

H.541

Introduced by Representatives Goodnow of Brattleboro and Nugent of South

Burlington

Referred to Committee on

Date:

Subject: Elections; offenses against the purity of elections; penalties upon

voters; interference with voters and election officials

Statement of purpose of bill as introduced: This bill proposes to impose criminal and civil penalties on any person who interferes with voters' right to vote or election officials for the purpose of disrupting the preparation or operation of an election.

An act relating to interference with voters and election officials

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 17 V.S.A. § 1972 is amended to read:~~

~~§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER~~

~~(a) A voter who, except in cases of assistance as provided in this title, allows his or her the voter's ballot to be seen by another person with an apparent intention of letting it be known how ~~he or she~~ the voter is about to vote or makes a false statement to the presiding officer at an election as to his~~

1 ~~or her the voter's inability to mark his or her the voter's ballot or places a~~
2 ~~distinguishing mark on his or her the voter's ballot or a person who interferes~~
3 ~~with a voter when inside the guard rail or who, within the building in which~~
4 ~~the voting is proceeding, endeavors to induce a voter to vote for a particular~~
5 ~~candidate, shall be fined \$1,000.00.~~

6 (b) ~~It shall be the duty of the election officers to see that the offender is~~
7 ~~duly prosecuted for a violation of this section.~~

8 Sec. 2. 17 V.S.A. § 1973 is added to read:

9 § 1973. INTERFERENCE WITH VOTERS AND ELECTION OFFICIALS

10 A person shall be imprisoned not more than two years or fined not more
11 than \$2,000.00, or both, if that person intimidates, threatens, coerces, or
12 attempts to intimidate, threaten, or coerce:

13 (1) any other person for the purpose of interfering with the right of such
14 other person to vote or to vote as the voter may choose, or of causing the other
15 person to vote for, or not to vote for, any candidate for public office at any
16 election; or

17 (2) a candidate for public office, a public servant, an election official, or
18 a public employee for the purpose of interfering with the preparation or
19 operation of an election.

20 Sec. 3. 17 V.S.A. chapter 35, subchapter 4 is added to read:

21 ~~Subchapter 4. Enforcement and Investigation~~

§ 2041. ENFORCEMENT

In addition to the other remedies provided in this chapter, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

§ 2042. CIVIL INVESTIGATIONS

(a)(1) The Attorney General or a State's Attorney, whenever there is reason to believe any person to be or to have been in violation of this chapter, may examine or cause to be examined by any designated agent or representative any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a State's Attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where such person resides or has a place of business or in Washington County if such person is a nonresident or has no place of business within the State and may take testimony and require proof material for that person's information and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a State's Attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause

1 ~~of the demand for written responses personally or by certified mail upon such~~
2 person at that person's principal place of business or, if such place is not
3 known, to that person's known address. Such notice shall include a statement
4 that a knowing and intentional violation of this chapter is subject to criminal
5 prosecution.

6 (4) Any book, record, paper, memorandum, or other information
7 produced by any person pursuant to this section shall not, unless otherwise
8 ordered by a court of this State for good cause shown, be disclosed to any
9 person other than the authorized agent or representative of the Attorney
10 General or a State's Attorney or another law enforcement officer engaged in
11 legitimate law enforcement activities unless with the consent of the person
12 producing the same, except that any transcript of oral testimony, written
13 responses, documents, or other information produced pursuant to this section
14 may be used in the enforcement of this chapter, including in connection with
15 any civil action brought under this subchapter or subsection (c) of this section.

16 (5) Nothing in this subsection is intended to prevent the Attorney
17 General or a State's Attorney from disclosing the results of an investigation
18 conducted under this section, including the grounds for the decision as to
19 whether to bring an enforcement action alleging a violation of this chapter or
20 of any rule made pursuant to this chapter.

1 ~~(6) This subsection shall not be applicable to any criminal investigation~~
2 ~~or prosecution brought under the laws of this or any state.~~

3 ~~(b)(1) A person upon whom a notice is served pursuant to the provisions of~~
4 ~~this section shall comply with its terms unless otherwise provided by the order~~
5 ~~of a court of this State.~~

6 ~~(2) Any person who, with intent to avoid, evade, or prevent compliance,~~
7 ~~in whole or in part, with any civil investigation under this section, removes~~
8 ~~from any place; conceals, withholds, or destroys; or mutilates, alters, or by any~~
9 ~~other means falsifies any documentary material in the possession, custody, or~~
10 ~~control of any person subject to such notice or mistakes or conceals any~~
11 ~~information shall be fined not more than \$5,000.00.~~

12 ~~(c)(1) Whenever any person fails to comply with any notice served upon~~
13 ~~that person under this section or whenever satisfactory copying or reproduction~~
14 ~~of any such material cannot be done and the person refuses to surrender the~~
15 ~~material, the Attorney General or a State's Attorney may file, in the Superior~~
16 ~~Court in the county in which the person resides or of that person's principal~~
17 ~~place of business or in Washington County if the person is a nonresident or has~~
18 ~~no principal place of business in this State, and serve upon the person a~~
19 ~~petition for an order of the court for the enforcement of this section.~~

20 ~~(2) Whenever any petition is filed under this section, the court shall~~
21 ~~have jurisdiction to hear and determine the matter so presented and to enter~~

1 ~~any order or orders as may be required to carry into effect the provisions of~~
2 this section. Any disobedience of any order entered under this section by any
3 court shall be punished as a contempt of the court.

4 (d) Any person aggrieved by a civil investigation conducted under this
5 section may seek relief from Washington Superior Court or the Superior Court
6 in the county in which the aggrieved person resides. Except for cases the court
7 considers to be of greater importance, proceedings before Superior Court as
8 authorized by this section shall take precedence on the docket over all other
9 cases.

10 Sec. 4. EFFECTIVE DATE

11 ~~This act shall take effect on passage.~~

Sec. 1. 17 V.S.A. § 1972 is amended to read:

§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

(a) A voter who, except in cases of assistance as provided in this title, allows ~~his or her~~ the voter's ballot to be seen by another person with an apparent intention of letting it be known how ~~he or she~~ the voter is about to vote or makes a false statement to the presiding officer at an election as to ~~his or her~~ the voter's inability to mark ~~his or her~~ the voter's ballot or places a distinguishing mark on ~~his or her~~ the voter's ballot or a person who interferes with a voter when inside the guard rail or who, within the building in which

~~the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined \$1,000.00.~~

~~(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.~~

Sec. 2. 17 V.S.A. § 1975 is added to read:

§ 1975. INTERFERENCE WITH VOTERS AND ELECTION OFFICIALS

(a) No person shall intentionally or recklessly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce:

(1) any other person for the purpose of:

(A) obstructing the right of the other person to vote or to vote as the other person may choose; or

(B) causing the other person to vote for, or not to vote for, any candidate for public office or public question at any election; or

(2) a public servant, an election official, or a public employee for the purpose of obstructing the administration of an election.

(b) A person who violates subsection (a) of this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.