

ASSEMBLY, No. 728

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

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District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires correctional facilities to provide voting rights information packets to inmates.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the distribution of voter information to certain
2 inmates, supplementing Title 30 of the Revised Statutes, and
3 amending P.L.1974, c.30.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) The Commissioner of Corrections shall
9 develop a voter information packet which shall be provided to each
10 inmate upon release from a correctional facility or a private facility
11 as defined under section 1 of P.L.1999, c.243 (C.30:4-91.9). The
12 packet shall include:

13 a. voter registration forms and instructions furnished under
14 subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4); and

15 b. a form certifying that the inmate was informed both verbally
16 and in writing of the right to vote pursuant to R.S.19:4-1, which
17 shall be signed by the inmate upon release from incarceration and
18 an official employed by the correctional facility or an employee of
19 the private facility who is required to inform the inmate of the right
20 to vote. The signed form shall be maintained on record by the
21 correctional facility or private facility and a copy shall be provided
22 to the inmate upon release from incarceration.
23

24 2. (New section) In implementing the provisions of section 1
25 of P.L. , c. (C.) (pending before the Legislature as this
26 bill), the Commissioner of Corrections shall:

27 a. provide a sufficient supply of voter information packets
28 developed pursuant to section 1 of P.L. , c. (C.) (pending
29 before the Legislature as this bill) to every correctional facility and
30 private facility as defined under section 1 of P.L.1999, c.243
31 (C.30:4-91.9) in this State;

32 b. provide that the voter information packets developed under
33 section 1 of P.L. , c. (C.) (pending before the Legislature
34 as this bill) be made available in English and Spanish to facilities
35 which are located in any county in which bilingual sample ballots
36 are required to be provided pursuant to R.S.19:14-21, R.S.19:49-4,
37 or section 2 of P.L.1965, c.29 (C.19:23-22.4);

38 c. inform each administrator or superintendent of a correctional
39 facility or the operator of a private facility that they shall not seek
40 to influence an inmate's political preference or party affiliation or
41 in any way display a political preference or party affiliation; and

42 d. conduct an annual audit to ensure that each correctional
43 facility and private facility is providing voter information packets to
44 inmates in accordance with section 1 of P.L. , c. (C.)
45 (pending before the Legislature as this bill).

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 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to
2 read as follows:
3 16. a. The Secretary of State shall cause to be prepared and
4 shall provide to each county commissioner of registration forms of
5 size and weight suitable for mailing, which shall require the
6 information required by R.S.19:31-3 in substantially the following
7 form:
8 VOTER REGISTRATION APPLICATION
9 Print clearly in ink. Use ballpoint pen or marker.
10 (1) This form is being used as (check one):
11 ☐New registration
12 ☐Address change
13 ☐Name change
14 (2) Name:.....
15 Last First Middle
16 (3) Are you a citizen of the United States of America?☐Yes☐No
17 (4) Will you be 18 years of age on or before election
18 day?☐Yes☐ No
19 If you checked 'No' in response to either of these questions, do
20 not complete this form.
21 (5) Street Address where you live:
22
23 Street Address Apt. No.
24
25 (6) City or Town County Zip Code
26 (7) Address Where You Receive Your Mail (if different from
27 above):
28
29 (8) Date of Birth:
30
31 Month Day Year
32 (9) (a) Telephone Number (optional).....
33 (b) E-Mail Address (optional).....
34 (10) Name and address of Your Last Voter Registration
35
36
37
38 (11) If you are registering by mail to vote and will be voting for
39 the first time in your current county of residence, please provide
40 one of the following:
41 (a) your New Jersey driver's license
42 number:.....
43 (b) the last four digits of your Social Security
44 Number.....
45 OR submit with this form a copy of any one of the following
46 documents: a current and valid photo identification card; a current
47 utility bill, bank statement, government check, pay check or any
48 other government or other identifying document that shows your

1 name and current address. If you do not provide either your New
2 Jersey driver's license number or the last four digits of your Social
3 Security Number, or enclose a copy of one of the documents listed
4 above, you will be asked for identification when voting for the first
5 time, unless you are exempt from doing so under federal or State
6 law.

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

9 ☐ YES. Name of Party:

10 ☐ NO. I do not wish to declare a political party affiliation
11 at this time.

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

13 I am a U.S. citizen.

14 I live at the above address.

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

17 I am not on parole, probation or serving a sentence due to a
18 conviction for an indictable offense under any federal or State laws.

19 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
20 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
21 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
22 PURSUANT TO R.S.19:34-1.

23

24 Signature or mark of the registrant Date

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

27

28 Name

29

30 Address

31 In addition, the form may include notice to the applicant of
32 information and options relating to the registration and voting
33 process, including but not limited to notice of qualifications
34 required of a registered voter; notice of the final day by which a
35 person must be registered to be eligible to vote in an election;
36 notice of the effect of a failure to provide required identification
37 information; a place at which the applicant may indicate availability
38 for service as a member of the district board of elections; a place at
39 which the applicant may indicate whether he or she requires a
40 polling place which is accessible to individuals with disabilities and
41 the elderly or whether he or she is legally blind; a place at which
42 the applicant may indicate a desire to receive information
43 concerning absentee voting; and if the application indicates a
44 political party affiliation, the voter is permitted to vote in the
45 primary election of a political party other than the political party in
46 which the voter was affiliated previously only if the voter
47 registration form with the change of political party affiliation is
48 filed prior to the 50th day next preceding the primary election. The

1 form may also include a space for the voter registration agency to
2 record whether the applicant registered in person, by mail or by
3 other means.

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

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

15 d. The commissioner of registration shall furnish such
16 registration forms upon request in person to any person or
17 organization in such reasonable quantities as such person or
18 organization shall request. The commissioner shall furnish no
19 fewer than two such forms to any person upon request by mail or by
20 telephone.

21 e. Each such registration form shall have annexed thereto
22 instructions specifying the manner and method of registration and
23 stating the qualifications for an eligible voter.

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

39 g. All registration forms received by the Secretary of State in
40 the mail or forwarded to the Secretary of State shall be forwarded to
41 the commissioner of registration in the county of the registrant.

42 h. An application to register to vote received from the New
43 Jersey Motor Vehicle Commission or a voter registration agency, as
44 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
45 6.11), shall be deemed to have been timely made for the purpose of
46 qualifying an eligible applicant as registered to vote in an election if
47 the date on which the commission or agency shall have received
48 that document in completed form, as indicated in the lower right

1 hand corner of the form, was not later than the 21st day preceding
2 that election.

3 i. Each commissioner of registration shall make note in the
4 permanent registration file of each voter who is required to provide
5 the personal identification information required pursuant to this
6 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
7 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of
8 identification provided by the voter and the date on which it is
9 provided. Prior to the June 2004 primary election, when such a
10 newly registered voter seeks to vote for the first time following his
11 or her registration, the voter will be required to provide such
12 personal identification information. Beginning with the June 2004
13 primary election, when such a newly registered voter seeks to vote
14 for the first time following his or her registration, the voter will not
15 be required to provide such information if he or she had previously
16 provided the personal identification information required pursuant
17 to this section. The required information shall be collected and
18 stored for the time and in the manner required pursuant to
19 regulations promulgated by the Secretary of State.

20 j. The Secretary of State shall amend the voter registration
21 application form if necessary to conform to the requirements of
22 applicable federal or State law.

23 k. In the event that the name of any political party entered on
24 the voter registration form by a voter who wishes to declare a
25 political party affiliation is not legible, the commissioner of
26 registration shall mail the voter a political party declaration form
27 and a letter explaining that the voter's choice was not understood
28 and that the voter should complete and return the declaration form
29 in order to be affiliated with a party.

30 (cf: P.L.2009, c.287, s.1)

31
32 4. This act shall take effect on the first day of the seventh
33 month next following enactment, but the Commissioner of
34 Corrections may take such anticipatory action in advance of that date
35 as may be necessary for the timely implementation of this act.

36 37 38 STATEMENT

39
40 This bill requires each correctional facility in this State as well as
41 private facilities, often referred to as halfway houses, to provide
42 each inmate with a voter information packet upon the inmate's
43 release.

44 The packet is to include: 1) voter registration forms and voting
45 instructions; and 2) a form certifying that the inmate was informed
46 both verbally and in writing of the right to vote. Upon an inmate's
47 release, an official employed by the correctional facility or an
48 employee of the private facility and the inmate are required to sign

1 a copy of the form. The bill requires each facility to maintain a
2 copy of the form on record and provide a signed copy to the inmate.
3 Finally, the bill requires the Commissioner of Corrections to: 1)
4 provide a sufficient supply of voter information packets to every
5 correctional facility and private facility; 2) provide that voter
6 information packets be made available in English and Spanish to
7 facilities which are located in any county in which bilingual sample
8 ballots are required to be provided under current law; 3) inform
9 each administrator or superintendent of a correctional facility or the
10 operator of a private facility that they are not to seek to influence an
11 inmate's political preference or party affiliation or display a
12 political preference or party affiliation; and 4) conduct an annual
13 audit to ensure the correctional facilities and private facilities are
14 providing voter information packets to each inmate, as required by
15 the bill.

16 Currently, an individual who is convicted of a crime of the first
17 through fourth degree is prohibited from voting in any primary,
18 municipal, special, or general election while serving a sentence for
19 that crime and while on parole or probation as a result of that
20 conviction.