

Introduced by Senator Monning

January 15, 2013

An act to amend Section 2194 of the Elections Code, relating to voter information.

LEGISLATIVE COUNSEL'S DIGEST

SB 112, as introduced, Monning. Voter information: public examination.

Existing law sets forth the requirements and procedures for handling the voter registration card and for the specific voter information that is contained therein. Existing law provides that the home address, telephone number, e-mail address, precinct number or other specified number, and prior registration information shown on the voter registration card for all registered voters are confidential and prohibits the disclosure of that information to any person, except as specified.

This bill would require that the above-referenced voter registration card information be open for public examination if the information has been recorded more than 72 years prior to the date of the examination request. If the records are contained in the great registers of voters and the bound register contains information covering more than one year, the bill would prohibit the examination of the records until the entire contents of the register have been recorded for at least 72 years.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 2194 of the Elections Code is amended
- 2 to read:

1 2194. (a) The voter registration card information identified in
2 subdivision (a) of Section 6254.4 of the Government Code:

3 (1) Shall be confidential and shall not appear on any computer
4 terminal, list, affidavit, duplicate affidavit, or other medium
5 routinely available to the public at the county elections official's
6 office.

7 (2) Shall not be used for any personal, private, or commercial
8 purpose, including, but not limited to:

9 (A) The harassment of any voter or voter's household.

10 (B) The advertising, solicitation, sale, or marketing of products
11 or services to any voter or voter's household.

12 (C) Reproduction in print, broadcast visual or audio, or display
13 on the Internet or any computer terminal unless pursuant to
14 paragraph (3).

15 (3) Shall be provided with respect to any voter, subject to the
16 provisions of Sections 2166.5, 2166.7, and 2188, to any candidate
17 for federal, state, or local office, to any committee for or against
18 any initiative or referendum measure for which legal publication
19 is made, and to any person for election, scholarly, journalistic, or
20 political purposes, or for governmental purposes, as determined
21 by the Secretary of State.

22 (4) *Shall be open for examination by the public if the information*
23 *has been recorded more than 72 years prior to the date of the*
24 *examination request. If records are contained in the great registers*
25 *of voters and the bound register contains information covering*
26 *more than one year, the records shall not be viewed until the entire*
27 *contents of the register have been recorded for at least 72 years.*

28 (b) (1) Notwithstanding any other provision of law, the
29 California driver's license number, the California identification
30 card number, the social security number, and any other unique
31 identifier used by the State of California for purposes of voter
32 identification shown on a voter registration card of a registered
33 voter, or added to voter registration records to comply with the
34 requirements of the Help America Vote Act of 2002 (42 U.S.C.
35 Sec. 15301 et seq.), are confidential and shall not be disclosed to
36 any person.

37 (2) Notwithstanding any other provision of law, the signature
38 of the voter shown on the voter registration card is confidential
39 and shall not be disclosed to any person, except as provided in
40 subdivision (c).

- 1 (c) (1) The home address or signature of any voter shall be
2 released whenever the person’s vote is challenged pursuant to
3 Sections 15105 to 15108, inclusive, or Article 3 (commencing
4 with Section 14240) of Chapter 3 of Division 14. The address or
5 signature shall be released only to the challenger, to elections
6 officials, and to other persons as necessary to make, defend against,
7 or adjudicate the challenge.
- 8 (2) An elections official shall permit a person to view the
9 signature of a voter for the purpose of determining whether the
10 signature matches a signature on an affidavit of registration or a
11 petition, but shall not permit a signature to be copied.
- 12 (d) A governmental entity, or officer or employee thereof, shall
13 not be held civilly liable as a result of disclosure of the information
14 referred to in this section, unless by a showing of gross negligence
15 or willfulness.
- 16 (e) For the purposes of this section, “voter’s household” is
17 defined as the voter’s place of residence or mailing address or any
18 persons who reside at the place of residence or use the mailing
19 address as supplied on the affidavit of registration pursuant to
20 paragraphs (3) and (4) of subdivision (a) of Section 2150.