

**SENATE CONCURRENT  
RESOLUTION No. 134**

**STATE OF NEW JERSEY  
212th LEGISLATURE**

INTRODUCED JANUARY 9, 2007

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**Senator MARTHA W. BARK**

**District 8 (Burlington)**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman JIM WHELAN**

**District 2 (Atlantic)**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Co-Sponsored by:**

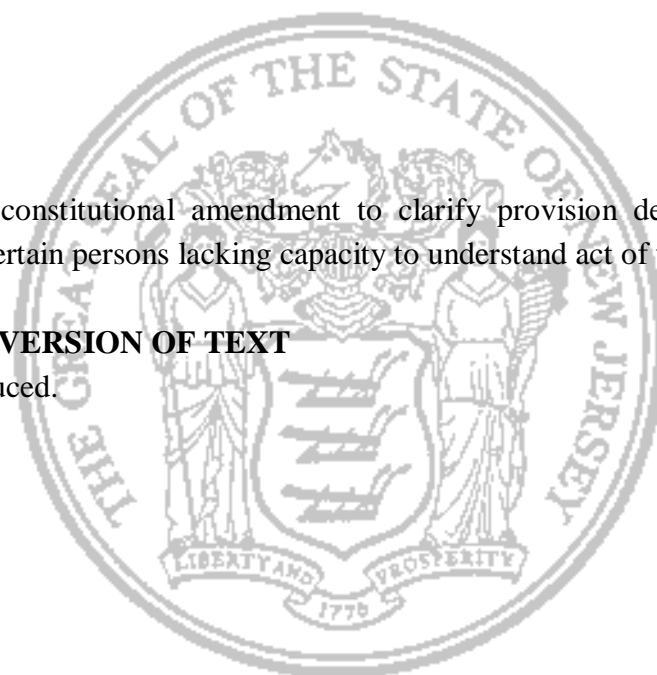
**Senators Ciesla, Inverso and Assemblyman Vas**

**SYNOPSIS**

Proposes constitutional amendment to clarify provision denying right of suffrage to certain persons lacking capacity to understand act of voting.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/22/2007)**

1 A **CONCURRENT RESOLUTION** proposing to amend Article II,  
2 Section I, paragraph 6 of the New Jersey Constitution.

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4 **BE IT RESOLVED** by the Senate of the State of New Jersey (the  
5 General Assembly concurring):

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7 1. The following proposed amendment to the Constitution of  
8 the State of New Jersey is agreed to:

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10 PROPOSED AMENDMENT

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12 Amend Article II, Section I, paragraph 6 to read as follows:

13 6. No **[idiot or insane]** person who has been adjudicated by a  
14 court of competent jurisdiction to lack the capacity to understand  
15 the act of voting shall enjoy the right of suffrage.

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17 2. When this proposed amendment to the Constitution is finally  
18 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
19 shall be submitted to the people at the next general election  
20 occurring more than three months after the final agreement and  
21 shall be published at least once in at least one newspaper of each  
22 county designated by the President of the Senate, the Speaker of the  
23 General Assembly and the Attorney General, not less than three  
24 months prior to the general election.

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26 3. This proposed amendment to the Constitution shall be  
27 submitted to the people at that election in the following manner and  
28 form:

29 There shall be printed on each official ballot to be used at the  
30 general election, the following:

31 a. In every municipality in which voting machines are not used, a  
32 legend which shall immediately precede the question as follows:

33 If you favor the proposition printed below make a cross (X), plus  
34 (+), or check (✓) in the square opposite the word "Yes." If you are  
35 opposed thereto make a cross (X), plus (+) or check (✓) in the  
36 square opposite the word "No."

37 b. In every municipality the following question:

**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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	<p>YES</p>	<p style="text-align: center;"><b>CONSTITUTIONAL AMENDMENT CONCERNING THE RIGHT TO VOTE FOR CERTAIN PERSONS</b></p> <p>Shall the amendment of Article II, Section I, paragraph 6 of the Constitution, agreed to by the Legislature, revising the current constitutional language concerning denial of the right to vote by deleting the phrase “idiot or insane person” and providing instead that a “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” shall not enjoy the right of suffrage, be adopted?</p>
	<p>NO</p>	<p style="text-align: center;"><b>INTERPRETIVE STATEMENT</b></p> <p>Approval of this amendment concerning the denial of the right to vote would delete the phrase “idiot or insane person” and replace that phrase with “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” in describing those persons who shall be denied the right to vote. The phrase “idiot or insane person” is outdated, vague, offensive to many, and may be subject to misinterpretation. This constitutional amendment acknowledges that individuals with cognitive or emotional disabilities may otherwise be capable of making decisions in the voting booth and that their right of self-determination should be respected and protected in this regard. The amendment only denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.</p>

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SCHEDULE

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This constitutional amendment shall become part of the New Jersey

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Constitution upon approval by the voters.

STATEMENT

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This concurrent resolution proposes a constitutional amendment to revise current language in the New Jersey State Constitution concerning denial of the right to vote. The proposed amendment deletes the phrase “idiot or insane person” and replaces it with the phrase “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” with respect to the denial of the right of suffrage.

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The phrase “idiot or insane person” is outdated, vague, offensive to many, and may be subject to misinterpretation. This constitutional amendment acknowledges that individuals with cognitive or emotional disabilities may otherwise be quite capable of making decisions in the voting booth, and only denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.

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This concurrent resolution is a companion bill to Senate Bill No. 2476 of 2007, which amends N.J.S.A.19:4-1 concerning the requirements for voting in New Jersey. The statute contains the same language as the Constitution with respect to disqualifying a person “who is an idiot or insane,” and Senate Bill No. , therefore, would revise the language in the statute to be consistent with that of the proposed constitutional amendment.