

Article II, Section 1, Paragraph 6 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST
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New Jersey Constitution: Article II, Section 1, Paragraph 6

BILL NO: SCR134/ACR240

SPONSOR: Codey, Bark, Cryan, Whelan, Watson

DATE INTRODUCED: 1/9/2007

COMMITTEE: **ASSEMBLY:** Assembly State Government Committee

SENATE: Senate State Government Committee

AMENDED DURING PASSAGE:

DATE OF PASSAGE: **ASSEMBLY:** 6/21/2007

SENATE: 2/22/2007

FILED WITH SECRETARY OF STATE: 6/22/2007

DATE OF ADOPTION: 11/6/2007

EFFECTIVE: 11/6/2007

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** (SCR134) Yes
(ACR240) Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: Yes

974.90 Public hearing before Senate State Government Committee : Senate Concurrent Resolution No. 134 :
C758 proposes constitutional amendment to clarify provision denying right of suffrage to certain persons
2007 capacity to understand the act of voting : [February 8, 2007, Trenton, New Jersey]

NEWSPAPER ARTICLES:

Yes

BETH DeFALCO, Associated Press Writer, 'Senator: New Jersey Constitution shouldn't refer to mentally ill as 'idiots'', Associated Press: Cherry Hill Metro Area (online), 9 Jan 2007

'Action in Trenton', Star-Ledger, The (online), 9 Jan 2007 16

TOM HESTER Jr. Associated Press, 'CONSTITUTION WORDS HURT DISABLED N.J. RESIDENTS', Press of Atlantic City, The (online), 15 Mar 2007 A1

'Changing the language will enable eligible voters', Trentonian, The (online), 4 Oct 2007 14

'Vote 'yes' on questions', Times, The (online), 28 Oct 2007 A10

'State Questions: 3 'yes' and 1 'no'', Gloucester County Times, The (online), 31 Oct 2007

'Statewide Public Questions', Times, The (online), 4 Nov 2007 G03

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**SENATE CONCURRENT
RESOLUTION No. 134**

**STATE OF NEW JERSEY
212th LEGISLATURE**

INTRODUCED JANUARY 9, 2007

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator MARTHA W. BARK

District 8 (Burlington)

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman JIM WHELAN

District 2 (Atlantic)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

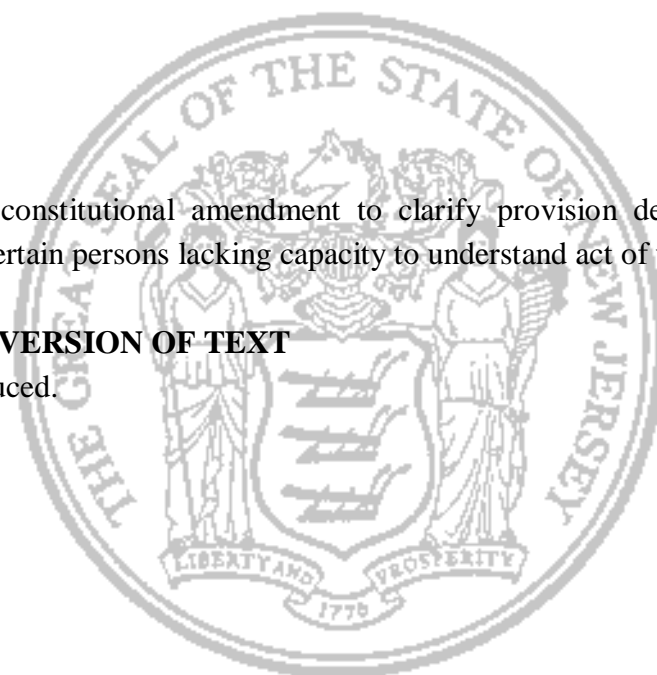
Senators Ciesla, Inverso and Assemblyman Vas

SYNOPSIS

Proposes constitutional amendment to clarify provision denying right of suffrage to certain persons lacking capacity to understand act of voting.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2007)

SCR134 CODEY, BARK

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1 A CONCURRENT RESOLUTION proposing to amend Article II,
2 Section I, paragraph 6 of the New Jersey Constitution.

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4 BE IT RESOLVED by the Senate of the State of New Jersey (the
5 General Assembly concurring):

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7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is agreed to:

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10 PROPOSED AMENDMENT

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12 Amend Article II, Section I, paragraph 6 to read as follows:

13 6. No **[idiot or insane]** person who has been adjudicated by a
14 court of competent jurisdiction to lack the capacity to understand
15 the act of voting shall enjoy the right of suffrage.

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17 2. When this proposed amendment to the Constitution is finally
18 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
19 shall be submitted to the people at the next general election
20 occurring more than three months after the final agreement and
21 shall be published at least once in at least one newspaper of each
22 county designated by the President of the Senate, the Speaker of the
23 General Assembly and the Attorney General, not less than three
24 months prior to the general election.

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26 3. This proposed amendment to the Constitution shall be
27 submitted to the people at that election in the following manner and
28 form:

29 There shall be printed on each official ballot to be used at the
30 general election, the following:

31 a. In every municipality in which voting machines are not used, a
32 legend which shall immediately precede the question as follows:

33 If you favor the proposition printed below make a cross (X), plus
34 (+), or check (✓) in the square opposite the word "Yes." If you are
35 opposed thereto make a cross (X), plus (+) or check (✓) in the
36 square opposite the word "No."

37 b. In every municipality the following question:

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.

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	<p>YES</p>	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT CONCERNING THE RIGHT TO VOTE FOR CERTAIN PERSONS</p> <p>Shall the amendment of Article II, Section I, paragraph 6 of the Constitution, agreed to by the Legislature, revising the current constitutional language concerning denial of the right to vote by deleting the phrase “idiot or insane person” and providing instead that a “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” shall not enjoy the right of suffrage, be adopted?</p>
	<p>NO</p>	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Approval of this amendment concerning the denial of the right to vote would delete the phrase “idiot or insane person” and replace that phrase with “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” in describing those persons who shall be denied the right to vote. The phrase “idiot or insane person” is outdated, vague, offensive to many, and may be subject to misinterpretation. This constitutional amendment acknowledges that individuals with cognitive or emotional disabilities may otherwise be capable of making decisions in the voting booth and that their right of self-determination should be respected and protected in this regard. The amendment only denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.</p>

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SCHEDULE

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This constitutional amendment shall become part of the New Jersey

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Constitution upon approval by the voters.

STATEMENT

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This concurrent resolution proposes a constitutional amendment to revise current language in the New Jersey State Constitution concerning denial of the right to vote. The proposed amendment deletes the phrase “idiot or insane person” and replaces it with the phrase “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting” with respect to the denial of the right of suffrage.

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The phrase “idiot or insane person” is outdated, vague, offensive to many, and may be subject to misinterpretation. This constitutional amendment acknowledges that individuals with cognitive or emotional disabilities may otherwise be quite capable of making decisions in the voting booth, and only denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.

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This concurrent resolution is a companion bill to Senate Bill No. 2476 of 2007, which amends N.J.S.A.19:4-1 concerning the requirements for voting in New Jersey. The statute contains the same language as the Constitution with respect to disqualifying a person “who is an idiot or insane,” and Senate Bill No. , therefore, would revise the language in the statute to be consistent with that of the proposed constitutional amendment.

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SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 134

STATE OF NEW JERSEY

DATED: JANUARY 29, 2007

The Senate State Government Committee reports favorably Senate Concurrent Resolution, No. 134.

This concurrent resolution proposes a constitutional amendment to revise current language in the New Jersey State Constitution concerning the denial of the right of suffrage. The proposed amendment deletes the phrase “idiot or insane person” and replaces it with the phrase “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting.” The amendment denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.

This concurrent resolution is a companion bill to Senate Bill No. 2476 of 2007, which amends N.J.S.A.19:4-1 concerning the requirements for voting in New Jersey. The statute contains the same language as the Constitution with respect to disqualifying a person “who is an idiot or insane.” Senate Bill No. 2476, therefore, would revise the language in the statute to be consistent with that of the proposed constitutional amendment.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 134

STATE OF NEW JERSEY

DATED: MARCH 12, 2007

The Assembly State Government Committee reports favorably Senate Concurrent Resolution No. 134.

This concurrent resolution proposes a constitutional amendment to revise current language in the New Jersey State Constitution concerning denial of the right of suffrage. The proposed amendment deletes the phrase “idiot or insane person” and replaces it with the phrase “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting.” The amendment denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.

This concurrent resolution is a companion bill to Senate Bill No. 2476 of 2007, which amends N.J.S.A.19:4-1 concerning the requirements for voting in New Jersey. The statute contains the same language as the Constitution with respect to disqualifying a person “who is an idiot or insane.” Senate Bill No. 2476, therefore, would revise the language in the statute to be consistent with that of the proposed constitutional amendment.

Senate Concurrent Resolution No. 134 is identical to Assembly Concurrent Resolution No. 240 of 2007.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 240

STATE OF NEW JERSEY

DATED: MARCH 12, 2007

The Assembly State Government Committee reports favorably Assembly Concurrent Resolution No. 240.

This concurrent resolution proposes a constitutional amendment to revise current language in the New Jersey State Constitution concerning denial of the right of suffrage. The proposed amendment deletes the phrase “idiot or insane person” and replaces it with the phrase “person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting.” The amendment denies the right of suffrage to those individuals determined by a court, on a case-by-case basis, to lack the capacity to understand the act of voting.

This concurrent resolution is a companion bill to Assembly Bill No. 4030 of 2007, which amends N.J.S.A.19:4-1 concerning the requirements for voting in New Jersey. The statute contains the same language as the Constitution with respect to disqualifying a person “who is an idiot or insane.” Assembly Bill No. 4030, therefore, would revise the language in the statute to be consistent with that of the proposed constitutional amendment.

Assembly Concurrent Resolution No. 240 is identical to Senate Concurrent Resolution No. 134 of 2007.