
Public Hearing

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

Assembly Concurrent Resolution No. 138

*“Proposes a constitutional amendment to prohibit
the Acting Governor from granting clemency”*

Assembly Bill No. 584

“Allows persons on probation and parole to vote”

Assembly Bill No. 2854

“Removes return postage requirement for sample ballots for inactive voters”

Assembly Bill No. 2872

“Credits all prior PERS service of county prosecutors in Prosecutors Part at no additional cost”

Assembly Bill No. 2974

“Revises law governing operation of Trenton War Memorial”

Assembly Bill No. 3021

*“Permits purchase of service and salary credit in PERS for service
with a bistate agency created by interstate compact”*

LOCATION: Committee Room 15
State House Annex
Trenton, New Jersey

DATE: January 16, 2003
2:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Alfred E. Steele, Chairman
Assemblyman Mims Hackett Jr., Vice-Chairman
Assemblywoman Linda R. Greenstein
Assemblyman Thomas H. Kean Jr.



ALSO PRESENT:

Frank J. Parisi
Pamela H. Espenshade
*Office of Legislative Services
Committee Aides*

Victoria Bostic
*Assembly Majority
Committee Aide*

Mark E. Hobbie
*Assembly Republican
Committee Aide*

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ASSEMBLYMAN ALFRED E. STEELE (Chairman): The meeting will now come to order.

Roll call.

MR. PARISI (Committee Aide): Assemblyman Kean.

ASSEMBLYMAN T. KEAN: Here.

MR. PARISI: Assemblyman Asselta. (no response)

Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Here.

MR. PARISI: Vice Chairman Hackett.

ASSEMBLYMAN HACKETT: Here.

MR. PARISI: Chairman Steele.

ASSEMBLYMAN STEELE: Here.

Well, the first bill will be A-2974. Assemblywoman Watson Coleman.

MS. ESPENSHADE (Committee Aide): No. 2974 revises the law governing the operation of the Trenton War Memorial. Currently, the Department of the Treasury is responsible for the facility and is authorized to contract with qualified public or private entities, including the Secretary of State, to help execute its responsibilities.

Under this bill, the Department of the Treasury will be responsible for the restoration, repair, and maintenance of the facility; but the Department of State will be responsible for the operation of the facility, and for promoting and presenting programs at the facility that will advance the cultural, artistic, and ceremonial needs and interests of the citizens of the State.

Both departments may contract with qualified public or private entities.

Proceeds received by the Department of State from operation of the War Memorial and the presentation of performances at the facility will be deposited in the War Memorial Fund. Moneys in the fund may be used to cover costs associated with any of the War Memorial's purposes, including the presentation of programs, performance fees, advertising and promotion, equipment purchase and rental, stage workers, ushers, ticket takers, and security.

The bill also repeals a section of the law enacted in 1988, which requires the Department of the Treasury to prepare a report and the date for -- the due date for that report has passed, so we repealed that section.

ASSEMBLYWOMAN BONNIE WATSON COLEMAN:

I want to thank you very much. Thank you, Mr. Chairman. I want to thank each and every one of the members of this great Committee for hearing this legislation and giving us the opportunity to present what we think is a very exciting opportunity for the State of New Jersey for the War Memorial, and even for the capital city, the City of Trenton.

I'd like to defer any testimony that I might have, because we have the so-called experts in the area. We've got the illustrious and great leader in the form of our Secretary of State here, Regena Thomas. And we have the Assistant Secretary of State, her deputy, Lizette Delgado, who both have information which they would like to share, which will give you greater insight into the importance of this legislation.

So, with your permission, I'd like to defer to them. And thank you very much.

ASSEMBLYMAN STEELE: Absolutely. They're certainly welcome.

SECRETARY REGENA THOMAS: Thank you. Good afternoon, Chairman Steele and all the members of the Committee. I'm here today to testify in support of A-2974. It's a very important bill for the State's commitment to revitalization in the capital district, fostering the performing arts, and creating new and exciting opportunities for all New Jerseyans to enjoy the Patriots Theater and the Trenton War Memorial.

I first want to commend Assemblywoman Bonnie Watson Coleman and Assemblyman Gusciora for their foresight in sponsoring this legislation.

Not long ago, if you remember, the Trenton War Memorial was a facility whose grand potential was shrouded by decades of neglect. By 1988, the City of Trenton recognized that it had neither the fiscal nor technical ability to maintain the building and sold the facility to the State of New Jersey for a dollar.

Since that time, the War Memorial has undergone a tremendous transformation. With bipartisan support, our State leaders, through the State Building Authority, committed a total of \$35 million to restoring, refurbishing, and revitalizing this remarkable performing arts center. From the carpets to the ceiling lights, from the front steps to the back stage, this once dilapidated facility has become one of the most revered, historically significant theaters in the northeastern United States.

When, once, the theater was known more for the concerts that were canceled than the ones that were performed, today it is known for the shows that are sold out.

During the past year, a diverse assortment of performers, from Willie Nelson to Ray Charles, Tyler Perry to Peter Nero and the Philly Pops, have played to standing room only crowds. They have filled the Patriots Theater seats with fans from across the State. They've brought visitors to Trenton who have never been here before or haven't seen this theater in years.

Without exception, those visitors rave about the performances and the grandeur of the theater. Most importantly, those visitors are primed and ready to return to the venue.

1. The theater has hosted ethnic festivals and weekend-long rock festivals. We have featured long-term commitments to our resident companies: New Jersey Symphony, Boheme Opera, American Repertory Ballet, and the Greater Trenton Symphony Orchestra. So, too, has the theater maintained and expanded its relationship with local art ensembles and organizations.

The \$35 million of taxpayer funds that were invested in this facility were invested well. But the return on that investment cannot be fully realized under the structure outlined in the current statutes. Why? Simply because the Patriots Theater at the War Memorial, under the current statutes, can only be a rental hall. A rental hall with a \$35 million face-lift, but a rental hall, nonetheless.

Under the current statutes, the theater cannot present any concerts or other performances on its own. Rather, it can only hold itself out

for rent to promoters who capitalize on the taxpayers' \$35 million investment in this facility.

In essence, we are at the mercy of promoters who choose to rent the facility. We can have no say over the kinds of entertainers who we would like to bring into the theater and the diverse crowds that they attract to our building. We have no say-so at all.

The legislation before you today would remedy some of that situation by allowing Patriots Theater to become a presenting facility; a facility that, in addition to continuing to operate as a rental facility, could also present its programs, develop full seasons of diverse and dynamic performers, and earn a substantial return on the State's investment.

Most importantly, this straightforward legislation before you today would allow the War Memorial to reach its full potential as a landmark for the performing arts, not only in Trenton, but throughout the State.

I urge you to take into consideration the \$35 million investment, and allow us to establish a return on it. I hope you act on this legislation.

And I would like to hand the mic over to Lizette, the Assistant Secretary of State, who actually oversees the theater.

L I Z E T T E D E L G A D O: Thank you, Chairman. Thank you, members of the Committee, for giving us the opportunity today to present our views and what we intend to do with the Trenton War Memorial.

The Patriots Theater at the War Memorial is one of the divisions that reports directly to me. And I just want to share a few reasons why the passage of this theater into a presenter's theater would have positive impacts

on the theater, the community, the City of Trenton, and the State of New Jersey.

The proposed legislation will change the theater so we use our own money to hire artists, produce events, and profit from the tickets. The profits from these events are reinvested in producing the theater's programming and initiatives.

The proposed changes to the statutes governing the War Memorial intend to affect the nature of the operation of Patriots Theater within the War Memorial. Currently, it is, as the Secretary said before, a renters' facility. The State of New Jersey can only rent to other organizations' promoters, and it constrains us immeasurably. And in these hard budget times, we have to find creative ways, and better ways, to be able to bring income into the State of New Jersey, and for the War Memorial and the Patriots Theater to be self-sustaining.

As a theater, the Patriots Theater at the War Memorial will be able to greatly reduce its dependence on the State of New Jersey's budget. As I said before, it will be able to maximize the revenues received from the rental income by investing in profitable programming. It will be able to invest in diversified programming for the community, and it will be able to plan a full session of events, supplementing the events scheduled by resident, artistic companies: the New Jersey Symphony Orchestra, Boheme Opera, the Greater Trenton Symphony Orchestra, the American Repertory Ballet. Patriots Theater will be able to fund-raise, solicit corporate sponsorship, and apply for grants to help support its presenting initiatives.

The Patriots Theater will have a great importance in downtown Trenton. It has the potential to hold over 1,800 people to come to downtown Trenton on a given night in search of a dinner before a concert, or drinks or a dessert after the concert. The Lafayette Yard Marriott restaurant and bar profit greatly when these events are scheduled at the Patriots Theater. The Marriott sells hotel rooms, food and bar service, catering services to the artists and the production teams at the Patriots Theater. Maxines's Restaurant, Café Olé, Utopia, Lorenzo's, Cafe Amici, the Trenton-Chambersburg restaurants, Marcel's and countless other facilities I have not mentioned receive the benefits from this increased number of events at the Patriots Theater.

The importance of the Patriots Theater in the community: As a presenting theater, it could partner more fully with programs, their fund-raising initiatives, and their community outreach initiatives -- The Young Scholars' Institute in Trenton, The Foundation at Morris Hall, St. Lawrence Rehabilitation, the Trenton Children's Chorus. This is the importance of this theater in this community.

The Trenton theater can become a partner with other New Jersey theaters to block-book touring artists and reduce fees for the theater. The ability to block-book events allow important New Jersey theaters -- New Brunswick; Union County Arts Center, in Rahway; Count Basie, in Redbank -- the ability to join together and compete with NJPAC, the Kimmel Center in Philadelphia, Atlantic City casinos, the theaters and clubs in New York City for the highest level of acts and artists.

I really thank you very much for listening to our testimony, and want to really bring your attention, and hope that you see the significance of

this piece of legislation for the State of New Jersey. Thank you very much for your time.

ASSEMBLYMAN STEELE: Thank both of you.

At this time, is there any commentary?

Mr. Vice-Chairman.

ASSEMBLYMAN HACKETT: Yes. I'd like to thank you very much, Lizette, and Secretary of State, and, naturally, our Chair of the Appropriations Committee, Watson, for the wonderful introduction.

Just the idea of you mentioning what you mentioned, the idea of having our great State being at the forefront of a lot of cultural activity -- you mentioned some names that I'm probably a little more aware of than some of the other people. You mentioned Peter Nero. Peter Nero, naturally, is from Kilgore, Texas. And I had the opportunity to finish college in Texas. And I had the opportunity to meet him and his family, and all the other cultural activities that he engaged upon. Can you imagine a person from that era coming to New Jersey? Naturally, a Ray Charles, Willie Nelson, and the others, I'm very well aware of those, as everyone else is.

But just the idea of having Trenton being at the forefront, along with Philadelphia and NJPAC, as well as areas of New York -- I won't mention the names in New York.

But, anyway, I think that we, in turn, are really embarking upon something that could highlight this great area and this great State so that we could actually be self-sustaining at this point, from all that you mentioned.

Thank you.

SECRETARY THOMAS: Thank you.

ASSISTANT SECRETARY DELGADO: Thank you, Assemblyman.

ASSEMBLYMAN STEELE: Thank you.

Sure.

ASSEMBLYWOMAN GREENSTEIN: I'll be very brief. I just want to say that I'm very excited about this direction that you're taking. I'm excited about Trenton, as it's developing. It's just a great place to be. I love being here. And we're looking forward to this getting off the ground.

Thank you.

SECRETARY THOMAS: Thank you, Assemblywoman.

ASSISTANT SECRETARY DELGADO: Thank you, Assemblywoman.

ASSEMBLYMAN STEELE: Sure, Tom.

ASSEMBLYMAN T. KEAN: This is something that I think the Assistant Secretary and I talked about the first time we met, right here in this room, talking about this important issue. And I'm glad that Madame Chairwoman and Secretary and you have taken the initiative on this. I wholeheartedly support it.

Thank you.

SECRETARY THOMAS: Thank you.

ASSISTANT SECRETARY DELGADO: Thank you.

ASSEMBLYMAN STEELE: Certainly, that's an excellent presentation. All I can say is, let the show begin. (laughter)

ASSEMBLYMAN T. KEAN: Move the bill.

ASSEMBLYMAN STEELE: Okay, there's a motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: There's a second. Roll call.

MS. ESPENSHADE: To release A-2974, as referred to
Committee: Assemblyman Kean?

ASSEMBLYMAN T. KEAN: Yes.

MS. ESPENSHADE: Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MS. ESPENSHADE: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MS. ESPENSHADE: And Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

The bill is reported out. Thank you very much.

ASSEMBLYWOMAN WATSON COLEMAN: Thank you so
much.

SECRETARY THOMAS: Thank you.

ASSISTANT SECRETARY DELGADO: Thank you.

ASSEMBLYMAN STEELE: Assemblywoman, we're going to do
584 while you're here.

ASSEMBLYWOMAN WATSON COLEMAN: Mr. Chairman,
there are some -- in particular, Jon Shure.

ASSEMBLYMAN STEELE: Okay.

Jon, come right on up.

ASSEMBLYWOMAN WATSON COLEMAN: And -- Jon, you
might want to introduce them -- who've been very instrumental in working

with us, through this piece, to get it to a point where you might even consider it for this Committee.

ASSEMBLYMAN STEELE: Okay, allow them to -- they can come at this time.

ASSEMBLYMAN T. KEAN: And, Mr. Chairman, there are Committee amendments to this bill? Is that my understanding?

ASSEMBLYMAN STEELE: Are there amendments, Committee amendments?

MR. PARISI: Yes, there are.

ASSEMBLYMAN STEELE: Yes, that is correct.

MR. PARISI: Should I read it?

ASSEMBLYMAN STEELE: Sure, please. Read the bill in the record.

MR. PARISI: Okay, Assembly Bill 584, which is up for consideration. It should be noted that at present, an individual who is convicted of a crime of the fourth through first degree is prohibited from voting in any primary, municipal, special, or general election while serving a sentence for that crime, and while on parole or probation as a result of that conviction.

Conviction of an indictable offense in another state, or under the laws of the United States, similarly results in the loss of the right to vote in New Jersey while the convicted person is serving a sentence for that crime, and while on parole or probation.

This bill would amend existing law to allow a person who is on probation to vote. It would also permit a person convicted of a crime of the fourth degree, or its equivalent in another jurisdiction, to vote while on parole.

The existing prohibition on voting -- which applies to a person convicted of a crime of the fourth degree while serving a sentence, and to a person convicted of a crime of the first, second, or third degree while serving a sentence or on parole -- would be continued.

The provisions of existing law which provide for the permanent disenfranchisement of a person upon conviction of the violation of the election law would also be continued.

In addition, the bill requires the chief probation officer in each county, the State Parole Board, and the Commissioner of Corrections to assist each person under their jurisdiction, who is eligible to vote and desires to vote, in completing a voter registration form.

There are proposed Committee amendments. Amendments have been proposed to grant all people on probation or parole the right to vote, without distinction as to degree of crime committed. In addition, the bill would require the chief parole officer in each county, the State Parole Board, and the Commissioner of Corrections to help all individuals on parole or probation to register to vote.

ASSEMBLYMAN STEELE: Thank you.

Assemblywoman, you can, at this time, share the facilitation of our proceedings.

ASSEMBLYWOMAN WATSON COLEMAN: Thank you very much, Mr. Chairman. If I might just offer some brief comments.

This is an important bill that I had introduced as early back as the 2000 legislative session. And I did that because I believe that there is an issue of equity and fairness here and an opportunity to enhance, maximize democracy as we all would like to see it. And I believe that, as a result of that, that we would all benefit.

I'm very dedicated to this cause. I believe that you will look, and you will find that the statistics with regard to the disenfranchisement of individuals due to felonies having been committed by them is quite staggering. In the year 2000, there were 138,000 -- more than 138,000 persons who had been disenfranchised of their voting rights: 27,000-plus were in prison; more than 69,000 were on probation; and 40-some thousand were on parole.

In a report that had been released by the Sentencing Project and Human Rights Watch, we found that the state-by-state survey of the impact of criminal disenfranchisement law indicates that there are more than 4 million Americans ineligible to participate in this very precious component of democracy because of felony disenfranchisement.

There have been recent findings by a bipartisan national commission on Federal election reform, which was chaired by both President Gerald Ford and Jimmy Carter, recommending that each state allow for the restoration of voting rights to those convicted of a felony and have met their obligations to society.

We believe that this perpetuates an underrepresentation, underparticipation of particular communities in the voting rights process, and, therefore, having a say in what happens in their communities. The information says that nationwide, over 13 percent of black adult males are

denied their right to vote. But 36 percent of the total disenfranchised population consists of black men. And in seven states, more than 25 percent of the black men are permanently disenfranchised.

The law also disproportionately impacts Latinos.

And I'll tell you, what we find is that, obviously, there's a correlation between wealth and race and ethnicity, and whether or not we are full participants in our democracy, in the country and in the State of New Jersey. In Maine and Vermont, you are allowed to vote even while you are in prison. But in places like Florida and Alabama and Mississippi, you are permanently disenfranchised.

Recently, the governor of Connecticut signed a law which restored voting rights to convicted felons who were on probation.

I believe that the legislation and the amendments, which are before you, represent an opportunity to restore people back into our society, to make them productive, participating, and contributing members of society.

There is information that we have that suggests that a person's desire to vote, a willingness to participate in the system, impacts on whether or not their parents have voted. This is particularly important as it relates to the participation of African-Americans and other poor and minority communities. And we find that, now more than ever, we are having an apathy as it relates to voting, a lack of participation. And where we can, we need to encourage those to participate. We need to provide opportunities for those who have met their obligations to society to become fully restored as contributing and participating human beings, because we all, as a society, will benefit from that.

So I thank you for this opportunity. I'd like to turn it over to Jon Shure, who has worked with me -- I've worked with him on this for a couple of years now, and I'm really pleased to have him to my left -- I guess, where he appropriately belongs. (laughter)

ASSEMBLYMAN STEELE: Assemblywoman, Assemblyman Johnson has come in.

ASSEMBLYWOMAN WATSON COLEMAN: Oh, I'm so sorry.

ASSEMBLYMAN STEELE: That's okay. He came in after you started.

Assemblyman, would you comment at this time.

I think he wanted to weigh in on this issue, in concert with the many things --

ASSEMBLYWOMAN WATSON COLEMAN: As the Assemblyman is coming to the table, might I take the opportunity to ask these individuals who are here in support of this legislation to identify themselves, and their affiliation?

ASSEMBLYMAN STEELE: Certainly, please.

ASSEMBLYWOMAN WATSON COLEMAN: Thank you.

J O N S H U R E: I'm Jon Shure, from New Jersey Policy Perspective.

E D W A R D M A R T O N E: Ed Martone, from New Jersey Association on Correction.

J E A N R O S S: Jean Ross, from the People' Organization for Progress, based in Newark, New Jersey.

B A R B A R A G E O R G E J O H N S O N: And Barbara George Johnson, Legislative Director for the ACLU, New Jersey.

ASSEMBLYMAN STEELE: Excellent, thank you.

Assemblyman, you wish to --

ASSEMBLYMAN GORDON M. JOHNSON: Yes, sir.

ASSEMBLYWOMAN WATSON COLEMAN: I'm going to move on out and make room for him, if you --

ASSEMBLYMAN STEELE: Okay.

ASSEMBLYWOMAN WATSON COLEMAN: I'll come back as you need me.

ASSEMBLYMAN STEELE: Welcome, Assemblyman.

ASSEMBLYMAN JOHNSON: Thank you, Chairman.

First, I'd like to say, I'd like to thank you and this Committee for bringing this bill forward. I come to you not only as an Assemblyman, but as a law enforcement officer of a number of years -- 24 years -- and presently, as the Undersheriff of Bergen County. So, therefore, I have worked with inmates in the facility there. And I want to say that it's important that, when a person has paid his dues to society and is released from incarceration, that they be reinstated as a full-fledged citizen of this fine country.

That is not happening with those who are released when they are not given the right to vote. They've paid their dues.

And I just, briefly, want to say that if we can somehow make that a part of the rehabilitation process, which I believe it should be, then this bill will definitely support that, and hopefully cause that to happen.

So I'd like to thank my colleague, Assemblywoman Bonnie Watson Coleman, for her support in this. And again, thank this fine Committee for seeing this forward.

Any questions of me?

ASSEMBLYMAN STEELE: Surely.

Tom?

ASSEMBLYMAN T. KEAN: If you wouldn't mind, Assemblyman, I've got a -- I think one or two questions. And they go to the definition of paying one's dues to society.

When an individual is on probation or parole, have they officially, thereby, paid their dues to society, under the law? Or under one or the other?

ASSEMBLYMAN JOHNSON: Okay. Under the law, if you are on probation or parole, you are still paying your dues to society, for you are not -- you're still being supervised by an agency. So to answer your question, legally, you're still paying your dues to society if you're on probation or parole.

ASSEMBLYMAN T. KEAN: So, therefore, the Gerald Ford and Jimmy Carter report that was mentioned earlier, that is not necessarily supportive of this legislation, especially given the Committee amendments -- or am I mischaracterizing that report, the one that said that Gerald Ford and Jimmy Carter are supporting an initiative that after they have paid their dues to society, restoring the voting rights. Under this definition, according to the law and common practice, they are still -- actually, these individuals that would be considered, herein, to regain the right to vote would still be paying their dues to society. So even while they are paying their dues to society, they would therefore -- that's when you're looking to restore the right that was lost due to their incarceration and their activity.

So I guess I'm just trying to ask, in my long-winded way, if you could just clarify, and make sure that we're all trying to get down the straight path.

ASSEMBLYMAN STEELE: Yes. I think you're correct. I think it's at the time of incarceration and in doing -- at the beginning of probation and the parole period is when restoration of the right to vote will be restored.

ASSEMBLYWOMAN WATSON COLEMAN: Thank you very much. It's my understanding that the commission was focused on the completion of the entire process.

ASSEMBLYMAN T. KEAN: Including probation and parole?

ASSEMBLYWOMAN WATSON COLEMAN: Yes. What we'd like New Jersey to focus on here is that, if we have individuals that we -- that are in our society as an alternative to incarceration, there is a hope and expectation that they would be functioning and contributing and participating human beings. And that they would be -- they're obviously being given the opportunity to stay intact with their families, and hopefully, they would be presenting themselves as model citizens, and, therefore, there would never, ever, ever need to be a reincarceration or an incarceration.

As such, we want to see them work. We want to see them participate in all components of society. And we believe that it is a very healthy thing to provide them the freedom to utilize their other opportunities to participate, which include voting.

So there are -- it is two different areas -- or it is one area, an extension of another area. And while the commission's report did focus on that, there are other states that recognize that individuals -- like I said, Maine

and Vermont, for some reason they find that it's okay for you to vote, even while you are incarcerated. I mean, I don't have any particular opinion about that right now, because that's not the scope of this legislation.

Then, there are other states that go in a complete opposite direction. We are hoping that New Jersey, sort of, stands up and be the kind of progressive state that it has been, and recognizes that if we can, in some way, foster and support and initiate the kind of productive, contributing behavior that we'd like to see at all elements of society, recognize that we will mutually benefit from that.

ASSEMBLYMAN T. KEAN: If I may, Mr. Chairman.

ASSEMBLYMAN STEELE: Surely.

ASSEMBLYMAN T. KEAN: There are two questions, and I'll ask them in succession, and be quicker than my first question, which is, number one, what other activities are denied to an individual who is on parole or probation -- number one. And number two, can you walk me through --

ASSEMBLYWOMAN WATSON COLEMAN: That question, I can't answer.

ASSEMBLYMAN T. KEAN: Okay, and the second -- for any one of the individuals -- and then, the second question that I have is the real scope of the change between the bill as presented and then the Committee amendments. Because, at first it was fourth degree, is my understanding. And now it would broaden the scope, impact every single individual on parole or probation, regardless of prior -- or why they were convicted. So if you can just walk me through what the difference and real implication is, and why that change was found necessary.

And I assume -- are you supportive of the Committee amendments?

ASSEMBLYWOMAN WATSON COLEMAN: Absolutely. Yes, I am, sir.

ASSEMBLYMAN T. KEAN: Okay, thank you.

ASSEMBLYWOMAN WATSON COLEMAN: You actually hit it on the head, as to one level of the amendments is to provide an opportunity for all individuals, who are similarly situated as it relates to parole or probation, to be able to participate in society by voting.

And we believe there's no reason that they shouldn't be.

ASSEMBLYMAN T. KEAN: And why did you separate that out first? Or, what was the change in thinking?

ASSEMBLYWOMAN WATSON COLEMAN: Well, this has been, like, a couple of years in, sort of, developing. And when I first introduced the legislation, that's as far as it went at that time. And I thought that I was doing a big deal, then, actually.

As others looked in, commented on this, shared with me what was happening in other places, just sort of gave me information regarding the impact of what exists now, as far as I was going, versus as far as others would like to see us go, it made sense to me.

So, I don't have any, sort of, philosophical or policy objection to this. I appreciated the fact that it came to me in a time when we could impact it and deliver this to you in an amendatory way.

The other amendment, I believe, simply requires that those individuals who have authority -- their parole or probation officer --

affirmatively inform the individual who is eligible of his or her right, and provide the forms necessary to become a voter.

ASSEMBLYMAN T. KEAN: Okay. And then the legal question I've got, the other activities that are denied to an individual who is on parole or probation.

ASSEMBLYMAN JOHNSON: I am not a probation or parole specialist, but just generically speaking, of course, is your loss of freedom, whereas you may be required to report in to see an individual, a parole officer or probation officer, once a week or once a month, whatever is set by your freedom -- or quasi-freedom, so to speak. Beyond that -- and they also include drug testing, or what have you. It may involve you having to attend classes in numerous things, such as -- either for a drug dependency or just to complete your basic education.

And that's as far as I can go with probation and parole, as a law enforcement officer, because that's another, different area.

ASSEMBLYMAN T. KEAN: So the -- by definition, parole -- parole and probation is still considered a removal of an individual's civil activities and potential responsibilities to society, given those other loss of -- limited scope of movement and reporting ability to do things.

ASSEMBLYMAN JOHNSON: A person who is on probation or parole, by my definition, is a person who doesn't have full freedom to move, or does not have the ability to come and go as they please, unless it's done under the authority or the notification of an individual at the State level.

ASSEMBLYMAN T. KEAN: Thank you, Madame Chair.

ASSEMBLYWOMAN WATSON COLEMAN: Thank you, Assemblyman.

ASSEMBLYMAN T. KEAN: Thank you, Mr. Assemblyman.

ASSEMBLYMAN JOHNSON: Thank you.

ASSEMBLYMAN STEELE: Certainly. Thank you, Tom. Good questions.

ASSEMBLYMAN JOHNSON: I think he wanted to answer this, too.

ASSEMBLYMAN STEELE: Yes, I'm going to allow him to.

MR. SHURE: Yes, I wanted to answer that.

ASSEMBLYMAN STEELE: Jon, go right ahead.

MR. SHURE: I'll start my testimony by answering part of what Assemblyman Kean has said, because there's, kind of, a flip side way to look at that, which is, when a person is on parole or probation, they can, for example, be licensed to drive a car. They can enter into contracts. They can join clubs and associations and go to meetings, none of which they can do when they're in prison. So part of the rationale behind extending the right to vote is to fully allow them to do those kinds of things that they are.

So you can look at what they're not allowed to do, but, in point of fact, when they're out of prison, they're allowed to do most of the things that everybody else is allowed to do. And the right to vote is considered part of that.

In 2000, New Jersey Policy Perspective published a report on the issue of the right to vote for offenders. And we found that New Jersey is one of the more restrictive states in the country. We're among about 28 states that

take the vote away from anyone who is in prison, on parole, or on probation, in essence denying them one of the nation's most fundamental freedoms and meaningful civic duties. And while there are states that are even more restrictive, like those that don't allow you to vote ever again if you've been incarcerated, there are others that are more enlightened. As Assemblywoman Watson Coleman pointed out, Maine and Vermont allow people in prison to vote. And so do many countries allow people in prison to vote. And just last year, Connecticut passed a law allowing people on probation to vote.

Denial of the right to vote for offenders is based on what only can be seen as an archaic principle, dating to medieval times, when a person was stripped of all property and rights. Today, that policy goes against the more important concept of bringing people back into society, as opposed to cutting them off from it.

It should also be pointed out that disenfranchisement remains a selectively denied right, just as used to be the case with denying women the right to vote, or people of color. Those wrongs have been righted, though not without a fight. This one remains.

Current policy, as alluded to, also carries strong racial repercussions. Our report found that New Jersey's rules have the effect of barring about 17 percent of all African-American males living in the State -- not those in prison, all of them living in the State, in or out of prison -- from voting, which exceeds the national average of 13 percent.

In today's lock-'em-up climate, supporters of disenfranchisement rarely are called upon to defend their position. When they must, they often fall back on phrases like *the purity of the ballot box*. Well, no question, we prefer our

elections to be pure. But at a time when democracy itself seems threatened by massive infusions of money in politics and equally massive apathy on the part of the electorate, it's time to question whether the old logic makes sense.

The reality is that we have reason to believe that people who have a stake in the decision-making process are less likely to be alienated from society. Like having a job and a home, being able to vote can help to root people in their community.

The New Jersey Policy Perspective report recommended that New Jersey consider not taking away the right to vote for anyone, or, at least allowing those on probation or on parole to vote. It also called for making sure that people that do complete their obligation to the corrections system be proactively notified of their newly restored right to vote.

And since our report came out, more than two years ago, we still occasionally get telephone calls from people, men and women, who call us saying they have completed parole or completed probation, and they want to know, from us, if they can vote. And it's a very gratifying feeling to be able to tell them that yes, they absolutely can vote, but the fact that no one else has told them points out a serious flaw in the system.

The bill that you're discussing today takes bold, clear steps in the right direction. It gives New Jersey an opportunity to step away from the more restrictive states. Doing so would send a signal that democracy is alive and well in New Jersey, and that when it comes to voting, we know that our future lies in participation and not retribution.

Thank you.

ASSEMBLYMAN STEELE: Thank you. Thank you, Jon Shure.

MS. JOHNSON: Good afternoon, Chairman Steele and other members of the Committee. My name is Barbara George Johnson. I'm the Legislative Director for the ACLU, New Jersey. I want to thank you for giving me the opportunity today to come and speak about disenfranchisement of ex-felons.

In hearing the amendment to the bill this afternoon, I'm very thankful to Assemblywoman Bonnie Watson Coleman and the rest of the individuals who worked on this bill for including that amendment. I dare say that when the ACLU first read the bill, we were not thrilled that it didn't go far enough, and with the amendment, we think it's definitely a bold step in the right direction.

The ACLU does not believe that the government has any reason to deny voting rights to those serving sentences. In fact, in terms of public policy, there are numerous reasons for American society to encourage people serving sentences to vote. Participation in civic responsibilities is an important step in rehabilitation. It is widely agreed that too few Americans vote in general. Allowing individuals serving sentences to vote will give them a way to contribute to society, which heightens their chances of succeeding in it. Voting gives the people a voice, and the First Amendment guides our nation's belief that it's best for us all, everyone, to use their votes.

You've already heard statistics on how African-American males are disproportionately affected by disenfranchisement laws. But let me say that disenfranchisement reeks of the past injustices of the post-Reconstruction South, when laws were enacted, such as literacy requirements and poll taxes, designed to keep the newly freed black population away from the polls. Such

policies were in place for nearly 100 years, until they were struck down by courts or revamped by congressional actions, such as the Voting Rights Act.

There can be little doubt that New Jersey's felony disenfranchisement law disproportionately dilutes the voting rights of African-Americans in New Jersey. New Jersey is among the 28 states that ban voting for all three classifications of offenders: those in prison, those on probation, and those on parole. In a State known for its progressive politics, New Jersey lags behind in its revision of disenfranchisement laws and its restoration of the fundamental right to vote for ex-felons.

Again, Bill A-584 is now a pretty bold step in going in the direction of righting the wrongs of an archaic, impractical, and racist system.

Our nation still believes in rehabilitation. Restoring the right to vote is an important and critical part of this process. It helps ex-felons feel that they are part of the national and local community. Participation in the electoral process is a key component of membership in a democratic society. If ex-felons are made to feel isolated and relegated to the status of second-class citizens, this can only contribute to anger, alienation, and a less successful integration process into the larger community.

A recent Harris poll showed that 80 percent of Americans favor restoration of voting rights for ex-felons. A number of states have taken measures to assist ex-felons in regaining their rights to vote. New Jersey must get on board with legislation that recognizes that the right to vote for all sectors of the population is important.

And let me say that the ACLU was one of the few organizations to work with Jon Shure and others to put together "Take Back Your Vote"

packet, to help ex-felons understand how they can go about the process of regaining their voting rights.

Thank you.

ASSEMBLYMAN STEELE: Thank you, Barbara.

Ms. Ross.

MS. ROSS: Good afternoon, Mr Chairman and members of the Committee. I'm having a little trouble with my voice, but I'm going to try to keep it going.

I'm a member of the People's Organization for Progress, which is a grass-roots, multiracial organization based in Newark. We've existed for about 20 years. We have about 400 active members in the Essex County area, and we have countless allies and colleagues throughout the State. We're very interested in this issue.

I have to just take a minute to tell you about POP, so you can understand our perspective and the reason that we think it's very important for you to act favorably on this bill this afternoon. We're basically an organization of political activists. People come to our meetings, weekly, at the Abyssinian Baptist Church in Newark, and we encourage them to work together, politically, to address issues that affect them directly in their lives and in their community. We ask them to speak out.

We address very difficult issues, such as poverty, racism, and unemployment, crime, drug abuse. We fight for better housing, education, health care, and legal services. We try to understand the causes of the problems in our communities, so that we can address them most effectively.

For the purposes of this bill, it's important to know that we

encourage both adults and youths to take responsibility for their actions, engage in self-help, and engage in collective action. We encourage the use of all legitimate and constitutional means to solve community problems. We convene forums to educate ourselves and others. We write. We march. We vigil. And we encourage people to vote.

Therefore, we're in a favored position to report to you on the positive impact of political action on individuals and communities. We've heard talk about rehabilitation. One of the points that we want to make is that political action and voting are good for the people who engage in those activities. It is also good for us, as a community and as a society.

I'm not going to list some of the things that we've done in terms of the benefits of our collective actions. Think about convening gang summits. Think about our successful campaign to stop high-speed police chases in Newark.

On a personal level, we observe, amongst ourselves and amongst members of the community with whom we work, the strengthening of individuals who are actively engaged in the political process, and their growing ability to work cooperatively and constructively to address the problems that they face on a daily basis.

So what does this have to do with voting or allowing people who have been incarcerated or who are on probation to vote? And the answer is, everything.

Although voting is one of the most important forms of political activity, it complements and reinforces participation in other political activities such as I've described, in which people instruct their government and

contribute to society. We know, because we see it, that when people are afforded responsibility and respect for their opinions, as through the franchise, they act more constructively, because we see this happen.

We know that when people are engaged in their communities, they're more likely to contribute to society than endanger it, because we see that. We know that when people have -- we all know this -- when people have effective means of registering their opinions and advocating for their legitimate needs, as by voting, they are less likely to transgress society's rules.

Additionally, we believe that when a person released from a correctional facility or entering probation or parole supervision is advised that they have the right to vote, by a correctional, probation, or parole authority, this simple act of notification signals a whole different dynamic, which would probably be unexpected for many people.

People come out of prison, people go onto probation or parole with plans and with hopes and with dreams about changing. And the notification about the continuing of their right to vote is something that feeds right into those positive attitudes.

We are not coming here as psychologists. I'm not going to go over the statistics. We're not social workers, political scientists, or lawyers -- well, I'm a lawyer, okay. So we won't -- I'm glad that my colleagues have brought that kind of information before you.

But we know, again, from our actual experience and observation -- is that people who have committed crimes can change for the better; that they are more likely to do so when they are respected, rather than treated as if they are irreparably damaged. And that for people who have experienced hard

times, made mistakes, or even broken the law, the opportunity to be treated as are other citizens does help them to succeed, and that helps us.

My practice has basically been representing patients in psychiatric hospitals, and I see the very same dynamic. To do normal things, to do things like other people, is so important.

The access to the franchise affords people responsibility, respect, opportunities to contribute rather than harm, opportunities to be the good guy instead of the bad guy, engagement, and a way to conduct legitimate advocacy. We see no countervailing interests which override these benefits that would come from the provisions of this bill and the amendments that have been proposed today.

Furthermore, in terms of society's benefit, we need the voices of the people who are not among the favored in American society, even those who have transgressed and been punished. They have much to contribute to public discourse, at least, because they can help us understand, somewhat, things that need to be changed to try to prevent crime. Already, as some of my colleagues have said, too many Americans do not exercise the right to vote. When people are cynical, as many are, about government and the electoral process, we lose their voices and their wisdom, and our democracy suffers.

We also know that the disenfranchisement of people who are released from custody or are under community supervision exacerbates their estrangement and isolation from society precisely at the point when we should, instead, be trying to draw them in. We can't afford to lose these people to apathy and despair, for their sakes and for ours.

And I think, in a sense, this addresses Assemblyman Kean's question about what about people on probation and parole. And my response would be that those people are in the community, so if we're going to get a positive impact from giving them the right to vote, we need to have that impact while they're in the community with us. It will support the supervision that they're getting from law enforcement authorities.

I may skip this next section, because I just want to say that we are also moved to support the bill because we're very keenly aware of the history of the franchise in this country, which other people have addressed. So we know that the disproportionate number of people of color in correctional custody or under community supervision means that those segments of our population suffer disproportionately from the current limitations on voting.

That history, and the experience of disenfranchisement through the criminal laws, breeds disaffection and disrespect for government in whole communities, and we cannot, as a society, afford to disregard the voices, interests, and needs of those communities.

You have an opportunity here, with Assembly Bill 584, to increase respect, credibility, and interest in government and to strengthen our democracy. You can contribute to the rehabilitation of individuals, increase safety in our neighborhoods, and make State government more reflective of the will of all of the people.

It won't solve the budget problem. It won't wash your clothes. But it's almost the best thing since sliced bread.

The importance of this step cannot be overemphasized at a time when electoral despair and apathy are rife, and serious questions are being

raised about government's capacity and will to address the needs of all of the people.

We urge you to take this step by reporting A-584 favorably, and energetically supporting it in the Assembly. Thank you.

ASSEMBLYMAN STEELE: Thank you very much, Ms. Ross.

Ed?

MR. MARTONE: Thank you, Mr. Chairman. The advantage, of course, of speaking last, is you can just say I agree with everybody who just spoke. And I, indeed, do.

I guess, two things I wanted to -- and I submitted testimony, so I won't read it to you. But I do want to highlight two things, if I may. One is that my organization, the Association on Correction, works with the people we're talking about here. For 40-years-plus, we've run halfway houses for inmates. These are people who are within a few months or a year shy of being released to the community. And we've worked with these folks in trying to help them rehabilitate themselves, as well as to prepare the community for their re-entry.

We also run, as you know, battered women shelters and AIDS shelters and drug treatment sites and counseling sites, and a good number -- maybe most of the folks who go through those noncriminal justice programs -- do, in fact, have had past issues with the law, and many of them are, for one reason or another, prohibited from participating in the voting process.

One of the things that we emphasize in our homes is that it's important, as part of the rehabilitative process, that the offender be engaged -- assume responsibility for past negative behavior, and to engage him or herself

in positive activities, activities that contribute back to the neighborhood and the community. So as a standard operating procedure, all of our clients are involved in cleaning up riverbanks and abandoned lots, and making toys for children at Christmas, and speaking at schools, and doing other things to contribute back. And the vast majority of people who come through our programs also want to change themselves, and are willing to do these things, not as a minimum meeting of some requirement, but because they want to change themselves and to become positive citizens.

And, so, we believe that this type of legislation is so important, because it would not only address the need of communities for positive contributions on the part of its members, but it would also help many ex-offenders to turn their lives around. And on that score, being able to vote could help on both counts.

I think the only point that, perhaps, hasn't -- as I say, I agree with every point made. I think the only point that may not have been made so far, and if I may, I'll make it, is that I see a copy there of Title 19, the election law. It's very interesting to read, by the way. About a year ago, I actually sat down at the State Library and spent a couple of hours reading Title 19. Written in the 1930s, it's got some incredibly dated language. There's one -- I can't remember; I didn't bring my notes with me -- but there's one provision in there, doing something with the ballot box gets you three years of hard labor, or a \$100 fine.

There's wonderful stuff in there, and I know that the Law Revision Commission has been spending a lot of time working on Title 19. I know they

are going to be coming back to the Senate and to the Assembly with some recommendations.

But if you read Title 19, you'll see that there's really only four provisions in Title 19 that require or provide for a loss of suffrage, as a result of these violations. And any second, repeat violation of any provision in Title 19 results, among other things, in a loss of voting.

So it is ironic, it seems to me, that you can violate the election law and not lose your right to vote. But if you shoplift from K-Mart you can lose your right to vote, if you end up on probation.

So you have people -- and I think there's a disconnect there. I think that to most citizens it would make sense that if you try to taint the electoral process, then, as a consequence, you won't be permitted to participate in that process for a time. However, I doubt most see the logic in denying the vote to a minor offender on probation, or to a parolee, who has served prison time for a non-election-law infraction.

And that's partly in answer to Assemblyman Kean's excellent question before. In fact, people on parole and probation do lose a good number of rights, or they are mitigated to a large extent. I think the disconnect here -- it makes sense to have a drug offender get urine tested, or, maybe, have his apartment checked without a warrant to see that he or she isn't in possession of drugs. There seems to be quite a disconnect, however, for a person who steals a television set, "And, you can't vote." What is the purpose? What societal goal is achieved by telling a burglar, a car thief, in addition to the penalties prescribed, we've also decided you're not going to participate in the electoral process.

So, the Association on Correction supports this bill, strongly commends its sponsors, and urges the members of this Committee to release this bill to the full Assembly. Thank you very much.

ASSEMBLYMAN STEELE: Thank you very much.

And let me thank everyone for their testimony.

At this time, I acknowledge the Vice-Chair, Assemblyman Hackett.

ASSEMBLYMAN HACKETT: Thank you, Chairman.

I'm going to be very brief. I'm sorry I'm going to be last. Again, I concur with everyone in front of me, what you've indicated. And I'd like to go on to say that those who have been disenfranchised should be entered into the mainstream of society. And one of those options should be voting.

And I must say that recidivism may have a small part to do, maybe, with a person not having that active right to do as such. I think that a large part of the process is that people are always concerned about issues -- especially issues that affect them directly or conversely. And I think that they should be given an opportunity. Inasmuch as New Jersey, we, in the last few years, I believe, have become innovative in our legislative process, and I'd like to think that we're still innovative. And this will not be an innovative move, but it's very close to being innovative. And other states like to look at us for, naturally, our grave and responsive acts, and our intelligence in making these important decisions. And I think that that's what's being done.

And, again, in closing, tonight I have an opportunity to be with Rosalind Carter, the wife of President Carter, and also -- and it just so happens to be that his daughter, Amy Carter, attended school with one of my sons at

Brown University, before she transferred. So I'll indicate this particular vote to her, so that she could relate it to her husband as soon as she returns to him.

Thank you very much.

ASSEMBLYMAN STEELE: That having been said, we'll entertain a motion.

ASSEMBLYMAN HACKETT: Motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: On the amendments -- there's a motion and a second on the amendments.

MR. PARISI: On the motion to amend Assembly Bill 584 as described, Assemblyman Kean?

ASSEMBLYMAN T. KEAN: No.

MR. PARISI: Assemblyman Asselta is absent. Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MR. PARISI: Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

A motion on the bill?

ASSEMBLYWOMAN GREENSTEIN: I'll move that.

ASSEMBLYMAN HACKETT: Second.

ASSEMBLYMAN STEELE: There's a motion and a second.

MR. PARISI: Okay. On the release of Assembly Bill 584, as amended, Assemblyman Kean?

ASSEMBLYMAN T. KEAN: Mr. Chairman, if I may, for the record --

ASSEMBLYMAN STEELE: Surely.

ASSEMBLYMAN T. KEAN: -- submit the report -- former President Carter and former President Ford, National Commission on Federal Election Reform, the relevant section that says that their recommendation of these former presidents is that each state should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony, once they have fully served their sentence, including any term of probation or parole.

If I may submit that for the record, please, and also register my objection to this bill?

ASSEMBLYMAN STEELE: Surely.

ASSEMBLYMAN T. KEAN: Thank you, sir.

MR. PARISI: Is that a no?

ASSEMBLYMAN T. KEAN: That's a no.

MR. PARISI: Assemblyman Asselta is absent. Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MR. PARISI: Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

The bill is reported out. Thank you very much.

ASSEMBLYWOMAN WATSON COLEMAN: Thank you, and thank each and every one, members of the Committee, for your indulgence in this.

ASSEMBLYMAN STEELE: Thank you.

Next we will have ACR-138, for the public hearing.

Roll call for the public hearing?

MR. PARISI: Okay, for the public hearing, Assemblyman Kean.

ASSEMBLYMAN T. KEAN: Here.

MR. PARISI: Assemblyman Asselta is absent, I believe.

Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Here.

MR. PARISI: Vice-Chairman Hackett.

ASSEMBLYMAN HACKETT: Here.

MR. PARISI: Chairman Steele.

ASSEMBLYMAN STEELE: Here.

ASSEMBLYMAN PATRICK J. DIEGNAN JR.: Good afternoon, Chairman, members of the Committee. I believe everyone is aware of the circumstances here today. There has to be a public hearing in order for this to be on the ballot this year, since it requires a constitutional amendment.

To me, this is really, clearly, an appropriate limitation on the power of an acting governor. It is my position that a -- one who is only duly elected by the population of the State of New Jersey to issue pardons or clemency.

Some issues have arisen, however, and Assemblyman Hackett has been very articulate in expressing his concern in reference to someone who may

be on death row, and if some circumstances arose at the last minute, and there was an acting governor, obviously, that would be a fate that could not be reversed. Even though, based on recent circumstances in New Jersey -- I don't believe we've executed anyone since 1986 -- I believe that's a remote possibility. I understand the Assemblyman's concern. I believe, Mr. Chairman, you also share that concern.

I'll make it clear: I am a supporter of the death penalty, but I realize that there are other members of the Assembly that are not, and this is, obviously, a moral issue and an issue of conscience that I would never attempt to interfere with.

I've talked with staff this afternoon. And the way our Constitution reads, the ability to pardon includes pardon, clemency, and reprieve. Reprieve, effectively -- for those of you that may be attorneys -- is effectively the right of the governor to stay a sentence.

Based on those limited circumstances, I believe, that, hopefully, would meet the objections of those that have a concern. So, effectively, an acting governor would have the ability to grant a reprieve, which would stay the execution or the sentence until the next duly elected governor took office, which, at longest, would be 14 months.

Again, staff indicates to me that, based on the fact that this requires a constitutional amendment, we would be unable to amend the legislation at this particular point, and it would, actually, have to go back for introduction again, and then another public hearing.

In order to reach consensus on this matter, since it's my understanding those are the only objections that I have heard -- is in the case

of a capital offense -- it would be my request that, possibly, the public hearing not go forward today. If you want to take testimony to hear other people's point of view, obviously, that's fine. But it would be my request that maybe we could rework the bill to only have it apply to pardon and clemency, and not apply to the act of reprieve, which would effectively give an acting governor the ability to stay, but not to grant clemency or pardon.

Does that make sense, what I just said? I hope it does. I tried to do it succinctly.

That is the sum and substance of my comments, Mr. Chairman. And, again, I don't want this to come about as a surprise, but in all honesty, Assemblyman Hackett really affected me, his comments today, and I understand his position.

ASSEMBLYMAN STEELE: Yes. And we're going to allow that the hearing go forward.

ASSEMBLYMAN DIEGNAN: Okay.

ASSEMBLYMAN STEELE: So we're in concert.

Assemblywoman.

ASSEMBLYWOMAN GREENSTEIN: I just want to be a little clearer on what Assemblyman Hackett's comments were. I didn't totally catch what that was.

ASSEMBLYMAN STEELE: Do you want your comments on the record?

ASSEMBLYMAN HACKETT: Right.

ASSEMBLYWOMAN GREENSTEIN: It's up to you, if you want. If you don't -- are these printable?

ASSEMBLYMAN HACKETT: Yes, it's printable. If someone's on death row, and the acting governor is the only person who could circumvent that particular circumstance --

ASSEMBLYWOMAN GREENSTEIN: Okay. And that's where the reprieve would come in, he could do something about that?

ASSEMBLYMAN HACKETT: Yes.

ASSEMBLYWOMAN GREENSTEIN: Okay, I understand.

ASSEMBLYMAN HACKETT: We don't want the Illinois governor's effect, but we --

ASSEMBLYMAN DIEGNAN: Exactly. I mean, I think the situation in Illinois this week is a dramatic example of what could, potentially, be abuse. I'm not going to get into the debate if he did the right or wrong thing. But if an acting governor there, for just a weekend, did something as dramatic as that, I think that would be clearly outside the realms of propriety.

However, to grant a stay until the next governor took office, I believe would be appropriate.

ASSEMBLYWOMAN GREENSTEIN: It's temporary.

ASSEMBLYMAN HACKETT: Right.

ASSEMBLYMAN DIEGNAN: Exactly.

ASSEMBLYMAN STEELE: There is -- there is, actually, no one else signed up to testify, so, certainly, there seems to be a -- in concert with support of moving forward.

ASSEMBLYMAN DIEGNAN: I would just ask, Chairman, if we could fast track this, possibly put on a revised bill for your next hearing, just

deleting the reprieve provision, and then we could have the public hearing as quickly as possible.

ASSEMBLYMAN STEELE: Are you going to put in a new bill?

ASSEMBLYMAN DIEGNAN: Well, my understanding is, it has to be a new bill.

ASSEMBLYMAN STEELE: That's correct.

ASSEMBLYMAN DIEGNAN: So it would be a new bill which would have the exact same intent, except to eliminate reprieve, and then go forward with the public hearing.

ASSEMBLYMAN STEELE: And that's your wish?

ASSEMBLYMAN DIEGNAN: Yes, Mr. Chairman.

ASSEMBLYMAN STEELE: All right. Your wish is my command.

(Laughter)

ASSEMBLYMAN DIEGNAN: If only that were true. (laughter)

ASSEMBLYMAN T. KEAN: In that case, Mr. Chairman --

ASSEMBLYMAN STEELE: Wait a minute, now. Wait a minute.

This is a new year, but we're not moving that fast. (laughter)

Okay, certainly. We will close the hearing at this time.

Roll call?

The hearing is closed.

ASSEMBLYMAN DIEGNAN: Thank you, Mr. Chairman.

ASSEMBLYMAN STEELE: We need a motion to close?

All right, is there a motion?

ASSEMBLYMAN T. KEAN: So moved.

ASSEMBLYMAN STEELE: All right, there's a motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: Second. The hearing has ended.

ASSEMBLYMAN DIEGNAN: Thank you.

ASSEMBLYMAN STEELE: Thank you very much for your graciousness.

The next bill will be A-2872.

MS. ESPENSHADE: Assembly Bill 2872 provides that any service credit established in the Public Employees' Retirement System by a member of that retirement system, in any position, prior to service as a county prosecutor, nominated and appointed pursuant to the New Jersey Constitution, will be established on the Prosecutors Part in PERS, without further assessment of cost to the prosecutor.

Under current law, there are increased benefits to members of the Prosecutors Part, different from the benefits available to regular service in PERS. And it finds that when a prosecutor becomes a prosecutor after January 7, 2002, regular PERS service will not be counted toward Prosecutors Part benefits.

This bill would allow county prosecutors, who are appointed under the New Jersey Constitution -- that is, the 21 positions -- would be allowed to bring regular PERS service that would count as prosecutor service in the Prosecutors Part.

ASSEMBLYMAN STEELE: A representative from CWA, Allan Crawford?

He had signed up. He just wanted to say something, and since he didn't say what he wanted to say, I'm not going to say anything.

Motion, at this time?

ASSEMBLYMAN HACKETT: So moved.

ASSEMBLYMAN STEELE: There's the motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: There's a second.

Roll call?

MS. ESPENSHADE: To release A-2872, as referred to Committee: Assemblyman Kean?

ASSEMBLYMAN T. KEAN: Yes.

MS. ESPENSHADE: Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MS. ESPENSHADE: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MS. ESPENSHADE: And Chairman Steele?

ASSEMBLYMAN STEELE: Yes. The bill is reported out.
A-2854.

MR. PARISI: Assembly Bill 2854, amends current law. Under current law, all sample ballots that are unable to be delivered to registered voters are returned to the county superintendents of elections or commissioner of registration, with a guaranteed postage paid by the superintendent or commission, depending upon what the county has.

Once a ballot is returned, a confirmation notice is sent to the registrant to determine the voter's whereabouts, pursuant to N.J.S.A. 19:31-15. If there is no response from the voter, sample ballots continue to be mailed out and returned for approximately four years.

This bill provides, instead, for two types of sample ballots: one that will be sent to voters who have not been sent confirmation notices, which includes a line on the face of the ballot's mailing envelope that states: if the ballot is not delivered in two days, it is to be returned to the county superintendent of elections or commissioner of registration, as the case may be; and another sample ballot that will be sent to voters that has confirmation notices -- who have been sent confirmation notices, that does not include the line on the ballot's mailing envelope that requires the ballot to be returned to the county superintendent of elections or commissioner of registration if not delivered within two days of delivery.

Thus, the only sample ballots returned to the superintendent of elections or the commissioner of registration, as the case may be, and on which postage would need to be paid, would be the undeliverable sample ballots of voters who have not been sent confirmation notices.

ASSEMBLYMAN STEELE: Thank you very much.

We have -- Mr. McNally is here, from Essex County.

PATRICK J. McNALLY: Pardon my handwriting.

ASSEMBLYMAN STEELE: That's okay.

MR. McNALLY: I'm due to have surgery on this bum hand of mine in a couple of weeks.

ASSEMBLYMAN STEELE: That's perfectly all right.

MR. McNALLY: For the record, Patrick J. McNally, Essex County Clerk. Good afternoon, and thank you for --

ASSEMBLYMAN STEELE: Just turn your mike on, please.

MR. McNALLY: Oh, is it --

ASSEMBLYMAN HACKETT: The red light.

ASSEMBLYMAN STEELE: Yes, red, go.

ASSEMBLYMAN T. KEAN: Red means caution, right?

MR. McNALLY: Are we on?

ASSEMBLYMAN STEELE: Yes.

MR. McNALLY: Thank you. Good afternoon. Patrick J. McNally, Essex County Clerk. For the record, I'd like to thank Assemblyman Caraballo for introducing this for me.

Basically, as you all know, my duty as county clerk, and all of the county clerks, are charged with the duty of mailing the official sample ballot to every registered voter in the county. There is language on the front of it that says, *return service requested*. And if I may quickly walk you through the process: When a sample ballot is mailed to a name at a certain address, if, in fact, for whatever reason, the sample ballot is not deliverable to the person, it goes back to the commissioner's office. They then, as was mentioned previously, are sent a notification, "Are you, in fact, still there?"

If, in fact, that postcard comes back -- that notification comes back, the person is put on an inactive voter list. The motor voter law requires that they be kept on that inactive list for four years. In my county -- in Essex County -- we have approximately 40,000 inactive voters, and I'm told that statewide the number of inactive voters is approximately 400,000.

So, as I stated, when it comes back, the person is put on the inactive list. We are still required to mail it out, at seven-and-a-half cents, the nonprofit rate to mail out. But the problem is the cost of the return guaranteed postage is approximately 50 cents per. So you could imagine, with

40,000 voters, times a minimum of three elections. Mayor Hackett, in your district, next week we have a special election in West Orange. So you do the math: There's a special school election. There's also the primary. There's the school election -- the May, nonpartisan. So some towns are conceivably facing five elections this year -- five times going out to an inactive voter, the costs add up significantly.

The current technology is there, where we could, conceivably, just eliminate the language, just on the folks who are inactive, so that their second and third sample ballots for the following elections, the language about returning the postage is no longer there.

We estimate that, as I stated before, 40,000 inactive, at 50 cents per, in Essex alone, we could conceivably save \$60,000. I'm told that, on a statewide basis, Chairman, the amount of inactive is 400,000 statewide, an approximate \$600,000 savings statewide. And I know the state is looking for nickels everywhere, so this, to me, looked like a no-brainer.

I would appreciate your affirmative support.

ASSEMBLYMAN STEELE: Certainly.

Tom, please.

ASSEMBLYMAN T. KEAN: Thank you, sir.

I guess, one or two questions for this. So, therefore, under this system, as proposed by this bill, voters would receive two notices, which would have the return reply mandatory, and then the second two would be considered -- therefore, they would then be on the inactive list. So, as of now, you pay for four mailers?

MR. McNALLY: I don't think I made myself quite clear, Assemblyman. The original sample ballot, for the first election, we'll say, the school election, it has the language, *return service requested*.

ASSEMBLYMAN T. KEAN: Right, correct.

MR. McNALLY: It comes back, for whatever reason. Now, the staff at the commissioner's office knows that there's potentially a problem. They then prepare the Federal postcard that is the notification to that person --

ASSEMBLYMAN T. KEAN: Good, the second.

MR. McNALLY: -- which is now the second.

ASSEMBLYMAN T. KEAN: The second.

MR. McNALLY: Now they know this person is, indeed, on the inactive list, for whatever reason. So if this particular person, for whatever reason, wasn't able to get it the first time, if he goes in the June primary, he's removed from the inactive list, for whatever reason.

ASSEMBLYMAN T. KEAN: Right.

MR. McNALLY: But if he's not there, and if there's no reason -- you're not on a double inactive list, for lack of a better --

ASSEMBLYMAN T. KEAN: A double, secret, inactive list.

MR. McNALLY: Yeah, a double, secret, inactive list. So it goes out the two times. After that, every election, he or she will still receive the outgoing ballot, at the nonprofit rate of seven-and-a-half cents.

ASSEMBLYMAN T. KEAN: But it will then not be returned.

MR. McNALLY: But the 50 cents back would not -- there's no reason for it to come back.

ASSEMBLYMAN T. KEAN: That's what -- I was just clarifying that they would get the two opportunities first.

MR. McNALLY: Correct, correct.

ASSEMBLYMAN T. KEAN: I just wanted to clarify that. Thank you.

I'll move the bill.

ASSEMBLYMAN STEELE: Yes, on the bill. Did you move the bill? Okay. And I second it. Roll call.

MR. PARISI: Okay. On the motion to release Assembly Bill 2854 from Committee, Assemblyman Kean?

ASSEMBLYMAN T. KEAN: Yes.

MR. PARISI: Assemblyman Asselta is absent.
Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MR. PARISI: Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

Thank you. The bill is reported out.

MR. McNALLY: Thank you very much. I appreciate your time.

ASSEMBLYMAN STEELE: Yes, sir. Surely. Keep up the good work.

MR. McNALLY: Thank you, sir.

ASSEMBLYMAN STEELE: The next bill, A-3021.

MS. ESPENSHADE: Assembly Bill 3021 permits the purchase of credit in the Public Employees' Retirement System for both service and compensation by a former employee of a bistate agency, created by an interstate compact to which this State is a party. The purchase will be in the same manner as that is used to purchase service in another state, except that a former employee of a bistate agency may purchase credit in PERS for both the service rendered and the compensation received while employed by that bistate agency.

The compensation amount used in a credit purchase will then be eligible for use whenever a calculation of payment is made that requires the use of compensation upon which contributions to PERS has been made.

ASSEMBLYMAN STEELE: A motion is in order.

ASSEMBLYMAN HACKETT: Motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: Roll call.

MS. ESPENSHADE: To release A-3021, as referred, Assemblyman Kean?

ASSEMBLYMAN T. KEAN: Yes.

MS. ESPENSHADE: Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MS. ESPENSHADE: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MS. ESPENSHADE: And Chairman Steele?

ASSEMBLYMAN STEELE: Yes. The bill is reported out.

That was our last bill. Just before we close the meeting, I guess I can safely say that this could very well be our friend Tom's last meeting with us.

ASSEMBLYMAN T. KEAN: It could be.

ASSEMBLYMAN STEELE: He will be, perhaps, moving to the other house -- the Senate. And if that holds true, we want to thank you for your commitment and dedication to this Committee. And we know that we have a friend when we send bills over to get them to the Governor's desk.

ASSEMBLYMAN T. KEAN: You always do, sir.

ASSEMBLYMAN STEELE: Best wishes.

ASSEMBLYMAN T. KEAN: If I am unsuccessful tonight, I'd be honored to continue on your Committee. And if I am successful, I look forward to working with you. It's been an honor and a privilege to serve with you, as Chair, and the fellow members of the Committee. I thank you for your friendship and your support.

ASSEMBLYMAN STEELE: Thank you. Best wishes.

ASSEMBLYWOMAN GREENSTEIN: Congratulations, Tom.

ASSEMBLYMAN T. KEAN: Not yet.

ASSEMBLYWOMAN GREENSTEIN: Well, not yet -- almost.

ASSEMBLYMAN STEELE: Well, in this state, can we do an absentee ballot? (Laughter)

Meeting is adjourned.

(PUBLIC HEARING CONCLUDED)