

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-193—HB 5022

Government Administration and Elections Committee

Judiciary Committee

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

SUMMARY: This act increases the maximum penalties for violating certain election laws related to influencing or intimidating voters, making them class C or D felonies. It also specifies that town clerks, registrars of voters, and their staff are among the primary, election, and referendum officials who may vote by absentee ballot if their duties require them to be absent from their polling place during voting hours (see BACKGROUND).

EFFECTIVE DATE: July 1, 2012, except for the absentee voting provision, which is effective upon passage.

PENALTIES

The act increases the maximum penalties for certain elections violations. It also makes two of these violations a felony (see §§ 2 and 3 below).

By law, the penalty for a class C felony is a fine of up to \$10,000, one to 10 years in prison, or both. The penalty for a class D felony is a fine of up to \$5,000, one to five years in prison, or both. Prior law designated a separate and lesser maximum penalty for each offense included in the act, as Table 1 shows.

Table 1: Penalties under Prior Law and the Act

<i>Section</i>	<i>Crime</i>	<i>Penalty Under Prior Law</i>	<i>Penalty Under the Act</i>
§ 1	Circulating misleading instructions to any voter	A fine of up to \$500, up to five years in prison, or both	Class D felony
§ 2	Influencing or attempting to influence any voter to refrain from voting by force, threat, bribery, or corrupt, fraudulent, or deliberately deceitful means and with the intent to disenfranchise the voter	A fine of up to \$500 and three months to one year in prison	Class D felony
§ 3	Threatening, forcing, or bribing a voter; suppressing or destroying any vote; miscounting any vote; or falsely or wrongfully announcing results	A fine of up to \$1,000, up to one year in prison, or both	Class C felony
§ 4	An employer who, within 60 days before an election, school	A fine of between \$100	Class D felony

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	district election, or municipal or school district meeting, attempts to influence, threatens, or later retaliates against an employee in connection with the election or meeting	and \$500, six months to one year in prison, or both	
§ 5	Inducing or attempting to induce an elector to do anything that enables anyone to see or know how the elector or another person voted	Up to five years in prison (no fine)	Class D felony
§ 6	Tampering with a voting tabulator, or defacing or destroying a ballot or any other device used to vote, with the intent to cause the voting equipment to incorrectly register votes	Up to five years in prison (no fine)	Class C felony

BACKGROUND

Absentee Voting

The state constitution authorizes the General Assembly to pass a law allowing electors to cast their vote by absentee ballot if they will be out of town, sick, or physically disabled or the tenets of their religion prohibit secular activity on Election Day (Article 6 § 7). The General Assembly exercised this authority in CGS § 9-135, which allows any person to vote by absentee ballot if:

1. he or she is in active service with the armed forces of the United States;
2. he or she is absent from his or her city or town of residence during all hours of voting;
3. he or she is ill or physically disabled;
4. the tenets of his or her religion forbid secular activity on the day of the primary, election, or referendum; or
5. he or she is a primary, election, or referendum official whose duties will keep him or her away from his or her own voting district during all hours of voting.

OLR Tracking: KS:KM:PF:ro:eh