

Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1768 (Fong) – As Introduced: February 14, 2014

SUBJECT: Declaration of candidacy: residence address.

SUMMARY: Exempts a candidate for any office whose voter registration information is confidential from the requirement to state a residence address on a declaration of candidacy, as specified. Specifically, this bill:

- 1) Provides that a candidate for any office whose voter registration information is confidential shall not be required to state his or her residence address on the declaration of candidacy.
- 2) Provides that if a candidate does not state his or her residence address on the declaration of candidacy, the elections official shall verify whether the candidate's address is within the appropriate political subdivision and add the notation "verified" where appropriate on the declaration.

EXISTING LAW:

- 1) Requires a candidate for public office to file a declaration of candidacy that contains, among other things, the residence address of the candidate.
- 2) Provides that a candidate for judicial office is not required to state his or her residence address on a declaration of candidacy.
- 3) Requires an elections official to verify whether a candidate's residence address is within the appropriate political subdivision and add a specified notation on the declaration of candidacy if the candidate does not state his or her residence address on the declaration.
- 4) Establishes procedures to make a voter's registration information confidential, including a voter's residence address.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

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

This measure allows candidates with confidential voter registration records to omit their residence addresses from the declaration of candidacy for their safety, similar to a provision of law that already applies to candidates for judicial office. In order to ensure that a candidate meets all necessary residency requirements for the office that he or she is seeking, AB 1768 requires the elections official to verify the residence address of the candidate before processing the declaration of candidacy.

- 2) Who Does This Apply To? Existing law provides that a candidate for judicial office is not required to state his or her residential address on the declaration of candidacy. When a judicial candidate does not state his or her residential address on the declaration of candidacy, the elections official is required to verify whether his or her address is within the appropriate political subdivision and add the notation of "verified" if appropriate.

This measure seeks to add any candidate whose voter registration information is deemed "confidential," as specified in current law, to the list of individuals who may choose to not include their residential address when completing their declaration of candidacy. Additionally this measure clarifies that once the appropriate political subdivision is "verified" this notation will be added by the elections official to the declaration of candidacy.

- 3) What is Confidential Voter Registration: Existing law permits any person who is filing a new affidavit of registration or reregistration with the county elections official to have the information relating to his or her residence address, telephone number and e-mail address 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 member of the voter's household.

Existing law also allows Safe at Home program participants to have their voter registration information kept confidential. The Safe at Home program, created by SB 489 (Alpert), Chapter 1005, Statutes of 1998, allows victims of domestic violence or stalking to apply to the Secretary of State (SOS) to request an alternate address to be used in public records. The purpose of that program is to "enable state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence or stalking." The SOS provides a substitute, publicly accessible address for these victims while protecting their actual residences or locations. In 2002, the Safe at Home program was expanded to include persons working or volunteering in the reproductive health care field. [AB 797 (Shelley), Chapter 380, Statutes of 2002.]

Finally, subject to certain conditions, public safety officers can have their residence address, telephone number, and e-mail address, as it appears on their affidavit of voter registration, made confidential by completing and submitting an application to the county elections official and signing a statement under penalty of perjury that a life-threatening circumstance exists to the officer or a member of the officer's family.

Under these programs, any individual granted confidentiality is considered a vote by mail voter for all subsequent elections or until the county elections official is notified otherwise. Confidential voters are required to 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.

4) Argument in Support: The California State Sheriffs' Association writes in support:

Existing law requires a candidate for public office to file a declaration of candidacy that contains among other things, the residence address of the candidate, but excludes a candidate for judicial office from the requirement that the candidate include his or her residence address.

Judges and judicial candidates are worthy of this protection and we agree it should be expanded to other deserving persons, including public safety officers. AB 1768 extends this protection to persons whose voter registration information is confidential pursuant to current law, which includes public safety officers under specified conditions.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association

Opposition

None on file.

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