

AMENDED IN SENATE APRIL 4, 2013

AMENDED IN SENATE MARCH 7, 2013

SENATE BILL

No. 112

Introduced by Senator Monning

January 15, 2013

An act to amend Section 2194 of, *and to add Section 2194.1 to*, the Elections Code, relating to voter information.

LEGISLATIVE COUNSEL'S DIGEST

SB 112, as amended, 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 available to the public 100 years after the creation of the record. 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 public availability of the records until the entire contents of the register have been recorded for at least 100 years. *The bill would make a conforming change to existing law.*

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:

3 2194. (a) ~~The~~ *Except as provided in Section 2194.1, the voter*
4 registration card information identified in ~~subdivision (a) of~~ Section
5 6254.4 of the Government Code:

6 (1) ~~Except as provided in paragraph (4), shall~~ *Shall* be
7 confidential and shall not appear on any computer terminal, list,
8 affidavit, duplicate affidavit, or other medium routinely available
9 to the public at the county elections official's office.

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

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

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

15 (C) Reproduction in print, broadcast visual or audio, or display
16 on the Internet or any computer terminal unless pursuant to
17 paragraph (3) ~~or (4)~~.

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

25 ~~(4) Shall be available to the public 100 years after the creation~~
26 ~~of the record. If records are contained in the great registers of~~
27 ~~voters and the bound register contains information covering more~~
28 ~~than one year, the records shall not be available to the public until~~
29 ~~the entire contents of the register have been recorded for at least~~
30 ~~100 years.~~

31 (b) (1) Notwithstanding any other provision of law, the
32 California driver's license number, the California identification
33 card number, the social security number, and any other unique
34 identifier used by the State of California for purposes of voter
35 identification shown on a voter registration card of a registered
36 voter, or added to voter registration records to comply with the
37 requirements of the federal Help America Vote Act of 2002 (42

1 U.S.C. Sec. 15301 et seq.), are confidential and shall not be
2 disclosed to any person.

3 (2) Notwithstanding any other provision of law, the signature
4 of the voter shown on the voter registration card is confidential
5 and shall not be disclosed to any person, except as provided in
6 ~~paragraph (4) of subdivision (a) and~~ subdivision (c).

7 (c) (1) The home address or signature of any voter shall be
8 released whenever the person's vote is challenged pursuant to
9 Sections 15105 to 15108, inclusive, or Article 3 (commencing
10 with Section 14240) of Chapter 3 of Division 14. The address or
11 signature shall be released only to the challenger, to elections
12 officials, and to other persons as necessary to make, defend against,
13 or adjudicate the challenge.

14 (2) An elections official shall permit a person to view the
15 signature of a voter for the purpose of determining whether the
16 signature matches a signature on an affidavit of registration or a
17 petition, but shall not permit a signature to be copied.

18 (d) A governmental entity, or officer or employee thereof, shall
19 not be held civilly liable as a result of disclosure of the information
20 referred to in this section, unless by a showing of gross negligence
21 or willfulness.

22 (e) For the purposes of this section, "voter's household" is
23 defined as the voter's place of residence or mailing address or any
24 persons who reside at the place of residence or use the mailing
25 address as supplied on the affidavit of registration pursuant to
26 paragraphs (3) and (4) of subdivision (a) of Section 2150.

27 *SEC. 2. Section 2194.1 is added to the Elections Code, to read:*
28 *2194.1. The voter registration card information identified in*
29 *Section 6254.4 of the Government Code shall be available to the*
30 *public 100 years after the creation of the record. If records are*
31 *contained in the great registers of voters and the bound register*
32 *contains information covering more than one year, the records*
33 *shall not be available to the public until the entire contents of the*
34 *register have been recorded for at least 100 years.*