
OLR Bill Analysis

sHB 5448

AN ACT CONCERNING SECURITY OF CERTAIN ELECTION WORKERS AND ELECTIONS-RELATED LOCATIONS.

SUMMARY

This bill allows certain election workers to temporarily stop municipal public agencies from disclosing their residential addresses from public records under the state Freedom of Information Act (FOIA). It prohibits the agencies from disclosing this information for up to 90 days before and after an election contest, if requested by the worker (§ 1).

The bill also generally makes it a class D felony to possess a deadly weapon within 250 feet of an election site, including polling places, early voting locations, and drop boxes (§ 2).

Additionally, the bill explicitly criminalizes the harassment of election workers while performing their election duties and specifies that these workers have a civil cause of action against a harasser (§ 3).

Lastly, the bill makes conforming changes.

EFFECTIVE DATE: July 1, 2024

NONDISCLOSURE OF ELECTION WORKERS' RESIDENTIAL ADDRESSES (§ 1)

The bill prohibits municipal public agencies from disclosing under FOIA the residential address of certain election-related workers (i.e., municipal clerks; registrars or deputy registrars of voters; poll workers; or election, primary, or audit officials) if the worker requests it. Specifically, the worker must give a municipal public agency a written nondisclosure request and a substitute business address (or, if he or she does not have one, the business address of the town or city hall, or the

municipality's registrars of voters). Under the bill, these workers' business addresses are subject to disclosure under FOIA. The disclosure prohibition begins 90 days before the election contest or, if already within that period, the day the worker submits the request. The prohibition lasts for 90 days after the contest.

Under the bill, these provisions:

1. apply regardless of whether the requesting election worker is the public agency's employee;
2. do not prohibit disclosure of a residential address due to the applicant's status as an elected or appointed official (except if serving as a town clerk, registrar of voters, or deputy registrar of voters);
3. do not apply to certain (a) Department of Motor Vehicle records and (b) municipal and election-related documents (e.g., municipal grand lists, land records, preliminary and final voter registry lists, petition forms, and logs of absentee ballot applications); and
4. 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 also request address confidentiality from public agencies that are not 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.

CRIMINAL OFFENSES

Possession of Weapon Near Election Sites (§ 2)

The bill generally makes it a class D felony (i.e., punishable by up to five years in prison, a \$5,000 fine, or both) to possess a firearm or deadly weapon within 250 feet of an election site when the person knows it is unlawful to do so. Under the bill, election sites include the following:

1. polling places on the day of an election, primary, or referendum;
2. early voting locations during an early voting period;
3. same-day election registration locations on election day;
4. central ballot counting locations;
5. recanvass locations; and
6. drop boxes starting the first day absentee ballots are issued for an election contest until the polls close for that contest.

The bill allows exceptions for someone lawfully possessing a weapon in the following circumstances:

1. on private property that is not part of an election site;
2. when unloaded and on a motor vehicle in a locked container or firearms rack;
3. for election sites on school grounds, (a) as part of a program approved by school officials; (b) as agreed between school officials and a person or that person's employer; or (c) when traversing school property to gain access to public or private lands open to hunting or other lawful purposes, if entry is allowed by a local or regional board of education and the firearm is unloaded;
4. by a peace officer engaged in official duties; and
5. by a person passing through the restricted radius for only as long as needed to travel to another location (it is unclear what constitutes "passing" and whether an otherwise lawful visit to an election site, such as depositing an absentee ballot into a drop box, is permissible under the bill).

Harassment of Poll Workers (§ 3)

The bill also makes it a class C felony (i.e., punishable by up to ten years in prison, a \$10,000 fine, or both) to influence or attempt to influence through force, threat, or harassment an election worker performing election administration duties. This applies to town clerks, registrars of voters, deputy registrars, and election, primary, and canvass officials.

Additionally, the bill makes it a class A misdemeanor (i.e., punishable by up to 364 days in prison, a \$2,000 fine, or both) to publicly disclose an election worker's personal identifying information with the intent to harass, terrorize, or alarm the worker or influence them in performing his or her election administration duties. "Personal identifying information" is any name, number, or other information that may be used to identify a specific individual, (e.g., name, date of birth, and Social Security number).

The bill gives election workers a civil cause of action against violators of either provision.

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).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/22/2024)