



Legislative Testimony
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**Written Testimony Opposing House Bill 5173,
An Act Protecting the Privacy of Voters and
Opposing House Bill 5176, An Act Protecting
Municipal Police Officers and Their Families**

Senator McLachlan, Senator Flexer, Representative Fox, and distinguished members of the Government Administration and Elections Committee:

My name is Kaley Lentini, and I am legislative counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in opposition to House Bill 5173, An Act Protecting the Privacy of Voters, and in opposition to House Bill 5176, An Act Protecting Municipal Police Officers and Their Families.

The ACLU-CT is in favor of more restrictions on voter registration information because we believe that people should not be required to give up one fundamental right—the right to privacy—in order to exercise another—the right to vote. People’s private information provided to the government for the purpose of registering to vote should not be widely shared. However, we cannot support this bill as written due to serious concerns about the bill’s language in relation to First Amendment rights and voter privacy protections.

We are concerned about the effect that H.B. 5173 could have on Connecticut residents’ First Amendment rights. The ACLU-CT believes that everyone should have access to voter registration information. The bill’s language would allow only certain categories of people to access voters’ private information. Moreover, these categories are not defined. To avoid problems, the categories of people who will be able to access voters’ information must be well-defined. For example, the bill does not include a definition of “journalistic purposes.” Without a standard in place defining what a “journalistic purpose” is and who falls into the category of a person using the information for such purpose, a provision like this is ripe for abuse. The bill’s lack of objective standards for identifying journalists risks inconsistent application of the journalistic purpose exception, even if the current Secretary of the State decides against enforcing any

standard at all. The same problem would arise regarding people who fall into the category of individuals utilizing the information for “scholarly purposes.” Importantly, the lack of definitive categories might also have a chilling effect on freedom of information. People, even those who would most likely fit into the bill’s “scholarly purpose” and “journalistic purpose” categories, may not request access to voter information because they will not want to risk imprisonment and a hefty ten thousand dollar fine if they are found to not be a member of an exempted category.

The ACLU-CT is also very concerned about the restrictions that the bill places on the use of voter file information. We believe that individuals that access voter registration information should have the right to use that information in legal ways they see fit. The bill’s language both prohibits individuals from obtaining the voter file for any purpose not related to political activities or scholarly, journalistic, or governmental purposes and prohibits them from reproducing it for unauthorized purposes. The prohibition on using the voter file for personal or private uses also causes some concern because it is unclear what this use would include.

We are supportive of the provision in (b)(3) allowing a voter to sign a statement that nondisclosure of the voter’s name and address from the official registry list is necessary for the safety of the voter or the voter’s family. However, one solution to further protecting the privacy of voters would be to expand this section beyond the safety issues to allow all voters to sign a statement to the Secretary of the State requesting nondisclosure of their names and addresses from the official registry list, regardless of whether the disclosure of their names and information would pose a safety risk to them or their families. The ACLU-CT believes that every voter should have the right to protect their privacy while also exercising their right to vote. We view these rights as equally important to the people of Connecticut, and the exercise of a person’s right to vote does not, and should not, waive their right to privacy. To this end, we encourage the committee to expand this provision to allow all voters the same opportunity to protect their privacy by requesting that their name and address not be disclosed on the official registry.

Though we are opposed to House Bill 5173 as it is written, the ACLU-CT encourages this committee to improve upon this well-intentioned proposal by adopting stronger privacy provisions, balanced with better First Amendment protections, to safeguard voters’ privacy while upholding freedom of the press.

The ACLU-CT opposes House Bill 5176 because we believe the automatic exception from disclosure for all people living with, and having the same last name as, a sworn member of a municipal police department is too broad. If a family member is concerned about their safety, they would be able to avail

themselves of the nondisclosure provision in House Bill 5173. We urge this committee to oppose this bill and, instead, to expand the privacy provision in House Bill 5173.