FREEDOM OF INFORMATION COMMISSION STATEMENT ON SENATE BILL 224, AN ACT EXEMPTING BALLOTS CAST AT ELECTIONS, PRIMARIES AND REFERENDA FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

February 23, 2026

The Freedom of Information ("FOI") Commission opposes Senate Bill 224 to the extent that it seeks to exempt from disclosure all ballots cast at municipal referenda in their entirety. The bill is apparently at least in partial response to a recent final decision of the Commission.[1] The Commission believes that thoughtful consideration of the full import of such limitation is necessary and important.

Case Background

In a November 2025 Final Decision, the Commission concluded that a town violated the FOI Act when it declined to provide a requester with copies of ballots cast in person at a municipal budget referendum. The town argued that Title 9 of the General Statutes, which governs elections, precluded disclosure. However, the Commission determined that, although Title 9 precludes disclosure of ballots cast in an *election,* and *absentee ballots* (whether cast in an election or referendum), it is silent regarding the disclosure or confidentiality of ballots cast at a municipal budget referendum.

Absent a state statute or federal law expressly providing for their confidentiality, the Commission concluded that such ballots are public records and ordered their disclosure. However, consistent with its prior decisions recognizing that the act of casting a ballot is presumptively secret, the Commission permitted the town to redact any personally identifying information, to the extent it existed, from the ballots.

FOI Commission's Position

At a time of increasing challenges to the validity of elections in Connecticut and across the country, there is a need for open government and transparency in the election process. Accessibility to ballot information is a means to assuage concerns about voter and election fraud and provide public confidence in the voting system itself.

The Commission believes that instead of creating a wholesale exemption to disclosure, the committee consider shielding only personally identifying information from ballots cast at municipal referenda, as the Commission did in its Final Decision. Such an approach would ensure that the identities of voters are protected, but will also ensure more transparency over the municipal standalone referendum process, for which there is currently less state oversight than there is over elections and referenda conducted in conjunction with them.

For the above reasons, the Commission opposes Senate Bill 224.

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[1] *See* Docket #FIC 2024-0445; Jason LaChapelle v. Bernie Dennler, First Selectman, Board of Selectmen, Town of Colchester; Board of Selectmen, Town of Colchester; and Town of Colchester (November 19, 2025), available at https://portal.ct.gov/-/media/foi/finaldecisions/2025/nov19/2024-0445.pdf.