

ASSEMBLY, No. 850

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

SYNOPSIS

Extends right to vote to individuals on probation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning the voting rights of persons on probation and
2 amending R.S.19:4-1 and P.L.1974, c.30.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.19:4-1 is amended to read as follows:

8 19:4-1. Except as provided in sections 19:4-2 and 19:4-3 of this
9 Title, every person possessing the qualifications required by Article
10 II, paragraph 3, of the Constitution of the State of New Jersey and
11 having none of the disqualifications hereinafter stated and being
12 duly registered as required by this Title, shall have the right of
13 suffrage and shall be entitled to vote in the polling place assigned to
14 the election district in which he actually resides, and not elsewhere.

15 No person shall have the right of suffrage--

16 (1) Who is an idiot or is insane; or

17 (2) (Deleted by amendment.)

18 (3) (Deleted by amendment.)

19 (4) (Deleted by amendment.)

20 (5) (Deleted by amendment.)

21 (6) Who has been convicted of a violation of any of the
22 provisions of this Title, for which criminal penalties were imposed,
23 if such person was deprived of such right as part of the punishment
24 therefor according to law unless pardoned or restored by law to the
25 right of suffrage; or

26 (7) Who shall be convicted of the violation of any of the
27 provisions of this Title, for which criminal penalties are imposed, if
28 such person shall be deprived of such right as part of the
29 punishment therefor according to law, unless pardoned or restored
30 by law to the right of suffrage; or

31 (8) Who is serving a sentence or is on parole [or probation] as
32 the result of a conviction of any indictable offense under the laws of
33 this or another state or of the United States.

34 A person who will have on the day of the next general election
35 the qualifications to entitle him to vote shall have the right to be
36 registered for and vote at such general election and register for and
37 vote at any election, intervening between such date of registration
38 and such general election, if he shall be a citizen of the United
39 States and shall meet the age and residence requirements prescribed
40 by the Constitution of this State and the laws of the United States,
41 when such intervening election is held, as though such
42 qualifications were met before registration.

43 (cf: P.L.1971, c.280, s.1)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 2. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
2 as follows:

3 16. a. The Attorney General shall cause to be prepared and shall
4 provide to each county commissioner of registration forms of size
5 and weight suitable for mailing, which shall require the information
6 required by R.S.19:31-3 in substantially the following form:

7 VOTER REGISTRATION APPLICATION

8

9 Print clearly in ink. Use ballpoint pen or marker.

10

11 (1) This form is being used as (check one):

12

13 New registration

14

15 Address change

16

17 Name change

18

19 (2) Name:.....

20

21 Last First Middle

22

23 (3) Are you a citizen of the United States of America? Yes No

24 (4) Will you be 18 years of age on or before election day? Yes

25 No

26 If you checked 'No' in response to either of these questions, do
27 not complete this form.

28

29 (5) Street Address where you live:

30

31

32

33 Street Address Apt. No.

34

35

36

37 (6) City or Town County Zip Code

38

39 (7) Address Where You Receive Your Mail (if different from
40 above):

41

42

43

44 (8) Date of Birth:

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1
2 Month Day Year

3
4 (9) Telephone Number (optional).....

5
6 (10) Name and address of Your Last Voter Registration
7
8
9
10
11

12
13 (11) If you are registering by mail to vote and will be voting for
14 the first time in your current county of residence, please provide
15 one of the following:

- 16 (a) your New Jersey driver's license number:.....
- 17 (b) the last four digits of your Social Security
18 Number.....

19 OR submit with this form a copy of any one of the following
20 documents: a current and valid photo identification card; a current
21 utility bill, bank statement, government check, pay check or any
22 other government or other identifying document that shows your
23 name and current address. If you do not provide either your New
24 Jersey driver's license number or the last four digits of your Social
25 Security Number, or enclose a copy of one of the documents listed
26 above, you will be asked for identification when voting for the first
27 time, unless you are exempt from doing so under federal or State
28 law.

29 (12) Do you wish to declare a political party affiliation?
30 (Optional):

- 31 YES. Name of Party:
- 32 NO. I do not wish to declare a political party affiliation at
33 this time.

34 (13) Declaration - I swear or affirm that:

- 35
- 36 I am a U.S. citizen.
- 37
- 38 I live at the above address.
- 39

40 I will be at least 18 years old on or before the day of the next
41 election.

42
43 I am not on parole [, probation] or serving a sentence due to a
44 conviction for an indictable offense under any federal or State laws.

45
46 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
47 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO

1 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
2 PURSUANT TO R.S.19:34-1.

3

4

5

6 Signature or mark of the registrant Date

7

8 (14) If applicant is unable to complete this form, print the name
9 and address of individual who completed this form.

10

11

12

13 Name

14

15

16

16 Address

17

17 In addition, the form may include notice to the applicant of
18 information and options relating to the registration and voting
19 process, including but not limited to notice of qualifications
20 required of a registered voter; notice of the final day by which a
21 person must be registered to be eligible to vote in an election;
22 notice of the effect of a failure to provide required identification
23 information; a place at which the applicant may indicate availability
24 for service as a member of the district board of elections; a place at
25 which the applicant may indicate whether he or she requires a
26 polling place which is accessible to individuals with disabilities and
27 the elderly or whether he or she is legally blind; a place at which
28 the applicant may indicate a desire to receive information
29 concerning absentee voting; and if the application indicates a
30 political party affiliation, the voter is permitted to vote in the
31 primary election of a political party other than the political party in
32 which the voter was affiliated previously only if the voter
33 registration form with the change of political party affiliation is
34 filed prior to the 50th day next preceding the primary election. The
35 form may also include a space for the voter registration agency to
36 record whether the applicant registered in person, by mail or by
37 other means.

38

38 b. The reverse side of the registration form shall bear the
39 address of the Attorney General or the commissioner of registration
40 to whom such form is supplied, and a United States postal permit
41 the charges upon which shall be paid by the State.

42

42 c. The Attorney General shall cause to be prepared registration
43 forms of the size, weight and form described in subsection a. of this
44 section in both the English and Spanish language and shall provide
45 such forms to each commissioner of registration of any county in
46 which there is at least one election district in which bilingual
47 sample ballots must be provided pursuant to R.S.19:14-21,
48 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

- 1 d. The commissioner of registration shall furnish such
2 registration forms upon request in person to any person or
3 organization in such reasonable quantities as such person or
4 organization shall request. The commissioner shall furnish no
5 fewer than two such forms to any person upon request by mail or by
6 telephone.
- 7 e. Each such registration form shall have annexed thereto
8 instructions specifying the manner and method of registration and
9 stating the qualifications for an eligible voter.
- 10 f. The Attorney General shall also furnish such registration
11 forms and such instructions to the Director of the Division of
12 Worker's Compensation, the Director of the Division of
13 Employment Services, and the Director of the Division of
14 Unemployment and Temporary Disability Insurance in the
15 Department of Labor and Workforce Development; to the Director
16 of the Division of Taxation in the Department of the Treasury; to
17 the Executive Director of the New Jersey Transit Corporation; to
18 the appropriate administrative officer of any other public agency, as
19 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
20 6.3); to the Adjutant General of the Department of Military and
21 Veterans' Affairs; and to the chief administrative officer of any
22 voter registration agency, as defined in subsection a. of section 26
23 of P.L.1994, c.182 (C.19:31-6.11).
- 24 g. All registration forms received by the Attorney General in the
25 mail or forwarded to the Attorney General shall be forwarded to the
26 commissioner of registration in the county of the registrant.
- 27 h. An application to register to vote received from the New
28 Jersey Motor Vehicle Commission or a voter registration agency, as
29 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
30 6.11), shall be deemed to have been timely made for the purpose of
31 qualifying an eligible applicant as registered to vote in an election if
32 the date on which the commission or agency shall have received
33 that document in completed form, as indicated in the lower right
34 hand corner of the form, was not later than the 21st day preceding
35 that election.
- 36 i. Each commissioner of registration shall make note in the
37 permanent registration file of each voter who is required to provide
38 the personal identification information required pursuant to this
39 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
40 252 (42 U.S.C. s. 15301 et seq.), to indicate the type of
41 identification provided by the voter and the date on which it is
42 provided. Prior to the June 2004 primary election, when such a
43 newly registered voter seeks to vote for the first time following his
44 or her registration, the voter will be required to provide such
45 personal identification information. Beginning with the June 2004
46 primary election, when such a newly registered voter seeks to vote
47 for the first time following his or her registration, the voter will not
48 be required to provide such information if he or she had previously

1 provided the personal identification information required pursuant
2 to this section. The required information shall be collected and
3 stored for the time and in the manner required pursuant to
4 regulations promulgated by the Attorney General.

5 j. The Attorney General shall amend the voter registration
6 application form if necessary to conform to the requirements of
7 applicable federal or State law.

8 k. In the event that the name of any political party entered on the
9 voter registration form by a voter who wishes to declare a political
10 party affiliation is not legible, the commissioner of registration shall
11 mail the voter a political party declaration form and a letter
12 explaining that the voter's choice was not understood and that the
13 voter should complete and return the declaration form in order to be
14 affiliated with a party.

15 (cf: P.L.2005, c.154, s.8)

16

17 3. This act shall take effect immediately.

18

19

20 STATEMENT

21

22 This bill would amend existing law to allow a person who is on
23 probation to vote. Currently, an individual who is convicted of a
24 crime of the fourth through first degree is prohibited from voting in
25 any primary, municipal, special or general election while serving a
26 sentence for that crime and while on parole or probation as a result
27 of that conviction. Conviction of an indictable offense in another
28 state or under the laws of the United States similarly results in loss
29 of the right to vote in New Jersey while the convicted person is
30 serving a sentence for that crime and while on parole or probation.

31 The New Jersey Constitution grants the Legislature the authority
32 to deny the right of suffrage to persons convicted of crimes
33 designated by the Legislature. N.J.Const. Art. II, Sec. 1, par. 7.
34 Pursuant to this authority, the Legislature has provided in the New
35 Jersey Criminal Code, at N.J.S.A.2C:51-3, that a person who is
36 convicted of a crime is disqualified from "voting in any primary,
37 municipal, special or general election as determined by the
38 provisions of R.S.19:4-1." R.S.19:4-1, in relevant part, denies the
39 right of suffrage to any person "who is serving a sentence or is on
40 parole or probation as a result of a conviction of any indictable
41 offense under the laws of this or another state or of the United
42 States." In New Jersey, indictable offenses are crimes of the fourth
43 through first degree. A crime carries a sentence of imprisonment in
44 excess of six months. Disorderly persons offenses and petty
45 disorderly persons offenses are not crimes within the meaning of
46 the State Constitution.