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November 13, 2008

Assemblyman Joseph Cryan
Assembly Education Committee
PO Box 098
Trenton, New Jersey 08625

**Re: Assembly Bill No. A-2752 (High School Voter Registration)
Scheduled before the AED on November 13, 2008**

Dear Assemblyman Cryan:

The Department of the Public Advocate ("Department") writes to comment on Assembly Bill A-2752, which amends New Jersey's high school voter registration law. Our Voting Rights Project, which has been a cornerstone of the Department's work since it was reconstituted in 2006, has been especially interested in the issue of student and youth voting and has therefore extensively researched the issue. In the interest of sharing the best available information on the subject, we write to express our views on A-2752.

Our research indicates that few high school seniors are old enough to register to vote early in the school year, whereas nearly all of them reach sufficient age near the end of the school year. Consequently, mandating that the voter registration opportunity be given near the end of the year is a sensible approach.

However, our research also shows that tying the voter registration opportunity to an instructional opportunity will achieve better results than simply handing out forms. As a result, we think that schools ought to retain their current ability to couple the voter registration drive with a classroom period, rather than being constrained to hand out voter registration forms at a student's graduation.

New Jersey has always been at the forefront of protecting the voting rights of student and youth voters: in 1959, we adopted absentee voting for college students; in 1971, we were one of the first states to adopt the 26th Amendment giving 18-year-olds the right to vote; and the following year, our Supreme Court unanimously allowed college students the option to vote in their college towns if they so chose.

In 1985 the Legislature passed N.J. STAT. ANN. § 18A:36-27.¹ The law mandates the distribution of voter registration materials to public and nonpublic high school students who are eligible to vote. In addition, the law mandates the dissemination of instructional material "describing the role of a citizen and the importance of voting." N.J. STAT. ANN. § 18A:36-28 requires the Commissioner of Education to "adopt . . . rules and regulations necessary to implement" the law's provisions, but no such regulations have been adopted to date.

In February 2007, the Public Advocate began a research project on best practices and compliance with this statute. Working with the Department of Education, educators, and advocacy groups, we reached several conclusions that we disseminated to public school superintendents and other interested groups. Among other things, we concluded that:

- Approximately 40 to 60 percent of public high schools, and an undetermined number of nonpublic schools, were out of compliance with the statute. Greater compliance would lead to greater youth registration, and hence, greater turnout numbers for youths, whose voter participation rates remain below that of other groups.
- To remedy this compliance problem, a combination of regulatory amendments and amendments to the State's curriculum standards was appropriate.
- The most effective way of encouraging students to register to vote is to run a voter registration drive accompanied by at least one class period that discusses the importance of voting.

¹ N.J. STAT. ANN. § 18A:36-27 currently provides:

The board of education of each school district and the appropriate school officials in each nonpublic school shall provide a voter registration form and material describing the role of a citizen and the importance of voting to each eligible high school pupil in conjunction with the voter registration drive conducted by each county commissioner of registration pursuant to R.S. 19:31-2. This material shall be nonpartisan and conform to the provisions of N.J.S. 18A:42-4.

- Schools should instruct students and distribute registration forms in a classroom setting and not in a mass assembly, because the classroom is a more effective venue for instructing pupils and collecting their voter registration forms.
- The class should teach basic information about voting and election procedures, including when elections are scheduled and what offices are elected at such elections; show a sample ballot to familiarize students with its layout, display a map of the municipality's polling places so students know where to vote, and teach alternatives to polling-place voting such as absentee ballots (something especially useful for students who are attending college).
- Since students tend to turn 18 throughout their senior year, schools should strongly consider conducting the registration drive and instruction in May or early June, so as to reach the greatest number of students.² A drive conducted in September or October may take advantage of increased public interest in elections, but at that time, less than 10 percent of seniors in most schools are eligible to register.
- Schools and/or school districts should appoint a person, preferably one with connection to social studies or civic education, to oversee the voter registration process in each school.

This Department has been working closely with the Department of Education to disseminate these recommendations, including a statewide mailing in September 2008 to remind school districts of their obligations and to encourage these best practices.

Turning to A-2752, we have the following observations:

1. In 1994, "voter registration drives conducted by each *county commissioner of registration*" at high schools became optional as a result of the passage of P.L. 1994, c. 182 (emphasis added). The effect of this amendment was that schools still had to provide a voter registration opportunity and related instruction, but were no longer able to rely on mandatory assistance from county election officials.

The high school voter registration law still retains this now-outdated reference to county assistance. We therefore agree with excising this reference from N.J. Stat. Ann. § 18A:36-27.

2. A-2752's proposal to add a summary of registration requirements will serve to educate these new prospective voters; as such we support it.

² In fact, AJR96 and SJR63 both support designating the last week in May as High School Voter Registration Week, eschewing both an earlier date and a date tied to graduation ceremonies.

3. We believe that it would be better to retain the existing framework which allows schools to conduct the voter drive and instruction at a time of their choosing, rather than tying it to graduation. As we said above, it is more sensible to hand out the voter registration application and related instructional materials during a class session rather than at graduation when it may well be lost in the flurry of excitement and other paperwork. To maximize the efforts of registration drives, we therefore ask you to reconsider the mandate that it be provided at graduation and replace it, if at all, with a suggested date of late May or early June.

Here is proposed language to effectuate this suggestion (underlined text is new; bracketed text is proposed for deletion):

The board of education of each school district and the appropriate school officials in each nonpublic school shall provide a voter registration form, a summary of voter registration eligibility requirements, and instruction and material describing the role of a citizen and the importance of voting to each eligible high school pupil [in conjunction with the voter registration drive conducted by each county commissioner of registration pursuant to R.S. 19:31-2]. This material shall be nonpartisan and conform to the provisions of N.J.S. 18A:42-4.

The distribution of voter registration forms, eligibility requirements, and instruction and material shall occur in the last week of May of every year or at such other time or times as may be fixed by the board of education, in the case of public schools, or by the appropriate school officials, in the case of a nonpublic school.

I am at your disposal to answer any other questions you or the committee members may have about this legislation.

Very truly yours,



Ronald K. Chen
Public Advocate

c Assemblyman Ralph Caputo
Assemblywoman Valerie Vainieri Huttle
Assemblyman Douglas Fisher
Assemblywoman Joan Voss
Assemblyman Patrick Deignan
Assemblywoman Amy Handlin

Assemblywoman Mila Jasey
Assemblyman Joseph Malone
Assemblyman Paul Moriarty
Assemblywoman Nellie Pou
Assemblyman Ruben Ramos
Assemblyman Scott Rumana
Assemblyman Joseph Vas
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