



# House of Representatives

General Assembly

**File No. 545**

January Session, 2023

Substitute House Bill No. 6912

*House of Representatives, April 12, 2023*

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-217 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) No public agency may disclose, under the Freedom of Information  
4 Act, from its personnel, medical or similar files, the residential address  
5 of any of the following persons employed by such public agency:

6 (1) A federal court judge, federal court magistrate, judge of the  
7 Superior Court, Appellate Court or Supreme Court of the state, or  
8 family support magistrate;

9 (2) A sworn member of a municipal police department, a sworn  
10 member of the Division of State Police within the Department of  
11 Emergency Services and Public Protection or a sworn law enforcement

12 officer within the Department of Energy and Environmental Protection;

13 (3) An employee of the Department of Correction;

14 (4) An attorney-at-law who represents or has represented the state in  
15 a criminal prosecution;

16 (5) An attorney-at-law who is or has been employed by the Division  
17 of Public Defender Services or a social worker who is employed by the  
18 Division of Public Defender Services;

19 (6) An inspector employed by the Division of Criminal Justice;

20 (7) A firefighter;

21 (8) An employee of the Department of Children and Families;

22 (9) A member or employee of the Board of Pardons and Paroles;

23 (10) An employee of the judicial branch;

24 (11) An employee of the Department of Mental Health and Addiction  
25 Services who provides direct care to patients;

26 (12) A member or employee of the Commission on Human Rights  
27 and Opportunities; or

28 (13) A state marshal appointed by the State Marshal Commission  
29 pursuant to section 6-38b.

30 (b) The business address of any person described in this section shall  
31 be subject to disclosure under section 1-210. The provisions of this  
32 section shall not apply to Department of Motor Vehicles records  
33 described in section 14-10.

34 (c) (1) Except as provided in subsections (a) and ~~[(d)]~~ (e) of this  
35 section, no public agency may disclose the residential address of any  
36 person listed in subsection (a) of this section from any record described  
37 in subdivision (2) of this subsection that is requested in accordance with  
38 the provisions of said subdivision, regardless of whether such person is

39 an employee of the public agency, provided such person has (A)  
40 submitted a written request for the nondisclosure of the person's  
41 residential address to the public agency, and (B) furnished his or her  
42 business address to the public agency.

43 (2) Any public agency that receives a request for a record subject to  
44 disclosure under this chapter where such request (A) specifically names  
45 a person who has requested that his or her address be kept confidential  
46 under subdivision (1) of this subsection, shall make a copy of the record  
47 requested to be disclosed and shall redact the copy to remove such  
48 person's residential address prior to disclosing such record, (B) is for an  
49 existing list that is derived from a readily accessible electronic database,  
50 shall make a reasonable effort to redact the residential address of any  
51 person who has requested that his or her address be kept confidential  
52 under subdivision (1) of this subsection prior to the release of such list,  
53 or (C) is for any list that the public agency voluntarily creates in  
54 response to a request for disclosure, shall make a reasonable effort to  
55 redact the residential address of any person who has requested that his  
56 or her address be kept confidential under subdivision (1) of this  
57 subsection prior to the release of such list.

58 (3) Except as provided in subsection (a) of this section, an agency shall  
59 not be prohibited from disclosing the residential address of any person  
60 listed in subsection (a) of this section from any record other than the  
61 records described in subparagraphs (A) to (C), inclusive, of subdivision  
62 (2) of this subsection.

63 (d) (1) Except as provided in subsections (a) and (e) of this section and  
64 subject to the provisions of subdivision (2) of this subsection, no public  
65 agency of a municipality may disclose, under the Freedom of  
66 Information Act, from a public record, including any record described  
67 in subdivision (2) of subsection (c) of this section, the residential address  
68 of any person who is a municipal clerk, registrar of voters, deputy  
69 registrar of voters, election official described in section 9-258, primary  
70 official described in 9-436 or audit official described in section 9-320f,  
71 regardless of whether such person is an employee of the public agency,

72 provided such person has (A) submitted a written request for the  
73 nondisclosure of the person's residential address to the public agency,  
74 and (B) furnished (i) his or her business address to the public agency, or  
75 (ii) if such person does not have a business address, the address of the  
76 town or city hall or the municipal building in which the office of the  
77 registrars of voters of such municipality is located.

78 (2) The prohibition in subdivision (1) of this subsection against  
79 disclosing a person's residential address shall take effect upon such  
80 person's submission of the written request to a public agency pursuant  
81 to subparagraph (A) of said subdivision and shall expire ninety days  
82 after such submission. Such person may seek an extension of an  
83 additional ninety days for such prohibition, and such public agency may  
84 grant such extension if such public agency finds that such person has  
85 demonstrated good cause for such extension.

86 ~~[(d)]~~ (e) The provisions of this section shall not be construed to  
87 prohibit the disclosure without redaction of any document, as defined  
88 in section 7-35bb, any list prepared under title 9, or any list published  
89 under section 12-55.

90 ~~[(e)]~~ (f) No public agency or public official or employee of a public  
91 agency shall be penalized for violating a provision of this section, unless  
92 such violation is wilful and knowing. Any complaint of such a violation  
93 shall be made to the Freedom of Information Commission. Upon receipt  
94 of such a complaint, the commission shall serve upon the public agency,  
95 official or employee, as the case may be, by certified or registered mail,  
96 a copy of the complaint. The commission shall provide the public  
97 agency, official or employee with an opportunity to be heard at a  
98 hearing conducted in accordance with the provisions of chapter 54,  
99 unless the commission, upon motion of the public agency, official or  
100 employee or upon motion of the commission, dismisses the complaint  
101 without a hearing if it finds, after examining the complaint and  
102 construing all allegations most favorably to the complainant, that the  
103 public agency, official or employee has not wilfully and knowingly  
104 violated a provision of this section. If the commission finds that the

105 public agency, official or employee wilfully and knowingly violated a  
 106 provision of this section, the commission may impose against such  
 107 public agency, official or employee a civil penalty of not less than twenty  
 108 dollars nor more than one thousand dollars. Nothing in this section shall  
 109 be construed to allow a private right of action against a public agency,  
 110 public official or employee of a public agency.

111 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) As used in this section,  
 112 "election worker" includes any municipal clerk, registrar of voters,  
 113 deputy registrar of voters, election official described in section 9-258 of  
 114 the general statutes, primary official described in section 9-436 of the  
 115 general statutes and audit official described in section 9-320f of the  
 116 general statutes, and "personal identifying information" has the same  
 117 meaning as provided in section 53a-129a of the general statutes.

118 (b) Any person who harasses or intimidates, or attempts to harass or  
 119 intimidate, any election worker in the performance of any duty under  
 120 the provisions of title 9 of the general statutes related to election  
 121 administration, including through publicly disclosing or threatening to  
 122 publicly disclose personal identifying information of such election  
 123 worker, and in doing so interferes with the orderly process of voting,  
 124 shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	1-217
Sec. 2	<i>July 1, 2023</i>	New section

**GAE**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

---

**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

This bill has no fiscal impact. The bill prohibits the disclosure of addresses for certain election workers by municipalities or the state for 90 days and allows them to extend that request a further 90 days. This does not require any additional action on the part of the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

**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)