

**REPORT AND RECOMMENDATIONS
RELATING TO THE COMPILATION OF VOTING
OFFENSES INTO THE CRIMINAL LAW**

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COMPILATION OF VOTING OFFENSES INTO THE CRIMINAL CODE

Introduction

This report is a continuation of the effort begun by the Commission's Report on Compilation of the Criminal Law. This report examines statutes defining offenses concerning elections and voting.

In 1978, the Code of Criminal Justice was enacted as Title 2C of the New Jersey Statutes. Its purpose "was to create a consistent comprehensive system of criminal law." *State v. Crawley*, 90 N.J. 241, 250 (1982). The Code was intended by its drafters, the Criminal Law Revision Commission, to replace all of the substantive criminal law in Title 2A. New Jersey Penal Code, Vol. I, p.213. The attempt to create a single comprehensive codification of all criminal laws and a single uniform consistent system of sentencing was continued when the Comprehensive Drug Reform Act compiled drug offenses into the Criminal Code.

While most of the criminal law is compiled in Title 2C, the Code of Criminal Justice, statutes defining various offenses remain scattered throughout other titles. In many cases, statutes defining criminal offenses are properly compiled outside the Criminal Code. Offenses applicable only to persons engaged in a particular activity or profession are appropriately compiled with other law on the activity or profession. Offenses closely related to regulatory systems may be appropriately placed with other statutes on the same subject.

However, crimes that may be applicable to the public generally should be placed in the Criminal Code. That compilation enhances accessibility and fosters the consistent application of general principles of criminal law and sentencing. Applying this standard, one group of offenses -- offenses concerning elections and voting -- should be recompiled into the Criminal Code. Those offenses are now scattered throughout Titles 18A, 19, and 40 of the statutes. Even taken as a whole, they do not form a coherent body of law. In many cases, the same conduct is forbidden by several statutes. For example, voting more than once in an election is forbidden generally by both 19:34-12 and 19:34-20. In addition, voting more than once by means of an absentee ballot is forbidden by 19:57-37. Voting more than once in a school board election is forbidden separately by at least three provisions: 18A:14-67, 18A:14-78 and 18A:14-86. Many of the current statutory provisions are also unnecessarily detailed and some of that detail has become anachronistic. For example 18A:14-71 specifically forbids removal of pencils from voting booths.

This report recommends the replacement of most of the current voting offenses with a new chapter of the Criminal Code. The chapter is designed to be a clear, coherent statement of the voting offenses that are applicable to the general public. The offenses are stated in general terms so that they reach any kind of conduct that involves the evil sought to be prevented. For example, 2C:31-1(a) forbids a person voting in an election in which he is not authorized to vote. That provision supplants provisions that forbid voting when not a resident of the district, voting when not qualified, voting when disenfranchised, and voting in the wrong party primary. See, e.g., 19:34-22, 19:23-45, 18A:14-67, 18A:14-70 and 86.

The Commission has also identified certain offenses related to voting that are unnecessary in that they cover activities already made criminal by other, more general criminal statutes. An example is 19:34-26 which makes it a crime to make a false statement under an oath

in election matters. Any perjury or false swearing is criminal under 2C:28-1 and 2. In such cases, it is recommended that the voting offense be deleted.

The proposed chapter does not replace all of the offenses relating to elections. There are a few sections that should remain with election law. These sections forbid certain activities by election officials. An example is 19:34-14 forbidding an election official who has knowledge of how a person has voted from divulging that information. This report recommends that such sections be amended only as is necessary to make them consonant with current criminal law.

The first part of this report is a proposed new chapter of the Criminal Code on offenses related to elections. With each section is a comment indicating its purpose and relation to current law. Also included in this part is an amendment to 2C:51-3 to assure the comprehensive application of the rules on disenfranchisement for conviction of crime. The second part of the report is a table of dispositions for each section. The table indicates whether the section is to be deleted or amended and whether the offense is to be retained in its current compilation or deleted as superseded by either a part of the proposed chapter or another criminal offense. Where the table indicates that an amendment is necessary, the third part of the report contains the text of the amendment.

A. PROPOSED VOTING OFFENSES

2C:31-1. Illegal voting

A person commits a crime of the fourth degree if that person knowingly:

- a. votes in an election in which the person is not eligible to vote;**
- b. registers as a voter when the person is not eligible to register;**
- c. signs a nominating petition or other petition relating to an election when the person is not eligible to sign the petition;**
- d. votes more than once in an election;**
- e. votes as another person; or**
- f. votes in violation of the voting procedures established by law.**

Source: Various

COMMENT

This section establishes crimes directly related to voting. Subsection (a) generally forbids voting in an election when one is not eligible to vote. That prohibition comprehends a range of illegal acts. It includes not only voting when not registered, but also voting in a party primary when not authorized to vote in that election.

Subsections (b) and (c) forbid unauthorized registering to vote and signing election provisions. These activities are closely related to voting but are not forbidden under subsection (a). Subsections (d), (e) and (f) forbid kinds of illegal voting that are not included in subsection (a). A person may be eligible vote in an election, but if he votes more than once or votes as a person other than himself or votes in a manner contrary to established voting procedures, he commits an offense under one of these subsections.

This section generalizes the substance of a large number of current particular offenses into a few coherent categories. Current statutes are specific and overlapping. Subsection (a) is the subject of 19:34-12, 19:34-20 and

18A:14-78. Particular acts constituting voting when not authorized to do so are made criminal by 18A:14-67, 18A:14-70, 18A:14-77, 18A:14-86, 19:23-45, 19:34-22 and 19:57-37. Subsection (b) is the subject of 19:34-20 and 18A:14-67. Subsection (c) is the subject of 19:34-2 and, insofar as signing petitions is a kind of voting, the sections relating to subsection (a). Subsection (d) and (e) are the subject of 18A:14-67, 18A:14-78, 18A:14-86, 19:34-12 and 19:34-20. Subsection (f) is a generalization of many particular statutes requiring adherence to particular voting procedures. See for example, 18A:14-53 and 19:34-7.

2C:31-2. Tampering with voting machine

a. A person commits a crime of the third degree if that person tampers with a voting machine, ballots or election records with purpose to change the record of votes cast.

b. A person commits a crime of the fourth degree if that person possesses a key to a voting machine knowing that the possession is not authorized by election officials.

Source: 19:53-1

COMMENT

This section is based on 19:53-1 which specifically forbids tampering with voting machines and the unauthorized possession of voting machine keys. It has been broadened to include tampering with ballots and election records. These activities are separately forbidden by a large number of other sections. See e.g. 18A:14-77.

2C:31-3. Interfering with voting

a. A person commits a crime of the fourth degree if, without lawful authorization, that person knowingly obstructs an election or hinders another person from voting, registering as a voter, or signing a nominating petition or other petition relating to an election.

b. A person commits a crime of the fourth degree if that person offers a benefit to another person with purpose to induce the person to refrain from voting, registering to vote, or signing a nominating petition or other petition relating to an election.

c. A person who accepts a benefit forbidden by subsection (b) commits a disorderly persons offense.

Source: Various

COMMENT

This section gathers together all of the offenses which involve interfering with voting. Subsection (a) prohibits obstructing an election or hindering a person from voting. It replaces a large number of offenses, many of them very specific as to means or as to the relationship between the person hindering and the voter. Subsections (b) and (c) make it an offense to bribe a person not to vote or to accept such a bribe. These subsections supplement the Criminal Code provision on bribery, 2C:27-2. The Code provision makes it an offense to offer a benefit in exchange for a vote but does not deal with the problem of offering a benefit not to vote.

2C:31-4. Electioneering at polls

A person commits a disorderly persons offense if, within 100 feet of a polling place at which an election is being held, that person:

- a. distributes campaign material;**
- b. solicits support for a person or matter which is the subject of the election; or**
- c. displays a political badge other than an official badge distributed by election officials.**

Source: 18A:14-81, 18A:14-85, 19:34-15, 19:34-19

COMMENT

The section is similar in substance to the four source sections. Subsection (a) is derived from 19:34-15. Subsection (b) is derived from 19:34-15 and 18A:14-81. Subsection (c) is derived from 19:34-19 and 18A:14-85. See also 18A:14-72 which generally prohibits electioneering at the polls.

2C:31-5. Ballot secrecy

A person who tampers with a voting machine or ballots to determine how a voter has voted, or who induces the voter to distinguish the record of that person's vote from others, commits a disorderly persons offense.

Source: Various

COMMENT

At present, a number of sections make it an offense to induce a voter to mark his ballot outside of the voting booth or to make distinguishing marks on a ballot. See e.g. 19:34-10 and 18A:14-76. Although the problem of ballot secrecy is lessened with the advent of voting machines, the problem persists to a limited degree. This section generalizes the current law and makes it an offense to tamper with a voting machine or ballots to determine how a person has voted or induce a person to distinguish his vote in any manner.

2C:31-6. Betting on elections

A person who bets on the outcome of an election commits a disorderly persons offense.

Source: 18A:14-87

COMMENT

This section continues the substance of the source statute. A similar prohibition applicable to elections generally is found in 19:34-24. That section does not include a criminal penalty perhaps because prior to 1979 gambling generally was punishable as a misdemeanor. Compare 2A:112-7 (repealed 1979) with its replacement, 2C:37-2.

2C:31-7. Unsigned election advertisements

A person who publishes or distributes advertisements intended to influence voting that do not include the names and addresses of the person and organization that caused the advertisement to be produced commits a disorderly persons offense.

Source: 18A:14-97 through 18A:14-97.3 and 19:34-38.1 and 19:34-38.3

COMMENT

The requirement of a name and address on political advertisements follows the substance of sections 19:34-38.1 and 19:34-38.3. The criminal penalty is derived from the Title 18A sources (see 18A:14-104). There is no criminal penalty for violation of those sections; the requirement is enforced by seizure of offending material and by other civil proceedings.

2C:51-3. Voting and jury service

A person who is convicted of a crime shall be disqualified

a. From voting in any primary, municipal, school, special or general election as determined by the provisions of R.S. 19:4-1; and

b. From serving as a juror as determined by the provisions of N.J.S. 2A:69-1.

COMMENT

The word "school" has been added to this section to assure that it is clear that there is a single standard for disenfranchisement applicable to all elections. At present 2C:51-3 refers specifically to "primary, municipal, special or general" elections. Although the statute also makes reference to R.S. 19:4-1 which establishes qualifications for registration for any election, the omission of specific inclusion of school elections may cause confusion.

B. DISPOSITION OF LAWS DEFINING VOTING CRIMES

SECTION	EFFECT	DISPOSITION
18A:14-53	Amended	2C:31-1(f)
18A:14-65	Deleted	2C:31-1; 2C:31-3; see also 2C:21-1 Forgery; 2C:29-1 Obstructing government function
18A:14-66	Deleted	2C:31-1(c); see also 2C:21-1 Forgery; 2C:28-2 False swearing
18A:14-67	Deleted	2C:31-3; see also 2C:29-1 Obstructing government function
18A:14-68	Deleted	2C:31-1(c); see also 2C:21-1 Forgery; 2C:28-2 False swearing
18A:14-69	Deleted	See 2C:20-2 Theft; 2C:21-1 Forgery
18A:14-70	Deleted	2C:31-1(a)
18A:14-71	Deleted	2C:31-3(a); see also 2C:29-1 Obstructing government function
18A:14-72	Deleted	2C:31-3(a); see also 2C:29-1 Obstructing government function
18A:14-73	Deleted	2C:31-1(f); 2C:31-5
18A:14-74	Deleted	2C:31-1(f); 2C:31-5
18A:14-76	Deleted	2C:31-5
18A:14-77	Deleted	2C:31-1; 2C:31-3; see also 2C:20-2 Theft; 2C:21-1 Forgery; 2C:29-1 Obstructing government function
18A:14-78	Deleted	2C:31-1
18A:14-79	Deleted	2C:31-5; see also 2C:29-1 Obstructing government function
18A:14-80	Deleted	2C:31-5
18A:14-81	Deleted	2C:31-4
18A:14-82	Deleted	See 2C:29-1 Obstructing government function
18A:14-83	Deleted	2C:31-2; see also 2C:29-1 Obstructing government function
18A:14-84	Deleted	2C:31-3(a); see also 2C:29-1 Obstructing government function
18A:14-85	Deleted	2C:31-4
18A:14-86	Deleted	2C:31-1; 2C:31-3(a); see also 2C:29-1 Obstructing government function
18A:14-87	Deleted	2C:31-6

18A:14-88	Deleted	2C:31-3(b); see also 2C:27-2 Bribery
18A:14-89	Deleted	See 2C:27-2 Bribery; 2C:27-6 Gifts to public servants
18A:14-90	Deleted	See 2C:27-6 Gifts to public servants
18A:14-91	Deleted	2C:31-3(b); see also 2C:27-2 Bribery
18A:14-92	Deleted	2C:31-3(c); see also 2C:27-2 Bribery
18A:14-93	Deleted	2C:31-3(b); see also 2C:27-2 Bribery
18A:14-94	Deleted	2C:31-3(b); see also 2C:27-2 Bribery
18A:14-95	Deleted	See 2C:27-2 Bribery; 2C:2-6 Complicity; 2C:51-3
Disfranchisement		
18A:14-96	Deleted	See 2C:27-2 Bribery; 2C:51-3 Disfranchisement
18A:14-97	Deleted	2C:31-7
18A:14-97.1	Deleted	2C:31-7
18A:14-97.2	Deleted	2C:31-7
18A:14-97.3	Deleted	2C:31-7
18A:14-98	Deleted	See 2C:28-2 False swearing
18A:14-99	Deleted	See 2C:13-5 criminal coercion
18A:14-100	Deleted	See 2C:13-5 criminal coercion
18A:14-101	Deleted	See 2C:13-5 criminal coercion
18A:14-102	Deleted	See U.S. Const. Amend. I
18A:14-103	Amended	Continued as crime of the fourth degree
18A:14-104	Deleted	See 2C:31-1(f) and dispositions to 18A:14-53 to 18A:14-103
19:4-4.7	Deleted	See 2C:28-2 False swearing; 2C:28-3 Other falsity
19:15-26	Amended	2C:31-1(f); 2C:31-5
19:17-3	Amended	Continued as crime of the fourth degree
19:18-1	Amended	Continued as crime of the fourth degree
19:23-45	Amended	2C:31-1(a)
19:23-53	Amended	Continued as crime of the fourth degree
19:31-15	Amended	Continued as crime of the fourth degree
19:31-28	Amended	Continued as crime of the fourth degree
19:31A-8	Amended	2C:31-1
19:32-5	Amended	Continued as crime of the fourth degree
19:32-8	Deleted	Anachronistic
19:32-12	Deleted	See 2C:29-1 Obstructing government function
19:32-13	Deleted	See 2C:29-1 Obstructing government function; 2C:17-3 Criminal mischief
19:32-19	Amended	Continued as crime of the fourth degree
19:32-22	Amended	Continued as crime of the fourth degree
19:32-30	Amended	Continued as crime of the fourth degree
19:32-33	Deleted	Anachronistic
19:32-35	Deleted	See 2C:29-1 Obstructing government function
19:32-36	Deleted	See 2C:29-1 Obstructing government function; 2C:17-3 Criminal mischief
19:32-42	Amended	Continued as crime of the fourth degree
19:34-1	Amended	Continued as crimes of the third and fourth degree
19:34-2	Deleted	2C:31-1(f); see also 2C:21-1 Forgery; 2C:28-2 False swearing; 2C:29-1 Obstructing government function
19:34-3	Deleted	2C:20-2 Theft; 2C:21-1 Forgery; 2C:29-1 Obstructing government function
19:34-4	Deleted	2C:31-1(a)
19:34-5	Deleted	2C:31-3(a) see also 2C:29-1 Obstructing government function
19:34-6	Deleted	2C:31-3(a) see also 2C:29-1 Obstructing government function
19:34-7	Deleted	2C:31-1(f)
19:34-9	Deleted	2C:31-1

19:34-10	Deleted	2C:31-5
19:34-11	Deleted	2C:31-1; 2C:31-3; see also 2C:29-1 Obstructing government function
19:34-12	Deleted	2C:31-1
19:34-13	Deleted	2C:31-5
19:34-14	Amended	Continued as crime of the third degree
19:34-15	Deleted	2C:31-4
19:34-16	Deleted	See 2C:29-1 Obstructing government function, 2C:20-2 Theft; 2C:17-3
		Criminal mischief
19:34-17	Deleted	See 2C:29-1 Obstructing government function; 2C:20-2 Theft 2C:17-3 Criminal mischief
19:34-18	Deleted	See 2C:29-1; Obstructing government function
19:34-19	Deleted	2C:31-4
19:34-20	Deleted	2C:31-1; 2C:31-3; 2C:31-5
19:34-21	Deleted	2C:31-1(a)
19:34-22	Deleted	2C:31-1(a)
19:34-23	Deleted	See 2C:30-2 Official misconduct; 2C:28-7 Tampering with public records; 2C: 29-1 Obstructing government function
19:34-25	Deleted	See 2C:27-2 and 2C:27-4 Bribery
19:34-26	Deleted	See 2C:28-2 False swearing; 2C:2-6 Complicity; 2C:51-3 Disfranchisement
19:34-27	Deleted	2C:31-3; see also 2C:13-5 Criminal coercion
19:34-28	Deleted	2C:31-3; see also 2C:13-5 Criminal coercion
19:34-29	Deleted	2C:31-3; see also 2C:13-5 Criminal coercion
19:34-30	Deleted	See U.S. Const. Amend. I
19:34-31	Deleted	Unnecessary, see 2C:1-14(g)
19:34-32	Amended	Continued as crime of the fourth degree
19:34-35	Amended	Continued as crime of the fourth degree
19:34-46	Deleted	Unnecessary, see 2C:43-4
19:34-47	Deleted	See 2C:43-2; 2C:43-7
19:34-48	Deleted	See 2C:30-2 Misconduct in office
19:34-49	Deleted	Unnecessary, see 2C:2-6
19:34-50	Amended	Continued as crime of the fourth degree
19:34-51	Amended	Continued as crime of the fourth degree
19:34-53	Amended	Continued as crime of the fourth degree
19:34-54	Amended	Continued as crime of the fourth degree
19:34-55	Deleted	See 2C:28-2 False swearing
19:53-1	Deleted	2C:31-2
19:53A-15	Deleted	See 2C:17-3 Property destruction; 2C:29-1 obstructing government function
19:58-33	Deleted	2C:31-1; 2C:31-3(a); see also 2C:28-2 False swearing
40:73-1	Amended	Continued as crime of the fourth degree
40:75-49	Deleted	2C:31-1(c)
40:76-27	Deleted	2C:31-1(c)

C. TEXT OF AMENDMENTS TO DELETE SUPERSEDED OFFENSES

18A:14-53. Balloting by paper ballots; duties of election officers; secret ballot; penalty

In all school districts using paper ballots, after the election officers shall have ascertained that a voter is properly registered and qualified to vote, the election officers shall furnish to the

voter one official ballot numbered to correspond with the number entered opposite the voter's name in the poll list, allowing for spoiled ballots, if any.

No ballot shall be handed to a voter until there is a booth ready for occupancy and until the voter shall have signed the poll list. The election officers shall not allow a voter to mark his ballot outside of an election booth unless the voter is unable to enter the booth by reason of his physical disability.

The election officers shall instruct the voter how to fold the ballot and shall crease the ballot so as to indicate the point where the voter shall fold the ballot, but before handing the ballot to the voter the election officers shall see that the face of the ballot including the coupon is exposed, and at the same time shall call off the ballot number to the official having charge of the poll list, who shall make certain that the ballot number and number entered opposite agree, allowing for spoiled ballots, if any.

If the number of the ballot does not follow consecutively, the missing number or numbers shall be written on a blank sheet of paper signed by the election officers and placed on the string with the coupons in its or their proper place or places.

Every voter to whom a ballot is given shall thereupon retire into the polling booth. Not more than one voter shall be permitted to enter or be in the same booth at one time. The voter shall prepare his ballot in the booth secretly and screened from the observation of others.

[Any person or voter who shall intentionally violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00, or by imprisonment not exceeding 1 year or both at the discretion of the court.]

19:15-26. Ballots marked secretly in booth; violation a misdemeanor

Every voter to whom a ballot is given shall thereupon retire into the polling booth. Not more than one voter, except as hereinafter provided, shall be permitted to enter or be in the same booth, at one time. The voter shall prepare his ballot in the booth secretly and screened from the observation of others.

[Any person or voter who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be deemed guilty of a disorderly persons offense.]

19:23-45. Balloting regulations; political party affiliation declaration forms

No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register.

A voter who votes in a primary election of a political party or who signs and files with the municipal clerk or the county commissioner of registration a declaration that he desires to vote in any primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3), or a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), or to the Attorney General, shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that he desires to vote in a primary election of another political party at which time he shall be deemed to be a member of such other political party. The Attorney General shall cause to be prepared political party affiliation declaration forms and shall provide such forms to the commissioners of registration of the several counties and to the clerks of the municipalities within such counties.

No voter, except a newly registered voter at the first primary at which he is eligible to vote, or a voter who has not previously voted in a primary election, may vote in a primary election of a political party unless he was deemed to be a member of that party on the 50th day next preceding such primary election.

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which he has been elected or appointed as a member of a political party shall be deemed a member of such political party.

A voter may declare the voter's party affiliation or change the voter's party affiliation, or declare that the voter is unaffiliated with any party regardless of any previously declared party affiliation, by so indicating on a political party declaration form filed with the municipal clerk or the county commissioner of registration. A voter may also indicate that the voter wishes to declare a political party affiliation or that the voter does not want to declare a political party affiliation on a voter registration form filed at the time of initial registration.

[Any person voting in the primary ballot box of any political party in any primary election in contravention of the election law shall be guilty of a disorderly persons offense, and any person who aids or assists any such person in such violation by means of public proclamation or

order, or by means of any public or private direction or suggestions, or by means of any help or assistance or cooperation, shall likewise be guilty of a disorderly persons offense.]

19:31A-8. Signature comparison records; identification statements; disability certificates

Every person qualified to vote in any election shall at any time after the opening of the polls be at liberty to enter the polling place or room and claim his right to vote at such election in his proper district, and he shall claim such right in person before the district board in the district. The board shall permit no person to vote whose name does not appear in the signature copy register of its election district. Each voter in claiming the right to vote shall first give his full name and address to the member of the district board having charge of the duplicate permanent registration binder and voting record and the signature comparison record. Such clerk shall thereupon locate the permanent registration form and voting record and signature comparison record of the voter and shall require the voter to thereupon sign his name in the proper space on his signature comparison record if the voter has previously signed his name on the line marked sample signature. If the voter has not so signed the member of the district board shall require the voter to sign the line marked sample signature and compare the sample signature with the signature made by such person at the time he registered and if satisfied that they were made by one and the same person he shall then permit the voter to sign his name in the proper space on the signature comparison record. The voter shall sign his name without assistance using black ink in the proper column on the signature comparison record. Such signature being completed on the signature comparison record the member of the board having charge of the duplicate permanent registration binder shall audibly and publicly announce the name of the claimant and if the member of the board has ascertained from the duplicate permanent registration binder that the claimant is registered as a qualified voter and upon comparison the member of the board is satisfied that the signature of the claimant and the sample signature on the signature copy register has been made by one and the same person, the member of the board who compared the signature of the voter shall place his initials in the proper column on the signature comparison record signifying that he has made such comparison and is satisfied that the signature of the claimant and sample signature has been made by one and the same person; whereupon the voter shall be eligible to receive a ballot unless it be shown to the satisfaction of a majority of the members of the district board that he is not entitled to vote in the district or has otherwise become disqualified.

In addition to signing the signature comparison record and after the comparison of the signature with the signature in the register, a person offering to vote at a primary election for the general election shall announce his name and the party primary in which he wishes to vote.

After a person has voted, the member of the district board having charge of the signature copy register shall place the number of the person's ballot in the proper column on the record of voting form of such person, which number shall constitute a record that the person has voted. In the case of a primary election for the general election such member of the district board shall also place in the proper column on the record of voting form the first three letters of the name of the political party whose primary ballot such person has voted.

No person shall be required to sign the signature comparison record as a means of identification if he shall have been unable to write his name when he registered, or if, having

been able to write his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to write or shall by reason of disease or accident be unable to write his name when he applies to vote, but each such person who alleges his inability to sign his name on the signature comparison record shall establish his identity as follows: one of the members of the district board shall read the same list of questions to the voter as were required upon registration, such questions shall be provided at each election by the commissioner of registration and are to be known as "identification statements for election day." The member of the board shall write the answers of the voter upon the identification statement. These statements shall be inserted in the front of the duplicate registry binders, at each election, and shall be numbered serially from one to twenty.

Each statement shall contain the same questions as the voter was required to answer upon registration. The questions answered upon registration shall not be turned to or inspected until the answers to the questions shall have been written on election day by the member of the board.

At the end of each list of questions shall be printed the following statement: "I certify that I have read to the above named voter each of the foregoing questions and that I have duly recorded his answers as above to each of said questions"; and the member of the board who has made the above record shall sign his name to such certificate and date the same, and note the time of day of making such record. If the answers to the questions asked of the voter on election day agree with the answers given by him to the same questions at the time he registered, he shall then be eligible to receive a ballot. [Any person who shall permit or attempt to furnish the answers on behalf of the voter shall be guilty of a crime of the fourth degree.] The commissioner of registration shall furnish sufficient identification statements for each election district in each county. The statements shall be printed on sheets approximately ten by sixteen inches and shall contain a margin of approximately two inches for binding and shall be inserted in the front of the duplicate registry binders each election and shall be in substantially the following form:

FORM OMITTED

At any election any person who declares under oath and establishes to the satisfaction of a majority of all the members of the district board, that by reason of an inability to read or write, blindness or other physical disability he is unable to mark his ballot without assistance, shall have the assistance of two members of the board who shall not be members of the same political party, to be assigned by the board, in preparing his ballot. Such members shall retire with such voter to the booth and assist him in the preparation of his ballot and folding the same. The member acting as clerk of the district board shall make an entry on a disability certificate for assistance, which entry shall be in the form of an oath and be inserted in the front of the duplicate registry binders each election.

In every instance when such oath was administered to a voter as herein provided, it shall state briefly what facts were sworn to and the names of the members of the board who aided such voter. Any members of the district board shall be eligible to witness the preparation of the ballot of any such voter, but no other person shall be allowed to assist him in marking his ballot or to witness the marking of the same. No member of the board shall reveal the name of any person for whom such voter has voted or anything that took place while he was being assisted.

Such voter, if blind, disabled, or unable to read or write, may, in lieu of the assistance of the board as above provided, have assistance of some person of his own selection in preparing his

ballot. Such person shall retire with such voter to the booth and assist him in the preparation of his ballot and folding the same. The name and address of such person shall be recorded as above. In such case, no other person than the one so selected by the voter shall be allowed to assist such voter in marking his ballot or witness the marking of the same. No person so selected shall reveal the name of any person for whom such voter has voted or anything that took place while he was being assisted.

The disability certificates shall be numbered serially one to twenty. The commissioner of registration shall furnish sufficient disability certificates for assistance for each election district in his county. The disability certificates for assistance shall be printed on sheets approximately ten by sixteen inches and shall contain a margin of approximately two inches for binding and shall be in substantially the following form:

FORM OMITTED

The commissioner of registration in each county shall furnish sufficient certificates of signature comparison records for each election district in his county to be filled in and signed at the close of the polls by the members of the district board. A blank space shall also be provided for on the certificate for the signatures of the members of the election board. Under said certificate there shall also be printed the word "Remarks" together with a number of blank lines. The commissioner shall insert one of such certificates in the front of the signature copy register in each election district in the county. At primary elections the certificate shall be in substantially the following form:

FORM OMITTED

At all other elections the certificates shall be in substantially the following form:

FORM OMITTED

After each election the commissioner of registration shall remove from the binders the identification statements, the disability certificates for assistance, and certifications of signature comparison records and shall preserve them in his office in a suitable place for a period of two years.

D. AMENDMENTS TO GRADE VOTING OFFENSES RETAINED

18A:14-103 amended Continued as crime of the fourth degree

19:17-3. Statements filed

After the district board shall have made up and certified such statements, it shall at the same time and with the ballot boxes, as hereinafter provided, deliver or safely transmit one of the statements to the clerk of the municipality wherein such election is held, who shall forthwith file the same. In counties having a superintendent of elections one of such statements shall forthwith be filed with the superintendent of elections of the county. The superintendent may arrange to accept such certificates in such municipality within the county at the office of the clerk of such municipality or some other convenient place. Any municipal clerk who shall refuse to permit such superintendent or his deputies or assistants access to his office for the purpose of collecting such certificates or any municipal clerk or other person who shall interfere or obstruct the superintendent, his deputies or assistants in the collection of such certificates, or any member of a

district board who shall willfully fail or refuse to deliver such statement to the superintendent, his deputies or assistants as the case may be, shall be guilty of a [misdemeanor] crime of the fourth degree. In all counties the board shall, immediately after election, deliver or safely transmit another of the statements to the clerk of the county, who shall forthwith file the same.

If officers were voted for or public questions were voted upon at the election by the voters of the entire State or of more than one county thereof, or of a congressional district, then the board shall, immediately after the election, inclose, seal up and transmit the fourth statement to the Secretary of State by mail in stamped envelopes to be furnished by the Secretary of State, addressing the same in the following manner: "To the Secretary of State of New Jersey, Trenton, New Jersey."

Upon receiving such statements the Secretary of State shall forthwith file the same in his office.

19:18-1. Election records placed in ballot box; inspection of signature copy records in counties having superintendent of elections; compelling production

As soon as the election shall be finished and the votes canvassed and the statements made and certified by the district board as herein required, all ballots which have been cast, whether the same have been canvassed and counted or rejected for any cause, and one tally sheet, spoiled and unused ballots, shall be carefully collected and deposited in the ballot box.

In all municipalities the signature copy registers shall not be placed in the ballot box but shall be delivered immediately by the district board to the commissioner of registration.

In order to carry out his duties, any superintendent of elections in counties having a superintendent of elections shall have access and be permitted to inspect and examine any and all signature copy registers for said county for any election which may have been or shall be held in said county and any official or person having possession or custody of same who shall refuse to deliver said signature copy registers to the office of said superintendent of elections forthwith upon demand having been made upon him by said superintendent of elections as aforesaid shall be guilty of a [misdemeanor] crime of the fourth degree. Unless the said official having custody or possession of said signature copy registers shall forthwith produce the same at the office of the superintendent of elections when demanded by him so to do, the said superintendent of elections may apply to a judge of the Superior Court assigned to the county or a judge of the County Court of the county, and such judge shall forthwith make an order directing the official having possession or custody of the said signature copy registers to produce them at once in the court in which said judge may be sitting, and upon their being produced said judge shall deliver the same to the superintendent of elections.

19:23-53. Statements transmitted to clerks and superintendent of elections; access to office of municipal clerk

The district board shall immediately deliver or transmit this statement to the clerks of the county and municipality within which such primary election was held. In counties having a superintendent of elections one of such statements shall forthwith be filed with the

superintendent of elections of the county. The superintendent may arrange to accept such certificates in each municipality within the county at the office of the clerk of such municipality or some other convenient place. Any municipal clerk who shall refuse to permit such superintendent or his deputies or assistants access to his office for the purpose of collecting such certificates or any municipal clerk or other person who shall interfere or obstruct the superintendent, his deputies or assistants in the collection of such certificates, or any member of a district board who shall willfully fail or refuse to deliver such statement to the superintendent, his deputies or assistants as the case may be, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:31-15. Check-up by commissioner or county board; transfer of permanent registration forms; notices; publication; application for order to vote; misdemeanor

For the purpose of preventing fraudulent voting and of eliminating names improperly registered, the commissioner in counties having a superintendent of elections, and the county board in all other counties, may within ninety days after each general election preceding the general election at which members of the House of Representatives are elected send by government reply postal card to each registrant who failed to vote at such election, at his registered address, a notice substantially as follows:

"Please answer the question as to residence and removal as indicated on attached reply card.

.....

Commissioner of Registration"

The reply card shall be addressed to the commissioner and shall bear substantially the following questions with appropriate spaces for answers:

"(1) Do you still reside at the address to which this notice has been mailed?

(2) If not, where do you now reside? (Stating street address and city or town to which you have moved.)

Signed"

The county board in counties not having a superintendent of elections may also, and in addition to the method hereinbefore provided, direct at any time an authorized clerk or clerks to make any personal investigation which the commissioner or county board may deem necessary to establish the fact of continued residence or of removal of any registrant.

The commissioner in counties having a superintendent of elections, and the county board in all other counties, shall, in addition to the method hereinbefore provided, at least once during every four years and as often as the commissioner in counties having a superintendent of elections or the county board in all other counties may deem necessary, cause the entire registry list to be investigated by house-to-house canvass to establish the fact of continued residence, removal, death, disqualification or improper registration.

In case of registrants who have been found to the satisfaction of the commissioner in counties having a superintendent of elections and to the county board in all other counties, to

have moved from one address to another within the same county, the commissioner in counties having a superintendent of elections, and the county board in all other counties, shall cause the permanent registration forms of said registrants to be transferred to the proper registers, upon receipt of a change of residence notice duly executed by such registrants, as provided by law.

In case of registrants so found to have moved to any place outside the county or State, the commissioner in counties having a superintendent of elections, and the county board in all other counties, shall cause the permanent registration forms of such persons to be transferred to the inactive file. Such persons upon return to any municipality within the county shall be required to reregister before being allowed to vote.

In case of registrants so found to have died, been disqualified or improperly registered, the county board in counties not having a superintendent of elections shall cause the permanent registration forms of such persons to be transferred to the inactive or death file as the case may be.

The county board in counties not having a superintendent of elections before removing, for any reason whatsoever, the permanent registration forms of any registrant from the signature copy registers, or before transferring such forms to the inactive file shall cause to be published a notice setting forth the proposed action of the county board. This notice shall contain the list of the names and registered addresses of all registrants to be affected by the proposed action. Such notice and list shall be published at least two entire days prior to the removal of such names and shall be published in at least one, and if the county board deems necessary, two or more newspapers published within the county, one of which newspapers, at least, shall be published in the municipality affected, if there be one published therein; otherwise, one which shall have a circulation in said municipality. At least one of such newspapers shall be a daily newspaper, but if there be no daily newspapers published in the county then such notices shall be published as above provided in weekly papers. The notice and list shall in addition specify the reason or reasons for the contemplated removal or transfer of the permanent registration forms of the registrants affected. The notice and list shall be published in the manner above provided prior to the second Tuesday preceding any election.

Any person affected by any action of the county board in counties not having a superintendent of elections shall, during the two weeks immediately preceding any election and on election day, have the right to make application to any judge of the County Court of that county, for the purpose of obtaining an order entitling him to vote in the district in which he actually resides. The burden of proof shall be upon the applicant. The judge of the County Court if satisfied that the applicant is entitled, under the law, to vote at such election, and after determining the election district in which such person actually resides, may issue an order directing the district board of that district to permit such person to vote. Such person must reregister before voting at any subsequent election by court order or otherwise. If the applicant shall be refused the right to vote, due to inability of the district board or of the commissioner or of the county board to find the permanent registration forms of such applicant, then in addition such applicant shall establish by reference to the registry lists of former elections, that he was previously registered. Such evidence shall be deemed sufficient to establish the fact that the applicant was formerly registered. If the order is directed to a district board, the district board shall certify and return the order at the close of the election to the commissioner.

In counties having a superintendent of elections, any registrant so found to have died, or been disqualified by conviction of a crime which would disfranchise a person under the laws of this State, or never has resided at the place of registry or is registered from some place other than his actual residence, or does not possess the qualifications to vote required by the Constitution of this State, or is otherwise not entitled to vote, the commissioner shall cause the permanent registration forms of such registrant to be transferred to the inactive or death file as the case may be.

The commissioner in counties having a superintendent of elections, before transferring such forms to the inactive file or death file, shall serve an order in writing, signed by him, upon the proper district board, ordering it to refuse to allow such person to vote at the next election.

The commissioner in counties having a superintendent of elections, before signing such order in writing to any district board, shall give notice of his proposed action to such registered person (1) personally, or (2) by leaving the same at the person's registered place of residence with a person above the age of fourteen years, if any such person can be found, and if not, by affixing the same to the outer door of such place of residence or to any other portion of such premises if no building be found thereon, or (3) by sending the same by mail addressed to the person at his registered place of residence at least two entire days before the issuance of the order; and the commissioner shall cause a list of the names of such persons, with their registry addresses, to be published at least two entire days before the issuance of the order in at least one, and if the commissioner deems necessary, two or more newspapers published within the county, at least one of which shall be a daily newspaper, if there be one published therein; otherwise, one which shall be published most frequently. Such published notice, in addition to containing the names and addresses of such persons, shall give notice to them of the proposed action of the commissioner. No such order in writing shall be signed by the commissioner subsequent to the Tuesday preceding an election.

In all counties when the transfer of any person's permanent registration form is to be made to the death file or is to be made to the inactive file because such person did not vote at any election during four consecutive years, or because the name of such person has been ordered stricken from the register by the court, or because such person has changed his or her name by decree of court, or because such person is a woman who changed her name due to marriage or divorce and neglected to reregister in accordance with law, or because the information which forms the basis of such proposed action in making such transfer was received from such person directly, no notice of such proposed action need be given to such registered person and such person's name and registry address need not be published as required in this section.

The commissioner in counties having a superintendent of elections shall cause such order to be delivered to the district board at the same time as the challenge lists are delivered, which order shall be receipted for by the judge of the district board, who shall use the order in conjunction with the registry list, so that no person whose name appears upon the order shall be allowed to vote. Such order shall be signed and certified to by each member of the district board to the effect that no person whose name appears therein has been allowed to vote. The order shall be returned to the commissioner at the same time and together with the challenge lists. Upon receipt of such order the commissioner shall thereupon transfer the permanent registration forms of the person named in such order to the inactive, death or conviction file, as the case may

be, and he shall not be permitted to vote at any subsequent election, by court order or otherwise, unless he has reregistered.

Any person affected by the action of the commissioner in counties having a superintendent of elections shall, during the week immediately preceding the election and on the election day, have the right to make application to a judge of the County Court of the county for the purpose of obtaining an order entitling him to vote in the district in which he actually resides. The burden of proof shall be upon the applicant. The judge of the County Court if satisfied that the applicant is entitled under the law to vote at such election and after determining the election district in which the person actually resides may issue an order directing the district board of that district to permit such person to vote. If the applicant shall be refused the right to vote, due to the inability of the district board or of the commissioner or of the county board to find the permanent registration forms of such applicant, then in addition such applicant shall establish by reference to the registry lists of former elections that he was previously registered. Such evidence shall be deemed sufficient to establish the fact that the applicant was formerly registered. The district board shall certify and return the order to the commissioner at the close of the election, who thereupon shall restore the permanent registration forms of such person to the active file. Before the issuance of such order, the commissioner shall be heard personally, or by his chief deputy or assistants, as to the reasons why he has issued an order denying such person the right to vote. The commissioner or any one representing him shall have full power to cross-examine any witness. The judge of the County Court making such order shall cause a full record of the proceedings of the application to be taken stenographically, transcribed and filed in the office of the county clerk of the county, which record shall be open and public record. All costs and expenses of such proceedings shall be paid by the county.

In no event shall the permanent registration forms or voting record of any registrant be removed or transferred to the inactive file subsequent to the second Tuesday preceding any election, until after such election; nor shall the permanent registration forms or voting record of any registrant in counties not having a superintendent of elections be removed or transferred to the inactive file if the name of such registrant is not first published in the manner above described, except as herein otherwise provided.

Any commissioner who, after ascertaining that a person has died, been disqualified, moved out of the permanent registration area or has been improperly registered, and who willfully or fraudulently refuses to cause to transfer the permanent registration forms of such persons to the proper file shall be guilty of a [misdemeanor] crime of the fourth degree.

19:31-28. Commissioner disobeying inspection order; misdemeanor

Any commissioner who shall willfully refuse to comply with such order shall be deemed to be guilty of a [misdemeanor] crime of the fourth degree.

19:32-5. Investigations by superintendent and assistants; neglect to furnish information or exhibit records, misdemeanor

Such superintendents and their assistants, in order to enforce the laws of this state regarding the conduct of elections, shall investigate all complaints relating to the registration of

voters, and for that purpose the superintendents and their assistants shall have full power and authority to visit and inspect any house, dwelling, building, inn, lodging house or hotel and interrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to any person or persons residing or claiming to reside therein or thereat; to inspect and copy any books, records, papers or documents relating to or affecting the elections, either general, special, primary or municipal, or the registration of voters in the custody and control of district boards, county boards, or the clerks or other officers of municipalities; to require every lodging-house keeper, landlord or proprietor to exhibit his register of lodgers therein at any time to the superintendent, his subordinates or any other person so designated by such superintendent.

Any person who neglects or refuses to furnish any information required or authorized by this title, or to exhibit the records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:32-19. Penalty for disobedience of peremptory order

Any member of a district board who, after the receipt of an order from the superintendent denying any person the right to vote, unless the order of the superintendent has been revoked by a judge of the County Court of the county, as hereinabove provided, allows such person to vote, shall be guilty of a [misdemeanor,] crime of the fourth degree and shall forfeit his right to such office [and be subject to imprisonment for a term not exceeding three years, or the payment of a fine of one thousand dollars (\$1,000.00), or both].

19:32-22. Arrests without warrant; peace officers punishable for failure to assist

The superintendent and his chief deputy and assistants are hereby authorized and empowered and without warrant, to arrest any person violating any provision of this title.

The superintendent and his chief deputy and assistants, as the case may be, shall have the right and power to call upon any constable, police officer or other peace officer to aid in taking any person so arrested to the nearest police station in the municipality in which the arrest is made, and such constable, police officer or other peace officer shall render such aid.

Any constable, police officer or other peace officer failing to comply with such request shall be guilty of a [misdemeanor] crime of the fourth degree.

19:32-30. Investigations by superintendents and assistants; neglect to furnish information or exhibit records

Such superintendents and their assistants, in order to enforce the laws of this State regarding the conduct of elections, shall investigate all complaints relating to the registration of voters, and for that purpose the superintendents and their assistants shall have full power and authority to visit and inspect any house, dwelling, building, inn, lodging house or hotel and interrogate any inmate, house-dweller, keeper, caretaker, owner, proprietor or landlord thereof or therein as to any person or persons residing or claiming to reside therein or thereat; to inspect and copy any books, records, papers or documents relating to or affecting the elections, either general, special, primary or municipal, or the registration of voters in the custody and control of

district boards, county boards, or the clerks or other officers of municipalities; to require every lodging-house keeper, landlord or proprietor to exhibit his register of lodges therein at any time to the superintendent, his subordinates or any other person so designated by such superintendent.

Any person who neglects or refuses to furnish any information required or authorized by this Title, or to exhibit the records, papers, or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:32-42. Penalty for permitting person to vote in violation of order

Any member of a district board who, after the receipt of an order from the superintendent denying any person the right to vote, unless the order of the superintendent has been revoked by a judge of the County Court of the county, as hereinabove provided, allows such person to vote, shall be guilty of a [misdemeanor,] crime of the fourth degree and shall forfeit his right to such office and be subject to imprisonment for a term not exceeding three years, or the payment of a fine of one thousand dollars (\$1,000.00), or both.

19:34-1. False registration or transfer; penalties

If any member of the district board shall willfully refuse to enter in the canvassing books or upon the registers the name of any person legally entitled to vote, or shall register the name of any person contrary to the provisions of this title, such member shall be [punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both] guilty of a crime of the third degree.

Any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name or that of any other person to be registered, knowing that he or such other person is not entitled to vote in the election district wherein such registry is made at the next election to be held therein, shall be [punished for each such offense by a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding five years, or both] guilty of a crime of the third degree.

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

Any officer or employee who shall willfully fail to perform or enforce any of the provisions of this title or who shall unlawfully or fraudulently remove any registration records, or who shall willfully destroy any record directed by this title to be kept[, or any person who shall willfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who willfully registers in any election district where he is not a resident at the time of registering, or who violates any of the provisions of this title,] shall be [guilty of a misdemeanor] guilty of a crime of the fourth degree.

19:34-14. Member of district board revealing knowledge of how voter voted

If a member of any district board has knowledge how any person has voted and shall reveal such knowledge to any other person, or shall fraudulently or corruptly disclose what other candidates were voted for on any ballot bearing a name not printed thereon, or fraudulently or corruptly gives any information concerning the appearance of any ballot voted, he shall be guilty of a [misdemeanor and shall be punished by a fine not exceeding two thousand dollars or imprisonment not exceeding five years] crime of the third degree.

19:34-32. Contributions by insurance corporations

No insurance corporation or association doing business in this state shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee, organization or corporation, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used.

Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this title, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this title, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:34-35. Other contributions and expenditures

Any person who shall expend, aid or assist in the expenditure of any such money for a purpose not authorized by this title, or for a purpose not named in the statement accompanying such contribution, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:34-50. Committeemen acting after their election voided

Any person chosen as member of the state committee, county committee, or any municipal committee of any political party who shall sit or perform any duty, or exercise any functions as a member of such committee after his election thereto shall have been declared null and void, shall be guilty of a [misdemeanor] crime of the fourth degree, and each member of any such committee who shall vote to recognize any such member after such election shall have been declared null and void shall likewise be guilty of a [misdemeanor] crime of the fourth degree.

19:34-51. Failure of delegate to national convention to surrender void certificate

Any delegate at large or district delegate to any national convention who shall fail to surrender such certificate of election forthwith after the same has been declared null and void, or who shall use such certificate of election, or who shall present such certificate of election as a credential at any such convention, or to any committee on credentials at such convention, or who shall leave the limits of this state with such certificate in his possession with intent to use the

same as a credential for admission to any political convention, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:34-53. Failure to supply information

Any person who neglects or refuses to furnish any information required or authorized by this title or to exhibit the records, papers or documents herein authorized to be inspected, or which are required to be exhibited, shall be guilty of a [misdemeanor] crime of the fourth degree.

19:34-54. Failure to obey subpoena or refusal to testify

Any person who shall omit, neglect or refuse to obey a subpoena attested in the name of the county clerk, municipal clerk, or county board and made returnable by such clerk or board, or refuses to testify under oath before such clerk or board, shall be guilty of a [misdemeanor] crime of the fourth degree.

40:73-1. Qualifications sole test; election expenses and conduct; misdemeanors

All officers and employees shall be elected or appointed with reference to their qualifications and fitness, for the good of the public service and without reference to their political faith or party affiliations. No officer or candidate for office in any such municipality shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office to which he may have been elected or appointed.

Every elective officer in any such municipality, shall, within ten days after qualifying, file with the municipal clerk, and publish at least once in a newspaper printed and published in such municipality, and if there be no such newspaper then in a newspaper of general circulation in the municipality, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a [misdemeanor] crime of the fourth degree and a ground for removal from office.