

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5823
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: NOVEMBER 20, 2019

SUMMARY

Synopsis: Removes prohibition on voting by persons convicted of indictable offense who are on parole or probation.

Type of Impact: Indeterminate expenditure increase to the State and county governments.

Agencies Affected: Department of State – Division of Elections; Counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would result in an expenditure increase to the State and the counties due to an increase in the number of people registered to vote in New Jersey. This indeterminate number of newly registered voters is likely to receive voter acknowledgement cards and sample ballots before elections. These mailings will represent an additional cost for counties to print and mail.
- The Department of State’s Division of Elections will incur costs relating to additional voter registration forms, and necessary changes to the existing form to reflect that individuals on parole or probation would no longer be prohibited from voting.
- The bill would also increase the costs to counties due to a potential increase in the number of mail-in ballots requested in each county. Vote-by-mail ballots are more expensive to produce than sample ballots because the vote-by-mail ballots are printed on special bonded paper that permits scanning and bar coding, as well as other security requirements. The OLS does not have sufficient information to determine the number of individuals that are likely to request a vote-by-mail ballot.

BILL DESCRIPTION

This bill removes the prohibition on voting by persons who are on parole or probation due to a conviction for an indictable offense under any federal or State laws.

Under Article II, Section I, paragraph 7, the New Jersey Constitution authorizes the Legislature to deny the right to vote to persons convicted of crimes designated by the Legislature. Under N.J.S.A.2C:51-3, 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.” In relevant part, R.S.19:4-1 denies the right to vote 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.

Under the bill, persons who are on parole or probation would be permitted to vote. However, persons who are serving a sentence of incarceration would continue to be disenfranchised until they complete the term of incarceration. Accordingly, this bill also amends statutory provisions that require the commissioner of registration in each county to compare voter registration records with criminal conviction records to prevent disenfranchised persons from voting and registering to vote (N.J.S.A.19:31-17); and criminalize the act of voting while disenfranchised (N.J.S.A.19:34-4). Under the bill, these statutes would apply only to disenfranchisement while a person is serving a sentence of incarceration.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would result in an expenditure increase to the State and the counties due to an increase in the number of people registered to vote in New Jersey. This indeterminate number of newly registered voters is likely to receive voter acknowledgement cards and sample ballots before elections. These mailings will represent an additional cost for counties to print and mail. The Department of State’s Division of Elections will incur costs relating to additional voter registration forms, and necessary changes to the existing form to reflect that individuals on parole or probation would no longer be prohibited from voting. According to the FY 2020 budget estimate, more than 64,000 adult individuals were on probation and more than 15,000 parolees were under the supervision of the Department of Corrections. Under the bill, persons who are on parole or probation would be permitted to vote, however, persons who are serving a sentence of incarceration would continue to be disenfranchised until they complete the term of incarceration. The OLS does not have sufficient data to make a determination as to how many individuals on parole or probation will register to vote.

Furthermore, the provisions of the bill would increase costs to counties due to an increase in the number of mail-in ballots requested in each county. Based on the information available to

OLS, the number of mail-in ballots to be requested going forward remains unclear. Any potential increase in the number of mail-in ballots would represent additional costs for the county clerks and the county boards of elections for the ballot's production, mailing, and processing upon return. Based on a study completed by Hunterdon County using five randomly selected counties in the State, the average cost of a vote-by-mail ballot is \$2.42 and for a sample ballot it is \$0.53, with variations among the counties. These amounts reflect the costs of producing and mailing the ballots, but does not include labor costs, which are unknown. The OLS notes that the fiscal impact will vary by county based on the number of newly registered voters in each county and their differing production and labor costs.

Section: Judiciary

Analyst: Anuja Pande Joshi
Assistant Research Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).