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SYNOPSIS

Requires Secretary of State to establish online voter registration website; authorizes use of digitized signatures from New Jersey Motor Vehicle Commission's database; permits voter registration at polling place on any election day.

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CURRENT VERSION OF TEXT Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/1/2020)

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AN ACT concerning 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:

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 card issued by the New Jersey Motor Vehicle Commission may 11 12 submit a voter registration form electronically on the website of the 13 Secretary of State, which form shall contain substantively the same 14 information required to be contained on a paper voter registration 15 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 attestto 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:

32 (1) the number from his or her New Jersey driver's license or33 non-driver identification card;

34 (2) his or her date of birth;

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

36 (4) any other information the Secretary of State deems necessary37 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 nondriver 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

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.

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.

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 website, print a paper copy 28 of the completed form, and mail or deliver the paper copy of the 29 completed form to the Secretary of State or the appropriate county 30 election official. For the purposes of this subsection, the applicant 31 shall be required to provide the same documents required to be 32 provided with a paper voter registration form pursuant to R.S.19:31-33 5.

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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:

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);

46 c. completing and returning to the Secretary of State or having
47 returned thereto a voter registration form received from a voter
48 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 Secretary of State a voter

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

f. completing and returning to the Secretary of State 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 Secretary of State or the appropriate county clerk an application for a federal postcard application form to register to vote, as permitted pursuant to 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); [or]

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 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.

38 (cf: P.L.2017, c.39, s.10)

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

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

45 (1) Send to the registrant written notification that such registrant
46 is duly registered to vote. No registrant shall be considered a
47 registered voter until the commissioner of registration reviews the
48 application submitted by the registrant and deems it acceptable. On

1 the face of such notification in the upper left-hand corner shall be

2 printed the words: "Do Not Forward. Return Postage Guaranteed.

3 If not delivered in 2 days, return to the Commissioner of4 Registration."

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

c. (Deleted by amendment, P.L.1994, c.182.)

- 28 (cf: P.L.2005, c.145, s.10)
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30 4. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to 31 read as follows:

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

3 (1) the name and registration information of every legally4 registered voter in the State;

5 (2) the ability to assign a unique identifier to each legally 6 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 printinformation 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 ballot has been transmitted to that voter by mail or hand delivery; 40 and to make such information available to the Secretary of State so 41 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.

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c. The Statewide voter registration system shall include, but 1 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; (6) previous name or address if individual re-registered due to 11 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 (c) unique identifying number for any individual who has not 18 19 been issued the information sought in subparagraph (a) or (b) of this 20 paragraph; (9) notation that a copy of one of the following documents has 21 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; (11) political party affiliation, if designated; 30 (12) [digitalized] digitized signature; 31 32 (13) date of registration or re-registration; (14) name and street address of the individual assisting in the 33 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 that the Secretary of State determines is necessary to assess the 39 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

commissioner of registration for voter registration and election 1 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 seq.) and Title 19 of the Revised Statutes. Each commissioner shall 16 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).

c. The **[**Attorney General**]** <u>Secretary of State</u> 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.

38 d. The [Attorney General] <u>Secretary of State</u>, 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] <u>Secretary of State</u> and the Chief
47 Administrator of the New Jersey Motor Vehicle Commission in the
48 Department of Transportation shall enter into an agreement to

match information in the database of the Statewide voter 1 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 pursuant to section 1 of P.L., c. (C.) (pending before the 9 10 Legislature as this bill).

11 (2) The [Attorney General] <u>Secretary of State</u> 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**]** <u>Secretary of State</u> 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.

(4) The [Attorney General] <u>Secretary of State</u> 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] <u>Secretary of State</u> 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.

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

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34 6. (New section) a. As used in this section:

35 "Applicant" means any person otherwise eligible to vote, but 36 who is not registered to vote and is applying for such registration in 37 person at the applicant's assigned polling place on the day of an 38 election pursuant to this section.

39 "Identifying document" means (1) a current and valid photo 40 identification card; (2) a current utility bill, bank statement, 41 government check or pay check; (3) any other government 42 document that shows the applicant's name and current address; or 43 (4) any other identifying document that the Secretary of State has 44 determined to be acceptable for this purpose, as provided under 45 R.S.19:31-5.

b. Notwithstanding any other law to the contrary, an applicant
may register to vote on the day of any municipal, primary, or
general election at the polling place to which the applicant is

1 assigned by:

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(1) presenting or submitting a copy of an identifying document;

(2) completing an appropriate voter registration form; and

4 (3) submitting an affidavit in which the applicant declares that
5 the applicant is not already properly registered to vote, has lived in
6 the county in which he or she is voting for at least 30 days, has not
7 previously voted in the election being held on that day, and upon
8 voting will not thereafter vote in that election.

9 The commissioner of registration shall furnish to each polling 10 place voter registration forms and affidavit forms for the purposes 11 of this section.

12 The commissioner of registration shall designate an c. 13 individual in each polling place to receive and review the forms and 14 affidavits provided for in subsection b. of this section. The designee 15 shall read to an applicant, prior to accepting the forms and 16 affidavits, the penalty provision for voter fraud provided for under 17 subsection f. of this section. The designee shall issue a temporary 18 registration certificate to a qualified applicant. The certificate shall 19 be in triplicate with one copy to be retained by the designee, one 20 copy to be retained by the district board, and one copy to be 21 retained by the applicant. The applicant shall be permitted to vote 22 by provisional ballot only. The members of the district board and 23 any duly authorized challenger may challenge such a newly 24 registered voter pursuant to R.S.19:15-18 through R.S.19:15-24.

d. Each designee of the commissioner of registration shall
deliver to the commissioner, no later than two days after the
election, all forms and affidavits signed and received pursuant to
this section. Upon receipt of the voter registration forms completed
pursuant to this section, the commissioner shall:

30 (1) send to the registrant written notification that such registrant
31 is duly registered to vote. On the face of such notification in the
32 upper left-hand corner shall be printed the words: "Do Not Forward.
33 Return Postage Guaranteed. If not delivered in two days, return to
34 the Commissioner of Registration;"

(2) paste, tape, or photocopy the completed registration form
onto an original registration form, and 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 registration form on file; and

(3) in the case of a registrant currently registered in another
county of this State, notify the commissioner of registration of such
other county to delete such registrant's name from the list of
persons registered in such other county.

The commissioner shall notify a registrant of the reasons for anyrefusal to approve his or her registration.

e. Not later than 25 days after each municipal, primary, orgeneral election, the commissioner of registration in counties

having a superintendent of elections and the county board of elections in all other counties shall investigate and verify the registration of voters registered pursuant to this section at the most recent municipal, primary or general election whose notification is returned by the post office as undeliverable, in order to determine the extent, if any, of violations of Title 19 of the Revised Statutes.

f. An applicant who willfully or fraudulently registers more
than once, or who registers under any but the applicant's true name,
or attempts to vote more than once, or who willfully registers in any
election district where the applicant is not a resident at the time of
registering, is guilty of a crime of the fourth degree. Any person
who aids and abets an applicant in violating the provisions of this
section is guilty of a crime of the fourth degree.

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15 7. This act shall take effect on January 1 following the date of16 enactment.

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STATEMENT

21 The bill requires the Secretary of State to establish a secure 22 website to allow eligible voters to register to vote using an online voter registration form, and authorizes the use of digitized 23 24 signatures from the New Jersey Motor Vehicle Commission's 25 database in connection with online voter registration forms. This 26 bill also allows a person eligible to vote to register at the person's 27 assigned polling place on the day of a municipal, primary or general 28 election, and to vote in that election.

29 Under the online voter registration provisions of the bill, the 30 Secretary of State must employ security measures to ensure the 31 accuracy and integrity of voter registration forms submitted 32 electronically. The secretary must require an applicant who submits 33 an online voter registration form to submit the number from his or 34 her New Jersey driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission (MVC); his 35 36 or her date of birth; the last four digits of his or her social security 37 number; and any other information the secretary deems necessary to 38 establish the identity of the applicant completing the form. Upon 39 submission of the online voter registration form, the electronic voter 40 registration system must immediately verify that the applicant has a 41 New Jersey driver's license or non-driver identification card; that 42 the number for that driver's license or non-driver identification card 43 provided by the applicant matches the number for that person's 44 driver's license or non-driver identification card that is on file with the MVC; and that the date of birth provided by the applicant 45 46 matches the date of birth for that person that is on file with the 47 MVC. The system must also automatically acknowledge that the 48 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.

5 Under the bill, an applicant completing the online voter 6 registration form must affirmatively attest to the truth of the 7 information provided therein, and affirmatively assent to the use of 8 his or her signature from his or her driver's license or non-driver 9 identification card. For each online voter registration form, the 10 secretary must obtain an electronic copy of the applicant's signature 11 from his or her driver's license or non-driver identification card 12 directly from the MVC. The secretary would promulgate deadlines for when an online voter registration form submitted by an 13 14 applicant would be effective ahead of an election to be held in the 15 election district of the applicant submitting the form.

16 The bill also provides that, if an applicant cannot electronically 17 submit the identification information required, the applicant must 18 nevertheless be able to complete the online voter registration form 19 electronically on the Secretary of State's website, print a paper copy 20 of the completed form, and mail or deliver the paper copy of the completed form to the Secretary of State or the appropriate county 21 22 election official. In those cases, the applicant must provide the same 23 identification and documents required under current law in 24 connection with paper voter registration forms, as specified under 25 R.S.19:31-5. The information on the online voter registration forms 26 would be electronically transferred by county commissioners of 27 registration into the Statewide voter registration system already 28 established by law.

29 This bill also allows a person eligible to vote to register on the 30 day of a municipal, primary, or general election at the person's 31 assigned polling place, and to vote in that election. An applicant 32 would be required to present an identifying document as specified 33 under R.S.19:31-5, complete a voter registration form, and sign an 34 affidavit declaring that he or she is not already properly registered 35 to vote, has lived in the county for at least 30 days, has not previously voted in the election being held on that day, and upon 36 37 voting will not vote again in that election. A designee of the county 38 commissioner of registration would then issue a temporary 39 registration certificate to a qualified applicant, who would be 40 permitted to vote by provisional ballot at that election. Within two 41 days after the election, the commissioner of registration would 42 notify the applicant by mail that he or she is registered to vote. The 43 bill also provides for the investigation and verification of the voter 44 registration forms of voters who registered on election day if the 45 notification of voter registration is returned by the post office as 46 undeliverable.