

CHAPTER 6

AN ACT concerning voter registration and amending and supplementing P.L.1994, c.182 and supplementing Title 19 of the Revised Statutes.

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

1. The Legislature finds and declares that:

a. The right to vote is a fundamental right in New Jersey and for all citizens of the United States.

b. It is the responsibility of the State of New Jersey to:

- (1) ensure that every eligible State resident has the opportunity to register to vote;
- (2) promote policies that will grow voter registration rates and voter turnout;
- (3) guarantee that State voter registration systems are secure and maintained with accuracy and efficiency and with the best available technologies and procedures; and
- (4) safeguard New Jersey's voters from disenfranchisement on Election Day due to outdated or inaccurate voter roll information.

c. In other states, automatic voter registration at state agencies has made state voter rolls more accurate while increasing voter registration rates and may have contributed to increased voter turnout, especially among populations that are less likely to participate in elections.

d. It is, therefore, the purpose of this act, P.L.2018, c.6, to:

- (1) enable the New Jersey Motor Vehicle Commission and the Secretary of State to provide the opportunity to register all eligible State residents to vote with accurate, cost-efficient, and up-to-date procedures;
- (2) modernize New Jersey's voter registration and voter list maintenance procedures; and
- (3) protect and enhance the integrity, accuracy, efficiency, and accessibility of the electoral process for all eligible State residents.

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

C.39:3-10m Applicants for license, other documents; voter registration.

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

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

C.39:2-3.2 Cooperation by New Jersey Motor Vehicle Commission to register voters.

24. a. The Secretary of State, with the assistance of the Chief Administrator of the New Jersey Motor Vehicle Commission, shall provide for an eligible applicant to simultaneously apply for a motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card, as applicable, and be automatically registered to vote, or have an existing voter registration updated, in a manner which satisfies both the requirements necessary to receive a license to operate a motor vehicle, pursuant to R.S.39:3-10, or an examination permit, a probationary driver's license, or a non-driver identification

card, as applicable, and to register to vote, pursuant to R.S.19:4-1. The applicant shall be offered an opportunity to decline the automatic voter registration under this section.

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

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

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

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

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

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

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

d. For each applicant already registered to vote, any change of address notification submitted to the Chief Administrator for the purpose of maintaining current information on an applicant shall be promptly reported to the Secretary of State. A change of address notification received by the Chief Administrator in paper format shall be reported to the Secretary of State no later than the 10th day following its receipt by the Chief Administrator. The Commissioner of Registration shall use the change of address notification to update an existing voter registration unless the applicant declines the automatic voter registration

pursuant to this section and indicates that the change of address is not for voter registration purposes. A change of address notification submitted to the commission, which is used for voter registration purposes, shall be subject to the provisions of section 1 of P.L.1994, c.148 (C.19:31-3.2) if the person submitting the change of address notification previously registered to vote in accordance with that section.

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

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

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

C.19:31-6.14 Procedures for automatic voter registration through State agencies which collect documents.

4. a. Any State agency, except for the Motor Vehicle Commission, that the Secretary of State verifies already collects documents that would provide proof of eligibility, including age, citizenship, and residence address, may establish and implement, upon approval by the Secretary of State, a procedure for automatically and electronically transmitting voter registration information to the Secretary of State of persons who are eligible to vote for the purpose of registering such persons to vote or updating their voter registration. Each person from whom such information is collected shall be offered an opportunity to decline automatic voter registration. Any such agency shall comply with the requirements, to the extent applicable as determined by the Secretary of State, as established in subsections b. through d. of section 24 of P.L.1994, c.182 (C.39:2-3.2).

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

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

Approved April 17, 2018.