



- 4) Allows the FPPC to retain all reports, statements, and copies filed under the PRA in a paper format to be retained in an electronic format.
- 5) Requires the FPPC to, in addition to redacting a person’s signature from their SEI when making it public, also redact the person’s personal residential addresses and telephone numbers.
- 6) Requires the FPPC to operate an online filing system instead of giving it the option to develop one.

**BACKGROUND**

Back to the Future. Sponsored by the FPPC, AB 1170 is designed to continue the agency’s efforts to modernize its operations and become more efficient.

The FPPC unveiled its SEI electronic filing system in January 2017 and more and more people have moved to file their SEIs electronically. According to figures from the FPPC:

Year	Paper		Electronic		Total Filings
2017	12,779	(59.2%)	8,814	(40.8%)	21,593
2018	11,121	(45.7%)	13,415	(54.3%)	24,536
2019	8,539	(36.2%)	15,017	(63.8%)	23,556
2020	7,927	(33.3%)	15,893	(66.7%)	23,820
2021	5,573	(23.8%)	17,875	(76.2%)	23,448
2022	7,552	(29%)	18,482	(71%)	26,034
2023	5,100	(20.1%)	19,610	(79.9%)	24,710

It should be noted these numbers are forms filed in the specific calendar year and consist of SEIs for people assuming office for a specific/designated position, submitting an annual statement, leaving a specific/designated position, or were a candidate for office. Amendments to a submitted SEI are not included in these numbers. Additionally, the COVID-19 pandemic may have played a role in the increase in electronic filings because many filers may have been hesitant to submit a form by paper for health and safety reasons.

**COMMENTS**

- 1) According to the Author: “To increase transparency and efficiency, AB 1170 will amend to the Political Reform Act of 1974 (Act) by requiring public officials and candidates to electronically file their Statements of Economic Interests (SEIs) – Form 700. Processing hard copy filings takes up valuable staff time and requires the FPPC to lease space sufficient to store the hard copies. According to the FPPC, it expends over 100 employee hours and \$10,000 annually on the processing of hardcopy SEIs. Universal e-filing would eliminate this burden and waste of public resources.

“AB 1170 requires public officials and candidates for whom the FPPC is the filing officer, to file their SEI electronically with the FPPC. This change will free up FPPC staff resources and eliminate costs related to document storage. Additionally, this change makes it easier for public officials and candidates to comply with the law.”

- 2) Paper or Electronic? Those who file an SEI with the FPPC have the option of filing it on paper or doing so electronically. As noted above, it appears the majority of filers are moving in that direction, given that last year, four out of five filers did so electronically.

Under this measure, the mandatory electronic filing requirement would apply to:

- A statewide elected official or candidate for statewide elective office;
  - A member of, or candidate for, the Legislature or State Board of Equalization;
  - A member of the Public Utilities Commission, State Energy Resources Conservation and Development Commission, or California Coastal Commission;
  - A member of a state licensing or regulatory board, bureau, or commission;
  - A person appointed to a state board, commission, or similar multimember body of the state if the Commission has been designated as the filing officer in the conflict of interest code of that board, commission, or body;
  - A district attorney, county counsel, county treasurer, member of the county board of supervisors, and a candidate for any of those offices;
  - A city manager or, if there is no city manager, the chief administrative officer;
  - A city council member, city treasurer, city attorney, mayor, or candidate for one of those offices;
  - A county planning commissioner or city planning commissioner;
  - A county chief administrative officer;
  - A judge, court commissioner, or candidate for judge;
  - A head of a local government agency or member of a local government board or commission, for which the Commission is the code reviewing body, if the Commission has been designated as the filing officer in the conflict of interest code of the respective agency, board, or commission;
  - A designated employee of the Legislature directed to file directly with the Commission; and
  - A designated employee of more than one joint powers insurance agency who elects to file a multiagency statement.
- 3) Increasing Privacy Protections. Current law requires the FPPC to redact private information including, but not limited to, the signatures of filers from campaign filings that are made public on the internet.

While the “including but not limited to” language in the statute gives the FPPC the ability to redact more information, this bill specifies it must also redact the filer’s personal residential address and telephone number from information made public on the internet.

- 4) Technically Speaking. The statute give the FPPC the option of developing and operating an online filing system for SEIs – a system that went live in 2017.

This bill changes the “may develop such a system” requirement to one mandating the FPPC operate an online filing system, which is aimed at both updating the code and ensuring the FPPC will continue to provide the online service to filers.

However, later in the same section, some proposed changes are unclear as to whether new public hearings are required to be held and whether the FPPC will be required to continue providing training and assistance programs.

As such, the Committee may wish to consider adopting language simply to clarify no new public hearings are required, yet the FPPC will must continue to develop and provide updated and ongoing training and assistance programs for filers.

- 5) Does This Bus Stop At 82nd Street? Possibly, though not right away. The Senate Committee on Rules has double-referred AB 1170 to the Committee on Elections & Constitutional Amendments and the Committee on Judiciary, which is where it will go next should it be approved today.

**RELATED/PRIOR LEGISLATION**

AB 975 (L. Rivas) of 2022 was similar to this bill in that it would have required all candidate who file with the FPPC to do so electronically. The bill also sought to extend the time that a gift may be returned, reimbursed, or donated, and reduce the amount of time in which a lobbyist, lobbying firm, and lobbyist employer must provide a beneficiary of a gift certain information about that gift. AB 975 was defeated on the Senate Floor.

**PRIOR ACTION**

Assembly Floor:	77 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Fair Political Practices Commission (FPPC)

**Support:** None received

**Oppose:** None received

-- END --



program and draft a written report that provides information about the operation of the CNMV program.

8) Sunsets the CNMV taskforce on January 1, 2025.

This bill:

1) Extends the life of the CNMV taskforce from January 1, 2025 to January 1, 2030.

### **BACKGROUND**

National Voter Registration Act. In 1993, the federal government enacted the NVRA to make it easier for Americans to register to vote and to remain registered to vote. Commonly referred to as the “motor voter” law, the NVRA requires states to provide the opportunity to apply to register to vote for federal elections through various methods, including:

- At motor vehicle agencies;
- By mail-in application; and
- At all offices that provide public assistance or state-funded programs primarily engaged in providing services to persons with disabilities.

NVRA and California New Motor Voter Program. The NVRA requires states to provide people the opportunity to register to vote at the same time that they apply for or renew a DL at the DMV. One of the provisions of the NVRA prohibits the voter registration portion of a DL application from requiring any information that duplicates information required in the DL portion of the form, other than a second signature or a statement attesting to the person's eligibility to register to vote.

California was not fully in compliance with the NVRA's prohibition on requiring duplicate information for several years. A separate voter registration form was attached to the driver's license form, which required an applicant to fill in duplicate information. This dual form policy was the result of a settlement in a lawsuit requiring California to comply with the NVRA after former Governor Pete Wilson refused to implement it unless federal funding was provided. The NVRA did not provide states with any direct funding or any mechanism for reimbursement of costs associated with implementation.

In 2015, a non-compliance letter was sent to the SOS from the ACLU Foundation of San Diego and Imperial counties, Dēmos, Morrison & Forester LLP, and Project Vote asserting California was in violation of the NVRA due to the state's dual form policy.

In response, the Legislature approved and Governor Brown signed into law AB 1461 (Gonzalez), Chapter 729, Statutes of 2015 to create the CNMV program. Under the CNMV program, a DMV customer who attests to their eligibility and does not opt out is automatically registered to vote and the CNMV program became operative in April 2018.

Despite the enactment of the CNMV program, challenges with modernizing the voter registration process at the DMV continued. According to court documents as part of *League of Women Voters v. Annis* of 2018, violations of the law led to delays in

registrations for thousands of voters. Consequently, the settlement agreement in that lawsuit was updated a number of times and eventually expired in early 2022.

Previous Legislation. Since the settlement terms were instrumental in identifying and addressing non-compliance with the NVRA and improving the functionality of the CNMV program, AB 796 (Berman), Chapter 314, Statutes of 2021, was signed into law in advance of the settlement's expiration. Many of the best practices from the lawsuit settlement regarding how to transmit voter registration information were codified into state law by AB 796. Additionally, AB 796 required the SOS to establish a taskforce to evaluate the effectiveness of the CNMV program.

New Motor Voter Program Report. Among other requirements, AB 796 requires the SOS, in consultation with the DMV and the CNMV taskforce, to annually review the effectiveness of the CNMV program and draft a written report. The report must include information about trends of voters registering through the CNMV program, an analysis of the timeliness of the DMV's transmittals to the SOS for the preceding year, and a summary of any significant errors or delays during the preceding year and how those incidents were resolved.

Last year, the SOS, DMV, and the CNMV taskforce released the first annual report for the CNMV program, which highlighted statistics for the CNMV program throughout the year. Between its launch in April 2018 and December 2023, more than 24 million new or updated voter registrations were issued under the program.

In 2022, there were a total of 4,980,682 new voter registrations, new pre-registrations or voter registration updates. Other CNMV statistics include:

- The CNMV program accounted for 3,995,152 (80%);
- 547,816 (11%) registered by filling out a paper form; and
- California online voter registration at 437,714 (9%) people registered using the state's online voter registration system.

Additionally, the report notes in 2022, updated registrations accounted for 79%, new registrations accounted for 18%, and new pre-registrations accounted for 3%.

### **COMMENTS**

- 1) According to the Author: The National Voter Registration Act and California's New Motor Voter program have been instrumental in closing voter registration gaps by making it easier for eligible voters to register or update their registration when completing a driver's license and state identification card transaction. By improving the accuracy of millions of voters' mailing addresses and reducing reliance on in-person same day voter registration, these programs played a crucial role in increasing access to vote-by-mail and helped ensure that voters didn't have to choose between their health and their right to vote during the coronavirus pandemic. AB 2127 will ensure that the progress made under our CNMV program will continue and ensure proper implementation of updates that will speed up processing of registration applications and bring California into compliance with the NVRA's deadlines.

- 2) CNMV Taskforce. According to the author and sponsors, several provisions of AB 796 will not go into effect until July 2025, and according to the DMV, may be delayed due to difficulty finding contractors to execute the necessary technical changes. For example, one of AB 796's requirements that has not yet been implemented will speed up processing of registration applications and bring California into compliance with the NVRA's deadlines for transmitting completed registration forms to the SOS once they are accepted by the DMV. Another element of AB 796 that has not been implemented is the requirement that a customer's voter registration form be processed as long as the voter registration information is complete, even if the customer has outstanding DMV requirements, such as an unpaid fee.

Current law calls for the task force to expire on January 1, 2025. The bill extends the taskforce for another five years until January 1, 2030. The author and sponsors contend because a number of the CNMV program elements have yet to be implemented, extending the CNMV taskforce to January 2030 will ensure needed oversight of the CNMV program continues, enabling California to further build on the program's successes.

- 3) Implementation Delays. The DMV is undergoing a comprehensive modernization of its information technology (IT) systems through its Digital eXperience Platform (DXP) Project. The DMV's core technology systems were designed in the late 1960s and need to be overhauled or replaced to accommodate new requirements. The DXP Project will update and replace software, hardware, and programming languages for those DMV's current legacy systems.

As mentioned above, certain requirements of AB 796 were delayed waiting for the DMV to complete the DXP Project, or July 1, 2025, whichever is earlier. According to DMV, challenges have caused significant delays in the completion of the DXP Project. It is unclear whether those delays will impact the July 2025 implementation of AB 796's requirements.

- 4) Double Referral. If approved by this committee, AB 2127 will be referred to the Committee on Transportation for further consideration.

### **RELATED/PRIOR LEGISLATION**

SB 299 (Limon) of 2023, SB 846 (Limon) of 2023, and SB 583 (Newman) of 2021 all would have created a back-end automated voter registration system to register voters via the CNMV program at the DMV. SB 299 is pending in the Assembly, SB 846 was held on the Senate Committee on Appropriations' Suspense File, and SB 583 was not heard by the Assembly Committee on Elections.

AB 796 (Berman), Chapter 314, Statutes of 2021, among other provisions, required the SOS to establish a taskforce to evaluate the effectiveness of the CNMV program.

AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, automatically registered every eligible person who has a DL or state identification card to vote at the DMV, unless that person opts out.



**PRIOR ACTION**

Assembly Floor: 59 - 7  
Assembly Appropriations Committee: 10 - 4  
Assembly Elections Committee: 6 - 1

**POSITIONS**

**Sponsor:** ACLU California Action  
League of Women Voters of California

**Support:** A New Way of Life  
Asian Americans Advancing Justice - Asian Law Caucus  
Bay Rising  
California Common Cause  
California Environmental Voters  
Courage California  
Disability Rights California  
Ella Baker Center for Human Rights  
Initiate Justice Action  
National Association of Latino Elected and Appointed Officials Educational  
Fund  
PowerCA Action  
Secure Justice  
United Ways of California  
Voices for Progress  
One individual

**Oppose:** None received

-- END --

---

**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Catherine Blakespear, Chair  
2023 - 2024 Regular

---

**Bill No:** AB 2249 **Hearing Date:** 6/4/24  
**Author:** Pellerin  
**Version:** 3/21/24  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Evan Goldberg

**Subject:** Elections: retention of election records

**DIGEST**

This bill adds to the list of list of elections materials that must be sealed and retained for a period of time following an election, requires certain documents to be destroyed following the retention period, and establishes a process for handling sealed documents that are damaged during the retention period.

**ANALYSIS**

Existing law:

- 1) Requires elections officials to preserve all voter rosters and voter lists for five years after which an elections official is permitted destroy those records.
- 2) Requires elections officials to keep for 22 months in the case of a federal election and 6 months in the case of a non-federal election:
  - Voted polling place ballots;
  - Paper record copies if any, of voted polling place ballots;
  - Voted vote by mail voter ballots;
  - Vote by mail voter identification envelopes;
  - Voted provisional voter ballots;
  - Provisional ballot voter identification envelopes;
  - Spoiled ballots;
  - Canceled ballots; and
  - Unused vote by mail ballots surrendered by the voter.

These records must be kept under seal and remain unaltered during the retention period and they are not subject to public inspection.

Elections officials are required to destroy these items at the end of the retention periods, unless an election contest or criminal prosecution is ongoing and requires the materials to be retained.

- 3) Requires elections officials to keep for 22 months in the case of a federal election and 6 months in the case of a non-federal election:

- Two tally sheets;
- The copy of the roster used as the voting record. If an electronic poll book is used, a copy of the electronic data file may be preserved in lieu of creating a paper copy. (This requirement only applies in non-federal elections);
- The challenge lists; and
- The assisted voters' list.

These records are not kept under seal and are open to public inspection once the official canvass of the vote begins.

Elections officials are permitted to destroy or recycle these items at the end of the mandatory retention periods, unless an election contest or criminal prosecution is ongoing and requires the materials to be retained.

- 4) Allows sealed ballot containers to be opened if the elections official determines it is necessary in a shredding or recycling process.
- 5) Defines a "paper cast vote record" for the purpose of a direct recording electronic (DRE) voting system as an auditable document that reflects a voter's selections in each contest on a ballot. A paper cast vote record is not a ballot.
- 6) Requires each precinct board to, after the polls have closed, account for all of the ballots it received at the polling place. Each board must also sign the roster of voters and complete and sign the certificate of performance after the election.
- 7) Requires elections officials to conduct a public, manual tally of all of the ballots in 1% of the precincts (commonly referred to as the 1% manual tally) after each election. The results of the tally must be included in the official certification of the vote.

This bill:

- 1) Requires elections officials to destroy voter rosters and voter lists after current law's five-year retention period has expired.
- 2) Changes the term "paper record copies" as they relate to DRE voting systems to the term "paper cast vote record" to conform to prior legislation.
- 3) Adds to the list of items that must be kept under seal for 22 months in the case of a federal election and 6 months in the case of a non-federal election and then be destroyed at the end of the retention period:
  - Conditional voter registration voter identification envelopes;
  - Voted conditional voter registration ballots;
  - Forms and any machine reports used to account for the ballots delivered to the polling places; and
  - Completed forms issued to the counting board and any machine reports used for the 1% manual tally.

- 4) Deletes the requirement that the copy of the roster used as the voting record or a copy of the electronic data be preserved in the case of non-federal elections, thus conforming to retention requirements for federal elections.
- 5) For the items in (3) under “Current law,” requires rather than permits the elections official to destroy the items at the end of the appropriate retention period, unless an election contest or criminal prosecution is ongoing and requires the materials to be retained.
- 6) Requires an elections official, in cases where sealed records are damaged or destroyed due to a natural disaster or other unforeseeable and unavoidable circumstances, to take all reasonable steps to prevent election records from being damaged further.
- 7) Requires, in cases where taking those reasonable steps would require the inside of a sealed package to be inspected, the elections official to notify the Secretary of State (SOS) and to seek a writ of mandate authorizing the official to inspect the inside of the packages.
- 8) Clarifies voter signatures may not be copied or distributed when a person reviews election records that are open for public inspection.

### **BACKGROUND**

Retention Requirements. Existing law requires most elections records to be retained for 6 months in the case of a non-federal election and for 22 months in the case of federal elections. The rosters and lists of voters who voted in an election are required to be retained for five years for all elections, regardless of whether the election included any candidates for federal office.

The retention periods are designed to ensure important materials are available should there be an election recount or contest, criminal prosecution, or other challenge to an election. Certain materials, including, ballots and ballot identification envelopes, must be kept in sealed packages that cannot be opened during the retention period, while other materials, such as lists of voters who were challenged at a voting location and lists of voters who received assistance in casting their ballots, are generally open for inspection by the public during the retention period.

Mandatory Destruction. As noted above, some sections of law require election materials to be destroyed at the end of the retention period, while other sections of law merely permit an elections official to destroy the materials.

This bill requires the destruction of all materials at the end of their retention periods. While such a change would reduce the discretion of county elections officials, the sponsor of this bill, the California Association of Clerks and Election Officials, believes such a change is important to ensure consistency in terms of how the 58 counties handle and dispose of election records after the retention periods have ended.

Nevada County Lawsuit. In August 2022, Petitioner Amy Young filed suit against then Nevada County Registrar of Voters Gregory Diaz in an effort to gain access to certain

elections-related materials from the November 2020 Presidential Election and the September 2021 Gubernatorial Recall Election.

Specifically, the Petitioner in *Young v. Diaz* wanted access to:

- Cast vote records;
- Audit logs of adjudicated ballots;
- Ballot tabulator tapes; and
- Digital ballot images.

The Nevada County Superior Court ruled in June 2023 that under the California Public Records Act (CPRA), the Petitioner was entitled to receive copies of the first three items – the cast vote records, audit logs of adjudicated ballots (though certain information was permitted to be redacted), and ballot tabulator tapes – but was not entitled to the digital ballot images.

### Cast Vote Records

A cast vote record is an auditable, electronic document that corresponds to the selection made on the voter's ballot and lists the contests on the ballot and the voter's selection for those contests.

The Registrar of Voters eventually provided these records to the Petitioner and argued in court that as a result, the request was moot. The Court agreed, writing:

“No purpose would be served in directing the Registrar to do what has already been done.”

### Audit Logs of Adjudicated Ballots

When tabulating ballots, voting systems are programmed to set aside ballots in cases where the voter's intent may not be clear. Common reasons why ballots are flagged include undervotes, overvotes, or write-in votes. These ballots are then “adjudicated” by an elections official who determines how they should be counted.

In ordering the release of the audit logs of adjudicated ballots, the Court noted:

“... audit logs can be utilized to provide the public with insight as to the actions taken by Respondent in connection with human adjudication of ballots (as opposed to adjudication by software). They also can be utilized to provide the public with insight as to whether election systems and equipment are being properly utilized by Respondent. Access to these logs promotes transparency in connection with the electoral process and, allows the public, on a certain level, to ‘cross-check and confirm the integrity of elections.’”

The Registrar of Voters argued the audit logs of adjudicated ballots were withheld because the County had no access to them and had no duty to re-create them from the electronic voting machines.

The Court noted it is correct that under the CPRA, a public agency is not required to create new records that didn't exist or generate new substantive content in response to a request for public records. However, the Court stated that doesn't mean an agency can disregard a request "simply because the information must first be retrieved and then exported into a separate record" in order to release it.

Specifically, the Court stated:

"Here, there is plentiful evidence that Respondent possessed and still possesses audit records in an electronic form from each of the elections at issue as requested by Petitioner, and that such data was reasonably subject to retrieval and exportation into a separate record for production to Petitioner. Retrieval and exportation of this data does not improperly require Respondent to create 'new' records that otherwise ere not in existence."

### Ballot Tabulator Tapes

The voting system used in Nevada County produces tabulator tapes in every election. These tapes are receipts printed by the precinct-based ballot scanners at the start and end of each day of in-person voting. Each tape contains information about the scanner that produced it and the votes on each election contest recorded by the machine.

Here, the Registrar of Voters argued it did not provide the ballot tabulator tapes because the records were sealed – in the words of the Court – "not due to a legal requirement, but rather due to a historical tradition of the election office to place them with other election materials that must be sealed by law."

The Court ordered the tapes to be released, writing:

"The Court has no reason to doubt that Respondent sealed the tapes with the best of intentions. Nevertheless, it was Respondent's decision to seal the tapes that rendered them unavailable for production when duly requested under the CPRA. Respondent's decision, even if made in good faith, cannot defeat Petitioner's CPRA rights."

### Digital Ballot Images

Ballot images are digital scanned copies of the actual paper ballots cast by voters.

In denying the Petitioner's request for digital ballot images, the Court stated:

"... the Court concludes that disclosure of digital ballots is not required under the CPRA. Such production is exempted or prohibited because it is contrary to the California constitutional right to privacy and secret voting, and contrary to the previously described comprehensive statutory framework for tabulation, maintenance and disposition of voted ballots."

## COMMENTS

- 1) According to the Author. “In the pursuit of transparent elections, the preservation of the paper and electronic record of the election is of the utmost importance. However, courts and the Secretary of State have come to different conclusions regarding what documents can be safely shared by elections officials without compromising the security of an election. As elections and elections materials evolve, so too must our retention guidelines for local elections officials. AB 2249 provides clarity of the elections code so that local elections officials know exactly which materials they are required to retain and for how long.”
- 2) Efficiency vs. Transparency. One provision of this bill takes three items – tally sheets, challenge lists, and the list of assisted voters – which are open to public inspection and which an elections official can choose to retain indefinitely following the mandatory 6 month (non-federal election) and 22 month (federal election) retention periods and requires the elections official to destroy them.

While this will ensure consistency across all voting jurisdictions, it’s not clear what the benefit is of requiring such uniformity. Put another way, if an elections official wants to retain this information, either for their benefit or the benefit of the voters in their jurisdiction, why should this bill preclude them from doing so?

- 3) Making Public Records Private & Then Destroying Them. As noted in the “Background” section, the case of *Young v. Diaz* revolved around the question of whether four elections-related items – cast vote records, audit logs of adjudicated ballots, ballot tabulator tapes, and digital ballot images – were subject to release under the CPRA.

As it pertains to digital ballot images, the Nevada County Superior Court ruled they were not subject to the CPRA, but for the other three items, the Court found they were indeed public records that the public was entitled to access.

However, this bill effectively overrides the court decision on two of those three issues – audit logs of adjudicated ballots and ballot tabulator tapes – by requiring elections officials to keep them under seal for 6 months (non-federal election) or 22 months (federal election) and then destroy them at the end of the retention period.

In *Young v. Diaz*, Nevada County argued there were security concerns associated with releasing the audit logs of adjudicated ballots. The Court agreed and allowed Nevada County to redact certain information prior to releasing the records, noting:

“... the Court concludes that the following data can be redacted or anonymized from the audit log records: user names, device serial number or workstation identification information and specific batch numbers.

“ ... As for the remainder of the audit log ... [r]espondent has not demonstrated by sufficient credible and detailed evidence that, on the facts of this particular case, the public interest served by not disclosing the audit log clearly outweighs

the public interest served by disclosure of the audit log. As such, disclosure is appropriate.”

When the Court ruled the audit logs of adjudicated ballots were subject to the CPRA, it cited the California Voting System Standards issued by the SOS in October 2014:

“Election audit trails provide the supporting documentation for verifying the accuracy of reported election results. They present a concrete, indestructible archival record of all system activity related to the vote tally, *and are essential for public confidence* in the accuracy of the tally, for recounts, and for evidence in the event of criminal or civil litigation.”

The Court concluded:

“In short, the evidence as a whole demonstrates that disclosure of the audit log would contribute significantly to public understanding of Respondent’s activities and serve the legislative purpose of shedding light on the Registrar’s performance of its statutory duties.”

When it comes to the CPRA, for documents that aren’t specifically listed as being exempt from public release, an agency is directed to perform a balancing test – that is, whether the public interest served by withholding the records clearly outweighs the public interest served by disclosing the records.

Should the Committee wish to allow these records to remain public and require the elections official to maintain them indefinitely, it can amend the bill to strike the language on Page 3, Lines 27-34 and Page 5, Lines 5-12.

Alternatively, should the Committee wish to allow these records to remain public for the standard retention periods (6 months for non-federal elections and 22 months for federal elections) and then require them to be destroyed, it could simply amend the bill move the language above to both Section 4 (for federal elections) and Section 5 (for non-federal elections) of the bill.

- 4) Break Glass in Case of Emergency. This bill creates a safety valve of sorts to require an elections official to preserve sealed records that may be destroyed or damaged due to a natural disaster or other unforeseeable and unavoidable circumstance before the retention period ends. It also requires the elections official, in cases where taking those reasonable steps would require the inside of a sealed package to be inspected, to notify the SOS and seek a writ of mandate authorizing the official to inspect the inside of the packages.

Part of the impetus for this provision stems from a 2014 earthquake in Napa County that damaged some records and caused the Registrar of Voters office to relocate his office just three months before the 2014 General Election.

- 5) Does This Bus Stop At 82nd Street? Possibly, though not right away. The Committee on Rules double-referred AB 2249 to the Committee on Elections & Constitutional Amendments and the Committee on Judiciary, which is where it will go next should it be approved today.



**PRIOR ACTIONS**

Assembly Floor:	61 - 3
Assembly Appropriations Committee:	11 - 2
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** California Association of Clerks and Election Officials

**Support:** California Association of Counties  
City Clerks Association of California

**Oppose:** None received

-- END --