

Assembly Bill No. 1705

Passed the Assembly May 11, 1995

Chief Clerk of the Assembly

Passed the Senate July 20, 1995

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1995, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

An act to add Section 2166 to the Elections Code, relating to voter registration, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, McPherson. Voter registration: confidentiality.

Existing law provides that the home address, telephone number, occupation, precinct number, and prior registration information on a voter registration card is confidential. It prohibits that information from appearing on any computer terminal list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

This bill would, in addition, permit any person filing a new affidavit of registration or reregistration to have his or her address and telephone number appearing on the affidavit or any list, roster, or index prepared from the affidavit, declared confidential upon order of the superior court upon a showing of life threatening circumstances to the voter or a member of the voter's household.

This bill would impose a state-mandated local program by requiring that any person granted confidentiality pursuant to this bill be considered an absent voter for subsequent elections until the county elections official is notified otherwise by the court or the voter.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs



mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it shall take effect immediately as an urgency statute.

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

SECTION 1. Section 2166 is added to the Elections Code, to read:

2166. (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 and telephone number appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon order of a superior court issued upon a showing of good cause that a life threatening circumstance exists to the voter or a member of the voter's household, and naming the county elections official as a party.

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

(1) Be considered an absent voter for all subsequent elections or until the county elections official is notified otherwise by the court or in writing by the voter. A voter requesting termination of absent voter status thereby consents to placement of his or her residence address and telephone number 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 disclosure of the information which is the subject of this section unless by a showing of gross negligence or willfulness.



SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that individuals faced with life-threatening circumstances are not further jeopardized, it is necessary that this act, which reinstates prior protections, go into immediate effect.



Approved _____, 1995

Governor

