SENATE, No. 2328

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED AUGUST 11, 2014

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)
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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
As introduced.

(Sponsorship Updated As Of: 5/8/2015)
AN ACT concerning online voter registration 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) Notwithstanding any other provision of law to the contrary, a person who is qualified to register to vote and who has a valid New Jersey driver’s license or non-driver identification card issued by the New Jersey Motor Vehicle Commission may submit a voter registration form electronically on the Internet website of the Secretary of State, which form shall contain substantively the same information required to be contained on a paper voter registration form pursuant to section 16 of P.L. 1974, c.30 (C.19:31-6.4).
   a. The Secretary of State shall promulgate deadlines for when an online voter registration form submitted by an applicant pursuant to this section shall be effective ahead of an election to be held in the election district of the applicant submitting the form.
   b. The applicant completing the form shall affirmatively attest to the truth of the information provided in the form.
   c. For voter registration purposes, the applicant shall affirmatively assent to the use of his or her signature from his or her driver’s license or non-driver identification card.
   d. For each online voter registration form, the Secretary of State shall obtain an electronic copy of the applicant’s signature from his or her driver’s license or non-driver identification card directly from the New Jersey Motor Vehicle Commission.
   e. The Secretary of State shall require an applicant who submits an online voter registration form pursuant to this section to submit all of the following:
      (1) the number from his or her New Jersey driver’s license or non-driver identification card;
      (2) his or her date of birth;
      (3) the last four digits of his or her social security number; and
      (4) any other information the Secretary of State deems necessary to establish the identity of the applicant completing the form.
   f. Upon submission of an online voter registration form pursuant to this section, the electronic voter registration system shall provide for immediate verification of both of the following:
      (1) that the applicant has a New Jersey driver’s license or non-driver identification card and that the number for that driver’s license or non-driver identification card provided by the applicant 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.
identification card that is on file with the New Jersey Motor Vehicle Commission; and

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

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

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

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

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

2. 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] Secretary of State 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] Secretary of State 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 website, 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)

3. 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. ___,
c. (C. ) (pending before the Legislature as this bill), into the
Statewide voter registration system established pursuant to section 1

(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.)

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(cf: P.L.2005, c.145, s.10)

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

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,"
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.
c. 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) [digitized] 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)

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

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  
conducting 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 or holders of non-driver identification cards who register to vote using an online voter registration form, as provided pursuant to section 1 of P.L. , 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)

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

STATEMENT

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

Under the bill, the Secretary of State must employ security measures to ensure the accuracy and integrity of voter registration forms submitted electronically. The secretary must require an applicant who submits an online voter registration form to submit
the number from his or her New Jersey driver’s license or non-driver identification card issued by the New Jersey Motor Vehicle Commission; his or her date of birth; the last four digits of his or her social security number; and any other information the secretary deems necessary to establish the identity of the applicant completing the form. Upon submission of the online voter registration form, the electronic voter registration system must immediately verify that the applicant has a New Jersey driver’s license or non-driver identification card; that the number for that driver’s license or non-driver identification card provided by the applicant matches the number for that person’s driver’s license or non-driver identification card that is on file with the New Jersey Motor Vehicle Commission; and that the date of birth provided by the applicant matches the date of birth for that person that is on file with the New Jersey Motor Vehicle Commission. The system must also automatically acknowledge that the online voter registration form has been submitted successfully, and provide instructions on how the person completing the voter registration form may follow-up on the status of the submission either online or by contacting the appropriate county commissioner of registration.

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

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

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