

ASSEMBLY, No. 422

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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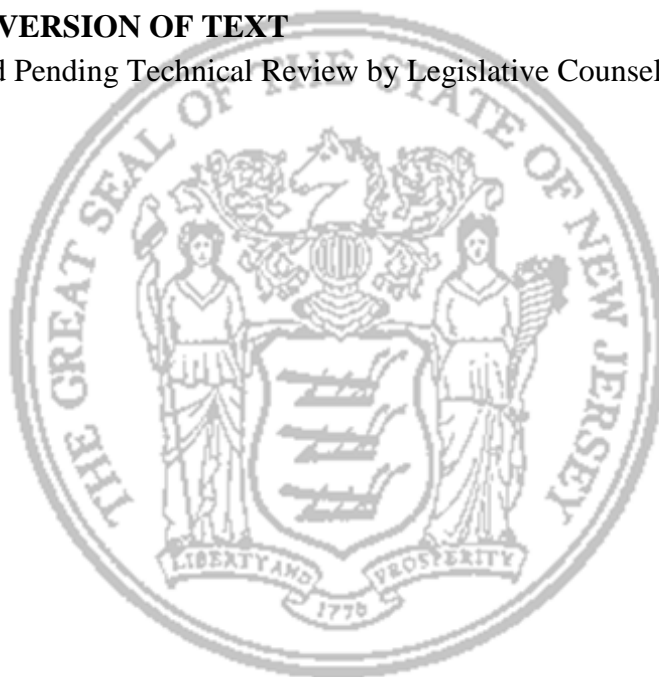
Assemblyman Kennedy

SYNOPSIS

Requires Secretary of State to establish secure Internet website for online voter registration; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/2/2018)

1 AN ACT concerning online voter registration and amending various
2 parts of the statutory law and supplementing chapter 31 of Title
3 19 of the Revised Statutes.

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 other provision of law
9 to the contrary, a person who is qualified to register to vote and who
10 has a valid New Jersey driver's license or non-driver identification
11 card issued by the New Jersey Motor Vehicle Commission may
12 submit a voter registration form electronically on the Internet
13 website of the Secretary of State, which form shall contain
14 substantively the same information required to be contained on a
15 paper voter registration form pursuant to section 16 of P.L.1974,
16 c.30 (C.19:31-6.4).

17 a. The Secretary of State shall promulgate deadlines for when
18 an online voter registration form submitted by an applicant pursuant
19 to this section shall be effective ahead of an election to be held in
20 the election district of the applicant submitting the form.

21 b. The applicant completing the form shall affirmatively attest
22 to the truth of the information provided in the form.

23 c. For voter registration purposes, the applicant shall
24 affirmatively assent to the use of his or her signature from his or her
25 driver's license or non-driver identification card.

26 d. For each online voter registration form, the Secretary of
27 State shall obtain an electronic copy of the applicant's signature
28 from his or her driver's license or non-driver identification card
29 directly from the New Jersey Motor Vehicle Commission.

30 e. The Secretary of State shall require an applicant who
31 submits an online voter registration form pursuant to this section to
32 submit all of the following:

33 (1) the number from his or her New Jersey driver's license or
34 non-driver identification card;

35 (2) his or her date of birth;

36 (3) the last four digits of his or her social security number; and

37 (4) any other information the Secretary of State deems necessary
38 to establish the identity of the applicant completing the form.

39 f. Upon submission of an online voter registration form
40 pursuant to this section, the electronic voter registration system
41 shall provide for immediate verification of both of the following:

42 (1) that the applicant has a New Jersey driver's license or non-
43 driver identification card and that the number for that driver's
44 license or non-driver identification card provided by the applicant
45 matches the number for that person's driver's license or non-driver

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 identification card that is on file with the New Jersey Motor Vehicle
2 Commission; and

3 (2) that the date of birth provided by the applicant matches the
4 date of birth for that person that is on file with the New Jersey
5 Motor Vehicle Commission.

6 g. Upon submission of an online voter registration form
7 pursuant to this section, the electronic voter registration system
8 shall automatically acknowledge that the online voter registration
9 form has been submitted successfully, and provide instructions on
10 how the person completing the voter registration form may follow-
11 up on the status of the submission either online or by contacting the
12 appropriate county commissioner of registration.

13 h. The Secretary of State shall employ security measures to
14 ensure the accuracy and integrity of voter registration forms
15 submitted electronically pursuant to this section.

16 i. The New Jersey Motor Vehicle Commission and the
17 Secretary of State shall jointly develop a process and the
18 infrastructure to allow the electronic copy of the applicant's
19 signature and other information required under this section that is in
20 the possession of the commission to be transferred to the Secretary
21 of State and to the appropriate county election officials to allow a
22 person who is qualified to register to vote in New Jersey to register
23 to vote under this section.

24 j. If an applicant cannot electronically submit the information
25 required pursuant to subsection e. of this section, the applicant shall
26 nevertheless be able to complete the online voter registration form
27 electronically on the Secretary of State's Internet website, print a
28 paper copy of the completed form, and mail or deliver the paper
29 copy of the completed form to the Secretary of State or the
30 appropriate county election official. For the purposes of this
31 subsection, the applicant shall be required to provide the same
32 documents required to be provided with a paper voter registration
33 form pursuant to R.S.19:31-5.

34

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

36 19:31-6. Any person qualified to vote in an election shall be
37 entitled to vote in the election if the person shall have registered to
38 vote on or before the 21st day preceding the election by:

39 a. registering in person at any offices designated by the
40 commissioner of registration for providing and receiving
41 registration forms;

42 b. completing a voter registration form while applying for a
43 motor vehicle driver's license from an agent of the New Jersey
44 Motor Vehicle Commission, as provided for in section 24 of
45 P.L.1994, c.182 (C.39:2-3.2);

46 c. completing and returning to the **Attorney General**
47 Secretary of State or having returned thereto a voter registration
48 form received from a voter registration agency, as defined in

1 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), while
2 applying for services or assistance or seeking a recertification,
3 renewal or change of address at an office of that agency;

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

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

12 f. completing and returning to the Attorney General a federal
13 mail voter registration form, as prescribed in subsection (b) of
14 section 9 of the "National Voter Registration Act of 1993," (42
15 U.S.C. s. 1973gg et seq.);

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

21 h. completing a provisional ballot affirmation statement and
22 voting the provisional ballot in the previous election, if the person
23 who submitted the provisional ballot in that election is determined
24 not to be a registered voter; or

25 i. completing and submitting an online voter registration form
26 available on the Secretary of State's Internet website, as provided
27 under section 1 of P.L. , c. (C.) (pending before the Legislature
28 as this bill).

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

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

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

40

41 3. Section 17 of P.L.1974, c.30 (C.19:31-6.5) is amended to
42 read as follows:

43 17. a. Upon receipt of any completed registration form, the
44 commissioner of registration shall review it, and if it is found to be
45 in order, shall:

46 (1) Send to the registrant written notification that such registrant
47 is duly registered to vote. No registrant shall be considered a
48 registered voter until the commissioner of registration reviews the

1 application submitted by the registrant and deems it acceptable. On
2 the face of such notification in the upper left-hand corner shall be
3 printed the words: "Do Not Forward. Return Postage Guaranteed.
4 If not delivered in 2 days, return to the Commissioner of
5 Registration."

6 (2) In as timely a manner as possible, enter the information
7 provided for the registrant on the completed registration form, or
8 electronically transfer the information from an online voter
9 registration form completed pursuant to section 1 of P.L. , c.
10 (C.) (pending before the Legislature as this bill), into the
11 Statewide voter registration system established pursuant to section 1
12 of P.L.2005, c.145 (C.19:31-31).

13 (3) Paste, tape, or photocopy the completed registration form
14 onto an original registration form, and shall paste or tape a copy of
15 such completed registration form onto a duplicate registration form,
16 both of which shall be filed as provided in R.S.19:31-10. Nothing in
17 this paragraph shall preclude any commissioner of registration from
18 keeping the original mail registration form on file.

19 (4) In the case of a registrant currently registered in another
20 county of this State, notify the commissioner of registration of such
21 other county to remove the individual's name from the registry list
22 of voters of the county and place into an appropriate retention file
23 all registration documents or material relating to that voter. The
24 commissioner of registration of the current county of the registrant
25 shall secure and maintain the entire voting history of that registrant.

26 b. The commissioner shall notify a registrant of the reasons for
27 any refusal to approve his registration.

28 c. (Deleted by amendment, P.L.1994, c.182.)
29 (cf: P.L.2005, c.145, s.10)

30
31 4. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to
32 read as follows:

33 1. a. There shall be established in the Department of State a
34 single Statewide voter registration system, as required pursuant to
35 section 303 of the federal "Help America Vote Act of 2002,"
36 Pub.L.107-252 (42 U.S.C. s.15483). The principal computer
37 components of the system shall be under the direct control of the
38 Secretary of State. The Secretary of State shall be responsible for
39 creating the network necessary to maintain the system and
40 providing the computer software, hardware and security necessary
41 to ensure that the system is accessible only to those executive
42 departments and State agencies so designated by the Secretary of
43 State, each county commissioner of registration, each county and
44 municipal clerk, and individuals under certain circumstances, as
45 provided for by this section. The system shall be the official State
46 repository for voter registration information for every legally
47 registered voter in this State, and shall serve as the official voter
48 registration system for the conduct of all elections in the State.

- 1 b. The Statewide voter registration system shall include, but
2 not be limited to, the following features:
- 3 (1) the name and registration information of every legally
4 registered voter in the State;
- 5 (2) the ability to assign a unique identifier to each legally
6 registered voter in the State;
- 7 (3) interactivity among appropriate State agencies so designated
8 by the Secretary of State, each county commissioner of registration,
9 each county board of elections, and each county clerk such that
10 these entities shall have immediate electronic access to all or
11 selected records in the system, as determined by the Secretary of
12 State, to receive or transmit all or selected files in the system and to
13 print or review all or selected files in the system;
- 14 (4) the ability to permit any county commissioner of registration
15 to enter voter registration information on an expedited basis, and to
16 transfer electronically voter registration information from an online
17 voter registration form completed pursuant to section 1 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill), at the time the
19 information is provided thereto and to permit the Secretary of State
20 to provide technical support to do so whenever needed;
- 21 (5) the ability to permit each municipal clerk to view or print
22 information in the system;
- 23 (6) the ability to permit an individual, by July 1, 2006, to verify
24 via the Internet whether that individual, and only that individual, is
25 included in the system as a legally registered voter, whether the
26 information pertaining to that individual required by subsection c.
27 of this section is correct, and if not, a means to notify the pertinent
28 county commissioner of registration of the corrections that must be
29 made and to so verify in a way that does not give one individual
30 access to the information required by subsection c. of this section
31 for any other individual;
- 32 (7) a Statewide street address index and map in electronic form
33 that can accurately identify the location of every legally registered
34 voter in this State;
- 35 (8) the ability to record and monitor all requests for mail-in
36 ballots; to enable the county clerk to verify the identity and
37 signature of each person requesting a mail-in ballot; to record the
38 name and address of each voter determined to be eligible to receive
39 a mail-in ballot for a particular election and to note when a mail-in
40 ballot has been transmitted to that voter by mail or hand delivery;
41 and to make such information available to the Secretary of State so
42 that a voter can be notified whether the application for such a ballot
43 was accepted or rejected, and the reason for the rejection, using the
44 free-access system established by section 5 of P.L.2004, c.88
45 (C.19:61-5); and
- 46 (9) any other functions required pursuant to Pub.L.107-252 (42
47 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that
48 may be deemed necessary by the Secretary of State.

1 c. The Statewide voter registration system shall include, but
2 not be limited to, the following information for every legally
3 registered voter in this State:

4 (1) last, first and middle name;

5 (2) street address at time of registration or rural route, box
6 number or apartment number, if any;

7 (3) city or municipality, and zip code;

8 (4) date of birth;

9 (5) telephone number and e-mail address, if provided on voter
10 registration form;

11 (6) previous name or address if individual re-registered due to
12 change of name or address;

13 (7) ward and election district number, if either is available;

14 (8) (a) current and valid New Jersey driver's license number; or

15 (b) if the registrant has not been issued a New Jersey driver's
16 license number, the last four digits of the registrant's social security
17 number; or

18 (c) unique identifying number for any individual who has not
19 been issued the information sought in subparagraph (a) or (b) of this
20 paragraph;

21 (9) notation that a copy of one of the following documents has
22 been submitted with the voter registration application, if required:
23 current and valid photo identification card; a current utility bill,
24 bank statement, government check, pay check or any other
25 government document showing the registrant's name and current
26 address;

27 (10) the method by which the individual registered and whether
28 that person needs to provide additional identification information to
29 vote using a voting machine instead of a provisional ballot;

30 (11) political party affiliation, if designated;

31 (12) **digitalized** digitized signature;

32 (13) date of registration or re-registration;

33 (14) name and street address of the individual assisting in the
34 completion of the form, if the applicant for registration is unable to
35 do so;

36 (15) voting participation record for ten-year period; and

37 (16) any other information required pursuant to Pub.L.107-252
38 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or
39 that the Secretary of State determines is necessary to assess the
40 eligibility of an individual to be registered to vote and to vote in
41 this State.

42 (cf: P.L.2009, c.287, s.2)

43
44 5. Section 2 of P.L.2005, c.145 (C.19:31-32) is amended to
45 read as follows:

46 2. a. The Statewide voter registration system shall replace all
47 other computer or electronic-based registry files of voters and other
48 voter registration files established and maintained by each county

1 commissioner of registration for voter registration and election
2 administration purposes established pursuant to the provisions of
3 Title 19 and Title 40 of the Revised Statutes, and shall be the single
4 system for storing and managing the official file of registered voters
5 throughout the State. A commissioner may, however, continue to
6 use and maintain as a supplement to the system the original and
7 duplicate permanent registration binders and voting records and
8 shall continue to use and maintain the signature copy registers or
9 polling records provided for in Title 19 of the Revised Statutes.

10 b. Each county commissioner of registration shall be
11 responsible for adding to, deleting from, amending and otherwise
12 conducting on a regular basis maintenance for the files of every
13 legally registered voter in that commissioner's county as contained
14 in the Statewide voter registration system, pursuant to the
15 provisions of section 303 of Pub.L.107-252 (42 U.S.C. s. 15301 et
16 seq.) and Title 19 of the Revised Statutes. Each commissioner shall
17 be responsible for verifying the accuracy of the name, address and
18 other data of registered voters in the commissioner's respective
19 county as contained in the system. The commissioner who receives
20 the voter registration forms of individuals who have registered to
21 vote in the county or who are re-registering for any reason shall be
22 responsible for entering the information on those forms into the
23 system on an expedited basis, and electronically transferring into
24 the system the information from online voter registration forms
25 completed pursuant to section 1 of P.L. , c. (C.) (pending
26 before the Legislature as this bill), including but not limited to
27 forms and information received pursuant to chapter 31 of Title 19 of
28 the Revised Statutes. The information the commissioner shall use
29 to update and maintain the system shall be that required by
30 subsection c. of section 1 of P.L.2005, c.145 (C.19:31-31).

31 c. The **【Attorney General】** Secretary of State and each county
32 commissioner of registration shall be responsible for developing
33 and providing the technological security measures needed to
34 prevent unauthorized access to the Statewide voter registration
35 system established pursuant to section 1 of P.L.2005, c.145
36 (C.19:31-31) and to the information for any individual on the
37 system required by subsection c. of section 1 of that act.

38 d. The **【Attorney General】** Secretary of State, in consultation
39 with each county commissioner of registration, shall develop
40 minimum standards to safeguard the accuracy of the files contained
41 in the Statewide voter registration system. Such standards shall
42 include procedures to ensure that reasonable effort is made to
43 remove registrants who are ineligible to vote pursuant to federal or
44 State law and to ensure that eligible voters are not removed in error
45 from the system.

46 e. (1) The **【Attorney General】** Secretary of State and the Chief
47 Administrator of the New Jersey Motor Vehicle Commission in the
48 Department of Transportation shall enter into an agreement to

1 match information in the database of the Statewide voter
2 registration system with information in the database of the
3 commission, including social security numbers, to the extent
4 required to enable verification of the accuracy of the information
5 provided on applications for voter registration, and to locate and
6 utilize for voter registration purposes the digitized signatures of
7 licensed drivers or holders of non-driver identification cards who
8 register to vote using an online voter registration form, as provided
9 pursuant to section 1 of P.L. , c. (C.) (pending before the
10 Legislature as this bill).

11 (2) The **【Attorney General】** Secretary of State shall enter into
12 an agreement with the Commissioner of the Department of Health
13 and Senior Services to match information in the database of the
14 Statewide voter registration system with State agency information
15 on death records.

16 (3) The **【Attorney General】** Secretary of State shall enter into
17 an agreement with the Commissioner of the Department of
18 Corrections to match information in the database of the Statewide
19 voter registration system with State agency information on
20 individuals who are incarcerated, on probation, or on parole as the
21 result of a conviction for an indictable offense.

22 (4) The **【Attorney General】** Secretary of State shall enter into
23 an agreement with the Administrative Office of the Courts to match
24 information in the database of the Statewide voter registration
25 system with State agency information on individuals who are
26 incarcerated, on probation, or on parole as the result of a conviction
27 for an indictable offense.

28 (5) The **【Attorney General】** Secretary of State shall enter into
29 an agreement with the State Parole Board to match information in
30 the database of the Statewide voter registration system with State
31 agency information on individuals who are on parole.

32 (cf: P.L.2005, c.145, s.2)

33

34 6. This act shall take effect 180 days following enactment.

35

36

37

STATEMENT

38

39 The bill requires the Secretary of State to establish a secure
40 Internet website to allow eligible voters to register to vote using an
41 online voter registration form. The bill also authorizes the use of
42 digitized signatures from the New Jersey Motor Vehicle
43 Commission's database in connection with online voter registration
44 forms.

45 Under the bill, the Secretary of State must employ security
46 measures to ensure the accuracy and integrity of voter registration
47 forms submitted electronically. The secretary must require an
48 applicant who submits an online voter registration form to submit

1 the number from his or her New Jersey driver's license or non-
2 driver identification card issued by the New Jersey Motor Vehicle
3 Commission; his or her date of birth; the last four digits of his or
4 her social security number; and any other information the secretary
5 deems necessary to establish the identity of the applicant
6 completing the form. Upon submission of the online voter
7 registration form, the electronic voter registration system must
8 immediately verify that the applicant has a New Jersey driver's
9 license or non-driver identification card; that the number for that
10 driver's license or non-driver identification card provided by the
11 applicant matches the number for that person's driver's license or
12 non-driver identification card that is on file with the New Jersey
13 Motor Vehicle Commission; and that the date of birth provided by
14 the applicant matches the date of birth for that person that is on file
15 with the New Jersey Motor Vehicle Commission. The system must
16 also automatically acknowledge that the online voter registration
17 form has been submitted successfully, and provide instructions on
18 how the person completing the voter registration form may follow-
19 up on the status of the submission either online or by contacting the
20 appropriate county commissioner of registration.

21 Under the bill, an applicant completing the online voter
22 registration form must affirmatively attest to the truth of the
23 information provided therein, and affirmatively assent to the use of
24 his or her signature from his or her driver's license or non-driver
25 identification card. For each online voter registration form, the
26 secretary must obtain an electronic copy of the applicant's signature
27 from his or her driver's license or non-driver identification card
28 directly from the New Jersey Motor Vehicle Commission. The
29 secretary would promulgate deadlines for when an online voter
30 registration form submitted by an applicant would be effective
31 ahead of an election to be held in the election district of the
32 applicant submitting the form.

33 The bill also provides that, if an applicant cannot electronically
34 submit the identification information required, the applicant must
35 nevertheless be able to complete the online voter registration form
36 electronically on the Secretary of State's Internet website, print a
37 paper copy of the completed form, and mail or deliver the paper
38 copy of the completed form to the Secretary of State or the
39 appropriate county election official. In those cases, the applicant
40 must provide the same identification and documents required under
41 current law in connection with paper voter registration forms, as
42 specified under R.S.19:31-5.

43 The information on the online voter registration forms would be
44 electronically transferred by county commissioners of registration
45 into the Statewide voter registration system already established by
46 law.