

**EL DORADO COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL  
Meeting of March 20, 2007**

**AGENDA TITLE:** Request Authorization to Expand the Confidentiality of Voter Registration Information to Specified Public Safety Officials Pursuant to Statute

<b>DEPARTMENT:</b> Rec-Clerk/Registrar of Voters	<b>DEPT SIGNOFF:</b>	<b>CAO USE ONLY:</b>
<b>CONTACT:</b> William E. Schultz <i>[Signature]</i>		<i>C-128</i>
<b>DATE:</b> 3/2/2007	<b>PHONE:</b> 7505	

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:**  
Recorder-Clerk-Registrar of Voters ("Registrar") recommending that your Board authorize the Registrar to expand the confidentiality of voter registration information to specified public safety officials pursuant to statute. The confidentiality would protect individuals in specified public safety positions where life threatening circumstances may exist to the official or the official's family.

*The proposed action is consistent with SB 506, which was signed by the Governor and became effective on January 2007.*

**CAO RECOMMENDATIONS:** *Recommend approval. Laurie A. Hill 3/5/07*

Financial impact? ( ) Yes (X) No	Funding Source: ( ) Gen Fund ( ) Other
<b>BUDGET SUMMARY:</b>	Other:
Total Est. Cost _____ \$0.00	<b>CAO Office Use Only:</b>
<b>Funding</b>	4/5's Vote Required ( ) Yes (X) No
Budgeted _____	Change in Policy (X) Yes ( ) No
New Funding _____	New Personnel ( ) Yes (X) No
Savings _____	<b>CONCURRENCES:</b>
Other* _____	Risk Management _____
Total Funding _____ \$0.00	County Counsel _____
<b>Change in Net County Cost</b> _____ \$0.00	Other _____

**\*Explain**

**BOARD ACTIONS:**

<b>Vote:</b> Unanimous _____ Or <b>Ayes:</b> <b>Noes:</b> <b>Abstentions:</b> <b>Absent:</b>	<b>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors</b> <b>Date:</b> _____ <b>Attest: Cindy Keck, Board of Supervisors Clerk</b> <b>By:</b> _____
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COUNTY OF EL DORADO  
**RECORDER/COUNTY CLERK/ REGISTRAR**  
2850 Fair Lane Court, Placerville, CA. 95667

William E. Schultz  
Recorder/County Clerk/Registrar of  
Voters

March 20, 2007

The Honorable Board of Supervisors  
County of El Dorado  
330 Fair Lane Drive  
Placerville, CA. 95667

Dear Supervisors:

**REQUEST AUTHORIZATION TO EXPAND THE CONFIDENTIALITY OF VOTER  
REGISTRATION INFORMATION TO SPECIFIED PUBLIC SAFETY OFFICIALS  
PURSUANT TO STATUTE**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Authorize the Recorder/County Clerk/ Registrar of Voters ("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 El Dorado 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.

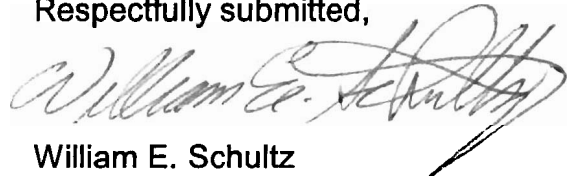
**IMPACT ON CURRENT SERVICES/PROJECTS**

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 El Dorado County.

Respectfully submitted,



William E. Schultz  
Recorder/County Clerk/Registrar

Wes/wes

Enclosures (2)

cc: Chief Administrative Officer  
County Counsel

# ATTACHMENT A



COUNTY OF EL DORADO  
**RECORDER/COUNTY CLERK/ REGISTRAR**  
2850 Fair Lane Court, Placerville, CA. 95667

## **PROCEDURES TO APPLY FOR CONFIDENTIAL VOTER STATUS – Elections Code § 2166.7**

- 1. Read and review the attached California code provisions related to voter confidentiality for public safety officials.**

**IT IS YOUR RESPONSIBILITY TO ENSURE THAT YOU QUALIFY AS A PUBLIC SAFETY OFFICER PURSUANT TO ELECTIONS CODE SECTION 2166.7 AND THE APPLICABLE CODE SECTIONS REFERENCED THEREIN.**

- 2. Complete the Confidential Voter Registration form.**
- 3. Complete the Application for Confidential Voter Status.**
- 4. File with Recorder/County Clerk/ Registrar**
  - a. Application for Confidential Voter Status**
  - b. Confidential Voter Registration Form**

Voter notification card will be mailed confirming receipt and processing of registration form and you will automatically receive an absentee ballot for elections in which you are eligible to vote.

**Please review the following applicable California Election, Government and Penal codes and provisions before completing Confidential Registration and Application forms.**

**California Elections Code § 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.

**California Government Code § 6254.24 "Public Safety Official" defined**

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

## **California 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.

### **California 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.

# ATTACHMENT B

## Registrar APPLICATION FOR CONFIDENTIAL VOTER STATUS – PUBLIC SAFETY OFFICER (In Accordance with California Elections Code Section 2166.7)

**I HEREBY MAKE APPLICATION TO BECOME A CONFIDENTIAL VOTER IN EL DORADO COUNTY.  
I AM A REGISTERED VOTER IN EL DORADO COUNTY, AS FOLLOWS:**

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Name (Print)

**ADDRESS WHERE ABSENTEE BALLOT IS TO BE MAILED:**

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Mailing Address

City and Zip Code

**I HEREBY APPLY FOR AND CERTIFY THAT I AM ENTITLED TO BECOME A CONFIDENTIAL VOTER BASED ON THE FOLLOWING STATEMENT:**

1. I am a public safety officer as defined in subdivision (f) of Cal. Elections Code § 2166.7 and the applicable code sections referenced therein; and
2. A life threatening circumstance exists to me or to a member of my family.

**I declare under penalty of perjury pursuant to the laws of California that the above is true and correct.**

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Signature

Date

**SPECIAL PROVISIONS AND LIMITATIONS:**

A residence address must be provided on the attached confidential voter registration form in order for the Registrar to determine your voting jurisdictions.

Your residence address, telephone number and e-mail (if provided) will be deemed confidential after completion and acceptance of this application by the Registrar-Recorder/County Clerk. You will be notified in writing by the Registrar if the application is deficient.

This application for confidential voter status is a public record. Elections Code § 2166.7 (b). In addition, your name and valid mailing address may be disclosed for election, scholarly or political research, or government purposes pursuant to Elections Code § 2166.7 (d)(2).

Confidential status means that you will become a permanent absent voter for all subsequent elections until the county elections official is notified in writing that confidentiality is terminated. **However, this confidential status will terminate automatically after two years if a subsequent application is not filed.**

As a permanent absent voter, you will automatically receive a combined absentee/sample ballot at the mailing address designated.

**OFFICE USE ONLY**

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