

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Murphy signs bill requiring automatic voter registration," Associated Press State Wire: New Jersey, 4-17-2018

"Murphy to expand registered voters," The Times, 4-17-2018

"Murphy makes voter registration automatic," The Star-Ledger, 4-18-2018

"New law may swell voter rolls," South Jersey Times, 4-18-2018

"Voter registration will be automatic - Murphy pushes back against GOP critics," The Record, 4-18-2018

RWH/JA

§1 – Note to §4 &
C.39:2-3.2
§4 - C.19:31-6.14
§5 - Note

P.L. 2018, CHAPTER 6, *approved April 17, 2018*
Assembly Committee Substitute for
Assembly, No. 2014

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20 Election Day due to outdated or inaccurate voter roll information.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.

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

3 23. Notwithstanding any law, rule or regulation to the contrary,
4 each applicant, who meets all requirements for eligibility to vote,
5 for a State motor vehicle driver's license, an examination permit, a
6 probationary driver's license, or a non-driver identification card
7 application, including any application for a renewal or update
8 thereof, except as provided in paragraphs (2) and (3) of subsection
9 b. of section 24 of P.L.1994, c.182 (C.39:2-3.2), submitted to an
10 agent of the **【Division of Motor Vehicles in the Department of Law**
11 **and Public Safety】** New Jersey Motor Vehicle Commission shall be
12 offered an opportunity to **【register to vote】** decline the automatic
13 voter registration pursuant to section 24 of P.L.1994, c.182 (C.39:2-
14 3.2).

15 (cf: P.L.1994, c.182, s.23)

16

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

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

35 **【The Division of Motor Vehicles, upon receipt of a completed**
36 **voter registration application under this section, shall stamp or**
37 **otherwise mark the lower right hand corner of the document with**
38 **the date on which it was so received and forward the document to**
39 **the Secretary of State no later than the 10th day following the date**
40 **of acceptance.】**

41 b. **【Each application for voter registration which is received by**
42 **the Division of Motor Vehicles shall be considered and processed as**
43 **the replacement for any pre-existing voter registration of the**
44 **applicant】** (1) Pursuant to subsection a. of this section, for every
45 application for a motor vehicle driver's license, an examination
46 permit, a probationary driver's license, or a non-driver

1 identification card, and each related update, renewal, or change of
2 address, except as provided in paragraphs (2) and (3) of this
3 subsection, the Chief Administrator shall ensure that the
4 information necessary for voter registration is collected from the
5 application and promptly transmitted electronically to the Secretary
6 of State. The Chief Administrator shall ensure that electronic
7 records are not transmitted to the Secretary of State for any
8 applicant who has declined registration. The Commissioner of
9 Registration shall register to vote or update an existing registration
10 for any eligible applicant who has not declined voter registration.

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

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

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

40 (1) a notice that the applicant will be registered to vote, if
41 eligible, unless the applicant specifically declines the automatic
42 voter registration;

43 (2) a notice of the voter eligibility requirements under R.S.19:4-
44 1 and the penalties for false registration and illegal voting under
45 Title 19 of the Revised Statutes, which notice shall contain an
46 affirmation that the applicant meets each such requirement and shall
47 require the signature of the applicant, under penalty of law; and

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

5 【c. Each change of address notification submitted to the
6 Director of the Division of Motor Vehicles】 d. For each applicant
7 already registered to vote, any change of address notification
8 submitted to the Chief Administrator for the purpose of maintaining
9 current information on 【a person's motor vehicle license】 an
10 applicant shall be promptly reported to the Secretary of State . A
11 change of address notification received by the Chief Administrator
12 in paper format shall be reported to the Secretary of State no later
13 than the 10th day following its receipt by the 【Division of Motor
14 Vehicles and shall serve as notification for the change of address
15 process,】 Chief Administrator. The Commissioner of Registration
16 shall use the change of address notification to update an existing
17 voter registration unless the 【registrant】 applicant declines the
18 automatic voter registration pursuant to this section and indicates
19 that the change of address is not for voter registration purposes. A
20 change of address notification submitted to the commission, which
21 is used for voter registration purposes, shall be subject to the
22 provisions of section 1 of P.L.1994, c.148 (C.19:31-3.2) if the
23 person submitting the change of address notification previously
24 registered to vote in accordance with that section.

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

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

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

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

41
42 4. (New section) a. Any State agency, except for the Motor
43 Vehicle Commission, that the Secretary of State verifies already
44 collects documents that would provide proof of eligibility,
45 including age, citizenship, and residence address, may establish and
46 implement, upon approval by the Secretary of State, a procedure for

1 automatically and electronically transmitting voter registration
2 information to the Secretary of State of persons who are eligible to
3 vote for the purpose of registering such persons to vote or updating
4 their voter registration. Each person from whom such information is
5 collected shall be offered an opportunity to decline automatic voter
6 registration. Any such agency shall comply with the requirements,
7 to the extent applicable as determined by the Secretary of State, as
8 established in subsections b. through d. of section 24 of P.L.1994,
9 c.182 (C.39:2-3.2).

10 b. Any additional agencies that are designated for automatic
11 voter registration shall comply with the requirements, to the extent
12 applicable as determined by the Secretary of State, as established in
13 section 24 of P.L.1994, c.182 (C.39:2-3.2) for automatic voter
14 registration and shall provide the notices required pursuant to
15 subsection c. thereof to each person from whom such information is
16 collected.

17
18 5. This act shall take effect on the first day of the seventh
19 month next following the date of enactment, but the Chief
20 Administrator may take such anticipatory administrative action in
21 advance thereof as shall be necessary for the implementation of this
22 act.

23

24

25

26

27 Automatically registers to vote and updates voter registration for
28 eligible person when applying for motor vehicle driver's license,
29 examination permit, probationary driver's license, or non-driver
30 identification card.

ASSEMBLY, No. 2014

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman DANIEL R. BENSON

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District 35 (Bergen and Passaic)

Co-Sponsored by:

**Assemblywomen Caride, Pintor Marin, Assemblyman Houghtaling,
Assemblywoman Pinkin, Assemblyman Gusciora, Assemblywoman
Jimenez, Assemblyman Holley, Assemblywoman Jones, Assemblyman
Barclay, Assemblywomen McKnight and Murphy**

SYNOPSIS

Automatically registers or updates voter registration as part of driver's license application or renewal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 4/6/2018)

1 AN ACT concerning voter registration and amending and
2 supplementing P.L.1994, c.182.

3

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

6

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

9 23. Notwithstanding any law, rule or regulation to the contrary,
10 each applicant for a State motor vehicle driver's license application,
11 including any application for a renewal thereof, submitted to an
12 agent of the **【Division of Motor Vehicles in the Department of Law**
13 **and Public Safety】** New Jersey Motor Vehicle Commission shall be
14 offered an opportunity to **【register to vote】** decline the automatic
15 voter registration pursuant to section 3 of P.L. , c. (C.)
16 (pending before the Legislature as this bill).

17 (cf: P.L.1994, c.182, s.23)

18

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

21 24. a. The Secretary of State, with the assistance **【and**
22 **concurrence】** of the **【Director of the Division of Motor Vehicles】**
23 Chief Administrator of the New Jersey Motor Vehicle Commission,
24 shall **【formulate a means of permitting】** provide for a person to
25 simultaneously apply for a motor vehicle driver's license and **【to】**
26 automatically register to vote which satisfies both the requirements
27 necessary to receive a license to operate a motor vehicle, pursuant
28 to R.S.39:3-10, and to be permitted to register to vote, pursuant to
29 R.S.19:4-1.

30 The **【Division of Motor Vehicles】** New Jersey Motor Vehicle
31 Commission, upon receipt of a completed voter registration
32 application under this section, shall stamp or otherwise mark the
33 lower right hand corner of the document with the date on which it
34 was so received and forward the physical or electronic document to
35 the Secretary of State no later than the 10th day following the date
36 of acceptance.

37 b. Each application for voter registration which is received by
38 the **【Division of Motor Vehicles】** New Jersey Motor Vehicle
39 Commission shall be considered and processed as the replacement
40 for any pre-existing voter registration of the applicant.

41 c. Each change of address notification submitted to the
42 **【Director of the Division of Motor Vehicles】** Chief Administrator
43 of the New Jersey Motor Vehicle Commission for the purpose of
44 maintaining current information on a person's motor vehicle license

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 shall be reported to the Secretary of State no later than the 10th day
2 following its receipt by the **【Division of Motor Vehicles】**
3 commission and shall serve as notification for the change of address
4 process, unless the registrant declines the automatic voter
5 registration pursuant to section 3 of P.L. , c. (C.) (pending
6 before the Legislature as this bill) and indicates that the change of
7 address is not for voter registration purposes. A change of address
8 notification submitted to the commission, which is used for voter
9 registration purposes, shall be subject to the provisions of section 1
10 of P.L.1994, c.148 (C.19:31-3.2) if the person submitting the
11 change of address notification previously registered to vote in
12 accordance with that section.
13 (cf: P.L.1994, c.182, s.24)
14

15 3. (New section) a. The New Jersey Motor Vehicle
16 Commission shall automatically register to vote any person who
17 applies for a special learner's permit, an examination permit, a
18 probationary driver's license, a basic driver's license, or a nondriver
19 identification card issued pursuant to P.L.1980, c.47 (C.39:3-29.3 et
20 seq.), or for renewal of any license or identification card, according
21 to the permanent address provided by the applicant, unless the
22 applicant specifically declines the automatic voter registration.

23 b. The Chief Administrator shall forward the personal
24 information required to register to vote pursuant to subsection a. of
25 this section in an electronic format to the Division of Elections in
26 the Department of State. The applicant's submission of an
27 application shall serve as an indication that the applicant will
28 register to vote and be affiliated with the permanent address
29 provided by the applicant, and that the applicant is authorizing the
30 Chief Administrator to forward to the Division of Elections the
31 necessary information for the voter registration. The Chief
32 Administrator shall notify the applicant on the application that
33 submission of the application shall serve as consent to be registered
34 to vote at the permanent address provided by the applicant, unless
35 the applicant specifically declines the automatic voter registration.

36 c. The Chief Administrator shall provide for the following
37 statement:

38 "By submitting this application, I am consenting to registering to
39 vote in the State of New Jersey and I am swearing or affirming that:

40 I understand that I must be a U.S. citizen to vote in the State of
41 New Jersey.

42 I understand that I must be at least 18 years old on or before the
43 day of the next election to vote in that election.

44 I understand that I must have resided in the State and county at
45 least 30 days before the next election to vote in that election.

46 I live at the address provided on the application.

47 I am not on parole, probation, or serving a sentence due to a
48 conviction for an indictable offense under any federal or State laws.

1 I UNDERSTAND THAT WILLFULLY VOTING OR
2 ATTEMPTING TO VOTE KNOWING THAT I AM NOT
3 ENTITLED TO VOTE MAY SUBJECT ME TO A FINE OF UP
4 TO \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH,
5 PURSUANT TO R.S.19:34-11 OR R.S.19:34-12.”

6 A separate statement shall be printed on the application for a
7 special learner’s permit, an examination permit, a probationary
8 driver’s license, a basic driver’s license, or a nondriver
9 identification card, in bold-faced capital letters, notifying the
10 applicant that victims of domestic violence or stalking may decline
11 the automatic voter registration and register to vote without
12 disclosing the applicant’s street address pursuant to section 1 of
13 P.L.1994, c.148 (C.19:31-3.2).

14 d. If a person who is not entitled to vote becomes registered to
15 vote pursuant to this section and votes or attempts to vote in an
16 election held after the effective date of the person’s registration
17 under this section, then the person shall be presumed to have acted
18 with official authorization and shall not be guilty of fraudulently
19 voting or attempting to fraudulently vote pursuant to R.S.19:34-11
20 or R.S.19:34-12, respectively, unless the person willfully votes or
21 attempts to vote knowing he is not entitled to vote.

22

23 4. This act shall take effect on the first day of the seventh
24 month next following the date of enactment, but the Chief
25 Administrator may take such anticipatory administrative action in
26 advance thereof as shall be necessary for the implementation of this
27 act.

28

29

30

STATEMENT

31

32 This bill requires the New Jersey Motor Vehicle Commission
33 (MVC) to automatically register to vote or automatically update a
34 person’s voter registration as part of the process of applying for or
35 renewing a driver’s license.

36 Under current law, each applicant for a driver’s license or
37 renewal of an existing license is offered an opportunity to
38 simultaneously register to vote. The bill provides that the MVC
39 would automatically register to vote any person who applies for a
40 special learner’s permit, examination permit, probationary driver’s
41 license, basic driver’s license, or nondriver identification card, or
42 for renewal of any license or identification card, according to the
43 permanent address provided by the applicant, unless the applicant
44 specifically declines the automatic voter registration.

45 The chief administrator of the MVC would forward the personal
46 information required to register to vote to the Division of Elections
47 in the Department of State in an electronic format. Submission of an
48 application would serve as consent to be registered to vote at the

1 permanent address provided by the applicant, unless the applicant
2 specifically declines the automatic registration.

3 The bill requires the chief administrator to provide for a
4 statement to be printed on the application for a special learner's
5 permit, an examination permit, a provisional driver's license, a
6 basic driver's license, or a nondriver identification card informing
7 the applicant that by submitting the application, the applicant is
8 consenting to register to vote and is legally permitted to vote. A
9 separate statement must be printed on the application, in bold-faced
10 capital letters, notifying the applicant that victims of domestic
11 violence or stalking may decline the automatic voter registration
12 and register to vote without disclosing the applicant's street
13 address.

14 The bill provides that a person who is not entitled to vote that
15 becomes registered through the automatic registration provided for
16 in the bill will not be guilty of fraudulently voting or attempting to
17 fraudulently vote so long as the person does not willfully vote or
18 attempt to vote knowing he is not entitled to vote.

19 The bill requires the Chief Administrator of the Motor Vehicle
20 Commission to provide for the following statement:

21 "By submitting this application, I am consenting to registering to
22 vote in the State of New Jersey and I am swearing or affirming that:
23 I understand that I must be a U.S. citizen to vote in the State of New
24 Jersey.

25 I understand that I must be at least 18 years old on or before the
26 day of the next election to vote in that election.

27 I understand that I must have resided in the State and county at
28 least 30 days before the next election to vote in that election.

29 I live at the address provided on the application.

30 I am not on parole, probation, or serving a sentence due to a
31 conviction for an indictable offense under any federal or State laws.

32 I UNDERSTAND THAT WILLFULLY VOTING OR
33 ATTEMPTING TO VOTE KNOWING THAT I AM NOT
34 ENTITLED TO VOTE MAY SUBJECT ME TO A FINE OF UP
35 TO \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH,
36 PURSUANT TO R.S.19:34-11 OR R.S.19:34-12."

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2014

STATE OF NEW JERSEY

DATED: APRIL 5, 2018

The Assembly Appropriations Committee reports favorably the Assembly Committee Substitute for Assembly Bill, No. 2014.

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 IMPACT:

The Office of Legislative Services notes that the bill will likely increase the number of people registered to vote in New Jersey by an indeterminate amount. Many of these additional registered voters will all receive voter acknowledgement cards and a sample ballot before elections. These mailings will represent an additional cost for counties to print and mail.

The Motor Vehicle 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 expected 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 voter registration system.

The Department of State will 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 must take.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2014
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

*Analyst: Patrick Brennan
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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

SENATE, No. 481

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senators Cruz-Perez, Cunningham, Pou, Ruiz, Greenstein, Madden and Gopal

SYNOPSIS

Automatically registers or updates voter registration as part of driver's license application or renewal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/23/2018)

1 AN ACT concerning voter registration and amending and
2 supplementing P.L.1994, c.182.

3

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

6

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

9 23. Notwithstanding any law, rule or regulation to the contrary,
10 each applicant for a State motor vehicle driver's license application,
11 including any application for a renewal thereof, submitted to an
12 agent of the **[Division of Motor Vehicles in the Department of Law**
13 **and Public Safety]** New Jersey Motor Vehicle Commission shall be
14 offered an opportunity to **[register to vote]** decline the automatic
15 voter registration pursuant to section 3 of P.L. , c. (C.)
16 (pending before the Legislature as this bill).

17 (cf: P.L.1994, c.182, s.23)

18

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

21 24. a. The Secretary of State, with the assistance **[and**
22 **concurrence]** of the **[Director of the Division of Motor Vehicles]**
23 Chief Administrator of the New Jersey Motor Vehicle Commission,
24 shall **[formulate a means of permitting]** provide for a person to
25 simultaneously apply for a motor vehicle driver's license and **[to]**
26 automatically register to vote which satisfies both the requirements
27 necessary to receive a license to operate a motor vehicle, pursuant
28 to R.S.39:3-10, and to be permitted to register to vote, pursuant to
29 R.S.19:4-1.

30 The **[Division of Motor Vehicles]** New Jersey Motor Vehicle
31 Commission, upon receipt of a completed voter registration
32 application under this section, shall stamp or otherwise mark the
33 lower right hand corner of the document with the date on which it
34 was so received and forward the physical or electronic document to
35 the Secretary of State no later than the 10th day following the date
36 of acceptance.

37 b. Each application for voter registration which is received by
38 the **[Division of Motor Vehicles]** New Jersey Motor Vehicle
39 Commission shall be considered and processed as the replacement
40 for any pre-existing voter registration of the applicant.

41 c. Each change of address notification submitted to the
42 **[Director of the Division of Motor Vehicles]** Chief Administrator
43 of the New Jersey Motor Vehicle Commission for the purpose of
44 maintaining current information on a person's motor vehicle license

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 shall be reported to the Secretary of State no later than the 10th day
2 following its receipt by the **【Division of Motor Vehicles】**
3 commission and shall serve as notification for the change of address
4 process, unless the registrant declines the automatic voter
5 registration pursuant to section 3 of P.L. , c. (C.) (pending
6 before the Legislature as this bill) and indicates that the change of
7 address is not for voter registration purposes. A change of address
8 notification submitted to the commission, which is used for voter
9 registration purposes, shall be subject to the provisions of section 1
10 of P.L.1994, c.148 (C.19:31-3.2) if the person submitting the
11 change of address notification previously registered to vote in
12 accordance with that section.
13 (cf: P.L.1994, c.182, s.24)
14

15 3. (New section) a. The New Jersey Motor Vehicle
16 Commission shall automatically register to vote any person who
17 applies for a special learner's permit, an examination permit, a
18 probationary driver's license, a basic driver's license, or a nondriver
19 identification card issued pursuant to P.L.1980, c.47 (C.39:3-29.3 et
20 seq.), or for renewal of any license or identification card, according
21 to the permanent address provided by the applicant, unless the
22 applicant specifically declines the automatic voter registration.

23 b. The chief administrator shall forward the personal
24 information required to register to vote pursuant to subsection a. of
25 this section in an electronic format to the Division of Elections in
26 the Department of State. The applicant's submission of an
27 application shall serve as an indication that the applicant will
28 register to vote and be affiliated with the permanent address
29 provided by the applicant, and that the applicant is authorizing the
30 chief administrator to forward to the Division of Elections the
31 necessary information for the voter registration. The chief
32 administrator shall notify the applicant on the application that
33 submission of the application shall serve as consent to be registered
34 to vote at the permanent address provided by the applicant, unless
35 the applicant specifically declines the automatic voter registration.

36 c. The chief administrator shall provide for the following
37 statement to be printed on the application for a special learner's
38 permit, an examination permit, a probationary driver's license, a
39 basic driver's license, or a nondriver identification card:

40 "By submitting this application, I am consenting to registering to
41 vote in the State of New Jersey and I am swearing or affirming that:

42 I understand that I must be a U.S. citizen to vote in the State of
43 New Jersey.

44 I understand that I must be at least 18 years old on or before the
45 day of the next election to vote in that election.

46 I understand that I must have resided in the State and county at
47 least 30 days before the next election to vote in that election.

48 I live at the address provided on the application.

1 I am not on parole, probation, or serving a sentence due to a
2 conviction for an indictable offense under any federal or State laws.

3 I UNDERSTAND THAT WILLFULLY VOTING OR
4 ATTEMPTING TO VOTE KNOWING THAT I AM NOT
5 ENTITLED TO VOTE MAY SUBJECT ME TO A FINE OF UP
6 TO \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH,
7 PURSUANT TO R.S.19:34-11 OR R.S.19:34-12.”

8 A separate statement shall be printed on the application for a
9 special learner’s permit, an examination permit, a probationary
10 driver’s license, a basic driver’s license, or a nondriver
11 identification card, in bold-faced capital letters, notifying the
12 applicant that victims of domestic violence or stalking may decline
13 the automatic voter registration and register to vote without
14 disclosing the applicant’s street address pursuant to section 1 of
15 P.L.1994, c.148 (C.19:31-3.2).

16 d. If a person who is not entitled to vote becomes registered to
17 vote pursuant to this section and votes or attempts to vote in an
18 election held after the effective date of the person’s registration
19 under this section, then the person shall be presumed to have acted
20 with official authorization and shall not be guilty of fraudulently
21 voting or attempting to fraudulently vote pursuant to R.S.19:34-11
22 or R.S.19:34-12, respectively, unless the person willfully votes or
23 attempts to vote knowing he is not entitled to vote.

24
25 4. This act shall take effect on the first day of the seventh
26 month next following the date of enactment, but the chief
27 administrator may take such anticipatory administrative action in
28 advance thereof as shall be necessary for the implementation of this
29 act.

30
31
32 STATEMENT

33
34 This bill requires the New Jersey Motor Vehicle Commission
35 (MVC) to automatically register or update a person’s voter
36 registration as part of the process of applying for or renewing a
37 driver’s license.

38 Under current law, each applicant for a driver’s license is offered
39 by the MVC an opportunity to simultaneously register to vote. The
40 bill provides that the MVC would automatically register to vote any
41 person who applies for a special learner’s permit, an examination
42 permit, a probationary driver’s license, a basic driver’s license, or a
43 nondriver identification card, or for renewal of any license or
44 identification card, according to the permanent address provided by
45 the applicant, unless the applicant specifically declines the
46 automatic voter registration.

47 The chief administrator of the MVC would forward the personal
48 information required to register to vote in an electronic format to

1 the Division of Elections in the Department of State. Submission of
2 an application would serve as consent to be registered to vote at the
3 permanent address provided by the applicant, unless the applicant
4 specifically declines the automatic registration.

5 The bill requires the chief administrator to provide for a
6 statement to be printed on the application for a special learner's
7 permit, an examination permit, a provisional driver's license, or a
8 nondriver identification card informing the applicant that by
9 submitting the application, the applicant is consenting to register to
10 vote. The statement must also have the applicant swear or attest
11 that the applicant:

- 12 • must be a U.S. citizen to vote in the State of New Jersey;
- 13 • must be at least 18 years old on or before the day of the next
14 election to vote in that election;
- 15 • must have resided in the State and county at least 30 days
16 before the next election to vote in that election;
- 17 • lives at the address provided on the application;
- 18 • is not on parole, probation, or serving a sentence due to a
19 conviction for an indictable offense under any federal or
20 State laws; and
- 21 • understands the penalty for willfully voting or attempting to
22 vote knowing the applicant is entitled to do so.

23 A separate statement must be printed on the application, in bold-
24 faced capital letters, notifying the applicant that victims of domestic
25 violence or stalking may decline the automatic voter registration
26 and register to vote without disclosing the applicant's street
27 address.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 481 and 651

STATE OF NEW JERSEY

DATED: MARCH 26, 2018

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 481 and 651.

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 through the mail for renewal of a motor vehicle driver's license or non-driver identification card, the Chief Administrator is to ensure that the necessary information is collected from those applications and transmitted electronically to the Secretary of State within 10 days of receipt, until the Chief Administrator determines, through promulgation of rule or regulation, that prompt electronic transmission is practicable.

The following notices will be printed on 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; 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 automatically update an existing voter registration, unless the applicant declines.

The substitute 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.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 481 and 651**

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 5, 2018

The Senate Budget and Appropriations Committee reports favorably the Senate Committee Substitute for Senate Bill Nos. 481 and 651, with committee amendments.

The substitute, as amended by this committee, requires the New Jersey Motor Vehicle Commission (MVC) to automatically register a person to vote if that person 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. 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.

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 substitute 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.

COMMITTEE AMENDMENTS:

The committee amended the substitute to require that the mandatory notices concerning voter eligibility and registration be provided with, rather than printed on, each applicable application. The amendments also require that the notice concerning the voter eligibility requirements is to contain an affirmation that the applicant meets each requirement and is to require the applicant's signature, under penalty of law. The amendments also clarify the intent of the Legislature to ensure that every eligible resident has the opportunity to register to vote, instead of ensuring that every resident is registered to vote.

The amendments provide that 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 amendments also require the commissioner of registration in each county, rather than the Secretary of State, to register voters and update voter registrations for eligible applicants who have not so declined.

The amendments permit any other State agency that already collects documents that would provide proof of eligibility, including age, citizenship, and residence address, to 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 IMPACT:

The Office of Legislative Services finds that the substitute will result in an indeterminate increase in State and county costs. Currently the Motor Vehicle Commission (commission) allows residents to register to vote when they apply for a driver's license or renewal. This substitute 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 they specifically decline 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 all 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 expected 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 voter registration system.

The Department of State will 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 must take.

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

*Analyst: Patrick Brennan
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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



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Newark, N.J.

Governor Murphy Signs Landmark Legislation Expanding Voter Registration and Protecting Voting Rights

04/17/2018

Trenton - Governor Phil Murphy today signed into law one of the most expansive Automatic Voter Registration policies in the nation, strengthening and enhancing voting rights for eligible New Jersey residents.

“Today, New Jersey proudly joins a select group of states – 11 plus the District of Columbia – that have enacted automatic voter registration to expand and protect the voting rights of their citizens,” **said Governor Murphy**. “This stands in stark contrast to those whose only interest lays in restricting voting rights and suppressing voters’ voices. In New Jersey, we recognize our democracy is stronger when more people are given the opportunity to participate and when the residents of our state are empowered to be part of the democratic process.”

The legislation, **A2014**, requires the Motor Vehicle Commission (MVC) to automatically register to vote any eligible person who applies for a permit, license, or ID card unless the applicant declines the automatic voter registration. The MVC’s chief administrator is required to ensure that all information necessary for voter registration is collected and promptly transmitted electronically to the Secretary of State, with an exception if a person declined to register to vote.

Additionally, the bill expands automatic voter registration to any other state agency that collects proof of voter eligibility, as verified by the Secretary of State. Upon the Secretary’s approval, the agency may implement automatic voter registration for eligible individuals. The agency must comply to the extent applicable, as determined by the Secretary, with the procedures for automatic voter registration established in the bill for the MVC. New Jersey is now only the fourth state to take this additional step.

“Today, we are moving New Jersey forward in its effort to register all eligible citizens,” **Secretary of State Tahesha Way added**. “By using existing technology to advance our voter registration efforts, the State is demonstrating its commitment to increasing civic participation within our current infrastructure, without sacrificing voter integrity or security. As the State’s chief election official, I’m working across levels of government to ensure that all eligible voters can cast a safe and secure ballot at election time.”

“Democracy works better when more people vote,” **said Acting Motor Vehicle Commission Chair and Chief Administrator Sue Fulton**. “We are proud to serve the people of New Jersey every day, and we are proud to join the ranks of other states that offer automatic voter registration to their residents. We look forward to working with Governor Murphy to ensure that all eligible New Jerseyans have access to the polls.”

Sponsors of the legislation include: Senators Vitale and Beach, as well as Assembly members Coughlin, Schaer, Eustace, Downey, Benson, Wimberly, McKeon, Jasey, Chiaravalloti, and Sumter.