



# Senate

General Assembly

**File No. 476**

February Session, 2024

Substitute Senate Bill No. 390

*Senate, April 15, 2024*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PENALTIES FOR CERTAIN ELECTION CRIMES.***

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

1 Section 1. Section 9-352 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 Any election official who, with intent to cause or permit any voting  
4 tabulator to fail to correctly register all votes cast thereon, tampers with  
5 or disarranges such tabulator in any way or any part or appliance  
6 thereof, or causes such tabulator to be used or consents to its being used  
7 for voting at any election with knowledge of the fact that the same is not  
8 in order, or not perfectly set and adjusted to correctly register all votes  
9 cast thereon, or who, for the purpose of defrauding or deceiving any  
10 elector or of causing it to be doubtful for what candidate or candidates  
11 or proposition any vote is cast, or causing it to appear upon such  
12 tabulator that votes cast for one candidate or proposition were cast for  
13 another candidate or proposition, removes, changes or mutilates any

14 ballot, shall be guilty of a class D felony with a minimum term of  
15 imprisonment of twelve months that may not be suspended or reduced.

16 Sec. 2. Section 9-353 of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2024*):

18 Any election official who, at the close of the polls, purposely causes  
19 the vote registered on the tabulator to be incorrectly taken down as to  
20 any candidate or proposition voted on, or who knowingly causes to be  
21 made or signed any false statement, certificate or return of any kind, of  
22 such vote, or who knowingly consents to any such act, shall be guilty of  
23 a class D felony with a minimum term of imprisonment of twelve  
24 months that may not be suspended or reduced.

25 Sec. 3. Section 9-354 of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2024*):

27 Any person who prints or causes to be printed upon any official ballot  
28 the name of any person not a candidate of a party whose name is printed  
29 at the head of the column containing such nominees, or who prints or  
30 causes to be printed any authorized ballot in any manner other than that  
31 prescribed by the Secretary of the State, shall be guilty of a class D felony  
32 with a minimum term of imprisonment of twelve months that may not  
33 be suspended or reduced.

34 Sec. 4. Section 9-355 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2024*):

36 Any person who, without reasonable cause, neglects to perform any  
37 of the duties required of him by the laws relating to elections or  
38 primaries and for which neglect no other punishment is provided, and  
39 any person who is guilty of fraud in the performance of any such duty,  
40 and any person who makes any unlawful alteration in any list required  
41 by law, shall be fined not more than three hundred dollars or be  
42 imprisoned not more than [one year] twelve months or be both fined  
43 and imprisoned. Any official who is convicted of fraud in the  
44 performance of any duty imposed upon him by any law relating to the

45 registration or admission of electors or to the conduct of any election  
46 shall be disfranchised. Any public officer or any election official upon  
47 whom any duty is imposed by part I of chapter 147 and sections 9-308  
48 to 9-311, inclusive, who wilfully omits or neglects to perform any such  
49 duty or does any act prohibited therein for which punishment is not  
50 otherwise provided shall be guilty of a class E felony with a minimum  
51 term of imprisonment of twelve months that may not be suspended or  
52 reduced.

53 Sec. 5. Section 9-359 of the general statutes is repealed and the  
54 following is substituted in lieu thereof (*Effective October 1, 2024*):

55 (a) Any [(1)] person who executes an absentee ballot for the purpose  
56 of informing any other person how he votes, or who procures any  
57 absentee ballot to be prepared for such purpose, [(2)] shall be guilty of a  
58 class D felony.

59 (b) Any (1) municipal clerk or moderator, elector appointed to count  
60 any absentee ballot or other person who wilfully attempts to ascertain  
61 how any elector marked his absentee ballot or how it was cast, [(3)] (2)  
62 person who unlawfully opens or fills out, except as provided in section  
63 9-140a with respect to a person unable to write, any elector's absentee  
64 ballot signed in blank, [(4)] (3) person designated under section 9-140a  
65 who executes an absentee ballot contrary to the elector's wishes, or [(5)]  
66 (4) person who wilfully violates any provision of chapter 145, shall be  
67 guilty of a class D felony with a minimum term of imprisonment of  
68 twelve months that may not be suspended or reduced.

69 Sec. 6. Section 9-359a of the general statutes is repealed and the  
70 following is substituted in lieu thereof (*Effective October 1, 2024*):

71 (a) (1) A person is guilty of false statement in absentee balloting in the  
72 first degree when such person intentionally signs the name of another  
73 person to the application for an absentee ballot or the inner envelope  
74 accompanying any such ballot, which such person does not believe to  
75 be true and which signature is intended to mislead a public servant in  
76 the performance of such public servant's official function.

77       (2) False statement in absentee balloting in the first degree is a class  
78 D felony with a minimum term of imprisonment of twelve months that  
79 may not be suspended or reduced.

80       [(a)] (b) (1) A person is guilty of false statement in absentee balloting  
81 in the second degree when [he] such person intentionally makes a false  
82 written statement in or on [or signs the name of another person to] the  
83 application for an absentee ballot or the inner envelope accompanying  
84 any such ballot, which [he] such person does not believe to be true and  
85 which statement [or signature] is intended to mislead a public servant  
86 in the performance of [his] such public servant's official function.

87       [(b)] (2) False statement in absentee balloting in the second degree is  
88 a class D felony.

89       Sec. 7. Section 9-363 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective October 1, 2024*):

91       Any person who, with intent to defraud any elector of his or her vote  
92 or cause any elector to lose his or her vote or any part thereof, gives in  
93 any way, or prints, writes or circulates, or causes to be written, printed  
94 or circulated, any improper, false, misleading or incorrect instructions  
95 or advice or suggestions as to the manner of voting on any tabulator, the  
96 following of which or any part of which would cause any elector to lose  
97 his or her vote or any part thereof, or would cause any elector to fail in  
98 whole or in part to register or record the same on the tabulator for the  
99 candidates of his or her choice, shall be guilty of a class D felony with a  
100 minimum term of imprisonment of twelve months that may not be  
101 suspended or reduced.

102       Sec. 8. Section 9-364 of the general statutes is repealed and the  
103 following is substituted in lieu thereof (*Effective October 1, 2024*):

104       Any person who, with intent to disenfranchise any elector, influences  
105 or attempts to influence by force or threat, bribery or corrupt, fraudulent  
106 or deliberately deceitful means any elector to stay away from any  
107 election shall be guilty of a class D felony with a minimum term of

108 imprisonment of twelve months that may not be suspended or reduced.

109 Sec. 9. Section 9-365 of the general statutes is repealed and the  
110 following is substituted in lieu thereof (*Effective October 1, 2024*):

111 Any person who (1) during the period that is sixty days or less prior  
112 to any election, municipal meeting, school district election or school  
113 district meeting, attempts to influence the vote of any operative in his or  
114 her employ by threats of withholding employment from him or her or  
115 by promises of employment, or (2) dismisses any operative from his or  
116 her employment on account of any vote he or she has given at any such  
117 election or meeting, shall be guilty of a class D felony with a minimum  
118 term of imprisonment of twelve months that may not be suspended or  
119 reduced.

120 Sec. 10. Section 9-366 of the general statutes is repealed and the  
121 following is substituted in lieu thereof (*Effective October 1, 2024*):

122 Any person who induces or attempts to induce any elector to write,  
123 paste or otherwise place, on a ballot, or a table or booth used for voting,  
124 any name, sign or device of any kind, as a distinguishing mark by which  
125 to indicate to another how such elector voted, or enters into or attempts  
126 to form any agreement or conspiracy with any person to induce or  
127 attempt to induce electors or any elector to so place any distinguishing  
128 mark on such ballot, table or booth, or attempts to induce any elector to  
129 do anything with a view to enabling another person to see or know for  
130 what persons or any of them such elector votes, or enters into or  
131 attempts to form any agreement or conspiracy to induce any elector to  
132 do any act for the purpose of enabling another person or persons to see  
133 or know for what person or persons such elector votes, or attempts to  
134 induce any person to place himself or herself in such position, or to do  
135 any other act for the purpose of enabling him or her to see or know for  
136 what candidates any elector other than himself or herself votes, or  
137 himself or herself attempts to get in such position to do any act so that  
138 he or she will be enabled to see or know how any elector other than  
139 himself or herself votes, or does any act which invades or interferes with  
140 the secrecy of the voting or causes the same to be invaded or interfered

141 with, shall be guilty of a class D felony with a minimum term of  
142 imprisonment of twelve months that may not be suspended or reduced.

143 Sec. 11. Section 9-368c of the 2024 supplement to the general statutes  
144 is repealed and the following is substituted in lieu thereof (*Effective*  
145 *October 1, 2024*):

146 (a) No person shall intentionally misrepresent the contents of a  
147 petition circulated under this title.

148 (b) Any person who violates any provision of this section shall be  
149 guilty of a class D felony with a minimum term of imprisonment of  
150 twelve months that may not be suspended or reduced.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	9-352
Sec. 2	<i>October 1, 2024</i>	9-353
Sec. 3	<i>October 1, 2024</i>	9-354
Sec. 4	<i>October 1, 2024</i>	9-355
Sec. 5	<i>October 1, 2024</i>	9-359
Sec. 6	<i>October 1, 2024</i>	9-359a
Sec. 7	<i>October 1, 2024</i>	9-363
Sec. 8	<i>October 1, 2024</i>	9-364
Sec. 9	<i>October 1, 2024</i>	9-365
Sec. 10	<i>October 1, 2024</i>	9-366
Sec. 11	<i>October 1, 2024</i>	9-368c

**Statement of Legislative Commissioners:**  
In Section 5(a), "or procures" was changed to "or who procures" for consistency.

**GAE** Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept.; Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill imposes mandatory minimum imprisonment of twelve months for existing class E and class D felonies for certain election crimes, resulting in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300<sup>1</sup> while the average marginal cost for supervision in the community is less than \$800<sup>2</sup> each year for adults and \$1,000 each year for juveniles. Few violations are expected in the future.<sup>3</sup>

<sup>1</sup>Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup>Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

<sup>3</sup>Since FY 14, less than 20 offenses have been recorded for violations of CGS 9-359a and 0 were recorded for the other impacted violations. No revenue was collected for these violations.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.



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**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)