

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 919 (Lowenthal) – As Introduced February 19, 2025

SUBJECT: Confidentiality of voter information: cognitively impaired individuals.

SUMMARY: Authorizes an individual who holds power of attorney for an individual with a cognitive impairment to apply for confidential voter status on behalf of the individual with a cognitive impairment, as specified. Specifically, **this bill:**

- 1) Defines the following terms:
 - a) “Authorized individual” to mean a person who holds power of attorney for an individual with a cognitive impairment.
 - b) “Cognitive impairment” to include dementia, Alzheimer’s, and any other condition that, in the sole discretion of the Secretary of State (SOS), impairs memory or judgment.
- 2) Requires a county elections official, upon application of an authorized individual, to grant confidential voter status to an individual with a cognitive impairment and make confidential their residence address, telephone number, and email address appearing on the affidavit of registration, in accordance with this bill.
- 3) Requires the application by the authorized individual to contain a statement, signed under penalty of perjury, that the person is an authorized individual as defined, and that the individual for whom they hold power of attorney has a cognitive impairment. Requires the application to be a public record.
- 4) Requires an elections official, in producing any list, roster, or index, to exclude voters with confidential voter status granted under this bill.
- 5) Permits the authorized individual, if the individual with a cognitive impairment moves to a new county, to reapply for confidential voter status. Requires the elections official of the new county, upon notice of the confidential voter moving into the county, to do all of the following:
 - a) Honor the confidential voter status granted by the former county.
 - b) Exclude the confidential voter in any list, roster, or index.
- 6) Provides that an action in negligence shall not 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 bill except by a showing of gross negligence or willfulness.
- 7) Require the SOS, no later than January 10 of each year, to submit to the Legislature a report that includes the total number of applications received for confidential voter status pursuant to this bill. Requires the report to disclose the number of individuals granted confidential

voter status and to describe any allegations of misuse of confidential voter information for election purposes.

EXISTING LAW:

- 1) Establishes the following two programs, collectively known as the Safe at Home program:
 - a) The Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Stalking, Human Trafficking, or Elder or Dependent Adult Abuse program (Government Code §§6205-6210); and,
 - b) The Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, Patients, and Other Individuals Who Face Threats or Violence Because of Work for a Public Entity program. (Government Code §§6215-6216)
- 2) Allows a person who is a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, or who is a reproductive health care services provider, employee, volunteer, or patient, and who fears for their safety or the safety of the person's family, to participate in the Safe at Home program by applying to the SOS at a designated community based assistance program. (Government Code §§6205-6216)
- 3) Allows a participant in the Safe at Home program to have the information relating to the person's residence address, telephone number, and e-mail address appearing on the participant's voter registration card, or on any list, index, or roster of registered voters, declared confidential. (Elections Code §2166.5)
- 4) Provides that any voter may have the voter's residence address, telephone number, and e-mail address from the voter registration card declared confidential upon order of a superior court issued upon showing of good cause that a life threatening circumstance exists to the voter or a member of the voter's household. (Elections Code §2166)
- 5) Provides that any public safety officer may have the officer's residence address, telephone number, and e-mail address from the voter registration card declared confidential if the county board of supervisors in the officer's county of residence authorizes such confidentiality and if the public safety officer attests that a life threatening circumstance exists to that officer or to the officer's family. (Elections Code §2166.7)
- 6) Provides that any public qualified worker may have their residence address, telephone number, and e-mail address from the voter registration card declared confidential if the county board of supervisors in the officer's county of residence authorizes such confidentiality and if the qualified worker attests that a life threatening circumstance exists to that worker or to the worker's family. (Elections Code §2166.8)
- 7) Provides that the home address, telephone number, e-mail address, precinct number, or other number specified by the SOS for voter registration purposes, and prior registration information shown on the voter registration affidavit for all registered voters, are confidential, and shall not be disclosed to any person, except that such information shall be provided with respect to any voter to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is

made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS, as specified. (Elections Code §2194)

FISCAL EFFECT: Unknown. State-mandated local program; contains a crimes and infractions disclaimer.

COMMENTS:

1) **Purpose of the Bill:** According to the author:

Outreach from campaigns soliciting donations through text messages, emails, and phone calls has become increasingly more persistent and often deceptive in recent years. While these text messages may be bothersome to most people, they can be potentially dangerous and misleading for our elderly population, especially those with cognitive impairment. A single donation from a person only leads to an increase in outreach from campaigns, often with misleading claims and urgent pleas for money written as if they were coming from the political candidate themselves.

AB 919 provides a way to protect individuals with cognitive impairment from campaign solicitations, as they are especially susceptible to exploitation and are often misled by deceptive messaging. The bill allows a person who holds power of attorney for someone with cognitive impairment—typically a child, spouse, or family member—the ability to apply for confidential voter status on behalf of the individual with cognitive impairment. This bill will prevent more instances of at-risk individuals inadvertently contributing large amounts of their savings to political campaign.

2) **Safe at Home Background:** California's Address Confidentiality for Victims of Domestic Violence program was created by SB 489 (Alpert), Chapter 1005, Statutes of 1998, modeled after a program in the state of Washington that was intended to allow an individual who experienced or who feared domestic violence to keep the person's residential address confidential and to provide a substitute address for use by state and local agencies in public records. A participant in the program uses a substitute address provided by the SOS, who forwards the participant's mail to their actual address. State and local agencies are required to accept the substitute address, except in certain limited cases, when presented proof that a person is participating in the program. Additionally, participants are allowed to have their voter registration information kept entirely confidential from campaigns, pollsters, and the media by completing a confidential voter registration affidavit.

When originally enacted, only victims of domestic violence were eligible to participate in the program. Since that time, the program was expanded to allow participation by victims of stalking (SB 1318 (Alpert), Chapter 562, Statutes of 2000), victims of sexual assault (SB 1062 (Bowen), Chapter 639, Statutes of 2006), victims of human trafficking (SB 597 (Leyva), Chapter 570, Statutes of 2017), and victims of elder or dependent adult abuse (SB 1320 (Stern), Chapter 1320, Statutes of 2018). Additionally, in September 2020, Governor Newsom issued executive order N-80-20, which authorized the SOS to allow local health officers and other public health officials to participate in the program due to threats and other harassment of those individuals in connection with their contributions to protecting public

health against COVID-19. According to the SOS, nine local health officers and other public health officials were enrolled in the address-confidentiality program while the executive order was in effect. Those individuals remain in the program, but other local health officers and other public health officials are no longer eligible to apply for, or participate in the program, even if they face serious risks of violence or threats of violence at work, because the executive order has expired.

Separately, AB 797 (Shelley), Chapter 380, Statutes of 2002, created a related program for reproductive health care services providers and their employees, volunteers, and patients. While the provisions of the two programs are very similar, participants in the program created by AB 797, other than reproductive health care services patients, are required to pay an application fee and an annual fee to participate in the program. According to the SOS, the current fees for those participants are a \$30 application fee and a \$75 annual fee. Although the reproductive health care services program is identified in state law separately from the program to provide substitute addresses for victims of domestic violence, stalking, sexual assault, human trafficking, and elder or dependent adult abuse, the two programs are frequently referred to collectively as the “Safe at Home” program.

- 3) **Expanding Safe at Home Program and Previous Legislation:** In 2022, SB 1131 (Newman), Chapter 554, Statutes of 2022, expanded the Safe at Home program to allow individuals who face threats or acts of violence or harassment because of their work for public entities (including election workers) to participate in the address confidentiality program for reproductive health care service providers, employees, volunteers, and patients. SB 1131 allows employees and contractors of state or local election officials who face life-threatening circumstances to have their voter registration information made confidential.
- 4) **Secretary of State 2025 Safe at Home Report:** According to a January 10, 2024 report by the SOS, the Safe at Home program currently serves 7,167 individuals, an increase of 11% compared to 2023. Of those participants, 1,115 (an increase of 19% compared to 2023) have applied to have their residence address, telephone number, and email address from the participant’s voter registration record made confidential. Per the report, this increase can be attributed to the 2024 presidential election and the program's efforts to increase participant awareness about confidential voter registration.
- 5) **New Local Program:** This bill creates a new program, administered by a county elections official, which allows an individual who holds power of attorney for an individual with a cognitive impairment to apply for confidential voter status on behalf of the individual with cognitive impairment. According to the author, this protection is needed for individuals with cognitive impairment due to recent reports that hundreds of elderly political donors, including those with dementia, have fallen victim to political campaign solicitations and unintentionally agreed to donate more money than they intended to, often giving reoccurring donations that they were unaware of.

The author and the committee may wish to consider whether this bill’s goals may be more efficiently accomplished by expanding the Safe at Home program to include individuals with cognitive impairment, instead of creating a new program.

- 6) **Definition of Cognitive Impairment:** This bill defines the term cognitive impairment to include dementia, Alzheimer’s, and any other condition that, in the sole discretion of the

SOS, impairs memory or judgment. The definition is fairly broad and does not reference an existing provision of law that defines the term cognitive impairment. The author may wish consider amending the bill to require a person who applies for confidential voter status on behalf of an individual with cognitive impairment to submit other evidence that supports the sworn statement. This added requirement may help to ensure this program is not abused.

- 7) **Voter Registration Confidentiality:** As detailed above, the voter registration information for every voter is confidential under existing law, though certain information from a voter's registration records are available for specified election, scholarly, journalistic, political, or governmental purposes. When information is provided to individuals and organizations pursuant to these provisions, a voter's driver's license number, identification number, partial social security number, and signature are not disclosed. A person who wishes to receive voter registration information from the SOS or a county elections official for one of those permissible purposes is required to make an application setting forth the person's name, address, telephone number, driver's license number or the number of another identification approved by the SOS, the specific information requested, and a statement of the intended use of the information requested. The elections official is also required to verify the person's identity before providing any voter registration information, and completed applications are required to be retained by the elections official for five years.

In certain situations, state law provides a greater level of confidentiality of a voter's registration records, and prohibits the disclosure of the voter's residence address, telephone number, and e-mail address even for election, scholarly, journalistic, political, or governmental purposes for which that information would otherwise be available under existing law. As detailed above, participants in California's Safe at Home program are eligible for such protections. Additionally, existing law permits a voter to have the voter's residence address, telephone number, and e-mail address from the voter's registration record declared confidential by order of a superior court upon showing that a life threatening circumstance exists to the voter or a member of the voter's household. Finally, state law provides similar confidentiality to public safety officers who attest that a life threatening circumstance exists to that officer or the officer's family if the county board of supervisors in the officer's county of residence has authorized such a program.

- 8) **Previous Legislation:** AB 775 (Berman), Chapter 942, Statutes of 2022, prohibits a candidate or political committee, as specified, from accepting recurring contributions from a person unless the contributor provides affirmative consent to make a recurring contribution at the time of the initial contribution. AB 775 further clarifies that passive action by the contributor, such as failing to uncheck a pre-checked box, does not constitute affirmative consent.
- 9) **Arguments in Opposition:** With an oppose unless amended position, Disability Rights California, writes:

[We] support the intent of this bill to stop campaigns from seeking donations in a predatory manner from vulnerable people. However, we have serious reservations about this bill in its current form. Typically, voting capacity issues are handled by probate courts and the decision is up to the judge. Additionally, this bill gives too much power to someone with a Power of Attorney over a voter with a disability and does not adequately protect the interests of the voter with a disability. The

Power of Attorney already provides the option for control of another's banking and this might be enough to stop the donations. Finally, it is not clear if the use of the Confidential Voter Status in this manner will actually stop campaigns from being able to contact these voters if older voter data is still in use. We look forward to working with Assemblymember Lowenthal's office to come up with an amendment.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

Disability Rights California (unless amended)
Election Integrity Project California, Inc.

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