

19:31-31

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 145

NJSA: 19:31-31 (Creates Statewide voter registration system)

BILL NO: S28 (Substituted for A45)

SPONSOR(S): Gill and others

DATE INTRODUCED: May 19, 2005

COMMITTEE: **ASSEMBLY:**
SENATE: State Government; Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 20, 2005

SENATE: June 20, 2005

DATE OF APPROVAL: July 12, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S28

[SPONSOR'S STATEMENT:](#) (Begins on page 22 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [5-26-2005 \(State Gov't\)](#)
[6-16-2005 \(Bud & App.\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

A45

[SPONSOR'S STATEMENT:](#) (Begins on page 22 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [3-7-2005 \(State Gov't\)](#)
[6-9-2005 \(Approp.\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

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FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: Yes

NEWSPAPER ARTICLES: No

974.90 New Jersey. Legislature. Assembly. Federal Relations Committee Meeting
E38 Testimony concerning the implementation of the Federal mandates....'Help America Vote Act of 2002', held
2004a 2-9-2004. Trenton, NJ 2004
[pdf copy of hearing](#)

IS 7/30/07

Title 19.
Chapter 31.
Article 5. Statewide
Registration
§§1-4 -
C.19:31-31 to
19:31-34
§26 - Repealer
§27 - Note to §§1-26

P.L. 2005, CHAPTER 145, *approved July 12, 2005*
Senate, No. 28 (*First Reprint*)

1 AN ACT concerning voter registration and voting systems and
2 amending, supplementing and repealing various parts of the
3 statutory law.

4

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

7

8 1. (New section) a. No later than January 1, 2006, there shall be
9 established in the Department of Law and Public Safety a single
10 Statewide voter registration system, as required pursuant to section
11 303 of the federal "Help America Vote Act of 2002," Pub.L.107-252
12 (42 U.S.C. 15483). The principle computer components of the system
13 shall be under the direct control of the Attorney General. The
14 Attorney General shall be responsible for creating the network
15 necessary to maintain the system and providing the computer software,
16 hardware and security necessary to ensure that the system is accessible
17 only to those executive departments and State agencies so designated
18 by the Attorney General, each county commissioner of registration,
19 each county and municipal clerk, and individuals under certain
20 circumstances, as provided for by this section. The system shall be the
21 official State repository for voter registration information for every
22 legally registered voter in this State, and shall serve as the official
23 voter registration system for the conduct of all elections in the State.

24 b. The Statewide voter registration system shall include, but not be
25 limited to, the following features:

26 (1) the name and registration information of every legally registered
27 voter in the State;

28 (2) the ability to assign a unique identifier to each legally registered
29 voter in the State;

30 (3) interactivity ¹**[that permits executive departments and]** among
31 appropriate¹ State agencies so designated by the Attorney General,
32 each county commissioner of registration ¹, each county board of
33 elections,¹ and each county ¹**[and municipal]**¹ clerk ¹**[to]** such that

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSG committee amendments adopted June 9, 2005.

1 these entities shall¹ have immediate electronic access to all or selected
2 records in the system, ¹ as determined by the Attorney General,¹ to
3 receive or transmit all or selected files in the system and to print or
4 review all or selected files in the system;

5 (4) the ability to permit any county commissioner of registration to
6 enter voter registration information on an expedited basis at the time
7 the information is provided thereto and to permit the Attorney General
8 to provide technical support to do so whenever needed;

9 ¹(5) the ability to permit each municipal clerk to view or print
10 information in the system;¹

11 ¹[(5)] (6)¹ the ability to permit an individual ¹ by July 1, 2006,¹
12 to verify via the Internet whether that individual, and only that
13 individual, is included in the system as a legally registered voter,
14 whether the information pertaining to that individual required by
15 subsection c. of this section is correct, and if not, a means to notify the
16 pertinent county commissioner of registration of the corrections that
17 must be made and to so verify in a way that does not give one
18 individual access to the information required by subsection c. of this
19 section for any other individual;

20 ¹[(6)] (7)¹ a Statewide street address index and map in electronic
21 form that can accurately identify the location of every legally
22 registered voter in this State; and

23 ¹[(7)] (8)¹ any other functions required pursuant to Pub.L.107-
24 252 ¹[(42 U.S.C.A. 15301 et seq.)] (42 U.S.C. 15301 et seq.)¹ , or
25 Title 19 of the Revised Statutes, or that may be deemed necessary by
26 the Attorney General.

27 c. The Statewide voter registration system shall include, but not
28 be limited to, the following information for every legally registered
29 voter in this State:

30 (1) last, first and middle name;

31 (2) street address at time of registration or rural route, box
32 number or apartment number, if any;

33 (3) city or municipality, and zip code;

34 (4) date of birth;

35 (5) telephone number, if provided on voter registration form;

36 (6) previous name or address if individual re-registered due to
37 change of name or address;

38 (7) ward and election district number, if either is available;

39 (8) (a) ¹current and valid¹ New Jersey driver's license number, ¹[
40 if any] or¹;

41 (b) ¹if the registrant has not been issued a New Jersey driver's
42 license number,¹ the last four digits of the registrant's social security
43 number, ¹[if any, or notation that a copy of one of the following
44 documents has been submitted with the voter registration application:
45 current and valid photo identification card; a current utility bill, bank
46 statement, government check, pay check or any other government or

1 other identifying document showing the registrant's name and current
2 address]¹; or

3 (c) unique ¹[identification] identifying¹ number ¹[created pursuant
4 to R.S.19:31-5]¹ for any individual ¹[unable to provide or not
5 required to provide] who has not been issued¹ the information sought
6 in subparagraphs (a) or (b) of this paragraph;

7 ¹(9) notation that a copy of one of the following documents has
8 been submitted with the voter registration application, if required:
9 current and valid photo identification card; a current utility bill, bank
10 statement, government check, pay check or any other government
11 document showing the registrant's name and current address;¹

12 ¹[(d)] (10)¹ the method by which the individual registered and
13 whether that person needs to provide additional identification
14 information to vote using a voting machine instead of a provisional
15 ballot;

16 ¹[(9)] (11)¹ political party affiliation, if designated;

17 ¹[(10)] (12)¹ digitalized signature;

18 ¹[(11)] (13)¹ date of registration or re-registration;

19 ¹[(12)] (14)¹ name and street address of the individual
20 ¹[completing] assisting in the completion of¹ the form, if the applicant
21 for registration is unable to do so;

22 ¹[(13)] (15)¹ voting participation record for ten-year period; and

23 ¹[(14)] (16)¹ any other information required pursuant to
24 Pub.L.107-252 (42 U.S.C. 15301 et seq.), or Title 19 of the Revised
25 Statutes, or that the Attorney General determines is necessary to
26 assess the eligibility of an individual to be registered to vote and to
27 vote in this State.

28

29 2. (New section) a. The Statewide voter registration system shall
30 replace all other computer or electronic-based registry files of voters
31 and other voter registration files established and maintained by each
32 county commissioner of registration for voter registration and
33 ¹[elections] election¹ administration purposes established pursuant to
34 the provisions of Title 19 and Title 40 of the Revised Statutes, and
35 shall be the single system for storing and managing the official file of
36 registered voters throughout the State. A commissioner may,
37 however, continue to use and maintain as a supplement to the system
38 the original and duplicate permanent registration binders and voting
39 records and shall continue to use and maintain the signature copy
40 registers or polling records provided for in Title 19 of the Revised
41 Statutes.

42 b. Each county commissioner of registration shall be responsible
43 for adding to, deleting from, amending and otherwise conducting on
44 a regular basis maintenance for the files of every legally registered
45 voter in that commissioner's county as contained in the Statewide

1 voter registration system, pursuant to the provisions of section 303 of
2 Pub.L.107-252 (42 U.S.C. 15301 et seq.) and Title 19 of the Revised
3 Statutes. Each commissioner shall be responsible for verifying the
4 accuracy of the name, address and other data of registered voters in
5 ¹[their] the commissioner's¹ respective county as contained in the
6 system. The commissioner who receives the voter registration forms
7 of individuals who have registered to vote in the county or who are re-
8 registering for any reason shall be responsible for entering the
9 information on those forms into the system on an expedited basis,
10 including but not limited to forms and information received pursuant
11 chapter 31 of Title 19 of the Revised Statutes. The information the
12 commissioner shall use to update and maintain the system shall be that
13 required by subsection c. of section 1 of P.L. , c. (C.) (now
14 pending before the Legislature as this bill).

15 c. The Attorney General and each county commissioner of
16 registration shall be responsible for developing and providing the
17 technological security measures needed to prevent unauthorized access
18 to the Statewide voter registration system established pursuant to
19 section 1 of P.L. , c. (C.) (now pending before the
20 Legislature as this bill) and to the information for any individual on the
21 system required by subsection c. of section 1 of that act.

22 d. The Attorney General, in consultation with each county
23 commissioner of registration, shall develop minimum standards to
24 safeguard the accuracy of the files contained in the Statewide voter
25 registration system. Such standards shall include procedures to ensure
26 that reasonable effort is made to remove registrants who are ineligible
27 to vote pursuant to federal or State law and to ensure that eligible
28 voters are not removed in error from the system.

29 e. (1) The Attorney General 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 ¹, including social
34 security numbers.¹ to the extent required to enable verification of the
35 accuracy of the information provided on applications for voter
36 registration.

37 (2) The Attorney General shall enter into an agreement with the
38 Commissioner of the Department of Health and Senior Services to
39 match information in the database of the Statewide voter registration
40 system with State agency information on ¹[social security numbers
41 and]¹ death records.

42 (3) The Attorney General shall enter into an agreement with the
43 Commissioner of the Department of Corrections to match information
44 in the database of the Statewide voter registration system with State
45 agency information on individuals who are incarcerated, on probation,
46 or on parole ¹[for greater than one year] as the result of a conviction

1 for an indictable offense¹.

2 (4) The Attorney General shall enter into an agreement with the
3 Administrative Office of the Courts to match information in the
4 database of the Statewide voter registration system with State agency
5 information on individuals who are incarcerated, on probation, or on
6 parole ¹[for less than one year] as the result of a conviction for an
7 indictable offense¹.

8 (5) The Attorney General 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

13 3. (New section) Each year the Attorney General shall prepare and
14 submit to the Governor and the President of the Senate, the Minority
15 Leader of the Senate, the Speaker of the General Assembly and the
16 Minority Leader of the General Assembly a report that:

17 a. assesses the current status of the Statewide voter registration
18 system;

19 b. assesses the hardware and software required to maintain and
20 expand the system;

21 c. reviews existing or planned statewide voter registration systems
22 in other states or as may be required by Pub.L.107-252 (42 U.S.C.
23 15301 et seq.) or the federal Election Assistance Commission created
24 by that law;

25 d. recommends ways to strengthen and expand electronic
26 communications among those executive departments and State
27 agencies designated by the Attorney General to have access to the
28 system, the county commissioners of registration and the county and
29 municipal clerks; and

30 e. recommends ways to improve the effectiveness of the system in
31 the administration of elections and voting in this State.

32 In preparing the report, the Attorney General shall solicit the views
33 of county commissioners of registration and such other individuals
34 familiar with the system as the Attorney General may wish to consult.

35 The Attorney General shall submit the initial report to the
36 Governor and the President of the Senate, the Minority Leader of the
37 Senate, the Speaker of the General Assembly and the Minority Leader
38 of the General Assembly no later than two years after the effective
39 date of P.L. , c. (C.)(now pending before the Legislature as this
40 bill).

41

42 ¹4. (New section) The Attorney General may promulgate rules
43 and regulations, pursuant to the "Administrative Procedures Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
45 purposes of this act, P.L. , c. (C.) (now pending before the
46 Legislature as this bill).¹

1 ¹[4.] 5.¹ Section 2 of P.L.1976, c.83 (C.19:4-11) is amended to
2 read as follows:

3 2. a. Subject to the provisions of law as to redistricting, each
4 election district in which only one voting machine or four electronic
5 system voting devices are used shall contain no more than 750 voters,
6 except an election district in which there is located a public or private
7 institution where persons entitled to vote may reside, and in such
8 district the number of voters shall be as near to 750 as is practicable.

9 b. Notwithstanding the provisions of subsection a. of this section,
10 no later than January 1, 2006 each ¹[polling place] election district¹
11 shall also include at least one voting system capable of permitting
12 individuals with disabilities to vote.

13 (cf: P.L.1976, c.83, s.2)

14

15 ¹[5.] 6.¹ Section 3 of P.L.1976, c.83 (C.19:4-12) is amended to
16 read as follows:

17 3. [~~Each~~] Except as provided pursuant to subsection b. of section
18 2 of P.L.1976, c.83 (C.19:4-11), each district in which two voting
19 machines or five electronic system voting devices are to be used shall
20 contain, as nearly as is practicable, 1,000 voters, and each district in
21 which three voting machines or eight electronic system voting devices
22 are to be used shall contain, as nearly as is practicable, 1,500 voters.

23 Nothing herein shall prevent any election district from containing
24 fewer voters than prescribed above, if necessary for the convenience
25 of the voters.

26 In a district where more than two voting machines or five
27 electronic system voting devices are to be used, two additional
28 members of the district board, who shall not be members of the same
29 political party, shall be appointed for each additional voting machine
30 or system.

31 (cf: P.L.1996, c.120, s.1)

32

33 ¹[6.] 7.¹ R.S.19:31-2 is amended to read as follows:

34 19:31-2. In all counties having a superintendent of elections, the
35 superintendent of elections is hereby constituted the commissioner of
36 registration and in all other counties the secretary of the county board
37 is hereby constituted the commissioner of registration.

38 The commissioner of registration shall have complete charge of the
39 registration of all eligible voters within their respective counties.
40 Pursuant to the provisions of section 2 of P.L. , c. (C.)
41 (now pending before the Legislature as this bill), the commissioner of
42 registration shall be responsible for adding to, deleting from, amending
43 and maintaining the records of persons registered to vote in the
44 commissioner's county contained in the Statewide voter registration
45 system established pursuant to section 1 of that act.

46 The commissioner of registration shall have power to appoint

1 temporarily, and the commissioner of registration in counties of the
2 first class having more than 800,000 inhabitants shall have power to
3 appoint on a permanent, or temporary basis, such number of persons,
4 as in the commissioner's judgment may be necessary in order to carry
5 out the provisions of this Title. All persons appointed by the
6 commissioner of registration in counties of the first class having more
7 than 850,000 inhabitants according to the latest federal decennial
8 census to serve for terms of more than six months in any one year shall
9 be in the career service of the civil service and shall be appointed, and
10 hold their positions, in accordance with the provisions of Title 11A,
11 Civil Service. All persons appointed by the commissioner of
12 registration in counties of the first class having more than 600,000 but
13 less than 850,000 inhabitants according to the latest federal decennial
14 census to serve for terms of more than six months in any one year,
15 other than the chief deputy and chief clerk and confidential secretary
16 and chief custodian, shall be in the career service of the civil service
17 and shall be appointed and hold their positions, in accordance with the
18 provisions of Title 11A, Civil Service. Persons appointed by the
19 commissioner of registration in such counties to serve for terms of six
20 months or less in any one year and persons appointed by the
21 commissioner of registration shall not be subject to any of the
22 provisions of Title 11A, Civil Service, but shall be in the unclassified
23 service.

24 In each county the commissioner of registration shall submit to the
25 [Secretary of State] Attorney General on or before February 15 of
26 each year a plan providing for evening registration for the primary
27 election and on or before July 1 plans providing for evening
28 registration for the general election, which plans shall be subject to
29 approval by the [Secretary of State] Attorney General. Evening
30 registration shall be made available in the office of each commissioner
31 of registration between the hours of 4 p.m. and 9 p.m. on the 29th day
32 preceding the primary and general elections and, in any year in which
33 municipal elections are to be held in any municipality within the
34 county, on the 29th day preceding those municipal elections.

35 In each county, the commissioner of registration may also establish
36 a plan for out-of-office registration, including door-to-door
37 registration.

38 Nothing in this section shall preclude the commissioner from
39 providing pursuant to plan evening registration in excess of the
40 requirements of this section, or shall preclude or in any way limit
41 out-of-office registration conducted by persons or groups other than
42 the commissioner.

43 The commissioner of registration shall provide such printed forms,
44 blanks, supplies and office telephone and transportation equipment
45 ¹[and shall prescribe such reasonable rules and regulations not
46 inconsistent with those of the]¹ [Secretary of State] ¹[Attorney

1 General]¹ as are necessary in the opinion of the commissioner to carry
2 out the provisions of this Title and any amendments or supplements
3 thereto. Subject to the limitations set forth in chapter 32 of this
4 Title, all necessary expenses incurred, as and when certified and
5 approved by the commissioner of registration shall be paid by the
6 county treasurer of the county.

7 Nothing in the provisions of subtitle 2 of the Title, Municipalities
8 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
9 affect, restrict or abridge the powers herein conferred on the
10 commissioners of registration of the several counties.

11 All powers granted to the commissioner in all counties not having
12 superintendents of elections by the provisions of this Title are hereby
13 conferred on the county board in such counties and any and all duties
14 conferred upon the commissioner in all counties not having a
15 superintendent of elections by the provisions of this Title shall only be
16 exercised and performed by such commissioner under the instructions
17 and directions of and subject to the approval of the county board of
18 such counties.

19 (cf: P.L.1994, c.182, s.2)

20

21 ¹[7.] 8.¹ Section 1 of P.L.1991, c.504 (C.19:31-3.1) is amended
22 to read as follows:

23 1. [a. In any county of the second class with a population of
24 greater than 590,000 according to the 1980 federal decennial census
25 which maintains voter registration information on computer or
26 magnetic tape or electronic data processing equipment of any kind, the
27 commissioner of registration shall maintain on such tape or equipment
28 for a period of 10 years the following information as it applies to each
29 voter who registered prior to the enactment of this act and to each
30 voter who registers subsequently:

31 (1) the date of registration of the registrant;

32 (2) the date of birth of the registrant;

33 (3) the party affiliation of the registrant, if any; and

34 (4) when a registrant has voted or votes in a primary or general
35 election. The information on each registrant shall be updated after
36 every primary and general election and shall be readily accessible from
37 the tape or equipment on which it is maintained.

38 b.] If the commissioner of registration has maintained information
39 in any form regarding a registrant's party affiliation [or when that
40 registrant has voted in a primary or general election which dates to the
41 year 1987], the commissioner shall be responsible for maintaining that
42 information for a period of 10 years as part of the current voter
43 information file of the registrant if it is already on computer or
44 magnetic tape or electronic data processing equipment of any kind and
45 for converting such information to such tape or equipment if the
46 information exists but is not on such tape or equipment, so that it

1 becomes part of the [current voter information file of the registrant]
2 Statewide voter registration system.
3 (cf: P.L.1991, c.504, s.1)

4
5 ¹[8.] 9.¹ Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended
6 to read as follows:

7 2. [In those counties in which the commissioner of registration
8 employs data processing equipment capable of creating or receiving,
9 storing, and printing a digitalized image of the signature of a person
10 registered to vote, the] The commissioner may eliminate the use of the
11 duplicate permanent registration binders and may authorize and direct
12 the use at the polls in place of such a binder, as a signature copy
13 register for the purposes of this Title and Title 40 of the Revised
14 Statutes, of a polling record which identifies on each page the election
15 at which the record is used, which indicates for each registrant the
16 name and address of the registrant and identifies the municipality and
17 the particular election district therein from which the person is
18 registered, and which includes adjacent to the registrant's name and
19 address an imprint of the digitalized image of the registrant's signature
20 and sufficient space, immediately to the left or right of that imprint, for
21 the registrant to sign the record, which imprint and signature shall be
22 used as the signature comparison record as prescribed by this Title.
23 The polling record shall also include for each registrant the registrant's
24 ¹[unique identifier,] ¹date of birth, an indication of whether the
25 registrant has applied for an absentee ballot in that election, and a
26 place to indicate whether the registrant has provided identification
27 pursuant to R.S.19:15-17, if such identification is required. The
28 polling record shall also include for each registrant sufficient space for
29 the notation of remarks as provided by R.S.19:15-23 and for the
30 recording of any challenge and the determination thereof by the district
31 board as provided by R.S.19:15-24, or by other elections officials
32 charged with the same duties as the district board in connection with
33 the conduct of an election. In the case of a primary election, the
34 polling record shall also indicate for each registrant the political party,
35 if any, of which the registrant is a member for the purpose of voting
36 at that primary election.

37 Polling records for each election shall be prepared by the
38 commissioner of registration not later than the 14th day preceding the
39 election. At each election, the delivery of the polling records to the
40 municipal clerk and to the district boards or other elections officials
41 charged with the same duties as the district board in connection with
42 the conduct of an election, and the return of those records by the
43 district boards or such other elections officials to the commissioner of
44 registration, shall be made in the manner ¹[and in accordance with the
45 schedule prescribed by law for the delivery and return at that election
46 of the signature copy registers] prescribed by the commissioner¹.

1 The commissioner of registration shall retain the polling records
2 for any election for a period of not less than six years following that
3 election.

4 (cf: P.L.1996, c.3, s.5)

5
6 ¹[9.] 10.¹ Section 17 of P.L.1974, c.30 (C.19:31-6.5) is amended
7 to read as follows:

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

11 (1) Send to the registrant written notification that such registrant
12 is duly registered to vote. No registrant shall be considered a
13 registered voter until the commissioner of registration reviews the
14 application submitted by the registrant and deems it acceptable. On
15 the face of such notification in the upper left-hand corner shall be
16 printed the words: "Do Not Forward. Return Postage Guaranteed. If
17 not delivered in 2 days, return to the Commissioner of Registration."

18 (2) In as timely a manner as possible, enter the information
19 provided for the registrant on the completed registration form into the
20 Statewide voter registration system established pursuant to section 1
21 of P.L. , c. (C.)(now pending before the Legislature as this
22 bill).

23 (3) Paste, tape, or photocopy the completed registration form
24 onto an original registration form, and shall paste or tape a copy of
25 such completed registration form onto a duplicate registration form,
26 both of which shall be filed as provided in R.S.19:31-10. Nothing in
27 this paragraph shall preclude any commissioner of registration from
28 keeping the original mail registration form on file.

29 ~~[(3)]~~ (4) In the case of a registrant currently registered in another
30 county of this State, notify the commissioner of registration of such
31 other county to ~~[delete such registrant's name from the list of persons~~
32 ~~registered in such other county]~~ remove the individual's name from
33 the registry list of voters of the county and place into¹ [the deleted file
34 the original and duplicate registration forms for that person] an
35 appropriate retention file all registration documents or material
36 relating to that voter. The commissioner of registration of the current
37 county of the registrant shall secure and maintain the entire voting
38 history of that registrant¹.

39 b. The commissioner shall notify a registrant of the reasons for any
40 refusal to approve his registration.

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

42 (cf: P.L.1994, c.182, s.8)

43
44 ¹[10.] 11.¹ Section 1 of P.L.1994, c.170 (C.19:31-10.1) is
45 amended to read as follows:

46 1. ~~[In those counties in which the]~~ The commissioner of

1 registration [employs electronic data processing equipment to file and
2 store registration information for the voters registered in the county,
3 the commissioner] may eliminate use of original permanent
4 registration binders, as provided for in R.S.19:31-10, and [use in their
5 place the electronic data processing equipment if:

6 a. the voter registration information for each voter that is filed and
7 stored in the electronic data processing equipment is made identical
8 with the voter registration information for each voter that is required
9 to be in the original permanent registration binder pursuant to
10 R.S.19:31-3;

11 b. the voting information for each voter that is required to be
12 entered in the original permanent registration binders after each
13 election, pursuant to R.S.19:31-23, is entered into the appropriate
14 voter registration records of each voter contained in the electronic
15 data processing equipment after each election; and

16 c. the commissioner maintains] may maintain in a permanent and
17 separate file the original completed voter registration form of each
18 voter, and any new or amended forms filed by that voter.

19 (cf: P.L.1994, c.170, s.1)

20

21 ¹[11.] 12.¹ R.S.19:31-15 is amended to read as follows:

22 19:31-15. a. Upon receipt by the commissioner of registration of
23 a county from a registered voter of that county of a request that the
24 name of the registrant be removed from the [registry list of voters of
25 the county] Statewide voter registration system, the commissioner
26 shall so remove the registrant's name [from that list]. Notice by a
27 registered voter to the commissioner of registration of a county that
28 the registrant has ceased to reside in the [county] State shall, for the
29 purposes of this subsection, be deemed a request for removal of the
30 registrant's name from the [county registry list] Statewide voter
31 registration system .

32 b. The commissioner of registration of any county may agree with
33 the United States Postal Service or its licensee to receive information
34 provided by the Postal Service concerning the change by any Postal
35 Service customer of that customer's address within the county. If it
36 appears from information so received that a Postal Service customer
37 registered to vote in the county has moved to a different address, then
38 (1) if that address is within the county, the commissioner shall cause
39 the registration records of the registrant to be corrected accordingly
40 and shall transmit to the resident by forwardable mail a notice of the
41 change and a postage prepaid, pre-addressed return form by which the
42 registrant may verify or correct the address information, or (2) if that
43 address is not within the county, the commissioner shall undertake the
44 confirmation notice procedure prescribed under subsection d. of this
45 section to confirm the change of address.

1 c. The commissioner of registration of a county shall cause the
2 name of a registrant to be removed from the [registry list of the
3 county] Statewide voter registration system if the registrant (1)
4 confirms in writing, by return of a confirmation notice as prescribed
5 under subsection d. of this section or by other means, that the
6 registrant has changed residence to a place outside the [county] State,
7 or (2) has either not notified the commissioner or failed to respond to
8 a confirmation notice as so prescribed and has not, in any election
9 during the period beginning on the date on which the commissioner
10 sends the confirmation notice to the registrant and ending on the day
11 after the second general election for federal office following that date
12 on which the notice is sent, (a) voted, or (b) appeared to vote ¹in any
13 county¹ and, if necessary, correct the official record of the registrant's
14 address.

15 Other than as provided under subsection a. of this section, the
16 name of a registrant shall not be removed from the [registry list of a
17 county] Statewide voter registration system on the ground that the
18 registrant has changed residence except as provided by this subsection.

19 d. A confirmation notice sent to ascertain whether a registrant
20 continues to reside at the address from which that registrant is
21 registered to vote shall be a postage prepaid and pre-addressed return
22 card, sent by forwardable mail, which shall include: (1) space on
23 which the registrant's current address may be entered; (2) the
24 statement "To any voter who continues to reside at the residence
25 address to which this notice is addressed or who no longer resides at
26 that residence address but continues to reside in (name of
27 county): please mail or personally deliver this postage prepaid card to
28 the commissioner of registration to whom it is addressed not later than
29 (calendar date of the 29th day preceding the next election
30 to be held in the county). If you do not return this card by that date,
31 then at any election held subsequent to that date and on or before
32 (calendar date of the day after the second general election
33 for federal office following that date), you may be required at the polls
34 to affirm or confirm your address before you are permitted to vote,
35 and if you do not vote in an election during that period, your name will
36 be removed from the registry of eligible voters."; and (3) a statement,
37 the text of which shall be prescribed by the [Secretary of State]
38 Attorney General, setting forth the means by which a registrant who
39 has changed residence to a county different from that in which is
40 located the residence to which the notice was originally addressed may
41 retain the right to vote.

42 e. The commissioner of registration shall correct the registry list
43 of eligible voters in accordance with change of residence information
44 obtained in conformity with the provisions of this section.
45 (cf: P.L.1994, c.182, s.13)

1 ¹[12.] 13.¹ R.S.19:31-18 is amended to read as follows:

2 19:31-18. On or before the fifteenth day preceding any general
3 election the commissioner shall certify and transmit to the county clerk
4 a complete list of all persons who are registered in each election
5 district in each municipality in the county together with a statement as
6 to the number of persons registered in each district. [On the face of
7 the list of registered voters the commissioner] The list shall be drawn
8 from the Statewide voter registration system, established pursuant to
9 section 1 of P.L. , c. (C.)(now pending before the Legislature
10 as this bill). It shall in figures state the total number of names of
11 persons registered. Such lists shall be arranged substantially in the
12 following form: Grand Street

Residence number or other designation	Name of voter
14	Jones, Charles M.
15	Smith, John M.

18 (cf: P.L.1976, c.22, s.1)

19

20 ¹[13.] 14.¹ Section 2 of P.L.1947, c.347 (C.19:31-18.1) is
21 amended to read as follows:

22 2. a. The county clerk in all counties shall cause copies of the
23 registry lists, certified and transmitted under R.S.19:31-18, to be
24 printed ¹[in handbill form]¹, and shall furnish to any voter applying
25 for the same such copies, charging therefor \$0.25 per copy of the list
26 of voters of each election district. ¹[He] The clerk¹ shall also furnish
27 five printed copies thereof to each district board, which shall within
28 two days post two such registry lists, one in the polling place and one
29 in another conspicuous place within the election district. The county
30 clerk shall also forthwith deliver to the superintendent of elections of
31 the county, if any there be, and to the chairmen of the county
32 committees of each of the several political parties in the county, five
33 copies of the lists of voters of each election district in the county; and
34 to the municipal clerk of each of the municipalities in the county five
35 copies of the lists of voters of each election district in such
36 municipality; and to the county board 10 copies of the lists of voters
37 of each election district in each of such municipalities. The county
38 clerk shall also, upon the request of the chairman of the State
39 committee of any of the several political parties, but not more than
40 once in each calendar year, forthwith deliver a copy of the lists of
41 voters of each election district in each of the municipalities in his
42 county. [In any county where the voter registration lists are recorded
43 on magnetic tape, the] The county clerk shall satisfy the request by
44 delivery of a computer-generated or electronic copy of the
45 [magnetically recorded lists, including with the tape, where available,

1 a statement of the number of records on the tape and the length, layout
2 and block size of those records] list for the county from the Statewide
3 voter registration system.

4 b. [In any county where the voter registration lists are recorded
5 on magnetic tape or electronic data processing cards, the] The
6 commissioner of registration shall furnish a computer-generated or
7 electronic copy of [such tape or cards] a list of registered voters in
8 any or all election districts in the county to any voter requesting [such
9 tape or cards] it, for which copy such commissioner shall make a
10 charge which shall be uniform in any calendar year and which shall
11 reflect only the cost of reproducing [such tape or cards] the list, but
12 which in any case shall not exceed \$375.

13 c. No person shall use voter registration lists or copies thereof
14 prepared pursuant to this section as a basis for commercial ¹or
15 charitable¹ solicitation of the voters listed thereon. Any person
16 making such use of such lists or copies thereof shall be a disorderly
17 person, and shall be punished by a fine not exceeding \$500.00.

18 (cf: P.L.1991, c.113, s.1)

19

20 ¹[14.] 15.¹ R.S.19:31-19 is amended to read as follows:

21 19:31-19. The commissioner shall transfer to the [inactive]
22 deleted file the permanent registration and record of voting forms of
23 such persons as a judge of the Superior Court may, as hereinafter
24 provided, order stricken from the Statewide voter registration system
25 and the signature copy register.

26 The registrant shall be notified by the commissioner by registered
27 mail of any transfer made pursuant to this section.

28 After the permanent registration form of any person has been
29 placed in the [inactive] deleted file for any reason whatsoever, the
30 Commissioner of Registration shall note that the person's registration
31 has been rendered void in the record for that person in the Statewide
32 voter registration system and stamp across the face of said registration
33 form in red ink with a rubber stamp, in type at least one inch high, the
34 word void and underneath said word, [inactive] deleted , and
35 thereafter, the said form shall not be restored, reinstated or
36 re-transferred to the active file.

37 Any person whose permanent registration form has been
38 transferred to the [inactive] deleted file shall be required to reregister,
39 in order to be eligible to vote.

40 In no event, shall any person's registration form number which has
41 been transferred to the [inactive] deleted file be again used as the
42 registration number of that person or any other person.

43 (cf: P.L.1991, c.91, s.250)

44

45 ¹[15.] 16.¹ R.S.19:31-23 is amended to read as follows:

1 19:31-23. Following each election the commissioner shall cause
2 the record of voting as shown on the record of voting forms in the
3 signature copy registers or, in counties in which polling records are
4 used in place of those signature copy registers pursuant to section 2
5 of P.L.1994, c.170 [(C.19:31.3.3)] (C.19:31-3.3), as shown in the
6 polling records, to be entered on the record of voting forms in the
7 original registration binders [or to be entered into electronic data
8 processing equipment used to file and store voter information for the
9 voters registered in a county, pursuant to section 1 of P.L.1994, c.170
10 (C.19:31-10.1)] and the Statewide voter registration system. An entry
11 of any record of voting which shall have been made [by means of
12 electronic data processing equipment under that section 1] in the
13 system shall be retained for a period of not less than [six] ten years
14 following the election at which the vote so recorded was cast.
15 (cf: P.L.1994, c.182, s.16)

16

17 ¹[16.] 17.¹ R.S.19:31-24 is amended to read as follows:

18 19:31-24. In the event of the ¹[loss or destruction of any or all of
19 the original or duplicate registration binders for any reason other than
20 their elimination as permitted pursuant to sections 1 and 2,
21 respectively, of P.L.1994, c.170 (C.19:31-10.1 and 19:31-3.3),]¹ [or,
22 in counties in which registration information has been filed and is
23 stored by means of electronic data processing equipment in accordance
24 with the provisions of that section 1 of P.L.1994, c.170, in the event
25 of the loss or destruction of any or all of the original completed voter
26 registration forms or any new or amended forms required under
27 subsection c. of that section to be maintained in a permanent and
28 separate file,] ¹complete loss or failure of the Statewide voter
29 registration system.¹ the commissioner shall promptly provide for a
30 general registration at the regular polling places in the district or
31 districts for which the binders, registration forms, or other official
32 voter registration information have been lost or destroyed.
33 (cf: P.L.1994, c.182, s.17)

34

35 ¹[17.] 18.¹ R.S.19:31-26 is amended to read as follows:

36 19:31-26. [Unless voter registration information is filed and
37 stored in electronic data processing equipment in accordance with the
38 provisions of subsection a. of section 1 of P.L.1994, c.170
39 (C.19:31-10.1), the] The commissioner [shall] may make and
40 maintain a card index file showing on separate cards the full name,
41 address, ¹birth date, driver's license number, last four digits of the
42 social security number, or unique identifying number.¹ municipality,
43 ward and district, registration number and date of registration of each
44 person registered in his county. This file shall be arranged
45 alphabetically according to names irrespective of municipality, ward,

1 district, registration number, and date of registration. Reasonably
2 sufficient space shall be reserved on each card for the notations to be
3 made thereon as herein provided.

4 The commissioner shall cause to be made notation on these cards
5 as to each registrant respectively whose registration forms have been
6 transferred from one register to another or to the inactive, death or
7 conviction files concurrently with such transfer. The card with such
8 notations shall show the location of the registration forms of each
9 registrant at all times. All changes of address of the registrant,
10 including those within the same district, shall be noted on these cards
11 concurrently with changes of address on the registration forms.
12 (cf: P.L.1994, c.182, s.18)

13

14 ¹[18.] 19.¹ R.S.19:33-1 is amended to read as follows:

15 19:33-1. A judge of the Superior Court shall order stricken from
16 the Statewide voter registration system and any other register the
17 name of any person who shall be shown to his satisfaction not to be
18 entitled to vote at any election in the election district wherein he is
19 registered, and the commissioner shall, upon such order, cause the
20 name of such person to be stricken from the system and from the
21 register.

22 Such judge shall hear an application to strike off in a summary
23 manner at the time and day specified in the notice hereafter provided;
24 but no name shall be stricken or ordered stricken from any such system
25 and register in the absence of the person to be affected thereby, unless
26 it shall appear to the judge by affidavit of the commissioner of
27 registration or his deputy or assistant that notice by mail has been
28 given such person, either personally or by leaving the same at his
29 registered place of residence, or present actual residence, if known to
30 the commissioner, at least five entire days before the day and time of
31 hearing before such judge, that at such hearing application would be
32 made to have the name of such registered person stricken from the
33 system and register, and of the grounds on which such application
34 would be based. Such judge shall not order any name stricken
35 subsequent to the sixth Tuesday preceding any election. The
36 commissioner shall notify the judge, five days before the day and time
37 specified, when the application will be made, and the judge shall hear
38 the application at the time and day specified in the notice.

39 In addition to the notice by mail, the commissioner shall also
40 publish in one or more newspapers within the county at least five
41 entire days before the day and time of hearing before such judge, the
42 names and registered addresses of such persons as shall be affected by
43 this proceeding, giving notice through such publication of the time and
44 place where the application is to be made for the removal of said
45 names from the system and registry lists.

46 The judge shall cause a full record of the proceedings of such

1 application, including the appearances and a statement of his findings
2 of fact and law and of the order made pursuant thereto, to be taken
3 stenographically, transcribed and filed in the office of the county clerk,
4 which record shall be public. All costs and expenses of such
5 proceedings shall be paid by the county. The commissioner of
6 registration, after the hearing before the judge, shall amend the record
7 for the person in the Statewide voter registration system and transfer
8 to the inactive file the permanent registration and record of voting
9 forms of such persons as the judge shall have ordered stricken from
10 the system and signature copy register pursuant to this section.

11 The registrant shall be immediately notified by the commissioner
12 by mail of any removal from the system or transfer made pursuant to
13 this section. In counties other than counties of the first class this notice
14 by mail shall be sent in addition to the notice by publication.

15 (cf: P.L.1991, c.91, s.256)

16

17 ¹[19.] 20.¹ Section 19 of P.L.1999, c.232 (C.19:53C-13) is
18 amended to read as follows:

19 19. When the office of the commissioner of registration receives
20 a provisional ballot bag that has been found to be in good order, the
21 commissioner thereof shall first break the seal and open the bag. In
22 any county where the superintendent of elections is the commissioner
23 of registration, the county board of elections may sort the provisional
24 ballots if so agreed to in advance by both the superintendent and the
25 board. Envelopes marked "SPOILED" shall be set aside and remain
26 unopened. The name, signature and other information contained on
27 the form as supplied by a voter shall be compared with the name,
28 signature and other information that the commissioner of registration
29 has **[on file, in electronic or other form,]** in the Statewide voter
30 registration system for that voter. No affirmation statement shall be
31 separated from a provisional ballot envelope until all affirmation
32 statements have been reviewed by the commissioner of registration.
33 After a comparison of the voter's address is completed by the
34 commissioner of registration and prior to separating the affirmation
35 statement from the envelope and counting the ballot, the letter "p"
36 shall be placed adjacent to the voter's name in the Statewide voter
37 registration system and on the signature copy register **[or computer**
38 **listing, as the case may be,]** together with the name of the municipality
39 in which the voter voted the provisional ballot. If two provisional
40 ballots from the same voter are received, both such ballots shall not be
41 counted, the affirmation statements shall not be separated from the
42 envelopes, and the ballots shall be put aside for further investigation.

43 Whenever the address supplied by the voter on the affirmation
44 statement does not match the address for such a person contained in
45 the **[files of the commissioner of registration]** Statewide voter
46 registration system, but it is clear that the circumstance of a voter

1 matches the circumstance of a voter described in subsection b. of
2 R.S.19:31-11, the updated information on the affirmation statement
3 shall be recorded and shall constitute a transfer by the voter to a new
4 address for any subsequent election.

5 After the examination of the affirmation statement by the
6 commissioner of registration, the county board of elections shall
7 determine if a provisional ballot voter is legally entitled to have voted
8 and if a provisional ballot conforms to the requirements established by
9 law.

10 The members of the county board shall then proceed to count and
11 canvass the votes cast on each provisional ballot ¹only after all of the
12 provisional ballots cast in the county have been subjected to the
13 verification process by the county commissioner of registration¹ .
14 Immediately after the canvass is complete, the county board of
15 elections shall certify the results of the canvass to the county clerk or
16 municipal clerk or other appropriate officials, as the case may be,
17 showing the results of the canvass by municipality.

18 The outside front of each envelope that contains a voided
19 provisional ballot shall have the word "VOID" written next to the
20 circled number.

21 Unless provided otherwise by this section, all provisional ballot
22 materials shall be processed by the county board of elections in
23 accordance with the procedures established for absentee ballots
24 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).
25 (cf: P.L.1999, c.232, s.19)

26
27 ¹[20.] 21.¹ Section 10 of P.L.1953, c.211 (C.19:57-10) is
28 amended to read as follows:

29 10. Upon receipt of any request for a civilian absentee ballot or
30 any application for a military absentee ballot from a military service
31 voter who is required under section 3 of this act to be registered in the
32 municipality where he intends to cast such military absentee ballot, the
33 county clerk shall, with the cooperation of the commissioner of
34 registration, cause the signature of the applicant on the request to be
35 compared with the signature of said person appearing on the
36 permanent registration form, or the digitalized image of the voter's
37 signature stored in the Statewide voter registration system ¹[or other
38 data processing equipment of the commissioner of registration or
39 office of the county clerk and accessed by the clerk]¹, in order to
40 determine from such examination and any other available information
41 if the applicant is a voter qualified to cast a ballot in the election in
42 which he desires to vote, and determine in case of a primary election
43 in which political party primary the voter is entitled to vote. The
44 commissioner of registration or the superintendent of elections in
45 counties having a superintendent of elections may investigate any
46 application or request for an absentee ballot.

1 If after such examination, the county clerk is satisfied that the
2 applicant is entitled to a ballot, he shall mark on the application
3 "Approved." If after such examination the county clerk determines
4 that the applicant is not entitled to a ballot, he shall mark on the
5 application "Disapproved" and shall so notify the applicant, stating the
6 reason therefor.

7 (cf: P.L.1994, c.154, s.3)

8

9 ¹[21.] 22.¹ Section 22 of P.L.1953, c.211 (C.19:57-22) is
10 amended to read as follows:

11 22. The commissioner of registration upon receipt of such
12 information from the county clerk shall mark the applicant's record in
13 the Statewide voter registration system and duplicate voting record
14 appearing on the signature copy registers as follows:

15 In the proper [column] space provided for the recording of the
16 number of the voter's ballot at the election in which the applicant
17 wishes to vote, the commissioner of registration shall record therein
18 in red [ink], in the case of a civilian absentee voter, the initial "A,"
19 which shall mean that a civilian absentee ballot was delivered or mailed
20 to the applicant by the county clerk, and in the case of a military
21 absentee voter, the initial "M," which shall mean that a military service
22 ballot was delivered or mailed to the applicant by the county clerk.

23 Whenever the commissioner of registration receives from the
24 county clerk notice that an absentee ballot has been forwarded to a
25 voter, during the time when the signature copy registers are in the
26 custody of other election officials pursuant to this Title, or are in
27 transit to or from such officials, the said commissioner shall, prior to
28 the opening of the polls on election day, forward to each district board
29 of elections a list of all absentee voters to whom ballots have been sent
30 but whose duplicate voting record has not been marked in the manner
31 herein prescribed. Such lists may be prepared in the same manner as
32 a challenge sheet and may be included therein together with other
33 causes for challenge. No district board of elections shall permit any
34 person to vote whose registration record shall be marked with the
35 initial A or M in red [ink] or whose name shall appear on any list or
36 notice furnished by the commissioner of registration to the effect that
37 such voter has received an absentee ballot.

38 Whenever a civilian absentee ballot has been delivered to a voter
39 less than 7 days prior to an election and up to 3 p.m. of the day before
40 the election, and the signature copy registers are in the custody of
41 other election officials, or in transit to or from such officials, the
42 county clerk shall prepare a master list of all such ballots, which list
43 shall be transmitted to the commissioner of registration in sufficient
44 time to permit such commissioner to notify the appropriate municipal
45 clerk. The municipal clerk shall notify the judge of the district election

1 board to mark the voter's record accordingly.

2 (cf: P.L.1994, c.154, s.4)

3

4 ¹[22.] 23.¹ Section 24 of P.L.1953, c.211 (C.19:57-24) is
5 amended to read as follows:

6 24. The county board of elections shall, promptly after receiving
7 each civilian absentee ballot, remove the inner envelope, containing
8 the ballot, from the outer envelope and shall compare the signature
9 and the information contained on the flap of the inner envelope with
10 the signature and information contained in the respective requests for
11 civilian absentee ballots. In addition, as to civilian absentee ballots
12 issued less than 7 days prior to an election, the county board of
13 elections shall also check to establish that the absentee voter did not
14 vote in person. The county board shall reject any such ballot unless
15 the board is satisfied as a result of such comparison or by reference to
16 the [permanent registration books] Statewide voter registration
17 system that the voter is legally entitled to vote and that the ballot
18 conforms with the requirements of this act.

19 The county board of elections shall, promptly after receiving each
20 military service ballot, remove the inner envelope, containing the
21 ballot, from the outer envelope and ascertain through the
22 commissioner of registration whether or not the name of the person,
23 whose name appears following the certificate on the flap of said inner
24 envelope, has been certified by the county clerk to the commissioner
25 of registration of the county as a person to whom a military service
26 ballot, to be voted at the election at which it is intended to be voted,
27 has been forwarded pursuant to this act.

28 The county board shall investigate the qualifications of a military
29 service voter under this act by comparison of the contents of said
30 certificate with the information appearing upon the application for
31 said military service ballot, including the signatures thereon when the
32 military service voter's signature appears upon said application, and by
33 comparison with the military records of the State when deemed
34 desirable.

35 In the case of a military service or civilian absentee ballot to be
36 voted at a primary election for the general election, whether or not
37 the military service or civilian absentee voter has indicated in said
38 certificate his intention to vote it in the primary election of any
39 political party in which he is not entitled to vote it according to the
40 [registration records of the county] Statewide voter registration
41 system, and if it shall appear from said record that he is not entitled
42 to vote said ballot in the primary election of the political party which
43 has been so indicated, such ballots shall be rejected.

44 Any absentee ballot which is received by a county board of
45 elections shall be rejected if both the inner and outer envelopes are
46 unsealed or if either envelope has a seal that has been tampered with.

1 Disputes as to the qualifications of military service or civilian
2 absentee voters to vote or as to whether or not or how any such
3 military or civilian absentee ballot shall be counted in such election
4 shall be referred to the Superior Court for determination.

5 After such investigation the county board of elections shall detach
6 or separate the certificate from the inner envelope containing the
7 military service or civilian absentee ballot, unless it has been rejected
8 by it or by the Superior Court, marking the envelope so as to identify
9 the election district in which the ballot contained therein is to be voted
10 as indicated by the absentee voter's home address appearing on the
11 certificate attached to or accompanying said inner envelope and, in the
12 case of ballots to be voted at a primary election for a general election,
13 so as to identify the political party in the primary election of which it
14 is to be voted.

15 (cf: P.L.1981, c.390, s.9)

16

17 ¹[23.] 24.¹ Section 32 of P.L.1953, c.211 (C.19:57-32) is
18 amended to read as follows:

19 32. As soon as practicable after such election, the commissioner
20 of registration shall cause to be marked in the Statewide voter
21 registration system and all duplicate voting records which have not
22 been marked with a red "A" or "M" in accordance with this act, to
23 show that an absentee ballot was delivered or forwarded to the
24 respective registered voters. For each civilian absentee ballot, and for
25 each military absentee ballot cast by a military service voter who is
26 required under section 3 of this act to be registered in the municipality
27 where he intends to cast such absentee ballot, that has been voted,
28 received and counted, the commissioner of registration shall also, by
29 reference to the certificates removed from the inner envelopes of such
30 ballots, cause to be [written or stamped] noted the word "Voted" in
31 the space provided in the Statewide voter registration system and
32 duplicate voting record for recording the ballot number of the voter's
33 ballot in such election, and in the case of a primary election for the
34 general election he shall also cause to be [written or stamped] noted
35 in the proper space of the Statewide voter registration system or other
36 record of voting form the first three letters of the name of the political
37 party primary in which such ballot was voted. The record contained in
38 the Statewide voter registration system and of voting forms in the
39 original permanent registration binders shall be conformed to the
40 foregoing entries in the duplicate forms.

41 (cf: P.L.1994, c.154, s.5)

42

43 ¹[24.] 25.¹ Section 29 of P.L.1964, c.134 (C.19:58-29) is
44 amended to read as follows:

45 29. As soon as practicable after each election, the commissioner
46 of registration shall cause to be marked the Statewide voter

1 registration system and all duplicate voting records to show that a
2 Presidential ballot was delivered or forwarded to the respective
3 registered voters. For each such ballot that has been voted, received
4 and counted, the commissioner of registration shall also, by reference
5 to the certificates removed from the inner envelopes of such ballots,
6 cause to be ~~[written or stamped]~~ noted the words "Voted by
7 Presidential Ballot" in the space provided in the Statewide voter
8 registration system and duplicate voting record for recording the ballot
9 number of the voter's ballot in such election. The record of voting
10 forms in the Presidential ballot file shall be conformed to the
11 foregoing entries in the duplicate forms.

12 (cf: P.L.1964, c.134, s.29)

13

14 ¹[25.] 26.¹ Section 2 of P.L.1947, c.277 (C.19:31-14.5) is hereby
15 repealed.

16

17 ¹[26.] 27.¹ This act shall take effect on January 1, 2006.

18

19

20

21

22 Implements provisions of federal "Help America Vote Act of 2002";
23 creates Statewide voter registration system.

SENATE, No. 28

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 19, 2005

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Implements provisions of federal "Help America Vote Act of 2002"; creates Statewide voter registration system.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning voter registration and voting systems and
2 amending, supplementing and repealing various parts of the
3 statutory law.

4

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

7

8 1. (New section) a. No later than January 1, 2006, there shall be
9 established in the Department of Law and Public Safety a single
10 Statewide voter registration system, as required pursuant to section
11 303 of the federal "Help America Vote Act of 2002," Pub.L.107-252
12 (42 U.S.C. 15483). The principle computer components of the system
13 shall be under the direct control of the Attorney General. The
14 Attorney General shall be responsible for creating the network
15 necessary to maintain the system and providing the computer software,
16 hardware and security necessary to ensure that the system is accessible
17 only to those executive departments and State agencies so designated
18 by the Attorney General, each county commissioner of registration,
19 each county and municipal clerk, and individuals under certain
20 circumstances, as provided for by this section. The system shall be the
21 official State repository for voter registration information for every
22 legally registered voter in this State, and shall serve as the official
23 voter registration system for the conduct of all elections in the State.

24 b. The Statewide voter registration system shall include, but not be
25 limited to, the following features:

26 (1) the name and registration information of every legally registered
27 voter in the State;

28 (2) the ability to assign a unique identifier to each legally registered
29 voter in the State;

30 (3) interactivity that permits executive departments and State
31 agencies so designated by the Attorney General, each county
32 commissioner of registration and each county and municipal clerk to
33 have immediate electronic access to all or selected records in the
34 system, to receive or transmit all or selected files in the system and to
35 print or review all or selected files in the system;

36 (4) the ability to permit any county commissioner of registration to
37 enter voter registration information on an expedited basis at the time
38 the information is provided thereto and to permit the Attorney General
39 to provide technical support to do so whenever needed;

40 (5) the ability to permit an individual to verify via the Internet
41 whether that individual, and only that individual, is included in the
42 system as a legally registered voter, whether the information pertaining
43 to that individual required by subsection c. of this section is correct,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 and if not, a means to notify the pertinent county commissioner of
2 registration of the corrections that must be made and to so verify in a
3 way that does not give one individual access to the information
4 required by subsection c. of this section for any other individual;
5 (6) a Statewide street address index and map in electronic form that
6 can accurately identify the location of every legally registered voter in
7 this State; and
8 (7) any other functions required pursuant to Pub.L.107-252 (42
9 U.S.C.A. 15301 et seq.), or Title 19 of the Revised Statutes, or that
10 may be deemed necessary by the Attorney General.
11 c. The Statewide voter registration system shall include, but not be
12 limited to, the following information for every legally registered voter
13 in this State:
14 (1) last, first and middle name;
15 (2) street address at time of registration or rural route, box number
16 or apartment number, if any;
17 (3) city or municipality, and zip code;
18 (4) date of birth;
19 (5) telephone number, if provided on voter registration form;
20 (6) previous name or address if individual re-registered due to
21 change of name or address;
22 (7) ward and election district number, if either is available;
23 (8) (a) New Jersey driver's license number, if any;
24 (b) the last four digits of the registrant's social security number, if
25 any, or notation that a copy of one of the following documents has
26 been submitted with the voter registration application: current and
27 valid photo identification card; a current utility bill, bank statement,
28 government check, pay check or any other government or other
29 identifying document showing the registrant's name and current
30 address; or
31 (c) unique identification number created pursuant to R.S.19:31-5
32 for any individual unable to provide or not required to provide the
33 information sought in subparagraphs (a) or (b) of this paragraph;
34 (d) the method by which the individual registered and whether that
35 person needs to provide additional identification information to vote
36 using a voting machine instead of a provisional ballot;
37 (9) political party affiliation, if designated;
38 (10) digitalized signature;
39 (11) date of registration or re-registration;
40 (12) name and street address of the individual completing the form,
41 if the applicant for registration is unable to do so;
42 (13) voting participation record for ten-year period; and
43 (14) any other information required pursuant to Pub.L.107-252 (42
44 U.S.C. 15301 et seq.), or Title 19 of the Revised Statutes, or that the
45 Attorney General determines is necessary to assess the eligibility of an
46 individual to be registered to vote and to vote in this State.

1 2. (New section) a. The Statewide voter registration system shall
2 replace all other computer or electronic-based registry files of voters
3 and other voter registration files established and maintained by each
4 county commissioner of registration for voter registration and
5 elections administration purposes established pursuant to the
6 provisions of Title 19 and Title 40 of the Revised Statutes, and shall
7 be the single system for storing and managing the official file of
8 registered voters throughout the State. A commissioner may,
9 however, continue to use and maintain as a supplement to the system
10 the original and duplicate permanent registration binders and voting
11 records and shall continue to use and maintain the signature copy
12 registers or polling records provided for in Title 19 of the Revised
13 Statutes.

14 b. Each county commissioner of registration shall be responsible
15 for adding to, deleting from, amending and otherwise conducting on
16 a regular basis maintenance for the files of every legally registered
17 voter in that commissioner's county as contained in the Statewide
18 voter registration system, pursuant to the provisions of section 303 of
19 Pub.L.107-252 (42 U.S.C. 15301 et seq.) and Title 19 of the Revised
20 Statutes. Each commissioner shall be responsible for verifying the
21 accuracy of the name, address and other data of registered voters in
22 their respective county as contained in the system. The commissioner
23 who receives the voter registration forms of individuals who have
24 registered to vote in the county or who are re-registering for any
25 reason shall be responsible for entering the information on those forms
26 into the system on an expedited basis, including but not limited to
27 forms and information received pursuant chapter 31 of Title 19 of the
28 Revised Statutes. The information the commissioner shall use to
29 update and maintain the system shall be that required by subsection c.
30 of section 1 of P.L. , c. (C.) (now pending before the
31 Legislature as this bill).

32 c. The Attorney General and each county commissioner of
33 registration shall be responsible for developing and providing the
34 technological security measures needed to prevent unauthorized access
35 to the Statewide voter registration system established pursuant to
36 section 1 of P.L. , c. (C.) (now pending before the
37 Legislature as this bill) and to the information for any individual on the
38 system required by subsection c. of section 1 of that act.

39 d. The Attorney General, in consultation with each county
40 commissioner of registration, shall develop minimum standards to
41 safeguard the accuracy of the files contained in the Statewide voter
42 registration system. Such standards shall include procedures to ensure
43 that reasonable effort is made to remove registrants who are ineligible
44 to vote pursuant to federal or State law and to ensure that eligible
45 voters are not removed in error from the system.

46 e. (1) The Attorney General and the Chief Administrator of the

1 New Jersey Motor Vehicle Commission in the Department of
2 Transportation shall enter into an agreement to match information in
3 the database of the Statewide voter registration system with
4 information in the database of the commission to the extent required
5 to enable verification of the accuracy of the information provided on
6 applications for voter registration.

7 (2) The Attorney General shall enter into an agreement with the
8 Commissioner of the Department of Health and Senior Services to
9 match information in the database of the Statewide voter registration
10 system with State agency information on social security numbers and
11 death records.

12 (3) The Attorney General shall enter into an agreement with the
13 Commissioner of the Department of Corrections to match information
14 in the database of the Statewide voter registration system with State
15 agency information on individuals who are incarcerated, on probation,
16 or on parole for greater than one year.

17 (4) The Attorney General shall enter into an agreement with the
18 Administrative Office of the Courts to match information in the
19 database of the Statewide voter registration system with State agency
20 information on individuals who are incarcerated, on probation, or on
21 parole for less than one year.

22 (5) The Attorney General shall enter into an agreement with the
23 State Parole Board to match information in the database of the
24 Statewide voter registration system with State agency information on
25 individuals who are on parole.

26

27 3. (New section) Each year the Attorney General shall prepare and
28 submit to the Governor and the President of the Senate, the Minority
29 Leader of the Senate, the Speaker of the General Assembly and the
30 Minority Leader of the General Assembly a report that:

31 a. assesses the current status of the Statewide voter registration
32 system;

33 b. assesses the hardware and software required to maintain and
34 expand the system;

35 c. reviews existing or planned statewide voter registration systems
36 in other states or as may be required by Pub.L.107-252 (42 U.S.C.
37 15301 et seq.) or the federal Election Assistance Commission created
38 by that law;

39 d. recommends ways to strengthen and expand electronic
40 communications among those executive departments and State
41 agencies designated by the Attorney General to have access to the
42 system, the county commissioners of registration and the county and
43 municipal clerks; and

44 e. recommends ways to improve the effectiveness of the system in
45 the administration of elections and voting in this State.

46 In preparing the report, the Attorney General shall solicit the views

1 of county commissioners of registration and such other individuals
2 familiar with the system as the Attorney General may wish to consult.

3 The Attorney General shall submit the initial report to the Governor
4 and the President of the Senate, the Minority Leader of the Senate, the
5 Speaker of the General Assembly and the Minority Leader of the
6 General Assembly no later than two years after the effective date of
7 P.L. , c. (C.)(now pending before the Legislature as this bill).

8

9 4. Section 2 of P.L.1976, c.83 (C.19:4-11) is amended to read as
10 follows:

11 2. a. Subject to the provisions of law as to redistricting, each
12 election district in which only one voting machine or four electronic
13 system voting devices are used shall contain no more than 750 voters,
14 except an election district in which there is located a public or private
15 institution where persons entitled to vote may reside, and in such
16 district the number of voters shall be as near to 750 as is practicable.

17 b. Notwithstanding the provisions of subsection a. of this section,
18 no later than January 1, 2006 each polling place shall also include at
19 least one voting system capable of permitting individuals with
20 disabilities to vote.

21 (cf: P.L.1976, c.83, s.2)

22

23 5. Section 3 of P.L.1976, c.83 (C.19:4-12) is amended to read as
24 follows:

25 3. **[Each]** Except as provided pursuant to subsection b. of section
26 2 of P.L.1976, c.83 (C.19:4-11), each district in which two voting
27 machines or five electronic system voting devices are to be used shall
28 contain, as nearly as is practicable, 1,000 voters, and each district in
29 which three voting machines or eight electronic system voting devices
30 are to be used shall contain, as nearly as is practicable, 1,500 voters.

31 Nothing herein shall prevent any election district from containing
32 fewer voters than prescribed above, if necessary for the convenience
33 of the voters.

34 In a district where more than two voting machines or five electronic
35 system voting devices are to be used, two additional members of the
36 district board, who shall not be members of the same political party,
37 shall be appointed for each additional voting machine or system.

38 (cf: P.L.1996, c.120, s.1)

39

40 6. R.S.19:31-2 is amended to read as follows:

41 19:31-2. In all counties having a superintendent of elections, the
42 superintendent of elections is hereby constituted the commissioner of
43 registration and in all other counties the secretary of the county board
44 is hereby constituted the commissioner of registration.

45 The commissioner of registration shall have complete charge of the
46 registration of all eligible voters within their respective counties.

1 Pursuant to the provisions of section 2 of P.L. _____, c. _____ (C. _____)
2 (now pending before the Legislature as this bill), the commissioner of
3 registration shall be responsible for adding to, deleting from, amending
4 and maintaining the records of persons registered to vote in the
5 commissioner's county contained in the Statewide voter registration
6 system established pursuant to section 1 of that act.

7 The commissioner of registration shall have power to appoint
8 temporarily, and the commissioner of registration in counties of the
9 first class having more than 800,000 inhabitants shall have power to
10 appoint on a permanent, or temporary basis, such number of persons,
11 as in the commissioner's judgment may be necessary in order to carry
12 out the provisions of this Title. All persons appointed by the
13 commissioner of registration in counties of the first class having more
14 than 850,000 inhabitants according to the latest federal decennial
15 census to serve for terms of more than six months in any one year shall
16 be in the career service of the civil service and shall be appointed, and
17 hold their positions, in accordance with the provisions of Title 11A,
18 Civil Service. All persons appointed by the commissioner of
19 registration in counties of the first class having more than 600,000 but
20 less than 850,000 inhabitants according to the latest federal decennial
21 census to serve for terms of more than six months in any one year,
22 other than the chief deputy and chief clerk and confidential secretary
23 and chief custodian, shall be in the career service of the civil service
24 and shall be appointed and hold their positions, in accordance with the
25 provisions of Title 11A, Civil Service. Persons appointed by the
26 commissioner of registration in such counties to serve for terms of six
27 months or less in any one year and persons appointed by the
28 commissioner of registration shall not be subject to any of the
29 provisions of Title 11A, Civil Service, but shall be in the unclassified
30 service.

31 In each county the commissioner of registration shall submit to the
32 **[Secretary of State]** Attorney General on or before February 15 of
33 each year a plan providing for evening registration for the primary
34 election and on or before July 1 plans providing for evening
35 registration for the general election, which plans shall be subject to
36 approval by the **[Secretary of State]** Attorney General. Evening
37 registration shall be made available in the office of each commissioner
38 of registration between the hours of 4 p.m. and 9 p.m. on the 29th day
39 preceding the primary and general elections and, in any year in which
40 municipal elections are to be held in any municipality within the
41 county, on the 29th day preceding those municipal elections.

42 In each county, the commissioner of registration may also establish
43 a plan for out-of-office registration, including door-to-door
44 registration.

45 Nothing in this section shall preclude the commissioner from
46 providing pursuant to plan evening registration in excess of the

1 requirements of this section, or shall preclude or in any way limit
2 out-of-office registration conducted by persons or groups other than
3 the commissioner.

4 The commissioner of registration shall provide such printed forms,
5 blanks, supplies and office telephone and transportation equipment and
6 shall prescribe such reasonable rules and regulations not inconsistent
7 with those of the **[Secretary of State]** Attorney General as are
8 necessary in the opinion of the commissioner to carry out the
9 provisions of this Title and any amendments or supplements thereto.

10 Subject to the limitations set forth in chapter 32 of this Title, all
11 necessary expenses incurred, as and when certified and approved by
12 the commissioner of registration shall be paid by the county treasurer
13 of the county.

14 Nothing in the provisions of subtitle 2 of the Title, Municipalities
15 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
16 affect, restrict or abridge the powers herein conferred on the
17 commissioners of registration of the several counties.

18 All powers granted to the commissioner in all counties not having
19 superintendents of elections by the provisions of this Title are hereby
20 conferred on the county board in such counties and any and all duties
21 conferred upon the commissioner in all counties not having a
22 superintendent of elections by the provisions of this Title shall only be
23 exercised and performed by such commissioner under the instructions
24 and directions of and subject to the approval of the county board of
25 such counties.

26 (cf: P.L.1994, c.182, s.2)

27

28 7. Section 1 of P.L.1991, c.504 (C.19:31-3.1) is amended to read
29 as follows:

30 1. [a. In any county of the second class with a population of
31 greater than 590,000 according to the 1980 federal decennial census
32 which maintains voter registration information on computer or
33 magnetic tape or electronic data processing equipment of any kind, the
34 commissioner of registration shall maintain on such tape or equipment
35 for a period of 10 years the following information as it applies to each
36 voter who registered prior to the enactment of this act and to each
37 voter who registers subsequently:

38 (1) the date of registration of the registrant;

39 (2) the date of birth of the registrant;

40 (3) the party affiliation of the registrant, if any; and

41 (4) when a registrant has voted or votes in a primary or general
42 election. The information on each registrant shall be updated after
43 every primary and general election and shall be readily accessible from
44 the tape or equipment on which it is maintained.

45 b.] If the commissioner of registration has maintained information
46 in any form regarding a registrant's party affiliation [or when that

1 registrant has voted in a primary or general election which dates to the
2 year 1987], the commissioner shall be responsible for maintaining that
3 information for a period of 10 years as part of the current voter
4 information file of the registrant if it is already on computer or
5 magnetic tape or electronic data processing equipment of any kind and
6 for converting such information to such tape or equipment if the
7 information exists but is not on such tape or equipment, so that it
8 becomes part of the [current voter information file of the registrant]
9 Statewide voter registration system.
10 (cf: P.L.1991, c.504, s.1)

11

12 8. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to read
13 as follows:

14 2. [In those counties in which the commissioner of registration
15 employs data processing equipment capable of creating or receiving,
16 storing, and printing a digitalized image of the signature of a person
17 registered to vote, the] The commissioner may eliminate the use of the
18 duplicate permanent registration binders and may authorize and direct
19 the use at the polls in place of such a binder, as a signature copy
20 register for the purposes of this Title and Title 40 of the Revised
21 Statutes, of a polling record which identifies on each page the election
22 at which the record is used, which indicates for each registrant the
23 name and address of the registrant and identifies the municipality and
24 the particular election district therein from which the person is
25 registered, and which includes adjacent to the registrant's name and
26 address an imprint of the digitalized image of the registrant's signature
27 and sufficient space, immediately to the left or right of that imprint, for
28 the registrant to sign the record, which imprint and signature shall be
29 used as the signature comparison record as prescribed by this Title.
30 The polling record shall also include for each registrant the registrant's
31 unique identifier, date of birth, an indication of whether the registrant
32 has applied for an absentee ballot in that election, and a place to
33 indicate whether the registrant has provided identification pursuant to
34 R.S.19:15-17, if such identification is required. The polling record
35 shall also include for each registrant sufficient space for the notation
36 of remarks as provided by R.S.19:15-23 and for the recording of any
37 challenge and the determination thereof by the district board as
38 provided by R.S.19:15-24, or by other elections officials charged with
39 the same duties as the district board in connection with the conduct of
40 an election. In the case of a primary election, the polling record shall
41 also indicate for each registrant the political party, if any, of which the
42 registrant is a member for the purpose of voting at that primary
43 election.

44 Polling records for each election shall be prepared by the
45 commissioner of registration not later than the 14th day preceding the
46 election. At each election, the delivery of the polling records to the

1 municipal clerk and to the district boards or other elections officials
2 charged with the same duties as the district board in connection with
3 the conduct of an election, and the return of those records by the
4 district boards or such other elections officials to the commissioner of
5 registration, shall be made in the manner and in accordance with the
6 schedule prescribed by law for the delivery and return at that election
7 of the signature copy registers.

8 The commissioner of registration shall retain the polling records for
9 any election for a period of not less than six years following that
10 election.

11 (cf: P.L.1996, c.3, s.5)

12

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

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

18 (1) Send to the registrant written notification that such registrant
19 is duly registered to vote. No registrant shall be considered a
20 registered voter until the commissioner of registration reviews the
21 application submitted by the registrant and deems it acceptable. On
22 the face of such notification in the upper left-hand corner shall be
23 printed the words: "Do Not Forward. Return Postage Guaranteed. If
24 not delivered in 2 days, return to the Commissioner of Registration."

25 (2) In as timely a manner as possible, enter the information
26 provided for the registrant on the completed registration form into the
27 Statewide voter registration system established pursuant to section 1
28 of P.L. , c. (C.)(now pending before the Legislature as this
29 bill).

30 (3) Paste, tape, or photocopy the completed registration form onto
31 an original registration form, and shall paste or tape a copy of such
32 completed registration form onto a duplicate registration form, both
33 of which shall be filed as provided in R.S.19:31-10. Nothing in this
34 paragraph shall preclude any commissioner of registration from
35 keeping the original mail registration form on file.

36 [(3)] (4) In the case of a registrant currently registered in another
37 county of this State, notify the commissioner of registration of such
38 other county to [delete such registrant's name from the list of persons
39 registered in such other county] remove the individual's name from
40 the registry list of voters of the county and place into the deleted file
41 the original and duplicate registration forms for that person.

42 b. The commissioner shall notify a registrant of the reasons for any
43 refusal to approve his registration.

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

45 (cf: P.L.1994, c.182, s.8)

1 10. Section 1 of P.L.1994, c.170 (C.19:31-10.1) is amended to
2 read as follows:

3 1. [In those counties in which the] The commissioner of
4 registration [employs electronic data processing equipment to file and
5 store registration information for the voters registered in the county,
6 the commissioner] may eliminate use of original permanent
7 registration binders, as provided for in R.S.19:31-10, and [use in their
8 place the electronic data processing equipment if:

9 a. the voter registration information for each voter that is filed and
10 stored in the electronic data processing equipment is made identical
11 with the voter registration information for each voter that is required
12 to be in the original permanent registration binder pursuant to
13 R.S.19:31-3;

14 b. the voting information for each voter that is required to be
15 entered in the original permanent registration binders after each
16 election, pursuant to R.S.19:31-23, is entered into the appropriate
17 voter registration records of each voter contained in the electronic
18 data processing equipment after each election; and

19 c. the commissioner maintains] may maintain in a permanent and
20 separate file the original completed voter registration form of each
21 voter, and any new or amended forms filed by that voter.

22 (cf: P.L.1994, c.170, s.1)

23

24 11. R.S.19:31-15 is amended to read as follows:

25 19:31-15. a. Upon receipt by the commissioner of registration of
26 a county from a registered voter of that county of a request that the
27 name of the registrant be removed from the [registry list of voters of
28 the county] Statewide voter registration system, the commissioner
29 shall so remove the registrant's name [from that list]. Notice by a
30 registered voter to the commissioner of registration of a county that
31 the registrant has ceased to reside in the [county] State shall, for the
32 purposes of this subsection, be deemed a request for removal of the
33 registrant's name from the [county registry list] Statewide voter
34 registration system .

35 b. The commissioner of registration of any county may agree with
36 the United States Postal Service or its licensee to receive information
37 provided by the Postal Service concerning the change by any Postal
38 Service customer of that customer's address within the county. If it
39 appears from information so received that a Postal Service customer
40 registered to vote in the county has moved to a different address, then
41 (1) if that address is within the county, the commissioner shall cause
42 the registration records of the registrant to be corrected accordingly
43 and shall transmit to the resident by forwardable mail a notice of the
44 change and a postage prepaid, pre-addressed return form by which the
45 registrant may verify or correct the address information, or (2) if that

1 address is not within the county, the commissioner shall undertake the
2 confirmation notice procedure prescribed under subsection d. of this
3 section to confirm the change of address.

4 c. The commissioner of registration of a county shall cause the
5 name of a registrant to be removed from the [registry list of the
6 county] Statewide voter registration system if the registrant (1)
7 confirms in writing, by return of a confirmation notice as prescribed
8 under subsection d. of this section or by other means, that the
9 registrant has changed residence to a place outside the [county] State,
10 or (2) has either not notified the commissioner or failed to respond to
11 a confirmation notice as so prescribed and has not, in any election
12 during the period beginning on the date on which the commissioner
13 sends the confirmation notice to the registrant and ending on the day
14 after the second general election for federal office following that date
15 on which the notice is sent, (a) voted, or (b) appeared to vote and, if
16 necessary, correct the official record of the registrant's address.

17 Other than as provided under subsection a. of this section, the name
18 of a registrant shall not be removed from the [registry list of a county]
19 Statewide voter registration system on the ground that the registrant
20 has changed residence except as provided by this subsection.

21 d. A confirmation notice sent to ascertain whether a registrant
22 continues to reside at the address from which that registrant is
23 registered to vote shall be a postage prepaid and pre-addressed return
24 card, sent by forwardable mail, which shall include: (1) space on
25 which the registrant's current address may be entered; (2) the
26 statement "To any voter who continues to reside at the residence
27 address to which this notice is addressed or who no longer resides at
28 that residence address but continues to reside in (name of
29 county): please mail or personally deliver this postage prepaid card to
30 the commissioner of registration to whom it is addressed not later than
31 (calendar date of the 29th day preceding the next election
32 to be held in the county). If you do not return this card by that date,
33 then at any election held subsequent to that date and on or before
34 (calendar date of the day after the second general election
35 for federal office following that date), you may be required at the polls
36 to affirm or confirm your address before you are permitted to vote,
37 and if you do not vote in an election during that period, your name will
38 be removed from the registry of eligible voters."; and (3) a statement,
39 the text of which shall be prescribed by the [Secretary of State]
40 Attorney General, setting forth the means by which a registrant who
41 has changed residence to a county different from that in which is
42 located the residence to which the notice was originally addressed may
43 retain the right to vote.

44 e. The commissioner of registration shall correct the registry list of
45 eligible voters in accordance with change of residence information

1 obtained in conformity with the provisions of this section.
 2 (cf: P.L.1994, c.182, s.13)

3

4 12. R.S.19:31-18 is amended to read as follows:

5 19:31-18. On or before the fifteenth day preceding any general
 6 election the commissioner shall certify and transmit to the county clerk
 7 a complete list of all persons who are registered in each election
 8 district in each municipality in the county together with a statement as
 9 to the number of persons registered in each district. [On the face of
 10 the list of registered voters the commissioner] The list shall be drawn
 11 from the Statewide voter registration system, established pursuant to
 12 section 1 of P.L. , c. (C.)(now pending before the Legislature
 13 as this bill). It shall in figures state the total number of names of
 14 persons registered. Such lists shall be arranged substantially in the
 15 following form: Grand Street

16

17	Residence number	Name of voter
18	or other designation	
19	14	Jones, Charles M.
20	15	Smith, John M.

21 (cf: P.L.1976, c.22, s.1)

22

23 13. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
 24 read as follows:

25 2. a. The county clerk in all counties shall cause copies of the
 26 registry lists, certified and transmitted under R.S.19:31-18, to be
 27 printed in handbill form, and shall furnish to any voter applying for the
 28 same such copies, charging therefor \$0.25 per copy of the list of
 29 voters of each election district. He shall also furnish five printed
 30 copies thereof to each district board, which shall within two days post
 31 two such registry lists, one in the polling place and one in another
 32 conspicuous place within the election district. The county clerk shall
 33 also forthwith deliver to the superintendent of elections of the county,
 34 if any there be, and to the chairmen of the county committees of each
 35 of the several political parties in the county, five copies of the lists of
 36 voters of each election district in the county; and to the municipal
 37 clerk of each of the municipalities in the county five copies of the lists
 38 of voters of each election district in such municipality; and to the
 39 county board 10 copies of the lists of voters of each election district
 40 in each of such municipalities. The county clerk shall also, upon the
 41 request of the chairman of the State committee of any of the several
 42 political parties, but not more than once in each calendar year,
 43 forthwith deliver a copy of the lists of voters of each election district
 44 in each of the municipalities in his county. [In any county where the
 45 voter registration lists are recorded on magnetic tape, the] The county
 46 clerk shall satisfy the request by delivery of a computer-generated or

1 electronic copy of the [magnetically recorded lists, including with the
2 tape, where available, a statement of the number of records on the tape
3 and the length, layout and block size of those records] list for the
4 county from the Statewide voter registration system.

5 b. [In any county where the voter registration lists are recorded on
6 magnetic tape or electronic data processing cards, the] The
7 commissioner of registration shall furnish a computer-generated or
8 electronic copy of [such tape or cards] a list of registered voters in
9 any or all election districts in the county to any voter requesting [such
10 tape or cards] it, for which copy such commissioner shall make a
11 charge which shall be uniform in any calendar year and which shall
12 reflect only the cost of reproducing [such tape or cards] the list, but
13 which in any case shall not exceed \$375.

14 c. No person shall use voter registration lists or copies thereof
15 prepared pursuant to this section as a basis for commercial solicitation
16 of the voters listed thereon. Any person making such use of such lists
17 or copies thereof shall be a disorderly person, and shall be punished by
18 a fine not exceeding \$500.00.

19 (cf: P.L.1991, c.113, s.1)

20
21 14. R.S.19:31-19 is amended to read as follows:

22 19:31-19. The commissioner shall transfer to the [inactive] deleted
23 file the permanent registration and record of voting forms of such
24 persons as a judge of the Superior Court may, as hereinafter provided,
25 order stricken from the Statewide voter registration system and the
26 signature copy register.

27 The registrant shall be notified by the commissioner by registered
28 mail of any transfer made pursuant to this section.

29 After the permanent registration form of any person has been placed
30 in the [inactive] deleted file for any reason whatsoever, the
31 Commissioner of Registration shall note that the person's registration
32 has been rendered void in the record for that person in the Statewide
33 voter registration system and stamp across the face of said registration
34 form in red ink with a rubber stamp, in type at least one inch high, the
35 word void and underneath said word, [inactive] deleted , and
36 thereafter, the said form shall not be restored, reinstated or
37 re-transferred to the active file.

38 Any person whose permanent registration form has been transferred
39 to the [inactive] deleted file shall be required to reregister, in order to
40 be eligible to vote.

41 In no event, shall any person's registration form number which has
42 been transferred to the [inactive] deleted file be again used as the
43 registration number of that person or any other person.

44 (cf: P.L.1991, c.91, s.250)

1 15. R.S.19:31-23 is amended to read as follows:

2 19:31-23. Following each election the commissioner shall cause the
3 record of voting as shown on the record of voting forms in the
4 signature copy registers or, in counties in which polling records are
5 used in place of those signature copy registers pursuant to section 2
6 of P.L.1994, c.170 [(C.19:31.3.3)] ~~(C.19:31-3.3)~~, as shown in the
7 polling records, to be entered on the record of voting forms in the
8 original registration binders [or to be entered into electronic data
9 processing equipment used to file and store voter information for the
10 voters registered in a county, pursuant to section 1 of P.L.1994, c.170
11 (C.19:31-10.1)] and the Statewide voter registration system. An entry
12 of any record of voting which shall have been made [by means of
13 electronic data processing equipment under that section 1] in the
14 system shall be retained for a period of not less than [six] ten years
15 following the election at which the vote so recorded was cast.

16 (cf: P.L.1994, c.182, s.16)

17

18 16. R.S.19:31-24 is amended to read as follows:

19 19:31-24. In the event of the loss or destruction of any or all of the
20 original or duplicate registration binders for any reason other than
21 their elimination as permitted pursuant to sections 1 and 2,
22 respectively, of P.L.1994, c.170 (C.19:31-10.1 and 19:31-3.3), [or,
23 in counties in which registration information has been filed and is
24 stored by means of electronic data processing equipment in accordance
25 with the provisions of that section 1 of P.L.1994, c.170, in the event
26 of the loss or destruction of any or all of the original completed voter
27 registration forms or any new or amended forms required under
28 subsection c. of that section to be maintained in a permanent and
29 separate file,] the commissioner shall promptly provide for a general
30 registration at the regular polling places in the district or districts for
31 which the binders, registration forms, or other official voter
32 registration information have been lost or destroyed.

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

34

35 17. R.S.19:31-26 is amended to read as follows:

36 19:31-26. [Unless voter registration information is filed and stored
37 in electronic data processing equipment in accordance with the
38 provisions of subsection a. of section 1 of P.L.1994, c.170
39 (C.19:31-10.1), the] The commissioner [shall] may make and
40 maintain a card index file showing on separate cards the full name,
41 address, municipality, ward and district, registration number and date
42 of registration of each person registered in his county. This file shall
43 be arranged alphabetically according to names irrespective of
44 municipality, ward, district, registration number, and date of
45 registration. Reasonably sufficient space shall be reserved on each

1 card for the notations to be made thereon as herein provided.

2 The commissioner shall cause to be made notation on these cards
3 as to each registrant respectively whose registration forms have been
4 transferred from one register to another or to the inactive, death or
5 conviction files concurrently with such transfer. The card with such
6 notations shall show the location of the registration forms of each
7 registrant at all times. All changes of address of the registrant,
8 including those within the same district, shall be noted on these cards
9 concurrently with changes of address on the registration forms.

10 (cf: P.L.1994, c.182, s.18)

11

12 18. R.S.19:33-1 is amended to read as follows:

13 19:33-1. A judge of the Superior Court shall order stricken from
14 the Statewide voter registration system and any other register the
15 name of any person who shall be shown to his satisfaction not to be
16 entitled to vote at any election in the election district wherein he is
17 registered, and the commissioner shall, upon such order, cause the
18 name of such person to be stricken from the system and from the
19 register.

20 Such judge shall hear an application to strike off in a summary
21 manner at the time and day specified in the notice hereafter provided;
22 but no name shall be stricken or ordered stricken from any such system
23 and register in the absence of the person to be affected thereby, unless
24 it shall appear to the judge by affidavit of the commissioner of
25 registration or his deputy or assistant that notice by mail has been
26 given such person, either personally or by leaving the same at his
27 registered place of residence, or present actual residence, if known to
28 the commissioner, at least five entire days before the day and time of
29 hearing before such judge, that at such hearing application would be
30 made to have the name of such registered person stricken from the
31 system and register, and of the grounds on which such application
32 would be based. Such judge shall not order any name stricken
33 subsequent to the sixth Tuesday preceding any election. The
34 commissioner shall notify the judge, five days before the day and time
35 specified, when the application will be made, and the judge shall hear
36 the application at the time and day specified in the notice.

37 In addition to the notice by mail, the commissioner shall also
38 publish in one or more newspapers within the county at least five
39 entire days before the day and time of hearing before such judge, the
40 names and registered addresses of such persons as shall be affected by
41 this proceeding, giving notice through such publication of the time and
42 place where the application is to be made for the removal of said
43 names from the system and registry lists.

44 The judge shall cause a full record of the proceedings of such
45 application, including the appearances and a statement of his findings
46 of fact and law and of the order made pursuant thereto, to be taken

1 stenographically, transcribed and filed in the office of the county clerk,
2 which record shall be public. All costs and expenses of such
3 proceedings shall be paid by the county. The commissioner of
4 registration, after the hearing before the judge, shall amend the record
5 for the person in the Statewide voter registration system and transfer
6 to the inactive file the permanent registration and record of voting
7 forms of such persons as the judge shall have ordered stricken from
8 the system and signature copy register pursuant to this section.

9 The registrant shall be immediately notified by the commissioner by
10 mail of any removal from the system or transfer made pursuant to this
11 section. In counties other than counties of the first class this notice by
12 mail shall be sent in addition to the notice by publication.

13 (cf: P.L.1991, c.91, s.256)

14
15 19. Section 19 of P.L.1999, c.232 (C.19:53C-13) is amended to
16 read as follows:

17 19. When the office of the commissioner of registration receives a
18 provisional ballot bag that has been found to be in good order, the
19 commissioner thereof shall first break the seal and open the bag. In
20 any county where the superintendent of elections is the commissioner
21 of registration, the county board of elections may sort the provisional
22 ballots if so agreed to in advance by both the superintendent and the
23 board. Envelopes marked "SPOILED" shall be set aside and remain
24 unopened. The name, signature and other information contained on
25 the form as supplied by a voter shall be compared with the name,
26 signature and other information that the commissioner of registration
27 has [on file, in electronic or other form,] in the Statewide voter
28 registration system for that voter. No affirmation statement shall be
29 separated from a provisional ballot envelope until all affirmation
30 statements have been reviewed by the commissioner of registration.
31 After a comparison of the voter's address is completed by the
32 commissioner of registration and prior to separating the affirmation
33 statement from the envelope and counting the ballot, the letter "p"
34 shall be placed adjacent to the voter's name in the Statewide voter
35 registration system and on the signature copy register [or computer
36 listing, as the case may be,] together with the name of the municipality
37 in which the voter voted the provisional ballot. If two provisional
38 ballots from the same voter are received, both such ballots shall not be
39 counted, the affirmation statements shall not be separated from the
40 envelopes, and the ballots shall be put aside for further investigation.

41 Whenever the address supplied by the voter on the affirmation
42 statement does not match the address for such a person contained in
43 the [files of the commissioner of registration] Statewide voter
44 registration system, but it is clear that the circumstance of a voter
45 matches the circumstance of a voter described in subsection b. of
46 R.S.19:31-11, the updated information on the affirmation statement

1 shall be recorded and shall constitute a transfer by the voter to a new
2 address for any subsequent election.

3 After the examination of the affirmation statement by the
4 commissioner of registration, the county board of elections shall
5 determine if a provisional ballot voter is legally entitled to have voted
6 and if a provisional ballot conforms to the requirements established by
7 law.

8 The members of the county board shall then proceed to count and
9 canvass the votes cast on each provisional ballot. Immediately after
10 the canvass is complete, the county board of elections shall certify the
11 results of the canvass to the county clerk or municipal clerk or other
12 appropriate officials, as the case may be, showing the results of the
13 canvass by municipality.

14 The outside front of each envelope that contains a voided
15 provisional ballot shall have the word "VOID" written next to the
16 circled number.

17 Unless provided otherwise by this section, all provisional ballot
18 materials shall be processed by the county board of elections in
19 accordance with the procedures established for absentee ballots
20 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).
21 (cf: P.L.1999, c.232, s.19)

22

23 20. Section 10 of P.L.1953, c.211 (C.19:57-10) is amended to read
24 as follows:

25 10. Upon receipt of any request for a civilian absentee ballot or any
26 application for a military absentee ballot from a military service voter
27 who is required under section 3 of this act to be registered in the
28 municipality where he intends to cast such military absentee ballot, the
29 county clerk shall, with the cooperation of the commissioner of
30 registration, cause the signature of the applicant on the request to be
31 compared with the signature of said person appearing on the
32 permanent registration form, or the digitalized image of the voter's
33 signature stored in the Statewide voter registration system or other
34 data processing equipment of the commissioner of registration or
35 office of the county clerk and accessed by the clerk, in order to
36 determine from such examination and any other available information
37 if the applicant is a voter qualified to cast a ballot in the election in
38 which he desires to vote, and determine in case of a primary election
39 in which political party primary the voter is entitled to vote. The
40 commissioner of registration or the superintendent of elections in
41 counties having a superintendent of elections may investigate any
42 application or request for an absentee ballot.

43 If after such examination, the county clerk is satisfied that the
44 applicant is entitled to a ballot, he shall mark on the application
45 "Approved." If after such examination the county clerk determines
46 that the applicant is not entitled to a ballot, he shall mark on the

1 application "Disapproved" and shall so notify the applicant, stating the
2 reason therefor.

3 (cf: P.L.1994, c.154, s.3)

4

5 21. Section 22 of P.L.1953, c.211 (C.19:57-22) is amended to read
6 as follows:

7 22. The commissioner of registration upon receipt of such
8 information from the county clerk shall mark the applicant's record in
9 the Statewide voter registration system and duplicate voting record
10 appearing on the signature copy registers as follows:

11 In the proper [column] space provided for the recording of the
12 number of the voter's ballot at the election in which the applicant
13 wishes to vote, the commissioner of registration shall record therein
14 in red [ink], in the case of a civilian absentee voter, the initial "A,"
15 which shall mean that a civilian absentee ballot was delivered or mailed
16 to the applicant by the county clerk, and in the case of a military
17 absentee voter, the initial "M," which shall mean that a military service
18 ballot was delivered or mailed to the applicant by the county clerk.

19 Whenever the commissioner of registration receives from the
20 county clerk notice that an absentee ballot has been forwarded to a
21 voter, during the time when the signature copy registers are in the
22 custody of other election officials pursuant to this Title, or are in
23 transit to or from such officials, the said commissioner shall, prior to
24 the opening of the polls on election day, forward to each district board
25 of elections a list of all absentee voters to whom ballots have been sent
26 but whose duplicate voting record has not been marked in the manner
27 herein prescribed. Such lists may be prepared in the same manner as
28 a challenge sheet and may be included therein together with other
29 causes for challenge. No district board of elections shall permit any
30 person to vote whose registration record shall be marked with the
31 initial A or M in red [ink] or whose name shall appear on any list or
32 notice furnished by the commissioner of registration to the effect that
33 such voter has received an absentee ballot.

34 Whenever a civilian absentee ballot has been delivered to a voter
35 less than 7 days prior to an election and up to 3 p.m. of the day before
36 the election, and the signature copy registers are in the custody of
37 other election officials, or in transit to or from such officials, the
38 county clerk shall prepare a master list of all such ballots, which list
39 shall be transmitted to the commissioner of registration in sufficient
40 time to permit such commissioner to notify the appropriate municipal
41 clerk. The municipal clerk shall notify the judge of the district election
42 board to mark the voter's record accordingly.

43 (cf: P.L.1994, c.154, s.4)

44

45 22. Section 24 of P.L.1953, c.211 (C.19:57-24) is amended to read
46 as follows:

1 24. The county board of elections shall, promptly after receiving
2 each civilian absentee ballot, remove the inner envelope, containing
3 the ballot, from the outer envelope and shall compare the signature
4 and the information contained on the flap of the inner envelope with
5 the signature and information contained in the respective requests for
6 civilian absentee ballots. In addition, as to civilian absentee ballots
7 issued less than 7 days prior to an election, the county board of
8 elections shall also check to establish that the absentee voter did not
9 vote in person. The county board shall reject any such ballot unless
10 the board is satisfied as a result of such comparison or by reference to
11 the [permanent registration books] Statewide voter registration
12 system that the voter is legally entitled to vote and that the ballot
13 conforms with the requirements of this act.

14 The county board of elections shall, promptly after receiving each
15 military service ballot, remove the inner envelope, containing the
16 ballot, from the outer envelope and ascertain through the
17 commissioner of registration whether or not the name of the person,
18 whose name appears following the certificate on the flap of said inner
19 envelope, has been certified by the county clerk to the commissioner
20 of registration of the county as a person to whom a military service
21 ballot, to be voted at the election at which it is intended to be voted,
22 has been forwarded pursuant to this act.

23 The county board shall investigate the qualifications of a military
24 service voter under this act by comparison of the contents of said
25 certificate with the information appearing upon the application for
26 said military service ballot, including the signatures thereon when the
27 military service voter's signature appears upon said application, and by
28 comparison with the military records of the State when deemed
29 desirable.

30 In the case of a military service or civilian absentee ballot to be
31 voted at a primary election for the general election, whether or not
32 the military service or civilian absentee voter has indicated in said
33 certificate his intention to vote it in the primary election of any
34 political party in which he is not entitled to vote it according to the
35 [registration records of the county] Statewide voter registration
36 system, and if it shall appear from said record that he is not entitled
37 to vote said ballot in the primary election of the political party which
38 has been so indicated, such ballots shall be rejected.

39 Any absentee ballot which is received by a county board of
40 elections shall be rejected if both the inner and outer envelopes are
41 unsealed or if either envelope has a seal that has been tampered with.

42 Disputes as to the qualifications of military service or civilian
43 absentee voters to vote or as to whether or not or how any such
44 military or civilian absentee ballot shall be counted in such election
45 shall be referred to the Superior Court for determination.

46 After such investigation the county board of elections shall detach

1 or separate the certificate from the inner envelope containing the
2 military service or civilian absentee ballot, unless it has been rejected
3 by it or by the Superior Court, marking the envelope so as to identify
4 the election district in which the ballot contained therein is to be voted
5 as indicated by the absentee voter's home address appearing on the
6 certificate attached to or accompanying said inner envelope and, in the
7 case of ballots to be voted at a primary election for a general election,
8 so as to identify the political party in the primary election of which it
9 is to be voted.

10 (cf: P.L.1981, c.390, s.9)

11

12 23. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to read
13 as follows:

14 32. As soon as practicable after such election, the commissioner of
15 registration shall cause to be marked in the Statewide voter
16 registration system and all duplicate voting records which have not
17 been marked with a red "A" or "M" in accordance with this act, to
18 show that an absentee ballot was delivered or forwarded to the
19 respective registered voters. For each civilian absentee ballot, and for
20 each military absentee ballot cast by a military service voter who is
21 required under section 3 of this act to be registered in the municipality
22 where he intends to cast such absentee ballot, that has been voted,
23 received and counted, the commissioner of registration shall also, by
24 reference to the certificates removed from the inner envelopes of such
25 ballots, cause to be [written or stamped] noted the word "Voted" in
26 the space provided in the Statewide voter registration system and
27 duplicate voting record for recording the ballot number of the voter's
28 ballot in such election, and in the case of a primary election for the
29 general election he shall also cause to be [written or stamped] noted
30 in the proper space of the Statewide voter registration system or other
31 record of voting form the first three letters of the name of the political
32 party primary in which such ballot was voted. The record contained in
33 the Statewide voter registration system and of voting forms in the
34 original permanent registration binders shall be conformed to the
35 foregoing entries in the duplicate forms.

36 (cf: P.L.1994, c.154, s.5)

37

38 24. Section 29 of P.L.1964, c.134 (C.19:58-29) is amended to read
39 as follows:

40 29. As soon as practicable after each election, the commissioner of
41 registration shall cause to be marked the Statewide voter registration
42 system and all duplicate voting records to show that a Presidential
43 ballot was delivered or forwarded to the respective registered voters.
44 For each such ballot that has been voted, received and counted, the
45 commissioner of registration shall also, by reference to the certificates
46 removed from the inner envelopes of such ballots, cause to be [written

1 or stamped] noted the words "Voted by Presidential Ballot" in the
2 space provided in the Statewide voter registration system and
3 duplicate voting record for recording the ballot number of the voter's
4 ballot in such election. The record of voting forms in the Presidential
5 ballot file shall be conformed to the foregoing entries in the duplicate
6 forms.

7 (cf: P.L.1964, c.134, s.29)

8

9 25. Section 2 of P.L.1947, c.277 (C.19:31-14.5) is hereby
10 repealed.

11

12 26. This act shall take effect on January 1, 2006.

13

14

15

STATEMENT

16

17 This bill implements certain provisions of the federal "Help America
18 Vote Act of 2002," Pub.L.107-252, which was signed into law in
19 October 2002.

20 The bill establishes a single Statewide voter registration system,
21 under the direct control of the Attorney General, to serve as the
22 official repository for voter registration information for every legally
23 registered voter in this State. The bill also requires that by January 1,
24 2006 each polling place will include at least one voting system capable
25 of permitting individuals with disabilities to vote.

26 Additionally, the bill repeals an outdated section of law that
27 required a county commission of registration to certify to the
28 Secretary of State the total number of registrations in the county.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 28

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 28.

This bill implements certain provisions of the federal "Help America Vote Act of 2002," Pub.L.107-252, which was signed into law in October 2002.

The bill establishes a single Statewide voter registration system, under the direct control of the Attorney General, to serve as the official repository for voter registration information for every legally registered voter in this State. The bill also requires that by January 1, 2006 each polling place will include at least one voting system capable of permitting individuals with disabilities to vote.

Additionally, the bill repeals an outdated section of law that required a county commissioner of registration to certify to the Secretary of State the total number of registrations in the county.

The committee amended the bill to: 1) expand the number of entities that will have electronic access to the Statewide voter registration system to include each county board of elections; 2) change the implementation date of the online verification of voter registration by a registrant to no later than July 1, 2006; 3) modify the identification required for entry into the Statewide voter registration system to conform to provisions of the federal "Help America Vote Act of 2002"; 4) grant the Attorney General the authority to promulgate rules and regulations relevant to provisions in this bill; 5) require in each election district at least one voting system capable of permitting individuals with disabilities to vote; 6) remove the ability of the county commissioners of registration to prescribe rules and regulations regarding voter registration and the provisions of Title 19; 7) remove a voter's unique identifier from the information required on the polling record; 8) permit the commissioner of registration to prescribe the manner in which polling records are delivered and returned; 9) prohibit the use of voter registration lists as a basis for charitable solicitation; 10) require all provisional ballots in a county to be verified by the county commissioner of registration before any provisional ballots in that county can be counted and canvassed; and

11) clarify ambiguous language and incorrect technical legal references in the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 28

STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 28 (1R).

This bill implements certain provisions of the federal "Help America Vote Act of 2002," Pub.L.107-252, which was signed into law in October 2002.

The bill establishes a single Statewide voter registration system, under the direct control of the Attorney General, to serve as the official repository for voter registration information for every legally registered voter in this State. The bill also addresses the identification required for entry into the Statewide voter registration system and granted the Attorney General the authority to promulgate rules and regulations relevant to provisions in this bill. The bill also requires that by January 1, 2006 each election district will include at least one voting system capable of permitting individuals with disabilities to vote.

Additionally, the bill repeals an outdated section of law that required a county commissioner of registration to certify to the Secretary of State the total number of registrations in the county.

As reported, this bill is identical to Assembly Bill No. 45 (1R).

FISCAL IMPACT:

The Office of Legislative Services notes that New Jersey has received \$85.2 million in federal Help America Vote Act (HAVA) funding to date. The State costs contained in this bill, currently estimated to be about \$29.9 million, constitute permissible use of federal HAVA assistance. The costs of this bill will be paid from these federal funds.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 28

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: JUNE 28, 2005

SUMMARY

Synopsis: Implements provisions of federal "Help America Vote Act of 2002"; creates Statewide voter registration system.

Type of Impact: Increased Expenditure and Revenue. General Fund.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$29.9 million	-0-	-0-
State Revenue	\$29.9 million (Federal Aid)	-0-	-0-

- ! Implements requirements of federal "Help America Vote Act of 2002" to create a Statewide voter registration system and to make at least one voting system in each election district accessible to individuals with disabilities.
- ! The total cost for the Statewide Voter Registration System is estimated to be \$25 million, of which a contract to begin development of this system has been awarded by the State for \$14.9 million.
- ! Audio kits to adapt voting machines for accessibility to disabled individuals have been purchased by the State for approximately \$4.9 million.
- ! New Jersey has received \$85.2 million in federal Help America Vote Act funding thus far.
- ! These items are permissible uses of funding the State has received pursuant to the federal Help America Vote Act. The costs of this bill will be paid from these federal funds.

BILL DESCRIPTION

Senate Bill No. 28 [1R] of 2005 implements certain provisions of the federal "Help America Vote Act of 2002," Pub.L.107-252, which was signed into law in October 2002.

The bill establishes a single Statewide voter registration system, under the direct control of the Attorney General, to serve as the official repository for voter registration information for every legally registered voter in this State. The bill also requires that by January 1, 2006 each election district will include at least one voting system capable of permitting individuals with disabilities to vote.

The bill was amended by the Senate State Government committee; these amendments did not affect the fiscal impact of the bill. Among other things, the amendments modified the identification required for entry into the Statewide voter registration system and granted the Attorney General the authority to promulgate rules and regulations relevant to provisions in this bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the contract to begin implementation of the Statewide Voter Registration System has been awarded by the State for \$14.9 million. While this contract has been awarded for \$14.9 million, \$25 million is currently budgeted for the full implementation of the system.

Audio kits to adapt voting machines for accessibility to disabled individuals have been purchased by the State. The cost of each kit is \$2,000, for a total of approximately \$4.9 million. The Office of Legislative Services notes that the use of audio kits to achieve accessibility in each election district will require the replacement of lever machines, currently in use in five counties, with electronic voting machines. However, this replacement is already required by both the federal Help America Vote Act and P.L.2004, c.88, and not specifically by the provisions of this bill.

New Jersey has received \$85.2 million in federal Help America Vote Act funding thus far. Thus, the costs of this bill will be paid from federal funds, as permitted by federal law.

Information for this analysis was received informally from the Executive Branch.

Section: *State Government*

Analyst: *Gina Marie Winters*
Associate Research Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 45

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:

Assemblyman DAVID C. RUSSO

District 40 (Bergen, Essex and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman MIMS HACKETT, JR.

District 27 (Essex)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Co-Sponsored by:

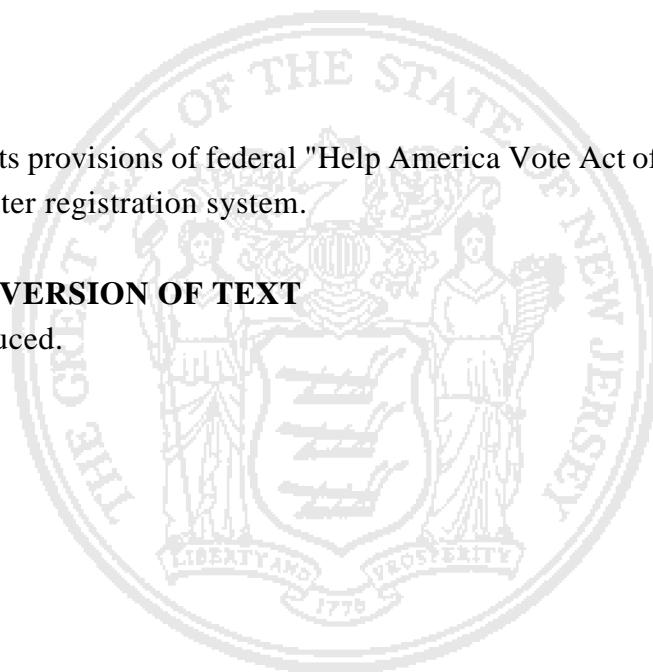
Assemblyman Azzolina

SYNOPSIS

Implements provisions of federal "Help America Vote Act of 2002"; creates Statewide voter registration system.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning voter registration and voting systems and
2 amending, supplementing and repealing various parts of the
3 statutory law.

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

7
8 1. (New section) a. No later than January 1, 2006, there shall be
9 established in the Department of Law and Public Safety a single
10 Statewide voter registration system, as required pursuant to section
11 303 of the federal "Help America Vote Act of 2002," Pub.L.107-252
12 (42 U.S.C. 15483). The principle computer components of the system
13 shall be under the direct control of the Attorney General. The
14 Attorney General shall be responsible for creating the network
15 necessary to maintain the system and providing the computer software,
16 hardware and security necessary to ensure that the system is accessible
17 only to those executive departments and State agencies so designated
18 by the Attorney General, each county commissioner of registration,
19 each county and municipal clerk, and individuals under certain
20 circumstances, as provided for by this section. The system shall be the
21 official State repository for voter registration information for every
22 legally registered voter in this State, and shall serve as the official
23 voter registration system for the conduct of all elections in the State.

24 b. The Statewide voter registration system shall include, but not be
25 limited to, the following features:

26 (1) the name and registration information of every legally registered
27 voter in the State;

28 (2) the ability to assign a unique identifier to each legally registered
29 voter in the State;

30 (3) interactivity that permits executive departments and State
31 agencies so designated by the Attorney General, each county
32 commissioner of registration and each county and municipal clerk to
33 have immediate electronic access to all or selected records in the
34 system, to receive or transmit all or selected files in the system and to
35 print or review all or selected files in the system;

36 (4) the ability to permit any county commissioner of registration to
37 enter voter registration information on an expedited basis at the time
38 the information is provided thereto and to permit the Attorney General
39 to provide technical support to do so whenever needed;

40 (5) the ability to permit an individual to verify via the Internet
41 whether that individual, and only that individual, is included in the
42 system as a legally registered voter, whether the information pertaining
43 to that individual required by subsection c. of this section is correct,
44 and if not, a means to notify the pertinent county commissioner of
45 registration of the corrections that must be made and to so verify in a
46 way that does not give one individual access to the information

1 required by subsection c. of this section for any other individual;

2 (6) a Statewide street address index and map in electronic form that
3 can accurately identify the location of every legally registered voter in
4 this State; and

5 (7) any other functions required pursuant to Pub.L.107-252 (42
6 U.S.C.A. 15301 et seq.), or Title 19 of the Revised Statutes, or that
7 may be deemed necessary by the Attorney General.

8 c. The Statewide voter registration system shall include, but not be
9 limited to, the following information for every legally registered voter
10 in this State:

11 (1) last, first and middle name;

12 (2) street address at time of registration or rural route, box number
13 or apartment number, if any;

14 (3) city or municipality, and zip code;

15 (4) date of birth;

16 (5) telephone number, if provided on voter registration form;

17 (6) previous name or address if individual re-registered due to
18 change of name or address;

19 (7) ward and election district number, if either is available;

20 (8) (a) New Jersey driver's license number, if any;

21 (b) the last four digits of the registrant's social security number, if
22 any, or notation that a copy of one of the following documents has
23 been submitted with the voter registration application: current and
24 valid photo identification card; a current utility bill, bank statement,
25 government check, pay check or any other government or other
26 identifying document showing the registrant's name and current
27 address; or

28 (c) unique identification number created pursuant to R.S.19:31-5
29 for any individual unable to provide or not required to provide the
30 information sought in subparagraphs (a) or (b) of this paragraph;

31 (d) the method by which the individual registered and whether that
32 person needs to provide additional identification information to vote
33 using a voting machine instead of a provisional ballot;

34 (9) political party affiliation, if designated;

35 (10) digitalized signature;

36 (11) date of registration or re-registration;

37 (12) name and street address of the individual completing the form,
38 if the applicant for registration is unable to do so;

39 (13) voting participation record for ten-year period; and

40 (14) any other information required pursuant to Pub.L.107-252 (42
41 U.S.C. 15301 et seq.), or Title 19 of the Revised Statutes, or that the
42 Attorney General determines is necessary to assess the eligibility of an
43 individual to be registered to vote and to vote in this State.

44

45 2. (New section) a. The Statewide voter registration system shall
46 replace all other computer or electronic-based registry files of voters

1 and other voter registration files established and maintained by each
2 county commissioner of registration for voter registration and
3 elections administration purposes established pursuant to the
4 provisions of Title 19 and Title 40 of the Revised Statutes, and shall
5 be the single system for storing and managing the official file of
6 registered voters throughout the State. A commissioner may,
7 however, continue to use and maintain as a supplement to the system
8 the original and duplicate permanent registration binders and voting
9 records and shall continue to use and maintain the signature copy
10 registers or polling records provided for in Title 19 of the Revised
11 Statutes.

12 b. Each county commissioner of registration shall be responsible
13 for adding to, deleting from, amending and otherwise conducting on
14 a regular basis maintenance for the files of every legally registered
15 voter in that commissioner's county as contained in the Statewide
16 voter registration system, pursuant to the provisions of section 303 of
17 Pub.L.107-252 (42 U.S.C. 15301 et seq.) and Title 19 of the Revised
18 Statutes. Each commissioner shall be responsible for verifying the
19 accuracy of the name, address and other data of registered voters in
20 their respective county as contained in the system. The commissioner
21 who receives the voter registration forms of individuals who have
22 registered to vote in the county or who are re-registering for any
23 reason shall be responsible for entering the information on those forms
24 into the system on an expedited basis, including but not limited to
25 forms and information received pursuant chapter 31 of Title 19 of the
26 Revised Statutes. The information the commissioner shall use to
27 update and maintain the system shall be that required by subsection c.
28 of section 1 of P.L. , c. (C.)(now pending before the
29 Legislature as this bill).

30 c. The Attorney General and each county commissioner of
31 registration shall be responsible for developing and providing the
32 technological security measures needed to prevent unauthorized access
33 to the Statewide voter registration system established pursuant to
34 section 1 of P.L. , c. (C.)(now pending before the
35 Legislature as this bill) and to the information for any individual on the
36 system required by subsection c. of section 1 of that act.

37 d. The Attorney General, in consultation with each county
38 commissioner of registration, shall develop minimum standards to
39 safeguard the accuracy of the files contained in the Statewide voter
40 registration system. Such standards shall include procedures to ensure
41 that reasonable effort is made to remove registrants who are ineligible
42 to vote pursuant to federal or State law and to ensure that eligible
43 voters are not removed in error from the system.

44 e. (1) The Attorney General and the Chief Administrator of the
45 New Jersey Motor Vehicle Commission in the Department of
46 Transportation shall enter into an agreement to match information in

1 the database of the Statewide voter registration system with
2 information in the database of the commission to the extent required
3 to enable verification of the accuracy of the information provided on
4 applications for voter registration.

5 (2) The Attorney General shall enter into an agreement with the
6 Commissioner of the Department of Health and Senior Services to
7 match information in the database of the Statewide voter registration
8 system with State agency information on social security numbers and
9 death records.

10 (3) The Attorney General shall enter into an agreement with the
11 Commissioner of the Department of Corrections to match information
12 in the database of the Statewide voter registration system with State
13 agency information on individuals who are incarcerated, on probation,
14 or on parole for greater than one year.

15 (4) The Attorney General shall enter into an agreement with the
16 Administrative Office of the Courts to match information in the
17 database of the Statewide voter registration system with State agency
18 information on individuals who are incarcerated, on probation, or on
19 parole for less than one year.

20 (5) The Attorney General shall enter into an agreement with the
21 State Parole Board to match information in the database of the
22 Statewide voter registration system with State agency information on
23 individuals who are on parole.

24

25 3. (New section) Each year the Attorney General shall prepare and
26 submit to the Governor and the President of the Senate, the Minority
27 Leader of the Senate, the Speaker of the General Assembly and the
28 Minority Leader of the General Assembly a report that:

29 a. assesses the current status of the Statewide voter registration
30 system;

31 b. assesses the hardware and software required to maintain and
32 expand the system;

33 c. reviews existing or planned statewide voter registration systems
34 in other states or as may be required by Pub.L.107-252 (42 U.S.C.
35 15301 et seq.) or the federal Election Assistance Commission created
36 by that law;

37 d. recommends ways to strengthen and expand electronic
38 communications among those executive departments and State
39 agencies designated by the Attorney General to have access to the
40 system, the county commissioners of registration and the county and
41 municipal clerks; and

42 e. recommends ways to improve the effectiveness of the system in
43 the administration of elections and voting in this State.

44 In preparing the report, the Attorney General shall solicit the views
45 of county commissioners of registration and such other individuals
46 familiar with the system as the Attorney General may wish to consult.

1 The Attorney General shall submit the initial report to the Governor
2 and the President of the Senate, the Minority Leader of the Senate, the
3 Speaker of the General Assembly and the Minority Leader of the
4 General Assembly no later than two years after the effective date of
5 P.L. , c. (C.)(now pending before the Legislature as this bill).

6
7 4. Section 2 of P.L.1976, c.83 (C.19:4-11) is amended to read as
8 follows:

9 2. a. Subject to the provisions of law as to redistricting, each
10 election district in which only one voting machine or four electronic
11 system voting devices are used shall contain no more than 750 voters,
12 except an election district in which there is located a public or private
13 institution where persons entitled to vote may reside, and in such
14 district the number of voters shall be as near to 750 as is practicable.

15 b. Notwithstanding the provisions of subsection a. of this section,
16 no later than January 1, 2006 each polling place shall also include at
17 least one voting system capable of permitting individuals with
18 disabilities to vote.

19 (cf: P.L.1976, c.83, s.2)

20
21 5. Section 3 of P.L.1976, c.83 (C.19:4-12) is amended to read as
22 follows:

23 3. **[Each]** Except as provided pursuant to subsection b. of section
24 2 of P.L.1976, c.83 (C.19:4-11), each district in which two voting
25 machines or five electronic system voting devices are to be used shall
26 contain, as nearly as is practicable, 1,000 voters, and each district in
27 which three voting machines or eight electronic system voting devices
28 are to be used shall contain, as nearly as is practicable, 1,500 voters.

29 Nothing herein shall prevent any election district from containing
30 fewer voters than prescribed above, if necessary for the convenience
31 of the voters.

32 In a district where more than two voting machines or five electronic
33 system voting devices are to be used, two additional members of the
34 district board, who shall not be members of the same political party,
35 shall be appointed for each additional voting machine or system.

36 (cf: P.L.1996, c.120, s.1)

37
38 6. R.S.19:31-2 is amended to read as follows:

39 19:31-2. In all counties having a superintendent of elections, the
40 superintendent of elections is hereby constituted the commissioner of
41 registration and in all other counties the secretary of the county board
42 is hereby constituted the commissioner of registration.

43 The commissioner of registration shall have complete charge of the
44 registration of all eligible voters within their respective counties.

45 Pursuant to the provisions of section 2 of P.L. , c. (C.)
46 (now pending before the Legislature as this bill), the commissioner of

1 registration shall be responsible for adding to, deleting from, amending
2 and maintaining the records of persons registered to vote in the
3 commissioner's county contained in the Statewide voter registration
4 system established pursuant to section 1 of that act.

5 The commissioner of registration shall have power to appoint
6 temporarily, and the commissioner of registration in counties of the
7 first class having more than 800,000 inhabitants shall have power to
8 appoint on a permanent, or temporary basis, such number of persons,
9 as in the commissioner's judgment may be necessary in order to carry
10 out the provisions of this Title. All persons appointed by the
11 commissioner of registration in counties of the first class having more
12 than 850,000 inhabitants according to the latest federal decennial
13 census to serve for terms of more than six months in any one year shall
14 be in the career service of the civil service and shall be appointed, and
15 hold their positions, in accordance with the provisions of Title 11A,
16 Civil Service. All persons appointed by the commissioner of
17 registration in counties of the first class having more than 600,000 but
18 less than 850,000 inhabitants according to the latest federal decennial
19 census to serve for terms of more than six months in any one year,
20 other than the chief deputy and chief clerk and confidential secretary
21 and chief custodian, shall be in the career service of the civil service
22 and shall be appointed and hold their positions, in accordance with the
23 provisions of Title 11A, Civil Service. Persons appointed by the
24 commissioner of registration in such counties to serve for terms of six
25 months or less in any one year and persons appointed by the
26 commissioner of registration shall not be subject to any of the
27 provisions of Title 11A, Civil Service, but shall be in the unclassified
28 service.

29 In each county the commissioner of registration shall submit to the
30 **[Secretary of State]** Attorney General on or before February 15 of
31 each year a plan providing for evening registration for the primary
32 election and on or before July 1 plans providing for evening
33 registration for the general election, which plans shall be subject to
34 approval by the **[Secretary of State]** Attorney General. Evening
35 registration shall be made available in the office of each commissioner
36 of registration between the hours of 4 p.m. and 9 p.m. on the 29th day
37 preceding the primary and general elections and, in any year in which
38 municipal elections are to be held in any municipality within the
39 county, on the 29th day preceding those municipal elections.

40 In each county, the commissioner of registration may also establish
41 a plan for out-of-office registration, including door-to-door
42 registration.

43 Nothing in this section shall preclude the commissioner from
44 providing pursuant to plan evening registration in excess of the
45 requirements of this section, or shall preclude or in any way limit

1 out-of-office registration conducted by persons or groups other than
2 the commissioner.

3 The commissioner of registration shall provide such printed forms,
4 blanks, supplies and office telephone and transportation equipment and
5 shall prescribe such reasonable rules and regulations not inconsistent
6 with those of the [Secretary of State] Attorney General as are
7 necessary in the opinion of the commissioner to carry out the
8 provisions of this Title and any amendments or supplements thereto.

9 Subject to the limitations set forth in chapter 32 of this Title, all
10 necessary expenses incurred, as and when certified and approved by
11 the commissioner of registration shall be paid by the county treasurer
12 of the county.

13 Nothing in the provisions of subtitle 2 of the Title, Municipalities
14 and Counties (R.S.40:16-1 et seq.), shall in anywise be construed to
15 affect, restrict or abridge the powers herein conferred on the
16 commissioners of registration of the several counties.

17 All powers granted to the commissioner in all counties not having
18 superintendents of elections by the provisions of this Title are hereby
19 conferred on the county board in such counties and any and all duties
20 conferred upon the commissioner in all counties not having a
21 superintendent of elections by the provisions of this Title shall only be
22 exercised and performed by such commissioner under the instructions
23 and directions of and subject to the approval of the county board of
24 such counties.

25 (cf: P.L.1994, c.182, s.2)

26

27 7. Section 1 of P.L.1991, c.504 (C.19:31-3.1) is amended to read
28 as follows:

29 1. [a. In any county of the second class with a population of
30 greater than 590,000 according to the 1980 federal decennial census
31 which maintains voter registration information on computer or
32 magnetic tape or electronic data processing equipment of any kind, the
33 commissioner of registration shall maintain on such tape or equipment
34 for a period of 10 years the following information as it applies to each
35 voter who registered prior to the enactment of this act and to each
36 voter who registers subsequently:

37 (1) the date of registration of the registrant;

38 (2) the date of birth of the registrant;

39 (3) the party affiliation of the registrant, if any; and

40 (4) when a registrant has voted or votes in a primary or general
41 election. The information on each registrant shall be updated after
42 every primary and general election and shall be readily accessible from
43 the tape or equipment on which it is maintained.

44 b.] If the commissioner of registration has maintained information
45 in any form regarding a registrant's party affiliation [or when that
46 registrant has voted in a primary or general election which dates to the

1 year 1987], the commissioner shall be responsible for maintaining that
2 information for a period of 10 years as part of the current voter
3 information file of the registrant if it is already on computer or
4 magnetic tape or electronic data processing equipment of any kind and
5 for converting such information to such tape or equipment if the
6 information exists but is not on such tape or equipment, so that it
7 becomes part of the [current voter information file of the registrant]
8 Statewide voter registration system.
9 (cf: P.L.1991, c.504, s.1)

10

11 8. Section 2 of P.L.1994, c.170 (C.19:31-3.3) is amended to read
12 as follows:

13 2. [In those counties in which the commissioner of registration
14 employs data processing equipment capable of creating or receiving,
15 storing, and printing a digitalized image of the signature of a person
16 registered to vote, the] The commissioner may eliminate the use of the
17 duplicate permanent registration binders and may authorize and direct
18 the use at the polls in place of such a binder, as a signature copy
19 register for the purposes of this Title and Title 40 of the Revised
20 Statutes, of a polling record which identifies on each page the election
21 at which the record is used, which indicates for each registrant the
22 name and address of the registrant and identifies the municipality and
23 the particular election district therein from which the person is
24 registered, and which includes adjacent to the registrant's name and
25 address an imprint of the digitalized image of the registrant's signature
26 and sufficient space, immediately to the left or right of that imprint, for
27 the registrant to sign the record, which imprint and signature shall be
28 used as the signature comparison record as prescribed by this Title.
29 The polling record shall also include for each registrant the registrant's
30 unique identifier, date of birth, an indication of whether the registrant
31 has applied for an absentee ballot in that election, and a place to
32 indicate whether the registrant has provided identification pursuant to
33 R.S.19:15-17, if such identification is required. The polling record
34 shall also include for each registrant sufficient space for the notation
35 of remarks as provided by R.S.19:15-23 and for the recording of any
36 challenge and the determination thereof by the district board as
37 provided by R.S.19:15-24, or by other elections officials charged with
38 the same duties as the district board in connection with the conduct of
39 an election. In the case of a primary election, the polling record shall
40 also indicate for each registrant the political party, if any, of which the
41 registrant is a member for the purpose of voting at that primary
42 election.

43 Polling records for each election shall be prepared by the
44 commissioner of registration not later than the 14th day preceding the
45 election. At each election, the delivery of the polling records to the
46 municipal clerk and to the district boards or other elections officials

1 charged with the same duties as the district board in connection with
2 the conduct of an election, and the return of those records by the
3 district boards or such other elections officials to the commissioner of
4 registration, shall be made in the manner and in accordance with the
5 schedule prescribed by law for the delivery and return at that election
6 of the signature copy registers.

7 The commissioner of registration shall retain the polling records for
8 any election for a period of not less than six years following that
9 election.

10 (cf: P.L.1996, c.3, s.5)

11
12 9. Section 17 of P.L.1974, c.30 (C.19:31-6.5) is amended to read
13 as follows:

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

17 (1) Send to the registrant written notification that such registrant
18 is duly registered to vote. No registrant shall be considered a
19 registered voter until the commissioner of registration reviews the
20 application submitted by the registrant and deems it acceptable. On
21 the face of such notification in the upper left-hand corner shall be
22 printed the words: "Do Not Forward. Return Postage Guaranteed. If
23 not delivered in 2 days, return to the Commissioner of Registration."

24 (2) In as timely a manner as possible, enter the information
25 provided for the registrant on the completed registration form into the
26 Statewide voter registration system established pursuant to section 1
27 of P.L. , c. (C.)(now pending before the Legislature as this
28 bill).

29 (3) Paste, tape, or photocopy the completed registration form onto
30 an original registration form, and shall paste or tape a copy of such
31 completed registration form onto a duplicate registration form, both
32 of which shall be filed as provided in R.S.19:31-10. Nothing in this
33 paragraph shall preclude any commissioner of registration from
34 keeping the original mail registration form on file.

35 [(3)] (4) In the case of a registrant currently registered in another
36 county of this State, notify the commissioner of registration of such
37 other county to [delete such registrant's name from the list of persons
38 registered in such other county] remove the individual's name from the
39 registry list of voters of the county and place into the deleted file the
40 original and duplicate registration forms for that person.

41 b. The commissioner shall notify a registrant of the reasons for any
42 refusal to approve his registration.

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

44 (cf: P.L.1994, c.182, s.8)

45
46 10. Section 1 of P.L.1994, c.170 (C.19:31-10.1) is amended to

1 read as follows:

2 1. [In those counties in which the] The commissioner of
3 registration [employs electronic data processing equipment to file and
4 store registration information for the voters registered in the county,
5 the commissioner] may eliminate use of original permanent
6 registration binders, as provided for in R.S.19:31-10, and [use in their
7 place the electronic data processing equipment if:

8 a. the voter registration information for each voter that is filed and
9 stored in the electronic data processing equipment is made identical
10 with the voter registration information for each voter that is required
11 to be in the original permanent registration binder pursuant to
12 R.S.19:31-3;

13 b. the voting information for each voter that is required to be
14 entered in the original permanent registration binders after each
15 election, pursuant to R.S.19:31-23, is entered into the appropriate
16 voter registration records of each voter contained in the electronic
17 data processing equipment after each election; and

18 c. the commissioner maintains] may maintain in a permanent and
19 separate file the original completed voter registration form of each
20 voter, and any new or amended forms filed by that voter.

21 (cf: P.L.1994, c.170, s.1)

22

23 11. R.S.19:31-15 is amended to read as follows:

24 19:31-15. a. Upon receipt by the commissioner of registration of
25 a county from a registered voter of that county of a request that the
26 name of the registrant be removed from the [registry list of voters of
27 the county] Statewide voter registration system, the commissioner
28 shall so remove the registrant's name [from that list]. Notice by a
29 registered voter to the commissioner of registration of a county that
30 the registrant has ceased to reside in the [county] State shall, for the
31 purposes of this subsection, be deemed a request for removal of the
32 registrant's name from the [county registry list] Statewide voter
33 registration system .

34 b. The commissioner of registration of any county may agree with
35 the United States Postal Service or its licensee to receive information
36 provided by the Postal Service concerning the change by any Postal
37 Service customer of that customer's address within the county. If it
38 appears from information so received that a Postal Service customer
39 registered to vote in the county has moved to a different address, then
40 (1) if that address is within the county, the commissioner shall cause
41 the registration records of the registrant to be corrected accordingly
42 and shall transmit to the resident by forwardable mail a notice of the
43 change and a postage prepaid, pre-addressed return form by which the
44 registrant may verify or correct the address information, or (2) if that
45 address is not within the county, the commissioner shall undertake the

1 confirmation notice procedure prescribed under subsection d. of this
2 section to confirm the change of address.

3 c. The commissioner of registration of a county shall cause the
4 name of a registrant to be removed from the [registry list of the
5 county] Statewide voter registration system if the registrant (1)
6 confirms in writing, by return of a confirmation notice as prescribed
7 under subsection d. of this section or by other means, that the
8 registrant has changed residence to a place outside the [county] State,
9 or (2) has either not notified the commissioner or failed to respond to
10 a confirmation notice as so prescribed and has not, in any election
11 during the period beginning on the date on which the commissioner
12 sends the confirmation notice to the registrant and ending on the day
13 after the second general election for federal office following that date
14 on which the notice is sent, (a) voted, or (b) appeared to vote and, if
15 necessary, correct the official record of the registrant's address.

16 Other than as provided under subsection a. of this section, the name
17 of a registrant shall not be removed from the [registry list of a county]
18 Statewide voter registration system on the ground that the registrant
19 has changed residence except as provided by this subsection.

20 d. A confirmation notice sent to ascertain whether a registrant
21 continues to reside at the address from which that registrant is
22 registered to vote shall be a postage prepaid and pre-addressed return
23 card, sent by forwardable mail, which shall include: (1) space on
24 which the registrant's current address may be entered; (2) the
25 statement "To any voter who continues to reside at the residence
26 address to which this notice is addressed or who no longer resides at
27 that residence address but continues to reside in (name of
28 county): please mail or personally deliver this postage prepaid card to
29 the commissioner of registration to whom it is addressed not later than
30 (calendar date of the 29th day preceding the next election
31 to be held in the county). If you do not return this card by that date,
32 then at any election held subsequent to that date and on or before
33 (calendar date of the day after the second general election
34 for federal office following that date), you may be required at the polls
35 to affirm or confirm your address before you are permitted to vote,
36 and if you do not vote in an election during that period, your name will
37 be removed from the registry of eligible voters."; and (3) a statement,
38 the text of which shall be prescribed by the [Secretary of State]
39 Attorney General, setting forth the means by which a registrant who
40 has changed residence to a county different from that in which is
41 located the residence to which the notice was originally addressed may
42 retain the right to vote.

43 e. The commissioner of registration shall correct the registry list of
44 eligible voters in accordance with change of residence information
45 obtained in conformity with the provisions of this section.

46 (cf: P.L.1994, c.182, s.13)

1 12. R.S.19:31-18 is amended to read as follows:

2 19:31-18. On or before the fifteenth day preceding any general
3 election the commissioner shall certify and transmit to the county clerk
4 a complete list of all persons who are registered in each election
5 district in each municipality in the county together with a statement as
6 to the number of persons registered in each district. [On the face of
7 the list of registered voters the commissioner] The list shall be drawn
8 from the Statewide voter registration system, established pursuant to
9 section 1 of P.L. , c. (C.)(now pending before the Legislature
10 as this bill). It shall in figures state the total number of names of
11 persons registered. Such lists shall be arranged substantially in the
12 following form: Grand Street

13

14	Residence number	Name of voter
15	or other designation	
16	14	Jones, Charles M.
17	15	Smith, John M.

18 (cf: P.L.1976, c.22, s.1)

19

20 13. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
21 read as follows:

22 2. a. The county clerk in all counties shall cause copies of the
23 registry lists, certified and transmitted under R.S.19:31-18, to be
24 printed in handbill form, and shall furnish to any voter applying for the
25 same such copies, charging therefor \$0.25 per copy of the list of
26 voters of each election district. He shall also furnish five printed
27 copies thereof to each district board, which shall within two days post
28 two such registry lists, one in the polling place and one in another
29 conspicuous place within the election district. The county clerk shall
30 also forthwith deliver to the superintendent of elections of the county,
31 if any there be, and to the chairmen of the county committees of each
32 of the several political parties in the county, five copies of the lists of
33 voters of each election district in the county; and to the municipal
34 clerk of each of the municipalities in the county five copies of the lists
35 of voters of each election district in such municipality; and to the
36 county board 10 copies of the lists of voters of each election district
37 in each of such municipalities. The county clerk shall also, upon the
38 request of the chairman of the State committee of any of the several
39 political parties, but not more than once in each calendar year,
40 forthwith deliver a copy of the lists of voters of each election district
41 in each of the municipalities in his county. [In any county where the
42 voter registration lists are recorded on magnetic tape, the] The county
43 clerk shall satisfy the request by delivery of a computer-generated or
44 electronic copy of the [magnetically recorded lists, including with the
45 tape, where available, a statement of the number of records on the tape
46 and the length, layout and block size of those records] list for the

1 county from the Statewide voter registration system.

2 b. [In any county where the voter registration lists are recorded on
3 magnetic tape or electronic data processing cards, the] The
4 commissioner of registration shall furnish a computer-generated or
5 electronic copy of [such tape or cards] a list of registered voters in
6 any or all election districts in the county to any voter requesting [such
7 tape or cards] it, for which copy such commissioner shall make a
8 charge which shall be uniform in any calendar year and which shall
9 reflect only the cost of reproducing [such tape or cards] the list, but
10 which in any case shall not exceed \$375.

11 c. No person shall use voter registration lists or copies thereof
12 prepared pursuant to this section as a basis for commercial solicitation
13 of the voters listed thereon. Any person making such use of such lists
14 or copies thereof shall be a disorderly person, and shall be punished by
15 a fine not exceeding \$500.00.

16 (cf: P.L.1991, c.113, s.1)

17

18 14. R.S.19:31-19 is amended to read as follows:

19 19:31-19. The commissioner shall transfer to the [inactive] deleted
20 file the permanent registration and record of voting forms of such
21 persons as a judge of the Superior Court may, as hereinafter provided,
22 order stricken from the Statewide voter registration system and the
23 signature copy register.

24 The registrant shall be notified by the commissioner by registered
25 mail of any transfer made pursuant to this section.

26 After the permanent registration form of any person has been placed
27 in the [inactive] deleted file for any reason whatsoever, the
28 Commissioner of Registration shall note that the person's registration
29 has been rendered void in the record for that person in the Statewide
30 voter registration system and stamp across the face of said registration
31 form in red ink with a rubber stamp, in type at least one inch high, the
32 word void and underneath said word, [inactive] deleted , and
33 thereafter, the said form shall not be restored, reinstated or
34 re-transferred to the active file.

35 Any person whose permanent registration form has been transferred
36 to the [inactive] deleted file shall be required to reregister, in order to
37 be eligible to vote.

38 In no event, shall any person's registration form number which has
39 been transferred to the [inactive] deleted file be again used as the
40 registration number of that person or any other person.

41 (cf: P.L.1991, c.91, s.250)

42

43 15. R.S.19:31-23 is amended to read as follows:

44 19:31-23. Following each election the commissioner shall cause the
45 record of voting as shown on the record of voting forms in the

1 signature copy registers or, in counties in which polling records are
2 used in place of those signature copy registers pursuant to section 2
3 of P.L.1994, c.170 [(C.19:31.3.3)] (C.19:31-3.3), as shown in the
4 polling records, to be entered on the record of voting forms in the
5 original registration binders [or to be entered into electronic data
6 processing equipment used to file and store voter information for the
7 voters registered in a county, pursuant to section 1 of P.L.1994, c.170
8 (C.19:31-10.1)] and the Statewide voter registration system. An entry
9 of any record of voting which shall have been made [by means of
10 electronic data processing equipment under that section 1] in the
11 system shall be retained for a period of not less than [six] ten years
12 following the election at which the vote so recorded was cast.
13 (cf: P.L.1994, c.182, s.16)

14

15 16. R.S.19:31-24 is amended to read as follows:

16 19:31-24. In the event of the loss or destruction of any or all of the
17 original or duplicate registration binders for any reason other than
18 their elimination as permitted pursuant to sections 1 and 2,
19 respectively, of P.L.1994, c.170 (C.19:31-10.1 and 19:31-3.3), [or,
20 in counties in which registration information has been filed and is
21 stored by means of electronic data processing equipment in accordance
22 with the provisions of that section 1 of P.L.1994, c.170, in the event
23 of the loss or destruction of any or all of the original completed voter
24 registration forms or any new or amended forms required under
25 subsection c. of that section to be maintained in a permanent and
26 separate file.] the commissioner shall promptly provide for a general
27 registration at the regular polling places in the district or districts for
28 which the binders, registration forms, or other official voter
29 registration information have been lost or destroyed.
30 (cf: P.L.1994, c.182, s.17)

31

32 17. R.S.19:31-26 is amended to read as follows:

33 19:31-26. [Unless voter registration information is filed and stored
34 in electronic data processing equipment in accordance with the
35 provisions of subsection a. of section 1 of P.L.1994, c.170
36 (C.19:31-10.1), the] The commissioner [shall] may make and
37 maintain a card index file showing on separate cards the full name,
38 address, municipality, ward and district, registration number and date
39 of registration of each person registered in his county. This file shall
40 be arranged alphabetically according to names irrespective of
41 municipality, ward, district, registration number, and date of
42 registration. Reasonably sufficient space shall be reserved on each
43 card for the notations to be made thereon as herein provided.

44 The commissioner shall cause to be made notation on these cards
45 as to each registrant respectively whose registration forms have been

1 transferred from one register to another or to the inactive, death or
2 conviction files concurrently with such transfer. The card with such
3 notations shall show the location of the registration forms of each
4 registrant at all times. All changes of address of the registrant,
5 including those within the same district, shall be noted on these cards
6 concurrently with changes of address on the registration forms.
7 (cf: P.L.1994, c.182, s.18)

8

9 18. R.S.19:33-1 is amended to read as follows:

10 19:33-1. A judge of the Superior Court shall order stricken from
11 the Statewide voter registration system and any other register the
12 name of any person who shall be shown to his satisfaction not to be
13 entitled to vote at any election in the election district wherein he is
14 registered, and the commissioner shall, upon such order, cause the
15 name of such person to be stricken from the system and from the
16 register.

17 Such judge shall hear an application to strike off in a summary
18 manner at the time and day specified in the notice hereafter provided;
19 but no name shall be stricken or ordered stricken from any such system
20 and register in the absence of the person to be affected thereby, unless
21 it shall appear to the judge by affidavit of the commissioner of
22 registration or his deputy or assistant that notice by mail has been
23 given such person, either personally or by leaving the same at his
24 registered place of residence, or present actual residence, if known to
25 the commissioner, at least five entire days before the day and time of
26 hearing before such judge, that at such hearing application would be
27 made to have the name of such registered person stricken from the
28 system and register, and of the grounds on which such application
29 would be based. Such judge shall not order any name stricken
30 subsequent to the sixth Tuesday preceding any election. The
31 commissioner shall notify the judge, five days before the day and time
32 specified, when the application will be made, and the judge shall hear
33 the application at the time and day specified in the notice.

34 In addition to the notice by mail, the commissioner shall also
35 publish in one or more newspapers within the county at least five
36 entire days before the day and time of hearing before such judge, the
37 names and registered addresses of such persons as shall be affected by
38 this proceeding, giving notice through such publication of the time and
39 place where the application is to be made for the removal of said
40 names from the system and registry lists.

41 The judge shall cause a full record of the proceedings of such
42 application, including the appearances and a statement of his findings
43 of fact and law and of the order made pursuant thereto, to be taken
44 stenographically, transcribed and filed in the office of the county clerk,
45 which record shall be public. All costs and expenses of such
46 proceedings shall be paid by the county. The commissioner of

1 registration, after the hearing before the judge, shall amend the record
2 for the person in the Statewide voter registration system and transfer
3 to the inactive file the permanent registration and record of voting
4 forms of such persons as the judge shall have ordered stricken from
5 the system and signature copy register pursuant to this section.

6 The registrant shall be immediately notified by the commissioner by
7 mail of any removal from the system or transfer made pursuant to this
8 section. In counties other than counties of the first class this notice by
9 mail shall be sent in addition to the notice by publication.

10 (cf: P.L.1991, c.91, s.256)

11

12 19. Section 19 of P.L.1999, c.232 (C.19:53C-13) is amended to
13 read as follows:

14 19. When the office of the commissioner of registration receives a
15 provisional ballot bag that has been found to be in good order, the
16 commissioner thereof shall first break the seal and open the bag. In
17 any county where the superintendent of elections is the commissioner
18 of registration, the county board of elections may sort the provisional
19 ballots if so agreed to in advance by both the superintendent and the
20 board. Envelopes marked "SPOILED" shall be set aside and remain
21 unopened. The name, signature and other information contained on
22 the form as supplied by a voter shall be compared with the name,
23 signature and other information that the commissioner of registration
24 has **[on file, in electronic or other form,]** in the Statewide voter
25 registration system for that voter. No affirmation statement shall be
26 separated from a provisional ballot envelope until all affirmation
27 statements have been reviewed by the commissioner of registration.
28 After a comparison of the voter's address is completed by the
29 commissioner of registration and prior to separating the affirmation
30 statement from the envelope and counting the ballot, the letter "p"
31 shall be placed adjacent to the voter's name in the Statewide voter
32 registration system and on the signature copy register **[or computer**
33 **listing, as the case may be,]** together with the name of the municipality
34 in which the voter voted the provisional ballot. If two provisional
35 ballots from the same voter are received, both such ballots shall not be
36 counted, the affirmation statements shall not be separated from the
37 envelopes, and the ballots shall be put aside for further investigation.

38 Whenever the address supplied by the voter on the affirmation
39 statement does not match the address for such a person contained in
40 the **[files of the commissioner of registration]** Statewide voter
41 registration system, but it is clear that the circumstance of a voter
42 matches the circumstance of a voter described in subsection b. of
43 R.S.19:31-11, the updated information on the affirmation statement
44 shall be recorded and shall constitute a transfer by the voter to a new
45 address for any subsequent election.

46 After the examination of the affirmation statement by the

1 commissioner of registration, the county board of elections shall
2 determine if a provisional ballot voter is legally entitled to have voted
3 and if a provisional ballot conforms to the requirements established by
4 law.

5 The members of the county board shall then proceed to count and
6 canvass the votes cast on each provisional ballot. Immediately after
7 the canvass is complete, the county board of elections shall certify the
8 results of the canvass to the county clerk or municipal clerk or other
9 appropriate officials, as the case may be, showing the results of the
10 canvass by municipality.

11 The outside front of each envelope that contains a voided
12 provisional ballot shall have the word "VOID" written next to the
13 circled number.

14 Unless provided otherwise by this section, all provisional ballot
15 materials shall be processed by the county board of elections in
16 accordance with the procedures established for absentee ballots
17 pursuant to section 31 of P.L.1953, c.211 (C.19:57-31).
18 (cf: P.L.1999, c.232, s.19)

19

20 20. Section 10 of P.L.1953, c.211 (C.19:57-10) is amended to read
21 as follows:

22 10. Upon receipt of any request for a civilian absentee ballot or any
23 application for a military absentee ballot from a military service voter
24 who is required under section 3 of this act to be registered in the
25 municipality where he intends to cast such military absentee ballot, the
26 county clerk shall, with the cooperation of the commissioner of
27 registration, cause the signature of the applicant on the request to be
28 compared with the signature of said person appearing on the
29 permanent registration form, or the digitalized image of the voter's
30 signature stored in the Statewide voter registration system or other
31 data processing equipment of the commissioner of registration or
32 office of the county clerk and accessed by the clerk, in order to
33 determine from such examination and any other available information
34 if the applicant is a voter qualified to cast a ballot in the election in
35 which he desires to vote, and determine in case of a primary election
36 in which political party primary the voter is entitled to vote. The
37 commissioner of registration or the superintendent of elections in
38 counties having a superintendent of elections may investigate any
39 application or request for an absentee ballot.

40 If after such examination, the county clerk is satisfied that the
41 applicant is entitled to a ballot, he shall mark on the application
42 "Approved." If after such examination the county clerk determines
43 that the applicant is not entitled to a ballot, he shall mark on the
44 application "Disapproved" and shall so notify the applicant, stating the
45 reason therefor.

46 (cf: P.L.1994, c.154, s.3)

1 21. Section 22 of P.L.1953, c.211 (C.19:57-22) is amended to read
2 as follows:

3 22. The commissioner of registration upon receipt of such
4 information from the county clerk shall mark the applicant's record in
5 the Statewide voter registration system and duplicate voting record
6 appearing on the signature copy registers as follows:

7 In the proper [column] space provided for the recording of the
8 number of the voter's ballot at the election in which the applicant
9 wishes to vote, the commissioner of registration shall record therein
10 in red [ink], in the case of a civilian absentee voter, the initial "A,"
11 which shall mean that a civilian absentee ballot was delivered or mailed
12 to the applicant by the county clerk, and in the case of a military
13 absentee voter, the initial "M," which shall mean that a military service
14 ballot was delivered or mailed to the applicant by the county clerk.

15 Whenever the commissioner of registration receives from the
16 county clerk notice that an absentee ballot has been forwarded to a
17 voter, during the time when the signature copy registers are in the
18 custody of other election officials pursuant to this Title, or are in
19 transit to or from such officials, the said commissioner shall, prior to
20 the opening of the polls on election day, forward to each district board
21 of elections a list of all absentee voters to whom ballots have been sent
22 but whose duplicate voting record has not been marked in the manner
23 herein prescribed. Such lists may be prepared in the same manner as
24 a challenge sheet and may be included therein together with other
25 causes for challenge. No district board of elections shall permit any
26 person to vote whose registration record shall be marked with the
27 initial A or M in red [ink] or whose name shall appear on any list or
28 notice furnished by the commissioner of registration to the effect that
29 such voter has received an absentee ballot.

30 Whenever a civilian absentee ballot has been delivered to a voter
31 less than 7 days prior to an election and up to 3 p.m. of the day before
32 the election, and the signature copy registers are in the custody of
33 other election officials, or in transit to or from such officials, the
34 county clerk shall prepare a master list of all such ballots, which list
35 shall be transmitted to the commissioner of registration in sufficient
36 time to permit such commissioner to notify the appropriate municipal
37 clerk. The municipal clerk shall notify the judge of the district election
38 board to mark the voter's record accordingly.

39 (cf: P.L.1994, c.154, s.4)

40

41 22. Section 24 of P.L.1953, c.211 (C.19:57-24) is amended to read
42 as follows:

43 24. The county board of elections shall, promptly after receiving
44 each civilian absentee ballot, remove the inner envelope, containing
45 the ballot, from the outer envelope and shall compare the signature
46 and the information contained on the flap of the inner envelope with

1 the signature and information contained in the respective requests for
2 civilian absentee ballots. In addition, as to civilian absentee ballots
3 issued less than 7 days prior to an election, the county board of
4 elections shall also check to establish that the absentee voter did not
5 vote in person. The county board shall reject any such ballot unless
6 the board is satisfied as a result of such comparison or by reference to
7 the [permanent registration books] Statewide voter registration
8 system that the voter is legally entitled to vote and that the ballot
9 conforms with the requirements of this act.

10 The county board of elections shall, promptly after receiving each
11 military service ballot, remove the inner envelope, containing the
12 ballot, from the outer envelope and ascertain through the
13 commissioner of registration whether or not the name of the person,
14 whose name appears following the certificate on the flap of said inner
15 envelope, has been certified by the county clerk to the commissioner
16 of registration of the county as a person to whom a military service
17 ballot, to be voted at the election at which it is intended to be voted,
18 has been forwarded pursuant to this act.

19 The county board shall investigate the qualifications of a military
20 service voter under this act by comparison of the contents of said
21 certificate with the information appearing upon the application for said
22 military service ballot, including the signatures thereon when the
23 military service voter's signature appears upon said application, and by
24 comparison with the military records of the State when deemed
25 desirable.

26 In the case of a military service or civilian absentee ballot to be
27 voted at a primary election for the general election, whether or not the
28 military service or civilian absentee voter has indicated in said
29 certificate his intention to vote it in the primary election of any
30 political party in which he is not entitled to vote it according to the
31 [registration records of the county] Statewide voter registration
32 system, and if it shall appear from said record that he is not entitled
33 to vote said ballot in the primary election of the political party which
34 has been so indicated, such ballots shall be rejected.

35 Any absentee ballot which is received by a county board of
36 elections shall be rejected if both the inner and outer envelopes are
37 unsealed or if either envelope has a seal that has been tampered with.

38 Disputes as to the qualifications of military service or civilian
39 absentee voters to vote or as to whether or not or how any such
40 military or civilian absentee ballot shall be counted in such election
41 shall be referred to the Superior Court for determination.

42 After such investigation the county board of elections shall detach
43 or separate the certificate from the inner envelope containing the
44 military service or civilian absentee ballot, unless it has been rejected
45 by it or by the Superior Court, marking the envelope so as to identify
46 the election district in which the ballot contained therein is to be voted

1 as indicated by the absentee voter's home address appearing on the
2 certificate attached to or accompanying said inner envelope and, in the
3 case of ballots to be voted at a primary election for a general election,
4 so as to identify the political party in the primary election of which it
5 is to be voted.

6 (cf: P.L.1981, c.390, s.9)

7

8 23. Section 32 of P.L.1953, c.211 (C.19:57-32) is amended to read
9 as follows:

10 32. As soon as practicable after such election, the commissioner of
11 registration shall cause to be marked in the Statewide voter
12 registration system and all duplicate voting records which have not
13 been marked with a red "A" or "M" in accordance with this act, to
14 show that an absentee ballot was delivered or forwarded to the
15 respective registered voters. For each civilian absentee ballot, and for
16 each military absentee ballot cast by a military service voter who is
17 required under section 3 of this act to be registered in the municipality
18 where he intends to cast such absentee ballot, that has been voted,
19 received and counted, the commissioner of registration shall also, by
20 reference to the certificates removed from the inner envelopes of such
21 ballots, cause to be [written or stamped] noted the word "Voted" in
22 the space provided in the Statewide voter registration system and
23 duplicate voting record for recording the ballot number of the voter's
24 ballot in such election, and in the case of a primary election for the
25 general election he shall also cause to be [written or stamped] noted
26 in the proper space of the Statewide voter registration system or other
27 record of voting form the first three letters of the name of the political
28 party primary in which such ballot was voted. The record contained in
29 the Statewide voter registration system and of voting forms in the
30 original permanent registration binders shall be conformed to the
31 foregoing entries in the duplicate forms.

32 (cf: P.L.1994, c.154, s.5)

33

34 24. Section 29 of P.L.1964, c.134 (C.19:58-29) is amended to read
35 as follows:

36 29. As soon as practicable after each election, the commissioner of
37 registration shall cause to be marked the Statewide voter registration
38 system and all duplicate voting records to show that a Presidential
39 ballot was delivered or forwarded to the respective registered voters.
40 For each such ballot that has been voted, received and counted, the
41 commissioner of registration shall also, by reference to the certificates
42 removed from the inner envelopes of such ballots, cause to be [written
43 or stamped] noted the words "Voted by Presidential Ballot" in the
44 space provided in the Statewide voter registration system and
45 duplicate voting record for recording the ballot number of the voter's
46 ballot in such election. The record of voting forms in the Presidential

1 ballot file shall be conformed to the foregoing entries in the duplicate
2 forms.

3 (cf: P.L.1964, c.134, s.29)

4

5 25. Section 2 of P.L.1947, c.277 (C.19:31-14.5) is hereby
6 repealed.

7

8 26. This act shall take effect on January 1, 2006.

9

10

11

STATEMENT

12

13 This bill implements certain provisions of the federal "Help America
14 Vote Act of 2002," Pub.L.107-252, which was signed into law in
15 October 2002.

16 The bill establishes a single Statewide voter registration system,
17 under the direct control of the Attorney General, to serve as the
18 official repository for voter registration information for every legally
19 registered voter in this State. The bill also requires that by January 1,
20 2006 each polling place will include at least one voting system capable
21 of permitting individuals with disabilities to vote.

22 Additionally, the bill repeals an outdated section of law that
23 required a county commission of registration to certify to the
24 Secretary of State the total number of registrations in the county.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 45

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably Assembly, No. 45.

This bill implements certain provisions of the federal "Help America Vote Act of 2002," Pub.L.107-252, which was signed into law in October 2002.

The bill establishes a single Statewide voter registration system, under the direct control of the Attorney General, to serve as the official repository for voter registration information for every legally registered voter in this State. The bill requires that by January 1, 2006, each polling place will include at least one voting system capable of permitting individuals with disabilities to vote.

Additionally, the bill repeals an outdated section of law that required a county commission of registration to certify to the Secretary of State the total number of registrations in the county.

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ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 45

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill No. 45, with committee amendments.

Assembly Bill No. 45, as amended, implements certain provisions of the federal "Help America Vote Act of 2002," Pub.L.107-252, which was signed into law in October 2002.

The bill establishes a single Statewide voter registration system, under the direct control of the Attorney General, to serve as the official repository for voter registration information for every legally registered voter in this State. The bill also requires that by January 1, 2006 each polling place will include at least one voting system capable of permitting individuals with disabilities to vote.

Additionally, the bill repeals an outdated section of law that required a county commissioner of registration to certify to the Secretary of State the total number of registrations in the county.

As amended, this bill is identical to Senate Bill No. 28 (1R).

FISCAL IMPACT:

The funding to implement the requirements of this legislation will be paid out of Federal Help America Vote Act (HAVA) Aid, which has been received.

COMMITTEE AMENDMENTS:

The amendments:

1) expand the number of entities that will have electronic access to the Statewide voter registration system to include each county board of elections;

2) change the implementation date of the online verification of voter registration by a registrant to no later than July 1, 2006;

3) modify the identification required for entry into the Statewide voter registration system to conform to provisions of the federal "Help

America Vote Act of 2002";

4) grant the Attorney General the authority to promulgate rules and regulations relevant to provisions in this bill;

5) require in each election district at least one voting system capable of permitting individuals with disabilities to vote;

6) remove the ability of the county commissioners of registration to prescribe rules and regulations regarding voter registration and the provisions of Title 19;

7) remove a voter's unique identifier from the information required on the polling record;

8) permit the commissioner of registration to prescribe the manner in which polling records are delivered and returned;

9) prohibit the use of voter registration lists as a basis for charitable solicitation;

10) require all provisional ballots in a county to be verified by the county commissioner of registration before any provisional ballots in that county can be counted and canvassed; and

11) clarify ambiguous language and remedy incorrect technical legal references in the bill.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 45
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MAY 17, 2005

SUMMARY

Synopsis: Implements provisions of federal "Help America Vote Act of 2002"; creates Statewide voter registration system.

Type of Impact: Increased Expenditure and Revenue, General Fund.

Agencies Affected: Department of Law and Public Safety.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$29.9 million	-0-	-0-
State Revenue	\$29.9 million (Federal Aid)	-0-	-0-

- ! Implements requirements of federal "Help America Vote Act of 2002" to create a Statewide voter registration system and to make at least one voting system in each polling place accessible to individuals with disabilities.
- ! The total cost for the Statewide Voter Registration System is estimated to be \$25 million of which a contract to begin development of this system has been awarded by the State for \$14.9 million.
- ! Audio kits to adapt voting machines for accessibility to disabled individuals have been purchased by the State for approximately \$4.9 million.
- ! New Jersey has received \$41.2 million in federal Help America Vote Act funding thus far, and is anticipated to receive an additional \$44 million in calendar year 2005.
- ! These items are permissible uses of funding the State has received pursuant to the federal Help America Vote Act. The costs of this bill will be paid from these federal funds.

BILL DESCRIPTION

Assembly Bill No. 45 of 2005 implements certain provisions of the federal "Help America Vote Act of 2002," Pub.L.107-252, which was signed into law in October 2002.

The bill establishes a single Statewide voter registration system, under the direct control of the Attorney General, to serve as the official repository for voter registration information for every legally registered voter in this State. The bill also requires that by January 1, 2006 each

polling place will include at least one voting system capable of permitting individuals with disabilities to vote.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that the contract to begin implementation of the Statewide Voter Registration System has been awarded by the State for \$14.9 million. While this contract has been awarded for \$14.9 million, \$25 million is currently budgeted for the full implementation of the system.

Audio kits to adapt voting machines for accessibility to disabled individuals have been purchased by the State. The cost of each kit is \$2,000, for a total of approximately \$4.9 million. The Office of Legislative Services notes that the use of audio kits to achieve accessibility in each election district will require the replacement of lever machines, currently in use in five counties, with electronic voting machines. However, this replacement is already required by both the federal Help America Vote Act and P.L.2004, c.88, and not specifically by the provisions of this bill.

New Jersey has received \$41.2 million in federal Help America Vote Act funding thus far, and is anticipated to receive an additional \$44 million in calendar year 2005. Thus, the costs of this bill will be paid from federal funds, as permitted by federal law.

Information for this analysis was received informally from the Executive Branch.

Section: *State Government*

Analyst: *Gina Marie Winters*
Associate Research Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.