

P.L. 2019, CHAPTER 270, *approved December 18, 2019*
Assembly, No. 5823

1 AN ACT concerning the right to vote by persons convicted of an
2 indictable offense who are on parole or probation, supplementing
3 chapter 4 of Title 19 of the Revised Statutes, and amending
4 various parts of the statutory law.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

- 8
9 1. (New section) The Legislature finds and declares:
10 a. Voting is both a fundamental right and a civic duty.
11 b. In New Jersey, many people are denied the right to vote
12 because they are on probation or parole for an indictable offense.
13 c. New Jersey first denied the right to vote, and permitted the
14 Legislature to deny by law the right to vote, on account of a
15 criminal conviction as part of its Constitution of 1844.
16 d. The law in its current form was enacted decades prior to the
17 dramatic increases in incarceration experienced by New Jersey and
18 the nation over the past 40 years.
19 e. Nearly half of those denied the right to vote because of a
20 criminal conviction are Black, due to racial disparities in the
21 criminal justice system.
22 f. There is no evidence that denying the right to vote to people
23 with criminal convictions serves any legitimate public safety
24 purpose.
25 g. Denying the right to vote to people with criminal convictions
26 who are on parole or probation unnecessarily burdens law
27 enforcement, election officials, and New Jersey residents.
28 Administering New Jersey's current law requires involvement from
29 multiple public safety agencies, as well as State and local election
30 officials, and average citizens need to understand principles of the
31 criminal law in order to know who is or is not eligible to vote.
32 h. This act, P.L. , c. (pending before the Legislature as this
33 bill), would conserve law enforcement resources and create a
34 bright-line rule so that average citizens are not wrongly denied their
35 right to vote due to confusion or mistake.

- 36
37 2. R.S.19:4-1 is amended to read as follows:
38 19:4-1. **【Except as provided in R.S.19:4-2 and R.S.19:4-3,**
39 **every】** Every person possessing the qualifications required by
40 Article II, paragraph 3, of the Constitution of the State of New
41 Jersey and having none of the disqualifications hereinafter stated

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 and being duly registered as required by Title 19, shall have the
2 right of suffrage and shall be entitled to vote in the polling place
3 assigned to the election district in which he actually resides, and not
4 elsewhere.

5 No person shall have the right of suffrage--

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

8 (2) (Deleted by amendment.)

9 (3) (Deleted by amendment.)

10 (4) (Deleted by amendment.)

11 (5) (Deleted by amendment.)

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

17 (7) Who shall be convicted of the violation of any of the
18 provisions of this Title, for which criminal penalties are imposed, if
19 such person shall be deprived of such right as part of the
20 punishment therefor while serving a sentence of incarceration
21 according to law, unless pardoned or restored by law to the right of
22 suffrage; or

23 (8) Who is serving a sentence **【or is on parole or probation】** of
24 incarceration as the result of a conviction of any indictable offense
25 under the laws of this or another state or of the United States.

26 A person who will have on the day of the next general election
27 the qualifications to entitle him to vote shall have the right to be
28 registered for and vote at such general election and register for and
29 vote at any election, intervening between such date of registration
30 and such general election, if he shall be a citizen of the United
31 States and shall meet the age and residence requirements prescribed
32 by the Constitution of this State and the laws of the United States,
33 when such intervening election is held, as though such
34 qualifications were met before registration.

35 (cf: P.L.2010, c.50, s.17)

36

37 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to
38 read as follows:

39 16. a. The Secretary of State shall cause to be prepared and
40 shall provide to each county commissioner of registration forms of
41 size and weight suitable for mailing, which shall require the
42 information required by R.S.19:31-3 in substantially the following
43 form:

44 VOTER REGISTRATION APPLICATION

45 Print clearly in ink. Use ballpoint pen or marker.

46 (1) This form is being used as:

47 ☐ New registration

48 ☐ Address change

- 1 ☐ Name change
- 2 (2) Name:.....
- 3 Last First Middle
- 4 (3) Are you a citizen of the United States of America? ☐ Yes
- 5 ☐ No
- 6 (4) Will you be 18 years of age on or before election day? ☐ Yes
- 7 ☐ No
- 8 If you checked 'No' in response to either of these questions, do
- 9 not complete this form.
- 10 (5) Street Address where you live:
- 11
- 12 Street Address Apt. No.
- 13
- 14 (6) City or Town County Zip Code
- 15 (7) Address Where You Receive Your Mail (if different from
- 16 above):
- 17
- 18 (8) Date of Birth:
- 19
- 20 Month Day Year
- 21 (9) (a) Telephone Number (optional).....
- 22 (b) E-Mail Address (optional).....
- 23 (10) Name and address of Your Last Voter Registration
- 24
- 25
- 26
- 27 (11) If you are registering by mail to vote and will be voting for
- 28 the first time in your current county of residence, please provide
- 29 one of the following:
- 30 (a) your New Jersey driver's license
- 31 number:.....
- 32 (b) the last four digits of your Social Security
- 33 Number.....
- 34 OR submit with this form a copy of any one of the following
- 35 documents: a current and valid photo identification card; a current
- 36 utility bill, bank statement, government check, pay check or any
- 37 other government or other identifying document that shows your
- 38 name and current address. If you do not provide either your New
- 39 Jersey driver's license number or the last four digits of your Social
- 40 Security Number, or enclose a copy of one of the documents listed
- 41 above, you will be asked for identification when voting for the first
- 42 time, unless you are exempt from doing so under federal or State
- 43 law.
- 44 (12) Do you wish to declare a political party affiliation?
- 45 (Optional):
- 46 ☐ YES. Name of Party:
- 47 ☐ NO. I do not wish to declare a political party affiliation at
- 48 this time.

1 (13)[] I wish to receive a Mail-in Ballot for all future elections,
2 until I request otherwise in writing.

3 (14)Declaration - I swear or affirm that:

4 I am a U.S. citizen.

5 I live at the above address.

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

8 I am not **【on parole, probation or】** serving a sentence of
9 incarceration due to a conviction for an indictable offense under any
10 federal or State laws.

11 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
12 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
13 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
14 PURSUANT TO R.S.19:34-1.

15

16 Signature or mark of the registrant Date

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

19

20 Name

21

22 Address

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

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

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

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

14 e. Each such registration form shall have annexed thereto
15 instructions specifying the manner and method of registration, and
16 the vote by mail option specified on the form, and stating the
17 qualifications for an eligible voter.

18 f. The Secretary of State shall also furnish such registration
19 forms and such instructions to the Director of the Division of
20 Workers' Compensation, the Director of the Division of
21 Employment Services, and the Director of the Division of
22 Unemployment and Temporary Disability Insurance in the
23 Department of Labor and Workforce Development; to the Director
24 of the Division of Taxation in the Department of the Treasury; to
25 the Executive Director of the New Jersey Transit Corporation; to
26 the appropriate administrative officer of any other public agency, as
27 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
28 6.3); to the Adjutant General of the Department of Military and
29 Veterans' Affairs; and to the chief administrative officer of any
30 voter registration agency, as defined in subsection a. of section 26
31 of P.L.1994, c.182 (C.19:31-6.11).

32 g. All registration forms received by the Secretary of State in
33 the mail or forwarded to the Secretary of State shall be forwarded to
34 the commissioner of registration in the county of the registrant.
35 Each such form, and any registration form received otherwise by a
36 commissioner of registration, shall be forwarded to the county clerk
37 if the vote by mail option is selected on a form.

38 h. An application to register to vote received from the New
39 Jersey Motor Vehicle Commission or a voter registration agency, as
40 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
41 6.11), shall be deemed to have been timely made for the purpose of
42 qualifying an eligible applicant as registered to vote in an election if
43 the date on which the commission or agency shall have received
44 that document in completed form, as indicated in the lower right
45 hand corner of the form, was not later than the 21st day preceding
46 that election.

47 i. Each commissioner of registration shall make note in the
48 permanent registration file of each voter who is required to provide

1 the personal identification information required pursuant to this
2 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
3 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of
4 identification provided by the voter and the date on which it is
5 provided. Prior to the June 2004 primary election, when such a
6 newly registered voter seeks to vote for the first time following his
7 or her registration, the voter will be required to provide such
8 personal identification information. Beginning with the June 2004
9 primary election, when such a newly registered voter seeks to vote
10 for the first time following his or her registration, the voter will not
11 be required to provide such information if he or she had previously
12 provided the personal identification information required pursuant
13 to this section. The required information shall be collected and
14 stored for the time and in the manner required pursuant to
15 regulations promulgated by the Secretary of State.

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

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

26 (cf: P.L.2018, c.72, s.3)

27

28 4. R.S.19:31-17 is amended to read as follows:

29 19:31-17. a. Once each month during the first five days thereof,
30 the chief State election official shall notify the commissioner of
31 registration of a county of any information which the official shall
32 have received during the previous month from the United States
33 Attorney under subsection g. of section 8 of Pub.L. 103-31 (42
34 U.S.C. s. 1973gg-6) concerning the conviction of a resident of the
35 county of a crime under the laws of the United States, or any other
36 official action relating to such a conviction, that would constitute
37 grounds for disfranchisement of the person while serving a sentence
38 of incarceration under the laws of this State.

39 b. Once each month during the first five days thereof the
40 prosecutor of the county shall deliver to the commissioner a list of
41 the names and addresses of all persons and their ages and offenses
42 who have been convicted during the previous month of a crime
43 which would disfranchise them while serving a sentence of
44 incarceration under the laws of this State, including therewith the
45 date upon which judgment of conviction was entered against the
46 person, and also including a statement of any sentence of
47 incarceration imposed by the court during the month upon any
48 person so convicted during that month or any previous month;

1 provided, however, if the address of the person so convicted is
2 located in a county other than the county in which the conviction
3 was obtained the said prosecutor shall mail a report of such
4 conviction to the proper election official of the county in which the
5 address of such person is located.

6 c. Upon the receipt of the notice prescribed under subsection a.
7 of this section or the list prescribed under subsection b. hereof, the
8 commissioner shall make such investigation as is necessary to
9 establish to his satisfaction that the convicted person who was
10 sentenced to a period of incarceration is registered to vote in the
11 county. If it is so established, the commissioner shall cause the
12 registration and record of voting forms of such convicted and
13 sentenced registrant to be transferred to the conviction and
14 incarceration file. In the event the person so convicted and
15 incarcerated is not registered at the time the list or report is
16 received, the commissioner shall cause an index card to be made out
17 and inserted in its proper place in the master index file bearing the
18 information received from the State election official or a county
19 prosecutor, and the person so convicted and incarcerated shall be
20 denied the right to register while serving a sentence of
21 incarceration. Such persons upon the restoration of their citizenship
22 rights or upon being pardoned shall be required to register or
23 reregister before being allowed to vote.

24 (cf: P.L.1994, c.182, s.15)

25
26 5. R.S.19:34-4 is amended to read as follows:

27 19:34-4. If a person convicted of a crime which disfranchises
28 him while serving a sentence of incarceration shall vote at any
29 election, unless he shall have been pardoned or restored by law to
30 the right of suffrage, he shall be guilty of a crime of the fourth
31 degree.

32 (cf: P.L.2005, c.154, s.24)

33
34 6. R.S.19:34-25 is amended to read as follows:

35 19:34-25. a. If a person shall, directly or indirectly, by himself
36 or by any other person in his behalf, give, lend or agree to give or
37 lend, or shall offer, promise or promise to procure, or endeavor to
38 procure, any money or other valuable consideration or thing to or
39 for any voter, or to or for any person, in order to induce any voter to
40 vote or refrain from registering for any election, or shall corruptly
41 do or commit any of the acts in this section mentioned because of
42 any such voter having voted or refrained from voting at an election,
43 or registered or refrained from registering at an election, he shall be
44 guilty of a crime of the third degree.

45 Bribery of member of election board; acceptance. b. Whosoever
46 shall, directly or indirectly, make or give any money or other thing
47 of value to any member of the district board because of his
48 membership on such board, or when it shall appear that such money

1 or other thing of value is made or given to such member because of
2 his membership on the board, except as hereinbefore provided as
3 his legal compensation for service on the board, shall be guilty of a
4 crime of the third degree.

5 Any member of a district board who shall, by himself, or by any
6 other person in his behalf, receive any money or other thing of
7 value because of his membership on such board, or when it shall
8 appear that such money or other thing of value is accepted or
9 received by such member because of his membership on the board,
10 except as hereinbefore provided as his legal compensation for
11 service on the board, shall be guilty of a crime of the third degree.

12 Promising office or employment. c. A person who shall directly
13 or indirectly, by himself or by any other person in his behalf, give
14 or procure, or agree to give or procure or offer or promise to
15 procure, or endeavor to procure any office, place or employment to
16 or for any voter, or to or for any person on behalf of such voter, or
17 to or for any other person, in order to induce such voter to vote or
18 refrain from voting, or to register or refrain from registering, or
19 shall corruptly do any act as above because of any voter having
20 voted or refrained from voting, or having registered or refrained
21 from registering for any election, shall be guilty of a crime of the
22 third degree.

23 Acceptance of bribe by voter. d. Any voter who shall directly or
24 indirectly, by himself or by any other person on his behalf, receive,
25 agree or contract for any money, gift, loan or valuable
26 consideration, office, place or employment for himself or for any
27 other person for voting or agreeing to vote, or for refraining or
28 agreeing to refrain from voting at any election, or for registering or
29 agreeing to register, or for refraining or for agreeing to refrain from
30 registering for any election, shall be guilty of a crime of the third
31 degree.

32 Bribery of delegates. e. If a person shall, directly or indirectly,
33 give, offer or promise to give any sum or sums of money or any
34 valuable thing in action, victuals, drink or preferment or other
35 considerations, by way of fee, reward, gift or gratuity, or other
36 valuable present or reward to obtain, procure or influence the
37 opinion, behavior, vote or abstaining from voting for the election of
38 any delegate to any convention of any political party, to nominate
39 any candidate for member of the legislature, for member of
40 congress, for electors for president and vice president of the United
41 States, for governor, or for any candidate for any office in any
42 county or municipality; or if any person being a delegate to any
43 political convention to nominate candidates for any of the offices
44 named in this title shall directly or indirectly, ask for, accept,
45 receive or take any sum or sums of money, or other valuable
46 consideration by way of fee, reward, gift or gratuity, or other
47 valuable consideration for the giving or refusing to give his vote at

1 any such convention, the person so offering, asking, or receiving
2 shall be guilty of a crime of the third degree.

3 Bribery at election. f. Whoever shall, directly or indirectly, give,
4 furnish, supply or promise, or cause to be given, furnished,
5 supplied, offered or promised, to any person or persons, any money,
6 service, preferment or valuable thing with the intent that such
7 money or valuable thing or any other money, service, preferment or
8 valuable thing shall be given, offered, promised or used, by any
9 person or persons, by way of fee, reward, gift or gratuity, for giving
10 or refusing to give any vote of any citizen, at any election of any
11 public officer, state, county or municipal, to be held therein, or of
12 any member of congress, of electors for president and vice president
13 of the United States, or at any election of any delegate or delegates
14 to any political convention to be held for the nomination of any of
15 the officers above, or by way of gift, gratuity or reward, for giving
16 or withholding the vote of any delegate at any such convention,
17 shall be guilty of a crime of the third degree.

18 Inducing voters. g. A person who shall, directly or indirectly, by
19 himself or by any other person in his behalf, give, lend, or agree to
20 give or lend, or procure, or agree to procure or offer or promise to
21 procure, or endeavor to procure, any money or other valuable
22 consideration or thing, or any office, place or employment to or for
23 any voter, or to or for any person, in order to induce such voter to
24 vote or refrain from registering or voting at any election, or shall
25 corruptly do or commit any of the acts in this section mentioned,
26 because of any voter having voted or refrained from voting or
27 having registered or refrained from registering for any election,
28 shall be guilty of a crime of the third degree.

29 Contributions for use in bribing. h. A person who shall give,
30 advance or pay, or cause to be given, advanced or paid, any money
31 or other valuable thing to any person, or to the use of any person,
32 with the intent that such money or other valuable thing, or any part
33 thereof, shall be expended, or used for bribery of voters, or for any
34 other unlawful purpose at any election, or who shall knowingly pay,
35 or cause to be paid money to any person wholly or in part expended
36 in bribery of a voter at any election, shall be guilty of a crime of the
37 third degree.

38 Receiving rewards. i. A person who shall, directly or indirectly,
39 by himself, or by any other person on his behalf, receive, agree or
40 contract for any money, gift, loan or valuable consideration, office,
41 place or employment for himself or for any other person for voting
42 or agreeing to vote, or for refraining or agreeing to refrain from
43 voting at any election, or for registering or agreeing to register, or
44 for refraining or for agreeing to refrain from registering for any
45 election, shall be guilty of a crime of the third degree.

46 Gift, or promise of, for certain purposes. j. No person shall give
47 or agree to give for the purpose of promoting or procuring or for the
48 purpose of opposing or preventing the election of a candidate for

1 public office, or for the purpose of promoting or procuring or for
2 the purpose of opposing or preventing the nomination of any person
3 as a candidate for public office, any money or any valuable thing to
4 be used for any of the following purposes:

5 1. To provide or give or to pay, wholly or in part, the expense
6 of giving or providing any meat, drink, entertainment or provision
7 to or for any person for the purpose of influencing that person or
8 any other person to give or refrain from giving his vote at any
9 election, or because of any such person or any other person having
10 voted or refrained from voting.

11 2. To provide for the payment of rent for or for the purpose of
12 providing and fitting up any clubroom for social or recreative
13 purposes, or providing for uniforms for any organized club.

14 3. To provide for the payment for the insertion in any
15 newspaper or magazine of any article tending to influence any
16 person to give or refrain from giving his vote to any candidate or
17 candidates at any election; or to provide for payment for the
18 distribution of any newspaper or magazine wherein any such article
19 is printed; or to provide for payment of the printing or of the
20 distribution of any circular, handbill, card, pamphlet or statement
21 tending to influence any person to give or refrain from giving his
22 vote to any candidate at any election; but this prohibition shall not
23 be construed to prohibit the printing and distribution of paid
24 advertisements, which advertisements shall be indicated by the
25 words "This advertisement has been paid for by " (inserting the
26 true name and address of the person or persons paying for the
27 same); nor shall it be construed to prohibit the printing and
28 distribution of circulars, handbills, cards, pamphlets or statements
29 which shall have printed on the face thereof the true name and
30 address of the person or persons paying for the printing and
31 distribution thereof, which fact shall be indicated by the words "The
32 cost of the printing and distribution of this circular (or as the case
33 may be) has been paid by " (inserting the true name and address of
34 the person or persons paying for the same).

35 Accepting gifts. k. No person shall accept any money or other
36 valuable thing, the payment of which is prohibited by paragraph "j"
37 of this section.

38 Penalty. 1. Any person who shall violate any of the provisions of
39 paragraphs "j" and "k" of this section shall be guilty of a crime of
40 the third degree, and shall for the first offense be disfranchised **【for**
41 **a period of five years from the date of conviction】** while serving a
42 sentence of incarceration, and for any subsequent offense shall be
43 **【perpetually】** disfranchised while serving a sentence of
44 incarceration, and in addition thereto the court in which such
45 conviction is obtained, may in case of a subsequent conviction,
46 impose upon the person so convicted the punishment now
47 prescribed by law for a crime of the second degree.

48 (cf: P.L.2005, c.154, s.43)

1 7. R.S.19:34-46 is amended to read as follows:

2 19:34-46. In addition to any penalties provided for violation of
3 any of the provisions of this title, the court imposing such penalty
4 may add thereto that such offender be thenceforth disfranchised as
5 a voter while serving a sentence of incarceration and disqualified to
6 hold any office of trust or profit within this state for such length of
7 time as such court deems proper.

8 (cf: R.S.19:34-46)

9

10 8. Section 33 of P.L.1964, c.134 (C.19:58-33) is amended to
11 read as follows:

12 33. Any person who knowingly violates any of the provisions of
13 this act, or who, not being entitled to vote under this act,
14 fraudulently votes, or attempts to vote thereunder or enables, or
15 attempts to enable another person, not entitled to vote thereunder, to
16 vote thereunder, or who prevents or attempts to prevent by fraud the
17 voting of any person legally entitled to vote under this act, or who
18 knowingly certifies falsely in any paper required to be executed
19 under this act, shall be guilty of a crime of the third degree and
20 upon conviction thereof shall be subject, in addition to such other
21 penalties as are authorized by law, to disenfranchisement while
22 serving a sentence of incarceration unless and until pardoned or
23 restored by law to the right of suffrage.

24 (cf: P.L.2005, c.154, s.59)

25

26 9. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read
27 as follows:

28 8. a. Each county clerk shall send by air mail, with each ballot
29 for an overseas voter or overseas federal election voter transmitted
30 by such means, appropriate printed instructions for its completion
31 and return, together with an inner and outer envelope similar to that
32 required as to civilian vote by mail ballots with a legend on the
33 inner envelope stating "Ballot for Overseas Voter" or "Ballot for
34 Overseas Federal Election Voter," as appropriate.

35 b. Each county clerk shall send to each overseas voter or
36 overseas federal election voter requesting that a ballot be sent to
37 that voter by electronic means all appropriate printed instructions
38 for its completion and return. The printed instructions sent to each
39 such voter shall include a certificate substantially the same as
40 provided for in section 9 of P.L.1976, c.23 (C.19:59-9).

41 c. The printed instructions sent with each ballot to an overseas
42 voter or overseas federal election voter, including instructions sent
43 by electronic means, shall include a copy of the following notice:

44 PENALTY FOR FRAUDULENT VOTING

45 Any person who knowingly violates any of the provisions of the
46 Overseas Residents Absentee Voting Law, or who, not being
47 entitled to vote thereunder, fraudulently votes or attempts to vote
48 thereunder or enables or attempts to enable another person, not

1 entitled to vote thereunder, to vote fraudulently thereunder or who
2 prevents or attempts to prevent by fraud the voting of any person
3 legally entitled to vote under this act, shall be guilty of an indictable
4 offense, and upon conviction thereof shall be subject, in addition to
5 such other penalties as are authorized by law, to disenfranchisement
6 while serving a sentence of incarceration unless and until pardoned
7 or restored by law to the right of suffrage.

8 (cf: P.L.2017, c.39, s.11)

9
10 10. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to
11 read as follows:

12 28. a. Any person who knowingly violates any of the provisions
13 of P.L.2009, c.79 (C.19:63-1 et al.), or who, not being entitled to
14 vote thereunder, fraudulently votes or attempts to vote thereunder,
15 or enables or attempts to enable another person not entitled to vote
16 thereunder to vote fraudulently thereunder, or who prevents or
17 attempts to prevent by fraud the voting of any person legally
18 entitled to vote under this act, or who shall knowingly certify
19 falsely in any paper required under this act, or who, at any time,
20 tampers with any ballot or document used in an election or
21 interferes with the secrecy of the voting of any person, is guilty of a
22 crime of the third degree, and upon conviction thereof shall be
23 subject, in addition to such other penalties as are authorized by law,
24 to disenfranchisement while serving a sentence of incarceration,
25 unless and until pardoned or restored by law to the right of suffrage.

26 b. Any person who knowingly aids and abets another in
27 violating any of the provisions of this section is guilty of a crime of
28 the third degree and upon conviction thereof shall be subject, in
29 addition to such other penalties as are authorized by law, to
30 disenfranchisement while serving a sentence of incarceration,
31 unless and until pardoned or restored by law to the right of suffrage.
32 (cf: P.L.2015, c.84, s.6)

33
34 11. This act shall take effect 90 days following the date of
35 enactment.

36 37 38 STATEMENT

39
40 This bill removes the prohibition on voting by persons who are
41 on parole or probation due to a conviction for an indictable offense
42 under any federal or State laws.

43 Under Article II, Section I, paragraph 7, the New Jersey
44 Constitution authorizes the Legislature to deny the right to vote to
45 persons convicted of crimes designated by the Legislature. Under
46 N.J.S.A.2C:51-3, a person who is convicted of a crime is
47 disqualified from “voting in any primary, municipal, special or
48 general election as determined by the provisions of R.S.19:4-1.” In

1 relevant part, R.S.19:4-1 denies the right to vote to any person “who
2 is serving a sentence or is on parole or probation as a result of a
3 conviction of any indictable offense under the laws of this or
4 another state or of the United States.” In New Jersey, indictable
5 offenses are crimes of the fourth through first degree.

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

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