

CHAPTER 382

AN ACT concerning online voter registration and amending various parts of the statutory law and supplementing chapter 31 of Title 19 of the Revised Statutes.

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

C.19:31-6.4c Electronic submission of voter registration form.

1. Notwithstanding any other provision of law to the contrary, a person who is qualified to register to vote may submit a voter registration form electronically on a secure Internet website maintained by the Secretary of State, if the applicant has an email address and provides a valid New Jersey driver's license number, a valid New Jersey nondriver identification card number, or the last four digits of the applicant's Social Security number. The voter registration form shall contain substantively the same information required to be contained on a paper voter registration form pursuant to section 16 of P.L.1974, c.30 (C.19:31-6.4).

a. The Secretary of State shall apply the same voter registration deadline applicable under current law for paper voter registration forms to an online voter registration form submitted by an applicant pursuant to this section.

b. The applicant completing the form shall affirmatively attest to the truth of the information provided in the form.

c. For voter registration purposes, the applicant shall affirmatively assent to the use of his or her signature from his or her driver's license or non-driver identification card or the applicant's digitized or electronic signature.

d. For each online voter registration form, the Secretary of State shall obtain either an electronic copy of the applicant's signature from his or her driver's license or non-driver identification card directly from the New Jersey Motor Vehicle Commission, or the applicant's digitized or electronic signature.

e. Upon submission of an online voter registration form pursuant to this section, the electronic voter registration system shall automatically acknowledge that the online voter registration form has been submitted successfully, and provide instructions on how the person completing the voter registration form may follow-up on the status of the submission either online or by contacting the appropriate county commissioner of registration.

f. The Secretary of State shall employ security measures to ensure the accuracy and integrity of voter registration forms submitted electronically pursuant to this section.

g. The New Jersey Motor Vehicle Commission and the Secretary of State shall jointly develop a process and the infrastructure to allow the electronic copy of the applicant's signature and other information required under this section that is in the possession of the commission to be transferred to the Secretary of State and to the appropriate county election officials to allow a person who is qualified to register to vote in New Jersey to register to vote under this section.

h. If an applicant cannot electronically submit the information required pursuant to this section, the applicant shall nevertheless be able to complete the online voter registration form electronically on the Secretary of State's Internet website, print a paper copy of the completed form, and mail or deliver the paper copy of the completed form to the Secretary of State or the appropriate county election official. For the purposes of this subsection, the applicant shall be required to provide the same documents required to be provided with a paper voter registration form pursuant to R.S.19:31-5.

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

Registration places, time, requirements.

19:31-6. Any person qualified to vote in an election shall be entitled to vote in the election if the person shall have registered to vote on or before the 21st day preceding the election by:

- a. registering in person at any offices designated by the commissioner of registration for providing and receiving registration forms;
- b. completing a voter registration form while applying for a motor vehicle driver's license from an agent of the New Jersey Motor Vehicle Commission, as provided for in section 24 of P.L.1994, c.182 (C.39:2-3.2);
- c. completing and returning to the Secretary of State or having returned thereto a voter registration form received from a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), while applying for services or assistance or seeking a recertification, renewal or change of address at an office of that agency;
- d. completing and returning to the Secretary of State a voter registration form obtained from a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);
- e. completing and returning to the Secretary of State or having returned thereto a voter registration form received from a door-to-door canvass or mobile registration drive, as provided for in section 19 of P.L.1974, c.30 (C.19:31-6.7);
- f. completing and returning to the Secretary of State a federal mail voter registration form, as prescribed in subsection (b) of section 9 of the "National Voter Registration Act of 1993," (42 U.S.C. s. 1973gg et seq.);
- g. completing and returning to the Secretary of State or the appropriate county clerk an application for a federal postcard application form to register to vote, as permitted pursuant to the "Overseas Absentee Voting Act" (42 U.S.C. s. 1973ff-1 et seq.) and section 4 of P.L.1976, c.23 (C.19:59-4);
- h. completing a provisional ballot affirmation statement and voting the provisional ballot in the previous election, if the person who submitted the provisional ballot in that election is determined not to be a registered voter; or
- i. completing and submitting an online voter registration form available on the Secretary of State's Internet website, as provided under section 1 of P.L.2019, c.382 (C.19:31-6.4c).

When the commissioner has designated a place or places other than his office for receiving registrations, the commissioner shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located. Such notice shall be published pursuant to R.S.19:12-7.

Any office designated by the commissioner of registration for receiving registration forms shall have displayed, in a conspicuous location, registration and voting instructions. These instructions shall be the same as those provided for polling places under R.S.19:9-2 and shall be provided by the commissioner.

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

C.19:31-6.5 Acceptance of registration, commissioner's duties.

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

- (1) Send to the registrant written notification that such registrant is duly registered to vote. No registrant shall be considered a registered voter until the commissioner of registration reviews the application submitted by the registrant and deems it acceptable. On

the face of such notification in the upper left-hand corner shall be printed the words: "Do Not Forward. Return Postage Guaranteed. If not delivered in 2 days, return to the Commissioner of Registration."

(2) In as timely a manner as possible, enter the information provided for the registrant on the completed registration form, or electronically transfer the information from an online voter registration form completed pursuant to section 1 of P.L.2019, c.382 (C.19:31-6.4c), into the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31).

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

(4) In the case of a registrant currently registered in another county of this State, notify the commissioner of registration of such other county to remove the individual's name from the registry list of voters of the county and place into an appropriate retention file all registration documents or material relating to that voter. The commissioner of registration of the current county of the registrant shall secure and maintain the entire voting history of that registrant.

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

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

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

C.19:31-31 Establishment of single Statewide voter registration system.

1. a. There shall be established in the Department of State a single Statewide voter registration system, as required pursuant to section 303 of the federal "Help America Vote Act of 2002," Pub.L.107-252 (42 U.S.C. s.15483). The principal computer components of the system shall be under the direct control of the Secretary of State. The Secretary of State shall be responsible for creating the network necessary to maintain the system and providing the computer software, hardware and security necessary to ensure that the system is accessible only to those executive departments and State agencies so designated by the Secretary of State, each county commissioner of registration, each county and municipal clerk, and individuals under certain circumstances, as provided for by this section. The system shall be the official State repository for voter registration information for every legally registered voter in this State, and shall serve as the official voter registration system for the conduct of all elections in the State.

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

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

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

(3) interactivity among appropriate State agencies so designated by the Secretary of State, each county commissioner of registration, each county board of elections, and each county clerk such that these entities shall have immediate electronic access to all or selected records in the system, as determined by the Secretary of State, to receive or transmit all or selected files in the system and to print or review all or selected files in the system;

(4) the ability to permit any county commissioner of registration to enter voter registration information on an expedited basis, and to transfer electronically voter registration information from an online voter registration form completed pursuant to section 1 of P.L.2019, c.382 (C.19:31-6.4c), at the time the information is provided thereto and to permit the Secretary of State to provide technical support to do so whenever needed;

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

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

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

(8) the ability to record and monitor all requests for mail-in ballots; to enable the county clerk to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; to update the system to allow the postal tracking of mail-in ballots using Intelligent Mail barcodes, or a similar successor tracking system, upon the finding by the Secretary of State that such technology is viable; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by section 5 of P.L.2004, c.88 (C.19:61-5); and

(9) any other functions required pursuant to Pub.L.107-252 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that may be deemed necessary by the Secretary of State.

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

(1) last, first and middle name;

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

(3) city or municipality, and zip code;

(4) date of birth;

(5) telephone number and e-mail address, if provided on voter registration form;

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

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

(8) (a) current and valid New Jersey driver's license number; or

(b) if the registrant has not been issued a New Jersey driver's license number, the last four digits of the registrant's social security number; or

(c) unique identifying number for any individual who has not been issued the information sought in subparagraph (a) or (b) of this paragraph;

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

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

(11) political party affiliation, if designated;

(12) digitized signature;

(13) date of registration or re-registration;

(14) name and street address of the individual assisting in the completion of the form, if the applicant for registration is unable to do so;

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

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

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

C.19:31-32 Replacement of existing voter registration files.

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

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

c. The Secretary of State and each county commissioner of registration shall be responsible for developing and providing the technological security measures needed to prevent unauthorized access to the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and to the information for any individual on the system required by subsection c. of section 1 of that act.

d. The Secretary of State, in consultation with each county commissioner of registration, shall develop minimum standards to safeguard the accuracy of the files contained in the

Statewide voter registration system. Such standards shall include procedures to ensure that reasonable effort is made to remove registrants who are ineligible to vote pursuant to federal or State law and to ensure that eligible voters are not removed in error from the system.

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

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

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

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

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

C.19:31-6.4d Voter registration Internet website.

6. a. For the purpose of facilitating online voter registration as quickly and efficiently as possible, the State shall procure a qualified vendor to develop and implement a voter registration Internet website and all necessary supporting software systems to implement online voter registration ahead of the 2020 general election.

b. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a contract for the implementation of the online voter registration Internet website and necessary supporting software systems shall be procured in an expedited process and in the manner provided by this section.

c. The Division of Purchase and Property in the Department of the Treasury shall procure, without the need for formal advertisement, but through the solicitation of proposals from professional services vendors, a qualified vendor with experience implementing such websites and systems in other states.

d. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, for the purpose of expediting the procurement of a vendor capable and experienced in implementing an online voter registration website and systems, the following provisions shall apply as modifications to any law or regulation that may interfere with the expedited procurement:

(1) the timeframes for challenging the specifications shall be modified as determined by the Division of Purchase and Property;

(2) in lieu of advertising in accordance with section 7 of P.L.1954, c.48 (C.52:34-12), the division shall advertise the request for proposals for the procurement under this section and any addenda thereto on the division's website;

(3) the period of time that the State Comptroller, if applicable, has to review the request for proposals for the procurement under this section for compliance with applicable public contracting laws, rules, and regulations, pursuant to section 10 of P.L.2007, c.52 (C.52:15C-10), shall be 10 business days or less, if practicable, as determined by the State Comptroller;

(4) the timeframes for submission under section 4 of P.L.2012, c.25 (C.52:32-58) and section 1 of P.L.1977, c.33 (C.52:25-24.2) shall be extended to prior to the issuance of a Notice of Intent to Award;

(5) the provisions of section 1 of P.L.2005, c.92 (C.52:34-13.2) shall not apply to technical and support services under this section provided by a vendor using a "24/7 follow-the-sun model" as long as the contractor is able to provide such services in the United States during the business day; and

(6) the term "bids" in subparagraph (f) of subsection a. of section 7 of P.L.1954, c.48 (C.52:34-12) shall not include pricing which will be revealed to all responsive bidders during the negotiation process.

e. The division may, to the extent necessary, waive or modify any requirement under any other law or regulation that may interfere with the expeditious procurement required under this section.

7. This act shall take effect 180 days following enactment.

Approved January 21, 2020.