

# ASSEMBLY, No. 2683

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**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**

As introduced.



(Sponsorship Updated As Of: 6/24/2016)

A2683 SPENCER, SUMTER

2

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
- 49 purpose or effect of which is to discourage the person from



1 registering to vote; or

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

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

9

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

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

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

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

49 d. provide for the collection of completed voter registration

1 forms by an employee for the transmittal of the forms to the  
2 Secretary of State;

3 e. inform each employee of the agency or office who assists in  
4 registering a person to vote that employee shall not:

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

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

8 (3) make any statement to an applicant or take any action the  
9 purpose or effect of which is to discourage the applicant from  
10 registering to vote; or

11 (4) make any statement to an applicant or take any action the  
12 purpose or effect of which is to lead the applicant to believe that a  
13 decision to register or not to register has any bearing on the person's  
14 release; and

15 f. make certain that no information relating to a declination to  
16 register to vote by an individual is used for any purpose other than  
17 voter registration.

18

19 6. This act shall take effect immediately.

20

21

22

#### STATEMENT

23

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

40 Thus, at present, an individual who is convicted of a crime of the  
41 fourth through first degree is prohibited from voting in any primary,  
42 municipal, special or general election while serving a sentence for  
43 that crime and while on parole or probation as a result of that  
44 conviction. Conviction of an indictable offense in another state or  
45 under the laws of the United States similarly results in loss of the  
46 right to vote in New Jersey while the convicted person is serving a  
47 sentence for that crime and while on parole or probation.

48 This bill permits a person who is on parole or probation to vote,  
49 without distinction as to the degree of crime committed. The bill

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1 also requires the chief probation officer in each county, the State  
2 Parole Board and the Commissioner of Corrections to assist each  
3 person under their jurisdiction who is eligible to vote and desires to  
4 vote in completing a voter registration form.