SYNOPSIS
Permits submission of online voter registration form through secure Department of State Internet site; authorizes use of digitized signature from New Jersey Motor Vehicle Commission database for online voter registration form approval.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning voter registration in this State and amending various parts of the statutory law and supplementing chapter 31 of Title 19 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. (New section) a. The Secretary of State shall cause to be created, on the official Internet site of the Department of State, an online voter registration form to allow any person who is qualified to vote in this State to complete the voter registration form online, and electronically submit the completed form for approval by the appropriate county commissioner of registration, using the person’s digitized signature, when available, from the New Jersey Motor Vehicle Commission’s database, or using a signature submitted by the person by mail when a digitized signature is not available or cannot be located in that database, as specified and as further provided in this section.

b. The online voter registration form authorized pursuant to subsection a. of this section shall:

(1) be contained and available on a secure Internet site, which shall maintain the confidentiality of a person completing the online voter registration form and the integrity of the information submitted by that person;

(2) contain substantially the same information, including all oaths and affirmations, required to be contained by law on a paper voter registration form pursuant to section 16 of P.L.1974, c.30 (C.19:31-6.4), and be designed to be completed interactively by a person registering to vote and be submitted online for approval by the appropriate county commissioner of registration;

(3) in addition to enabling a person who is registering to vote for the first time to submit a new voter registration form, allow a person who is already registered to vote in this State to submit a change of address form, a change of name form, or both, for approval by the appropriate county commissioner of registration, as substantially provided for on a paper voter registration form;

(4) prompt the person completing the form to provide the necessary documentation information as required under current law pursuant to R.S.19:31-5 and section 16 of P.L.1974, c.30 (C.19:31-6.4), such as either the person’s driver’s license number, or the last four digits of the person’s social security number, or one of the approved identifying documents, to enable the appropriate county commissioner of registration to confirm the person’s identity and current address, as provided further in paragraphs (5) and (6) of this subsection, and subsection c. of this section;

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.
(5) when the person completing the online voter registration form provides a driver’s license number, prompt the person to authorize access by the appropriate county commissioner of registration to the person’s digitized signature in the New Jersey Motor Vehicle Commission’s database for use in approving the online voter registration form and in connection with the person’s voter registration record;

(6) when the person completing the online voter registration form does not provide a driver’s license number, or does not authorize access by the appropriate county commissioner of registration to the person’s digitized signature in the New Jersey Motor Vehicle Commission’s database, generate a one-page printable output of the online voter registration form, instructing the person to print, sign, and mail the signed form to the appropriate county commissioner of registration, whose address shall be printed on the form, and further instructing the person to enclose any documentation that may be necessary under current law for the appropriate county commissioner of registration to confirm the person’s name and current address in connection with the online voter registration form;

(7) provide the necessary instructions, explanations, notices, and other information required to be provided to persons completing a paper voter registration form, to enable the person to accurately and effectively complete the online voter registration form and be registered to vote, including information regarding whether the person will be asked for identification when voting for the first time, pursuant to R.S.19:31-5 and section 16 of P.L.1974, c.30 (C.19:31-6.4);

(8) allow the appropriate county commissioner of registration, upon approval of a submitted online voter registration form, to transfer the voter information on the approved, completed form to the Statewide voter registration system database established pursuant to P.L.2005, c.145 (C.19:31-31 et seq.), in a manner that eliminates or reduces significantly the manual data entry or typing into the system of the required voter registration information; and

(9) incorporate any other content and security features as the Secretary of State, in consultation with the county commissioners of registration in this State, may deem necessary for the proper, secure, and effective functioning of online voter registration.

c. An online voter registration form completed and submitted pursuant to this section by a person qualified to vote in this State shall be electronically submitted to the appropriate county commissioner of registration for review and approval in accordance with section 17 of P.L.1974, c.30 (C.19:31-6.5), and as further provided in this subsection.

(1) (a) If the person submitting the online voter registration form provided a driver’s license number and authorized the appropriate county commissioner of registration to use a digitized signature
from the New Jersey Motor Vehicle Commission’s database pursuant to paragraph (5) of subsection b. of this section, the commissioner of registration shall search that database and locate the person’s signature. If the signature can be located, and the commissioner ascertains that all the required information submitted on the online voter registration form is complete and accurate, the signature requirement in connection with a voter registration application established by law shall be considered to have been met, the digitized signature shall become part of the person’s voter registration record, and the commissioner shall approve the voter registration form.

(b) If the signature cannot be located, the commissioner shall notify the person by mail that the digitized signature could not be located, and that the online voter registration form is not complete. The notice shall instruct the person of the steps necessary in order to complete the voter registration form, including the manner for submission of the person’s signature and any additional information or identifying documents that may be required by law to be submitted.

(2) If the person submitting the form did not provide a driver’s license number, or did not authorize the use of the digitized signature, and was therefore prompted to also submit the completed and signed one-page printed output of the online voter registration form by mail, along with any additional required documentation, pursuant to paragraph (6) of subsection b. of this section, the commissioner shall ascertain the completeness and accuracy of the information on the online voter registration form, and attach to it the additional documentation required, upon delivery of that documentation to the commissioner by mail.

The commissioner of registration shall review each submitted online voter registration form in a timely manner, and either approve or disapprove it, and forward the appropriate notifications to the person completing the form, as provided pursuant to section 17 of P.L.1974, c.30 (C.19:31-6.5). The necessary voter registration information on each approved online voter registration form shall be electronically transferred to the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) in a manner that eliminates or significantly reduces the manual entry of that information, and in as timely a manner as possible.

d. An online voter registration form submitted by a person who is already registered to vote in this State, for the purpose of changing the registrant’s name, address, or both, shall be electronically submitted to the appropriate county commissioner of registration, who shall ascertain the completeness and accuracy of the online voter registration form, and provide any notices to the registrant as may currently be required by law, prior to approving such changes to the registrant’s voter registration record and
transferring the information to the Statewide voter registration system.

e. The Secretary of State, and each county commissioner of registration, are hereby authorized to access the New Jersey Motor Vehicle Commission’s database to search for and utilize the digitized signature of a person who has authorized the use of the signature in connection with the completion and approval of an online voter registration form and the voting registration record of that person, as herein provided. The Chief Administrator of the New Jersey Motor Vehicle Commission in the Department of Transportation shall grant access to the Secretary of State and to the county commissioners of registration to the digitized signature of any driver wishing to register to vote using the online voter registration form and the digitized signature, as herein provided, as part of the data matching and verification process authorized pursuant to subsection e. of section 2 of P.L.2005, c.145 (C.19:31-32).

2. R.S.19:31-5 is amended to read as follows:

19:31-5. Each person, who at the time he or she applies for registration resides in the district in which he or she expects to vote, who will be of the age of 18 years or more at the next ensuing election, who is a citizen of the United States, and who, if he or she continues to reside in the district until the next election, will at the time have fulfilled all the requirements as to length of residence to qualify him or her as a legal voter, shall, unless otherwise disqualified, be entitled to be registered in such district.

Whenever an individual registers by mail after January 1, 2003, or registers using an online voter registration form pursuant to section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), to vote for the first time in his or her current county of residence, that individual shall provide either the individual's New Jersey driver's license number or the last four digits of the individual's Social Security Number, or shall submit with the voter registration form a copy of: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the individual's name and current address; or (4) any other identifying document that the Secretary of State has determined to be acceptable for this purpose. If the individual does not provide his or her New Jersey driver's license number or Social Security Number information or submit a copy of any one of these documents, either at the time of registration or at any time thereafter prior to attempting to vote, the individual shall be asked for identification when voting for the first time starting at the first election held after January 1, 2004 at which candidates are seeking federal office or thereafter. This requirement shall not apply to any individual entitled to vote by
absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any individual who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This requirement shall also not apply to any individual who registers to vote by appearing in person at any voter registration agency or to any individual whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.

Once registered, the registrant shall not be required to register again in such district as long as he or she resides therein, except when required to do so by the commissioner, because of the loss of or some defect in his or her registration record.

The registrant, when registered as provided in this Title, shall be eligible to vote at any election to be held subsequent to such registration, if he or she shall be a citizen of the United States of the age of 18 years and shall have been a resident of the State for at least 30 days and of the county at least 30 days, when the same is held, subject to any change in his qualifications which may later disqualify him. No registrant shall lose the right to vote, and no registrant's name shall be removed from the registry list of the county in which the person is registered, solely on grounds of the person's failure to vote in one or more elections.

(cf: P.L.2004, c.88, s.10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Send to the registrant written notification that such registrant is duly registered to vote. No registrant shall be considered a registered voter until the commissioner of registration reviews the application submitted by the registrant and deems it acceptable. On the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed."

If not delivered in 2 days, return to the Commissioner of Registration."
(2) In as timely a manner as possible, enter the information provided for the registrant on the completed registration form or electronically transfer the information from an online voter registration form completed pursuant to section 1 of P.L. 2005, c.145 (C.19:31-31). (3) Paste, tape, or photocopy the completed registration form onto an original registration form, and shall paste or tape a copy of such completed registration form onto a duplicate registration form, both of which shall be filed as provided in R.S.19:31-10. Nothing in this paragraph shall preclude any commissioner of registration from keeping the original mail registration form on file.

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

b. The commissioner shall notify a registrant of the reasons for any refusal to approve his registration.
c. (Deleted by amendment, P.L.1994, c.182.) (cf: P.L.2005, c.145, s.10)

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

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

b. The Statewide voter registration system shall include, but not be limited to, the following features:

(1) the name and registration information of every legally registered voter in the State;
(2) the ability to assign a unique identifier to each legally registered voter in the State;

(3) interactivity among appropriate State agencies so designated by the Secretary of State, each county commissioner of registration, each county board of elections, and each county clerk such that these entities shall have immediate electronic access to all or selected records in the system, as determined by the Secretary of State, to receive or transmit all or selected files in the system and to print or review all or selected files in the system;

(4) the ability to permit any county commissioner of registration to enter voter registration information on an expedited basis, and to transfer electronically voter registration information from an online voter registration form completed pursuant to section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), at the time the information is provided thereto and to permit the Secretary of State to provide technical support to do so whenever needed;

(5) the ability to permit each municipal clerk to view or print information in the system;

(6) the ability to permit an individual, by July 1, 2006, to verify via the Internet whether that individual, and only that individual, is included in the system as a legally registered voter, whether the information pertaining to that individual required by subsection c. of this section is correct, and if not, a means to notify the pertinent county commissioner of registration of the corrections that must be made and to so verify in a way that does not give one individual access to the information required by subsection c. of this section for any other individual;

(7) a Statewide street address index and map in electronic form that can accurately identify the location of every legally registered voter in this State;

(8) the ability to record and monitor all requests for mail-in ballots; to enable the county clerk to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by section 5 of P.L.2004, c.88 (C.19:61-5); and

(9) any other functions required pursuant to Pub.L.107-252 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that may be deemed necessary by the Secretary of State.

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

(1) last, first and middle name;
(2) street address at time of registration or rural route, box number or apartment number, if any;
(3) city or municipality, and zip code;
(4) date of birth;
(5) telephone number and e-mail address, if provided on voter registration form;
(6) previous name or address if individual re-registered due to change of name or address;
(7) ward and election district number, if either is available;
(8) (a) current and valid New Jersey driver's license number; or
(b) if the registrant has not been issued a New Jersey driver's license number, the last four digits of the registrant's social security number; or
(c) unique identifying number for any individual who has not been issued the information sought in subparagraph (a) or (b) of this paragraph;
(9) notation that a copy of one of the following documents has been submitted with the voter registration application, if required: current and valid photo identification card; a current utility bill, bank statement, government check, pay check or any other government document showing the registrant's name and current address;
(10) the method by which the individual registered and whether that person needs to provide additional identification information to vote using a voting machine instead of a provisional ballot;
(11) political party affiliation, if designated;
(12) digitalized signature;
(13) date of registration or re-registration;
(14) name and street address of the individual assisting in the completion of the form, if the applicant for registration is unable to do so;
(15) voting participation record for ten-year period; and
(16) any other information required pursuant to Pub.L.107-252 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that the Secretary of State determines is necessary to assess the eligibility of an individual to be registered to vote and to vote in this State.
(cf: P.L.2009, c.287, s.2)

6. Section 2 of P.L.2005, c.145 (C.19:31-32) is amended to read as follows:
2. a. The Statewide voter registration system shall replace all other computer or electronic-based registry files of voters and other voter registration files established and maintained by each county commissioner of registration for voter registration and election administration purposes established pursuant to the provisions of Title 19 and Title 40 of the Revised Statutes, and shall be the single system for storing and managing the official file of registered voters
throughout the State. A commissioner may, however, continue to
use and maintain as a supplement to the system the original and
duplicate permanent registration binders and voting records and
shall continue to use and maintain the signature copy registers or
polling records provided for in Title 19 of the Revised Statutes.

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

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

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

e. (1) The [Attorney General] Secretary of State and the Chief
Administrator of the New Jersey Motor Vehicle Commission in the
Department of Transportation shall enter into an agreement to
match information in the database of the Statewide voter
registration system with information in the database of the
commission, including social security numbers, to the extent
required to enable verification of the accuracy of the information
provided on applications for voter registration, and to locate and utilize for voter registration purposes the digitized signatures of licensed drivers who register to vote using an online voter registration form, as provided pursuant to section 1 of P.L. 2005, c. (C. ) (pending before the Legislature as this bill).

(2) The [Attorney General] Secretary of State shall enter into an agreement with the Commissioner of the Department of Health and Senior Services to match information in the database of the Statewide voter registration system with State agency information on death records.

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

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

(5) The [Attorney General] Secretary of State shall enter into an agreement with the State Parole Board to match information in the database of the Statewide voter registration system with State agency information on individuals who are on parole.

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

7. This act shall take effect immediately.

STATEMENT

This bill requires the Secretary of State to cause to be created, on a secure Internet site within the Department of State’s website, an online voter registration form to allow any person who is qualified to vote in this State to complete interactively the voter registration form online, and submit the form for approval by the county commissioner of registration of the county where the person resides. The bill requires the online voter registration form to contain the same information required to be contained on paper voter registration forms, and that the person completing the form provides all information and identification required by law in order to register to vote. As part of the online voter registration process, the bill permits the use of the digitized signatures of drivers who authorize the use of that signature for voter registration purposes while completing the online voter registration form.
Under existing law, a person who is a citizen of the United States, who is or will be 18 years of age at the time of the election, and who has resided in the county where the person wishes to vote for at least 30 days prior to the election, may register to vote by completing a voter registration form at least 21 days before the election. As part of the voter registration process, the form requires the person who is registering to vote for the first time to provide either the person’s driver’s license number, or the last four digits of his or her social security number, or any one of several approved identifying documents. The person must also sign the form. Current law also authorizes the Secretary of State and the county commissioners of registration, as part of the verification process, to match the information on completed voter registration forms, including social security numbers, to the information contained in the New Jersey Motor Vehicle Commission’s database, prior to entering the information from voter registration forms into the Statewide voter registration database.

Under the bill, a person who provides a driver’s license number on the online voter registration form would be prompted to authorize the county commissioner of registration to utilize the person’s digitized signature currently available from the New Jersey Motor Vehicle Commission’s database, in connection with the approval of the online voter registration form and the person’s voter registration record. If the signature can be located in the database, the bill authorizes the county commissioner of registration to accept the signature and approve the online voter registration record in the same manner as currently provided under existing law. However, if the signature cannot be located in the database, the bill requires the commissioner to notify the person by mail of the steps necessary for completion of the online voter registration form, including the manner in which the person must provide a signature in order for the voter registration form to be completed. Under the bill, when a person completing an online voter registration form does not provide a driver’s license number, or does not authorize the use of the digitized signature, a one-page version of the completed form would be printed, signed, and mailed by the person to the county commissioner of registration, enclosing any indentifying documents currently required by law to be submitted.

Whether the online voter registration form is approved through the use of the person’s digitized signature, or through the use of the one-page printed form signed by the person and submitted by regular mail, the bill requires that the online voter registration form must be designed to enable a county commissioner of registration, after reviewing and approving each form and any hard-copy documents received by mail in connection with each online form, to transfer the information on each approved online voter registration form into the Statewide voter registration system in a manner that
eliminates or significantly reduces the manual entry of that information into the system.