



VOTING & JURY SERVICE

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Hidden or “collateral consequences” are additional penalties that may result from criminal convictions. They have a direct impact on critical areas of life such as: employment, housing, education, public benefits, parental rights, and voting, and can hinder an individuals’ ability to successfully reintegrate. Understanding the relevant legal and regulatory framework that creates these sanctions can be helpful to criminal defense attorneys, other advocates, and all residents of New Jersey affected by incarceration. Please note that these laws can and do change, and you should inquire about updates before relying on this information. [June 2006]

SUMMARY: Voting and jury service are responsibilities and privileges of citizenship, and both are curtailed as a result of criminal convictions in New Jersey. Ironically, disenfranchisement can further alienate those whom society expects to embrace civic participation. In addition to limiting the franchise for individuals with criminal records, communities with high incarceration rates experience severely diluted voting strength.

Nationally, blacks are disenfranchised at a rate nearly five times higher than non-blacks. This fact sheet outlines the statutes that restrict voting and jury service in New Jersey; the convictions that trigger the curtailment of rights, specific consequences; and remedies where they exist.

Note that an official pardon, although difficult to obtain, restores the right to vote and the right to serve on a jury in New Jersey. More information on felony disenfranchisement can be found in the last section of this document.

Voting

STATUTE OR REGULATION	CONVICTION OR OFFENSE	CONSEQUENCES	REMEDIES
N.J.S.A. §19:4-1	Serving a sentence	An individual loses the right to vote if s/he is serving a sentence. ¹	Voting rights are restored once the sentence is complete, and the individual is released without probation or parole. ²
N.J.S.A. §19:4-1	On probation	An individual loses the right to vote if s/he is on probation.	Voting rights are restored once an individual is off probation. ³
N.J.S.A. §19:4-1	On parole	An individual loses the right to vote if s/he is on parole.	Voting rights are restored once an individual is off parole.

Jury Service

STATUTE OR REGULATION	CONVICTION OR OFFENSE	CONSEQUENCES	REMEDIES
N.J.S.A. §2B: 20-1	Conviction for an indictable offense (a crime in the first, second, third, or	Permanent disqualification from serving on a jury.	None (except a pardon).

STATUTE OR REGULATION	CONVICTION OR OFFENSE	CONSEQUENCES	REMEDIES
	fourth degree) in N.J., or in any other state or federal court.		

Facts about Felony Disenfranchisement

According to the Sentencing Project, more than four million Americans in this country are denied the right to vote as a result of laws that prohibit voting by felons or ex-felons. In 48 states and the District of Columbia prisoners cannot vote, in 36 states felons on probation or parole are disenfranchised, and in 11 states a felony conviction can result in a lifetime ban long after the completion of a sentence. Because of their overrepresentation in the criminal justice system an estimated 13% of black men are unable to vote. Public opinion data clearly shows strong support for change – 80% of the public supports restoration of voting rights for ex-felons who have completed their sentences, and 64% and 62% respectively support the right of probationers and parolees to vote.⁴

State Report Cards⁵

- Maine and Vermont never strip away voting rights due to felony convictions.
- Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah and The District of Columbia deny the vote to inmates, but allow citizens to vote who are out of prison, on probation, or on parole.
- California, Colorado, Connecticut, and New York only allow people on probation to vote. Parolees, and those in prison are disenfranchised.
- Alaska, Arkansas, Georgia, Maryland, Minnesota, Missouri, **New Jersey**, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, West Virginia, and Wisconsin disenfranchise all citizens on probation, in prison and on parole.
- Alabama, Arizona, Delaware, Florida, Iowa, Kentucky, Mississippi, Nebraska, Nevada, Tennessee, Virginia, Washington, and Wyoming effectively take away the vote for life from all or some citizens with felony convictions, including those who have fully completed the terms of their sentence. Some of these states may restore voting rights through a pardon, appeal, or clemency process.

¹ A lawsuit was filed challenging the denial of voting rights to persons on probation or parole in New Jersey. The complaint stated that because minorities are vastly over-represented in the criminal justice system, laws denying probationers and parolees the right to vote result in a denial of the New Jersey Constitution’s guarantee of Equal Protection under the law. About 80% of parolees and 60% of probationers in New Jersey are of African-American or Hispanic origin. In November 2005, a New Jersey Appellate Division upheld New Jersey’s voting rights ban . See NAACP v. Harvey, Superior Court of New Jersey, Appellate Division, Docket. No. A-6881-03T5.

² Once an individual is released from prison, he or she must register to vote in order for voting rights to be restored.

³ In December 2005, A4587, a bill to extend voting rights to people on Probation in New Jersey, was introduced into the state Assembly, see <http://www.njleg.state.nj.us/bills/BillView.asp>.

⁴ The Sentencing Project, http://www.sentencingproject.org/issues_03.cfm

⁵ See Demos, <http://www.demos-usa.org/page26.cfm>.