



# House of Representatives

General Assembly

**File No. 414**

February Session, 2024

Substitute House Bill No. 5448

*House of Representatives, April 10, 2024*

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 SECURITY OF CERTAIN ELECTION WORKERS AND ELECTIONS-RELATED LOCATIONS.***

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 Section 1-217 of the general statutes is repealed and the  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, 2024*):

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 subdivisions (2) and (3) of this subsection,  
65 no public 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 section 9-436 or audit official described in section 9-  
71 320f, regardless of whether such person is an employee of the public  
72 agency, provided such person has (A) submitted a written request for

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

78 (2) (A) If a person submits a written request described in subdivision  
79 (1) of this subsection prior to the ninetieth day preceding an election, the  
80 prohibition in said subdivision against disclosing such person's  
81 residential address shall take effect on the ninetieth day preceding such  
82 election and shall expire on the ninetieth day following such election.

83 (B) If a person submits a written request described in subdivision (1)  
84 of this subsection on or after the ninetieth day preceding an election, the  
85 prohibition in said subdivision against disclosing such person's  
86 residential address shall take effect upon such submission and shall  
87 expire on the ninetieth day following such election.

88 (3) The provisions of this subsection shall not be construed to prohibit  
89 the disclosure of the residential address of any person described in  
90 subdivision (1) of this subsection in the case where such residential  
91 address appears on a public record by virtue of such person holding any  
92 elective or appointive state or municipal office other than municipal  
93 clerk, registrar of voters or deputy registrar of voters.

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

98 ~~[(e)]~~ (f) No public agency or public official or employee of a public  
99 agency shall be penalized for violating a provision of this section, unless  
100 such violation is wilful and knowing. Any complaint of such a violation  
101 shall be made to the Freedom of Information Commission. Upon receipt  
102 of such a complaint, the commission shall serve upon the public agency,  
103 official or employee, as the case may be, by certified or registered mail,  
104 a copy of the complaint. The commission shall provide the public

105 agency, official or employee with an opportunity to be heard at a  
106 hearing conducted in accordance with the provisions of chapter 54,  
107 unless the commission, upon motion of the public agency, official or  
108 employee or upon motion of the commission, dismisses the complaint  
109 without a hearing if it finds, after examining the complaint and  
110 construing all allegations most favorably to the complainant, that the  
111 public agency, official or employee has not wilfully and knowingly  
112 violated a provision of this section. If the commission finds that the  
113 public agency, official or employee wilfully and knowingly violated a  
114 provision of this section, the commission may impose against such  
115 public agency, official or employee a civil penalty of not less than twenty  
116 dollars nor more than one thousand dollars. Nothing in this section shall  
117 be construed to allow a private right of action against a public agency,  
118 public official or employee of a public agency.

119 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) A person is guilty of  
120 possession of a weapon near an elections site when, knowing that such  
121 person is not permitted by law to do so, such person possesses a firearm  
122 or deadly weapon, as such terms are defined in section 53a-3 of the  
123 general statutes, within two hundred fifty feet of any (1) polling place  
124 on the day of an election, primary or referendum, (2) location designated  
125 for the conduct of early voting during the period of early voting at an  
126 election or primary, (3) location designated for same-day election  
127 registration on the day of a regular election, (4) central location  
128 designated for the counting of absentee ballots, early voting ballots or  
129 same-day election registration ballots at an election, primary or  
130 referendum, as applicable, (5) place where a recanvass is being  
131 conducted, or (6) drop box designated for the deposit of absentee ballots  
132 during the period beginning on the first day of issuance of absentee  
133 voting sets and ending at the close of the polls at an election, primary or  
134 referendum.

135 (b) The provisions of subsection (a) of this section shall not apply to  
136 the otherwise lawful possession of a firearm:

137 (1) On private property that is not part of any elections site described

138 in subdivisions (1) to (6), inclusive, of subsection (a) of this section;

139 (2) That is (A) not loaded, and (B) in a locked container, or a locked  
140 firearms rack, that is on a motor vehicle;

141 (3) In the case of any elections site described in subdivisions (1) to (6),  
142 inclusive, of subsection (a) of this section that is in or on the real property  
143 comprising a public or private elementary or secondary school, by a  
144 person (A) for use in a program approved by school officials in or on  
145 such school property, (B) in accordance with an agreement entered into  
146 between school officials and such person or such person's employer, or  
147 (C) while traversing such school property for the purpose of gaining  
148 access to public or private lands open to hunting or for other lawful  
149 purposes, provided such firearm is not loaded and the entry on such  
150 school property is permitted by the local or regional board of education;

151 (4) By a peace officer, as defined in subdivision (9) of section 53a-3 of  
152 the general statutes, while engaged in the performance of such peace  
153 officer's official duties; and

154 (5) By a person passing within two hundred fifty feet of an elections  
155 site described in subdivisions (1) to (6), inclusive, of subsection (a) of  
156 this section only for as long as necessary to be within such two hundred  
157 fifty feet while on the way to a place or location other than such elections  
158 site.

159 (c) Possession of a weapon near an elections site is a class D felony.

160 Sec. 3. Section 9-364a of the general statutes is repealed and the  
161 following is substituted in lieu thereof (*Effective July 1, 2024*):

162 (a) As used in this section, "election worker" means any municipal  
163 clerk, registrar of voters, deputy registrar of voters, election official  
164 described in section 9-258, primary official described in section 9-436 or  
165 recanvass official described in section 9-311, and "personal identifying  
166 information" has the same meaning as provided in section 53a-129a.

167 (b) Any person who influences or attempts to influence by force or

168 threat the vote, or by force, threat, bribery or corrupt means, the speech,  
 169 of any other person [in] at a primary, caucus, referendum, convention  
 170 or election; [or] any person who influences or attempts to influence by  
 171 force, threat or harassment any election worker in the performance of  
 172 any duty under the provisions of this title related to election  
 173 administration at a primary, referendum, election or recanvass; any  
 174 person who wilfully and fraudulently suppresses or destroys any vote  
 175 or ballot properly given or cast or, in counting such votes or ballots,  
 176 wilfully miscounts or misrepresents the number thereof; and any  
 177 presiding or other officer of a primary, caucus or convention who  
 178 wilfully announces the result of a ballot or vote of such primary, caucus  
 179 or convention, untruly and wrongfully, shall be guilty of a class C  
 180 felony.

181 (c) Any person who, with intent to harass, terrorize or alarm any  
 182 election worker, or to influence any election worker in the performance  
 183 of any duty under this title related to election administration at a  
 184 primary, referendum, election or recanvass, publicly discloses the  
 185 personal identifying information of such election worker shall be guilty  
 186 of a class A misdemeanor.

187 (d) Any election worker described in subsection (b) or (c) of this  
 188 section, as applicable, shall have a civil cause of action against the  
 189 person who, with respect to such election worker, violated said  
 190 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	1-217
Sec. 2	July 1, 2024	New section
Sec. 3	July 1, 2024	9-364a

**Statement of Legislative Commissioners:**

In Section 2(a), "as defined in" was changed to "as such terms are defined in" for clarity, and "early voting prior to an election" was changed to "early voting at an election" in Subdiv. (2) for consistency; and in Section

2(b)(1), (3) and (5), "subdivisions (1) to (6), inclusive, of" was added for clarity.

**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:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes a variety of changes related to security of election workers and results in the fiscal impacts described below.

**Section 1** expands protections from personal address disclosure to municipal town clerks, registrar of voters, and election officials from within a narrow timeframe around elections and results in no fiscal impact to the state or municipalities.

**Section 2** creates a new class D felony for possessing a weapon near an election site, which results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300<sup>1</sup> while the average marginal cost for supervision in the

<sup>1</sup>Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

community is less than \$800<sup>2</sup> each year for adults and \$1,000 each year for juveniles.

**Section 3** expands an existing class C felony to include influencing or attempting to influence an election worker<sup>3</sup> and creates a new class A misdemeanor for publicly disclosing an election worker's personal information. This results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines, as described above.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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<sup>2</sup>Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

<sup>3</sup>Since FY 14, there have not been any charges under CGS 9-364a.

**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)