
OLR Bill Analysis

SB 390

AN ACT CONCERNING PENALTIES FOR CERTAIN ELECTION CRIMES.

SUMMARY

This bill establishes a mandatory minimum term of imprisonment of 12 months for several election crimes found in state election law. Specifically, the bill applies this to the following offenses:

1. tampering with a tabulator by an election official (§ 1);
2. making a false statement by an election official on an election statement, certificate, or return, or regarding tabulator results (§ 2);
3. improper printing of the ballot (§ 3);
4. neglect or failure to perform election duties related to voting machines and tabulators or certain other matters (e.g., canvassing) (§ 4);
5. impropriety regarding absentee ballots, specifically, (a) attempting to ascertain a voter's choices on an absentee ballot; (b) unlawfully opening or filling out an absentee ballot; (c) as a designee, filling out an absentee ballot contrary to the voter's wishes; or (d) willfully violating the state's absentee balloting laws (§ 5);
6. making a false statement when signing the name of another person on an absentee ballot application or absentee ballot (see below) (§ 6);
7. circulating misleading instructions (§ 7);

8. influencing a voter to refrain from voting, such as by force or threat (§ 8);
9. employer discrimination or threats to employees regarding voting (§ 9);
10. interfering with electors in voting (specifically, invading the secrecy of voting) (§ 10); and
11. misrepresenting the contents of an election petition (§ 11).

The bill also separates the existing crime of making a false statement in absentee balloting into two separate criminal offenses; both are still a class D felony, but only the first-degree crime is subject to the bill's mandatory minimum prison term.

Under the bill, it is a violation in the first degree to intentionally sign the name of another person on an absentee ballot application or the inner envelope accompanying the ballot. An intentionally false written statement on an absentee ballot application or the inner envelope is a second-degree violation. In either case, the crime applies when the person intended to mislead a public servant in their duties.

Under existing law and unchanged by the bill, all but one of the above-listed crimes are class D felonies, punishable by up to five years' imprisonment, a fine of up to \$5,000, or both. Neglect of or fraud in certain election duties (§ 4) is a class E felony, punishable by up to three years' imprisonment, a fine of up to \$3,500, or both.

EFFECTIVE DATE: October 1, 2024

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 6 (03/26/2024)