

LEGISLATIVE FISCAL ESTIMATE
[First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 481 and 651
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: APRIL 16, 2018

SUMMARY

Synopsis: Automatically registers to vote and updates voter registration for eligible person when applying for motor vehicle driver’s license, examination permit, probationary driver’s license, or non-driver identification card.

Type of Impact: State and local increase in costs.

Agencies Affected: New Jersey Motor Vehicle Commission; Department of State; Counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate	
Local Cost		Indeterminate	

- Currently, the Motor Vehicle Commission (commission) allows residents to register to vote when they apply for a driver’s license or renewal. This bill 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 the applicant specifically declines 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 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 likely 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 State voter registration record system.

- The Department of State may 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 is required to take.

BILL DESCRIPTION

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. This substitute requires the New Jersey Motor Vehicle Commission (MVC) to automatically register to vote a person who 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.

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 bill 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.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services finds that the bill will result in an indeterminate increase in State and county costs. These costs will result primarily from the likely increase in the number of registered voters that result from shifting the voter registration process through driver's license applications and renewals from "opt-in" to "opt-out." This means that when applying for or renewing a driver's license, the information will be used to automatically register that person to vote, unless the applicant specifically requests not to be registered. This differs from the current law that requires that every applicant be offered the opportunity to register as part of the driver's license application and renewal process.

Registered voters typically receive a voter acknowledgement card in the mail as well as sample ballots leading up to elections. The cost of these mailings to newly registered voters will fall upon counties who send out the mailings. The magnitude of this cost increase is unclear, because it is not clear how many additional residents will be registered to vote as a result of this bill.

State costs will accrue to the commission for computer programming changes to the software used for driver's license applications and renewals, to facilitate the shift from an "opt-in" to an "opt-out" system. These changes are likely to not 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 State's voter registration records system. However, the cost of such changes are indeterminate and cannot be determined without additional information about the nature of the software changes required by the commission and the terms of the contract that the commission has with its software vendors to make those changes.

The State will also realize costs to the Department of State for the measures that they are required to take to educate the public about this automatic voter registration requirement. The bill is silent about the actual education measures, so it cannot be determined what the department will do and the resultant cost. Posting notification on State websites may potentially be accomplished at no cost by utilizing existing State staff. However, the publication of informational brochures or a media campaign could cost millions of dollars.

Section: Authorities, Utilities, Transportation and Communications

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).