

# MONTEREY COUNTY ELECTIONS



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## IMPORTANT NOTICE

### Accessing and Using Confidential Voter Records

1 September 2017 Revision

Carefully read this notice before using the files or lists of Registered Voters. Voter Registration Information is not public information and may only be used as authorized by law, code and regulations.

Receiving, installing, copying or otherwise using the files or lists indicates your acknowledgment that you have read this notice in its entirety and understand the conditions thereof. If you cannot comply with the stated regulations, do not use the files or lists in any way and return them to the Registrar of Voters.

Pursuant to law, code and regulations, voter registration information is available to persons or groups for election, scholarly, journalistic, political, or governmental purposes as determined by the Secretary of State. All requests to view, purchase, or use voter registration information must be accompanied by a written application.

The User of the file(s) agrees that the voter registration information set forth in Affidavits of Registration of voters and any information derived from electronic data processing (hereinafter collectively referred to as "registration information") will be used only for election, scholarly, journalistic, political, or governmental purposes as listed by California Code of Regulations, Title 2, Division 7, Chapter 1, Article 1, Sections 19001 through 19009, and Elections Code Section 2188 and 2194, and Government Code Section 6254.4.

The User (as principal or agent) further agrees not to sell, lease, loan or deliver possession of the registration information, or a copy thereof, or any portion thereof, in any form or format, to any person, organization or agency, without first receiving written authorization from the Secretary of State or the county elections official to release such registration information.

Any person or entity in possession of information obtained pursuant to California Law for election, scholarly, journalistic, or political purposes, or governmental purposes, who knowingly uses or permits the use of all or any part of that information for any purpose other than that stated above, or who furnishes that information for the use of another person, is guilty of a misdemeanor. (California Elections Code Section 18109).

In addition, subject to provision of California Code of Regulations, Title 2, Division 7, Chapter 1, Article 1, Sections 19001 through 19009, the User agrees to pay the County Election Department or the State of California, as compensation for any unauthorized use of each individual's registration information, an amount equal to the sum of fifty cents (\$.50) multiplied by the number of times each registration record is used by the User in an unauthorized manner.

## California Government Code

This section referencing the California Government Code was updated 1 September 2017 from: [http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=1](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=1).

### 6254.4.

(a) The home address, telephone number, email address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the affidavit of registration, is confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.

(b) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

(c) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on an affidavit of registration, or added to the voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(d) The signature of the voter that is shown on the affidavit of registration is confidential and shall not be disclosed to any person.

*(Amended by Stats. 2014, Ch. 593, Sec. 10. Effective January 1, 2015.)*

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## California Elections Code

This section referencing the California Elections Code was updated 1 September 2017 from: [http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=ELEC&division=2.&title=&part=&chapter=2.&article=5](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=2.&title=&part=&chapter=2.&article=5).

### 2188.

(a) Any application for voter registration information available pursuant to law and maintained by the Secretary of State or by the elections official of any county shall be made pursuant to this section.

(b) The application shall set forth all of the following:

(1) The printed or typed name of the applicant in full.

(2) The complete residence address and complete business address of the applicant, giving street and number. If no street or number exists, a postal mailing address as well as an adequate designation sufficient to readily ascertain the location.

(3) The telephone number of the applicant, if one exists.

(4) The number of the applicant's driver's license, state identification card, or other identification approved by the Secretary of State<sup>1</sup> if the applicant does not have a driver's license or state identification card.

(5) The specific information requested.

(6) A statement of the intended use of the information requested.

(c) If the application is on behalf of a person other than the applicant, the applicant shall, in addition to the information required by subdivision (b), set forth all of the following:

(1) The name of the person, organization, company, committee, association, or group requesting the voter registration information, including their complete mailing address and telephone number.

(2) The name of the person authorizing or requesting the applicant to obtain the voter registration information.

(d) The elections official shall request the applicant to display his or her identification for purposes of verifying that identifying numbers of the identification document match those written by the applicant on the application form.

(e) The applicant shall certify to the truth and correctness of the content of the application, under penalty of perjury, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The applicant shall state the date and place of execution of the declaration.

(f) Completed applications for voter registration information shall be retained by the elections official for five years from the date of application.

(g) This section shall not apply to requests for information by elections officials for election purposes or by other public agencies for governmental purposes.

(h) The Secretary of State may prescribe additional information to be included in the application for voter registration information.

(i) A county may not provide information for any political subdivision that is not wholly or partially contained within that county.

*(Amended by Stats. 2015, Ch. 728, Sec. 46. Effective January 1, 2016. Operative September 26, 2016, when the Secretary of State issued the certification prescribed by Stats. 2015, Ch. 728, Sec. 88.)*

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<sup>1</sup> US Passport per Secretary of State CCROV 95005 EC 2188(a)(4) Other Identification Approved dated 12-Jan-1995

**2194.**

(a) Except as provided in Section 2194.1, the affidavit of voter registration information identified in Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166, 2166.5, 2166.7, and 2188, 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 Secretary of State.

(b) (1) Notwithstanding any other law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other law, the signature of the voter shown on the affidavit of voter registration or an image thereof is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

(c) (1) The home address or signature of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or Article 3 (commencing with Section 14240) of Chapter 3 of Division 14. The address or signature shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or an image thereof or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, "voter's household" is defined as the voter's place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150.

*(Amended by Stats. 2015, Ch. 728, Sec. 53. Effective January 1, 2016. Operative September 26, 2016, when the Secretary of State issued the certification prescribed by Stats. 2015, Ch. 728, Sec. 88.)*

This section referencing the California Elections Code was updated 1 September 2017 from:  
[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=ELEC&division=18.&title=&part=&chapter=2.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=18.&title=&part=&chapter=2.&article=)

**18109.**

(a) It is a misdemeanor for a person in possession of information identified in Section 2138.5, or obtained pursuant to Article 5 (commencing with Section 2183) of Chapter 2 of Division 2 of this code or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

(b) It is a misdemeanor for a person knowingly to acquire possession or use of voter registration information from the Secretary of State or a county elections official without first complying with Section 2188.

*(Amended by Stats. 2015, Ch. 728, Sec. 85. Effective January 1, 2016. Operative September 26, 2016, when the Secretary of State issued the certification prescribed by Stats. 2015, Ch. 728, Sec. 88.)*

**18110.**

(a) For purposes of this section, "home address" means only street address and does not include an individual's city or post office address.

(b) Any person or public entity who, in violation of Section 2194, discloses the home address or telephone number listed on a voter registration card of any of the following individuals is guilty of a misdemeanor:

(1) An active or retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(2) An employee of a city police department or a county sheriff's office.

(3) The spouse or children of the individuals specified in paragraphs (1) and (2) who live with those individuals.

(c) Any person or public entity, who in violation of Section 2194, discloses the home address or telephone number listed on a voter registration card of any individual specified in paragraph (1), (2), or (3) of subdivision (b), and that violation results in bodily injury to any of those individuals, is guilty of a felony.

*(Added by Stats. 1994, Ch. 1207, Sec. 9. Effective January 1, 1995.)*

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# California Code of Regulations, Title 2, Division 7, Chapter 1, Article 1

This section referencing the California Code of Regulations was updated 9 July 2015 from:  
[https://govt.westlaw.com/calregs/Document/ID1107010D49311DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/ID1107010D49311DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

## 19001. Definitions.

As used in this Article, the following words have the following meanings:

(a) "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.

(b) "Registration information" means all information maintained in the general index to the affidavits of registration whether set forth on electronic data processing tapes or tabulating cards pursuant to Elections Code Section 607 or in indices of registered voters pursuant to Elections Code Section 607 and includes all information partially or solely derived from the aforementioned information, whether displayed, transmitted or stored in any format or on any media whatsoever.

(c) "A registration record" means the information or any portion thereof, set forth in an affidavit of registration executed by any person pursuant to Division 1, Chapter 2 of the Elections Code.

(d) "Source Agency" means Secretary of State or local agency or person deputized by the state or local agency which maintains registration information.

*Note: Authority cited: Section 12172, Government Code. Reference: Section 607, Elections Code.*

*Note: Section 607, Elections Code replaced by Section 2187*

## 19002. Use of Registration Information; Limitations.

Registration information obtained by any person from a source agency shall be used solely for election and governmental purposes.

## 19003. Permissible Uses.

Permissible uses of information obtained from a source agency shall include, but shall not be limited to, the following:

(a) Using registration information for purposes of communicating with voters in connection with any election.

(b) Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election.

(c) Sending communications, including but not limited to, mailings by or in behalf of any political party; provided however, that the content of such communications shall be devoted to news and opinions of candidates, elections, political party developments and related matters.

- (d) Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition.
- (e) Sending of newsletters or bulletins by any elected public official, political party or candidate for public office.
- (f) Conducting any survey of voters in connection with any election campaign.
- (g) Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election or governmental purposes.
- (h) Conducting an audit of voter registration lists for the purpose of detecting voter registration fraud.
- (i) Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure.
- (j) Any official use by any local, state, or federal governmental agency.

#### **19004. Impermissible Uses.**

The following uses of registration information obtained from a source agency shall be deemed other than for election and governmental purposes:

- (a) Any communication or other use solely or partially for any commercial purpose.
- (b) Solicitation of contributions or services for any purpose other than on behalf of a candidate or political party or in support of or opposition to a ballot measure.
- (c) Conducting any survey of opinions of voters other than those permitted by Sections 19003(f) and (g).

#### **19005. Prior Written Authorization.**

No person who obtains registration information from a source agency shall make any such information available under any terms, in any format, or for any purpose, to any person without receiving prior written authorization from the source agency. The source agency shall issue such authorization only after the person to receive such information has executed the written agreement set forth in Section 19008.

#### **19006. Charges; Deposits.**

The source agency may designate the price which is to be charged for the use of such registration information. The source agency may also require the payment of a deposit or the execution of a bond to cover the costs of supplying such registration information.

#### **19007. Penalties.**

Every person, who directly or indirectly obtains registration information from a source agency, shall be liable to the State of California, as a penalty for any use of said registration information which is not authorized by Section 607 of the Elections Code and the regulations promulgated pursuant thereto, for an amount equal to the sum of 50 ¢ multiplied by the number of registration records which such person used in an unauthorized manner. Unauthorized use by any applicant of any portion of the information obtained pursuant to this Chapter shall raise a presumption that all such information obtained by such applicant was so misused. Illustration: X Data Corp. obtains registration information from a source agency and uses this information to address a commercial mailing to 10,000 voters. Under the provision of this section, X Data Corp. is obligated to pay the State of California the sum of \$5000, which constitutes the sum of 50 ¢ multiplied by 10,000, the number of registration records which were used in an unauthorized manner.

*Note: Section 607, Elections Code replaced by Section 2187*



**19008. Application.**

Every applicant shall execute and deliver to the source agency the following application:

APPLICATION

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(If committee, state name of beneficiary) \_\_\_\_\_

\_\_\_\_\_

The above-named applicant, hereby applies to the Secretary of State of the State of California, directly or through a source agency, for:

\_\_\_\_\_ electronic data processing tapes

\_\_\_\_\_ indices of registered voters

\_\_\_\_\_ pages of addressograph lists

The applicant hereby agrees that the aforementioned information set forth in affidavits of registration of voters and any information derived from said tabulating cards, electronic data processing tapes and indices (hereinafter collectively referred to as "registration information") will be used only for election or governmental purposes, as defined by Title 2, Division 7, Article 1, Section 19003 of the California Administrative Code.

The applicant further agrees not to sell, lease, loan or deliver possession of the registration information, or a copy thereof, or any portion thereof, to any person, organization or agency without receiving written authorization to do so from the Secretary of State or from the source agency.

Subject to provisions of Title 2, Division 7, Article 1, Sections 19001 through 19007 of the California Administrative Code, the applicant agrees to pay the State of California, as compensation for any unauthorized use of each individual's registration information, an amount equal to the sum of 50 ¢ multiplied by the number of times each registration record is used by the applicant in an unauthorized manner.

Date: \_\_\_\_\_

Applicant or Agent for Applicant: \_\_\_\_\_

Title: \_\_\_\_\_

**19009. Submissions to Secretary of State.**

The Secretary of State may require that the applicant submit to the Secretary of State a copy of all mailings conducted by the applicant pursuant to this Chapter.

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