

MEMORANDUM OF LAW

DATE: December 13, 1994

TO: The Honorable Mayor and City Council

FROM: City Attorney

SUBJECT: Effect of Senate Bill 1518 on Access to Voter
Registration Information

QUESTION PRESENTED

By memorandum dated November 8, 1994, the Legislative Specialist to the Public Services and Safety Committee asked the City Attorney whether Senate Bill 1518, adopted in 1994 by the California Legislature, will affect the Mayor and City Council's ability to obtain access to voter registration records. The City Attorney was asked to address his response to the Mayor and City Council.

SHORT ANSWER

We conclude that, under California Elections Code ("Elections Code") section 615, as amended by Chapter 1207 of 1994 California Statutes, the Mayor and City Councilmembers may still obtain voter registration information pertaining to certain judges, district attorneys, public defenders, peace officers, and their families for political or governmental purposes, as long as proper procedures are followed.

ANALYSIS

Senate Bill 1518 became Chapter 1207 of 1994 statutes. Among other things not relevant to this inquiry, Chapter 1207 repealed existing Elections Code section 615 and added a new Section 615, to become effective January 1, 1995.^F Chapter 1207 of 1994 California Statutes is just one of several pieces of legislation adopted this year in California that will affect access to voter registration records. It will take some time to sort through all of the legislation to determine their effect. Neither the Secretary of State nor the Attorney General is prepared to comment at this time on the effect of these various bills on existing laws. This memorandum is limited to analyzing the effect of Senate Bill 1518 on the availability of certain voter registration information to local government officials.

In relevant

part, new Elections Code section 615 reads:

(a) The voter registration

card information identified in subdivision (a) of 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 be provided with respect to any voter, subject to the provisions of Section 608, 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.

....

Elections Code section 615(a) concerns confidentiality and release of voter registration information identified in California Government Code section 6254.4. Essentially, this section addresses voter registration information pertaining to certain judges, district attorneys, public defenders, peace officers, and their families, not to all types of voter registration records. Therefore, we find that Elections Code section 615 only governs confidentiality and release of voter registration records of individuals in certain professions. Elections Code section 615(a)(2) further requires a person who seeks the voter registration records described in Section 615(a) to follow procedures set forth in Elections Code section 608 to obtain them. The purposes for which one may obtain voter registration information about persons occupying professions listed in Government Code section 6254.4 are also set forth in Section 615(a)(2). This portion of Elections Code section 615 was not amended by Senate Bill 1518.

CONCLUSION

Under Elections Code section 615, as amended by Chapter 1207 of 1994 California Statutes, the Mayor and City Councilmembers may still obtain voter registration information pertaining to certain judges, district attorneys, public defenders, peace officers, and their families for political or

governmental purposes, as long as proper procedures are followed as set forth in Elections Code section 608.

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By

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