

ASSEMBLY, No. 5823

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 7, 2019

Sponsored by:

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District 35 (Bergen and Passaic)

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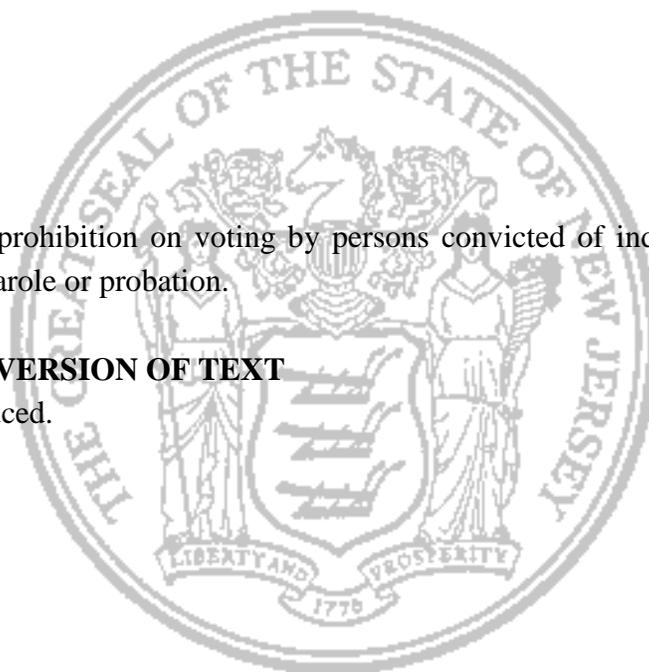
Assemblywomen Reynolds-Jackson, McKnight, Assemblyman Conaway, Assemblywoman Carter, Assemblyman Wimberly, Assemblywoman Quijano, Assemblyman Mukherji, Assemblywomen Chaparro, Jasey, Lopez and Senator Turner

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/17/2019)

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

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 No person shall have the right of suffrage--
- 2 (1) Who has been adjudicated by a court of competent
- 3 jurisdiction to lack the capacity to understand the act of voting; or
- 4 (2) (Deleted by amendment.)
- 5 (3) (Deleted by amendment.)
- 6 (4) (Deleted by amendment.)
- 7 (5) (Deleted by amendment.)
- 8 (6) Who has been convicted of a violation of any of the
- 9 provisions of this Title, for which criminal penalties were imposed,
- 10 if such person was deprived of such right as part of the punishment
- 11 therefor while serving a sentence of incarceration according to law
- 12 unless pardoned or restored by law to the right of suffrage; or
- 13 (7) Who shall be convicted of the violation of any of the
- 14 provisions of this Title, for which criminal penalties are imposed, if
- 15 such person shall be deprived of such right as part of the
- 16 punishment therefor while serving a sentence of incarceration
- 17 according to law, unless pardoned or restored by law to the right of
- 18 suffrage; or
- 19 (8) Who is serving a sentence **【or is on parole or probation】** of
- 20 incarceration as the result of a conviction of any indictable offense
- 21 under the laws of this or another state or of the United States.

22 A person who will have on the day of the next general election

23 the qualifications to entitle him to vote shall have the right to be

24 registered for and vote at such general election and register for and

25 vote at any election, intervening between such date of registration

26 and such general election, if he shall be a citizen of the United

27 States and shall meet the age and residence requirements prescribed

28 by the Constitution of this State and the laws of the United States,

29 when such intervening election is held, as though such

30 qualifications were met before registration.

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

32

33 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to

34 read as follows:

35 16. a. The Secretary of State shall cause to be prepared and

36 shall provide to each county commissioner of registration forms of

37 size and weight suitable for mailing, which shall require the

38 information required by R.S.19:31-3 in substantially the following

39 form:

40 **VOTER REGISTRATION APPLICATION**

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

- 42 (1) This form is being used as:
- 43 New registration
- 44 Address change
- 45 Name change
- 46 (2) Name:.....
- 47Last First Middle

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1 (3) Are you a citizen of the United States of America? Yes
2 No

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

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

7 (5) Street Address where you live:

8

9 Street Address Apt. No.

10

11 (6) City or Town County Zip Code

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

14

15 (8) Date of Birth:

16

17 Month Day Year

18 (9) (a) Telephone Number (optional).....

19 (b) E-Mail Address (optional).....

20 (10) Name and address of Your Last Voter Registration

21

22

23

24 (11)If you are registering by mail to vote and will be voting for
25 the first time in your current county of residence, please provide
26 one of the following:

27 (a) your New Jersey driver's license
28 number:.....

29 (b) the last four digits of your Social Security
30 Number.....

31 OR submit with this form a copy of any one of the following
32 documents: a current and valid photo identification card; a current
33 utility bill, bank statement, government check, pay check or any
34 other government or other identifying document that shows your
35 name and current address. If you do not provide either your New
36 Jersey driver's license number or the last four digits of your Social
37 Security Number, or enclose a copy of one of the documents listed
38 above, you will be asked for identification when voting for the first
39 time, unless you are exempt from doing so under federal or State
40 law.

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

43 YES. Name of Party:

44 NO. I do not wish to declare a political party affiliation at
45 this time.

46 (13) I wish to receive a Mail-in Ballot for all future elections,
47 until I request otherwise in writing.

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

1 I am a U.S. citizen.

2 I live at the above address.

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

5 I am not **[on parole, probation or]** serving a sentence of
6 incarceration due to a conviction for an indictable offense under any
7 federal or State laws.

8 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
9 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
10 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
11 PURSUANT TO R.S.19:34-1.

12

13 Signature or mark of the registrant Date

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

16

17 Name

18

19 Address

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

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

45 c. The Secretary of State shall cause to be prepared registration
46 forms of the size, weight and form described in subsection a. of this
47 section in both the English and Spanish language and shall provide
48 such forms to each commissioner of registration of any county in

1 which there is at least one election district in which bilingual
2 sample ballots must be provided pursuant to R.S.19:14-21,
3 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

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

10 e. Each such registration form shall have annexed thereto
11 instructions specifying the manner and method of registration, and
12 the vote by mail option specified on the form, and stating the
13 qualifications for an eligible voter.

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

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

34 h. An application to register to vote received from the New
35 Jersey Motor Vehicle Commission or a voter registration agency, as
36 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
37 6.11), shall be deemed to have been timely made for the purpose of
38 qualifying an eligible applicant as registered to vote in an election if
39 the date on which the commission or agency shall have received
40 that document in completed form, as indicated in the lower right
41 hand corner of the form, was not later than the 21st day preceding
42 that election.

43 i. Each commissioner of registration shall make note in the
44 permanent registration file of each voter who is required to provide
45 the personal identification information required pursuant to this
46 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
47 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of
48 identification provided by the voter and the date on which it is

1 provided. Prior to the June 2004 primary election, when such a
2 newly registered voter seeks to vote for the first time following his
3 or her registration, the voter will be required to provide such
4 personal identification information. Beginning with the June 2004
5 primary election, when such a newly registered voter seeks to vote
6 for the first time following his or her registration, the voter will not
7 be required to provide such information if he or she had previously
8 provided the personal identification information required pursuant
9 to this section. The required information shall be collected and
10 stored for the time and in the manner required pursuant to
11 regulations promulgated by the Secretary of State.

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

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

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

23

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

25 19:31-17. a. Once each month during the first five days thereof,
26 the chief State election official shall notify the commissioner of
27 registration of a county of any information which the official shall
28 have received during the previous month from the United States
29 Attorney under subsection g. of section 8 of Pub.L. 103-31 (42
30 U.S.C. s. 1973gg-6) concerning the conviction of a resident of the
31 county of a crime under the laws of the United States, or any other
32 official action relating to such a conviction, that would constitute
33 grounds for disfranchisement of the person while serving a sentence
34 of incarceration under the laws of this State.

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

1 conviction to the proper election official of the county in which the
2 address of such person is located.

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

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

22

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

24 19:34-4. If a person convicted of a crime which disfranchises
25 him while serving a sentence of incarceration shall vote at any
26 election, unless he shall have been pardoned or restored by law to
27 the right of suffrage, he shall be guilty of a crime of the fourth
28 degree.

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

30

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

32 19:34-25. a. If a person shall, directly or indirectly, by himself
33 or by any other person in his behalf, give, lend or agree to give or
34 lend, or shall offer, promise or promise to procure, or endeavor to
35 procure, any money or other valuable consideration or thing to or
36 for any voter, or to or for any person, in order to induce any voter to
37 vote or refrain from registering for any election, or shall corruptly
38 do or commit any of the acts in this section mentioned because of
39 any such voter having voted or refrained from voting at an election,
40 or registered or refrained from registering at an election, he shall be
41 guilty of a crime of the third degree.

42 Bribery of member of election board; acceptance. b. Whosoever
43 shall, directly or indirectly, make or give any money or other thing
44 of value to any member of the district board because of his
45 membership on such board, or when it shall appear that such money
46 or other thing of value is made or given to such member because of
47 his membership on the board, except as hereinbefore provided as

1 his legal compensation for service on the board, shall be guilty of a
2 crime of the third degree.

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

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

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

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

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

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

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

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

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

1 as a candidate for public office, any money or any valuable thing to
2 be used for any of the following purposes:

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

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

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

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

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

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

47

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

1 19:34-46. In addition to any penalties provided for violation of
2 any of the provisions of this title, the court imposing such penalty
3 may add thereto that such offender be thenceforth disfranchised as
4 a voter while serving a sentence of incarceration and disqualified to
5 hold any office of trust or profit within this state for such length of
6 time as such court deems proper.

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

8

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

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

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

24

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

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

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

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

43 **PENALTY FOR FRAUDULENT VOTING**

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

1 prevents or attempts to prevent by fraud the voting of any person
2 legally entitled to vote under this act, shall be guilty of an indictable
3 offense, and upon conviction thereof shall be subject, in addition to
4 such other penalties as are authorized by law, to disenfranchisement
5 while serving a sentence of incarceration unless and until pardoned
6 or restored by law to the right of suffrage.
7 (cf: P.L.2017, c.39, s.11)
8

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

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

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

33 11. This act shall take effect 90 days following the date of
34 enactment.
35
36

37 STATEMENT
38

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

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

1 is serving a sentence or is on parole or probation as a result of a
2 conviction of any indictable offense under the laws of this or
3 another state or of the United States.” In New Jersey, indictable
4 offenses are crimes of the fourth through first degree.

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