



House Bill No. 5022

Public Act No. 12-193

AN ACT INCREASING PENALTIES FOR VOTER INTIMIDATION AND INTERFERENCE AND CONCERNING VOTING BY ABSENTEE BALLOT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 9-363 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Any person who, with intent to defraud any elector of his or her vote or cause any elector to lose his or her vote or any part thereof, gives in any way, or prints, writes or circulates, or causes to be written, printed or circulated, any improper, false, misleading or incorrect instructions or advice or suggestions as to the manner of voting on any tabulator, the following of which or any part of which would cause any elector to lose his or her vote or any part thereof, or would cause any elector to fail in whole or in part to register or record the same on the tabulator for the candidates of his or her choice, shall be [fined not more than five hundred dollars or be imprisoned not more than five years or be both fined and imprisoned] guilty of a class D felony.

Sec. 2. Section 9-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Any person who, with intent to disenfranchise any elector,

House Bill No. 5022

influences or attempts to influence by force or threat, bribery or corrupt, fraudulent or deliberately deceitful means any elector to stay away from any election shall be [fined not more than five hundred dollars and imprisoned not more than one year nor less than three months] guilty of a class D felony.

Sec. 3. Section 9-364a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Any person who influences or attempts to influence by force or threat the vote, or by force, threat, bribery or corrupt means, the speech, of any person in a primary, caucus, referendum convention or election; or wilfully and fraudulently suppresses or destroys any vote or ballot properly given or cast or, in counting such votes or ballots, wilfully miscounts or misrepresents the number thereof; and any presiding or other officer of a primary, caucus or convention who wilfully announces the result of a ballot or vote of such primary, caucus or convention, untruly and wrongfully, shall be [fined not more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned] guilty of a class C felony.

Sec. 4. Section 9-365 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Any person who [, at or within] (1) during the period that is sixty days or less prior to any election, municipal meeting, school district election or school district meeting, attempts to influence the vote of any operative in his or her employ by threats of withholding employment from him or her or by promises of employment, or [who] (2) dismisses any operative from his or her employment on account of any vote he or she has given at any such election or meeting shall be [fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than six months nor more than twelve months or be both fined and imprisoned] guilty of a class D

House Bill No. 5022

felony.

Sec. 5. Section 9-366 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Any person who induces or attempts to induce any elector to write, paste or otherwise place, on a [write-in] ballot, [voted on a voting tabulator at any election] or a table or booth used for voting, any name, sign or device of any kind, as a distinguishing mark by which to indicate to another how such elector voted, or enters into or attempts to form any agreement or conspiracy with any person to induce or attempt to induce electors or any elector to so place any distinguishing mark on such ballot, table or booth, or attempts to induce any elector to do anything with a view to enabling another person to see or know for what persons or any of them such elector votes, [on such tabulator,] or enters into or attempts to form any agreement or conspiracy to induce any elector to do any act for the purpose of enabling another person or persons to see or know for what person or persons such elector votes, or attempts to induce any person to place himself or herself in such position, or to do any other act for the purpose of enabling him or her to see or know for what candidates any elector other than himself or herself votes, [on such tabulator,] or himself or herself attempts to get in such position to do any act so that he or she will be enabled to see or know how any elector other than himself or herself votes, [on such tabulator,] or does any act which invades or interferes with the secrecy of the voting or causes the same to be invaded or interfered with, shall be [imprisoned not more than five years] guilty of a class D felony.

Sec. 6. Section 9-367 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Any person, not being an election official, who, with intent to cause

House Bill No. 5022

or permit any ballot, voting tabulator or other appliance used in connection with such tabulator to fail to correctly register any vote cast upon such ballot, tabulator or other appliance, during any election or before any election, tampers with a voting tabulator, disarranges, defaces, injures or impairs the same in any manner, or mutilates, injures or destroys any ballot or any other appliance used in connection with such tabulator, shall be [imprisoned for not more than five years] guilty of a class C felony.

Sec. 7. Subsection (a) of section 9-135 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any elector eligible to vote at a primary or an election and any person eligible to vote at a referendum may vote by absentee ballot if he or she is unable to appear at his or her polling place during the hours of voting for any of the following reasons: (1) His or her active service with the armed forces of the United States; (2) his or her absence from the town of his or her voting residence during all of the hours of voting; (3) his or her illness; (4) his or her physical disability; (5) the tenets of his or her religion forbid secular activity on the day of the primary, election or referendum; or (6) the required performance of his or her duties as a primary, election or referendum official, including as a town clerk or registrar of voters or as staff of the clerk or registrar, at a polling place other than his or her own during all of the hours of voting at such primary, election or referendum.

Approved June 15, 2012