

ASSEMBLY, No. 4587

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED DECEMBER 5, 2005

Sponsored by:

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

SYNOPSIS

Extends right to vote to individuals on probation.

CURRENT VERSION OF TEXT

As introduced.



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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 duly
12 registered as required by this Title, shall have the right of suffrage and
13 shall be entitled to vote in the polling place assigned to the election
14 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 provisions
22 of this Title, for which criminal penalties were imposed, if such person
23 was deprived of such right as part of the punishment therefor
24 according to law unless pardoned or restored by law to the right of
25 suffrage; or

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

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

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

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 and
5 weight suitable for mailing, which shall require the information
6 required by R.S.19:31-3 in substantially the following form:
7

8 VOTER REGISTRATION APPLICATION

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

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

13
14 New registration

15
16 Address change

17
18 Name change

19
20 (2) Name:.....

21
22 Last First Middle

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

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

26 No

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

29
30 (5) Street Address where you live:

31
32

33
34 Street Address Apt. No.

35
36

37
38 (6) City or Town County Zip Code

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

42
43

44
45 (8) Date of Birth:

46
47

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1 Month Day Year

2

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

4

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

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

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

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

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

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

28 YES. Name of Party:

29 NO. I do not wish to declare a political party affiliation at
30 this time.

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

32

33 I am a U.S. citizen.

34

35 I live at the above address.

36

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

39

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

42

43 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
44 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
45 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
46 PURSUANT TO R.S.19:34-1.

1

2

3 Signature or mark of the registrant Date

4

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

7

8

9

10 Name

11

12

13

14 Address

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

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

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

45 d. The commissioner of registration shall furnish such registration
46 forms upon request in person to any person or organization in such

1 reasonable quantities as such person or organization shall request.
2 The commissioner shall furnish no fewer than two such forms to any
3 person upon request by mail or by telephone.

4 e. Each such registration form shall have annexed thereto
5 instructions specifying the manner and method of registration and
6 stating the qualifications for an eligible voter.

7 f. The Attorney General shall also furnish such registration forms
8 and such instructions to the Director of the Division of Worker's
9 Compensation, the Director of the Division of Employment Services,
10 and the Director of the Division of Unemployment and Temporary
11 Disability Insurance in the Department of Labor and Workforce
12 Development; to the Director of the Division of Taxation in the
13 Department of the Treasury; to the Executive Director of the New
14 Jersey Transit Corporation; to the appropriate administrative officer
15 of any other public agency, as defined by subsection a. of section 15
16 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
17 Department of Military and Veterans' Affairs; and to the chief
18 administrative officer of any voter registration agency, as defined in
19 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

20 g. All registration forms received by the Attorney General in the
21 mail or forwarded to the Attorney General shall be forwarded to the
22 commissioner of registration in the county of the registrant.

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

31 i. Each commissioner of registration shall make note in the
32 permanent registration file of each voter who is required to provide the
33 personal identification information required pursuant to this section,
34 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
35 U.S.C. s. 15301 et seq.), to indicate the type of identification provided
36 by the voter and the date on which it is provided. Prior to the June
37 2004 primary election, when such a newly registered voter seeks to
38 vote for the first time following his or her registration, the voter will
39 be required to provide such personal identification information.
40 Beginning with the June 2004 primary election, when such a newly
41 registered voter seeks to vote for the first time following his or her
42 registration, the voter will not be required to provide such information
43 if he or she had previously provided the personal identification
44 information required pursuant to this section. The required
45 information shall be collected and stored for the time and in the

1 manner required pursuant to regulations promulgated by the Attorney
2 General.

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

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

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

14

15 3. This act shall take effect immediately.

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STATEMENT

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

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