



Helping Voters Register Under New Jersey Law

Important: Voter registration drives in New Jersey have to follow certain state laws and rules, such as a requirement that people who complete the form for an applicant who is unable to personally complete it put certain information on the application, and rules about providing incentives to register to vote. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Who is Eligible, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In New Jersey, an individual is eligible to register and vote if the person:

- Has been or will be a resident of New Jersey and of the county in which the person expects to vote for 30 days prior to the election;¹
- Is at least 17 years old at the time the person applies to register and will be 18 years old on or before the first election in which the person expects to vote;
 - 17-year-olds may register but may not vote until the person's 18th birthday
- Is a U.S. citizen;²
- Has not been convicted of the violation of any of the provisions of the election code for which criminal penalties are imposed, or, if so, was not disfranchised as part of the punishment therefore, or else was pardoned or restored by law to the right of suffrage; and
- Has not been convicted of an indictable offense, or, if so, is no longer in prison and has completed any sentence, parole or probation;
- Has not been adjudicated by a court to have the lack of capacity to understand the act of voting.³

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

- **Homeless Applicants:** Homeless applicants may complete the home address section of the form by providing a contact point or the location where they spend most of their time.⁴

- **Felony Convictions:** Under New Jersey law, a person is not entitled to vote if currently serving a sentence or currently on parole or probation as the result of a conviction of any indictable offense under the laws of New Jersey or another state or of the United States.⁵ The state voter registration form states that persons may register to vote if they are not currently serving a sentence, probation or parole because of a felony conviction.⁶ A person who was registered to vote before a conviction for an indictable offense and is done serving time must complete a new voter registration application. A person who is a pre-trial detainee or on bail pending appeal has the right to register and vote.⁷
- **College Students:** College students have the option to register to vote from their college address or their parent's address.⁸

PART 3: FILLING OUT AN APPLICATION

New Jersey's state voter registration form requires the following fields not designated as optional:⁹

- Checkbox indicating the purpose of the application (new registration, address change, name change, etc.)
- Checkbox indicating U.S. citizenship status
- Checkbox indicating that applicant is at least 17 years old
- Full Name
- Date of birth
- NJ driver's license number, or if the applicant does not have an NJ license or state ID, the last four digits of the individual's social security number, or if the applicant does not have a social security number, an affirmation that the person has neither. If none of the above is provided or cannot be verified, the individual must provide identification either during the registration process or when voting for the first time.
- Residency address
 - Homeless individuals may provide a contact point, or the location where they spend most of their time.
- Mailing address, if different
- Last address registered to vote
- Former name if making a name change
- Gender
- Signature affirming eligibility requirements and date
- If the applicant is unable to complete the form, the name and address of the individual who completed the form.

Any completed voter registration which is entirely unintelligible will be rejected. A voter registration application which is distorted or altered in such a manner that all the required information is not provided will be deemed incomplete. In the case of an incomplete application, the applicant will be notified to provide the missing information as long as the application contains a name and mailing address.¹⁰

PART 4: VOTER REGISTRATION DEADLINE

Applications must be submitted on or before the 21st day preceding the election.¹¹

Changes in party affiliation must be submitted no later than the 50th day preceding the primary election in order for the person to be eligible to vote in the primary election.¹²

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register or file other information detailing their voter registration activities?</i>	No, though the election official must keep a record of organizations requesting more than 100 forms and may adopt a method of identifying the forms provided, see question A below.
<i>Are there restrictions on getting voter registration forms?</i>	Forms may be photocopied but the return address portion may not be. Limits may be placed on the number of forms provided at a time. See question B below for details.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	This is unclear. There is a regulation that requires that the applicant complete all required portions of the voter registration application but does not specifically address sending pre-filled forms. Groups who wish to use prefilled forms should check with their election official. See question C below for details.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers?</i>	No.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes. See question D below.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	Special rules apply if an individual is unable to personally complete the form or is unable to sign or make the applicant's mark. See question E below.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	New Jersey election law does not address this issue.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	New Jersey election law does not address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	No, except that applications must be postmarked or delivered no later than the 21 st day before Election Day in order for the applicant to vote in that election. ¹³
<i>What are the consequences for failing to submit applications on time?</i>	New Jersey election law does not address this issue.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	New Jersey election law does not address this issue.
<i>How will an applicant know whether the election official received the application?</i>	The commissioner of registration will notify applicants of approval or rejection. See question F below for details.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	If the application contains a name and mailing address, applicants will be notified. Election officials must provide opportunity to complete the application before rejecting it. See question G below for details.
<i>Who investigates and enforces the state rules?</i>	The Secretary of State. See question H below for details.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

No, however, the election official is required to retain a record of organizations requesting more than 100 forms, see question B below. In addition, the superintendent/commissioner of registration is authorized by the state regulations to adopt a method of identifying a supply of voter registration applications provided to any organization, candidate or individual for the sole purpose of reporting any deficiencies in returned registrations.¹⁴

B. Are there restrictions on getting voter registration forms?

Voter registration applications may be photocopied or reproduced, except that the return address portion of the voter registration application shall not be photocopied or reproduced. Any completed voter registration application form which includes a reproduced return address portion shall be rejected. Any photocopies or reproductions to be utilized by individuals completing the form or soliciting other individuals to register to vote must be true facsimiles of the application.¹⁵

State statute provides that the commissioner of registration must furnish such registration forms upon request in person to any person or organization in such reasonable quantities as such person or organization requests. The commissioner must furnish no fewer than two such forms to any person upon request by mail or by telephone.¹⁶

Under state regulation, an organization may request a reasonable quantity of voter registration applications from the superintendents/county commissioners of registration or the Secretary of State. The number of applications requested may be limited to two percent of the total number of voter registration applications which the superintendent/commissioner of registration has available at the time of the request, or 2,500 forms if request is made to the Secretary of State. There is no limit to the number of requests an organization may make. The commissioner of registration is required to retain a record of all organizations requesting more than 100 applications. Requests will be met at an agreed upon time at the office of the commissioner of registration or the Secretary of State.

An individual may request in person up to 25 voter registration applications from the superintendent/commissioner of registration or the Secretary of State. There shall be no limit to the number of requests an individual may make. An individual making a telephone request shall be entitled to at least two application forms.

The superintendent/commissioner of registration may adopt a method of identifying a supply of voter registration applications provided to any organization, candidate or individual for the sole purpose of reporting any deficiencies in returned registrations.¹⁷

C. Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?

New Jersey election law does not directly address this issue and the regulations appear unclear. New Jersey regulation requires that "an applicant must complete all required portions of the voter registration application. If an applicant is unable to personally complete the form, another individual may complete the form for the applicant." See also question E below.¹⁸ Groups that wish to mail pre-filled forms to applicants should contact their election official.

D. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹⁹ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁰

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²¹

DURING THE DRIVE

E. Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?

New Jersey election law does not address this issue, except if an applicant is unable to personally complete the form, another individual may complete the form for the applicant. The individual who completed the form for the applicant must enter his or her name in the appropriate section of the voter registration application. If the applicant cannot sign or make his mark, the individual assisting must write "unable to mark" on the signature line.²²

F. How will an applicant know whether the election official received the application?

The commissioner of registration will review all applications and if approved, will send written notification to the applicant that the person is now registered to vote. The applicant's information will then be entered into the statewide voter registration system. The commissioner is also required to notify a registrant of the reasons for any refusal to approve a registration.²³

G. How may an applicant correct an incomplete application after it has been submitted to election officials?

In the case of an incomplete application, the applicant will be notified to provide the missing information as long as the application contains a name and mailing address.²⁴ Prior to rejection, a commissioner of registration is required to take all steps necessary to provide the voter with the opportunity to complete his or her voter registration application.²⁵

H. Who is responsible for investigating and enforcing the state rules?

The Secretary of State is the chief election official.²⁶ Any person who believes that they have been denied an opportunity to register to vote in violation of the state "motor voter" law can deliver written notice to the Secretary of State. If the violation has not been investigated or corrected within 90 days after the Secretary of State receives written notice, or within 20 days if the violation occurred within 120 days prior to the day of an election, the aggrieved person may bring a civil action for declaratory or injunctive relief with respect to the violation. If the violation occurred within 30 days prior to the day of an election, the aggrieved person is not required to first provide written notice before instituting a civil action.²⁷

WEB PAGE OF STATUTE

http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=141188&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&oftpage=TOC_Frame_Pg42 [Expand Title 19]

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¹ N.J. Const. art. II, § 1, ¶ 3

² N.J. Stat. § 19:31-5

³ N.J. Stat. § 19:4-1

⁴ New Jersey Voter Registration Application, http://www.nj.gov/state/elections/form_pdf/voter-regis-forms/76-voter-registration-english.pdf (last visited Feb. 26, 2016).

⁵ N.J. Stat. § 19:4-1

⁶ New Jersey Voter Registration Application, http://www.nj.gov/state/elections/form_pdf/voter-regis-forms/76-voter-registration-english.pdf (last visited Feb. 26, 2016).

⁷ New Jersey Secretary of State, *Registration Information*, <http://www.njelections.org/voting-information.html> (last visited Feb. 26, 2016).

⁸ New Jersey Department of State, *Voter Registration and Voting for College Students*, <http://www.njelections.org/voting-information-college-students.html> (last visited Feb. 26, 2016).

⁹ N.J. Stat. § 19:31-6.4; New Jersey Voter Registration Application, http://www.nj.gov/state/elections/form_pdf/voter-regis-forms/76-voter-registration-english.pdf (last visited Feb. 26, 2016).

¹⁰ N.J. Admin. Code § 15:10-1.5(b)

¹¹ N.J. Stat. § 19:31-6

¹² N.J. Stat. § 19:31-13.2

¹³ N.J. Stat. §§ 19:31-6, 19:31-6.3(b)

¹⁴ N.J. Admin. Code § 15:10-1.4

¹⁵ N.J. Admin. Code § 15:10-1.5(a)

¹⁶ N.J. Stat. Ann. § 19:31-6.4

¹⁷ N.J. Admin. Code § 15:10-1.4

¹⁸ N.J. Admin. Code § 15:10-1.6

¹⁹ 52 U.S.C. § 10307(c)

²⁰ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

²¹ California Secretary of State, *Guide to Voter Registration Drives 11*, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised Jan. 2016)

²² N.J. Admin. Code § 15:10-1.6(a)

²³ N.J. Stat. § 19:31-6.5(a)(1)-(2), (4)(b)

²⁴ N.J. Admin. Code § 15:10-1.5(b)

²⁵ N.J. Admin. Code § 15:10-1.6

²⁶ N.J. Stat. § 19:31-6a

²⁷ N.J. Stat. § 19:31-29