

Does Vote-buying Invalidate an Election?

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Question: Berel has a lifelong dream of being a fire chief. To attain his goal, he moved to a small town and ran for this office. To ensure his victory, he paid all the bochorim in a local yeshiva to vote for him. Was he allowed to do that?

Answer: The Chasam Sofer speaks about an election for *Rov* of a city, in which the winning candidate was accused of buying votes. He writes that if this accusation is true, the election results are null and void. He explains that all the bought votes are invalid because the residents had not voted *l'sheim shomayim*.

Rav Yitzchok Zilberstein discusses a story where officials were elected and were later discovered to have bought votes. He rules that if the people who won are unqualified, or even if they are qualified but the other candidates were more qualified, then the results of the election are null and void; however, if the winners were just as qualified for the positions as the losers, then the results would stand. It is difficult to know how to judge whether one candidate is more qualified than another, as this is exactly what the election is meant to decide.

The Teshoros Shai discusses a case where the Zayin Tuvei Ha'Ir, the local body that oversees communal affairs, voted on whether or not to impose a wine tax. In this story, it was later determined that one of the members of the council had been bribed to vote for the tax. He ruled that it is clear that bribery invalidates the voting results.

Question: What if it comes out that Berel would have won the election even without the votes of the bochorim that he paid?

Answer: The Chasam Sofer seems to imply that an election would only be invalidated if the results might have been different without the vote-buying. If the same party would have won even if he hadn't bought any votes, he seems to hold that the results would stand.

The Teshuros Shai, however, seems to hold differently. In his story, only one of the members of the council had been bribed to vote for the tax, but the vote passed unanimously in any case.

The Teshuros Shai rules that even though the measure would have passed in any case, the entire vote is null and void. He offers two reasons to explain this. Firstly, he says that, ideally, a full quorum of all the members of the council needs to be present in order for a vote to be held. While it is true that the other members may decide to hold a vote even if a minority is absent, this is because it is understood by all that in order for the body to function efficiently it cannot always be expected to ensure that every member is present; however, if one member is bribed, his vote is certainly null and void as if he was not present for the vote, and it is considered as if a quorum is not present with no justification to hold any vote. Secondly, he says that bribery is "contagious." If one person is bribed, it can affect the entire council, as the bribed member will try to persuade the others of his position; therefore, the bribery of one member corrupts the entire board

and the entire vote cannot be valid.