

**ASSEMBLY BILL**

**No. 1133**

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**Introduced by Assembly Member Niello**

February 27, 2009

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An act to amend Sections 18520, 18521, 18522, and 18540 of, and to add Section 18522.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1133, as introduced, Niello. Gifts for voting.

Existing law makes it a crime for a person or committee to attempt to influence a voter, through the use of money, gifts, loans or other valuable consideration, or through the use of force or coercion, to abstain from voting or to vote for a particular person or measure.

This bill would also make it a crime for a person or committee to attempt to influence a voter, through the use of money, gifts, loans or other valuable consideration, or through the use of force or coercion, to register to vote or to vote at an election. The bill would also make it a crime for a person to receive gifts, money, loans, or other valuable consideration in return for registering to vote.

Because the bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18520 of the Elections Code is amended  
 2 to read:

3 18520. A person shall not directly or through another person  
 4 give, offer, or promise any office, place, or employment, or promise  
 5 to procure or endeavor to procure any office, place, or employment  
 6 to or for any voter, or to or for ~~any other~~ *another* person, in order  
 7 to induce that voter ~~at any election~~ *to do any of the following:*

- 8 (a) Register to vote.
- 9 (b) Vote at an election.
- 10 ~~(a)~~
- 11 (c) Refrain from voting.
- 12 ~~(b)~~
- 13 (d) Vote for ~~any~~ *a* particular person.
- 14 ~~(e)~~
- 15 (e) Refrain from voting for ~~any~~ *a* particular person.

16 A violation of ~~any of the provisions~~ of this section shall be  
 17 punishable by imprisonment in the state prison for 16 months or  
 18 two or three years. *This section shall not be construed to prohibit*  
 19 *a person from offering or accepting transportation to or from a*  
 20 *polling place or other location where a ballot may be cast.*

21 SEC. 2. Section 18521 of the Elections Code is amended to  
 22 read:

23 18521. A person shall not directly or through ~~any other~~ *another*  
 24 person receive, agree, or contract for, before, during or after an  
 25 election, any money, gift, loan, or other valuable consideration,  
 26 office, place, or employment for himself or ~~any other~~ *herself or*  
 27 *another* person because he or ~~any other~~ *she or another* person *did*  
 28 *any of the following:*

- 29 (a) Voted.
- 30 ~~(a)~~
- 31 (b) Voted, agreed to vote, refrained from voting, or agreed to  
 32 refrain from voting for ~~any~~ *a* particular person or measure.
- 33 ~~(b)~~
- 34 (c) Remained away from the polls.
- 35 ~~(e)~~
- 36 (d) Refrained or agreed to refrain from voting.
- 37 ~~(d)~~
- 38 (e) Induced any other person to *do any of the following:*

1 (1) *Vote.*

2 ~~(1)~~

3 (2) Remain away from the polls.

4 ~~(2)~~

5 (3) Refrain from voting.

6 ~~(3)~~

7 (4) Vote or refrain from voting for ~~any~~ a particular person or  
8 measure.

9 Any person violating this section is punishable by imprisonment  
10 in the state prison for 16 months or two or three years. *This section*  
11 *shall not be construed to prohibit a person from offering or*  
12 *accepting transportation to or from a polling place or other*  
13 *location where a ballot may be cast.*

14 SEC. 3. Section 18522 of the Elections Code is amended to  
15 read:

16 18522. Neither a person nor a controlled committee shall  
17 directly or through ~~any other~~ another person or controlled  
18 committee pay, lend, or contribute, or offer or promise to pay,  
19 lend, or contribute, ~~any~~ money or other valuable consideration to  
20 or for ~~any~~ a voter or to or for ~~any other~~ another person to *do any*  
21 *of the following:*

22 (a) Induce ~~any~~ a voter to *do any of the following:*

23 (1) Refrain from voting at ~~any~~ an election.

24 (2) Vote or refrain from voting at an election for ~~any~~ a particular  
25 person or measure.

26 (3) Remain away from the polls at an election.

27 (4) *Vote at an election.*

28 (b) Reward ~~any~~ a voter for having *done any of the following:*

29 (1) Refrained from voting.

30 (2) Voted for ~~any~~ a particular person or measure.

31 (3) Refrained from voting for ~~any~~ a particular person or measure.

32 (4) Remained away from the polls at an election.

33 (5) *Voted.*

34 Any person or candidate violating this section is punishable by  
35 imprisonment in the state prison for 16 months or two or three  
36 years. *This section shall not be construed to prohibit a person from*  
37 *offering or accepting transportation to or from a polling place or*  
38 *other location where a ballot may be cast.*

39 SEC. 4. Section 18522.5 is added to the Elections Code, to  
40 read:

1 18522.5. (a) A person or a committee shall not directly or  
 2 through another person or committee pay, lend, or contribute, or  
 3 offer or promise to pay, lend, or contribute, any money, gift, loan,  
 4 or other valuable consideration to any person for registering to  
 5 vote.

6 (b) A person shall not receive, contract to receive, or conspire  
 7 to receive any money, gift, loan, or other valuable consideration  
 8 for registering to vote.

9 (c) A violation of this section by a person, committee, or  
 10 candidate is punishable by imprisonment in the state prison for 16  
 11 months or two or three years.

12 SEC. 5. Section 18540 of the Elections Code is amended to  
 13 read:

14 18540. (a) Every person who makes use of or threatens to  
 15 make use of ~~any~~ force, violence, or tactic of coercion or  
 16 intimidation, to induce or compel ~~any other~~ *another* person to  
 17 *register to vote, vote at an election, or refrain from voting at any*  
 18 *an election or to vote or refrain from voting for any a particular*  
 19 *person or measure at any an election, or because any a person*  
 20 *voted or refrained from voting at any an election or voted or*  
 21 *refrained from voting for any a particular person or measure at*  
 22 *any an election is guilty of a felony punishable by imprisonment*  
 23 *in the state prison for 16 months or two or three years.*

24 (b) Every person who hires or arranges for ~~any other~~ *another*  
 25 person to make use of or threaten to make use of ~~any~~ force,  
 26 violence, or tactic of coercion or intimidation, to induce or compel  
 27 ~~any other~~ *another* person to *register to vote, vote at an election,*  
 28 *or refrain from voting at any an election or to vote or refrain from*  
 29 *voting for any a particular person or measure at any an election,*  
 30 *or because any a person voted or refrained from voting at any an*  
 31 *election or voted or refrained from voting for any a particular*  
 32 *person or measure at any an election is guilty of a felony*  
 33 *punishable by imprisonment in the state prison for 16 months or*  
 34 *two or three years.*

35 SEC. 6. No reimbursement is required by this act pursuant to  
 36 Section 6 of Article XIII B of the California Constitution because  
 37 the only costs that may be incurred by a local agency or school  
 38 district will be incurred because this act creates a new crime or  
 39 infraction, eliminates a crime or infraction, or changes the penalty  
 40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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