

Senate Bill No. 1233

CHAPTER 326

An act to amend Section 2166.5 of the Elections Code, and to amend Section 6206.5 of, and to repeal Sections 6211 and 6217 of, the Government Code, relating to confidential address programs.

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1233, Oropeza. Confidential address programs.

Existing law establishes a program until January 1, 2013, known as "Address Confidentiality for Victims of Domestic Violence and Stalking." That program authorizes specified persons to complete an application containing specified information in person at a community-based victims' assistance program to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address. The program also makes the participant's voter registration confidential, and requires the Secretary of State to act as that person's agent for service of process and to designate a substitute mailing address for program participants, as specified. Under existing law, any person who makes a false statement in an application for this program is guilty of a misdemeanor. Under the program any person who is granted confidentiality pursuant to these provisions may file a new affidavit of voter registration or reregistration and be considered an absent voter for subsequent elections until the county elections official is notified otherwise by the Secretary of State or the voter. Existing law provides that any records or documents pertaining to a program participant shall be retained and held confidential for a period of 3 years after termination of certification of participation in the program and then destroyed, as specified.

This bill would extend the provisions of the program indefinitely.

By extending indefinitely provisions of law, the violation of which is a misdemeanor, this bill would impose a state-mandated local program.

Existing law establishes a program similar to the above-described program, the "Address Confidentiality for Reproductive Health Care Services Providers, Employees, Volunteers, and Patients" program until January 1, 2013, for reproductive health care services providers, employees, volunteers, and patients. The program similarly provides that any person who makes a false statement in an application is guilty of a misdemeanor and any person who is granted confidentiality pursuant to these provisions may file a new affidavit of voter registration or reregistration and be considered an absent voter for subsequent elections until the county elections official is notified otherwise by the Secretary of State or the voter.

This bill would extend indefinitely the “Address Confidentiality for Reproductive Health Care Services Providers, Employees, Volunteers, and Patients” program.

By extending indefinitely provisions of law, the violation of which is a misdemeanor, this bill would impose a state-mandated local program.

Existing law requires the Secretary of State to retain and keep confidential records and documents pertaining to a participant in this address confidentiality program for a period of 3 years after termination of certification of the participant, and then to destroy the records and documents.

This bill would provide an exception to those provisions for change of name records, which would be retained permanently.

Existing law, until January 1, 2013, provides that any person filing with the county elections official a new affidavit of registration or reregistration who is a participant in certain address confidentiality programs may have the information relating to his or her residence address, telephone number, and e-mail address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential, as specified.

This bill would extend indefinitely the voter registration confidentiality provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 2166.5 of the Elections Code is amended to read:

2166.5. (a) Any person filing with the county elections official a new affidavit of registration or reregistration may have the information relating to his or her residence address, telephone number, and e-mail address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon presentation of certification that the person is a participant in the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking program pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code or a participant in the Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients program pursuant to Chapter 3.2 (commencing with Section 6215) of that division.

(b) Any person granted confidentiality under subdivision (a) shall:

(1) Be considered a vote by mail voter for all subsequent elections or until the county elections official is notified otherwise by the Secretary of State or in writing by the voter. A voter requesting termination of vote by mail status thereby consents to placement of his or her residence address, telephone number, and e-mail address in the roster of voters.

(2) In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word “confidential” or some similar designation in place of the residence address.

(c) No action in negligence may be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information that is the subject of this section unless by a showing of gross negligence or willfulness.

(d) Subdivisions (a) and (b) shall not apply to any person granted confidentiality upon receipt by the county elections official of a written notice by the address confidentiality program manager of the withdrawal, invalidation, expiration, or termination of the program participant’s certification.

SEC. 2. Section 6206.5 of the Government Code is amended to read:

6206.5. (a) The Secretary of State may cancel a program participant’s certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the Secretary of State with at least seven days’ prior notice of the change of address.

(b) The Secretary of State may cancel a program participant’s certification if the program participant changes his or her name from the one listed in the application and fails to notify the Secretary of State of the name change within seven days of the change.

(c) The Secretary of State may cancel certification of a program participant if mail forwarded by the secretary to the program participant’s address is returned as nondeliverable.

(d) The Secretary of State shall cancel certification of a program participant who applies using false information.

(e) Any records or documents pertaining to a program participant shall be retained and held confidential for a period of three years after termination of certification and then destroyed, except for change of name records, which shall be retained permanently.

SEC. 3. Section 6211 of the Government Code is repealed.

SEC. 4. Section 6217 of the Government Code is repealed.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.