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## **EDUCATION**

42 N.J.R. 1629(a)

### **OFFICE OF ACADEMIC STANDARDS**

#### **Notice of Action on Petition for Rulemaking**

#### **N.J.S.A. 18A:36-27 and 28 New Jersey High School Voter Registration Law**

Petitioners: New Jersey Department of the Public Advocate, Trenton, New Jersey; Project Vote, Washington, D.C.; and American Civil Liberties Union of New Jersey, Newark, New Jersey.

**Take notice** that on January 8, 2010, the above petitioners filed a petition with the New Jersey Department of Education for rulemaking requesting that the State Board adopt rules requiring local districts to provide both voter registration services and a voter education programs to students annually. The voter registration services shall include distributing to every high school student 17 years or older a voter registration form, instructions on how to complete it and the necessary time to complete it. The voter education programs shall include instruction about the importance of voting, the role of citizens, and voter registration eligibility requirements. In addition, all public and private schools would be required to demonstrate compliance with these mandates, with public schools demonstrating compliance through the New Jersey Quality Single Accountability Continuum (NJQSAC) process. Schools would also be required to collect and transmit voter registration forms to elections officials or provide students the option to return the forms themselves. A notice acknowledging receipt of the petition was published in the February 16, 2010 New Jersey Register at 42 N.J.R. 595(a).

In its notice of action, filed with the Office of Administrative Law on March 7, 2010 and published in the New Jersey Register on April 5, 2010 at 42 N.J.R. 733(a), the Department determined that additional time was needed to consider this matter. In the notice of action filed with the Office of Administrative Law on June 10, 2010, published in the July 6, 2010 New Jersey Register at 42 N.J.R. 1433(a), the Department further decided that additional consideration of this petition with the members of the State Board of Education was necessary.

Therefore, this petition was considered with members of the State Board of Education at the June 16, 2010 monthly public meeting. During that meeting, the State Board of Education voted to deny the requested petition for rulemaking requiring every high school student 17 years or older to receive a voter registration form, instructions on how to complete it and the necessary time to complete it, as well as instruction about the importance of voting and the role of citizens.

The reasons for the denial of this request follow:

Since 1985, the State of New Jersey has required every public and non public school to provide students with voter registration forms and information about the importance of voting. The following legislation sets forth this requirement:

“18A:36-27. Voter registration forms in nonpublic schools. 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*. Adopted. L. 1985”

In addition, the Department added an indicator to the states monitoring instrument, NJQSAC, to assess what the districts reported about compliance with the law despite indications that the rule was clear and well understood in districts: “The district has provided a voter registration form and voting description material to each eligible high school pupil in compliance with *N.J.S.A. 18A:36-27*.”

Further, an analysis of 2009 NJQSAC data revealed the following:

- Of the 280 districts monitored in 2009, all reported that they provided students with information about elections and with voter registration forms. These reports were verified by County Superintendents.
- Of the 70 districts that were reevaluated in 2009, all reported that they provided students information about elections and with voter registration forms. These reports were also verified by County Superintendents.

Given the existing legislative mandates and 2009 data reported from districts participating in NJQSAC, the New Jersey Department of Education and the State Board of Education disagrees that further rulemaking will improve current compliance with the law.

A copy of this public notice is being mailed to the petitioners.