

Hartford County ROVAC Meeting Minutes

January 11, 2022

Windsor Town Hall

Attending: 43 via zoom and 12 in person.

Chair Darlene Burrell opened the meeting at 10:05 a.m.

Thank you to Anita Mips and Karen Andrews for hosting the meeting.

Darlene Introduced the New Registrars: Troy Mitchell (Bloomfield), Jennifer Juszczyński (Windsor Locks) and Phil Theroux(Rocky Hill).

Anita Mips moved to accept the minutes of the October meeting and Ann Clark seconded. Unanimous vote to accept.

Sue Burnham reported she had money from 13 towns. She explained what we were doing for Ways & Means. Several Registrars asked her about setting up a Venmo account.

Audit – Donna Rusgrove – No report

Convention – Ann Clark – The convention will be April 5th- 7th at the Mariotte in Windsor. Room Rates will be \$130 per night.

Education – Sue Larsen – Have not met yet. Matt will be the alternate on the committee. If anyone has any suggestions Sue will bring them to the committee meeting. Sue will find out if a New Registrars class and Moderator Certification class will be included.

Credential – Anita Mips – No report

Legislative - Peter Gostin explained the legislative agenda. ROVAC will work on the technical bill from last year. This year is a short session so the only bills going forward will be those GAE puts forward. The Senate Chair does not work well with ROVAC but the House Chair has been great. Sue Larsen went over the survey which was mostly on the issues of absentee balloting and early voting. The outcome was inconclusive. Too many Registrars were unsure because it is still a concept and there are no bills yet to talk about. Theresa Avey thought it might be a good idea to invite Sen. Flexer (GAE Senate Chair) to a meeting.

Nominating – Peter Gostin – No report. County elections will be in June.

Technology – No report because Lizbeth Becker unable to attend.

Handbook – Darlene Burrell – The handbook is available on the ROVAC website. The handbook includes the Title IX statutes so that we know why we are doing the procedures we do. New changes are coming and anyone interested in being on the committee are welcome.

Tom Hennik from Freedom of Information Commission was our guest speaker. He can give us a non-binding legal opinion and try to help us understand the FOI act. FOI originated with Gov. Grasso and her belief in an open government. The law's intent was public access to public meetings and records. The public has a right to know however it is limited to data we have.

Public Meetings are under FOI. The agenda and minutes must be available. Public Records are also under FOI so any recorded data whether it is written or recorded must be available. If you get a request, respond in 4 business days even if the response says it will take ____ number of days to fulfill your request. There are many exemptions so if you are unsure, call FOI.

Harassment can be an issue. There is no exemption for volume of data. Talk to the requester to make sure you understand what they are really looking for. It may make the job easier. It is 50 cents per page but if it is voluminous, get a deposit. You do not have to scan the material but if you do, there is no fee on electronic information.

Remember that we must redact the birth day. You can give month and year. Converse is still not able to handle the change.

If a requester is not reasonable, the courts have ruled they should have “prompt access to records” and without undue delay” but it must be “fair and reasonable”. We are not required to do any research to complete the request. If you can only answer part of the request, then that is all the requester gets.

Exceptions: Social Security Numbers
Driver’s License Numbers
Identity Card Numbers
Day of birth

There are a total of 12 exemptions under CGS 1-210.

Tom’s big advice is to think before you write and send. If you use your personal email or phone for work, it is FOI. Use your work email or text if it is work related.

Darlene said this information will be put in the handbook.

There is no specific request form and there is no mandate for you to know who the requester is. Candidates get free lists. If the requester can not open the response, the responsibility is not yours to make it work. If you do, it is goodwill but not required.

The fines for not complying are a slap on the hand the first time and \$1000 for the second time.

If another state requests data, make sure the data being sent is not against CT General Statutes.

OLD BUSINESS:

Newington is not open to the public yet but will check to see on availability. Windsor will be glad to host if Newington is not available.

Ann Clark wanted to discuss redistricting. Many towns are using their engineering dept. or GIS group. Ted Bromley from SOTS gave a virtual class on redistricting.

The next County meeting will be Mar 8th at 10:00am at the Newington Town Hall (if available).

NEW BUSINESS: None

The meeting was adjourned at 11:50 am.

Submitted by,
Sue W. Larsen
County Secretary

Below is an email sent out by Darlene Burrell after the Oct. meeting:

FREEDOM OF INFORMATION (FOI) ACT OF CONNECTICUT (§1-200 to 1-242) (open government law - access to public meetings and public records)

Information from Thomas Hennick, Freedom of Information (FOI) Commission's Public Education Officer

FOI pertains to existing records only. If a record does not exist, there is no requirement that it be created under FOI. No prospective requests are allowed. A request for a copy of a document that has not been completed by all is not subject to FOI. (§1-210-15)

Records are to be disclosed "except as otherwise provided by federal law or state statute." If there is such an exception in statute, it would not be in the FOI Act and would override the FOI Act. If there are no "hidden" exceptions, then Registrars' records would be released to anyone who seeks them.

Reports Subject To FOI: Every record held by every public agency in the state is defined as a public record and disclosable to anybody who wants to inspect it or obtain a copy, unless an *exemption, exclusion, or exception (EEEs)* to disclosure exists.

Redact *EEEs* from Copies of Reports Requested: voter's social security number, driver's license number, identity card number and day of birth (day of birth may be given for governmental purposes only). (PA21-2§ 104) Remember the *EEEs* don't eliminate those records, merely redact them if someone requests records that have them. The month and year of birth are subject to FOI requests and are not to be redacted. Redact all records that are an invasion of privacy, highly offensive and not of public concern.

Registrars' notes attached to voters' registration cards are not subject to FOI. There is an exemption for notes in the FOI Act which could be invoked for that portion of the records.

Format of reports subject to FOI are as they exist. A request for change of format is not required.

Request Forms: There are no special forms for FOI requests, as of 2021.

Requests In Writing: FOI requests are not required to be in writing, but an agency, if it so chooses, has the right to require that requests for copies be put in writing. There is nothing that requires anyone to put a request to inspect records in writing. However, the law does not require any agency to answer questions. You, of course, can answer a verbal request but are not required to do so by law.

Requester can be anyone and there is no ID requirement for FOI requests. In fact, if someone just wants to inspect a record, that individual technically should not be asked who he or she is or what they want a particular record for.

Timing: Four Days: Acknowledge an FOI Request within four days from the date you receive the request by communicating with them. You may try to narrow down what records are wanted.

Method: The response method is entirely up to the public agency. There is nothing in FOI law that specifies one form or another.

Prompt Access: Provide the records in a reasonable and expeditious amount of time. The law talks about "prompt access," which leaves a great deal to interpretation.

Fees for Processing FOI Requests for existing reports in the format they are in:

Paper copies - the fee is fifty cents a page. The fee for any copy of the names of registered voters shall not exceed three cents per name delivered or the cost thereof to the public agency, as determined whichever is less.

Electronic copies are no charge.

Redacting EEEs from records are no charge.

Photos or portable scanning of existing reports by requestor is \$20.

Fees for Processing Non-FOI Requests:

Format change to existing report (example: Scanning a hard copy of a report for requester)

It is up to the institution what is to be charged for scanning the report. There is no charge for sending electronically.

Non-Existing Reports are not subject to FOI laws. The Registrars of Voters may create reports for requesters and follow their institution's fee structure. It is up to the individual institutions.

Invoice First: If the cost exceeds \$10 you may send a bill to requestor before sending the copies

Federal and State laws may override FOI. If records are requested by subpoena or through discovery, then that would be handled differently than an FOI request. There are different legal ramifications for failure to answer a subpoena.