

SIDE-BY-SIDE
of
H.541. “An act relating to interference with voters and election officials”
&
S.298. “An act relating to creating the Vermont Voting Rights Act”

Introductory Notes:

- This only compares the “election interference” portions of each bill, that is Secs. 1-2 of H.541 and Sec. 3 of S.298.
- Penalties are mostly the same: Violators “shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.” (Except § 1934. Interference with Voting, in which violators “shall be imprisoned not more than six months or fined not more than \$1,000.00, or both, for each affected voter.”)
- Private right of action in S.298, but not in H.541.
- S.298 §§ 1934 and 2023 both include language explicitly applying those prohibitions to all elections and caucuses.
- Color coding:
 - Person committing conduct
 - Person affected by conduct
 - Conduct
 - Mens rea
 - Penalties
 - Private right of action

H.541. “An act relating to interference with voters and election officials”	S.298. “An act relating to creating the Vermont Voting Rights Act”
<p>§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER</p> <p>(a) A voter who, except in cases of assistance as provided in this title, allows his or her <u>the voter’s</u> ballot to be seen by another person with an apparent intention of letting it be known how he or she <u>the voter</u> is about to vote or makes a false statement to the presiding officer at an election as to his or her <u>the voter’s</u> inability to mark his or her <u>the voter’s</u> ballot or places a distinguishing mark on his or her <u>the voter’s</u> ballot or a person who interferes with a voter when inside the</p>	<p>[No modifications to §1972.]</p>

<p>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.</p> <p>(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.</p>	
<p><u>§ 1975. INTERFERENCE WITH VOTERS AND ELECTION OFFICIALS</u></p> <p>(a) No <u>person</u> shall <u>intentionally or recklessly</u> intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce:</p> <p>(1) <u>any other person</u> for the purpose of:</p> <p>(A) <u>obstructing the right of the other person to vote or to vote as the other person may choose; or</u></p> <p>(B) <u>causing the other person to vote for, or not to vote for, any candidate for public office or public question at any election; or</u></p> <p>(2) <u>a public servant, an election official, or a public employee</u> for the purpose of <u>obstructing the administration of an election.</u></p> <p>(b) A person who violates subsection (a) of this section shall be <u>imprisoned not more than two years or fined not more than \$2,000.00, or both.</u></p>	<p><u>§ 1934. INTERFERENCE WITH VOTING</u></p> <p>(a) An <u>election officer</u> or a <u>person acting under color of the law</u> shall not <u>intentionally</u>:</p> <p>(1) <u>refuse to permit or fail to permit a qualified voter to vote;</u></p> <p>(2) <u>refuse or fail to tabulate, count, or report the vote of a qualified voter;</u></p> <p>(3) <u>change a ballot of a voter to prevent the voter from voting as the voter desires.</u></p> <p>(b)(1) A person who violates subdivision (a)(1) or (2) of this section shall be subject to <u>a civil penalty of not more than \$1,000.00 for each affected voter.</u></p> <p>(2) A person who violates subdivision (a)(3) or (4) of this section shall be <u>imprisoned not more than six months or fined not more than \$1,000.00, or both, for each affected voter.</u></p> <p>(c) <u>This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.</u></p>
	<p><u>§ 2022. INTIMIDATION OF ELECTION OFFICERS</u></p> <p>(a) A <u>person</u> shall not <u>intentionally, by bribery, intimidation, threats, coercion, or other means in violation of the election laws, hinder or prevent, or attempt to hinder or prevent, an election officer at any polling place from holding an election.</u></p>

	<p><u>(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.</u></p>
	<p><u>§ 2023. INTIMIDATION OF VOTERS; CIVIL CAUSE OF ACTION</u></p> <p><u>(a) A person shall not intentionally intimidate, threaten, or coerce, or intentionally attempt to intimidate, threaten, or coerce:</u></p> <p><u>(1) any other person in giving the person's vote or ballot; or</u></p> <p><u>(2) a voter to deter or prevent the voter from voting.</u></p> <p><u>(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.</u></p> <p><u>(c) In addition to the criminal penalty provided in subsection (b) of this section, such actions shall also create a private cause of action. A voter who is intimidated, threatened, or coerced by another person in violation of subsection (a) of this section shall be entitled to institute an action for injunctive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against such person. The action shall be initiated in the Civil Division of the Superior Court in the county in which the alleged violation has occurred. A court may, in its discretion, allow a private plaintiff a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing party.</u></p> <p><u>(d) This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.</u></p>

§ 2024. COMMUNICATION OF FALSE INFORMATION TO ELIGIBLE VOTERS

(a) A **person** shall not **intentionally** communicate to a registered voter false information, knowing the information to be false, for the purpose of impeding the voter in exercising the voter's right to vote. The provisions of this section shall apply to information only about the date, time, or place of the election; how to register to vote; or a voter's registration status.

(b) Any person who violates the provisions of subsection (a) of this section shall be **imprisoned not more than six months or fined not more than \$1,000.00, or both**. A violation may be prosecuted in the Superior Court in either the county in which the alleged communication was made or in the county in which the communication was received, if different.

(c) In addition to the criminal penalty provided in subsection (b) of this section, a violation of the provisions of this section shall also create a private cause of action. A registered voter to whom such false information is communicated shall be entitled to institute an action for injunctive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the person communicating such false information. The action shall be initiated in the Superior Court in either the county in which the alleged communication was made or in the county in which the communication was received, if different. The court may, in its discretion, allow a private plaintiff a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing party.