SENATE, No. 2672

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED OCTOBER 13, 2016

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
As introduced.
AN ACT concerning the voting rights of certain persons on parole and probation and amending and supplementing various parts of the statutory law.

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

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

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

No person shall have the right of suffrage--

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

(2) (Deleted by amendment.)

(3) (Deleted by amendment.)

(4) (Deleted by amendment.)

(5) (Deleted by amendment.)

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

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

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

A person who will have on the day of the next general election the qualifications to entitle him to vote shall have the right to be registered for and vote at such general election and register for and vote at any election, intervening between such date of registration and such general election, if he shall be a citizen of the United States and shall meet the age and residence requirements prescribed 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.
when such intervening election is held, as though such qualifications were met before registration.
(cf: P.L.2010, c.50, s.17)

2. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read as follows:
  16. a. The Secretary of State shall cause to be prepared and shall provide to each county commissioner of registration forms of size and weight suitable for mailing, which shall require the information required by R.S.19:31-3 in substantially the following form:

VOTER REGISTRATION APPLICATION

Print clearly in ink. Use ballpoint pen or marker.

(1) This form is being used as (check one):
  [] New registration
  [] Address change
  [] Name change

(2) Name:............................................

Last     First      Middle

(3) Are you a citizen of the United States of America?[]Yes[]No

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

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

(5) Street Address where you live:

..........................................................

Street Address                   Apt. No.

..........................................................

(6) City or Town County Zip Code

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

..........................................................

(8) Date of Birth:

..........................................................

Month     Day      Year

(9) (a) Telephone Number (optional).................
    (b) E-Mail Address (optional)..................

(10) Name and address of Your Last Voter Registration

..........................................................

..........................................................

(11) If you are registering by mail to vote and will be voting for the first time in your current county of residence, please provide one of the following:
    (a) your New Jersey driver's license number:............... 
    (b) the last four digits of your Social Security Number:........
OR submit with this form a copy of any one of the following
documents: a current and valid photo identification card; a current
utility bill, bank statement, government check, pay check or any
other government or other identifying document that shows your
name and current address. If you do not provide either your New
Jersey driver's license number or the last four digits of your Social
Security Number, or enclose a copy of one of the documents listed
above, you will be asked for identification when voting for the first
time, unless you are exempt from doing so under federal or State
law.

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

[ ] YES. Name of Party:

[ ] NO. I do not wish to declare a political party affiliation
at this time.

(13) Declaration - I swear or affirm that:

I am a U.S. citizen.

I live at the above address.

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

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

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

...........................................................
Signature or mark of the registrant       Date

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

...................................................
Name

...................................................
Address

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

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

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

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

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

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

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

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

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

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

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

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

a. cause copies of the voter registration forms and instructions provided for under section 16 of P.L.1974, c.30 (C.19:31-6.4) and the declination form provided for in subsection b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be distributed at each office to each person on probation appearing in person thereat. An employee of the office shall inquire of every such person whether the person, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the person...
that whether or not the applicant chooses to register will not affect
the person's eligibility for probation. The employee shall
subsequently review the forms to determine whether or not the
person wishes to register to vote. If the person does not wish to
register, the employee shall provide the person with any assistance
necessary to complete the declination form and then inform the
person that the form will be retained by the employee. If the person
wishes to register, the employee shall provide the person with any
assistance necessary in completing the voter registration form; shall
inform the person that the person may leave the completed form
with the employee or mail it personally to the Secretary of State;
and if the person chooses to leave the form, shall accept the
completed form, stamp or otherwise mark the lower right hand
corner of the document with the date on which it was so received,
and forward it to the Secretary of State. The employee shall
provide to each person who does not decline to register to vote the
same degree of assistance with regard to the completion of the voter
registration form as is provided by the office with regard to the
completion of its own forms, unless the person refuses such
assistance;

b. provide for the continuous supply of the forms and
instructions specified in subsection a. of this section to every office;
c. provide the forms and instructions specified in subsection a.
of this section in both the English and Spanish languages to the
offices which are located in any county in which bilingual sample
ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
section 2 of P.L.1965, c.29 (C.19:23-22.4);
d. provide for the collection of completed voter registration
forms by any employee of the office for the transmittal of the forms
to the Secretary of State;
e. provide that the forms, instructions and assistance specified
in subsection a. of this section shall be provided to any person with
a disability at that person's home by an employee of the office;
f. inform each employee of the office who assists in registering
a person to vote that employee shall not:
   (1) seek to influence an applicant's political preference or party
registration;
   (2) display any such political preference or party allegiance;
   (3) make any statement to an applicant or take any action the
purpose or effect of which is to discourage the applicant from
registering to vote; or
   (4) make any statement to an applicant or take any action the
purpose or effect of which is to lead the person to believe that a
decision to register or not to register has any bearing on that
person's eligibility for probation; and
g. make certain that no information relating to a declination to
register to vote by a person is used for any purpose other than voter
registration.
4. (New section) The State Parole Board shall:

   a. cause copies of the voter registration forms and instructions provided for under section 16 of P.L.1974, c.30 (C.19:31-6.4) and the declination form provided for in subsection b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be distributed at each office to each person on parole for conviction of a crime under the laws of this State who appears in person thereat. An employee of the office shall inquire of every such person whether the person, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the person that whether or not the applicant chooses to register will not affect the person's eligibility for parole. The employee shall subsequently review the forms to determine whether or not the person wishes to register to vote. If the person does not wish to register, the employee shall provide the person with any assistance necessary to complete the declination form and then inform the person that the form will be retained by the employee. If the person wishes to register, the employee shall provide the person with any assistance necessary in completing the voter registration form; shall inform the person that the person may leave the completed form with the employee or mail it personally to the Secretary of State; and if the person chooses to leave the form, shall accept the completed form, stamp or otherwise mark the lower right hand corner of the document with the date on which it was so received, and forward it to the Secretary of State. The employee shall provide to each person who does not decline to register to vote the same degree of assistance with regard to the completion of its own forms, unless the person refuses such assistance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. provide for the collection of completed voter registration
forms by an employee for the transmittal of the forms to the
Secretary of State;

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

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

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

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

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

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

6. This act shall take effect immediately.

STATEMENT

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

Thus, at present, an individual who is convicted of a crime of the
fourth through first degree is prohibited from voting in any primary,
municipal, special or general election while serving a sentence for
that crime and while on parole or probation as a result of that
conviction. Conviction of an indictable offense in another state or
under the laws of the United States similarly results in loss of the
right to vote in New Jersey while the convicted person is serving a
sentence for that crime and while on parole or probation.
This bill permits a person who is on parole or probation to vote,
without distinction as to the degree of crime committed. The bill
also requires the chief probation officer in each county, the State
Parole Board and the Commissioner of Corrections to assist each
person under their jurisdiction who is eligible to vote and desires to
vote in completing a voter registration form.