

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 481 and 651**

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 5, 2018

The Senate Budget and Appropriations Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 481 and 651, with committee amendments.

The substitute, as amended by this committee, requires the New Jersey Motor Vehicle Commission (MVC) to automatically register a person to vote if that person is eligible to vote, or to automatically update a person's voter registration, as part of the process of applying for a driver's license, an examination permit, a probationary driver's license, or a non-driver identification card, unless the applicant specifically declines the automatic voter registration. Under current law, each applicant for a driver's license or renewal of an existing license is offered an opportunity to simultaneously register to vote.

The Chief Administrator of the MVC will collect and promptly transmit the personal information required to register to vote to the Secretary of State in an electronic format. For applications received online for renewal of a driver's license or non-driver identification card, voter registration information will not be collected or transmitted electronically until online voter registration is implemented. For applications received through the mail for renewal of a driver's license or non-driver identification card, voter registration information will not be collected and transmitted until the Chief Administrator determines that the prompt electronic transmission of the information is practicable. The Chief Administrator is to inform the Governor and the Legislature every six months as to the practicability such collection and transmission. Notice provisions will not apply to either application until voter registration is effectuated therefrom. The amendments clarify that this exemption may not be construed to preclude the Motor Vehicle Commission from processing voter registration applications received in the manner in which those applications were processed in connection with renewals prior to the effective date the bill.

The following notices will be provided with every application for a driver's license or non-driver identification card and every related update, renewal, or change of address:

(1) a notice that the applicant will be registered to vote, if eligible, unless the applicant specifically declines the automatic voter registration;

(2) a notice of the voter eligibility requirements and the penalties for false registration and illegal voting under State law, which must include an affirmation that the applicant meets those requirements and require the applicant's signature, under penalty of law; and

(3) a notice that an applicant who is a victim of domestic violence or stalking may decline the automatic voter registration and register to vote without disclosing the applicant's street address.

Change of address notifications submitted to the Chief Administrator will be promptly reported to the Secretary of State. A change of address notification in paper format is to be reported to the Secretary of State within 10 days, and the Secretary of State will use the notification to update an existing voter registration, unless the applicant declines.

The substitute provides that if a person who is not entitled to vote becomes registered to vote pursuant to the bill, that person's registration will be presumed to have been effected with official authorization, and the person will not be deemed to have committed a crime under N.J.S.A.19:34-1 for false registration. However, this presumption does not apply to a person who knowingly and willfully makes a false statement to effectuate voter registration.

The Secretary of State, with the assistance of the Chief Administrator, is to take appropriate measures to educate the public about voter registration under the bill.

Any other State agency that already collects documents that would provide proof of eligibility, including age, citizenship, and residence address, may establish and implement, upon approval by the Secretary of State, a procedure for automatic voter registration that, to the extent applicable as determined by the Secretary of State, will comply with the requirements in the bill. Any additional agencies that are designated for automatic registration must comply with the same requirements and must provide the same notices.

COMMITTEE AMENDMENTS:

The committee amended the substitute to require that the mandatory notices concerning voter eligibility and registration be provided with, rather than printed on, each applicable application. The amendments also require that the notice concerning the voter eligibility requirements is to contain an affirmation that the applicant meets each requirement and is to require the applicant's signature, under penalty of law. The amendments also clarify the intent of the Legislature to ensure that every eligible resident has the opportunity to register to vote, instead of ensuring that every resident is registered to vote.

The amendments provide that for applications received online for renewal of a driver's license or non-driver identification card, voter registration information will not be collected or transmitted electronically until online voter registration is implemented. For applications received through the mail for renewal of a driver's license or non-driver identification card, voter registration information will not be collected and transmitted until the Chief Administrator determines that the prompt electronic transmission of the information is practicable. The Chief Administrator is to inform the Governor and the Legislature every six months as to the practicability such collection and transmission. Notice provisions will not apply to either application until voter registration is effectuated therefrom. The amendments clarify that this exemption may not be construed to preclude the Motor Vehicle Commission from processing voter registration applications received in the manner in which those applications were processed in connection with renewals prior to the effective date the bill. The amendments also require the commissioner of registration in each county, rather than the Secretary of State, to register voters and update voter registrations for eligible applicants who have not so declined.

The amendments permit any other State agency that already collects documents that would provide proof of eligibility, including age, citizenship, and residence address, to establish and implement, upon approval by the Secretary of State, a procedure for automatic voter registration that, to the extent applicable as determined by the Secretary of State, will comply with the requirements in the bill. Any additional agencies that are designated for automatic registration must comply with the same requirements and must provide the same notices.

FISCAL IMPACT:

The Office of Legislative Services finds that the substitute will result in an indeterminate increase in State and county costs. Currently the Motor Vehicle Commission (commission) allows residents to register to vote when they apply for a driver's license or renewal. This substitute will effectively change the current system from an "opt-in" system to an "opt-out" system so that an applicant will be registered to vote unless they specifically decline the voter registration option.

This change will likely increase the number of people registered to vote in New Jersey by an indeterminate amount. Many of these additional registered voters will all receive voter acknowledgement cards and a sample ballot before elections. These mailings will represent an additional cost for counties to print and mail.

The commission may need to make computer programming changes for its driver's license application and renewal process to shift from an "opt-in" to an "opt-out" system. These changes are not expected to be extensive because the existing process already collects all necessary information to register a voter and a system has already

been established to transfer this information to the voter registration system.

The Department of State will incur costs in taking measures to educate the public about this automatic voter registration process. The cost is unclear because the bill does not proscribe the educational measures that the Department of State must take.