

# Summary of State Law on Absentee Ballot Fraud

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## Issue

Summarize state law on absentee ballot fraud.

## Summary

State law prohibits certain activities in connection with absentee ballots and absentee voting, and it subjects violators to civil and criminal penalties. Generally, the law (1) authorizes the State Elections Enforcement Commission (SEEC) to impose a civil penalty of up to \$2,000 per offense against any person the commission finds to be in violation of an absentee voting law and (2) makes those who willfully violate any such law guilty of a class D felony (CGS §§ [9-7b](#), [9-359](#), and [9-359a](#)). By law, a class D felony is punishable by up to five years in prison, a fine up to \$5,000, or both.

For more information on Connecticut's absentee voting law, see this [SEEC publication](#).

## Prohibited Activities

State absentee ballot law prohibits various activities in an election, primary, or referendum.

Principally, it prohibits:

1. misrepresenting absentee voting eligibility;
2. mailing unsolicited absentee ballot applications without including a (a) written explanation of the eligibility requirements and (b) warning of the penalties for voting or attempting to vote by absentee ballot without meeting them;

3. helping or being present when a voter completes a ballot, including during supervised absentee voting at a group home or similar facility, unless acting as an “authorized agent” for a person who is unable to write or as the registrar of voter supervising the voting;
4. taking possession of a ballot or delivering a completed ballot, unless designated to do so by the voter;
5. accepting an application with known false information; or
6. giving or accepting compensation solely for distributing absentee ballot applications or for assisting a person in executing an absentee ballot (CGS §§ [9-135](#), [9-140](#) and [9-140b](#)).

In addition, the law prohibits:

1. executing an absentee ballot in order to inform another person of how one votes, or procuring an absentee ballot for the same purpose;
2. willfully attempting to determine how an elector marks an absentee ballot, including in one’s capacity as a town clerk, election moderator, or absentee ballot counter;
3. unlawfully opening or filling out an elector's absentee ballot, other than when acting as an authorized agent for a person who is unable to write;
4. executing an absentee ballot, as an authorized agent, contrary to an elector's wishes; or
5. willfully violating any state absentee voting law ([CGS § 9-359](#)).

The law generally requires all absentee ballot materials, including applications and ballot envelopes, to be signed under penalties of false statement. By law, a person is guilty of false statement in absentee balloting when (1) he or she intentionally makes a false written statement in or on, or signs the name of another person to, an absentee ballot application or inner envelope, which he or she does not believe to be true and (2) the statement or signature is intended to mislead a public servant in performing official functions ([CGS § 9-359a](#)).

## **Detecting and Investigating Fraud**

By law, SEEC receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath concerning alleged election law violations. It investigates and holds hearings as it deems appropriate.

Generally, local election officials are best positioned to detect voter fraud, including absentee ballot fraud. Registrars of voters are responsible for registering voters; removing the names of those who have moved, died, or are otherwise disenfranchised; canvassing voters to ascertain residency;

preparing registry lists for polling places; and supervising poll workers and moderators. Town clerks share voter registration duties and are responsible for issuing, receiving, and filing absentee ballots.

### ***Process for Handling Fraud Suspicions***

A registrar, town clerk, or any other individual who suspects absentee ballot fraud may submit a complaint to SEEC. During an investigation, SEEC has broad authority to administer oaths, receive evidence, and subpoena witnesses. In connection with an absentee ballot law investigation, SEEC has the additional authority to subpoena town clerks to require absentee ballots or related materials to be produced for examination.

SEEC refers to the Office of the Chief State's Attorney any evidence it finds bearing upon criminal violations of election law, including absentee fraud. It can also ask the attorney general for injunctive or any other appropriate equitable relief based on evidence it finds ([CGS § 9-7b\(a\)\(8\)](#)).

### ***Penalties for Absentee Ballot Fraud***

Upon finding a violation, SEEC may (1) impose a civil penalty of \$2,000 per offense against any individual it finds to be in violation of any state absentee voting law or (2) issue an order revoking the violator's eligibility to be appointed or serve as an election, primary, or referendum official, or in any capacity at the polls. In addition, an individual who willfully violates an absentee ballot law is guilty of a class D felony, punishable by up to five years in prison, a fine up to \$5,000, or both.

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