

## **Protections Against Voter Intimidation, Reaffirm Commitment to Ensuring Every Connecticut Voter is Able to Safely and Conveniently Cast Their Ballot**

*Merrill sends memo to local election officials detailing protections in both state and federal law against voter intimidation*

HARTFORD – Secretary of the State Denise Merrill, Attorney General William Tong, and Chief State’s Attorney Richard J. Colangelo, Jr. today outlined the applicable federal and Connecticut state protections against voter intimidation. Secretary Merrill sent a memo to local election officials detailing these protections and asking them to be vigilant on behalf of Connecticut voters. Recent events in Connecticut and nationally have generated interest on the part of voters, local election officials, and the media.

**“In Connecticut, we take potential voter intimidation very seriously, and Connecticut voters deserve to know that no one will be allowed to interfere with or deny their right to cast their ballot and make their voice heard,”** said Secretary Merrill. **“Both Connecticut and federal law offer strong protections to voters against intimidation and every election official in Connecticut, from my office to poll workers in each town, will be vigilant in protecting our citizens to ensure that every eligible voter in Connecticut is able to safely cast their vote without intimidation.”**

**“Vote. Vote safely and confidently, and know that your vote will count. And after all the ballots are counted, the will of the American people will be respected,”** said Attorney General Tong. **“If you see something, say something. Voter intimidation and suppression is illegal and unacceptable and will not be tolerated anywhere in Connecticut. Working together with the Secretary of the State and our law enforcement partners, we will do everything in our power to protect the safety and legitimacy of this election.”**

**“The Division of Criminal Justice will work alongside state and local election officials and law enforcement to ensure that no Connecticut resident is intimidated or threatened as they cast their ballot on Election Day,”** said Chief State’s Attorney Colangelo. **“Connecticut’s State’s Attorneys and I have confidence in state and local officials to enforce election laws and to report fraud and other violations. Any instances of residents being intimidated from exercising their constitutional right to vote will be reported to local and state law**

**enforcement officials and addressed appropriately by police and prosecutorial authorities.”**

Connecticut General Statutes Title 9 expressly prohibits voter intimidation and creates a high bar to challenging the eligibility of voters:

Sec. 9-364. Influencing elector to refrain from voting. Any person who, with intent to disenfranchise any elector, 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 guilty of a class D felony.

Sec. 9-364a. (Formerly Sec. 9-344). Acts prohibited in elections, primaries, referenda, caucuses and conventions. Penalties. 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 guilty of a class C felony.

Sec. 9-230. Authority of registrars and moderators to prevent or suppress disorder. The registrars of voters may request the head of the police department of the municipality, or, if none, a constable serving such municipality, to provide police protection at any polling place of any regular or special state or municipal election where they may anticipate disorder. The moderator of such election may, when any disorder arises in such election and the offender refuses to submit to the moderator's lawful authority, order any officer with power of arrest to take the offender into custody and, if necessary, to remove the offender from such election until the offender conforms to order or, if need be, until such election is closed, and thereupon such officer may command all necessary assistance. Any person refusing to assist when commanded shall be liable to the same penalties as for refusing to assist constables in the execution of their duties, but no person commanded to assist shall be deprived of such person's right to vote at such election, nor shall the offender be so deprived any longer than the offender refuses to conform to order.

Sec. 9-232. Challengers. (b) Challenges shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes such a person not to be qualified and entitled to vote. Any challenge by an elector and the statement of the person challenged shall be under oath, administered by the moderator.

Federal law also offers protection against voter intimidation:

18 U.S. Code §245 Federally protected activities. (b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with— (1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from— (A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election

... shall be fined under this title, or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under this title, or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. As used in this section, the term "participating lawfully in speech or peaceful assembly" shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot.

18 U.S. Code § 594. Intimidation of voters. Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined under this title or imprisoned not more than one year, or both.

52 U.S. Code §10101. Voting rights. (b) Intimidation, threats, or coercion. No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

52 U.S. Code §20511. Criminal penalties. A person, including an election official, who in any election for Federal office— (1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for— (A) registering to vote, or voting, or attempting to register or vote; (B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or (C) exercising any right under this chapter; or (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by— (A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

**Secretary Merrill concluded her memo by writing, "Our democracy rests on the consent of the citizens of the United States to the rule of their government as expressed at free and fair elections. Connecticut and federal law have strong**

**protections for the fundamental right of Connecticut citizens to freely make their voices heard in our elections, and as election officials it is our duty to ensure that those votes are able to be cast without fear of intimidation or artificial, extralegal barriers. Every eligible voter in Connecticut must be able to exercise their fundamental right to vote. Thank you for your commitment to this ideal.”**

The Secretary of the State is Connecticut’s Chief Election Official and is charged with interpreting Connecticut General Statutes Title 9, Connecticut’s election laws.

The Office of the Attorney General is the state’s chief civil law enforcement officer and represents the Office of the Secretary of the State. The Office of the Attorney General has successfully defended the constitutionality of the state’s measures to protect voters during this unprecedented pandemic.

The Office of the Chief State's Attorney is responsible for the statewide administrative functions of the Division of Criminal Justice which is in charge of the investigation and prosecution of all criminal matters. The Office of the Chief State's Attorney includes specialized units for the investigation and prosecution of certain criminal matters and for representing the state in appellate and other legal matters.