County of Santa Cruz

COUNTY CLERK / ELECTIONS

701 OCEAN STREET, ROOM 210, SANTA CRUZ, CA 95060-4076
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GAIL L. PELLERIN, COUNTY CLERK

February 26, 2007

AGENDA: March 20, 2007

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

RE: Request authorization to expand the confidentiality of voter registration information to specified public safety officials pursuant to Elections Code 52166.7

Dear Board members:

The County Clerk and Sheriff-Coroner recommend that your board authorize the County Clerk to expand the confidentiality of voter registration information to specified public safety officials pursuant to California Elections Code §2166.7.

Senate Bill 506, which became effective on January 1, 2007, adds 92166.7 to the California Elections Code and authorizes county election officials to make confidential the residence address, telephone number and e-mail address on the voter registration affidavits of public safety officials, including peace officers, judges and government attorneys practicing criminal law. This confidentiality would protect individuals in these specified public safety positions where life-threatening circumstances may exist to the official or to the officials' family. The Board of Supervisors is specifically required to authorize the County Clerk to carry out this expansion of the voter confidentiality provisions of the Elections Code.

If authorized by your Board, the County Clerk will expand the confidentiality of voter registration information to 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 Elections Code §2166.7(f), and that a life-threatening circumstance exists to the officer of member of the officer's family. The application for confidentiality is a public record.

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. The County Clerk, in producing any list, roster, or index, may, at his or her discretion, use the valid mailing address or the word "confidential" or some similar designation in place of the residence address.

The confidentiality granted by Elections Code 52166.7 is effective for up to two years after commencement, as determined by the County Clerk, and upon new application, may be granted for up to an additional two years. Any person granted confidentiality will be considered a permanent absent voter for all subsequent elections until the County Clerk is notified in writing by the voter or Secretary of State. A confidential 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 public roster of voters.

While there are no requests for confidentiality at this time, we are seeking your Boards' authorization now so that our office will be able to promptly respond to requests by public safety officers for confidential voter registration status.

FISCAL/STAFFING IMPACT:
Minimal program costs will be absorbed **by** the County Clerk's Department in its budget for **FY** 2006-07 and in future budgets.

It is therefore recommended that your Board authorize the County Clerk to expand the confidentiality of voter registration information to specified public safety officials pursuant to California Elections Code 52166.7.

Sincerely,

Gail L. Pellerin
County Clerk

Steve Robbins
Sheriff-Coroner

RECOMMENDED

SUSAN A. MAURIELLO
County Administrative Officer

County of Santa Cruz

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PROCEDURES TO APPLY FOR CONFIDENTIAL VOTER STATUS PUBLIC SAFETY OFFICERS

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 a Voter's Registration Form that will be kept confidential.

3. Complete the Application for Confidential Voter Status.

4. File with County Clerk:

   a. Application for Confidential Voter Status

   b. Voter's 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.
b. 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.
c. A city attorney and an attorney who represent cities in criminal matters.
d. 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.
e. 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.

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GAIL L. PELLERIN, COUNTY CLERK

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 SANTA CRUZ COUNTY. I AM A REGISTERED VOTER IN SANTA CRUZ COUNTY, AS FOLLOWS:

_____
Name (Print)

ADDRESS WHERE ABSENTEE BALLOT IS TO BE MAILED:

_____
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 California Elections Code § 2166.7(f) 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.

_____
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. If you ever change address, your name, or party affiliation you must complete a new voter's registration form and file it with the County Clerk.

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