

19:23-45

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 153

NJSA: 19:23-45 (Permits voter to declare party affiliation on voter registration forms)

BILL NO: A38 (Substituted for S2394)

SPONSOR(S): Caraballo and others

DATE INTRODUCED: March 7, 2005

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

AMENDED DURING PASSAGE: Yes

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

SENATE: June 30, 2005

DATE OF APPROVAL: July 12, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

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

A38

[SPONSOR'S STATEMENT:](#) (Begins on page 8 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: No

S2394

[SPONSOR'S STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 8/8/07

P.L. 2005, CHAPTER 153, *approved July 12, 2005*
Assembly, No. 38 (*First Reprint*)

1 **AN ACT** permitting voter registration forms to be used to declare
2 political party affiliation, amending R.S.19:23-45, P.L.1976, c.16
3 and P.L.1974, c.30, and supplementing chapter 31 of Title 19 of the
4 Revised Statutes.

5

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

8

9 1. R.S.19:23-45 is amended to read as follows:

10 19:23-45. No voter shall be allowed to vote at the primary election
11 unless his name appears in the signature copy register.

12 A voter who votes in a primary election of a political party, or who
13 signs and files with the municipal clerk or the county commissioner of
14 registration a declaration that he desires to vote in the primary election
15 of a political party, or who indicates on a voter registration form the
16 voter's choice of political party affiliation and submits the form to the
17 commissioner of registration of the county wherein the voter resides,
18 to the employees or agents of a public agency, as defined in subsection
19 a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter
20 registration agency, as defined in subsection a. of section 26 of
21 P.L.1994, c.182 (C.19:31-6.11), or to the Attorney General, shall be
22 deemed to be a member of that party until¹ [he submits a new voter
23 registration form indicating thereon a different choice of political party
24 affiliation, or]¹ the voter signs and files with the municipal clerk or the
25 commissioner of registration a declaration that he desires to vote in the
26 primary election of another political party at which time he shall be
27 deemed to be a member of such other political party. The [Secretary
28 of State] Attorney General shall cause to be prepared political party
29 affiliation declaration forms and shall provide such forms to the
30 commissioners of registration of the several counties and to the clerks
31 of the municipalities within such counties.

32 No voter, except a newly registered voter at the first primary at
33 which he is eligible to vote, or a voter who has not previously voted
34 in a primary election, may vote in a primary election of a political party
35 unless he was deemed to be a member of that party on the [fiftieth]
36 50th day next preceding such primary election.

37 A member of the county committee of a political party and a public
38 official or public employee holding any office or public employment to
39 which he has been elected or appointed as a member of a political

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 9, 2005.

1 party shall be deemed a member of such political party.

2 A voter may declare the voter's party affiliation or change the
3 voter's party affiliation, or declare that the voter is unaffiliated with
4 any party regardless of any previously declared party affiliation, by so
5 indicating on a political party declaration form filed with the municipal
6 clerk or the county commissioner of registration ¹[or by so
7 indicating]. A voter may also indicate that the voter wishes to declare
8 a political party affiliation or that the voter does not want to declare a
9 political party affiliation ¹ on a voter registration form filed at the time
10 of initial registration ¹ [or at any time thereafter] ¹.

11 Any person voting in the primary ballot box of any political party
12 in any primary election in contravention of the election law shall be
13 guilty of a [misdemeanor] ¹[crime of the third degree] disorderly
14 persons offense¹, and any person who aids or assists any such person
15 in such violation by means of public proclamation or order, or by means
16 of any public or private direction or suggestions, or by means
17 of any help or assistance or cooperation, shall likewise be guilty of a
18 [misdemeanor] ¹[crime of the third degree] disorderly persons
19 offense¹.

20 (cf: P.L.1977, c.97, s.1)

21

22 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
23 as follows:

24 2. a. The county commissioner of registration in each of the
25 several counties[,] shall cause a notice to be published in each
26 municipality of their respective counties in a newspaper or newspapers
27 circulating therein. The notice to be so published shall be published
28 once during each of the [2] two calendar weeks next preceding the
29 week in which the [fiftieth] 50th day next preceding the primary
30 election of a political party occurs.

31 b. The notice required to be published by the preceding paragraph
32 shall inform the reader thereof that no voter, except a newly registered
33 voter at the first primary at which he is eligible to vote, or a voter
34 who has not previously voted in a primary election may vote in a
35 primary election of a political party unless he was deemed to be a
36 member of that party on the [fiftieth] 50th day next preceding such
37 primary election. It shall further inform the reader thereof that a voter
38 who votes in the primary election of a political party, or who signs and
39 files with the municipal clerk or the county commissioner of
40 registration a declaration that he desires to vote in the primary election
41 of a political party, or who indicates on a voter registration form the
42 voter's choice of political party affiliation and submits the form to the
43 commissioner of registration of the county wherein the voter resides,
44 to the employees or agents of a public agency, as defined in subsection
45 a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter

1 registration agency, as defined in subsection a. of section 26 of
2 P.L.1994, c.182 (C.19:31-6.11) or to the Attorney General, shall be
3 deemed to be a member of that party until ¹[he submits a new voter
4 registration form indicating thereon a different choice of political party
5 affiliation or that the voter chooses not to be affiliated with any
6 political party, or]¹ the voter signs and files with the municipal clerk
7 or the commissioner of registration a declaration that he desires to
8 vote in the primary election of another political party, at which time he
9 shall be deemed to be a member of such other political party, or that
10 the voter chooses not to be affiliated with any political party. The
11 notice shall also state the time and location where a person may
12 obtain political party affiliation declaration forms or voter registration
13 forms.

14 (cf: P.L.1977, c.97, s.2)

15

16 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
17 as follows:

18 16. a. The Attorney General shall cause to be prepared and shall
19 provide to each county commissioner of registration forms of size and
20 weight suitable for mailing, which shall require the information
21 required by R.S.19:31-3 in substantially the following form:

22

23 VOTER REGISTRATION APPLICATION

24

25 Print clearly in ink. Use ballpoint pen or marker.

26

27 (1) This form is being used as (check one):

28 New registration

29 ¹ Political party affiliation or nonaffiliation change¹

30 Address change

31 Name change

32 (2) Name:.....

33 Last First Middle

34 (3) Are you a citizen of the United States of America? Yes No

35 (4) Will you be 18 years of age on or before election day? Yes

36 No

37 If you checked 'No' in response to either of these questions, do not
38 complete this form.

39 (5) Street Address where you live:

40

41 Street Address Apt. No.

42

43 (6) City or Town County Zip Code

44 (7) Address Where You Receive Your Mail (if different from
45 above):

46

47 (8) Date of Birth:

1

2 Month Day Year

3 (9) Telephone Number (optional)

4 (10) Name and address of Your Last Voter Registration

5

6

7

8 (11) If you are registering by mail to vote and will be voting for the
9 first time in your current county of residence, please provide one of
10 the following:

11 (a) your New Jersey driver's license number:.....

12 (b) the last four digits of your Social Security
13 Number.....

14 OR submit with this form a copy of any one of the following
15 documents: a current and valid photo identification card; a current
16 utility bill, bank statement, government check, pay check or any other
17 government or other identifying document that shows your name and
18 current address. If you do not provide either your New Jersey driver's
19 license number or the last four digits of your Social Security Number,
20 or enclose a copy of one of the documents listed above, you will be
21 asked for identification when voting for the first time, unless you are
22 exempt from doing so under federal or State law.

23 (12) ¹**[Political]** Do you wish to declare a political¹ party affiliation
24 ¹?¹ (Optional):

25 . ¹ **Republican**

26 . **Democrat**

27 . **Other (specify):** _____

28 . **Unaffiliated**

29 . **YES. Name of Party:** _____

30 . **NO. I do not wish to declare a political party affiliation at**
31 **this time.**¹

32 (13) Declaration - I swear or affirm that:

33 I am a U.S. citizen.

34 I live at the above address.

35 I will be at least 18 years old on or before the day of the next
36 election.

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

39 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
40 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
41 **[\$1,000.00] \$15,000**, IMPRISONMENT UP TO FIVE YEARS, OR
42 BOTH PURSUANT TO R.S.19:34-1.

43

44 Signature or mark of the registrant Date

45 **[(13)] (14)** If applicant is unable to complete this form, print the
46 name and address of individual who completed this form.

1

2 Name

3

4 Address

5 In addition, the form may include notice to the applicant of
6 information and options relating to the registration and voting process,
7 including but not limited to notice of qualifications required of a
8 registered voter; notice of the final day by which a person must be
9 registered to be eligible to vote in an election; notice of the effect of
10 a failure to provide required identification information; a place at
11 which the applicant may indicate availability for service as a member
12 of the district board of elections; a place at which the applicant may
13 indicate whether he or she requires a polling place which is accessible
14 to elderly and physically disabled voters or whether he or she is legally
15 blind; [and] a place at which the applicant may indicate a desire to
16 receive information concerning absentee voting; and ¹[that the use of]
17 if¹ the application ¹[to indicate a change in] indicates a ¹political
18 party affiliation ¹[permits] .¹ the voter ¹is permitted¹ to vote in the
19 primary election of a political party other than the political party in
20 which the voter was affiliated previously only if the voter registration
21 form with the change of political party affiliation is filed prior to the
22 50th day next preceding the primary election. The form may also
23 include a space for the voter registration agency to record whether the
24 applicant registered in person, by mail or by other means.

25 b. The reverse side of the registration form shall bear the address
26 of the Attorney General or the commissioner of registration to whom
27 such form is supplied, and a United States postal permit the charges
28 upon which shall be paid by the State.

29 c. The Attorney General shall cause to be prepared registration
30 forms of the size, weight and form described in subsection a. of this
31 section in both the English and Spanish language and shall provide
32 such forms to each commissioner of registration of any county in
33 which there is at least one election district in which bilingual sample
34 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
35 section 2 of P.L.1965, c.29 (C.19:23-22.4).

36 d. The commissioner of registration shall furnish such registration
37 forms upon request in person to any person or organization in such
38 reasonable quantities as such person or organization shall request.
39 The commissioner shall furnish no fewer than two such forms to any
40 person upon request by mail or by telephone.

41 e. Each such registration form shall have annexed thereto
42 instructions specifying the manner and method of registration and
43 stating the qualifications for an eligible voter.

44 f. The Attorney General shall also furnish such registration forms
45 and such instructions to the Director of the Division of Worker's
46 Compensation, the Director of the Division of Employment Services,
47 and the Director of the Division of Unemployment and Temporary

1 Disability Insurance in the Department of Labor and Workforce
2 Development; to the Director of the Division of Taxation in the
3 Department of the Treasury; to the Executive Director of the New
4 Jersey Transit Corporation; to the appropriate administrative officer
5 of any other public agency, as defined by subsection a. of section 15
6 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
7 Department of Military and Veterans' Affairs; and to the chief
8 administrative officer of any voter registration agency, as defined in
9 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

10 g. All registration forms received by the Attorney General in the
11 mail or forwarded to the Attorney General shall be forwarded to the
12 commissioner of registration in the county of the registrant.

13 h. An application to register to vote received from the New Jersey
14 Motor Vehicle Commission or a voter registration agency, as defined
15 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
16 be deemed to have been timely made for the purpose of qualifying an
17 eligible applicant as registered to vote in an election if the date on
18 which the commission or agency shall have received that document in
19 completed form, as indicated in the lower right hand corner of the
20 form, was not later than the 29th day preceding that election.

21 i. Each commissioner of registration shall make note in the
22 permanent registration file of each voter who is required to provide the
23 personal identification information required pursuant to this section,
24 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
25 U.S.C. 15301 et seq.), to indicate the type of identification provided
26 by the voter and the date on which it is provided. Prior to the June
27 2004 primary election, when such a newly registered voter seeks to
28 vote for the first time following his or her registration, the voter will
29 be required to provide such personal identification information.
30 Beginning with the June 2004 primary election, when such a newly
31 registered voter seeks to vote for the first time following his or her
32 registration, the voter will not be required to provide such information
33 if he or she had previously provided the personal identification
34 information required pursuant to this section. The required
35 information shall be collected and stored for the time and in the
36 manner required pursuant to regulations promulgated by the Attorney
37 General.

38 j. The Attorney General shall amend the voter registration
39 application form if necessary to conform to the requirements of
40 applicable federal or state law.

41 ¹k. In the event that the name of any political party entered on the
42 voter registration form by a voter who wishes to declare a political
43 party affiliation is not legible, the commissioner of registration shall
44 mail the voter a political party declaration form and a letter explaining
45 that the voter's choice was not understood and that the voter should
46 complete and return the declaration form in order to be affiliated with

1 a party.¹

2 (cf: P.L.2004, c.88, s.12)

3

4 4. (New section) If, when submitting a voter registration form for
5 any reason, a registrant declares thereon his or her political party
6 affiliation and in so doing declares an affiliation with a political party
7 other than the political party with which that person was affiliated
8 previously, the registrant shall be ineligible to vote in the next
9 succeeding primary election unless he or she has made the declaration
10 of affiliation with the political party specified in the latest voter
11 registration form no later than the 50th day next preceding such
12 primary election.

13

14 5. This act shall take effect on January 1 following enactment.

15

16

17

18

19 _____
Permits voter to declare party affiliation on voter registration form.

ASSEMBLY, No. 38

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Co-Sponsored by:

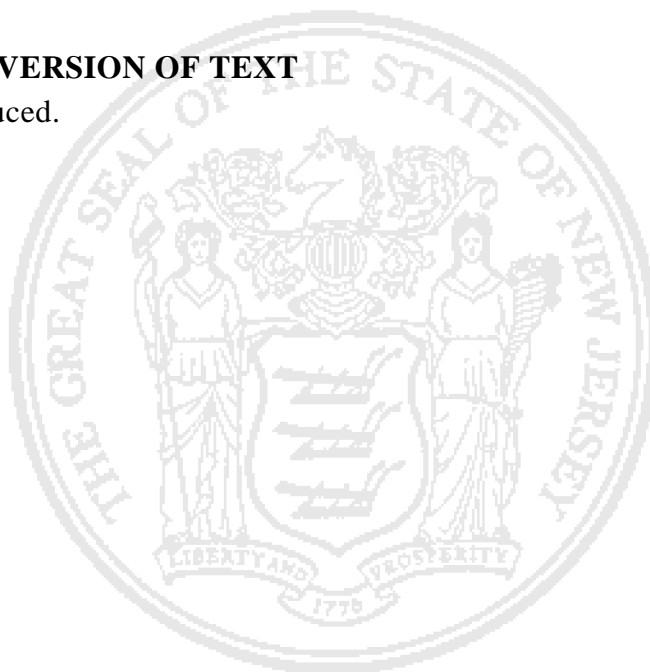
Assemblymen Azzolina and McKeon

SYNOPSIS

Permits use of voter registration form to declare political party affiliation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/3/2005)

1 AN ACT permitting voter registration forms to be used to declare
2 political party affiliation, amending R.S.19:23-45, P.L.1976, c.16
3 and P.L.1974, c.30, and supplementing chapter 31 of Title 19 of the
4 Revised Statutes.

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

8
9 1. R.S.19:23-45 is amended to read as follows:

10 19:23-45. No voter shall be allowed to vote at the primary election
11 unless his name appears in the signature copy register.

12 A voter who votes in a primary election of a political party, or who
13 signs and files with the municipal clerk or the county commissioner of
14 registration a declaration that he desires to vote in the primary election
15 of a political party, or who indicates on a voter registration form the
16 voter's choice of political party affiliation and submits the form to the
17 commissioner of registration of the county wherein the voter resides,
18 to the employees or agents of a public agency, as defined in subsection
19 a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter
20 registration agency, as defined in subsection a. of section 26 of
21 P.L.1994, c.182 (C.19:31-6.11), or to the Attorney General, shall be
22 deemed to be a member of that party until he submits a new voter
23 registration form indicating thereon a different choice of political party
24 affiliation, or the voter signs and files with the municipal clerk or the
25 commissioner of registration a declaration that he desires to vote in the
26 primary election of another political party at which time he shall be
27 deemed to be a member of such other political party. The [Secretary
28 of State] Attorney General shall cause to be prepared political party
29 affiliation declaration forms and shall provide such forms to the
30 commissioners of registration of the several counties and to the clerks
31 of the municipalities within such counties.

32 No voter, except a newly registered voter at the first primary at
33 which he is eligible to vote, or a voter who has not previously voted
34 in a primary election, may vote in a primary election of a political party
35 unless he was deemed to be a member of that party on the [fiftieth]
36 50th day next preceding such primary election.

37 A member of the county committee of a political party and a public
38 official or public employee holding any office or public employment to
39 which he has been elected or appointed as a member of a political
40 party shall be deemed a member of such political party.

41 A voter may declare the voter's party affiliation or change the
42 voter's party affiliation, or declare that the voter is unaffiliated with
43 any party regardless of any previously declared party affiliation, by so

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

Matter underlined thus is new matter.

1 indicating on a political party declaration form filed with the municipal
2 clerk or the county commissioner of registration or by so indicating on
3 a voter registration form filed at the time of initial registration or at
4 any time thereafter.

5 Any person voting in the primary ballot box of any political party
6 in any primary election in contravention of the election law shall be
7 guilty of a [misdemeanor] crime of the third degree, and any person
8 who aids or assists any such person in such violation by means of
9 public proclamation or order, or by means of any public or private
10 direction or suggestions, or by means of any help or assistance or
11 cooperation, shall likewise be guilty of a [misdemeanor] crime of the
12 third degree.

13 (cf: P.L.1977, c.97, s.1)

14
15 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
16 as follows:

17 2. a. The county commissioner of registration in each of the
18 several counties[,] shall cause a notice to be published in each
19 municipality of their respective counties in a newspaper or newspapers
20 circulating therein. The notice to be so published shall be published
21 once during each of the [2] two calendar weeks next preceding the
22 week in which the [fiftieth] 50th day next preceding the primary
23 election of a political party occurs.

24 b. The notice required to be published by the preceding paragraph
25 shall inform the reader thereof that no voter, except a newly registered
26 voter at the first primary at which he is eligible to vote, or a voter
27 who has not previously voted in a primary election may vote in a
28 primary election of a political party unless he was deemed to be a
29 member of that party on the [fiftieth] 50th day next preceding such
30 primary election. It shall further inform the reader thereof that a voter
31 who votes in the primary election of a political party, or who signs and
32 files with the municipal clerk or the county commissioner of
33 registration a declaration that he desires to vote in the primary election
34 of a political party, or who indicates on a voter registration form the
35 voter's choice of political party affiliation and submits the form to the
36 commissioner of registration of the county wherein the voter resides,
37 to the employees or agents of a public agency, as defined in subsection
38 a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter
39 registration agency, as defined in subsection a. of section 26 of
40 P.L.1994, c.182 (C.19:31-6.11) or to the Attorney General, shall be
41 deemed to be a member of that party until he submits a new voter
42 registration form indicating thereon a different choice of political party
43 affiliation or that the voter chooses not to be affiliated with any
44 political party, or the voter signs and files with the municipal clerk or
45 the commissioner of registration a declaration that he desires to vote
46 in the primary election of another political party, at which time he shall

1 be deemed to be a member of such other political party, or that the
2 voter chooses not to be affiliated with any political party. The notice
3 shall also state the time and location where a person may obtain
4 political party affiliation declaration forms or voter registration forms.
5 (cf: P.L.1977, c.97, s.2)

6
7 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
8 as follows:

9 16. a. The Attorney General shall cause to be prepared and shall
10 provide to each county commissioner of registration forms of size and
11 weight suitable for mailing, which shall require the information
12 required by R.S.19:31-3 in substantially the following form:

13
14 VOTER REGISTRATION APPLICATION

15
16 Print clearly in ink. Use ballpoint pen or marker.

17
18 (1) This form is being used as (check one):

- 19 New registration
- 20 Political party affiliation or nonaffiliation change
- 21 Address change
- 22 Name change

23 (2) Name:.....

24 Last First Middle

25 (3) Are you a citizen of the United States of America? Yes No

26 (4) Will you be 18 years of age on or before election day? Yes

27 No

28 If you checked 'No' in response to either of these questions, do not
29 complete this form.

30 (5) Street Address where you live:

31

32 Street Address Apt. No.

33

34 (6) City or Town County Zip Code

35 (7) Address Where You Receive Your Mail (if different from
36 above):

37

38 (8) Date of Birth:

39

40 Month Day Year

41 (9) Telephone Number (optional)

42 (10) Name and address of Your Last Voter Registration

43

44

45

46 (11) If you are registering by mail to vote and will be voting for the

1 first time in your current county of residence, please provide one of
2 the following:

3 (a) your New Jersey driver's license number:.....

4 (b) the last four digits of your Social Security
5 Number.....

6 OR submit with this form a copy of any one of the following
7 documents: a current and valid photo identification card; a current
8 utility bill, bank statement, government check, pay check or any other
9 government or other identifying document that shows your name and
10 current address. If you do not provide either your New Jersey driver's
11 license number or the last four digits of your Social Security Number,
12 or enclose a copy of one of the documents listed above, you will be
13 asked for identification when voting for the first time, unless you are
14 exempt from doing so under federal or State law.

15 (12) Political party affiliation (Optional):

16 Republican

17 Democrat

18 Other (specify): _____

19 Unaffiliated

20 (13) Declaration - I swear or affirm that:

21 I am a U.S. citizen.

22 I live at the above address.

23 I will be at least 18 years old on or before the day of the next
24 election.

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

27 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
28 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
29 ~~[\$1,000.00]~~ \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR
30 BOTH PURSUANT TO R.S.19:34-1.

31

32 Signature or mark of the registrant Date

33 [(13)] (14) If applicant is unable to complete this form, print the
34 name and address of individual who completed this form.

35

36 Name

37

38 Address

39 In addition, the form may include notice to the applicant of
40 information and options relating to the registration and voting process,
41 including but not limited to notice of qualifications required of a
42 registered voter; notice of the final day by which a person must be
43 registered to be eligible to vote in an election; notice of the effect of
44 a failure to provide required identification information; a place at
45 which the applicant may indicate availability for service as a member
46 of the district board of elections; a place at which the applicant may

1 indicate whether he or she requires a polling place which is accessible
2 to elderly and physically disabled voters or whether he or she is legally
3 blind; [and] a place at which the applicant may indicate a desire to
4 receive information concerning absentee voting; and that the use of the
5 application to indicate a change in political party affiliation permits the
6 voter to vote in the primary election of a political party other than the
7 political party in which the voter was affiliated previously only if the
8 voter registration form with the change of political party affiliation is
9 filed prior to the 50th day next preceding the primary election. The
10 form may also include a space for the voter registration agency to
11 record whether the applicant registered in person, by mail or by other
12 means.

13 b. The reverse side of the registration form shall bear the address
14 of the Attorney General or the commissioner of registration to whom
15 such form is supplied, and a United States postal permit the charges
16 upon which shall be paid by the State.

17 c. The Attorney General shall cause to be prepared registration
18 forms of the size, weight and form described in subsection a. of this
19 section in both the English and Spanish language and shall provide
20 such forms to each commissioner of registration of any county in
21 which there is at least one election district in which bilingual sample
22 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
23 section 2 of P.L.1965, c.29 (C.19:23-22.4).

24 d. The commissioner of registration shall furnish such registration
25 forms upon request in person to any person or organization in such
26 reasonable quantities as such person or organization shall request.
27 The commissioner shall furnish no fewer than two such forms to any
28 person upon request by mail or by telephone.

29 e. Each such registration form shall have annexed thereto
30 instructions specifying the manner and method of registration and
31 stating the qualifications for an eligible voter.

32 f. The Attorney General shall also furnish such registration forms
33 and such instructions to the Director of the Division of Worker's
34 Compensation, the Director of the Division of Employment Services,
35 and the Director of the Division of Unemployment and Temporary
36 Disability Insurance in the Department of Labor and Workforce
37 Development; to the Director of the Division of Taxation in the
38 Department of the Treasury; to the Executive Director of the New
39 Jersey Transit Corporation; to the appropriate administrative officer
40 of any other public agency, as defined by subsection a. of section 15
41 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
42 Department of Military and Veterans' Affairs; and to the chief
43 administrative officer of any voter registration agency, as defined in
44 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

45 g. All registration forms received by the Attorney General in the
46 mail or forwarded to the Attorney General shall be forwarded to the

1 commissioner of registration in the county of the registrant.

2 h. An application to register to vote received from the New Jersey
3 Motor Vehicle Commission or a voter registration agency, as defined
4 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
5 be deemed to have been timely made for the purpose of qualifying an
6 eligible applicant as registered to vote in an election if the date on
7 which the commission or agency shall have received that document in
8 completed form, as indicated in the lower right hand corner of the
9 form, was not later than the 29th day preceding that election.

10 i. Each commissioner of registration shall make note in the
11 permanent registration file of each voter who is required to provide the
12 personal identification information required pursuant to this section,
13 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
14 U.S.C. 15301 et seq.), to indicate the type of identification provided
15 by the voter and the date on which it is provided. Prior to the June
16 2004 primary election, when such a newly registered voter seeks to
17 vote for the first time following his or her registration, the voter will
18 be required to provide such personal identification information.
19 Beginning with the June 2004 primary election, when such a newly
20 registered voter seeks to vote for the first time following his or her
21 registration, the voter will not be required to provide such information
22 if he or she had previously provided the personal identification
23 information required pursuant to this section. The required
24 information shall be collected and stored for the time and in the
25 manner required pursuant to regulations promulgated by the Attorney
26 General.

27 j. The Attorney General shall amend the voter registration
28 application form if necessary to conform to the requirements of
29 applicable federal or state law.

30 (cf: P.L.2004, c.88, s.12)

31

32 4. (New section) If, when submitting a voter registration form for
33 any reason, a registrant declares thereon his or her political party
34 affiliation and in so doing declares an affiliation with a political party
35 other than the political party with which that person was affiliated
36 previously, the registrant shall be ineligible to vote in the next
37 succeeding primary election unless he or she has made the declaration
38 of affiliation with the political party specified in the latest voter
39 registration form no later than the 50th day next preceding such
40 primary election.

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42 5. This act shall take effect on January 1 following enactment.

STATEMENT

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Existing law provides two methods by which a voter may declare a political party affiliation. A registered voter who has not previously voted in the primary election of a political party may declare an affiliation with a particular party by voting in the primary of that party. Alternatively, a voter may also declare a party affiliation or change of affiliation by filing with the municipal clerk or county commissioner of registration a declaration that the voter desires to vote in the primary election of that party. Other than a voter voting in a primary for the first time, no voter may vote in a primary election of a party unless the voter is deemed to be a member of that party on the 50th day before that primary election.

This bill provides that, in addition to these methods, a voter may declare a political party affiliation, or declare that the voter is not affiliated with any party, at the time of initial registration by indicating a choice of party affiliation or that the voter is unaffiliated on the voter registration form. It also provides that a voter may change political party affiliation, or declare that the voter is unaffiliated regardless of any previously declared party affiliation, by filing a new voter registration form and indicating thereon the voter's new choice. In addition, the bill clarifies that a voter may use a political party declaration form to declare that the voter is unaffiliated with any party, regardless of any previously declared party affiliation.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 38

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably Assembly, No. 38.

Existing law provides two methods by which a voter may declare a political party affiliation. A registered voter who has not previously voted in the primary election of a political party may declare an affiliation with a particular party by voting in the primary of that party. Alternatively, a voter may also declare a party affiliation or change of affiliation by filing with the municipal clerk or county commissioner of registration a declaration that the voter desires to vote in the primary election of that party. Other than a voter voting in a primary for the first time, no voter may vote in a primary election of a party unless the voter is deemed to be a member of that party on the 50th day before that primary election.

This bill provides that, in addition to these methods, a voter may declare a political party affiliation, or declare that the voter is not affiliated with any party, at the time of initial registration by indicating a choice of party affiliation or that the voter is unaffiliated on the voter registration form. It also provides that a voter may change political party affiliation, or declare that the voter is unaffiliated regardless of any previously declared party affiliation, by filing a new voter registration form and indicating thereon the voter's new choice. The bill clarifies that a voter may use a political party declaration form to declare that the voter is unaffiliated with any party, regardless of any previously declared party affiliation. In addition, the bill changes the penalty for voting unlawfully in a primary election from a misdemeanor to a crime of the third degree.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 38

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill No. 38, with committee amendments.

Assembly Bill No. 38, as amended, permits the use of the voter registration form to declare political party affiliation.

Existing law provides two methods by which a voter may declare a political party affiliation. A registered voter who has not previously voted in the primary election of a political party may declare an affiliation with a particular party by voting in the primary of that party. Alternatively, a voter may also declare a party affiliation or change of affiliation by filing with the municipal clerk or county commissioner of registration a declaration that the voter desires to vote in the primary election of that party. Other than a voter voting in a primary for the first time, no voter may vote in a primary election of a party unless the voter is deemed to be a member of that party on the 50th day before that primary election.

This bill provides that, in addition to these methods, a voter may declare a political party affiliation, or declare that the voter does not want to declare an affiliation with any party, at the time of initial registration, by so indicating on the voter registration form. In addition, the bill clarifies that a voter may use a political party declaration form to declare that the voter is unaffiliated with any party, regardless of any previously declared party affiliation

COMMITTEE AMENDMENTS:

The amendments provide that when registering to vote, a voter may indicate on the voter registration form that the voter wishes to declare an affiliation with a political party or that the voter does not wish to declare a political party affiliation at that time. A voter who wishes to declare a party affiliation would write the party's name in a blank space on the application. The amendments also eliminate provisions in the bill that would have allowed a voter registration form, in addition to its primary purpose as a means of registering to vote, to be used, instead of a party declaration form, just to declare a political party affiliation.

FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

SENATE, No. 2394

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 14, 2005

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Permits use of voter registration form to declare political party affiliation.

CURRENT VERSION OF TEXT

As introduced.



S2394 BRYANT

2

1 AN ACT permitting voter registration forms to be used to declare
2 political party affiliation, amending R.S.19:23-45, P.L.1976, c.16
3 and P.L.1974, c.30, and supplementing chapter 31 of Title 19 of the
4 Revised Statutes.

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

8
9 1. R.S.19:23-45 is amended to read as follows:

10 19:23-45. No voter shall be allowed to vote at the primary election
11 unless his name appears in the signature copy register.

12 A voter who votes in a primary election of a political party, or who
13 signs and files with the municipal clerk or the county commissioner of
14 registration a declaration that he desires to vote in the primary election
15 of a political party, or who indicates on a voter registration form the
16 voter's choice of political party affiliation and submits the form to the
17 commissioner of registration of the county wherein the voter resides,
18 to the employees or agents of a public agency, as defined in subsection
19 a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter
20 registration agency, as defined in subsection a. of section 26 of
21 P.L.1994, c.182 (C.19:31-6.11), or to the Attorney General, shall be
22 deemed to be a member of that party until he submits a new voter
23 registration form indicating thereon a different choice of political party
24 affiliation, or the voter signs and files with the municipal clerk or the
25 commissioner of registration a declaration that he desires to vote in the
26 primary election of another political party at which time he shall be
27 deemed to be a member of such other political party. The [Secretary
28 of State] Attorney General shall cause to be prepared political party
29 affiliation declaration forms and shall provide such forms to the
30 commissioners of registration of the several counties and to the clerks
31 of the municipalities within such counties.

32 No voter, except a newly registered voter at the first primary at
33 which he is eligible to vote, or a voter who has not previously voted
34 in a primary election, may vote in a primary election of a political party
35 unless he was deemed to be a member of that party on the [fiftieth]
36 50th day next preceding such primary election.

37 A member of the county committee of a political party and a public
38 official or public employee holding any office or public employment to
39 which he has been elected or appointed as a member of a political
40 party shall be deemed a member of such political party.

41 A voter may declare the voter's party affiliation or change the
42 voter's party affiliation, or declare that the voter is unaffiliated with
43 any party regardless of any previously declared party affiliation, by so

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

Matter underlined thus is new matter.

S2394 BRYANT

1 indicating on a political party declaration form filed with the municipal
2 clerk or the county commissioner of registration or by so indicating on
3 a voter registration form filed at the time of initial registration or at
4 any time thereafter.

5 Any person voting in the primary ballot box of any political party
6 in any primary election in contravention of the election law shall be
7 guilty of a [misdemeanor] crime of the third degree, and any person
8 who aids or assists any such person in such violation by means of
9 public proclamation or order, or by means of any public or private
10 direction or suggestions, or by means of any help or assistance or
11 cooperation, shall likewise be guilty of a [misdemeanor] crime of the
12 third degree.

13 (cf: P.L.1977, c.97, s.1)

14
15 2. Section 2 of P.L.1976, c.16 (C.19:23-45.1) is amended to read
16 as follows:

17 2. a. The county commissioner of registration in each of the
18 several counties[,] shall cause a notice to be published in each
19 municipality of their respective counties in a newspaper or newspapers
20 circulating therein. The notice to be so published shall be published
21 once during each of the [2] two calendar weeks next preceding the
22 week in which the [fiftieth] 50th day next preceding the primary
23 election of a political party occurs.

24 b. The notice required to be published by the preceding paragraph
25 shall inform the reader thereof that no voter, except a newly registered
26 voter at the first primary at which he is eligible to vote, or a voter
27 who has not previously voted in a primary election may vote in a
28 primary election of a political party unless he was deemed to be a
29 member of that party on the [fiftieth] 50th day next preceding such
30 primary election. It shall further inform the reader thereof that a voter
31 who votes in the primary election of a political party, or who signs and
32 files with the municipal clerk or the county commissioner of
33 registration a declaration that he desires to vote in the primary election
34 of a political party, or who indicates on a voter registration form the
35 voter's choice of political party affiliation and submits the form to the
36 commissioner of registration of the county wherein the voter resides,
37 to the employees or agents of a public agency, as defined in subsection
38 a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter
39 registration agency, as defined in subsection a. of section 26 of
40 P.L.1994, c.182 (C.19:31-6.11) or to the Attorney General, shall be
41 deemed to be a member of that party until he submits a new voter
42 registration form indicating thereon a different choice of political party
43 affiliation or that the voter chooses not to be affiliated with any
44 political party, or the voter signs and files with the municipal clerk or
45 the commissioner of registration a declaration that he desires to vote
46 in the primary election of another political party, at which time he shall

1 be deemed to be a member of such other political party, or that the
2 voter chooses not to be affiliated with any political party. The notice
3 shall also state the time and location where a person may obtain
4 political party affiliation declaration forms or voter registration forms.
5 (cf: P.L.1977, c.97, s.2)

6
7 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
8 as follows:

9 16. a. The Attorney General shall cause to be prepared and shall
10 provide to each county commissioner of registration forms of size and
11 weight suitable for mailing, which shall require the information
12 required by R.S.19:31-3 in substantially the following form:

13
14 VOTER REGISTRATION APPLICATION

15
16 Print clearly in ink. Use ballpoint pen or marker.

17
18 (1) This form is being used as (check one):

- 19 New registration
- 20 Political party affiliation or nonaffiliation change
- 21 Address change
- 22 Name change

23 (2) Name:.....

24 Last First Middle

25 (3) Are you a citizen of the United States of America? Yes No

26 (4) Will you be 18 years of age on or before election day? Yes

27 No

28 If you checked 'No' in response to either of these questions, do not
29 complete this form.

30 (5) Street Address where you live:

31

32 Street Address Apt. No.

33

34 (6) City or Town County Zip Code

35 (7) Address Where You Receive Your Mail (if different from
36 above):

37

38 (8) Date of Birth:

39

40 Month Day Year

41 (9) Telephone Number (optional)

42 (10) Name and address of Your Last Voter Registration

43

44

45

46 (11) If you are registering by mail to vote and will be voting for the

1 first time in your current county of residence, please provide one of
2 the following:

3 (a) your New Jersey driver's license number:.....

4 (b) the last four digits of your Social Security
5 Number.....

6 OR submit with this form a copy of any one of the following
7 documents: a current and valid photo identification card; a current
8 utility bill, bank statement, government check, pay check or any other
9 government or other identifying document that shows your name and
10 current address. If you do not provide either your New Jersey driver's
11 license number or the last four digits of your Social Security Number,
12 or enclose a copy of one of the documents listed above, you will be
13 asked for identification when voting for the first time, unless you are
14 exempt from doing so under federal or State law.

15 (12) Political party affiliation (Optional):

16 Republican

17 Democrat

18 Other (specify): _____

19 Unaffiliated

20 (13) Declaration - I swear or affirm that:

21 I am a U.S. citizen.

22 I live at the above address.

23 I will be at least 18 years old on or before the day of the next
24 election.

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

27 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
28 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
29 ~~[\$1,000.00]~~ \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR
30 BOTH PURSUANT TO R.S.19:34-1.

31

32 Signature or mark of the registrant Date

33 [(13)] (14) If applicant is unable to complete this form, print the
34 name and address of individual who completed this form.

35

36 Name

37

38 Address

39 In addition, the form may include notice to the applicant of
40 information and options relating to the registration and voting process,
41 including but not limited to notice of qualifications required of a
42 registered voter; notice of the final day by which a person must be
43 registered to be eligible to vote in an election; notice of the effect of
44 a failure to provide required identification information; a place at
45 which the applicant may indicate availability for service as a member
46 of the district board of elections; a place at which the applicant may

1 indicate whether he or she requires a polling place which is accessible
2 to elderly and physically disabled voters or whether he or she is legally
3 blind; [and] a place at which the applicant may indicate a desire to
4 receive information concerning absentee voting; and that the use of the
5 application to indicate a change in political party affiliation permits the
6 voter to vote in the primary election of a political party other than the
7 political party in which the voter was affiliated previously only if the
8 voter registration form with the change of political party affiliation is
9 filed prior to the 50th day next preceding the primary election. The
10 form may also include a space for the voter registration agency to
11 record whether the applicant registered in person, by mail or by other
12 means.

13 b. The reverse side of the registration form shall bear the address
14 of the Attorney General or the commissioner of registration to whom
15 such form is supplied, and a United States postal permit the charges
16 upon which shall be paid by the State.

17 c. The Attorney General shall cause to be prepared registration
18 forms of the size, weight and form described in subsection a. of this
19 section in both the English and Spanish language and shall provide
20 such forms to each commissioner of registration of any county in
21 which there is at least one election district in which bilingual sample
22 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
23 section 2 of P.L.1965, c.29 (C.19:23-22.4).

24 d. The commissioner of registration shall furnish such registration
25 forms upon request in person to any person or organization in such
26 reasonable quantities as such person or organization shall request.
27 The commissioner shall furnish no fewer than two such forms to any
28 person upon request by mail or by telephone.

29 e. Each such registration form shall have annexed thereto
30 instructions specifying the manner and method of registration and
31 stating the qualifications for an eligible voter.

32 f. The Attorney General shall also furnish such registration forms
33 and such instructions to the Director of the Division of Worker's
34 Compensation, the Director of the Division of Employment Services,
35 and the Director of the Division of Unemployment and Temporary
36 Disability Insurance in the Department of Labor and Workforce
37 Development; to the Director of the Division of Taxation in the
38 Department of the Treasury; to the Executive Director of the New
39 Jersey Transit Corporation; to the appropriate administrative officer
40 of any other public agency, as defined by subsection a. of section 15
41 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
42 Department of Military and Veterans' Affairs; and to the chief
43 administrative officer of any voter registration agency, as defined in
44 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

45 g. All registration forms received by the Attorney General in the
46 mail or forwarded to the Attorney General shall be forwarded to the

1 commissioner of registration in the county of the registrant.

2 h. An application to register to vote received from the New Jersey
3 Motor Vehicle Commission or a voter registration agency, as defined
4 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
5 be deemed to have been timely made for the purpose of qualifying an
6 eligible applicant as registered to vote in an election if the date on
7 which the commission or agency shall have received that document in
8 completed form, as indicated in the lower right hand corner of the
9 form, was not later than the 29th day preceding that election.

10 i. Each commissioner of registration shall make note in the
11 permanent registration file of each voter who is required to provide the
12 personal identification information required pursuant to this section,
13 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
14 U.S.C. 15301 et seq.), to indicate the type of identification provided
15 by the voter and the date on which it is provided. Prior to the June
16 2004 primary election, when such a newly registered voter seeks to
17 vote for the first time following his or her registration, the voter will
18 be required to provide such personal identification information.
19 Beginning with the June 2004 primary election, when such a newly
20 registered voter seeks to vote for the first time following his or her
21 registration, the voter will not be required to provide such information
22 if he or she had previously provided the personal identification
23 information required pursuant to this section. The required
24 information shall be collected and stored for the time and in the
25 manner required pursuant to regulations promulgated by the Attorney
26 General.

27 j. The Attorney General shall amend the voter registration
28 application form if necessary to conform to the requirements of
29 applicable federal or state law.

30 (cf: P.L.2004, c.88, s.12)

31

32 4. (New section) If, when submitting a voter registration form for
33 any reason, a registrant declares thereon his or her political party
34 affiliation and in so doing declares an affiliation with a political party
35 other than the political party with which that person was affiliated
36 previously, the registrant shall be ineligible to vote in the next
37 succeeding primary election unless he or she has made the declaration
38 of affiliation with the political party specified in the latest voter
39 registration form no later than the 50th day next preceding such
40 primary election.

41

42 5. This act shall take effect on January 1 following enactment.

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STATEMENT

46

47 Existing law provides two methods by which a voter may declare

S2394 BRYANT

1 a political party affiliation. A registered voter who has not previously
2 voted in the primary election of a political party may declare an
3 affiliation with a particular party by voting in the primary of that party.
4 Alternatively, a voter may also declare a party affiliation or change of
5 affiliation by filing with the municipal clerk or county commissioner of
6 registration a declaration that the voter desires to vote in the primary
7 election of that party. Other than a voter voting in a primary for the
8 first time, no voter may vote in a primary election of a party unless the
9 voter is deemed to be a member of that party on the 50th day before
10 that primary election.

11 This bill provides that, in addition to these methods, a voter may
12 declare a political party affiliation, or declare that the voter is not
13 affiliated with any party, at the time of initial registration by indicating
14 a choice of party affiliation or that the voter is unaffiliated on the voter
15 registration form. It also provides that a voter may change political
16 party affiliation, or declare that the voter is unaffiliated regardless of
17 any previously declared party affiliation, by filing a new voter
18 registration form and indicating thereon the voter's new choice. In
19 addition, the bill clarifies that a voter may use a political party
20 declaration form to declare that the voter is unaffiliated with any party,
21 regardless of any previously declared party affiliation.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2394

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 2394.

Existing law provides two methods by which a voter may declare a political party affiliation. A registered voter who has not previously voted in the primary election of a political party may declare an affiliation with a particular party by voting in the primary of that party. Alternatively, a voter may also declare a party affiliation or change of affiliation by filing with the municipal clerk or county commissioner of registration a declaration that the voter desires to vote in the primary election of that party. Other than a voter voting in a primary for the first time, no voter may vote in a primary election of a party unless the voter is deemed to be a member of that party on the 50th day before that primary election.

This bill provides that, in addition to these methods, a voter may declare a political party affiliation, or declare that the voter is not affiliated with any party, at the time of initial registration by indicating a choice of party affiliation or that the voter is unaffiliated on the voter registration form. It also provides that a voter may change political party affiliation, or declare that the voter is unaffiliated regardless of any previously declared party affiliation, by filing a new voter registration form and indicating thereon the voter's new choice. The bill clarifies that a voter may use a political party declaration form to declare that the voter is unaffiliated with any party, regardless of any previously declared party affiliation. In addition, the bill changes the penalty for voting unlawfully in a primary election from a misdemeanor to a crime of the third degree.

The committee amended the bill to: 1) list on the voter registration form five alternative political parties with which voters may choose to declare an affiliation, in order to be consistent with a recent court decision directing that voters must be allowed to declare an affiliation with such parties on a political party declaration form; and 2) make a correction to reflect penalties under existing law.

STATEMENT TO

[First Reprint]

SENATE, No. 2394

with Senate Floor Amendments
(Proposed By Senator BRYANT)

ADOPTED: JUNE 27, 2005

These floor amendments provide that when registering to vote, a voter may indicate on the voter registration form that the voter wishes to declare an affiliation with a political party or that the voter does not wish to declare a political party affiliation at that time. A voter who wishes to declare a party affiliation would write the party's name in a blank space on the application. The amendments eliminate provisions in the bill that would have allowed a voter registration form, in addition to its primary purpose as a means of registering to vote, to be used, instead of a party declaration form, just to declare a political party affiliation.

The amendments also increase the maximum fine for false registration from \$1,000 to \$15,000, adjust the penalties for certain primary election law violations, and delete from the voter registration form in the bill a list of the names of political parties with which a voter may choose to declare an affiliation.