

ASSEMBLY COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
218th LEGISLATURE

ADOPTED APRIL 5, 2018

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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.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Appropriations Committee.

(Sponsorship Updated As Of: 4/13/2018)

1 AN ACT concerning voter registration and amending and
2 supplementing P.L.1994, c.182 and supplementing Title 19 of
3 the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares that:

9 a. The right to vote is a fundamental right in New Jersey and
10 for all citizens of the United States.

11 b. It is the responsibility of the State of New Jersey to:

12 (1) ensure that every eligible State resident has the opportunity
13 to register to vote;

14 (2) promote policies that will grow voter registration rates and
15 voter turnout;

16 (3) guarantee that State voter registration systems are secure and
17 maintained with accuracy and efficiency and with the best available
18 technologies and procedures; and

19 (4) safeguard New Jersey's voters from disenfranchisement on
20 Election Day due to outdated or inaccurate voter roll information.

21 c. In other states, automatic voter registration at state agencies
22 has made state voter rolls more accurate while increasing voter
23 registration rates and may have contributed to increased voter
24 turnout, especially among populations that are less likely to
25 participate in elections.

26 d. It is, therefore, the purpose of this act, P.L. , c. (pending
27 before the Legislature as this bill), to:

28 (1) enable the New Jersey Motor Vehicle Commission and the
29 Secretary of State to provide the opportunity to register all eligible
30 State residents to vote with accurate, cost-efficient, and up-to-date
31 procedures;

32 (2) modernize New Jersey's voter registration and voter list
33 maintenance procedures; and

34 (3) protect and enhance the integrity, accuracy, efficiency, and
35 accessibility of the electoral process for all eligible State residents.

36
37 2. Section 23 of P.L.1994, c.182 (C.39:3-10m) is amended to
38 read as follows:

39 23. Notwithstanding any law, rule or regulation to the contrary,
40 each applicant, who meets all requirements for eligibility to vote,
41 for a State motor vehicle driver's license, an examination permit, a
42 probationary driver's license, or a non-driver identification card
43 application, including any application for a renewal or update
44 thereof, except as provided in paragraphs (2) and (3) of subsection
45 b. of section 24 of P.L.1994, c.182 (C.39:2-3.2), submitted to an

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.

1 agent of the **Division of Motor Vehicles in the Department of Law**
2 **and Public Safety** New Jersey Motor Vehicle Commission shall be
3 offered an opportunity to **register to vote** decline the automatic
4 voter registration pursuant to section 24 of P.L.1994, c.182 (C.39:2-
5 3.2).
6 (cf: P.L.1994, c.182, s.23)
7

8 3. Section 24 of P.L.1994, c.182 (C.39:2-3.2) is amended to
9 read as follows:

10 24. a. The Secretary of State, with the assistance **and**
11 **concurrence of the Director of the Division of Motor Vehicles** of
12 the Chief Administrator of the New Jersey Motor Vehicle
13 Commission, shall **formulate a means of permitting a person**
14 provide for an eligible applicant to simultaneously apply for a
15 motor vehicle driver's license, an examination permit, a
16 probationary driver's license, or a non-driver identification card, as
17 applicable, and to register be automatically registered to vote, or
18 have an existing voter registration updated, in a manner which
19 satisfies both the requirements necessary to receive a license to
20 operate a motor vehicle, pursuant to R.S.39:3-10, or an examination
21 permit, a probationary driver's license, or a non-driver
22 identification card, as applicable, and to be permitted **to register**
23 **to vote, pursuant to R.S.19:4-1. The applicant shall be offered an**
24 **opportunity to decline the automatic voter registration under this**
25 **section.**

26 **The Division of Motor Vehicles, upon receipt of a completed**
27 **voter registration application under this section, shall stamp or**
28 **otherwise mark the lower right hand corner of the document with**
29 **the date on which it was so received and forward the document to**
30 **the Secretary of State no later than the 10th day following the date**
31 **of acceptance.**

32 b. **Each application for voter registration which is received by**
33 **the Division of Motor Vehicles shall be considered and processed as**
34 **the replacement for any pre-existing voter registration of the**
35 **applicant** (1) Pursuant to subsection a. of this section, for every
36 application for a motor vehicle driver's license, an examination
37 permit, a probationary driver's license, or a non-driver
38 identification card, and each related update, renewal, or change of
39 address, except as provided in paragraphs (2) and (3) of this
40 subsection, the Chief Administrator shall ensure that the
41 information necessary for voter registration is collected from the
42 application and promptly transmitted electronically to the Secretary
43 of State. The Chief Administrator shall ensure that electronic
44 records are not transmitted to the Secretary of State for any
45 applicant who has declined registration. The Commissioner of
46 Registration shall register to vote or update an existing registration
47 for any eligible applicant who has not declined voter registration.

1 (2) Voter registration information from an application received
2 online for the renewal of a motor vehicle driver's license or non-
3 driver identification card shall be collected and promptly
4 transmitted electronically to the Secretary of State upon the
5 implementation by the Secretary of State of online voter
6 registration. Subsection c. of this section shall be inapplicable to
7 such applications until that time.

8 (3) Voter registration information from an application received
9 through the mail for the renewal of a motor vehicle driver's license
10 or non-driver identification card shall be exempt from collection
11 and electronic transmission to the Secretary of State until such time
12 as the Chief Administrator determines that the prompt electronic
13 transmission of the information is practicable. Subsection c. of this
14 section shall be inapplicable to such applications until that time.
15 Following the effective date of P.L. , c. (pending before the
16 Legislature as this bill), the Chief Administrator shall inform the
17 Governor and the Legislature every six months of the practicability
18 of collecting and transmitting to the Secretary of State voter
19 registration information from such applications. This paragraph
20 shall not be construed to preclude the Motor Vehicle Commission
21 from processing voter registration applications received in the
22 manner in which such applications were processed in connection
23 with such renewals prior to the effective date of
24 P.L. , c. (pending before the Legislature as this bill).

25 c. The Chief Administrator shall provide for the following
26 notices to be provided with every application for a motor vehicle
27 driver's license, an examination permit, a probationary driver's
28 license, or a non-driver identification card and every related update,
29 renewal, or change of address:

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

33 (2) a notice of the voter eligibility requirements under R.S.19:4-
34 1 and the penalties for false registration and illegal voting under
35 Title 19 of the Revised Statutes, which notice shall contain an
36 affirmation that the applicant meets each such requirement and shall
37 require the signature of the applicant, under penalty of law; and

38 (3) a notice that an applicant who is a victim of domestic
39 violence or stalking may decline the automatic voter registration
40 and register to vote without disclosing the applicant's street address
41 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

42 【c. Each change of address notification submitted to the
43 Director of the Division of Motor Vehicles】 d. For each applicant
44 already registered to vote, any change of address notification
45 submitted to the Chief Administrator for the purpose of maintaining
46 current information on 【a person's motor vehicle license】 an
47 applicant shall be promptly reported to the Secretary of State . A
48 change of address notification received by the Chief Administrator

1 in paper format shall be reported to the Secretary of State no later
2 than the 10th day following its receipt by the [Division of Motor
3 Vehicles and shall serve as notification for the change of address
4 process,] Chief Administrator. The Commissioner of Registration
5 shall use the change of address notification to update an existing
6 voter registration unless the [registrant] applicant declines the
7 automatic voter registration pursuant to this section and indicates
8 that the change of address is not for voter registration purposes. A
9 change of address notification submitted to the commission, which
10 is used for voter registration purposes, shall be subject to the
11 provisions of section 1 of P.L.1994, c.148 (C.19:31-3.2) if the
12 person submitting the change of address notification previously
13 registered to vote in accordance with that section.

14 e. If a person who is not entitled to vote becomes registered to
15 vote pursuant to this section, that person's registration shall be
16 presumed to have been effected with official authorization, and the
17 person shall not be deemed to have committed a crime under
18 R.S.19:34-1. This subsection shall not apply to a person who
19 knowingly and willfully makes a false statement to effectuate voter
20 registration.

21 f. The Secretary of State, with the assistance of the Chief
22 Administrator, shall take appropriate measures to educate the public
23 about voter registration under this section.

24 For the purposes of this section, "eligible applicant" means a
25 person submitting to the commission an application for a motor
26 vehicle driver's license, an examination permit, a probationary
27 driver's license, or a non-driver identification card who meets all
28 requirements for eligibility to vote under R.S.19:4-1.

29 (cf: P.L.1994, c.182, s.24)

30

31 4. (New section) a. Any State agency, except for the Motor
32 Vehicle Commission, that the Secretary of State verifies already
33 collects documents that would provide proof of eligibility,
34 including age, citizenship, and residence address, may establish and
35 implement, upon approval by the Secretary of State, a procedure for
36 automatically and electronically transmitting voter registration
37 information to the Secretary of State of persons who are eligible to
38 vote for the purpose of registering such persons to vote or updating
39 their voter registration. Each person from whom such information is
40 collected shall be offered an opportunity to decline automatic voter
41 registration. Any such agency shall comply with the requirements,
42 to the extent applicable as determined by the Secretary of State, as
43 established in subsections b. through d. of section 24 of P.L.1994,
44 c.182 (C.39:2-3.2).

45 b. Any additional agencies that are designated for automatic
46 voter registration shall comply with the requirements, to the extent
47 applicable as determined by the Secretary of State, as established in
48 section 24 of P.L.1994, c.182 (C.39:2-3.2) for automatic voter

1 registration and shall provide the notices required pursuant to
2 subsection c. thereof to each person from whom such information is
3 collected.

4

5 5. This act shall take effect on the first day of the seventh
6 month next following the date of enactment, but the Chief
7 Administrator may take such anticipatory administrative action in
8 advance thereof as shall be necessary for the implementation of this
9 act.