



PUBLIC QUESTION # 4
CONSTITUTIONAL AMENDMENT CONCERNING
THE RIGHT TO VOTE FOR CERTAIN PERSONS

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?

Citizens vote “yes” or “no” on public questions on the ballot.

Background:

Paragraph 6 of Article II, Section I of the New Jersey Constitution currently reads “No idiot or insane person shall enjoy the right of suffrage.” This paragraph operates as an exception to paragraph 3 which states that every citizen of the United States, of the age of 18 years, who shall have been a resident of 30 days of the State and of the county in which he claims his vote is entitled to vote. Paragraph 6 retains language from the 1844 constitution which denied the right to vote to an idiot or insane person. In 1976 the Appellate Division of the Superior court of New Jersey declared that the words “idiot” and “insane” do not have a legal meaning. Current case law denies the right to vote only to those individuals with cognitive disabilities who have been determined by a court to not understand the act of voting. This amendment places that language in the constitution, deleting the archaic language of “idiot or insane person.”

Reasons to vote “yes”:

- Language is powerful. Needless and stigmatizing language should be eliminated from our constitution and laws.
- This amendment acknowledges that individuals with cognitive or emotional disabilities are capable of making decisions in the voting booth. If challenged, any decision to deny suffrage would be made by a court of competent jurisdiction.

Reasons to vote “no”:

- Replacing the words “idiot” and “insane person” from the New Jersey Constitution with “a person who lacks the capacity to understanding the act of voting” is subjective. Different judges could apply different factors in making their determination. There should be specific criteria for demonstrating “capacity to understand the act of voting.”

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