

ASSEMBLY, No. 5097

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Assemblyman GERARD SCHARFENBERGER
District 13 (Monmouth)

Co-Sponsored by:

Assemblywoman Dunn, Assemblymen Space and Wirths

SYNOPSIS

Requires Secretary of State to establish voter list maintenance and crosscheck program and to include certain voter registration data in annual report to Governor and Legislature.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/7/2021)

1 AN ACT concerning voter list maintenance and amending
2 P.L.2005, c.145.

3

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

6

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

9 2. a. The Statewide voter registration system shall replace all
10 other computer or electronic-based registry files of voters and other
11 voter registration files established and maintained by each county
12 commissioner of registration for voter registration and election
13 administration purposes established pursuant to the provisions of
14 Title 19 and Title 40 of the Revised Statutes, and shall be the single
15 system for storing and managing the official file of registered voters
16 throughout the State. A commissioner may, however, continue to use
17 and maintain as a supplement to the system the original and duplicate
18 permanent registration binders and voting records and shall continue
19 to use and maintain the signature copy registers or polling records
20 provided for in Title 19 of the Revised Statutes.

21 b. Each county commissioner of registration shall be responsible
22 for adding to, deleting from, amending and otherwise conducting on
23 a regular basis maintenance for the files of every legally registered
24 voter in that commissioner's county as contained in the Statewide
25 voter registration system, pursuant to the provisions of section 303
26 of Pub.L.107-252 (42 U.S.C. s. 15301 et seq.) and Title 19 of the
27 Revised Statutes. Each commissioner shall be responsible for
28 verifying the accuracy of the name, address and other data of
29 registered voters in the commissioner's respective county as
30 contained in the system. The commissioner who receives the voter
31 registration forms of individuals who have registered to vote in the
32 county or who are re-registering for any reason shall be responsible
33 for entering the information on those forms into the system on an
34 expedited basis, and electronically transferring into the system the
35 information from online voter registration forms completed pursuant
36 to section 1 of P.L.2019, c.382 (C.19:31-6.4c), including but not
37 limited to forms and information received pursuant to chapter 31 of
38 Title 19 of the Revised Statutes. The information the commissioner
39 shall use to update and maintain the system shall be that required by
40 subsection c. of section 1 of P.L.2005, c.145 (C.19:31-31).

41 c. The Secretary of State and each county commissioner of
42 registration shall be responsible for developing and providing the
43 technological security measures needed to prevent unauthorized
44 access to the Statewide voter registration system established pursuant
45 to section 1 of P.L.2005, c.145 (C.19:31-31) and to the information

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 for any individual on the system required by subsection c. of section
2 1 of that act.

3 d. (1) The Secretary of State, in consultation with each county
4 commissioner of registration, shall develop minimum standards to
5 safeguard the security and accuracy of the files contained in the
6 Statewide voter registration system. Such standards shall include
7 procedures to ensure that reasonable effort is made to remove
8 registrants who are ineligible to vote pursuant to federal or State law
9 and to ensure that eligible voters are not removed in error from the
10 system.

11 (2) The Secretary of State, in consultation with each
12 commissioner of registration, shall develop and update, as
13 appropriate, a Statewide voter list maintenance and crosscheck
14 program. The purpose of the program shall be to maintain and keep
15 up-to-date a secure and accurate Statewide voter registration system.
16 The program, at a minimum, shall provide for the crosschecking of
17 information in the Statewide database with information obtained via
18 agreements entered into by the secretary pursuant to subsection e. of
19 this section and shall provide for the sharing of voter information
20 among each county clerk and commissioner of registration. The
21 secretary, in consultation with each commissioner of registration,
22 shall establish uniform standards and procedures for voter list
23 maintenance and crosschecking. At a minimum, the program shall
24 permit a county commissioner of registration to verify a new voter
25 registration applicant's information, update information in the
26 Statewide voter registration system, and remove duplicate, non-
27 resident, or ineligible voters from the Statewide voter registration
28 system.

29 e. (1) The Secretary of State and the Chief Administrator of the
30 New Jersey Motor Vehicle Commission in the Department of
31 Transportation shall enter into an agreement to match information in
32 the database of the Statewide voter registration system with
33 information in the database of the commission, including social
34 security numbers, to the extent required to enable verification of the
35 accuracy of the information provided on applications for voter
36 registration, and to locate and utilize for voter registration purposes
37 the digitized signatures of licensed drivers or holders of non-driver
38 identification cards who register to vote using an online voter
39 registration form, as provided pursuant to section 1 of
40 P.L.2019, c.382 (C.19:31-6.4c).

41 (2) The Secretary of State shall enter into an agreement with the
42 Commissioner of the Department of Health and Senior Services to
43 match information in the database of the Statewide voter registration
44 system with State agency information on death records.

45 (3) The Secretary of State shall enter into an agreement with the
46 Commissioner of the Department of Corrections to match
47 information in the database of the Statewide voter registration system
48 with State agency information on individuals who are incarcerated,

1 on probation, or on parole as the result of a conviction for an
2 indictable offense.

3 (4) The Secretary of State shall enter into an agreement with the
4 Administrative Office of the Courts to match information in the
5 database of the Statewide voter registration system with State agency
6 information on individuals who are incarcerated, on probation, or on
7 parole as the result of a conviction for an indictable offense.

8 (5) The Secretary of State shall enter into an agreement with the
9 State Parole Board to match information in the database of the
10 Statewide voter registration system with State agency information on
11 individuals who are on parole.

12 (cf: P.L.2019, c.382, s.5)

13

14 2. Section 3 of P.L.2005, c.145 (C.19:31-33) is amended to read
15 as follows:

16 3. Each year, no later than 90 days following the date of the
17 November general election, the **【Attorney General】** Secretary of
18 State shall prepare and submit to the Governor and the President of
19 the Senate, the Minority Leader of the Senate, the Speaker of the
20 General Assembly and the Minority Leader of the General Assembly
21 a report that:

22 a. assesses the current status of the voter list maintenance and
23 crosscheck program and the Statewide voter registration system;

24 b. assesses the hardware and software required to maintain and
25 expand the system;

26 c. reviews existing or planned statewide voter registration
27 systems in other states or as may be required by Pub.L.107-252 (42
28 U.S.C. s.15301 et seq.) or the federal Election Assistance
29 Commission created by that law;

30 d. recommends ways to strengthen and expand electronic
31 communications among those executive departments and State
32 agencies designated by the **【Attorney General】** Secretary of State to
33 have access to the system, the county commissioners of registration
34 and the county and municipal clerks; **【and】**

35 e. recommends ways to improve the effectiveness of the system
36 in the administration of elections and voting in this State;

37 f. evaluates the effectiveness of the agreements entered into by
38 the Secretary of State pursuant to subsection e. of section 2 of
39 P.L.2005, c.145 (C.19:31-32);

40 g. lists the number of inactive and active voters in the State by
41 county, the number of registrants transferred to the death file by
42 county, and the number of registrants removed from the Statewide
43 voter registration system by county;

44 h. lists the counties that are not compliant with the standards and
45 procedures for voter list maintenance and crosschecking established
46 by the Secretary of State; and

47 i. provides any other information deemed appropriate by the
48 Secretary of State or requested by the Governor or the Legislature.

1 In preparing the report, the **【Attorney General】** Secretary of State
2 shall solicit the views of county clerks and commissioners of
3 registration and such other individuals familiar with the system as the
4 **【Attorney General】** Secretary of State may wish to consult.

5 The Attorney General shall submit the initial report to the
6 Governor and the President of the Senate, the Minority Leader of the
7 Senate, the Speaker of the General Assembly and the Minority
8 Leader of the General Assembly no later than two years after the
9 effective date of P.L.2005, c.145 (C.19:31-31 et al.).

10 (cf: P.L.2005, c.145, s.3)

11
12 3. This act shall take effect immediately.

13 14 15 STATEMENT

16
17 This bill directs the Secretary of State, in consultation with each
18 commissioner of registration, to establish and update, as appropriate,
19 a voter list maintenance and crosscheck program. The purpose of the
20 program would be to maintain and keep up-to-date a secure and
21 accurate Statewide voter registration system.

22 Under the bill, the program, at a minimum, must provide for the
23 crosschecking of information in the Statewide database with
24 information obtained via voter registration information agreements
25 entered into by the secretary under current law and must provide for
26 the sharing of voter information among each county clerk and
27 commissioner of registration. The secretary, in consultation with
28 each commissioner of registration, is required to establish uniform
29 standards and procedures for voter list maintenance and
30 crosschecking. At a minimum, the program must permit a county
31 commissioner of registration to verify a new voter registration
32 applicant's information, update information in the Statewide voter
33 registration system, and remove duplicate, non-resident, or ineligible
34 voters from the Statewide voter registration system.

35 The bill also requires the annual report on the voter registration
36 system to the Governor and the Legislature to be submitted no later
37 than 90 days following the date of the November general election.
38 Under the bill and in addition to the requirements in current law, the
39 report is required to:

40 (1) evaluate the effectiveness of any voter registration
41 information agreements entered into by the Secretary of State;

42 (2) list the number of inactive and active voters in the State by
43 county, the number of registrants transferred to the death file by
44 county, and the number of registrants removed from the Statewide
45 voter registration system by county; and

46 (3) list the counties that are not compliant with the standards and
47 procedures for voter list maintenance and crosschecking established
48 by the Secretary of State.