

## Voting laws may be left to voters

By Andrew Seidman, Inquirer Trenton Bureau

"You would prefer to do it legislatively. It's just that when left no options, you have to fight for the people," Senate President Stephen Sweeney (D., Gloucester) said in an interview Thursday. "If the administration is going to ignore the will of the people he represents for political, ideological reasons, well, look, we're going to go to the people."

The bill the Legislature passed along party lines in June would establish automatic registration for eligible voters when they apply for a driver's license or other form of ID at the Motor Vehicle Commission; create more opportunities for early voting; and offer online voter registration, among other provisions.

A number of states have enacted parts of these reforms - for example, 23 offer online voter registration, according to the National Conference of State Legislatures - but this legislation "would put New Jersey in pretty unprecedented territory in terms of the size of this package," said Damon Daniels, campaign and outreach associate with Demos, a New York-based, liberal-leaning think tank.

Christie vetoed an early-voting bill in 2013 and has expressed opposition to the latest legislation.

Spokesman Brian Murray said Friday that the "voting public's use of mail-in ballots has steadily increased under Gov. Christie, and elections have been consolidated to better accommodate voter participation as well as to save tax dollars."

An August Rutgers-Eagleton poll found that a majority of New Jersey residents support the measures, especially early voting and automatic registration.

So there's a good chance voters would approve an amendment in 2016, the earliest lawmakers could put it on the ballot, just as voters overwhelmingly passed the wage hike in 2013.

But the tactic isn't necessarily the best way to change laws, analysts and even Democrats acknowledge.

"I doubt that the framers of the 1947 constitution had this in mind when they set up the amendment process," said David Redlawsk, a political scientist at Rutgers and director of the university's Eagleton Center for Public Interest Polling.

He added, "Using the constitution this way, it becomes one of those things that runs the risk of looking like, 'We aren't getting what we want, so we're going to play the game a different way,' in a sense that may not go over very well."

Sweeney says Democrats have been judicious in turning to the ballot box in face of Christie's opposition, noting that on many other occasions they have tried - unsuccessfully - to override the governor's vetoes.

"We take our constitution very seriously," Sweeney said.

Christie himself argued for seeking voter approval in the case of legalizing gay marriage. Democrats refused, saying they wouldn't put civil rights on the ballot. (Gay marriage was ultimately legalized by the courts.)

Christie has circumvented Democrats in other ways, including executive actions, such as his decision in 2011 to pull New Jersey out of a regional cap-and-trade program for carbon emissions.

And he refused to nominate an attorney general to be confirmed by the Senate. As a result, John Hoffman has served as acting attorney general for more than two years, and the Legislature hasn't been able to vet or vote on the state's top law enforcement official.

The state constitution says the attorney general "shall be nominated and appointed by the Governor with the advice and consent of the Senate."

In addition to the voter registration provisions, the "Democracy Act" (Bill S-50) lowers the threshold of the requirement to print election notices in languages other than English from 10 percent of a district's population to 5 percent.

It also would establish a new procedure for filling congressional vacancies. The governor would be required to fill a U.S. Senate vacancy within 30 days with someone from the same political party as the senator who previously held the seat.

The governor would be prohibited from holding special elections to fill a vacancy. In June 2013, after the death of Sen. Frank Lautenberg, a Democrat, Christie appointed Republican Jeffrey S. Chiesa, then the state attorney general, to fill the seat. Christie then called for a special primary in August and general election in October of that year.

The push to expand access to voting in New Jersey is a response to low voter turnout and low registration among eligible voters, Democrats say. They point to census data compiled by Rutgers that shows the Garden State ranked 39th among the states in both categories, with 54.5 percent of eligible voters casting ballots in 2012 and 64 percent of the eligible population registered to vote.

However, Pew Charitable Trusts, using a different methodology, found that New Jersey's 2012 voter turnout rate surpassed the national average.

Political observers are expecting to see a record low turnout in November, when Assembly elections top the ballot.

"A lot of this stuff seems to be concerted effort from the Democratic National Committee, and there's no question in my mind that there are some advocates of this who are looking to increase the opportunities for voter fraud, and that's not democracy either," Christie said in June on radio 101.5's *Ask the Governor* program.

Nevertheless, Sweeney and other lawmakers and voting-rights advocates urged Christie to sign the legislation during a news conference last week in Jersey City.

Securing a win at the ballot, rather than waiting until Christie's term ends, also would hand Sweeney another political victory as he prepares for a likely gubernatorial run in 2017.

One of his chief rivals for the Democratic nomination is expected to be Jersey City Mayor Steve Fulop.

After working with Christie during the governor's first term to overhaul the state's pension and health benefits systems - and facing considerable backlash from the Democratic base - Sweeney could benefit from forcing Christie to go on the record with a veto of the voting bill, said Redlawsk, the Rutgers professor.

"Sweeney in some sense is trying to make up for having previously gone in that direction," he said.

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