg et seq.);

40 g. completing and returning to the **【Attorney General】**
41 Secretary of State or the appropriate county clerk an application for
42 a federal postcard application form to register to vote, as provided
43 for in the "Overseas Absentee Voting Act" (42 U.S.C. s.1973ff-
44 1 et seq.) and section 4 of P.L.1976, c.23 (C.19:59-4);or

45 h. completing a provisional ballot affirmation statement and
46 voting the provisional ballot in the previous election, if the person
47 who submitted the provisional ballot in that election is determined
48 not to be a registered voter.

1 When the commissioner has designated a place or places other
2 than his office for receiving registrations, the commissioner shall
3 cause to be published a notice in a newspaper circulated in the
4 municipality wherein such place or places of registration shall be
5 located. Such notice shall be published pursuant to R.S.19:12-7.

6 Any office designated by the commissioner of registration for
7 receiving registration forms shall have displayed, in a conspicuous
8 location, registration and voting instructions. These instructions
9 shall be the same as those provided for polling places under
10 R.S.19:9-2 and shall be provided by the commissioner.

11 (cf: P.L.2005, c.139, s.8)

12
13 3. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to
14 read as follows:

15 24. a. The Secretary of State, with the assistance and
16 concurrence of the **【Director of the Division of Motor Vehicles】**
17 Chief Administrator of the New Jersey Motor Vehicle Commission,
18 shall **【formulate a means of permitting a person to】** develop and
19 implement an automated process for an applicant to simultaneously
20 apply for a motor vehicle driver's license or non-driver
21 identification card and to register to vote which satisfies both the
22 requirements necessary to receive a license to operate a motor
23 vehicle, pursuant to R.S.39:3-10, or a non-driver identification card,
24 and to be permitted to register to vote, pursuant to R.S.19:4-1, and
25 in accordance with section 1 of P.L. _____, c. _____ (C. _____) (pending
26 before the Legislature as this bill).

27 The **【Division of Motor Vehicles】** New Jersey Motor Vehicle
28 Commission, upon receipt of a completed **【voter registration】**
29 application under this section, **【shall stamp or otherwise mark the**
30 lower right hand corner of the document with the date on which it
31 was so received and forward the document**】** shall transmit the
32 applicant's electronic record and digitized signature to the Secretary
33 of State in accordance with a schedule developed by rule or
34 regulation pursuant section 1 of P.L. _____, c. _____ (C. _____) (pending
35 before the Legislature as this bill), but no later than the 10th day
36 following the date of acceptance.

37 b. Each application **【for voter registration】** which is received
38 by the **【Division of Motor Vehicles】** New Jersey Motor Vehicle
39 Commission shall be considered and processed as the replacement
40 for any pre-existing voter registration of the applicant.

41 c. Each change of address notification submitted to the
42 **【Director of the Division of Motor Vehicles】** Chief Administrator
43 of the New Jersey Motor Vehicle Commission for the purpose of
44 maintaining current information on a person's motor vehicle license
45 or non-driver identification card shall be **【reported】** electronically
46 transmitted to the Secretary of State no later than the 10th day
47 following its receipt by the **【Division of Motor Vehicles】** New

1 Jersey Motor Vehicle Commission and shall serve as notification
2 for the change of address process, **【unless the registrant indicates**
3 **that the change of address is not for voter registration purposes】**, in
4 accordance with section 1 of P.L. _____, c. _____ (C. _____) (pending
5 before the Legislature as this bill).
6 (cf: P.L.1994, c.182, s.24)

7
8 4. Section 23 of P.L.1994, c.182 (C.39:3-10m) is amended to
9 read as follows:

10 23. Notwithstanding any law, rule or regulation to the contrary,
11 the electronic record and digitized signature of each applicant for a
12 State motor vehicle driver's license application or non-driver
13 identification card, including any application for a renewal thereof,
14 submitted to an agent of the **【Division of Motor Vehicles in the**
15 **Department of Law and Public Safety】** New Jersey Motor Vehicle
16 Commission shall be **【offered an opportunity to register to vote】**
17 electronically transmitted to the Secretary of State for automatic
18 voter registration purposes, when the applicant meets the criteria
19 specified by the Secretary of State that would qualify that applicant
20 as a legal voter, in accordance with section 1 of P.L. _____,
21 c. _____ (C. _____) (pending before the Legislature as this bill).
22 (cf: P.L.1994, c.182, s.23)

23
24 5. This act shall take effect 180 days following the date of
25 enactment.

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STATEMENT

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30 This bill requires the New Jersey Motor Vehicle Commission
31 (MVC) to automatically transmit applicant information to the
32 Secretary of State for automatic voter registration purposes. The
33 bill also permits an applicant to decline to finalize a voter
34 registration form within 30 days of receiving a notice of voter
35 registration from the county commissioner of registration.

36 Under current law, a person may register to vote at various
37 locations, including designated public agencies, voter registration
38 agencies, and when applying for a driver's license. Completed
39 voter registration forms are submitted from these entities to the
40 Secretary of State or the appropriate county commissioner of
41 registration for processing. This bill would require the Chief
42 Administrator of the MVC to transmit to the Secretary of State
43 electronic records containing the legal name, age, residence,
44 citizenship, and digitized signature of each applicant for a motor
45 vehicle driver's license or non-driver identification card who meets
46 the criteria specified by the Secretary of State that would qualify
47 that applicant as a legal voter, for automatic voter registration
48 purposes.

1 Under the bill, upon receiving the applicant's electronic record
2 and digitized signature, the Secretary of State would transmit the
3 information to the county commissioner of registration of the
4 county in which the applicant resides. The county commissioner of
5 registration would notify each applicant of the automatic voter
6 registration, and would inform each applicant of the process to
7 decline being registered to vote or, if not declining, of the option to
8 select a political party affiliation. If an applicant does not decline
9 the voter registration within 30 calendar days after the county
10 commissioner of registration issues the notification, the applicant's
11 electronic record and digitized signature would constitute a
12 complete voter registration form. The applicant would be registered
13 to vote if the county commissioner of registration determines that
14 the applicant is eligible to register to vote pursuant to Article II,
15 Section I, paragraph 3 of the New Jersey Constitution and Title 19
16 of the Revised Statutes, and is not disqualified. A county
17 commissioner of registration would be required to delete the
18 electronic record and digitized signature of a person who declines to
19 be registered to vote.

20 A person who is 17 years of age would be eligible to be
21 registered to vote in accordance with the provisions of the bill, but
22 that person's registration would become official on the person's
23 18th birthday.

24 The bill also requires the Chief Administrator to transmit to the
25 Secretary of State the electronic record and digitized signature of an
26 applicant who is updating the legal name or address information on
27 an existing motor vehicle driver's license or non-driver
28 identification card, who meets the criteria specified by the Secretary
29 of State that would qualify that applicant as a legal voter, for
30 automatic voter registration purposes and for updating an existing
31 voter registration record.

32 The Secretary of State, in consultation with the Chief
33 Administrator of the MVC, would promulgate the rules and
34 regulations necessary to implement the provisions of the bill.

35 The provisions of this bill are modeled after an automatic voter
36 registration law recently enacted in Oregon.