

# SENATE, No. 2100

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**SYNOPSIS**

Removes prohibition on voting by persons convicted of indictable offense who are on parole, probation, or serving sentence.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the right to vote by persons convicted of an  
2 indictable offense, supplementing chapter 4 of Title 19 of the  
3 Revised Statutes, and amending and repealing various parts of  
4 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, over 94,000 people were denied the right to  
12 vote in 2016 because they were serving a sentence or on probation  
13 or parole for an indictable offense. This is more people than reside  
14 in New Jersey's capital city of Trenton.

15 c. New Jersey first denied the right to vote, and permitted the  
16 Legislature to deny by law the right to vote, on account of a  
17 criminal conviction as part of its Constitution of 1844.

18 d. The law in its current form was enacted decades prior to the  
19 dramatic increases in incarceration experienced by New Jersey and  
20 the nation over the past 40 years.

21 e. Nearly half of those denied the right to vote because of a  
22 criminal conviction are Black, due to racial disparities in the  
23 criminal justice system.

24 f. There is no evidence that denying the right to vote to people  
25 with criminal convictions serves any legitimate public safety  
26 purpose.

27 g. Denying the right to vote to people with criminal convictions  
28 unnecessarily burdens law enforcement, election officials, and New  
29 Jersey residents. Administering New Jersey's current law requires  
30 involvement from multiple public safety agencies, as well as State  
31 and local election officials, and average citizens need to understand  
32 principles of the criminal law in order to know who is or is not  
33 eligible to vote.

34 h. This act, P.L. , c. (pending before the Legislature as this  
35 bill), would conserve law enforcement resources and create a  
36 bright-line rule so that average citizens are not wrongly denied their  
37 right to vote due to confusion or mistake.

38

39 2. N.J.S.2A:167-5 is amended to read as follows:

40 2A:167-5. Any person who has been convicted of a crime and by  
41 reason thereof has been deprived **【of the right of suffrage or】** of  
42 any **【other】** of his civil rights or privileges, or upon whom there has  
43 been imposed a fine or who has suffered a forfeiture, except  
44 disqualification to hold and enjoy any public office of honor, profit  
45 or trust in this state under judgment of impeachment, may make

**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 application for the restoration **【of the right of suffrage or】** of such  
2 **【other】** rights or privileges or for the suspension or remission of  
3 such fine or forfeiture, which application the governor may grant by  
4 order signed by him.

5 (cf: P.L.1951, c.344, s.1)

6

7 3. N.J.S.2C:51-3 is amended to read as follows:

8 2C:51-3. A person who is convicted of a crime shall be  
9 disqualified

10 a. **【From voting in any primary, municipal, special or general**  
11 **election as determined by the provisions of R.S. 19:4-1; and】**  
12 (Deleted by amendment, P.L. , c. ) (pending before the  
13 Legislature as this bill)

14 b. From serving as a juror as determined by the provisions of  
15 N.J.S. 2A:69-1.

16 (cf: P.L.1979, c.178, s.106)

17

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

19 19:4-1. **【Except as provided in R.S.19:4-2 and R.S.19:4-3,**  
20 **every】** Every person possessing the qualifications required by  
21 Article II, paragraph 3, of the Constitution of the State of New  
22 Jersey and having none of the disqualifications hereinafter stated  
23 and being duly registered as required by Title 19, shall have the  
24 right of suffrage and shall be entitled to vote in the polling place  
25 assigned to the election district in which he actually resides, and not  
26 elsewhere; provided, however, that any person serving a sentence of  
27 incarceration for an indictable offense under the laws of this state or  
28 another state or the United States shall be entitled to vote by mail-in  
29 ballot, pursuant to the provisions of “The Vote By Mail Law,”  
30 P.L.2009, c.79 (C.19:63-1 et seq.), in the district in which the  
31 person resided immediately prior to incarceration.

32 No person shall have the right of suffrage--

33 (1) Who has been adjudicated by a court of competent  
34 jurisdiction to lack the capacity to understand the act of voting**【;**  
35 **or】**.

36 (2) (Deleted by amendment.)

37 (3) (Deleted by amendment.)

38 (4) (Deleted by amendment.)

39 (5) (Deleted by amendment.)

40 (6) **【Who has been convicted of a violation of any of the**  
41 **provisions of this Title, for which criminal penalties were imposed,**  
42 **if such person was deprived of such right as part of the punishment**  
43 **therefor according to law unless pardoned or restored by law to the**  
44 **right of suffrage; or】** (Deleted by amendment, P.L. , c. ) (pending  
45 before the Legislature as this bill)

46 (7) **【Who shall be convicted of the violation of any of the**  
47 **provisions of this Title, for which criminal penalties are imposed, if**

1 such person shall be deprived of such right as part of the  
2 punishment therefor according to law, unless pardoned or restored  
3 by law to the right of suffrage; or ~~】 (Deleted by amendment, P.L. ,~~  
4 ~~c. ) (pending before the Legislature as this bill)~~

5 (8) ~~【Who is serving a sentence or is on parole or probation as~~  
6 ~~the result of a conviction of any indictable offense under the laws of~~  
7 ~~this or another state or of the United States.】 (Deleted by~~  
8 ~~amendment, P.L. , c. ) (pending before the Legislature as this~~  
9 ~~bill)~~

10 A person who will have on the day of the next general election  
11 the qualifications to entitle him to vote shall have the right to be  
12 registered for and vote at such general election and register for and  
13 vote at any election, intervening between such date of registration  
14 and such general election, if he shall be a citizen of the United  
15 States and shall meet the age and residence requirements prescribed  
16 by the Constitution of this State and the laws of the United States,  
17 when such intervening election is held, as though such  
18 qualifications were met before registration.

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

20

21 5. Section 6 of P.L.1991, c.249 (C.19:15-18.3) is amended to  
22 read as follows:

23 6. Any person whose name does not appear on a challenge list  
24 prepared by the superintendent of elections of the county but who is  
25 challenged and denied the right to vote on the day of a municipal,  
26 primary, general, or special election by a duly authorized challenger  
27 or by a member of a district board of elections, may apply to a  
28 Superior Court judge sitting at the county seat for permission to  
29 vote. No papers need be filed; the court shall entertain oral  
30 applications. The challenged voter may appear pro se or with  
31 counsel. The challenger or the member of the district board, as the  
32 case may be, may appear or be represented by counsel. The  
33 challenged voter shall be permitted to state by oath or affirmation  
34 the facts which the voter believes establish eligibility to vote, shall  
35 furnish a copy of the affidavit the voter signed when challenged, a  
36 copy of the affidavit signed by the challenger and the identifying  
37 document found invalid by the challenger and the district board.  
38 The rules of evidence shall not apply to those proceedings. The  
39 judge shall grant the application and provide the challenged voter  
40 with written authorization to vote on that day if the judge finds the  
41 following facts to be established by the testimony of the applicant  
42 or, in the case of a dispute of facts or some questions as to the  
43 challenged voter's credibility, by a preponderance of the following  
44 evidence:

45 a. The challenged voter is at least 18 years old and a citizen of  
46 the United States and of this State, has resided in the county at least  
47 30 days prior to the date of the election, ~~【and has not been~~

1 convicted of a crime which would disenfranchise a person under the  
2 laws of this State,】 and either:

3 b. The challenged voter is properly registered at his location; or

4 c. The challenged voter was properly registered at his location  
5 as of the last election at which the challenged voter voted but has  
6 moved to another location within the county since then and in good  
7 faith attempted to register at the new address within the time  
8 prescribed by law.

9 For the purposes of this section, a good faith attempt to register  
10 shall include: completing the prescribed registration form no later  
11 than 21 days before the election in the presence of a person who  
12 appears to be over 18 years old and says that he or she can and will  
13 witness the form and mail it to the register for the applicant;  
14 completing a form received in the mail from the commissioner of  
15 registration, superintendent of elections or the county board which  
16 states that information has been received that the applicant has  
17 moved and placing the completed form in a proper mailbox with  
18 proper postage, if necessary, no later than 21 days before the  
19 election; completing a registration form in any government office;  
20 and reasonably relying upon the oral statements of an official at a  
21 polling place that they will insure proper reregistration.

22 The judge of the Superior Court having the application shall  
23 cause a full record of the proceeding to be taken stenographically,  
24 transcribed and filed in the office of the county clerk of the county,  
25 which record shall be open and public record. All costs and  
26 expenses of such proceedings shall be paid by the county.

27 (cf: P.L.2005, c.139, s.5)

28

29 6. R.S.19:29-1 is amended to read as follows:

30 19:29-1. The nomination or election of any person to any public  
31 office or party position, or the approval or disapproval of any public  
32 proposition, may be contested by the voters of this State or of any  
33 of its political subdivisions affected thereby upon 1 or more of the  
34 following grounds:

35 a. Malconduct, fraud or corruption on the part of the members  
36 of any district board, or of any members of the board of county  
37 canvassers, sufficient to challenge the result;

38 b. When the incumbent was not eligible to the office at the time  
39 of the election;

40 c. 【When the incumbent had been duly convicted before such  
41 election of any crime which would render him incompetent to  
42 exercise the right of suffrage, and the incumbent had not been  
43 pardoned at the time of the election;】 (Deleted by amendment,  
44 P.L. , c. ) (pending before the Legislature as this bill)

45 d. When the incumbent had given or offered to any elector or  
46 any member of any district board, clerk or canvasser, any bribe or  
47 reward, in money, property or thing of value for the purpose of  
48 procuring his election;

1 e. When illegal votes have been received, or legal votes  
2 rejected at the polls sufficient to change the result;

3 f. For any error by any board of canvassers in counting the  
4 votes or declaring the result of the election, if such error would  
5 change the result;

6 g. For any other cause which shows that another was the person  
7 legally elected;

8 h. The paying, promise to pay or expenditure of any money or  
9 other thing of value or incurring of any liability in excess of the  
10 amount permitted by this title for any purpose or in any manner not  
11 authorized by this title;

12 i. When a petition for nomination is not filed in good faith or  
13 the affidavit annexed thereto is false or defective.

14 The term "incumbent" means the person whom the canvassers  
15 declare elected or the person who is declared elected as a result of  
16 a recount; but in the case of a tie vote as a result of the canvass or  
17 recount, either party may contest the election, in which case the  
18 term "incumbent" means the person having an equal number of  
19 votes with the contestant.

20 (cf: P.L.1956, c.128, s.1)

21

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

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

29 VOTER REGISTRATION APPLICATION

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

31 (1) This form is being used as (check one):

32 New registration

33 Address change

34 Name change

35 (2) Name:.....

36 Last First Middle

37 (3) Are you a citizen of the United States of America?YesNo

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

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

42 (5) Street Address where you live:

43 .....

44 Street Address Apt. No.

45 .....

46 (6) City or Town County Zip Code

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

1 .....  
2 (8) Date of Birth:  
3 .....  
4     Month     Day     Year  
5 (9) (a) Telephone Number (optional).....  
6         (b) E-Mail Address (optional).....  
7 (10) Name and address of Your Last Voter Registration  
8 .....  
9 .....  
10 .....  
11 (11) If you are registering by mail to vote and will be voting for  
12 the first time in your current county of residence, please provide  
13 one of the following:  
14     (a) your         New         Jersey         driver's         license  
15     number:.....  
16     (b) the     last     four     digits     of     your     Social     Security  
17     Number.....  
18     OR submit with this form a copy of any one of the following  
19     documents: a current and valid photo identification card; a current  
20     utility bill, bank statement, government check, pay check or any  
21     other government or other identifying document that shows your  
22     name and current address. If you do not provide either your New  
23     Jersey driver's license number or the last four digits of your Social  
24     Security Number, or enclose a copy of one of the documents listed  
25     above, you will be asked for identification when voting for the first  
26     time, unless you are exempt from doing so under federal or State  
27     law.  
28     (12) Do you wish to declare a political party affiliation?  
29     (Optional):  
30          YES. Name of Party:  
31          NO. I do not wish to declare a political party affiliation  
32     at this time.  
33     (13) Declaration - I swear or affirm that:  
34         I am a U.S. citizen.  
35         I live at the above address.  
36         I will be at least 18 years old on or before the day of the next  
37     election.  
38     **【I am not on parole, probation or serving a sentence due to a**  
39     **conviction for an indictable offense under any federal or State**  
40     **laws.】**  
41     I UNDERSTAND THAT ANY FALSE OR FRAUDULENT  
42     REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO  
43     \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH  
44     PURSUANT TO R.S.19:34-1.  
45     .....  
46     Signature or mark of the registrant         Date  
47     (14) If applicant is unable to complete this form, print the name  
48     and address of individual who completed this form.

1 .....

2 Name

3 .....

4 Address

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

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

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

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

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

46 f. The Secretary of State shall also furnish such registration  
47 forms and such instructions to the Director of the Division of  
48 Workers' Compensation, the Director of the Division of



1 Employment Services, and the Director of the Division of  
2 Unemployment and Temporary Disability Insurance in the  
3 Department of Labor and Workforce Development; to the Director  
4 of the Division of Taxation in the Department of the Treasury; to  
5 the Executive Director of the New Jersey Transit Corporation; to  
6 the appropriate administrative officer of any other public agency, as  
7 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-  
8 6.3); to the Adjutant General of the Department of Military and  
9 Veterans' Affairs; and to the chief administrative officer of any  
10 voter registration agency, as defined in subsection a. of section 26  
11 of P.L.1994, c.182 (C.19:31-6.11).

12 g. All registration forms received by the Secretary of State in  
13 the mail or forwarded to the Secretary of State shall be forwarded to  
14 the commissioner of registration in the county of the registrant.

15 h. An application to register to vote received from the New  
16 Jersey Motor Vehicle Commission or a voter registration agency, as  
17 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-  
18 6.11), shall be deemed to have been timely made for the purpose of  
19 qualifying an eligible applicant as registered to vote in an election if  
20 the date on which the commission or agency shall have received  
21 that document in completed form, as indicated in the lower right  
22 hand corner of the form, was not later than the 21st day preceding  
23 that election.

24 i. Each commissioner of registration shall make note in the  
25 permanent registration file of each voter who is required to provide  
26 the personal identification information required pursuant to this  
27 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-  
28 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of  
29 identification provided by the voter and the date on which it is  
30 provided. Prior to the June 2004 primary election, when such a  
31 newly registered voter seeks to vote for the first time following his  
32 or her registration, the voter will be required to provide such  
33 personal identification information. Beginning with the June 2004  
34 primary election, when such a newly registered voter seeks to vote  
35 for the first time following his or her registration, the voter will not  
36 be required to provide such information if he or she had previously  
37 provided the personal identification information required pursuant  
38 to this section. The required information shall be collected and  
39 stored for the time and in the manner required pursuant to  
40 regulations promulgated by the Secretary of State.

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

44 k. In the event that the name of any political party entered on  
45 the voter registration form by a voter who wishes to declare a  
46 political party affiliation is not legible, the commissioner of  
47 registration shall mail the voter a political party declaration form  
48 and a letter explaining that the voter's choice was not understood

1 and that the voter should complete and return the declaration form  
2 in order to be affiliated with a party.

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

4

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

6 19:34-25. a. If a person shall, directly or indirectly, by himself or  
7 by any other person in his behalf, give, lend or agree to give or  
8 lend, or shall offer, promise or promise to procure, or endeavor to  
9 procure, any money or other valuable consideration or thing to or  
10 for any voter, or to or for any person, in order to induce any voter to  
11 vote or refrain from registering for any election, or shall corruptly  
12 do or commit any of the acts in this section mentioned because of  
13 any such voter having voted or refrained from voting at an election,  
14 or registered or refrained from registering at an election, he shall be  
15 guilty of a crime of the third degree.

16 Bribery of member of election board; acceptance. b. Whosoever  
17 shall, directly or indirectly, make or give any money or other thing  
18 of value to any member of the district board because of his  
19 membership on such board, or when it shall appear that such money  
20 or other thing of value is made or given to such member because of  
21 his membership on the board, except as hereinbefore provided as  
22 his legal compensation for service on the board, shall be guilty of a  
23 crime of the third degree.

24 Any member of a district board who shall, by himself, or by any  
25 other person in his behalf, receive any money or other thing of  
26 value because of his membership on such board, or when it shall  
27 appear that such money or other thing of value is accepted or  
28 received by such member because of his membership on the board,  
29 except as hereinbefore provided as his legal compensation for  
30 service on the board, shall be guilty of a crime of the third degree.

31 Promising office or employment. c. A person who shall directly  
32 or indirectly, by himself or by any other person in his behalf, give  
33 or procure, or agree to give or procure or offer or promise to  
34 procure, or endeavor to procure any office, place or employment to  
35 or for any voter, or to or for any person on behalf of such voter, or  
36 to or for any other person, in order to induce such voter to vote or  
37 refrain from voting, or to register or refrain from registering, or  
38 shall corruptly do any act as above because of any voter having  
39 voted or refrained from voting, or having registered or refrained  
40 from registering for any election, shall be guilty of a crime of the  
41 third degree.

42 Acceptance of bribe by voter. d. Any voter who shall directly or  
43 indirectly, by himself or by any other person on his behalf, receive,  
44 agree or contract for any money, gift, loan or valuable  
45 consideration, office, place or employment for himself or for any  
46 other person for voting or agreeing to vote, or for refraining or  
47 agreeing to refrain from voting at any election, or for registering or  
48 agreeing to register, or for refraining or for agreeing to refrain from

1 registering for any election, shall be guilty of a crime of the third  
2 degree.

3 Bribery of delegates. e. If a person shall, directly or indirectly,  
4 give, offer or promise to give any sum or sums of money or any  
5 valuable thing in action, victuals, drink or preferment or other  
6 considerations, by way of fee, reward, gift or gratuity, or other  
7 valuable present or reward to obtain, procure or influence the  
8 opinion, behavior, vote or abstaining from voting for the election of  
9 any delegate to any convention of any political party, to nominate  
10 any candidate for member of the legislature, for member of  
11 congress, for electors for president and vice president of the United  
12 States, for governor, or for any candidate for any office in any  
13 county or municipality; or if any person being a delegate to any  
14 political convention to nominate candidates for any of the offices  
15 named in this title shall directly or indirectly, ask for, accept,  
16 receive or take any sum or sums of money, or other valuable  
17 consideration by way of fee, reward, gift or gratuity, or other  
18 valuable consideration for the giving or refusing to give his vote at  
19 any such convention, the person so offering, asking, or receiving  
20 shall be guilty of a crime of the third degree.

21 Bribery at election. f. Whoever shall, directly or indirectly, give,  
22 furnish, supply or promise, or cause to be given, furnished,  
23 supplied, offered or promised, to any person or persons, any money,  
24 service, preferment or valuable thing with the intent that such  
25 money or valuable thing or any other money, service, preferment or  
26 valuable thing shall be given, offered, promised or used, by any  
27 person or persons, by way of fee, reward, gift or gratuity, for giving  
28 or refusing to give any vote of any citizen, at any election of any  
29 public officer, state, county or municipal, to be held therein, or of  
30 any member of congress, of electors for president and vice president  
31 of the United States, or at any election of any delegate or delegates  
32 to any political convention to be held for the nomination of any of  
33 the officers above, or by way of gift, gratuity or reward, for giving  
34 or withholding the vote of any delegate at any such convention,  
35 shall be guilty of a crime of the third degree.

36 Inducing voters. g. A person who shall, directly or indirectly, by  
37 himself or by any other person in his behalf, give, lend, or agree to  
38 give or lend, or procure, or agree to procure or offer or promise to  
39 procure, or endeavor to procure, any money or other valuable  
40 consideration or thing, or any office, place or employment to or for  
41 any voter, or to or for any person, in order to induce such voter to  
42 vote or refrain from registering or voting at any election, or shall  
43 corruptly do or commit any of the acts in this section mentioned,  
44 because of any voter having voted or refrained from voting or  
45 having registered or refrained from registering for any election,  
46 shall be guilty of a crime of the third degree.

47 Contributions for use in bribing. h. A person who shall give,  
48 advance or pay, or cause to be given, advanced or paid, any money

1 or other valuable thing to any person, or to the use of any person,  
2 with the intent that such money or other valuable thing, or any part  
3 thereof, shall be expended, or used for bribery of voters, or for any  
4 other unlawful purpose at any election, or who shall knowingly pay,  
5 or cause to be paid money to any person wholly or in part expended  
6 in bribery of a voter at any election, shall be guilty of a crime of the  
7 third degree.

8 Receiving rewards. i. A person who shall, directly or indirectly,  
9 by himself, or by any other person on his behalf, receive, agree or  
10 contract for any money, gift, loan or valuable consideration, office,  
11 place or employment for himself or for any other person for voting  
12 or agreeing to vote, or for refraining or agreeing to refrain from  
13 voting at any election, or for registering or agreeing to register, or  
14 for refraining or for agreeing to refrain from registering for any  
15 election, shall be guilty of a crime of the third degree.

16 Gift, or promise of, for certain purposes. j. No person shall give  
17 or agree to give for the purpose of promoting or procuring or for the  
18 purpose of opposing or preventing the election of a candidate for  
19 public office, or for the purpose of promoting or procuring or for  
20 the purpose of opposing or preventing the nomination of any person  
21 as a candidate for public office, any money or any valuable thing to  
22 be used for any of the following purposes:

23 1. To provide or give or to pay, wholly or in part, the expense  
24 of giving or providing any meat, drink, entertainment or provision  
25 to or for any person for the purpose of influencing that person or  
26 any other person to give or refrain from giving his vote at any  
27 election, or because of any such person or any other person having  
28 voted or refrained from voting.

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

32 3. To provide for the payment for the insertion in any  
33 newspaper or magazine of any article tending to influence any  
34 person to give or refrain from giving his vote to any candidate or  
35 candidates at any election; or to provide for payment for the  
36 distribution of any newspaper or magazine wherein any such article  
37 is printed; or to provide for payment of the printing or of the  
38 distribution of any circular, handbill, card, pamphlet or statement  
39 tending to influence any person to give or refrain from giving his  
40 vote to any candidate at any election; but this prohibition shall not  
41 be construed to prohibit the printing and distribution of paid  
42 advertisements, which advertisements shall be indicated by the  
43 words "This advertisement has been paid for by " (inserting the  
44 true name and address of the person or persons paying for the  
45 same); nor shall it be construed to prohibit the printing and  
46 distribution of circulars, handbills, cards, pamphlets or statements  
47 which shall have printed on the face thereof the true name and  
48 address of the person or persons paying for the printing and

1 distribution thereof, which fact shall be indicated by the words "The  
2 cost of the printing and distribution of this circular (or as the case  
3 may be) has been paid by " (inserting the true name and address of  
4 the person or persons paying for the same).

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

8 Penalty. 1. Any person who shall violate any of the provisions  
9 of paragraphs "j" and "k" of this section shall be guilty of a crime of  
10 the third degree, **and shall for the first offense be disfranchised for**  
11 **a period of five years from the date of conviction, and for any**  
12 **subsequent offense shall be perpetually disfranchised, and in**  
13 **addition thereto] and for any subsequent offense the court in which**  
14 **such conviction is obtained [,] may [in case of a subsequent**  
15 **conviction,] impose upon the person so convicted the punishment**  
16 **now prescribed by law for a crime of the second degree.**

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

18  
19 9. R.S.19:34-46 is amended to read as follows:

20 19:34-46. In addition to any penalties provided for violation of  
21 any of the provisions of this title, the court imposing such penalty  
22 may add thereto that such offender be thenceforth **[disfranchised as**  
23 **a voter and] disqualified to hold any office of trust or profit within**  
24 **this state for such length of time as such court deems proper.**

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

26  
27 10. Section 33 of P.L.1964, c.134 (C.19:58-33) is amended to  
28 read as follows:

29 33. Any person who knowingly violates any of the provisions of  
30 this act, or who, not being entitled to vote under this act,  
31 fraudulently votes, or attempts to vote thereunder or enables, or  
32 attempts to enable another person, not entitled to vote thereunder, to  
33 vote thereunder, or who prevents or attempts to prevent by fraud the  
34 voting of any person legally entitled to vote under this act, or who  
35 knowingly certifies falsely in any paper required to be executed  
36 under this act, shall be guilty of a crime of the third degree and  
37 upon conviction thereof shall be subject **[, in addition] to such**  
38 **[other] penalties as are authorized by law [, to disenfranchisement**  
39 **unless and until pardoned or restored by law to the right of**  
40 **suffrage].**

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

42  
43 11. Section 8 of P.L.1976, c.23 (C.19:59-8) is amended to read  
44 as follows:

45 8. a. Each county clerk shall send by air mail, with each ballot  
46 for an overseas voter or overseas federal election voter transmitted  
47 by such means, appropriate printed instructions for its completion

1 and return, together with an inner and outer envelope similar to that  
2 required as to civilian vote by mail ballots with a legend on the  
3 inner envelope stating "Ballot for Overseas Voter" or "Ballot for  
4 Overseas Federal Election Voter," as appropriate.

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

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

14 PENALTY FOR FRAUDULENT VOTING

15 Any person who knowingly violates any of the provisions of the  
16 Overseas Residents Absentee Voting Law, or who, not being  
17 entitled to vote thereunder, fraudulently votes or attempts to vote  
18 thereunder or enables or attempts to enable another person, not  
19 entitled to vote thereunder, to vote fraudulently thereunder or who  
20 prevents or attempts to prevent by fraud the voting of any person  
21 legally entitled to vote under this act, shall be guilty of an indictable  
22 offense, and upon conviction thereof shall be subject **【**, in addition**】**  
23 to such **【other】** penalties as are authorized by law **【**, to  
24 disenfranchisement unless and until pardoned or restored by law to  
25 the right of suffrage**】**.

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

27

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

30 28. a. Any person who knowingly violates any of the  
31 provisions of P.L.2009, c.79 (C.19:63-1 et al.), or who, not being  
32 entitled to vote thereunder, fraudulently votes or attempts to vote  
33 thereunder, or enables or attempts to enable another person not  
34 entitled to vote thereunder to vote fraudulently thereunder, or who  
35 prevents or attempts to prevent by fraud the voting of any person  
36 legally entitled to vote under this act, or who shall knowingly  
37 certify falsely in any paper required under this act, or who, at any  
38 time, tampers with any ballot or document used in an election or  
39 interferes with the secrecy of the voting of any person, is guilty of a  
40 crime of the third degree, and upon conviction thereof shall be  
41 subject **【**, in addition**】** to such **【other】** penalties as are authorized  
42 by law **【**, to disenfranchisement, unless and until pardoned or  
43 restored by law to the right of suffrage**】**.

44 b. Any person who knowingly aids and abets another in  
45 violating any of the provisions of this section is guilty of a crime of  
46 the third degree and upon conviction thereof shall be subject **【**, in  
47 addition**】** to such **【other】** penalties as are authorized by law **【**, to

1 disenfranchisement, unless and until pardoned or restored by law to  
2 the right of suffrage】.

3 (cf: P.L.2015, c.84, s.6)

4

5 13. The following sections are repealed:

6 R.S.19:15-19;

7 R.S.19:31-17; and

8 R.S.19:34-4.

9

10 14. This act shall take effect 90 days following the date of  
11 enactment.

12

13

14

#### STATEMENT

15

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

19 Under Article II, Section I, paragraph 7, the New Jersey  
20 Constitution authorizes the Legislature to deny the right to vote to  
21 persons convicted of crimes designated by the Legislature. Under  
22 N.J.S.A.2C:51-3, a person who is convicted of a crime is  
23 disqualified from “voting in any primary, municipal, special or  
24 general election as determined by the provisions of R.S.19:4-1.” In  
25 relevant part, R.S.19:4-1 denies the right to vote to any person “who  
26 is serving a sentence or is on parole or probation as a result of a  
27 conviction of any indictable offense under the laws of this or  
28 another state or of the United States.” In New Jersey, indictable  
29 offenses are crimes of the fourth through first degree.

30 The bill provides that persons who are serving a sentence of  
31 incarceration for an indictable offense under the laws of this state or  
32 another state or the United States would be entitled to vote by mail-  
33 in ballot, pursuant to the provisions of “The Vote By Mail Law,” in  
34 the district in which they resided immediately prior to incarceration.

35 The bill, accordingly, also repeals statutory provisions that  
36 permit a person to challenge a voter’s right to vote in an election on  
37 grounds that the voter is disenfranchised due to a criminal  
38 conviction (N.J.S.A.19:15-19); require the commissioner of  
39 registration in each county to compare voter registration records  
40 with criminal conviction records to prevent disenfranchised persons  
41 from voting and registering to vote (N.J.S.A.19:31-17); and  
42 criminalize the act of voting while disenfranchised (N.J.S.A.19:34-  
43 4).