

SENATE, No. 771

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

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District 33 (Hudson)

SYNOPSIS

Allows persons on parole and probation to vote; provides registration assistance to persons on probation, parolees, and persons completing sentences.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the voting rights of certain persons on parole
2 and probation and amending and supplementing various parts of
3 the statutory law.
4

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

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

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

17 No person shall have the right of suffrage--

18 (1) Who has been adjudicated by a court of competent
19 jurisdiction to lack the capacity to understand the act of voting; or

20 (2) (Deleted by amendment.)

21 (3) (Deleted by amendment.)

22 (4) (Deleted by amendment.)

23 (5) (Deleted by amendment.)

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

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

34 (8) Who is serving a sentence **【**or is on parole or probation**】** as
35 the result of a conviction of any indictable offense under the laws of
36 this State or a crime under the laws of another state or of the United
37 States which would be a crime if committed in this State.

38 A person who will have on the day of the next general election
39 the qualifications to entitle him to vote shall have the right to be
40 registered for and vote at such general election and register for and
41 vote at any election, intervening between such date of registration
42 and such general election, if he shall be a citizen of the United
43 States and shall meet the age and residence requirements prescribed
44 by the Constitution of this State and the laws of the United States,

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.

1 when such intervening election is held, as though such
2 qualifications were met before registration.
3 (cf: P.L.2010, c.50, s.17)
4

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

7 16. a. The Secretary of State shall cause to be prepared and
8 shall provide to each county commissioner of registration forms of
9 size and weight suitable for mailing, which shall require the
10 information required by R.S.19:31-3 in substantially the following
11 form:

12 VOTER REGISTRATION APPLICATION

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

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

15 New registration

16 Address change

17 Name change

18 (2) Name:.....

19 Last First Middle

20 (3) Are you a citizen of the United States of America?YesNo

21 (4) Will you be 18 years of age on or before election
22 day?Yes No

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

25 (5) Street Address where you live:

26

27 Street Address Apt. No.

28

29 (6) City or Town County Zip Code

30 (7) Address Where You Receive Your Mail (if different from
31 above):

32

33 (8) Date of Birth:

34

35 Month Day Year

36 (9) (a) Telephone Number (optional).....

37 (b) E-Mail Address (optional).....

38 (10) Name and address of Your Last Voter Registration

39

40

41

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

45 (a) your New Jersey driver's license
46 number:.....

47 (b) the last four digits of your Social Security
48 Number.....

1 OR submit with this form a copy of any one of the following
2 documents: a current and valid photo identification card; a current
3 utility bill, bank statement, government check, pay check or any
4 other government or other identifying document that shows your
5 name and current address. If you do not provide either your New
6 Jersey driver's license number or the last four digits of your Social
7 Security Number, or enclose a copy of one of the documents listed
8 above, you will be asked for identification when voting for the first
9 time, unless you are exempt from doing so under federal or State
10 law.

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

13 YES. Name of Party:

14 NO. I do not wish to declare a political party affiliation
15 at this time.

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

17 I am a U.S. citizen.

18 I live at the above address.

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

21 I am not **[on parole, probation or]** serving a sentence due to a
22 conviction for **[an indictable offense under any federal or State**
23 **laws.]** any crime under the laws of this State or a crime under the
24 laws of another state or of the United States which would be a crime
25 if committed in this State.

26 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
27 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
28 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
29 PURSUANT TO R.S.19:34-1.

30

31 Signature or mark of the registrant Date

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

34

35 Name

36

37 Address

38 In addition, the form may include notice to the applicant of
39 information and options relating to the registration and voting
40 process, including but not limited to notice of qualifications
41 required of a registered voter; notice of the final day by which a
42 person must be registered to be eligible to vote in an election;
43 notice of the effect of a failure to provide required identification
44 information; a place at which the applicant may indicate availability
45 for service as a member of the district board of elections; a place at
46 which the applicant may indicate whether he or she requires a
47 polling place which is accessible to individuals with disabilities and
48 the elderly or whether he or she is legally blind; a place at which

1 the applicant may indicate a desire to receive information
2 concerning absentee voting; and if the application indicates a
3 political party affiliation, the voter is permitted to vote in the
4 primary election of a political party other than the political party in
5 which the voter was affiliated previously only if the voter
6 registration form with the change of political party affiliation is
7 filed prior to the 50th day next preceding the primary election. The
8 form may also include a space for the voter registration agency to
9 record whether the applicant registered in person, by mail or by
10 other means.

11 b. The reverse side of the registration form shall bear the
12 address of the Secretary of State or the commissioner of registration
13 to whom such form is supplied, and a United States postal permit
14 the charges upon which shall be paid by the State.

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

22 d. The commissioner of registration shall furnish such
23 registration forms upon request in person to any person or
24 organization in such reasonable quantities as such person or
25 organization shall request. The commissioner shall furnish no
26 fewer than two such forms to any person upon request by mail or by
27 telephone.

28 e. Each such registration form shall have annexed thereto
29 instructions specifying the manner and method of registration and
30 stating the qualifications for an eligible voter.

31 f. The Secretary of State shall also furnish such registration
32 forms and such instructions to the Director of the Division of
33 Workers' Compensation, the Director of the Division of
34 Employment Services, and the Director of the Division of
35 Unemployment and Temporary Disability Insurance in the
36 Department of Labor and Workforce Development; to the Director
37 of the Division of Taxation in the Department of the Treasury; to
38 the Executive Director of the New Jersey Transit Corporation; to
39 the appropriate administrative officer of any other public agency, as
40 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
41 6.3); to the Adjutant General of the Department of Military and
42 Veterans' Affairs; and to the chief administrative officer of any
43 voter registration agency, as defined in subsection a. of section 26
44 of P.L.1994, c.182 (C.19:31-6.11).

45 g. All registration forms received by the Secretary of State in
46 the mail or forwarded to the Secretary of State shall be forwarded to
47 the commissioner of registration in the county of the registrant.

1 h. An application to register to vote received from the New
2 Jersey Motor Vehicle Commission or a voter registration agency, as
3 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
4 6.11), shall be deemed to have been timely made for the purpose of
5 qualifying an eligible applicant as registered to vote in an election if
6 the date on which the commission or agency shall have received
7 that document in completed form, as indicated in the lower right
8 hand corner of the form, was not later than the 21st day preceding
9 that election.

10 i. Each commissioner of registration shall make note in the
11 permanent registration file of each voter who is required to provide
12 the personal identification information required pursuant to this
13 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
14 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of
15 identification provided by the voter and the date on which it is
16 provided. Prior to the June 2004 primary election, when such a
17 newly registered voter seeks to vote for the first time following his
18 or her registration, the voter will be required to provide such
19 personal identification information. Beginning with the June 2004
20 primary election, when such a newly registered voter seeks to vote
21 for the first time following his or her registration, the voter will not
22 be required to provide such information if he or she had previously
23 provided the personal identification information required pursuant
24 to this section. The required information shall be collected and
25 stored for the time and in the manner required pursuant to
26 regulations promulgated by the Secretary of State.

27 j. The Secretary of State shall amend the voter registration
28 application form if necessary to conform to the requirements of
29 applicable federal or State law.

30 k. In the event that the name of any political party entered on
31 the voter registration form by a voter who wishes to declare a
32 political party affiliation is not legible, the commissioner of
33 registration shall mail the voter a political party declaration form
34 and a letter explaining that the voter's choice was not understood
35 and that the voter should complete and return the declaration form
36 in order to be affiliated with a party.
37 (cf: P.L.2009, c.287, s.1)

38
39 3. (New section) The chief probation officer in each county
40 shall:

41 a. cause copies of the voter registration forms and instructions
42 provided for under section 16 of P.L.1974, c.30 (C.19:31-6.4) and
43 the declination form provided for in subsection b. of section 26 of
44 P.L.1994, c.182 (C.19:31-6.11) to be distributed at each office to
45 each person on probation appearing in person thereat. An employee
46 of the office shall inquire of every such person whether the person,
47 if not already registered to vote from the place of his or her present
48 residence, wishes to be so registered and shall inform the person

1 that whether or not the applicant chooses to register will not affect
2 the person's eligibility for probation. The employee shall
3 subsequently review the forms to determine whether or not the
4 person wishes to register to vote. If the person does not wish to
5 register, the employee shall provide the person with any assistance
6 necessary to complete the declination form and then inform the
7 person that the form will be retained by the employee. If the person
8 wishes to register, the employee shall provide the person with any
9 assistance necessary in completing the voter registration form; shall
10 inform the person that the person may leave the completed form
11 with the employee or mail it personally to the Secretary of State;
12 and if the person chooses to leave the form, shall accept the
13 completed form, stamp or otherwise mark the lower right hand
14 corner of the document with the date on which it was so received,
15 and forward it to the Secretary of State. The employee shall
16 provide to each person who does not decline to register to vote the
17 same degree of assistance with regard to the completion of the voter
18 registration form as is provided by the office with regard to the
19 completion of its own forms, unless the person refuses such
20 assistance;

21 b. provide for the continuous supply of the forms and
22 instructions specified in subsection a. of this section to every office;

23 c. provide the forms and instructions specified in subsection a.
24 of this section in both the English and Spanish languages to the
25 offices which are located in any county in which bilingual sample
26 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
27 section 2 of P.L.1965, c.29 (C.19:23-22.4);

28 d. provide for the collection of completed voter registration
29 forms by any employee of the office for the transmittal of the forms
30 to the Secretary of State;

31 e. provide that the forms, instructions and assistance specified
32 in subsection a. of this section shall be provided to any person with
33 a disability at that person's home by an employee of the office;

34 f. inform each employee of the office who assists in registering
35 a person to vote that employee shall not:

36 (1) seek to influence an applicant's political preference or party
37 registration;

38 (2) display any such political preference or party allegiance;

39 (3) make any statement to an applicant or take any action the
40 purpose or effect of which is to discourage the applicant from
41 registering to vote; or

42 (4) make any statement to an applicant or take any action the
43 purpose or effect of which is to lead the person to believe that a
44 decision to register or not to register has any bearing on that
45 person's eligibility for probation; and

46 g. make certain that no information relating to a declination to
47 register to vote by a person is used for any purpose other than voter
48 registration.

- 1 4. (New section) The State Parole Board shall:
- 2 a. cause copies of the voter registration forms and instructions
- 3 provided for under section 16 of P.L.1974, c.30 (C.19:31-6.4) and
- 4 the declination form provided for in subsection b. of section 26 of
- 5 P.L.1994, c.182 (C.19:31-6.11) to be distributed at each office to
- 6 each person on parole for conviction of a crime under the laws of
- 7 this State who appears in person thereat. An employee of the office
- 8 shall inquire of every such person whether the person, if not already
- 9 registered to vote from the place of his or her present residence,
- 10 wishes to be so registered and shall inform the person that whether
- 11 or not the applicant chooses to register will not affect the person's
- 12 eligibility for parole. The employee shall subsequently review the
- 13 forms to determine whether or not the person wishes to register to
- 14 vote. If the person does not wish to register, the employee shall
- 15 provide the person with any assistance necessary to complete the
- 16 declination form and then inform the person that the form will be
- 17 retained by the employee. If the person wishes to register, the
- 18 employee shall provide the person with any assistance necessary in
- 19 completing the voter registration form; shall inform the person that
- 20 the person may leave the completed form with the employee or mail
- 21 it personally to the Secretary of State; and if the person chooses to
- 22 leave the form, shall accept the completed form, stamp or otherwise
- 23 mark the lower right hand corner of the document with the date on
- 24 which it was so received, and forward it to the Secretary of State.
- 25 The employee shall provide to each person who does not decline to
- 26 register to vote the same degree of assistance with regard to the
- 27 completion of the voter registration form as is provided by the
- 28 office with regard to the completion of its own forms, unless the
- 29 person refuses such assistance;
- 30 b. provide for the continuous supply of the forms and
- 31 instructions specified in subsection a. of this section to every office;
- 32 c. provide the forms and instructions specified in subsection a.
- 33 of this section in both the English and Spanish languages to the
- 34 offices which are located in any county in which bilingual sample
- 35 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
- 36 section 2 of P.L.1965, c.29 (C.19:23-22.4);
- 37 d. provide for the collection of completed voter registration
- 38 forms by any employee of the office for the transmittal of the forms
- 39 to the Secretary of State;
- 40 e. provide that the forms, instructions and assistance specified
- 41 in subsection a. of this section shall be provided to any person with
- 42 a disability at that person's home by an employee of the office;
- 43 f. inform each employee of the office who assists in registering
- 44 a person to vote that employee shall not:
- 45 (1) seek to influence an applicant's political preference or party
- 46 registration;
- 47 (2) display any such political preference or party allegiance;
- 48 (3) make any statement to an applicant or take any action the

1 purpose or effect of which is to discourage the person from
2 registering to vote; or

3 (4) make any statement to a person or take any action the
4 purpose or effect of which is to lead the person to believe that a
5 decision to register or not to register has any bearing on that
6 person's eligibility for parole; and

7 g. make certain that no information relating to a declination to
8 register to vote by a person is used for any purpose other than voter
9 registration.

10

11 5. (New section) Whenever any person completes serving a
12 sentence in any State or county correctional facility for a crime, the
13 Commissioner of Corrections shall:

14 a. cause copies of the voter registration forms and instructions
15 provided for under section 16 of P.L.1974, c.30 (C.19:31-6.4) and
16 the declination form provided for in subsection b. of section 26 of
17 P.L.1994, c.182 (C.19:31-6.11) to be distributed to such person. An
18 employee of the Department of Corrections or of the county
19 correctional facility, as appropriate, shall inquire of every such
20 person whether the person, if not already registered to vote from the
21 place of his or her present residence, wishes to be so registered and
22 shall inform the person that whether or not the person chooses to
23 register will not affect the person's release. The employee shall
24 subsequently review the forms to determine whether or not the
25 person wishes to register to vote. If the person does not wish to
26 register, the employee shall provide the person with any assistance
27 necessary to complete the declination form and then inform the
28 person that the form will be retained by the employee. If the person
29 wishes to register, the employee shall provide the person with any
30 assistance necessary in completing the voter registration form; shall
31 inform the person that the person may leave the completed form
32 with the employee or mail it personally to the Secretary of State;
33 and if the person chooses to leave the form, shall accept the
34 completed form, stamp or otherwise mark the lower right hand
35 corner of the document with the date on which it was so received,
36 and forward it to the Secretary of State. The employee shall
37 provide to each person who does not decline to register to vote the
38 same degree of assistance with regard to the completion of the voter
39 registration form as is provided by the department or county with
40 regard to the completion of its own forms, unless the applicant
41 refuses such assistance;

42 b. provide for the continuous supply of the forms and
43 instructions specified in subsection a. of this section to every state
44 and county correctional facility;

45 c. provide the forms and instructions specified in subsection a.
46 of this section in both the English and Spanish languages to the
47 facilities which are located in any county in which bilingual sample
48 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or

- 1 section 2 of P.L.1965, c.29 (C.19:23-22.4);
- 2 d. provide for the collection of completed voter registration
- 3 forms by an employee for the transmittal of the forms to the
- 4 Secretary of State;
- 5 e. inform each employee of the agency or office who assists in
- 6 registering a person to vote that employee shall not:
- 7 (1) seek to influence an applicant's political preference or party
- 8 registration;
- 9 (2) display any such political preference or party allegiance;
- 10 (3) make any statement to an applicant or take any action the
- 11 purpose or effect of which is to discourage the applicant from
- 12 registering to vote; or
- 13 (4) make any statement to an applicant or take any action the
- 14 purpose or effect of which is to lead the applicant to believe that a
- 15 decision to register or not to register has any bearing on the person's
- 16 release; and
- 17 f. make certain that no information relating to a declination to
- 18 register to vote by an individual is used for any purpose other than
- 19 voter registration.
- 20
- 21 6. This act shall take effect immediately.
- 22
- 23

24 STATEMENT

25

26 The New Jersey Constitution at Article II, Section I, paragraph 7

27 grants the Legislature the authority to deny the right of suffrage to

28 persons convicted of crimes designated by the Legislature.

29 Pursuant to this authority, the Legislature has provided in the New

30 Jersey Criminal Code, at N.J.S.A.2C:51-3, that a person who is

31 convicted of a crime is disqualified from "voting in any primary,

32 municipal, special or general election as determined by the

33 provisions of R.S.19:4-1." R.S.19:4-1, in relevant part, denies the

34 right of suffrage to any person "who is serving a sentence or is on

35 parole or probation as a result of a conviction of any indictable

36 offense under the laws of this or another state or of the United

37 States." In New Jersey, indictable offenses are crimes of the fourth

38 through first degree. A crime carries a sentence of imprisonment in

39 excess of six months. Disorderly persons offenses and petty

40 disorderly persons offenses are not crimes within the meaning of

41 the State Constitution.

42 Thus, at present, an individual who is convicted of a crime of the

43 fourth through first degree is prohibited from voting in any primary,

44 municipal, special or general election while serving a sentence for

45 that crime and while on parole or probation as a result of that

46 conviction. Conviction of an indictable offense in another state or

47 under the laws of the United States similarly results in loss of the

48 right to vote in New Jersey while the convicted person is serving a

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1 sentence for that crime and while on parole or probation.

2 This bill permits a person who is on parole or probation to vote,
3 without distinction as to the degree of crime committed. The bill
4 also requires the chief probation officer in each county, the State
5 Parole Board and the Commissioner of Corrections to assist each
6 person under their jurisdiction who is eligible to vote and desires to
7 vote in completing a voter registration form.