



Office of the Secretary of the State
165 Capitol Avenue
Hartford, CT 06106

To: All Town Clerks, Registrars of Voters, and the Connecticut Police Chiefs Association

From: Office of the Secretary of the State

Date: October 17, 2022

Re: Voter Intimidation and Polling Place Restrictions

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. 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, must be vigilant in protecting our citizens to ensure that every eligible voter in Connecticut is able to safely cast their vote without intimidation.

To be clear, we have no information that there will be any intentional acts of interference or intimidation at the polls in Connecticut. We have a great history in our state of orderly and professionally run elections. However, we have identified several state statutes that prohibit such activity and wanted to provide you with an overview of these statutes.

There are statutes that allow local election officials to partner with local law enforcement in certain circumstances. For example, if there is disorder at the polls the moderator may request assistance from the police.

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.

In addition, Connecticut General Statutes Title 9 prohibits certain electioneering within 75 feet of any entrance to a polling location. Should the local moderator be unable to properly handle interference within such 75-foot zone, they may request the assistance of the police.

Sec. 9-236. Activities prohibited in and near polling place; distance markers; entry restricted; exceptions (Excerpt). (a) On the day of any primary, referendum or election, no person shall solicit on behalf of or in opposition to the candidacy of another or himself or on behalf of or in opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach...The moderator shall evict any person who in any way interferes with the orderly process of voting.

This same section also restricts access to the polls to anyone other than a voter, designee of the Secretary of the State or poll workers.

Sec. 9-236. Activities prohibited in and near polling place; distance markers; entry restricted; exceptions (Excerpt)....(c) No person shall be allowed within any polling place for any purpose other than casting his or her vote, except (1) those permitted or exempt under this section or section 9-236a, (2) primary officials under section 9-436, (3) election officials under section 9-258, including (A) a municipal clerk or registrar of voters, who is a candidate for the same office, performing his or her official duties, and (B) a deputy registrar of voters, who is a candidate for the office of registrar of voters, performing his or her official duties, or (4) party checkers under section 9-235. Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator.

(d) Any person who violates any provision of this section or, while the polls are open for voting, removes or injures any such distance marker, shall be guilty of a class C misdemeanor.

Once a voter has voted and placed their ballot in the tabulator, they must leave the polling place immediately. No voter is permitted to linger in the polling place any longer than it takes to cast their ballot.

Sec. 9-261. Process of voting (Excerpt)....(e) If not challenged by anyone lawfully present in the polling place, the elector shall be permitted to pass to the separated area to receive the ballot. The elector shall give any receipt the elector has received to a ballot clerk who shall give the elector a ballot to vote only in the primary of the party specified by the receipt. The elector shall be permitted into the voting booth area, and shall then register his or her vote in secret. Having voted, the elector shall immediately exit the voting booth area and deposit the ballot in the voting tabulator and leave the room. No elector shall remain within the voting booth longer than the time necessary to complete the ballot, and, if the elector refuses to leave such booth after completing the ballot, the elector shall at once be removed by the election officials upon order of the moderator.

In addition to specific statutory sections regarding polling place activities, 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. 9-232. Challengers. (Excerpt)(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. (Excerpt).... (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 (Excerpt)..... (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.

Regarding guns at polling places, according to a September 2020 survey by the Giffords Law Center PREVENTING ARMED VOTER INTIMIDATION: A State-by-State Analysis summarizes Connecticut as follows:

CONNECTICUT - Connecticut does not prohibit guns at polling locations but does prohibit guns on school grounds. A state permit is required for open carry of handguns. Connecticut has no other state law that specifically prohibits the use of firearms to intimidate or harass. Connecticut generally requires that any person seeking to carry a pistol or revolver, whether openly or concealed, obtain a state permit. Conn. Gen. Stat. § 29-35(a). Connecticut has no law that specifically restricts the open carrying of a long gun in public.

Finally, although Connecticut General Statutes Title 9 allows local election officials to regulate activity inside the 75-foot restricted area, it falls to any local ordinance or other state laws with regard to activity occurring outside of the 75-foot restricted area such as the placement of political signs on public property, public gatherings, and access to public or interference with traffic on public roads for example.

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.

Thank you very much for your assistance and interest in the administration of the November 2022 General Election.