

SENATE, No. 3184

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Senator SAMUEL D. THOMPSON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Senator CHRIS A. BROWN

District 2 (Atlantic)

SYNOPSIS

Increases penalty for certain voting violations from third degree crime to second degree crime when aggravating factors apply.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/18/2018)

1 AN ACT concerning the penalty for certain voting violations and
2 amending R.S.19:34-47 and R.S.19:34-25.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.19:34-47 is amended to read as follows:

8 19:34-47. a. A person who, having once been convicted of a
9 violation of any of the provisions of this title, shall again be
10 convicted of a violation of any of its provisions, whether such
11 conviction be for the same offense or not, shall on such second
12 conviction, be sentenced to a mandatory minimum term of
13 imprisonment, without eligibility for parole, of one year for a crime
14 of the fourth degree, of two years for a crime of the third degree and
15 of five years for a crime of the second degree, unless the provisions
16 of any other law provide for a higher mandatory minimum term.

17 b. If a person is convicted of a violation of a provision
18 specified in this subsection that was committed after the effective
19 date of this act, P.L. , c. (pending before the Legislature as this
20 bill), for which the person would be guilty of a crime of the third
21 degree pursuant to that specified provision, the person instead shall
22 be guilty of a crime of the second degree if the conviction is a
23 second or subsequent one for the same offense, if the number of
24 votes impacted was two or more, if the violation occurred in two or
25 more election cycles, or if the person convicted accepted money or
26 anything of value or offered or paid money or gave a thing of value
27 to another to commit the violation. This subsection shall be
28 applicable to the following provisions of law:

29 R.S.19:34-1 (False registration or transfer)

30 R.S.19:34-11 (Fraudulent voting and interference with election
31 or canvass)

32 R.S.19:34-12 (Attempt to cast illegal vote)

33 R.S.19:34-17 (Unlawfully taking ballot box or removing
34 contents, destroying ballots, willfully suppressing records)

35 R.S.19:34-20 (Soliciting or procuring or assisting unlawful
36 registration and other violations of election law)

37 (cf: P.L.2005, c.154, s.47)

38
39 2. R.S.19:34-25 is amended to read as follows:

40 19:34-25. a. If a person shall, directly or indirectly, by himself
41 or by any other person in his behalf, give, lend or agree to give or
42 lend, or shall offer, promise or promise to procure, or endeavor to
43 procure, any money or other valuable consideration or thing to or
44 for any voter, or to or for any person, in order to induce any voter to
45 vote or refrain from registering for any election, or shall corruptly

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 do or commit any of the acts in this section mentioned because of
2 any such voter having voted or refrained from voting at an election,
3 or registered or refrained from registering at an election, he shall be
4 guilty of a crime of the third degree.

5 Bribery of member of election board; acceptance. b. Whosoever
6 shall, directly or indirectly, make or give any money or other thing
7 of value to any member of the district board because of his
8 membership on such board, or when it shall appear that such money
9 or other thing of value is made or given to such member because of
10 his membership on the board, except as hereinbefore provided as
11 his legal compensation for service on the board, shall be guilty of a
12 crime of the third degree.

13 Any member of a district board who shall, by himself, or by any
14 other person in his behalf, receive any money or other thing of
15 value because of his membership on such board, or when it shall
16 appear that such money or other thing of value is accepted or
17 received by such member because of his membership on the board,
18 except as hereinbefore provided as his legal compensation for
19 service on the board, shall be guilty of a crime of the third degree.

20 Promising office or employment. c. A person who shall
21 directly or indirectly, by himself or by any other person in his
22 behalf, give or procure, or agree to give or procure or offer or
23 promise to procure, or endeavor to procure any office, place or
24 employment to or for any voter, or to or for any person on behalf of
25 such voter, or to or for any other person, in order to induce such
26 voter to vote or refrain from voting, or to register or refrain from
27 registering, or shall corruptly do any act as above because of any
28 voter having voted or refrained from voting, or having registered or
29 refrained from registering for any election, shall be guilty of a
30 crime of the third degree.

31 Acceptance of bribe by voter. d. Any voter who shall directly
32 or indirectly, by himself or by any other person on his behalf,
33 receive, agree or contract for any money, gift, loan or valuable
34 consideration, office, place or employment for himself or for any
35 other person for voting or agreeing to vote, or for refraining or
36 agreeing to refrain from voting at any election, or for registering or
37 agreeing to register, or for refraining or for agreeing to refrain from
38 registering for any election, shall be guilty of a crime of the third
39 degree.

40 Bribery of delegates. e. If a person shall, directly or indirectly,
41 give, offer or promise to give any sum or sums of money or any
42 valuable thing in action, victuals, drink or preferment or other
43 considerations, by way of fee, reward, gift or gratuity, or other
44 valuable present or reward to obtain, procure or influence the
45 opinion, behavior, vote or abstaining from voting for the election of
46 any delegate to any convention of any political party, to nominate
47 any candidate for member of the legislature, for member of
48 congress, for electors for president and vice president of the United
49 States, for governor, or for any candidate for any office in any

1 county or municipality; or if any person being a delegate to any
2 political convention to nominate candidates for any of the offices
3 named in this title shall directly or indirectly, ask for, accept,
4 receive or take any sum or sums of money, or other valuable
5 consideration by way of fee, reward, gift or gratuity, or other
6 valuable consideration for the giving or refusing to give his vote at
7 any such convention, the person so offering, asking, or receiving
8 shall be guilty of a crime of the third degree.

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

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

35 Contributions for use in bribing. h. A person who shall give,
36 advance or pay, or cause to be given, advanced or paid, any money
37 or other valuable thing to any person, or to the use of any person,
38 with the intent that such money or other valuable thing, or any part
39 thereof, shall be expended, or used for bribery of voters, or for any
40 other unlawful purpose at any election, or who shall knowingly pay,
41 or cause to be paid money to any person wholly or in part expended
42 in bribery of a voter at any election, shall be guilty of a crime of the
43 third degree.

44 Receiving rewards. i. A person who shall, directly or
45 indirectly, by himself, or by any other person on his behalf, receive,
46 agree or contract for any money, gift, loan or valuable
47 consideration, office, place or employment for himself or for any
48 other person for voting or agreeing to vote, or for refraining or
49 agreeing to refrain from voting at any election, or for registering or

1 agreeing to register, or for refraining or for agreeing to refrain from
2 registering for any election, shall be guilty of a crime of the third
3 degree.

4 Gift, or promise of, for certain purposes. j. No person shall
5 give or agree to give for the purpose of promoting or procuring or
6 for the purpose of opposing or preventing the election of a
7 candidate for public office, or for the purpose of promoting or
8 procuring or for the purpose of opposing or preventing the
9 nomination of any person as a candidate for public office, any
10 money or any valuable thing to be used for any of the following
11 purposes:

12 1. To provide or give or to pay, wholly or in part, the expense
13 of giving or providing any meat, drink, entertainment or provision
14 to or for any person for the purpose of influencing that person or
15 any other person to give or refrain from giving his vote at any
16 election, or because of any such person or any other person having
17 voted or refrained from voting.

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

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

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

45 Penalty. l. Any person who shall violate any of the provisions
46 of paragraphs "j" and "k" of this section shall be guilty of a crime of
47 the third degree, and shall for the first offense be disfranchised for a
48 period of five years from the date of conviction, and for any
49 subsequent offense shall be perpetually disfranchised, and in

1 addition thereto the court in which such conviction is obtained, may
2 in case of a subsequent conviction, impose upon the person so
3 convicted the punishment now prescribed by law for a crime of the
4 second degree.

5 If a person is convicted of a violation of a provision of
6 paragraphs "a" through "i" of this section that was committed after
7 the effective date of this act, P.L. , c. (pending before the
8 Legislature as this bill), the person shall be guilty of a crime of the
9 second degree if the conviction is a second or subsequent one of an
10 offense under this section, if the number of votes impacted was two
11 or more, or if the violation occurred in two or more election cycles.
12 (cf: P.L.2005, c.154, s.43)

13
14 3. This act shall take effect immediately.
15
16

17 STATEMENT

18
19 This bill changes the penalty for certain crimes involving voting
20 and voting processes from that of a third degree to a second degree
21 if aggravating factors apply.

22 If a person commits, after the effective date of this bill, a crime
23 listed below, the person would be guilty of a second degree crime if
24 the conviction is a second or subsequent one for the same offense, if
25 the number of votes impacted was two or more, if the violation
26 occurred in two or more election cycles, or if the person convicted
27 accepted money or anything of value or offered or paid money or
28 gave a thing of value to another to commit the violation. This
29 enhanced penalty would apply for a violation of:

30 N.J.S.A.19:34-1 (False registration or transfer)

31 N.J.S.A.19:34-11 (Fraudulent voting and interference with
32 election or canvass)

33 N.J.S.A.19:34-12 (Attempt to cast illegal vote)

34 N.J.S.A.19:34-17 (Unlawfully taking ballot box or removing
35 contents, destroying ballots, willfully suppressing records)

36 N.J.S.A.19:34-20 (Soliciting or procuring or assisting unlawful
37 registration and other violations of election law)

38 In addition, if a person commits after the effective date of this
39 bill a crime under N.J.S.A.19:34-25 (Bribery), the person would be
40 guilty of a crime of the second degree if the conviction is a second
41 or subsequent one under that provision of law, if the number of
42 votes impacted was two or more, or if the violation occurred in two
43 or more election cycles

44 A crime of the third degree is punishable by three to five years
45 imprisonment and fine up to \$15,000. A crime of the second degree
46 is punishable by five to ten years imprisonment and a fine up to
47 \$150,000.