

RUTGERS UNIVERSITY STUDENT
ASSEMBLY, ET AL.,

Plaintiffs/Appellants,

VS.

MIDDLESEX COUNTY BOARD OF
ELECTIONS, DANIEL FRANKEL, ET
AL.,

Defendants/Respondents.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-004318-14

CIVIL ACTION

SAT BELOW:
HON. HEIDI WILLIS CURRIER,
J.S.C.

BRIEF OF AMICUS CURIAE COMMON CAUSE

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Common Cause respectfully submits this brief as amicus curiae in support of Plaintiffs' challenge to the constitutionality of New Jersey's 21-day advance voter registration requirement.

INTEREST OF AMICUS CURIAE

Common Cause advocates for reforms that will provide citizens with the tools they need to participate in the political process and hold their elected leaders accountable to the public interest. Founded in 1970, Common Cause is a nonprofit, nonpartisan, national citizens' organization. It is one of the largest nonprofit organizations working for accountability and reform in America's political and governmental institutions, with over 400,000 members and supporters nationally -- including 11,000 in New Jersey -- and 35 state chapters across the country. Common Cause advocates for honest government by empowering voters to make their voices heard at every level of government. As part of its core mission, Common Cause works at both the state and federal level to defend the bedrock freedom of our democracy: full and free access to the franchise. In particular, Common Cause works to reduce barriers to voter participation by supporting reforms such as Election Day registration ("EDR"), online voter registration, and "motor-voter" registration. Further, Common Cause is a leading partner organization of the national

"Election Protection" coalition, which provides nonpartisan information to voters about the election process. Common Cause submits this brief in support of Plaintiffs in light of the significance of this matter to its members and to the furtherance of its goals.

PRELIMINARY STATEMENT

In 2002, in the wake of the bitter controversies that attended the 2000 Presidential election, Congress enacted the Help America Vote Act ("HAVA"), which has brought about fundamental reforms in the way elections are conducted in the United States. HAVA provided funding and other assistance to help states modernize their voting equipment and mandated minimum standards for all the states in several key areas of election administration. Most notably for the purposes of this case, the law required each state to create a "single, uniform, official, centralized, interactive computerized" statewide voter registration system ("SVRS") containing the name and registration information of every legally registered voter in the state. 52 U.S.C. § 21083(a)(1)(A). In addition, the law required that an SVRS be coordinated with other agency databases in the state, and that it be capable of verifying the accuracy of voter registration applications by cross-checking them against the databases of both the state's motor vehicle authority and the federal Social Security Administration. §§

21083(a)(1)(A)(iv), 21083(a)(5)(B)(i)-(ii). Since the enactment of HAVA, SVRS systems have come online both in New Jersey and in other states.

In previous years, a number of courts have addressed the question of whether advance registration requirements are permissible under the U.S. Constitution. Generally, these courts have approached the issue by balancing the extent to which such a requirement burdened the right to vote against the extent to which it served the state's asserted interest in the efficient and orderly administration of elections. E.g., Burns v. Fortson, 410 U.S. 686, 687 (1973) (upholding Georgia's 50-day prior registration requirement, but finding that it "approaches the outer constitutional limits in this area"); Diaz v. Cobb, 541 F. Supp. 2d 1319, 1340 (S.D. Fla. 2008) (upholding 29-day prior registration period in Florida); Acorn v. Bysiewicz, 413 F. Supp. 2d 119, 155 (D. Conn. 2005) (upholding Connecticut's seven-day registration period after the state legislature had reduced it from 14 days). This is the first case, however, in which a court has been asked to decide whether an advance registration requirement remains constitutionally permissible after a state has created and begun to use a fully functioning SVRS system that is easily accessible to registrars.

Accordingly, this is a case of nationwide first impression, as well as one of first impression for New Jersey courts

interpreting the New Jersey Constitution. Plaintiffs contend that, because New Jersey's SVRS operates at great speed, safeguards against fraud and generally eases the task of administering elections, the State no longer has a need for advance voter registration. The trial court acknowledged the lack of evidence that advance registration is necessary to counteract fraud, but nonetheless rejected Plaintiffs' argument. It found that a regime allowing EDR would still create such significant administrative burdens for the State that an advance registration requirement remains justified under the New Jersey Constitution.

In deciding this important case, however, the trial court did not consider the rapidly growing experience of other states with EDR. As detailed below, multiple states are using or planning to use their SVRS systems to implement EDR without either overtaxing their election officials or weakening the security of the ballot. What these other states have accomplished shows that the administrative burdens envisaged by the trial court are surmountable with an electronic SVRS system, so that New Jersey could also adopt EDR without undue negative consequences. This Court, we respectfully submit, should take this publicly available and highly pertinent evidence into account in its consideration of this case. When viewed against a fuller understanding of EDR and the manner in which it can be

implemented, the administrative burdens anticipated by the trial court are not sufficient to overcome the burden advance registration places on New Jersey voters.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

Amicus Curiae Common Cause adopts the Procedural History and Statement of Facts contained in the Brief of Plaintiffs-Appellants.

ARGUMENT

AS DEMONSTRATED BY OTHER STATES, ELECTRONIC SVRS SYSTEMS PERMIT EDR TO BE IMPLEMENTED WITHOUT UNDUE ADMINISTRATIVE BURDEN.

This case largely revolves around an undisputed fact: the technological prowess of New Jersey's SVRS system, which has now been operative for more than eight years. See Resp't. Br. 27. As this Court acknowledged in reversing the initial summary judgment below, this system "has dramatically changed the manner" in which New Jersey voter registration records are received and maintained. Rutgers Univ. Student Assembly ("RUSA") v. Middlesex Co. Bd. of Elections, 438 N.J. Super. 93, 97 (App. Div. 2014). It provides a level of convenience in registering voters that was unavailable in previous years, and "specifically protects against ineligible ballots being cast in elections." Id. In particular, it allows New Jersey election officials "to easily upload and verify a potential voter's identifying information by cross-referencing that information

against other databases, such as those maintained by the Motor Vehicle Commission and the federal Social Security Administration." Id. Indeed, the State has expressly agreed that the SVRS would permit its election officials to confirm the identity of any voters who might avail themselves of the opportunity to register on Election Day. Resp't. Br. 27.

Plaintiffs do not seek to require New Jersey to adopt any particular registration system, but only an order declaring that, in view of the technology available to the State, the New Jersey Constitution requires it to move promptly toward an EDR system. The following information in the public record details how a number of states have already undertaken to make use of SVRS technology to put secure and efficient EDR systems in place. To state the logical import of this evidence in its briefest form: if they can do it, so can New Jersey. We respectfully request that the Court accept this information as an indicator of what electronic registration systems are able to accomplish in the 21st Century without undue administrative burden.

A. California

The State of California is currently preparing to make use of its SVRS, known as VoteCal, to implement EDR in 2017. Like other SVRS systems, including New Jersey's, VoteCal can instantaneously validate data that a new registrant supplies by

checking it against data held in state and federal databases. Accordingly, VoteCal should practically obviate any objection to EDR based on fears, founded or not, of significant voter fraud – just as New Jersey’s SVRS would do if EDR were to be adopted here. As an expert in California election law has stated, because of VoteCal’s capabilities, California’s EDR legislation was “a very easy bill to support . . . without sacrificing any security or integrity of the election at all.” Josh Richman, Gov. Jerry Brown signs Election Day voter registration bill into law, San Jose Mercury News (Sept. 25, 2012), http://breaking-news/ci_21621979/gov-jerry-brown-signs-election-day-voter-registration.¹

The EDR system California has designed is simple and straightforward. State law currently in effect provides that, in order to cast a ballot, voters must register at least two weeks prior to an election. Cal. Elec. Code § 2102(a). Once the EDR statute goes into effect, unregistered persons seeking to vote in an election will be permitted to file a “conditional voter registration” and simultaneously cast a provisional ballot at an office of their county elections official either during the two weeks immediately before the election or on Election

¹ For the Court’s convenience, we have included an Appendix consisting of all documents cited herein other than statutes, regulations, and judicial opinions.

Day. § 2170, as amended by 2015 Cal. Legis. Serv. Ch. 734 (West) [hereinafter "§ 2170"]. Election officials will then be required to process each conditional registration, determine the registrant's eligibility to register and, through VoteCal, attempt to match the information the registrant has provided with information in a database maintained by the California Department of Motor Vehicles or the U.S. Social Security Administration. §§ 2170(c)(1), 2170(d)(4). If the registrant's information can be validated "before or during the canvass period," i.e., the period in which votes are counted, the registration will be deemed effective and the registrant's provisional ballot will be included in the vote.² §§ 2170(c)(1), 2170(d)(5).

In short, the "conditional registration" system California has adopted is very similar to the ballot system already in place in New Jersey, in which persons who have not registered prior to three weeks before an election are permitted to cast provisional ballots on Election Day. See N.J.S.A. 19:53C-3(g). The most salient difference is that New Jersey makes no attempt to use its SVRS to validate the registration of those casting

² The law also provides that, if a registrant's information cannot be verified through VoteCal -- because, for example, the registrant lacks either a motor vehicle license or a Social Security number -- the registration will nonetheless be deemed effective and his or her vote counted if it is determined that "the registrant is otherwise eligible to vote." § 2170(c)(2).

provisional ballots in time for their votes to be counted, whereas California law will specifically require officials to attempt to validate conditional registrations through VoteCal in time to allow those registrants' votes to count.

Anticipating that EDR could bring a large number of previously unregistered voters to the polls on Election Day, California has adopted a number of measures to ease any resulting burden on election officials by modernizing the voting process in other respects. First, the fact that voters can both file conditional registrations and cast provisional ballots over a two-week period prior to Election Day will itself make processing those registrations and ballots more manageable. Second, California has taken steps to promote the use of ballot-on-demand printing systems at the polls, which can provide any voter with his or her proper ballot regardless of the precinct to which he or she is assigned. 2015 Cal. Legis. Serv. Ch. 734. These systems are intended to facilitate EDR and make it less expensive, as well as to make the experience more convenient for voters. Bill Analysis of S.B. 439 Before the Senate Committee on Elections and Constitutional Amendments, 2015-2016 Reg. Sess. (Cal. 2015). Third, California has enacted measures to promote the use of electronic poll books in place of the traditional paper versions. 2015 Cal. Legis. Serv. Ch. 734. Such poll books can currently be used to check in a voter more quickly and

accurately at his or her voting site, and could potentially connect individual poll workers to the entire VoteCal system. Bill Analysis of S.B. 439 Before the Assembly Committee on Elections and Redistricting, 2015-2016 Reg. Sess. (Cal. 2015). All of these improvements in the efficiency of voting systems could likewise be adopted by other states, including New Jersey, in order to facilitate EDR.

California's EDR statute, Section 2170, will become operative on January 1 of the year following the year in which the Secretary of State of California certifies that VoteCal complies with the requirements of HAVA. 2012 Cal. Legis. Serv. Ch. 497. The Secretary of State has announced that VoteCal is currently expected to be fully in place and to meet HAVA's requirements by June 2016. Alex Padilla, Cal. Sec'y of State, VoteCal Project, <http://www.sos.ca.gov/elections/voter-registration/votecal-project> (last visited Jan. 12, 2016).

B. Connecticut

Connecticut adopted EDR as of July 1, 2013. See Conn. Gen. Stat. § 9-19j. Since then, thousands of Connecticut voters have availed themselves of the right to register on Election Day and immediately cast a ballot. Statewide, EDR voters numbered nearly 3,000 in 2013, nearly 14,000 in 2014, and more than 3,000 in 2015. Denise W. Merrill, Conn. Sec'y of the State, 2011-2016 Press Releases (last modified Dec. 31, 2015) [hereinafter "SOS"]

<http://www.ct.gov/sots/cwp/view.asp?a=3989&q=574870> (SOS Releases dated January 16, 2104, December 10, 2014, and November 10, 2015). Secretary of the State Denise Merrill described the 2013 introduction of EDR as "successful," and said it had shown EDR to be "both popular and reliable. . . . [M]y office did not receive any reports or complaints of concern as this law was implemented." SOS Press Releases dated October 31, 2014 and January 16, 2014. After the 2014 election -- the first statewide, non-municipal election in which EDR was used -- Merrill stated: "[EDR] was a total success and implemented statewide without any serious problems." SOS Press Release dated December 10, 2014. EDR voters, Merrill noted, had cast 1.3% of the total votes cast in 2014. Id.

Under Connecticut's EDR statute, any eligible person who is a new elector to the State, or who wishes to change his or her registration to another municipality within the State, may register to vote on the day of a general election. Conn. Gen. Stat. § 9-19j(b). The registrars of voters in each city and town are required to designate a location in which EDR will be conducted that is separate and apart from regular polling stations. Conn. Gen. Stat. § 9-19j(c)(1); Memorandum from Legislation and Elections Admin. Div., to Registrars of Voters and Town Clerks 2 (Oct. 15, 2015) [hereinafter "SOS EDR"]

Implementation Memorandum], available at www.sots.ct.gov/sots/lib/sots/electionservices/lead_communications/2015/10-20-15_edr_instructions_5.docx. Individuals seeking to register on the day of an election must appear in person at their municipality's EDR location and provide proof of their identity and residence, which is otherwise required only of first-time voters who have previously registered by mail. Conn. Gen. Stat. § 9-19j(d).

The availability of EDR in Connecticut is contingent on access to the State's SVRS, which is known as the "state-wide centralized voter registration system," or CVRS. See Conn. Gen. Stat. § 9-50(b) (establishing the CVRS). This system includes data on all registered voters in the State, and can communicate in real time with the State Department of Motor Vehicles database to verify voters' driver's license numbers and the last four digits of their Social Security numbers. See Acorn, supra, 413 F. Supp. 2d at 130 (describing the system). Any location that municipal registrars designate as an EDR site must have direct access to the CVRS. Conn. Gen. Stat. § 9-19j(c)(1). Such access must be in real time and may not consist merely of a spreadsheet or other downloaded information. SOS EDR Implementation Memorandum, supra, at 2.

When a person applying for registration at an EDR site presents proof of his or her identity and residence, an election

official enters the applicant's information into the CVRS, which -- like New Jersey's SVRS -- performs an instantaneous check against other data in the system. If the applicant is eligible to register and is not already registered in another Connecticut municipality, the applicant is immediately registered in the EDR municipality and permitted to vote. Conn. Gen. Stat. § 9-19j(e)(1). If, however, the CVRS shows that an eligible applicant is currently registered in another municipality, and the applicant states that he or she has had a change of address and now wishes to register and vote in the EDR municipality, EDR officials must immediately notify the registrars in the former municipality. In the event that the former municipality confirms that the applicant has not already voted there, the applicant will be struck from the registration rolls in the former municipality, immediately registered in the EDR municipality, and allowed to vote. Conn. Gen. Stat. § 9-19j(e)(2). In the event that the applicant is identified as having already voted in his or her former municipality, the applicant will not be registered or allowed to vote again, and the matter may be reported to the State Elections Enforcement Commission ("SEEC") for an investigation. Conn. Gen. Stat. § 9-19j(e)(2)(A).

Connecticut separately tracks and tabulates the ballots cast by EDR voters, just as it does with absentee ballots. See

Conn. Gen. Stat. § 9-19j(h),(j). This precaution allows EDR ballots to be challenged at a later time should an issue arise. The procedure for processing EDR ballots, which involves physically segregating them from other ballots, is similar to the procedure used for processing provisional ballots in New Jersey. See N.J.S.A. 19:53C-10 to -13. In fact, like California's, Connecticut's EDR system generally resembles New Jersey's provisional ballot process, except that Connecticut officials use their SVRS to confirm the eligibility of unregistered voters on Election Day itself - in time for their votes to count.

In addition, Connecticut is in the process of introducing improvements that will increase the efficiency of its EDR system. When the State adopted EDR, it also adopted a system of on-line registration, which became available for voters' use in 2014. See Conn. Gen. Stat. § 9-19k. Since 2015, local registrars have had the option of allowing applicants for EDR to use the online system to register at an EDR site. Act Strengthening the State's Elections, Conn. Pub. Acts 2015 No. 15-224 (Reg. Sess.). An applicant may enter his or her registration data at a kiosk located at the EDR site, or may even enter the data at home before appearing at the site in person. Office of the Sec'y of the State, Report on the Administration of Election Day Registration 10-11 (2014)

[hereinafter "SOS Report"], available at www.rovac.org/documents/conferences/election_day_registration_report_2-1-2014.pdf. As Secretary of the State Merrill has noted, EDR officials themselves will be required to perform "almost no data entry" for applicants who register in this way. Id. at 11.

Meanwhile, experience has shown that Connecticut's EDR system effectively prevents double-voting. Since the system was implemented in 2013, the Office of the Secretary of the State has become aware of only a single instance of a voter attempting to vote in two different municipalities using the EDR process. This voter was unable to vote in both places because both towns correctly followed the EDR procedures. Specifically, when the voter presented himself at the polling location of his former town, he was informed of his EDR status in his new town and departed. The occurrence was properly documented and reported, and was referred to the SEEC. Id. at 6.

As noted above, the U.S. District Court for the District of Connecticut held in 2005 that the seven-day prior registration requirement then in effect in the State was permissible under the U.S. Constitution. Acorn, supra, 413 F. Supp. 2d at 155. At the time of this decision, however, the CVRS, which was then newly installed, was not yet operating effectively. The District Court observed that, in elections held in 2004 and

2005, "many registrars were either unable to access the CVR system at all, or found the system unworkably slow." Id. at 130-31. Since 2005, the CVRS has begun to function as planned, and not a single municipality reported a problem with it in the November 2013 election. SOS Report, supra, at 7. Once the CVRS began to work more smoothly, Connecticut abolished the prior registration requirement approved in Acorn and adopted EDR. The record here shows that New Jersey's SVRS is also functioning well and could similarly support EDR. Resp't. Br. 27; 396a (Plaintiffs/Appellants' Appendix) at T33:9 to 17 (Deposition of James Vokral); 400a at 50:10 to 51:7 (Vokral Dep.); 409(a) (Defendants' Answers and Objections to Plaintiffs' Interrogatories); 286a at 10:6 to 11:8 (Deposition of Carmen M. Disimoni); 294a at 44:1 to 23 (Deposition of Michael Boyd); 334a at 26:7 to 20 (Boyd Dep.); 335a at 32:2 to 9 (Boyd Dep.).

C. Colorado

In May 2013, in an effort to "remove barriers to participation in the political process and make voting and registration more convenient and accessible," the Colorado legislature passed the Voter Access and Modernized Elections Act (the "Act"), which eliminated Colorado's 29-day advance voter registration requirement and adopted same day voter

registration.³ House Comm. on State, Veterans, & Military Affairs, Bill Summary, H.B. 13-1303 (Colo. 2013); Colo. Rev. Stat. Ann. § 1-2-217.7; Colo. Rev. Stat. Ann. § 1-2-201(3)(b)(V). Colorado residents may now register to vote by mail or online until eight days before an election and may register in person on any day up to and including Election Day. Colo. Sec'y of State Elections Div., Policy and Procedure Manual 5 (2015), available at <http://www.broomfield.org/DocumentCenter/View/11704>.

Colorado first implemented EDR in the September 10, 2013 recall elections of two state senators and in the November 2013 statewide coordinated (i.e., nonpartisan) election. Colo. Voter Access and Modernized Elections Comm'n, Untitled Report App'x T-2, <http://www.sos.state.co.us/pubs/elections/CVAMEC/files/2014/20140115CVAMECReport.pdf> (last visited Jan. 14, 2016). The 2014 general election was the first partisan November election held under the new election model. Business Practice Group Report for the 2014 General Election 1 (2015) [hereinafter "BPG Report"], available at <http://www.sos.state.co.us/pubs/elections/CVAMEC/files/2015/BPGReport-2014GeneralElection.pdf>.

³ As opposed to "Election Day Registration," the term "same day registration" typically implies that a voter can both register to vote and cast a ballot either on Election Day or during a prescribed period leading up to that day.

Under the new system, eligible voters may register to vote immediately prior to or on Election Day by appearing in person at a Voter Service and Polling Center ("VSPC") in the county in which they reside and presenting an acceptable form of ID. Colo. Rev. Stat. Ann. § 1-2-217.7(4)(a)(I); 8 Colo. Code Regs. § 1505-1:2.3; Colo. Rev. Stat. Ann. § 1-1-104(19.5). Election Day registrants also must complete and sign a voter registration application form which includes a self-affirmation. Colo. Rev. Stat. Ann. § 1-2-217.7(4); § 1-2-205.

County election officials must then enter the voter's information into Colorado's centralized statewide registration system, known as SCORE, on an "expedited basis." See § 1-2-217.7(6); 8 Colo. Code Regs. § 1505-1:1; City and County of Broomfield, Colorado, VSPC Stations Overview, <http://www.broomfield.org/DocumentCenter/View/11688> (last visited Jan. 14, 2016). SCORE stores the name and registration information for every registered voter in the state and assigns a unique identifier to each registered voter. Colo. Rev. Stat. Ann. § 1-2-301(1). Each VSPC must have a real-time connection to SCORE in order to operate effectively during the election cycle. 8 Colo. Code Regs. § 1505-1:7.11.1.

SCORE instantly cross-checks the name and date of birth of an applicant for registration, as well as his or her driver's license number and Social Security number, if provided, against

felony lists, death records, and records of the State Department of Motor Vehicles and the federal Social Security Administration. 2013 Colo. Legis. Serv. 28 (West 2013) (requiring data sharing between the Secretary of State and Department of Public Health and Environment and the Department of Corrections); Summary of House Bill 13-1303, available at <https://www.colorado.gov/pacific/sites/default/files/13%20ElectionsLEGIS.pdf> (last visited Jan. 14, 2016); Colorado Voter Access and Modernized Elections Comm'n, Report to Colorado General Assembly's House of Representatives and Senate, Veterans and Military Affairs Committees 5 (2013), available at <http://www.sos.state.co.us/pubs/elections/CVAMEC/files/2013/20130715NeedsAssessmentReport.pdf>. SCORE also operates as a real-time electronic poll book. Colo. Cnty. Clerks Ass'n, Q&A - Colorado Voter Access & Modernized Elections Act, <http://static1.1.sqspcdn.com/static/f/570035/22438990/1365808841400/HB+13-1303+Talking+Points.pdf?token=aIPykYD1ehFUYYJqVYgRbUdmAbCs%3D> (last visited Jan. 14, 2016) (Colorado uses a "live" poll book within SCORE).⁴

⁴ The SCORE system is gradually being made accessible through a web application of the SCORE database developed by the Secretary of State's office, known as "WebSCORE." BPG Report, *supra*, at 1; Bipartisan Policy Ctr., *supra*, at 2; Dwight Shellman, Cnty. Support Manager Colo. Sec'y of State, Elections Div., WebSCORE:

Previous Colorado law was similar to that of New Jersey with respect to the use of provisional ballots. A voter who had not registered in the State by the State's registration deadline could cast only a provisional ballot which would not be counted in the election in which the voter intended to vote, but served to register the voter for future elections. Colo. Rev. Stat. Ann. § 1-8.5-108 (repealed 2013); § -107(1) (repealed 2013). A voter who was registered in the State prior to the deadline, but who had moved within the State and not registered at his or her new address, might also be required to cast a provisional ballot. Id. However, that ballot could be counted if certain conditions were met. Id.; see also BPG Report, supra, at 1; Colo. Voter Access & Modernized Elections Comm'n, Final Report to the Colorado General Assembly 1 (2015), <http://www.sos.state.co.us/pubs/elections/CVAMEC/files/2015/COVAMEReportIntroduction.pdf>.

Since the adoption of EDR, all voters who wish to register on Election Day and whose eligibility can be confirmed by SCORE are permitted to cast a regular ballot and have their votes be

Colorado's Real-time, Statewide Electronic Poll Book, (June 27, 2015), <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjL9YinnebJAhUBjz4KHRbiCvQQFggcMAA&url=http%3A%2F%2Fcivicdesign.org%2Fwp-content%2Fuploads%2FWebSCORE-IACREOT-20150627.pptx&usq=AFQjCNFOFCLDylAzotvs8VqPoDDWXI-Iog&bvm=bv.110151844,d.cWw>.

counted. Only those who SCORE indicates have already voted or whose eligibility cannot be confirmed are managed through the provisional voting process. Colo. Rev. Stat. Ann. §§ 1-8.5-101, 1-7-110; BPG Report, supra, at 4. Significantly, the adoption of EDR in November 2014 reduced the number of provisional ballots cast by 98 percent, compared to the last non-presidential general election in 2010. BPG Report, supra, at 4. Since each provisional ballot costs the State approximately \$10 per vote in materials and processing labor, this reduction represented a substantial cost savings to the State. BPG Report, supra, at 4-5. Post-election staff time was also greatly reduced. Id.

During the 2013-2014 election cycle, 60,161 people used registration updating services in the last 29 days before the election. BPG Report, supra, at 3. Of those, 4,151 individuals took advantage of same day registration during the pre-Election Day early vote period, and 4,754 individuals registered and cast a vote on Election Day. Id. More than one year later, no reports of fraud relating to same day registration have been reported. Letter from Colo. Cnty. Clerks Ass'n. to Senators and Representatives of the First Session of the 70th Legislative Season 2 (Jan. 14, 2015).

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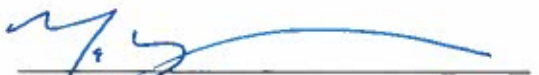
New Jersey's current SVRS system is already able to implement the key features of the EDR systems described above. Our SVRS can determine whether an applicant for registration is already registered; it can confirm the applicant's identity by consulting other state records; it can determine whether the applicant is ineligible to vote in light of those records; and it can do all this at lightning speed. Indeed, New Jersey's provisional ballot system already utilizes and depends on these capabilities of the SVRS. What other states have done is to make use of the same capabilities and similar systems to implement EDR.

CONCLUSION

Plaintiffs have amply demonstrated that, in each election cycle, New Jersey's current registration law denies the right to vote to thousands of otherwise qualified voters. Given the variety of successful EDR systems that other states have designed and implemented, New Jersey has many options available to it that would permit these voters to cast ballots while reducing or eliminating the administrative burdens that concerned the lower court. Amicus curiae respectfully requests that this Court take notice of these options in determining whether to uphold the decision below.

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Respectfully submitted,



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