ASSEMBLY, No. 1824

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Prohibits voter registration of standard driver's license or identification card applicants.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning eligibility for automatic voter registration at New Jersey Motor Vehicle Commission locations and amending P.L.1994, c.182.

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

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

24. a. The Secretary of State, with the assistance of the Chief Administrator of the New Jersey Motor Vehicle Commission, shall provide for an eligible applicant to simultaneously apply for a **[**motor vehicle**]** REAL ID basic driver's license, REAL ID license, or REAL ID motorcycle license, an examination permit if the person applying for the permit submits documents required to obtain a REAL ID identification card, a REAL ID probationary **[**driver's**]** license, or a **[**non-driver**]** REAL ID identification card, as applicable, and be automatically registered to vote, or have an existing voter registration updated, in a manner which satisfies both the requirements necessary to receive **[**a license to operate a motor vehicle, pursuant to R.S.39:3-10, or an examination permit, a probationary driver's license, or a non-driver identification card**]** the REAL ID license or card, as applicable, and to register to vote, pursuant to R.S.19:4-1. The applicant shall be offered an opportunity to decline the automatic voter registration under this section.

b. (1) Pursuant to subsection a. of this section, for every application **[**for a motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card**]** for a REAL ID license or card, and each related update, renewal, or change of address, except as provided in paragraphs (2) and (3) of this subsection, the Chief Administrator shall ensure that the information necessary for voter registration is collected from the application and promptly transmitted electronically to the Secretary of State. The Chief Administrator shall ensure that electronic records are not transmitted to the Secretary of State for any applicant who has declined registration. The Commissioner of Registration shall register to vote or update an existing registration for any eligible applicant who has not declined voter registration.

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

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.

(3) Voter registration information from an application received through the mail [for the renewal of a motor vehicle driver's license or non-driver identification card] shall be exempt from collection and electronic transmission to the Secretary of State until such time as the Chief Administrator determines that the prompt electronic transmission of the information is practicable. Subsection c. of this section shall be inapplicable to such applications until that time. Following the effective date of P.L.2018, c.6, the Chief Administrator shall inform the Governor and the Legislature every six months of the practicability of collecting and transmitting to the Secretary of State voter registration information from such applications. This paragraph shall not be construed to preclude the Motor Vehicle Commission from processing voter registration applications received in the manner in which such applications were processed in connection with such renewals prior to the effective date of P.L.2018, c.6.

c. The Chief Administrator shall provide for the following notices to be provided with every application for a [motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card] <u>REAL ID license or card</u> 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 under R.S.19:4-1 and the penalties for false registration and illegal voting under Title 19 of the Revised Statutes, which notice shall contain an affirmation that the applicant meets each such requirement and shall require the signature of the applicant, 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 pursuant to section 1 of P.L.1994, c.148 (C.19:31-3.2).

d. For each applicant already registered to vote, any change of address notification submitted to the Chief Administrator for the purpose of maintaining current information on an applicant shall be promptly reported to the Secretary of State. A change of address notification received by the Chief Administrator in paper format shall be reported to the Secretary of State no later than the 10th day following its receipt by the Chief Administrator. The Commissioner of Registration shall use the change of address notification to update an existing voter registration unless the applicant declines the automatic voter registration pursuant to this section and indicates that the change of address is not for voter registration purposes. A change of address notification submitted to the commission, which is used for voter registration purposes, shall be subject to the provisions of section 1 of P.L.1994, c.148 (C.19:31-3.2) if the person submitting the change of address notification previously registered to vote in accordance with that section.

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

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

For the purposes of this section, "eligible applicant" means a person submitting to the commission an application for a **[**motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card**]** REAL ID license or card listed in subsection a. of this section, as defined under R.S.39:1-1, who meets all requirements for eligibility to vote under R.S.19:4-1. "Eligible applicant" shall not include any person submitting to the commission an application for a standard license or identification card, as defined under R.S.39:1-1.

(cf: P.L.2018, c.6, s.3)

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

23. Notwithstanding any law, rule or regulation to the contrary, each eligible applicant, as defined under section 24 of P.L.1994, c.182 (C.39:2-3.2), who meets all requirements for eligibility to vote, **[**for a State motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card application, including any application for a renewal or update thereof,**]** except as provided in paragraphs (2) and (3) of subsection b. of section 24 of P.L.1994, c.182 (C.39:2-3.2), **[**submitted to an agent of the New Jersey Motor Vehicle Commission**]** shall be offered an opportunity to decline the automatic voter registration pursuant to section 24 of P.L.1994, c.182 (C.39:2-3.2).

(cf: P.L. 2018, c.6, s.2)

3. This act shall take effect immediately.

STATEMENT

This bill limits the automatic voter registration process available at Motor Vehicle Commission locations to REAL ID applicants for licenses, cards, or permits. Under this bill, applicants for standard driver's licenses or identification cards, who cannot provide proof of legal presence in the United States, would be prevented from registering to vote.