COUNTY OF LOS ANGELES
REGISTRAR-RECORDER/COUNTY CLERK
12400 IMPERIAL HWY. – P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024

CONNY B. McCORMACK
Registrar-Recorder/County Clerk

January 30, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

REQUEST AUTHORIZATION TO EXPAND THE CONFIDENTIALITY OF VOTER REGISTRATION INFORMATION TO SPECIFIED PUBLIC SAFETY OFFICIALS PURSUANT TO STATUTE (ALL DISTRICTS – 3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize the Registrar-Recorder/County Clerk ("Registrar") to expand the confidentiality of voter registration information to specified public safety officials pursuant to statute.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to authorize the Registrar to expand voter confidentiality for specified public safety officials as provided in newly enacted Election Code § 2166.7, which became effective on January 1, 2007. Enclosure A. The confidentiality would protect individuals in specified public safety positions where life threatening circumstances may exist to the official or the official's family.

Implementation of Strategic Plan Goals:

The recommended action supports the County's Strategic Plan:

Goal No. 1: Service Excellence: Improve the effective delivery of services within the County by expanding the voter registration confidentiality program to include public safety officials.

FISCAL IMPACT/FINANCING

Minimal program costs will be incurred and absorbed by the Department in its approved adopted FY 2006-07 and future budgets.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On September 26, 2006, Senate Bill ("SB") 506 was signed by the Governor and became effective January 1, 2007. SB 506 authorized, among other things, local registrars to make confidential the residence address, telephone number and e-mail address appearing on the affidavit of voter registration of certain public safety officials. *See* Elections Code ("EC") § 2166.7 (f). The Board of Supervisors is specifically required to authorize the Registrar to carry out the expansion of the voter confidentiality provisions in Los Angeles County. *See* Elections Code ("EC") § 2166.7 (a).

Prior to enactment of SB 506, confidentiality of voter information applied to individuals when ordered by a court due to life threatening circumstances, as well as to victims of domestic violence and stalking, and reproductive health care service providers, employees, volunteers and patients. *See* EC §§ 2166 and 2166.5. Senate Bill 506 adds EC § 2166.7 which identifies five additional categories of public safety officers who qualify for confidentiality such as peace officers, judges, and government attorneys primarily practicing criminal law. The statutes identifying the specific positions entitled to confidentiality are included in Enclosure B.

If authorized by your Board, the Registrar will expand the confidentiality to those individuals who qualify, and file an application with the Registrar. The application shall contain a statement, signed under penalty of perjury, that the person is a public safety officer as defined in subdivision (f) of EC § 2166.7, and that a life threatening circumstance exists to the officer or member of the officer's family. EC § 2166.7 (b). The application for confidentiality of the voter's information is a public record. *Id.*

The confidentiality granted by EC 2166.7, shall terminate no more than two years after commencement, as determined by the Registrar, and upon new application, may be granted for up to an additional two years after expiration. EC § 2166.7 (c). Any person granted confidentiality will be considered an absent voter for all subsequent elections until the Registrar is notified in writing by the voter or Secretary of State. EC § 2166.7 (d)(1). A voter requesting termination of absent voter status thereby consents to placement of his or her residence address, telephone number, and e-mail address in the roster of voters. EC § 2166.7 (d)(1). In addition, the person granted confidentiality must provide a valid mailing address to be used in place of the residence address for

election, scholarly, political research, and governmental purposes. EC § 2166.7 (d)(2). The Registrar, 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. *Id*

The Los Angeles County Superior Court has requested that the Registrar seek approval for expansion of voter confidentiality in Los Angeles County pursuant to EC § 2166.7.

IMPACT ON CURRENT SERVICES/PROJECTS

Authorization for the Registrar to expand the confidentiality of voter records will benefit those individuals who are in positions that place them or their families at risk for harm should their residence address, telephone number and e-mail address be disclosed to the public. The Registrar already has an existing computerized system that can be used to incorporate the expanded confidentiality provisions.

CONCLUSION

Upon Board authorization, the Registrar is instructed to expand the voter confidentiality provisions of Elections Code §2166.7 in Los Angeles County.

Respectfully submitted,

Conny B. McCormack
Registrar-Recorder/County Clerk

CBM:DL

Enclosures (2)

c: Chief Administrative Officer
County Counsel

Enclosure A

Cal Elec Code § 2166.7

Deering's California Codes Annotated
Copyright © 2006 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

Practitioner's Toolbox
History

*** THIS SECTION IS CURRENT THROUGH THE 2007 SUPPLEMENT ***
(ALL 2006 LEGISLATION)

ELECTIONS CODE
Division 2. Voters
Chapter 2. Registration
Article 4. Forms

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Elec Code § **2166.7** (2006)

§ 2166.7. Public safety officer entitled to confidentiality

(a) If authorized by his or her county board of supervisors, a county elections official shall, upon application of a public safety officer, make confidential that officer's residence address, telephone number, and e-mail address appearing on the affidavit of registration, in accordance with the terms and conditions of this section.

(b) The application by the public safety officer shall contain a statement, signed under penalty of perjury, that the person is a public safety officer as defined in subdivision (f) and that a life threatening circumstance exists to the officer or a member of the officer's family. The application shall be a public record.

(c) The confidentiality granted pursuant to subdivision (a) shall terminate no more than two years after commencement, as determined by the county elections official. The officer may submit a new application for confidentiality pursuant to subdivision (a), and the new request may be granted for an additional period of not more than two years.

(d) 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 Secretary of State or in writing by the voter. A voter requesting termination of absent voter 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.

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

(f) "A public safety officer" has the same meaning as defined in subdivision (a), (d), (e), (f), or (j) of Section 6254.24 of the Government Code.

History:

Added ♦ Stats 2006 ch 466 § 1 (SB 506), effective January 1, 2007.

Hierarchy Notes:

Elec Code Note

Source: Legal > States Legal - U.S. > California > Statutes & Regulations > **CA - Deering's California Codes Annotated - Selected Documents**
TOC: Deering's California Code Annotated > / . . . / > Article 4. Forms > **§ 2166.7. Public safety officer entitled to confidentiality**
Terms: **2166.7** (Edit Search | Suggest Terms for My Search)
View: Full
Date/Time: Wednesday, January 17, 2007 - 4:12 PM EST

LexisNexis® About LexisNexis | Terms & Conditions
Copyright © 2007 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

Enclosure B

Applicable Statutes Identified In Elections Code § 2166.7

Govt. Code § 6254.24

As used in this chapter, "public safety official" means the following:

(a) An active or retired peace officer as defined in Sections 830 and 830.1 of the Penal Code.

(d) An attorney employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.

(e) A city attorney and an attorney who represent cities in criminal matters.

(f) A specified employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have a prisoner in his or her care or custody.

(j) State and federal judges and court commissioners.

PENAL CODE § 830

Peace officers; persons included and excluded

Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

PENAL CODE § 830.1

Persons who are peace officers; extent of authority

(a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions, any police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city, any chief of police, or police officer of a district, including police officers of the San Diego Unified Port District Harbor Police, authorized by statute to maintain a police department, any marshal or deputy marshal of a superior court or county, any port warden or port police officer of the Harbor

Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs the peace officer or in which the peace officer serves.

(2) Where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is with a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

(b) The Attorney General and special agents and investigators of the Department of Justice are peace officers, and those assistant chiefs, deputy chiefs, chiefs, deputy directors, and division directors designated as peace officers by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state where a public offense has been committed or where there is probable cause to believe one has been committed.

(c) Any deputy sheriff of the County of Los Angeles, and any deputy sheriff of the Counties of Butte, Kern, Humboldt, Imperial, Inyo, Kings, Mendocino, Plumas, Riverside, San Diego, Santa Barbara, Shasta, Siskiyou, Solano, Sonoma, Sutter, Tehama, Tulare, and Tuolumne who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.