

SENATE, No. 1643

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senator RICE

1 AN ACT concerning certain wrongful acts in the conduct of voter
2 registration and elections, imposing or revising criminal penalties
3 therefor, and amending various parts of the statutory law.

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

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8 1. R.S.19:34-1 is amended to read as follows:

9 19:34-1. If any member of the district board shall willfully refuse
10 to enter in the canvassing books or upon the registers the name of any
11 person legally entitled to vote, or shall register the name of any person
12 contrary to the provisions of this title, such member shall be punished
13 by a fine not exceeding one thousand dollars, or by imprisonment not
14 exceeding two years, or both.

15 Any person who shall [cause or procure his name to be registered]
16 register as a voter in more than one election district, or shall register
17 as a voter or cause or procure [his name or that] the registration of
18 any other person [to be registered] as a voter, knowing that [he or
19 such other] the person so registered is not entitled to vote in the
20 election district [wherein such registry is made] from which the
21 applicant seeks to be registered as a voter at the next election to be
22 held therein, and any public officer responsible for the registration of
23 voters who accepts or approves the application of a person to register
24 as a voter with the knowledge that such acceptance or approval will
25 result in the registration of the applicant as a voter in more than one
26 election district or in an election district in which the applicant is not
27 entitled to vote at the next election to be held therein, shall be
28 punished for each such offense by a fine not exceeding one thousand
29 dollars, or imprisonment for a term of not [exceeding] less than one
30 year and not more than five years, or both.

31 No district board shall execute or deliver to any voter any paper in
32 the nature of a transfer, purporting to authorize [him] that voter to
33 vote in any other election district unless [he] the voter is actually
34 registered as now provided by law.

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

Matter underlined thus is new matter.

1 Any officer or employee who shall willfully fail to perform or
2 enforce any of the provisions of this title or who shall unlawfully or
3 fraudulently remove any registration records, or who shall willfully
4 destroy any record directed by this title to be kept, or any person who
5 shall willfully or fraudulently register more than once, or register under
6 any but [his] the person's true name, or attempt to vote by
7 impersonating another who is registered, or who willfully registers in
8 any election district where [he] the person is not a resident at the time
9 of registering, or who violates any of the provisions of this title, [shall
10 be] is guilty of a [misdemeanor] crime of the fourth degree. In the
11 case of any member of the district board who, at any time during an
12 election in which that member has charge of the duplicate permanent
13 registration binder or poll list, as the case may be, who fails to require
14 a person seeking to vote in the election to sign the binder or poll list
15 in the appropriate place, or who fails to make a comparison of that
16 signature with the person's signature on the duplicate permanent
17 registration form, shall be subject to imprisonment for a term of not
18 less than one year.

19 (cf: R.S.19:34-1)

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21 2. R.S.19:34-2 is amended to read as follows:

22 19:34-2. a. No person shall falsely make, falsely make oath to, or
23 fraudulently deface or fraudulently destroy any certificate of
24 nomination or petition, or any part thereof[, or]. No person who, by
25 reason of residence, status as a registered voter, or otherwise, is
26 ineligible to indorse such a certificate of nomination or petition shall,
27 knowing of that ineligibility, indorse such a certificate or petition. No
28 person shall circulate for indorsement, file, or receive for filing, any
29 certificate of nomination or petition, knowing the same or any part
30 thereof to be falsely made, or that the candidate indorsed therein is
31 unqualified by reason of age, residence, or any other reason to be
32 elected to or to hold the office for which that candidate is so indorsed,
33 or that any person who shall have indorsed the certificate or petition
34 is ineligible by reason of residence, status as a registered voter, or
35 otherwise to make such an indorsement. No person shall suppress any
36 certificate of nomination or petition which has been duly filed, or any
37 part thereof. A person violating any of the provisions of this [section
38 shall be] subsection is guilty of a [misdemeanor] crime of the third
39 degree, and shall be punished by imprisonment for not less than one
40 year and not more than five years.

41 b. Any person who, being a member of one political party, shall
42 sign [his name to] any petition indorsing any person as a candidate for
43 office of another political party, [shall be] is guilty of a [misdemeanor]
44 crime of the fourth degree.

1 c. Any person who has been indorsed in a petition under the
2 provisions of this Title as a candidate for the nomination of a political
3 party for, or as a nominee for election to, elective public office, and
4 who accepts that indorsement for party nomination or election
5 knowing that the person is unqualified by reason of age, residence, or
6 any other reason to be elected to or to hold that public office, and any
7 person who, without having been so indorsed as a candidate in such a
8 petition, is nominated at the primary election for or elected at the
9 general or any other election to elective public office notwithstanding
10 that the name of the person shall not have appeared on the ballot at the
11 election, and who accepts the nomination for or election to the public
12 office knowing that the person is unqualified to be elected to or to
13 hold that public office, is guilty of a crime of the fourth degree and, in
14 addition to any fine imposed as otherwise provided by law, shall be
15 punished by imprisonment for a term of not less than one year.

16 (cf: R.S.19:34-2)

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18 3. R.S.19:34-11 is amended to read as follows:

19 19:34-11. Every person not entitled to vote who fraudulently
20 votes, every person who votes without having signed the duplicate
21 permanent registration binder or poll list, as the case may be, or who
22 signs that binder or poll list with the name of another, and every
23 person who votes more than once at any one election; or knowingly
24 hands in two or more ballots folded together; or changes any ballot
25 after it has been deposited in the ballot box; or adds, or attempts to
26 add, any ballot to those legally polled at any election, either by
27 fraudulently introducing the same into the ballot box before or after
28 the ballots therein have been counted; or adds to or mixes with, or
29 attempts to add to or mix with, the ballots lawfully polled, other
30 ballots while the same are being counted or canvassed, or at any other
31 time, with intent to change the result of such election; or carries away
32 or destroys, or attempts to carry away or destroy, any poll list, or
33 ballots, or ballot box, for the purpose of breaking up or invalidating
34 the election; or willfully detains, mutilates or destroys any election
35 returns; or in any manner so interferes with the officers holding the
36 election, or conducting the canvass, or with the voters lawfully
37 exercising their rights of voting at the election, as to prevent the
38 election or canvass from being fairly had and lawfully conducted, shall
39 be guilty of a [misdemeanor] crime of the fourth degree and, in
40 addition to any fine imposed as otherwise provided by law, shall be
41 punished by imprisonment for a term of not less than one year.

42 (cf: P.L.1948, c.438, s.14)

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44 4. R.S.19:34-12 is amended to read as follows:

45 19:34-12. Every person not entitled to vote who fraudulently
46 attempts to vote, or who being entitled to vote attempts to vote more

1 than once at any election, or who personates or attempts to personate
2 a person legally entitled to vote, [shall be] is guilty of a
3 [misdemeanor] crime of the fourth degree and, in addition to any fine
4 imposed as otherwise prescribed by law, shall be punished by
5 imprisonment for a term of not less than one year.

6 (cf: P.L.1948, c.438, s.15)

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8 5. R.S.19:34-20 is amended to read as follows:

9 19:34-20. [Whoever] A person who shall [solicit the registering of
10 his name] seek to be registered on the registry list of any election
11 district or precinct, knowing that [he] the person is not a legal voter
12 in such district or precinct; or shall willfully counsel, procure, aid,
13 advise, assist or abet in the registering of the name of any other person
14 on the registry list of any election district or precinct, knowing such
15 other person is not entitled to vote therein; or at any election, knowing
16 that [he] the other person is not a qualified voter, votes thereat; or at
17 any election votes or attempts to vote more than once on [his] the
18 person's own name; or at any election votes or attempts to vote in
19 more than one election district or precinct; or at any election votes or
20 attempts to vote upon any other name than [his] the person's own; or
21 knowingly casts or attempts to cast more than one ballot at one time
22 by balloting; or at any election counsels, procures, aids, advises,
23 assists or abets any person, knowing that [he] that person is not a
24 qualified voter, to vote thereat; or at any election counsels, procures,
25 aids, advises, assists or abets any person in voting in more than one
26 election district or precinct; or at any election counsels, procures, aids,
27 advises, assists or abets any person to vote or to attempt to vote upon
28 any name other than [his] that person's own, or knowingly cast or
29 attempt to cast more than one ballot at one time of voting; or at any
30 election shall in any way willfully mark or deface [his] the ballot, or
31 shall willfully counsel, procure, aid, advise, assist or abet any person
32 in the marking or defacing of a ballot; or at any election shall in any
33 way counsel, procure, aid, advise, assist or abet any official or person
34 in any act which is contrary to the provisions of this title; or at any
35 election shall in any way willfully hinder or prevent a voter from
36 casting [his] a legal vote, knowing such person to have a right to vote;
37 or shall willfully tamper with, injure, mutilate, destroy or render unfit
38 for use, any ballot box; [shall be] is guilty of a [misdemeanor] crime
39 of the third degree and punishable by a fine of five hundred dollars, or
40 imprisonment [in state prison] for [the] a term of not less than one
41 year and not more than three years, or both.

42 (cf: R.S.19:34-20)

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44 6. This act shall take effect immediately.

STATEMENT

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3 This bill amends various provisions of Title 19, the New Jersey
4 election code, imposing criminal penalties for misconduct relating to
5 the voter registration and election processes.

6 Under the bill, such penalties are specifically imposed upon the
7 following persons:

8 (1) A voter registration officer who accepts or approves an
9 application to register as a voter, knowing that the applicant is not
10 qualified to vote in the district from which registration is sought;

11 (2) A person ineligible to sign a nominating petition who
12 nonetheless does so while knowing of the ineligibility;

13 (3) A person who circulates a nominating petition, or a filing
14 official who accepts such a nominating petition for filing, knowing that
15 the candidate nominated therein is unqualified for the office sought or
16 that the petition has been indorsed by a person ineligible to do so;

17 (4) A person who, though not qualified for a particular public
18 office, nonetheless accepts a petition indorsement, or nomination or
19 election as a write-in candidate, for that office while knowing of that
20 failure of qualification;

21 (5) A district board member responsible for requiring prospective
22 voters to sign the signature comparison record and for comparing the
23 voter's signature with the signature on file in the registration record
24 who fails to do either of those things; and

25 (6) A person who votes without having signed the appropriate
26 signature comparison record or signs that record with the name of
27 another.

28 The bill establishes a minimum penalty of one year's imprisonment
29 on each of these forms of misconduct and extends this one-year
30 minimum to other forms of election-related misconduct already
31 prohibited by law.

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34 _____
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36 Imposes or revises criminal penalties for certain wrongful acts in
37 connection with voter registration and elections.