Connecticut Council on Freedom of Information

Serving the Public Since 1955

https://ccfoi.com/

SB 224, AN ACT EXEMPTING BALLOTS CAST AT ELECTIONS, PRIMARIES AND REFERENDA FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT
And
SB 226 AN ACT CONCERNING VARIOUS REVISIONS RELATED TO ELECTION PROCESSES

Government Administration and Elections Committee

February 23, 2026

Good morning Sen. Flexer, Rep. Blumenthal, Ranking Members Sampson and Mastropietro and Honorable Members of the Government Administration and Elections Committee:

My name is Jeff Daniels and I am a member of the Connecticut Council on Freedom of Information (CCFOI). We are a 70-year-old organization comprised of CT news media outlets and First Amendment supporters. Our mission is to advocate and promote government transparency, public access, a strong Freedom of Information law and other measures that guarantee the rights of individuals and journalists under the First Amendment to the U.S. Constitution and the state Constitution.

CCFOI opposes **SB 224**, which would exempt all ballots cast in municipal referenda from disclosure under the Freedom of Information Act (FOIA) and **Sections 24 and 26** of **SB 226**, which would limit the disclosure of birth date information to the year as well as restrict the use of voter registration information to election-related, scholarly, journalistic, political or governmental purposes.

Many state policymakers and citizens are justifiably concerned that legislation being considered by Congress could interfere with Connecticut's control of its elections. However, it is widely believed by legal scholars that the proposals are unconstitutional because the U.S. Constitution allows Congress to regulate only narrowly drawn election procedures (such as dates of federal elections) but does not override the states' regulation of voting. Thus, legal challenges arguing that Congress exceeded its constitutional authority would most likely be successful.

Paradoxically, exempting referendum ballots from public disclosure could have unintended consequences by weakening confidence in the integrity of referenda because there wouldn't be independent third-party oversight of the data supporting the results. Members of the public wouldn't be able to determine whether procedures were properly followed. As a result, limiting scrutiny of ballots could increase public suspicion and fuel conspiracy theorists who were to allege that fraud and/or misconduct occurred. Lastly, nonpartisan watchdogs often use detailed voting records to audit procedures and outcomes. Without FOIA access, audits would be impossible to conduct and errors could go undetected.

Regarding removing the month and date of registered voters, an accommodation was made several years ago when the specific day was exempted from disclosure and just the month and year were retained. It's unclear why the month should now be excluded. In many cases, the birth information of a person is necessary to know when alleged perpetrators of crimes or delinquent taxpayers, for example, have the same name. The only way to distinguish them is by their birthdate. Conversely, by allowing both the month and year to be included, transparency is provided while still ensuring some privacy protection.

Additionally, there could be confusion regarding the ambiguity of the language in SB 226, particularly in regard to the definitions of scholar, journalist, governmental purpose, commercial purpose and harassment. 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 mainstream news outlet or is a blogger, a freelancer, an influencer or purports to do one or more of those endeavors. Requiring someone to prove that he or she is a journalist is unconstitutional. Similarly, how can elections officials possibly know whether an individual is engaged in a scholarly pursuit?

And what is a governmental purpose? Is that term defined in the statutes? And who would decide if someone is going to use the information for a political or governmental purpose? Would it be the secretary of the state? If so, that would give the secretary of the state extraordinary discretionary powers. Moreover, the determination could change depending on who was holding that office at any given time.

Likewise, the proposed language doesn't define "commercial purpose" or "harassment." Regarding the former, voter information is often used so that candidates and the companies they hire can send direct mail pieces promoting that individual's candidacy. Would that be a private purpose or a commercial purpose?

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 an individual found to have broken the law be subjected to a fine of between $500 and $2,000 for each violation? Imagine the chilling effect that would have on candidates and their ability to wage viable campaigns.

For the above-mentioned reasons, CCFOI respectfully opposes SB 224 and Sections 24 and 26 of SB 226.

Respectfully,

Jeff Daniels