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COMMENTARY

N.J., a State Formerly Known As Progressive

By Janine G. Bauer

You probably don't know Denise Calloway, and until recently, neither did I. She lives in Trenton now, but she used to live in Newark, where she was registered to vote. Because of her move, she had to change her voter registration to vote on Nov. 4.

While visiting South Orange the week before the Oct. 14 new-voter registration deadline, she stopped by a table staffed by the local Democratic Committee and filled out the correct form. During the committee's regular Sunday evening meeting, I volunteered to take the form to the Mercer County clerk, concerned that dropping it off at Newark so close to the deadline would result in her missing the deadline. Is there inter-clerk reciprocity or communication, I wondered? No one knew; the next day was Columbus Day, and every office was closed.

There began an odyssey that speaks volumes about New Jersey, formerly known as a progressive state. The National Voter Registration Act, known as the "motor voter" law and enacted in 1993, was supposed to make registering easy and foolproof. I can feed a check into my bank's ATM and have it deposited in seconds. I can buy something online using my most sensitive personal information securely. Fed Ex can track my package and tell me who signed for it. Yet our voting procedures are vastly outdated.

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Why does it take county clerks 21 days before an election to register someone to vote?

OK, I admit — I didn't make it to the Mercer County Clerk's Office on Oct. 14; it was an overcommitted day. However, I was fairly certain that there was some relief for voters who simply moved within the state 21 days before the election. Isn't there a right to travel intra-state, I pondered? Why does a registered voter have to essentially re-register within a certain time period? Isn't there a statewide voter registration index? Changing one's address, of all tasks, should be able to be accomplished online. Aren't county clerks vestiges of the past, anyway?

The next day, Oct. 15, I appeared at the Mercer County Clerk's Office with Calloway's change of address form. I was turned away — too late. I explained the situation and said I didn't think the 21-day rule applied to already registered voters who moved. The counterperson disappeared, returning a minute later to inform me that his supervisor confirmed that it did, and I was too late. I asked, "Is that rule written down somewhere?" He disappeared and returned, stating that his supervisor said it was in Title 19. Duh. I asked for a copy. He returned from visiting his supervisor and said, "Look it up online." Sorry, I haven't loaded my Westlaw account to my Blackberry yet!

I asked him to make a copy of the form and accept the original, in case I was correct, and that I would get back to him with a letter. No dice. I left, determined to find Calloway and offer to help her. I had been sent to Florida as part of Kerry-Edwards' legal team to assist voters in 2004. I figured

I could handle this.

A look at Title 19 confirmed the 21-day period but N.J.S.A. 19:53C(e)(2) said the voter who moves after the 29th day and who does not re-register before the 21st day before the election "may" be eligible to vote. I visited Calloway two weeks ago and explained her options: sue the clerk to have the form filed nunc pro tunc, which I volunteered to do pro bono; request an absentee ballot to be delivered to her new address (since voting absentee no longer requires one to be sick or out of state); drive to Newark on Election Day and vote at the polling place for her last registered address; or re-register to vote in Mercer and perhaps be allowed to vote by provisional ballot.

Calloway opted for an absentee ballot from her former address. I witnessed her fill out the request for an absentee ballot form and told her to call me if she didn't have the actual absentee ballot by Halloween. Then I drove to Newark and mailed her request form, on Thursday, Oct. 24. The pick-up time posted on the mail box was 9 a.m., Oct. 25. It has to arrive at the Essex County Clerk's Office by mail no later than seven days before the election, Oct. 28. Three days should be enough.

I'm waiting for Calloway's call because the only two times I've timely requested an absentee ballot from Essex County, it hasn't arrived before the election, and I had to go to the assignment judge to obtain a court order allowing me to cast my vote.

Legislators: Isn't it time to revise our election laws and come into the 21st century, where many other states have already gone, quite successfully? ■