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## **OLR Bill Analysis**

### **sHB 6912**

#### ***AN ACT CONCERNING NONDISCLOSURE OF INFORMATION REGARDING AND CONDUCT TOWARD CERTAIN ELECTION WORKERS.***

#### **SUMMARY**

This bill allows certain election workers to temporarily stop municipal public agencies from disclosing their residential address from public records under the state Freedom of Information Act (FOIA). It prohibits the agencies from doing so for 90 days if requested by the worker. It also allows the worker to request a 90-day extension.

The bill also makes it a class D felony (i.e., punishable by up to five years in prison, a \$5,000 fine, or both) to harass or intimidate an election worker performing election administration duties, or attempt to do so. This includes interfering with the voting process by publicly disclosing a worker's personal identifying information (PII) or threatening to do so. Under the bill, PII is any name, number, or other information that may be used, alone or with other information, to identify a specific person, such as a birthdate, Social Security number, or credit card number.

Existing law criminalizes certain acts of harassment and intimidation. For example, 2nd degree harassment (i.e., various actions with the intent to harass, terrorize, or alarm another person) is a class C misdemeanor, while 1st degree harassment (i.e., certain threats to kill or physically harm a person) is a class D felony (CGS §§ 53a-182b & 53a-183).

Lastly, the bill makes conforming changes.

EFFECTIVE DATE: July 1, 2023

#### **NONDISCLOSURE OF ELECTION WORKERS' RESIDENTIAL ADDRESSES**

The bill prohibits municipal public agencies from disclosing under FOIA the residential address of certain election-related workers (i.e., municipal clerks; registrar or deputy registrar of voters; poll workers; or election, primary, or audit officials) if requested by the worker. Specifically, the worker must (1) submit a written nondisclosure request to a municipal public agency and (2) give the agency a substitute business address (or, if he or she does not have one, the business address of the municipality's registrars of voters). The disclosure prohibition begins when the election worker submits the request and lasts for 90 days. The election worker may seek an additional 90-day extension, which the agency may grant if it finds the worker has shown good cause for the request.

Under the bill, these provisions:

1. apply regardless of whether the election worker making the request is the public agency's employee, so long as he or she meets the requirements described above;
2. do not apply to certain (a) Department of Motor Vehicle records and (b) municipal and election-related documents (e.g., municipal grand lists, preliminary and final voter registry lists, petition forms, and logs of absentee ballot applications); and
3. do not affect a worker's ability to qualify for nondisclosure of his or her residential address under existing law's protections for certain public agency employees.

Existing law (1) generally prohibits a public agency from disclosing under FOIA the residential address of certain employees (e.g., judges, police officers, and firefighters, among others) from its personnel, medical, or similar files; (2) allows these employees to request address confidentiality from public agencies other than their employer; and (3) requires agencies to follow certain procedures after receiving a FOIA request for certain records containing these people's home addresses.

### ***Violations of Disclosure Prohibition***

The bill extends existing law's provisions on violating a disclosure

prohibition to also cover the bill's prohibition on municipal public agencies disclosing election worker addresses. Under this law, public agencies or their employees and public officials cannot be penalized for violating the disclosure prohibition unless the Freedom of Information Commission (FOIC) finds that the violation was willful and knowing. Complaints about these violations must be made to the FOIC, which must hold a hearing under the Uniform Administrative Procedure Act for each complaint. However, it may dismiss a complaint without a hearing if it finds no willful and knowing violation after examining it and construing all allegations most favorably to the complainant.

If the FOIC finds a willful and knowing violation, it may impose a civil penalty of between \$20 and \$1,000 against the agency, official, or employee. Existing law does not allow a private right of action against public agencies or their employees and public officials for violating the disclosure prohibition.

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12    Nay 6    (03/24/2023)