

ASSEMBLY, No. 3823

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 24, 2022

Sponsored by:

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District 35 (Bergen and Passaic)

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District 14 (Mercer and Middlesex)

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District 15 (Hunterdon and Mercer)

SYNOPSIS

Provides additional processes to maintain voter rolls; permits remote training for election workers; removes salaries of boards of elections from two percent cap on expenditure increase; exempts election worker compensation from taxation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/9/2022)

1 AN ACT concerning elections processes, boards of elections staff
2 salaries, and election worker compensation, amending various
3 parts of the statutory law, and supplementing Title 54A of the
4 New Jersey Statutes.

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

8
9 1. R.S.19:31-16 is amended to read as follows:

10 19:31-16. a. **[The]** (1) Except as prescribed in paragraph (2)
11 of this subsection, the health officer or other officer in charge of
12 records of death in each municipality shall file with the
13 commissioner of registration for the county in which the
14 municipality is located once each month, during the first five days
15 thereof, the age, date of death, and the names and addresses of all
16 persons 18 years of age or older who have died within such
17 municipality during the previous month. Within 30 days after the
18 receipt of such list, the commissioner shall make and complete such
19 investigation as is necessary to establish to his satisfaction that such
20 deceased person is registered as a voter in the county. If such fact
21 is so established, the commissioner shall cause the registration and
22 record of voting forms of the deceased registrant to be transferred to
23 the death file as soon as possible. If the deceased person was not so
24 registered in the county, but the person maintained a residence in
25 another county of this State, the officer in charge of records of
26 death in the municipality in which the decedent died shall forward a
27 copy of the notice of death to the officer in charge of records of
28 death in the municipality in which the decedent resided. That
29 officer having received the notice shall notify the commissioner of
30 the county in which that municipality is located of the death of the
31 person. Any commissioner who receives such notification shall
32 undertake the procedures prescribed herein with respect to the
33 registration in that county of the decedent.

34 (2) During the two months immediately preceding a primary or
35 general election, the health officer or other officer in charge of
36 records of death in each municipality shall file with the
37 commissioner of registration for the county in which the
38 municipality is located once every two weeks, during the first three
39 days thereof, the age, date of death, and the names and addresses of
40 all persons 18 years of age or older who died within such
41 municipality during the previous two weeks. Within 10 days after
42 the receipt of such list, the commissioner shall undertake the
43 procedures prescribed pursuant to paragraph (1) of this subsection.

44 b. The State registrar of vital statistics shall file with the
45 commissioner of registration of each county no later than May 1 of
46 each year an alphabetized list of the name, address, and date of

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 birth, if available, of each resident of the county 18 years of age or
2 older who died during the previous year. Within 30 days after the
3 receipt of the list the commissioner shall undertake and complete
4 such investigation as is necessary to establish that each person on
5 the list is not registered as a voter in the county. The commissioner
6 shall cause the registration and record of voting forms of any
7 deceased registrant found on the list to be transferred to the death
8 file as soon as possible.

9 (cf: P.L.2011, c.134, s.40)

10

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

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

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

46 c. The Secretary of State and each county commissioner of
47 registration shall be responsible for developing and providing the
48 technological security measures needed to prevent unauthorized

1 access to the Statewide voter registration system established
2 pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and to the
3 information for any individual on the system required by subsection
4 c. of section 1 of that act.

5 d. The Secretary of State, in consultation with each county
6 commissioner of registration, shall develop minimum standards to
7 safeguard the accuracy of the files contained in the Statewide voter
8 registration system. Such standards shall include procedures to
9 ensure that reasonable effort is made to remove registrants who are
10 ineligible to vote pursuant to federal or State law and to ensure that
11 eligible voters are not removed in error from the system.

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

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

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

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

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

44 f. (1) The Secretary of State shall enter into an agreement with
45 the Electronic Registration Information Center (ERIC) for the
46 purposes of determining whether a voter is registered in more than
47 one state and for the maintenance of the Statewide voter registration
48 system. The State shall share voter registration information, and

1 information in the database of the New Jersey Motor Vehicle
2 Commission in the Department of Transportation shared pursuant to
3 the agreement with the Chief Administrator of the Motor Vehicle
4 Commission prescribed in paragraph (1) of subsection e. of this
5 section. The Secretary of State shall include in any such agreement
6 with the Electronic Registration Information Center a provision for
7 the privacy of the information or data that complies fully with
8 applicable State and federal law.

9 (2) The Secretary of State shall comply with the requirements of
10 the Electronic Registration Information Center Membership
11 Agreement.

12 (3) The Secretary of State shall deliver the information required
13 pursuant to this subsection as frequently as necessary for the State
14 to comply with the Electronic Registration Information Center
15 Membership Agreement.

16 (4) The Secretary of State, or the designee thereof, shall serve as
17 the member representative to the Electronic Registration
18 Information Center.

19 (cf: P.L.2019, c.382, s.5)

20
21 3. R.S.19:50-1 is amended to read as follows:

22 19:50-1. a. Within 30 days before each election, the county
23 board of elections shall cause new members of the district boards
24 who are to serve in election districts to be instructed in the conduct
25 of elections, and in their duties in connection therewith. All district
26 board members shall be required to attend said instructional
27 sessions for each election at least once every two years. The
28 instructional sessions shall be conducted in person. A county board
29 of elections may also offer instructional sessions to district board
30 members remotely, by electronic means, provided that the county
31 board of elections shall implement procedures to conduct such
32 remote sessions. Such procedures shall be approved by the
33 Secretary of State and reviewed and approved once every two years.
34 The county board of elections shall cause to be given to each
35 member of each district board who has received such instruction
36 and is fully qualified to properly conduct the election, a certificate
37 to that effect. For the purpose of giving such instruction the county
38 board of elections shall call such meeting or meetings of the district
39 boards as shall be necessary. The content of said meeting or
40 meetings shall be limited solely to the instruction of district board
41 members; lobbying or the advancement of political ends shall be
42 prohibited. The members of the district board of each election
43 district shall attend such meeting or meetings as shall be called for
44 the purpose of receiving such instruction concerning their duties as
45 shall be necessary for the proper conduct of the election. No
46 member of any district board shall serve in any election unless **[he]**
47 the member shall have received such instruction as herein provided
48 and is fully qualified to perform the duties in connection with the

1 election, and has received a certificate to that effect from the county
2 board of elections; but this shall not prevent the appointment of a
3 person as a member of the district board to fill a vacancy in an
4 emergency, as now provided by law. In addition to the foregoing,
5 the county board of elections shall design, prepare and distribute
6 training manuals for district board members, pursuant to guidelines
7 established by the **【Attorney General】** Secretary of State. The
8 county board of elections shall also make the training manual
9 available on its Internet site and on the Internet site of the Division
10 of Elections in the Department of **【Law and Public Safety】** State.

11 b. The **【Attorney General】** Secretary of State shall establish
12 guidelines for the design of training manuals for members of district
13 boards of election, and shall design, prepare and distribute training
14 manuals for members of county boards of election, and county
15 clerks. The **【Attorney General】** Secretary of State shall also make
16 training manuals available on the Internet site of the Division of
17 Elections.

18 (cf: P.L.2005, c.151, s.2)

19

20 4. Section 3 of P.L.2015, c.249 (C.40A:4-45.45b) is amended
21 to read as follows:

22 3. a. A budget request submitted to the county governing body
23 by a county entity budget authority on behalf of a county entity
24 shall be comprised of two parts: the amount to be raised by property
25 taxation, and the amount to be funded wholly through federal or
26 State funds, fees raised by the county entity, or other sources.

27 b. In the preparation of the portion of its budget request to be
28 raised by property taxation, a county entity budget authority shall
29 limit any increase in that portion of its budget request to 2.0% of
30 the previous year's budget request, subject to the exclusions set
31 forth in subsection b. of section 10 of P.L.2007, c.62 (C.40A:4-
32 45.45), except that election expenses shall be exempt from the
33 requirements of this subsection. For purposes of this subsection,
34 "election expenses" shall mean and include all necessary expenses
35 incurred by the superintendent of elections, county clerk, and board
36 of elections for each county related to election costs and the
37 administration, preparation, and implementation of all elections,
38 including all vendor related contract services; voting machine
39 maintenance, repairs, parts and equipment, certification, and
40 technical coding; transportation of voting machines and election
41 supplies; overtime for all staff related to election duty; food
42 services during election; poll workers, machine technicians, and
43 other temporary workers; supplies; office equipment; printing;
44 postage; and advertisement costs, upon being certified to by the
45 superintendent of elections, county clerk, and board of elections for
46 each county; but shall not mean or include staff salaries for the

1 office of the superintendent of elections, or staff salaries for the
2 county clerk], or staff salaries for the county board of elections].

3 c. Nothing in P.L.2015, c.249 (C.40A:4-45.45b et al.) shall
4 diminish the obligations of a county under a collective bargaining
5 agreement with its employees in force on the effective date of
6 P.L.2015, c.249 (C.40A:4-45.45b et al.).
7 (cf: P.L.2015, c.249, s.3)

8
9 5. (New section) Gross income, for the purposes of the “New
10 Jersey Gross Income Tax Act,” N.J.S.54A:1-1 et seq., shall not
11 include any compensation received pursuant to R.S.19:6-9.1 and
12 R.S.19:45-6 for the services performed by a member of a district
13 board of elections.

14
15 6. This act shall take effect immediately.

16 17 18 STATEMENT

19
20 This bill revises voter roll and election worker training
21 processes, exempts election worker compensation from taxation,
22 and removes boards of elections staff salaries from the two percent
23 cap on the increase in expenditures.

24 Under current law, once per month, the health officer or other
25 officer in charge of records of death in each municipality files lists
26 of all persons 18 years of age or older who have died with the
27 commissioner of registration for the county in which the
28 municipality is located. Also, election workers are required to
29 attend an in-person instructional session at least once every two
30 years. Additionally, staff salaries for the county board of elections
31 are not exempt from the two percent cap on increase in expenditures
32 for county entities. Finally, election worker compensation is
33 included in gross income for the purposes of taxation.

34 This bill requires that for the two months immediately preceding
35 a primary or general election, the officer in charge of records of
36 death would file bi-weekly reports to the commissioner of
37 registration. The commissioner of registration would then have 10
38 days to investigate the list and remove any deceased voter from the
39 voter rolls.

40 This bill also requires the Secretary of State to enter into an
41 agreement with the Electronic Registration Information Center
42 (ERIC). ERIC is a non-profit organization that assists states to
43 improve the accuracy of each state’s voter rolls and increase access
44 to voter registration for all eligible citizens. ERIC is governed and
45 managed by the states who choose to join. ERIC currently includes
46 31 member states and the District of Columbia. The State would
47 share voter registration information, and information in the New
48 Jersey Motor Vehicle Commission database, with ERIC for the

1 purposes of determining whether a voter is registered in more than
2 one state and for the maintenance of the Statewide voter registration
3 system. Membership in ERIC includes a \$25,000 initial fee and
4 annual fees ranging from approximately \$16,000 to approximately
5 \$74,000, depending on a formula that includes citizen voting age
6 population as a factor.

7 This bill also clarifies that instructional sessions for election
8 workers be conducted in person. A county board of elections may
9 also conduct instructional sessions to district board members
10 remotely, by electronic means. The county boards of elections
11 would implement the procedures for conducting a remote session,
12 which would need to be approved by the Secretary of State. The
13 procedures would need to be reviewed and approved once every two
14 years.

15 This bill also updates the definition of “election expenses” that
16 are exempt from the two percent cap on increase in expenditures.
17 The update removes the exemption of staff salaries for a county
18 board of elections from the definition of “election expenses,”
19 allowing staff salaries to exceed the two percent cap.

20 This bill also exempts election worker compensation from gross
21 income taxation.