

**Testimony before the Joint Committee on Government Administration and Elections regarding House Bill 5173, An Act Protecting the Privacy of Voters**

**Michele Jacklin, co-chair, Legislative Committee, Connecticut Council on Freedom of Information, February 26, 2018**

Good afternoon Sen. Flexor, Sen. McLachlan, Rep. Fox and honorable members of the GAE Committee.

My name is Michele Jacklin, and I am legislative co-chair of the Connecticut Council on Freedom of Information (CCFOI). We are a 63-year-old organization comprised of CT media outlets and defenders of the First Amendment. Our mission is to advocate for strong Freedom of Information laws that guarantee the rights of individuals and journalists under the First Amendment to the United States Constitution and under the Connecticut Constitution, and to promote government openness and transparency.

We appreciate the opportunity to share our views on legislation that would exempt voter registration information from public disclosure. We oppose HB5173 on the grounds that it is unconstitutional, unnecessary, vague and would not accomplish its key objective, which is to make it harder to steal CT voter identities.

Under existing law, the names, addresses, dates of birth, phone numbers, political affiliation and voting histories of voters are public information. Let's be clear: that data is essential to the conduct of political campaigns through the dissemination of a candidate's ideas and positions; to GOTV efforts; to ascertaining whether voters need absentee ballots or rides to the polls; and to many other purposes that serve as the underpinnings of our democratically run elections.

An unintended consequence of this legislation could be voter suppression because Secretary of the State Denise Merrill's proposal would only provide access to that information, under narrowly defined conditions, to candidates; political parties and committees; and scholars and journalists. In all circumstances, voters' birthdates would be concealed but their ages would be made public.

In this era of the Internet, social media and enterprising computer experts and hackers, nearly all of that information is readily available with a few clicks of a mouse. Try googling yourself and you will find a wealth of personal information, most of it free and some of it for a fee. If you doubt me, take a look at [www.truthfinder.com](http://www.truthfinder.com). Thus, it is pointless for the state to try to conceal that data under the premise of stopping identity theft when the data can be easily obtained from a wide variety of sources.

The bill prohibits the use of voter information for personal and commercial purposes, and if it is used to harass voters. That language is so vague as to render it meaningless. As you know, voter information is often used so that candidates and the companies they hire can send direct mail pieces promoting that individual's candidacy. Is that a private purpose? A commercial purpose? Would that use be outlawed?

Also, one person's definition of harassment is another person's definition of a public service. For example, robocalls are often made to remind voters to go to the polls. That reminder is particularly important in municipal elections and August primaries, when many people forget that elections are being held and welcome the calls. However, to others, those calls constitute harassment. Would the individual who recorded the call be guilty of a class C felony punishable by 10 years in prison and a \$10,000 fine on the basis of one person's complaint?

Regarding the dissemination of voter information to scholars and journalists, the First Amendment of the U.S. Constitution guarantees freedom of the press. Anyone can claim to be a journalist. It is irrelevant if the person making the request is employed by a news outlet, blogs, freelances, pens newsletters or merely purports to do any of those endeavors. Requiring someone to prove that he or she is a "journalist" is unconstitutional. Similarly, how can elections officials possibly know whether a person is engaged in a scholarly pursuit? They can't.

The bill also bars the disclosure of a voter's driver's license number, identity card number and social security number. That information is already non-disclosable. That provision is superfluous.

Lastly, an argument will be made that concealing personal information will help protect victims of domestic abuse and violence. If additional steps need to be taken to keep the victims' whereabouts private, that issue should be dealt with separately by strengthening the state's Address Confidentiality Program.

In conclusion, this proposal will provide almost no real protection of voter records but it does have the potential to lead to costly legal challenges and added administrative and financial burdens for local registrars of voters.

Thank you for your time and attention.