

FINAL REPORT
PUBLIC ACCESS AND ACCOUNTABILITY LEGISLATION
CONNECTICUT GENERAL ASSEMBLY
2021 REGULAR & SPECIAL SESSIONS

By
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Summary of Legislative Session:

During the 2021 regular session there were numerous proposals introduced that would impact transparency and open government in Connecticut. Among such legislative proposals were five proposals designed to make all public agencies more accessible and transparent by allowing remote electronic meetings, and one proposal aimed at limiting access to voter registration information. Proposals concerning remote meetings and access to voter registration information were also included in the 837-page budget implementer which was taken up and passed during the June special session (Public Act 21-2, *An Act Concerning Provisions Related to Revenue and Other Items to Implement the State Budget for the Biennium Ending June 30, 2023*).

(1) Access to Voter Registration Information:

In recent years there have been numerous bills considered by the Legislature proposing to limit access to voter registration information including, but not limited to Senate Bill 5, *An Act Concerning Increased Opportunities for Absentee Voting, Safe and Secure In-Person Voting, Voter Registration and Certain Other Changes Regarding Election Administration*, which was introduced this session.¹ Under section 28 of the committee bill, whenever voter registration information maintained under Title 9 of the general statutes was disclosed, the disclosure of a voter's date of birth would be limited to only the year of birth, unless such voter registration information was requested and used for a governmental purpose, as determined by the Secretary of the State, in which case the voter's complete date of birth would be provided. In addition, if a voter simply submitted to the Secretary of State a "signed statement" that nondisclosure of such voter's name from the official registry was "necessary" for the safety of such voter or the voter's

¹ See e.g., SB 27, *An Act Prohibiting the Internet Publication of Voter Information* (2015); SB 703, *An Act Exempting Voter Personally Identifiable Information from the Freedom of Information Act* (2015); HB 5169, *An Act Prohibiting the Disclosure of Voter Birth Date Information* (2015); HB 5789, *An Act Protecting Voter Privacy* (2015); HB 6098, *An Act Protecting the Identity of Law Enforcement Officers* (2015); HB 5613, *An Act Prohibiting Disclosure of Date of Birth Information on Voter Records* (2016); HB 5616, *An Act Concerning Notices and Public Information* (2016); HB 5947, *An Act Protecting the Identity of Law Enforcement Officers* (2017); HB 5173, *An Act Protecting the Privacy of Voters* (2018); HB 5176, *An Act Protecting Municipal Police Officers and their Families* (2018); HB 7321, *An Act Concerning Elections and Security* (2019); HB 7392, *An Act Concerning Voter Privacy* (2019); and SB 234, *An Act Concerning Voter Privacy Protection* (2020).

family, the voter's name and address on his or her voter registration record would be confidential and not disclosed.

Supporters of section 28 of Senate Bill 5 and previous similar proposals argued that limiting access to voter information was necessary to protect the identity, privacy and safety of individuals. The Freedom of Information ("FOI") Commission, among others, objected and advocated that transparency in the area of voter information is important because transparency (1) is meant to deter voter fraud and provide a means to detect it; and (2) guards against election fraud by ensuring that registration and election officials, who are charged with entering, updating and maintaining voter data, are accountable, and carry out their roles in accordance with the law. Dates of birth are necessary to determine voter eligibility and to guard against voter fraud, and at a minimum, the month and year of birth should be disclosed. In addition, with respect to Senate Bill 5, there were also concerns that it would empower one public official to be the sole determiner of what is a "governmental purpose" and could lead to abuse in the future; and that simply requiring a "signed statement", without more, could lead to abuse.

Senate Bill 5 made it out of the Government Administration and Elections ("GAE") Committee with substitute language, and passed the Senate with the language limiting access to voter registration information intact. However, the bill died on the House calendar.

Subsequently, as a "fix" to the restrictions imposed by Senate Bill 5, the House considered and adopted an amendment to House Bill 6325, *An Act Concerning the Secretary of the State, Absentee Ballots and Election Audits*, which would provide access to the month and year of birth, and require that an individual who is concerned for their or their family's safety provide a signed statement sworn under penalty of false statement. House Bill 6325 died on the Senate calendar. However, the same language was included in the budget implementer that passed in the June special session (*see* section 104 of Public Act 21-2).

(2) Public Meetings Held Using Electronic Equipment:

There were five proposals introduced this session that sought to amend the FOI Act to allow public agencies to meet remotely using electronic equipment, in addition or as an alternative to meeting in person:

Senate Bill 183, *An Act Concerning Remote Meetings under the Freedom of Information Act*;

Senate Bill 1074, *An Act Concerning Various Provisions Related to Government Administration and COVID-19*;

House Bill 6448, *An Act Expanding Access to Local Government and Modernizing Local Government Operations*;

House Bill 6641, *An Act Concerning the Remote and Online Provision of Municipal Services*; and

House Bill 6651, *An Act Responding to Issues Related to COVID-19 and Government Administration.*²

Public agencies, if meeting remotely, would be required to provide the public the ability to view or listen to the meeting simultaneously, using telephone, video or other technology, and to post instructions as to how to access such meetings. In addition, some of the proposals required that all meetings held remotely be recorded or transcribed and for those recordings and transcripts to be made available to the public.

The FOI Commission supported each of the proposals, but there were aspects of the proposals that needed clarification. The Commission believed that certain phrases were open to interpretation and suggested that their inclusion could lead to confusion in practice at the agency level and, at the Commission level, to difficulty in adjudicating complaints based on alleged violations of those provisions, which would inevitably be filed. Commission staff worked with legislators and other stakeholders to clarify the language.

Ultimately, Senate Bill 183, Senate Bill 1074, House Bill 6448, House Bill 6641 and House Bill 6651 did not pass.³ However, similar provisions were included in the budget implementer which passed (*see* section 149 of Public Act 21-2). The Commission notes that the new requirements for remote meetings are permissive and only effective between July 1, 2021 and April 30, 2022. In addition, the Connecticut Advisory Commission on Intergovernmental Relations (ACIR), in consultation with the FOI Commission and the Connecticut Association of Municipal Attorneys and the state's Chief Information Officer or his designee, must conduct a study concerning the implementation of the new remote meetings requirements and the feasibility of remote participation and voting during meetings. The ACIR must submit a report to the GAE and Planning and Development Committees by February 1, 2022. (A summary of section 149 of Public Act 21-2 (June Special Session) is attached for your reference).

Below is a brief description of additional bills of note:

BILLS PASSED – UNFAVORABLE RESULTS

HB 6646; P.A. 21-120. AN ACT CONCERNING CRUMBLING CONCRETE FOUNDATIONS; and

² In addition to proposing to allow remote meetings, Senate Bill 1074 and House Bill 6651 proposed to amend §1-206(b)(1) of the FOI Act and extend for a discrete period of time (until December 31, 2021) the suspension of statutory time requirements for filing an appeal with the FOI Commission, and the requirement that the Commission must hear and decide an appeal within one year after the filing of such appeal.

³ Senate Bill 183, Senate Bill 1074 and House Bill 6448 (which passed the House with an amendment) died on the Senate calendar. House Bill 6641 and HB 6651 died on the House calendar.

HB 6236, AN ACT EXEMPTING CERTAIN INFORMATION CONCERNING CONCRETE FOUNDATIONS FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

The FOI Commission did not oppose proposed House Bill 6236 to the extent that it sought to expand the current exemption in section 1-210(b)(28) of the FOI Act to include “potential claims” of faulty or failing concrete foundations in residential buildings, and records “provided to constituent units of higher education...for research purposes.” The proposal retained the temporal nature of the exemption.

The Commission had a few concerns with the proposal, including that the proposal might prohibit the disclosure of any final studies issued by constituent units of higher education, which studies may be utilized by government entities to resolve the significant problems concerning faulty or failing concrete foundations in the state, for a lengthy period of time (seven years). The Commission met with the proponents of the bill to discuss these concerns, among others.

After the public hearing, the Higher Education and Employment Advancement Committee (“Higher Education Committee”) drafted new language that expanded §1-210(b)(28) to include any record maintained, kept or prepared by an executive branch agency or public institution of higher education relating to claims of or testing for faulty or failing concrete foundations in residential buildings. The drafted bill retained the temporal nature of the exemption, and was voted out of committee. No further action was taken on House Bill 6236.

However, at the end of May 2021, the House took up House Bill 6646, *An Act Concerning Crumbling Concrete Foundations*, and adopted an amendment that included the language drafted by the Higher Education Committee, eliminated the temporal nature of the exemption and amended Conn. Gen. Stat. §29-265e.⁴ The bill passed the House and Senate as amended.

Arguably, as passed, the proposal could be read to permit the withholding of records relating to claims of or testing for faulty or failing concrete foundations to the homeowners whose homes are the subject of those records, and to prohibit the disclosure of even de-identified information to the public, in perpetuity. The Commission attempted to seek clarification, but to no avail.

BILLS DEFEATED - FAVORABLE RESULTS

HB 6576, AN ACT CONCERNING THE NONDISCLOSURE OF RESIDENTIAL ADDRESSES OF CERTAIN EMPLOYEES UNDER THE FREEDOM OF INFORMATION ACT.

House Bill 6576 revived an exhaustive debate in the General Assembly that has been held on an almost annual basis. The bill sought to amend §1-217 of the FOI Act and add yet another

⁴ Conn. Gen. Stat. §29-265e applies only to executive branch agencies. The provisions in §§1-210(b)(28), G.S. (permissive exemption) and 29-265e, G.S. (mandatory exemption) are inconsistent with respect to whether executive branch agencies must maintain the records as confidential or whether executive branch agencies may disclose such records under the FOI Act.

classification of worker whose home address would be “protected” (i.e., employees of the office of the Attorney General).⁵

Every year, it seems, another agency or another profession attempts to have the addresses of its employees included in §1-217, without really understanding the limited scope of the statute, which should not be viewed as a cure for safety and privacy concerns. Section 1-217 is not the panacea that many believe it to be, and only protects the residential addresses of covered employees in personnel, medical or similar files.

House Bill 6576 was voted out of the GAE Committee and passed by the House. The bill died on the Senate calendar.

HB 5879, AN ACT EXEMPTING CERTAIN CONTACT INFORMATION FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

House Bill 5879, as voted out of the GAE Committee, sought to exempt from disclosure any portion of a list of contact information that contains residential or mailing addresses, email addresses or telephone numbers of any individual where such list is created or modified by a legislator or legislative staff for purposes related to the legislator’s public office. The language is broad and would restrict all contact information on any list, including, but not limited to constituent information.

To the extent that the proposal concerned the disclosure of constituent information, the Commission apprised the GAE Committee that the proposal may be unnecessary based on past precedent,⁶ and that access to constituent information is also at issue in a contested case that is pending before the Commission.

House Bill 5879 was never taken up by the House. However, during the discussion on House Bill 6576, *infra*, an amendment was called (LCO #9471) that included the proposed exemption regarding the list of contact information. The amendment was adopted by the House, but before the underlying bill was discussed, the amendment was reconsidered and rejected. House Bill 6576 passed the House without the amendment.

⁵ A similar proposal was taken up during the 2020 legislative session. See HB 5409, *An Act Concerning the Nondisclosure of Residential Addresses of Attorney General Employees*.

⁶ In Declaratory Ruling #90, the FOI Commission concluded that correspondence received by a legislator that relates directly or indirectly to enacting legislation or making laws constitutes information relating to the public’s business and, therefore, falls within the definition of a public record in §1-200(5) of the FOI Act. Conversely, the Commission concluded that correspondence relating to personal matters does not relate to legislation or law-making, and therefore does not constitute a public record. In Docket ##FIC 2013-183 and 2013-184, the Commission found that the street address, town, zip code and telephone number of a person who sent a letter to legislators concerning a pending piece of legislation were public records. However, the email addresses of those who sent the correspondence were not public records and were not ordered disclosed.

BILLS DEFEATED – UNFAVORABLE RESULTS

HB 5011, AN ACT CONCERNING THE COPYING OF PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT WITH A HAND-HELD SCANNER.⁷

House Bill 5011 sought to decrease fees for copying public records and to update the definition of hand-held scanner in §1-212 of the FOI Act to include cellphones and cameras. The proposal as originally drafted reduced the maximum fee that public agencies may charge for copies to 15 cents per page, excluding land records. The proposal also prohibited agencies from charging individuals a fee for copying public records (excluding land records) using a handheld scanner. The proposal seemed reasonable to the FOI Commission, as it allowed for greater access to public records at a modest cost to the public, and would likely reduce the amount of agency time and resources spent copying public records in response to FOI requests.

House Bill 5011 made it out of the GAE Committee and the Planning & Development Committee without substitute language. The bill was subsequently amended by the House. As amended, House Bill 5011 eliminated the proposed fee reductions for copies of public records, updated the definition of hand-held scanner, and prohibited public agencies from charging a fee to copy public records (except for land records) using a hand-held scanner. The bill passed the House as amended, but died on the Senate calendar.

HB 6193, AN ACT SUBJECTING CERTAIN NONSTATE ENTITIES THAT SERVE A GOVERNMENTAL FUNCTION TO THE FREEDOM OF INFORMATION ACT AND THE CODES OF ETHICS.

House Bill 6193 sought to subject certain entities that serve a governmental function to the FOI Act and individuals appointed to such entities to the state Code of Ethics. The proposal appeared to be directed at public-private endeavors where boards comprised of private individuals and public officials are established for public purposes, and yet, to a certain extent, may operate out of the public eye. Despite the public purpose for which such entities are created, they may not be subject to the public records and open meetings requirements of the FOI Act with respect to how they function.

The proposal made it out of the GAE Committee, with substitute language. The bill died on the House calendar.

NEUTRAL BILLS

SB 150, AN ACT ESTABLISHING THE CONNECTICUT INFRASTRUCTURE AUTHORITY.

⁷ Similar proposals were introduced during the 2019 and 2020 legislative sessions. See HB 6876, *An Act Concerning the Copying of Public Records by Using a Hand-Held Scanner* (2019); and HB 5277, *An Act Decreasing Fees for Copying Public Records under the Freedom of Information Act* (2020).

The FOI Commission did not oppose Senate Bill 150 which sought to establish the CT Infrastructure Authority (“Authority”) to support infrastructure improvement projects. The bill also allows the Authority to enter into contracts with private entities to establish public-private partnerships for purposes of infrastructure improvement projects.

The Commission suggested that in order to ensure transparency the proposed bill should be amended to add language that clearly states that the Authority is a public agency, and that records relating to public-private partnerships and agreements are public records subject to the disclosure provisions in the FOI Act.

Senate Bill 150 made it out of the Banking committee without substitute language, but died on the Senate calendar.

SB 881, AN ACT CONCERNING WORKFORCE DEVELOPMENT.

Senate Bill 881 was a comprehensive proposal concerning workforce development. The proposal, as voted out of the Higher Education Committee with substitute language, included provisions amending the FOI Act and creating three new and very broad exemptions concerning (1) *any* information reported by employers in their quarterly wage reports to the Department of Labor; (2) *any* information reported to an executive branch agency by an institution of higher education, private occupational school, or any other provider of a training or certificate program concerning applicants for admission or enrolled students; and (3) *records of and information* from applications for state and federal financial aid and applications for admission to institutions of higher education. These proposed exemptions did not receive a public hearing.

The FOI Commission worked with the proponents of Senate Bill 881 and other stakeholders on narrowing the proposed exemptions. The Senate passed the bill, as amended, which contained language that was narrower in scope, but the bill died on the House calendar.

Similar language was subsequently included in the budget implementer. The proposal in sections 263, 269 and 270 of Public Act 21-2 (June Special Session), exempts from disclosure: (1) any information contained in a Free Application for Federal Student Aid or a state application for student financial aid and personally identifiable information contained in applications for admission to institutions of higher education; (2) the name and identifying information of an employer and personally identifiable information about an employee provided to the Labor Department (“wage data”); and (3) personally identifiable information provided to the Office of Higher Education by a private occupational school, regional workforce development board, community action agency, and each provider of an alternate route to certification program for each student or trainee enrolled in a program that earns a credential (“student data”). The proposal allows for the sharing of the exempted wage data and student data with another state agency, another state or territory, the federal government or to support a data request submitted through CP20 WIN, for the purposes of program administration, audit, evaluation or research, provided the recipient of the data enters into a data sharing agreement. Data sharing agreements themselves are public records, which detail the purposes for which the shared data will be used (see section 271 of Public Act 21-2).

HB 6038; P.A. 21-63. AN ACT CONCERNING THE PROMOTION OF LOTTERY WINNINGS.

House Bill 6038 originally proposed to amend Conn. Gen. Stat. §12-810 “to allow a person who redeems a lottery ticket to claim a prize above a certain dollar amount to exempt his or her name and picture from disclosure under the Freedom of Information Act.” The FOI Commission questioned the public policy behind such proposal. There are reasons for disclosure of the names of winners who are voluntarily participating in a lottery system offered by a quasi-public agency. Access to public information ensures that winnings are distributed fairly, and guards against wrongdoing in the system. Public information will likely keep abuse from being hidden.

After a public hearing, the Public Safety and Security Committee drafted language that prohibited the Connecticut Lottery Corporation from publishing the photograph of any person who redeems a winning lottery ticket on the Corporation’s website without prior written consent; and to require that the Corporation remove such person’s name from the list of winners published on its website if requested by such person. The bill passed the House and Senate with the new language.

HB 6203; P.A. 21-114. AN ACT EXEMPTING CERTAIN RECORDS CONCERNING NATIVE AMERICAN CULTURAL KNOWLEDGE FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

House Bill 6203, as passed by the General Assembly, exempts from disclosure certain records submitted to a public agency, pursuant to the Native American Graves and Repatriation Act, 25 USC §3001 et seq. (NAGPRA), by a tribal nation seeking the return of Native American human remains and funerary objects, from such public agency.

NAGPRA, passed in 1990, requires entities that are holding Native American human remains and funerary objects to inventory such human remains and objects, attempt to determine “cultural affiliation” through a consultation process with tribal nations, and upon such determination, return the human remains and objects to the affiliated tribe or tribes. In order for a tribal nation to establish “cultural affiliation” under NAGPRA, a tribe must submit certain records, which records may contain information considered sacred to the tribe, such as the tribe’s religious rites and rituals, locations of sacred sites, and oral histories and traditions. These are the specific types of records the proponents of the bill sought to exempt from disclosure, and therefore the Commission was not opposed to an exemption for such records.

However, the Commission strongly believes that records submitted by a tribe or maintained by a public agency that do not constitute records of traditional cultural knowledge, but would shed light on the process by which a public agency is making decisions and/or administering the repatriation process, should continue to be subject to disclosure. Due to the narrowing of the scope of House Bill 6203 as originally proposed, such information is subject to disclosure.

HB 6451; P.A. 21-23. AN ACT CONCERNING THE AUTHORIZATION, LICENSING AND REGULATION OF ONLINE CASINO GAMING, RETAIL AND ONLINE SPORTS WAGERING, FANTASY CONTESTS, KENO AND ONLINE SALE OF LOTTERY TICKETS.

House Bill 6451 is a comprehensive bill governing in-person and online sports wagering, online casino gaming, in-person and online keno, online lottery draw games other than keno, and fantasy contests.

Among other requirements, section 14 of House Bill 6451, as passed by the General Assembly, requires that master wagering licensees and licensed online gaming operators, online gaming service providers, and sports wagering retailers to, where applicable based on the services provided "...[e]stablish a voluntary self-exclusion process to allow a person to (A) exclude himself or herself from establishing an account, (B) exclude himself or herself from placing wagers through an account, or (C) limit the amount such person may spend using such an account...."

In addition, section 31 of the bill exempts from disclosure "[t]he name and any personally identifying information of a person who is participating or who has participated in the [Connecticut Lottery Corporation's] voluntary self-exclusion process." The proposal, however, also allows the corporation to disclose "the name and any relevant records of such person, other than records regarding such person's participation in the voluntary self-exclusion process, if such person claims a winning lottery ticket from the purchase of a ticket for a lottery draw game through the corporation's Internet web site, online service or mobile application or if such person claims or is paid a winning wager from online sports wagering or retail sports wagering or is paid a prize from a fantasy contest." House Bill 6451, as originally introduced, did not contain language regarding the self-exclusion process.

Similar proposals regarding the voluntary self-exclusion process were also contained in the following proposals: Committee Bill 146, *An Act Authorizing Sports Wagering, Online Casino Gaming, Online Lottery and Online Keno*; Committee Bill 570, *An Act Authorizing a Tribal Resort-Casino in Bridgeport, Sports Wagering, Online Casino Gaming and Online Lottery*; and Governor's Bill 6443, *An Act Concerning Revenue Items to Implement the Governor's Budget*. Committee Bill 146 and Governor's Bill 6443 died on the Senate and House calendars, respectively. Committee Bill 570 was moved to the foot of the Senate calendar.

In written statements on Committee Bill 146 and House Bill 6443, respectively, the FOI Commission did not object to protecting information relating to an individual's participation in the voluntary self-exclusion process, with limitation. In previous legislative sessions,⁸ the

⁸ See Senate Bill 967, *An Act Concerning Online Multijurisdictional Lottery Games* (2017); SB 277, *An Act Concerning Online Lottery Draw Games* (2018); SB 540, *An Act Authorizing Sports Wagering and Online Lottery Draw Games in the State* (2018); SB 1015, *An Act Concerning Online Lottery Draw Games in the State* (2019); HB 7331, *An Act Concerning Sports Wagering in the State* (2019); SB 8, *An Act Implementing the Governor's Budget Recommendations for General Government* (2020); SB 21, *An Act Authorizing Sports Wagering, Internet Gaming, a Casino Gaming Facility in Bridgeport, Entertainment Zone Facilities, Internet Lottery and Internet Keno* (2020); SB 212, *An Act Authorizing a*

Commission worked with representatives of the Lottery Corporation to craft language that was narrow in its application. However, the language in section 31 of House Bill 6451 is different from the language that we worked on in the past. Its scope is unclear and should ultimately be clarified.

Acknowledgements:

We would like to provide special recognition to Liz Gemski, Mike Savino, Matthew Kauffman, Michele Jacklin, Jeff Daniels, and the Connecticut Council on Freedom of Information, for their tireless work during the legislative session to advocate for freedom of information and good government.

We also give a special thank you to the following individuals for their significant efforts on behalf of open government: Representative Matthew Ritter, Speaker of the House (1st District); Representative Bob Godfrey, Deputy Speaker Pro-Tempore (110th District); Representative Jason Rojas, Majority Leader (9th District); and Representative Vincent Candelora, Minority Leader (86th District).

In addition, we would like to thank the following individuals for their assistance this year: Representative Daniel J. Fox (148th District); Representative Cristin McCarthy Vahey (133rd District); Representative Michael Winkler (56th District); Representative Gale Mastrofrancesco (80th District); and Senator Rob Sampson (16th District).

Bill Tracking:

During the regular and special legislative sessions, we monitored 185 bills. A total of 107 received public hearings and FOI Commission staff prepared statements for and/or testified on 20 of those bills. As of July 6, 2021, 40 of the 185 bills monitored became public acts. The Governor vetoed one bill.

Casino Gaming Facility in Bridgeport, Sports Wagering, Entertainment Zones, Online Gaming, Online Lottery Ticket Sales and Online Keno (2020); HB 5168, An Act Authorizing Sports Wagering in the State (2020); and HB 5189, An Act Concerning Online Lottery Games in the State (2020).

The following summary of section 149 of Public Act No. 21-2 (June Special Session) was drafted by counsel at the FOIC. It is provided only as a guide. The FOIC has not yet issued any formal rulings regarding the new requirements and procedures in section 149 of Public Act No. 21-2, which took effect on July 1, 2021. While every effort has been made to ensure an accurate interpretation of its provisions, the public is encouraged to consult an official copy of the public act.¹

Section 149 of Public Act No. 21-2:
A Primer Regarding Public Meetings Held Using Electronic Equipment

Section 149 of Public Act No. 21-2 authorizes public agencies to hold a public meeting solely or in part using electronic equipment² *until* April 30, 2022, and establishes requirements and procedures for holding such meetings. Section 149 of Public Act No. 21-2 does not require a public agency to hold meetings using electronic equipment.

Agencies that hold a public meeting using electronic equipment must comply with the requirements and procedures set forth in section 149 of Public Act No. 21-2, and in accordance with the provisions of section 1-225 of the Freedom of Information (“FOI”) Act.

❖ **Regular Meetings Held Solely or In Part Using Electronic Equipment³**

➤ Notice and Agenda:

- Not less than 48 hours before a public agency conducts a regular meeting using electronic equipment, the agency must provide:

- (1) Direct notification in writing or by electronic transmission⁴ to each member of the public agency; and
- (2) Post a notice that the agency intends to conduct the meeting solely or in part using electronic equipment. Such notice must be posted as follows:
 - i) in the agency’s regular office or place of business;

¹ <https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00002-R00SB-01202SS1-PA.PDF>

² "Electronic equipment" is defined in section 147 of Public Act 21-2 as “any technology that facilitates real-time public access to meetings, including, but not limited to, telephonic, video or other conferencing platforms”.

³ These requirements do not apply to meetings of the General Assembly.

⁴ "Electronic transmission" is defined in section 147 of Public Act 21-2 as “any form or process of communication not directly involving the physical transfer of paper or another tangible medium, which (A) is capable of being retained, retrieved and reproduced by the recipient, and (B) is retrievable in paper form by the recipient.”

ii) in the office and on the website of the Secretary of the State for any state or quasi-public agency; in the clerk's office for any agency of a political subdivision of the state; or in the clerk's office for each municipal member of any multitown district or agency; and

iii) on the agency's website, if available.

- Not less than 24 hours before a public agency conducts a regular meeting using electronic equipment, the agency must post a meeting agenda. Such agenda must be posted as follows:

i) in the agency's regular office or place of business;

ii) in the office and on the website of the Secretary of the State for any state or quasi-public agency; in the clerk's office for any agency of a political subdivision of the state; or in the clerk's office for each municipal member of any multitown district or agency; and

iii) on the agency's website, if available.

- The notice and agenda must (1) be posted in accordance with the provisions of section 1-225 of the FOI Act and (2) include instructions for the public to attend and provide comment or otherwise participate in the meeting, if permitted.

➤ **Additional Requirements for Regular Meetings Held *Solely* Using Electronic Equipment:**

- If a public agency intends to hold a regular meeting solely using electronic equipment, the agency must:

(1) Provide any member of the public, upon request, with a physical location and any electronic equipment necessary to attend the meeting in real-time.

a. Such request must be submitted in writing and not less than 24-hours prior to the meeting.

(2) Allow such individual the same opportunities to provide comment or otherwise participate in the meeting as would be afforded if the meeting was held in person, with the following exception:

a. The public agency is not required to adjourn or postpone a meeting if such person loses the ability to participate because of an interruption, failure or degradation of such person's connection to the meeting by electronic equipment.

(3) Record or transcribe the meeting, except for any portion of an executive session.

- a. Any recordings or transcriptions must be posted on the agency's website and made available to the public to view, listen to and copy in the agency's office or regular place of business not later than 7 days after the meeting.
- b. Any recordings or transcriptions must be available to the public for at least 45 days after the meeting.

(4) If a quorum of the members of a public agency attend a meeting by means of electronic equipment from the same physical location, permit members of the public to attend the meeting from that physical location.

- If a member of a public agency loses the ability to participate because of an interruption, failure or degradation of that member's connection to the meeting by electronic equipment, the public agency is not required to adjourn or postpone a meeting unless such member's participation is necessary to form a quorum.

❖ **Special Meetings Held Solely or in Part Using Electronic Equipment**⁵

➤ Notice and Agenda:

- The notice and agenda must:
 - (1) Be posted not less than 24 hours prior to the special meeting in accordance with the provisions of section 1-225 of the FOI Act;
 - (2) Include whether the special meeting will be conducted solely or in part using electronic equipment; and
 - (3) Include instructions for the public to attend and provide comment or otherwise participate in the meeting, if permitted.

❖ **Votes Taken By Roll Call at Regular and Special Meetings Held Using Electronic Equipment:**

- Any vote taken at a meeting during which any member of the public agency participates using electronic equipment must be taken by roll call, unless the vote is unanimous.

❖ **Minutes for Regular and Special Meetings Held Using Electronic Equipment:**

- The minutes for a meeting during which any member of the public agency participates using electronic equipment must list the members who attended the meeting in person and those members who attended the meeting using electronic equipment.

⁵ These requirements do not apply to public meetings of the General Assembly.

- The minutes must also be made available and posted in accordance with the provisions of section 1-225 of the FOI Act.

❖ **Participation at Regular and Special Meetings Held Using Electronic Equipment:**

- Opportunity for Public to Comment or other Otherwise Participate:
 - A public agency is not required to offer members of the public who attend a meeting using electronic equipment the opportunity for public comment or other participation if such opportunity is not required for members of the public who attend a public meeting in person.
- Requirement for Member of Public Agency and Public to Identify Self:
 - Any member of a public agency or the public who participates orally in a meeting held using electronic equipment must make a “good faith effort” to state such person’s name and title, if applicable, at the outset of each occasion that such person participates orally during an uninterrupted dialogue or series of questions and answers.

❖ **Interruption of Regular or Special Meeting Due to the Failure, Disconnection or Degradation of Electronic Equipment - Resumption of Meeting:**

- If a meeting is interrupted due to the failure, disconnection or, in the chairperson’s determination, unacceptable degradation of electronic equipment, or if a member necessary to form a quorum loses the ability to participate due to the failure, disconnection or degradation of the member’s connection, the public agency may resume the meeting in accordance with the following:
 - The meeting may be resumed not less than 30 minutes and not more than 2 hours from the time of interruption or the chairperson’s determination.
 - The meeting may be resumed:
 - (1) in person, if a quorum is present in person, or
 - (2) if a quorum is restored by means of electronic equipment, solely or in part by such equipment.
 - If a meeting is resumed, then the public agency must:
 - (1) Restore electronic access to the public if such capability has been restored; and
 - (2) Post, if practicable, a notification on the agency’s website of the expected time of resumption or of the adjournment or postponement of the meeting.

- At the beginning of any meeting, the public agency may announce what preplanned procedures are in place for resumption of a meeting that is interrupted.

❖ **Interruption of Regular or Special Meeting Held Using Electronic Equipment Due to Disorderly Conduct:**

- If a meeting is interrupted by any person or groups of persons attending such meeting by electronic equipment so as to render the orderly conduct of such meeting unfeasible and order cannot be restored, the public agency may terminate such person's or group of persons' attendance by electronic equipment until such person or persons conforms to order, or, if need be, until such meeting is closed.