



BOARD OF ELECTIONS
83 Spring Street, Suite 305
Newton, New Jersey 07860
973-579-0950
egriffiths@sussex.nj.us

County of Sussex

March 29, 2021

Re: Anonymous OPRA Request
Date of request March 23, 2021

Dear Anonymous Resident:

This will acknowledge your email dated March 23, 2021 requesting, pursuant to OPRA and the common law right of access, voter registration records associated with nine individual voter I.D. numbers that you listed.

Further, you suggested that you are “not required to fill out an official form.” I am required to deny your OPRA request at this time in the form you have submitted based on the following:

A. Anonymous Request. You have chosen to submit your OPRA request anonymously. Even though OPRA allows anonymous requests for some types of government records, it specifically prohibits the records custodian from complying with an anonymous request for government records containing personal information of individuals, NJSA 47:1A-2.2. The voter registration records you have requested contain such personal information.

B. Official OPRA Request Form. Your request for records was made without using an “OPRA Request Form.” While it is not always necessary to use the official OPRA form, your decision not to do so is problematic because the records you have requested contain personal information of individuals within the specific protection of NJSA 47:1A-2.2 which may not be disclosed under certain circumstances to an OPRA requestor who has a criminal conviction record. Unless you identify yourself, I cannot carry out my responsibility to keep statutorily privileged information from falling into the wrong hands.

Furthermore, the OPRA Request Form which you declined to use contains a mandatory certification under penalty of perjury that you have not been convicted of any criminal offense under New Jersey law or anywhere else in the United States. Your email request did not contain that necessary statement under oath for the release of records containing personal information.

C. Publication. Your anonymous email included information about the organization sponsoring your request – “OPRAmachine.” You included a link to a series of FAQ’s about OPRAmachine’s policies and procedures. Several of those Q and A’s revealed that any government records furnished to you “will be automatically published on the Internet.” They also state that your focus is to “encourage the public to be more interested and involved in the work of government... [W]e think there should be no reason not to publish [the records] widely and plenty of public benefits inherent in doing so.”

Individual voters have a judicially recognized privacy interest in their personal information including home addresses, political affiliations, and voting histories. No ordinary civic-minded citizen would reasonably expect that the simple act of registering to vote would expose his or her name, address, political preference, and voting history to the world for all time by your declared policy of publishing these private and personal facts on the Internet for everyone to see.



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D. No Common Law Right of Access. The common law right of access to government records is not absolute. Three requirements for access to public records under the common law must be satisfied: 1. Must be common law public documents; 2. You must establish an interest in the subject matter of the material; 3. Your right of access must be balanced against the State's interest in preventing disclosure. Even if I assume for the sake of argument that the voter registration records you requested are public documents under the common law, you haven't articulated any particularized interest in having access to these records containing such personal information about ordinary individuals. As I have explained above, the balancing of interests of disclosure for the purpose of publication on the Internet against the interests of maintaining the privacy of such personal information as is involved here, weighs heavily in favor of non-disclosure.

Please be guided accordingly.

Ellen Griffiths
Chief Clerk Administrator