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## California Secretary of State

### Elections Division

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County Clerk/Registrar of Voters (CC/ROV) Memorandum # 25168

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson  
Elections Counsel

RE: Elections: Implementation of Assembly Bill 1392

Assembly Bill (AB) 1392 (Ch. 300, Stats. of 2025) was signed into law by Governor Newsom and will be effective January 1, 2026. Namely, AB 1392 adds Elections Code section 2166.9, which makes the residence address, telephone number, and email address listed on the affidavit of voter registration for an elected official or candidate confidential.

AB 1392 also amends Section 2194 (Sec. 2.5 of the bill), and mostly conforming amendments to Sections 2227, 8040, 8600, and 10226.3.

This memorandum will cover Section 2166.9 and implementation, as well as addressing changes to the other Elections Code sections.

#### **Who is Covered by Section 2166.9, What is Confidential, and For How Long**

#### **ACTION NEEDED: SOS and County Elections Officials**

New Elections Code section 2166.9 applies to a federal, state, or local elected official or a candidate for an elected federal, state, or local office. (Subdivision (a).)

The residence address, telephone number, and email address appearing on an elected official or candidate's affidavit of voter registration is made confidential by this new section. (Subdivision (b).)

This bill creates new categories of confidential voter status. The county elections official, in producing any list, roster, or index, shall exclude voters with a "confidential voter status" pursuant to this section. (Paragraph (1) of subdivision (d).)

A separate communication from the VoteCal team will be forthcoming with information regarding the VoteCal codes for these new confidential voter statuses.

An elected official or candidate's residence address, telephone number, and email address shall remain confidential until, for an elected official, the official no longer holds the office or, for a candidate, the winning candidate takes office. (Subdivision (f).)

## **How/When Information Becomes Confidential**

### **ACTION NEEDED: SOS and County Elections Officials**

#### **Elected officials: Upon request**

The information of elected officials is not automatically made confidential. County elections officials shall make the elected official's information confidential when contacted by the elected official. (Subdivision (i).)

An elected official holding office as of the effective date of this section shall contact their county elections official to ensure their voter registration record has been made confidential in accordance with the terms and conditions of this section. (Subdivision (i).)

**Implementation:** If an elected official contacts their county elections official to request their information to be made confidential, the county elections officials make the elected official's information confidential. The Secretary of State's office (SOS) requests that county election officials notify our office of the request pertaining to federal and state candidates within five business days on a form created by the SOS office, and by emailing the form to [candidate-filings@sos.ca.gov](mailto:candidate-filings@sos.ca.gov).

Once this information is received, the SOS will create an internal master list of elected officials whose residence address, telephone number, and email address will be made confidential.

#### **Candidates: Upon Filing of a Declaration of Candidacy\***

When a person files a Declaration of Candidacy for an elected federal or state office, the Secretary of State (SOS) is required to provide a list to each county elections official identifying each candidate residing in each respective county. Within five business days of receipt of the SOS list, the county shall make confidential that candidate's residence address, telephone number, and email address appearing on the affidavit of registration. (Paragraphs (1), (3) of subdivision (c).)

**Implementation:** On a daily basis during the Declaration of Candidacy and Nomination Papers filing period (including the period for write-in candidates) the SOS will provide a list of all federal and state candidates to all county elections officials.

The list will contain the names and county of residence of federal and state candidates who have filed a Declaration of Candidacy. The list will not reflect any federal and state candidates who have opted out of confidentiality, as covered below.

If there is a request for production of the ballot designation worksheet for a federal or state candidates or a request to view a federal or state candidates' candidate documents is made to the SOS, the SOS will redact the confidential information before producing or making candidate documents available for production or viewing. County elections offices should take similar steps to protect the confidentiality of candidates.

When a person files a Declaration of Candidacy for an elected local office, the county elections official shall add that individual's name to a list identifying each elected official or candidate residing in that county. The county elections official shall periodically update the list for each election cycle. Within five business days of the filing of nomination papers with the county elections official, the county elections official shall make confidential that elected official or candidate's residence address, telephone number, and email address appearing on the affidavit of registration. (Paragraphs (2), (3) of subdivision (c).)

\*Although the language of the bill refers to "nomination papers", since not all candidates are required to file nomination papers (if they meet the nomination signature requirement with Petitions in Lieu of Filing Fee) the implementation of this bill will be triggered by a candidate filing a Declaration of Candidacy.

### **Opting Out of Section 2166.9**

#### **ACTION NEEDED: SOS and County Election Officials**

A candidate who does not wish to have "confidential voter status" may opt out when filing their Declaration of Candidacy provided by a county elections official. (Paragraph (1) of subdivision (j).)

**Implementation:** The SOS will create and provide a separate form to be included in the candidate filing packet advising candidates of their new confidential voter status. The form will allow them to either indicate their acknowledgment of their confidentiality status or opt out if they choose.

The SOS requests that county elections officials provide SOS with this completed form at the time federal and state candidate documents are transmitted to the SOS.

SOS will not include a candidate who opted out from the daily list of candidates whose residence address, telephone number, and email address are to be made confidential.

An elected official who wishes to opt out of confidential voter status may submit a letter to the county elections official declaring their decision to be exempt from the requirements of this section. The request shall include the elected official's full name, voter registration address, and a clear statement that they wish to opt out of having their residence address, telephone number, and email address made confidential pursuant to this section. (Paragraph (2)(A), (B) of subdivision (j).)

Upon receipt of the request, the county elections official shall remove the confidential designation from the individual's voter registration record within five business days. (Paragraph (2)(C) of subdivision (j).)

The county elections official shall notify the SOS and any other relevant local elections officials of the decision to opt out within five business days of processing the request. (Paragraph (2)(D) of subdivision (j).)

**Implementation:** Upon receipt of this information from a county elections official, SOS will remove the elected official from the internal master list of elected officials whose residence address, telephone number, and email address are confidential.

An elected official who had previously opted out of confidential voter status may re-request to have a confidential voter status at any time while serving in or running for office, and confidential voter status shall be reinstated in accordance with this section upon receipt of the request. (Paragraph (2)(E) of subdivision (j).)

**Implementation:** In the event a federal or state elected official has reapplied to have their residence address, telephone number, and email address made confidential, the SOS requests that county election officials notify the SOS within five business days on a form created by the SOS, by emailing the form to [candidate-filings@sos.ca.gov](mailto:candidate-filings@sos.ca.gov).

SOS will add the federal or state elected official to the internal list of elected officials whose residence address, telephone number, and email address are confidential.

SOS will issue the following forms: Confidential Status – Elected Official and Confidential Status – Candidate/Write-In Candidate, prior to the opening of the Declaration of Candidacy and Nomination Papers filing period.

### **Exceptions to Confidentiality (Subd. (k))**

#### **ACTION NEEDED: SOS and County and Local Elections Officials**

Notwithstanding any other law, an elected official or candidate's residence address, telephone number, and email address made confidential pursuant to this section may be disclosed only for bona fide journalistic or governmental purposes. (Paragraph (1) of subdivision (k).)

A person seeking a federal or state elected official or candidate's confidential residence address, telephone number, and email address for journalistic purposes shall submit all of the following to the Secretary of State:

- (i) A completed California Voter Registration File Request application.
- (ii) A letter of authorization or affiliation from the media outlet that the person represents. If the person submitting the request is a member of the media, a press pass may be submitted in lieu of a letter of authorization.
- (iii) A declaration under penalty of perjury attesting to the intended journalistic use of the information. (Paragraph (2)(A) of subdivision (k).)

**Implementation:** A separate communication from the VoteCal team will be forthcoming with information regarding the VoteCal codes for these new confidential voter statuses.

A person seeking a local elected official or candidate's confidential residence address, telephone number, and email address for journalistic purposes shall submit requests to the county elections official or other local elections official. (Paragraph (2)(B) of subdivision (k).)

A county elections official shall process a request for a local elected official or candidate's confidential residence address, telephone number, and email address for journalistic purposes consistent with the requirements of regulations promulgated by the Secretary of State. (Paragraph (2)(C) of subdivision (k).)

The county elections official shall retain records of all requests for, and disclosures of, a local elected official or candidate's confidential residence address, telephone number, and email address for journalistic purposes. The county elections official may reject a request that does not clearly adhere to the requirements of this subdivision. (Paragraph (2)(D) of subdivision (k).)

### **Responsibilities, Liabilities and Actions in Negligence**

#### **ACTION NEEDED: SOS and County Election Officials**

An elected official or candidate shall contact their county elections official to ensure their voter registration record has been made confidential in accordance with the terms and conditions of this section. (Subdivision (e).)

Pursuant to the language of the bill: If an elected official or candidate moves to a new county, within 60 days of moving, if available in the new county, the elected official or candidate “shall apply for confidential voter status” pursuant to this section\*. The elections official of the new county, upon notice of the confidential voter moving into the county, shall do all of the following:

- Contact the confidential voter and provide information regarding the application for confidential voter status in the new county.
- Honor the confidential voter status from the former county for 60 days from the date of notice.
- Exclude the confidential voter in any list, roster, or index during the 60-day period.
- Remove the confidential voter status if the new voter has not obtained or cannot obtain confidential voter status pursuant to this section in the new county during the 60-day period. (Paragraph (2) of subdivision (d).)

**Implementation:** Despite the statutory language referring to an application process and the language seeming to imply that this is discretionary, the SOS recommends that county elections officials allow any elected official or candidate moving into a new county simply contact their new county elections office to request confidentiality without the need for an “application.”

The SOS requests that county election officials notify SOS if an elected official or candidate moves to a new county and requests to have their residence address, telephone number, and email address made confidential. This information should be transmitted to the SOS on a form created by the SOS by emailing the form to [candidate-filings@sos.ca.gov](mailto:candidate-filings@sos.ca.gov).

If such information is received from the county elections official, the SOS will revise the internal master list of elected officials or the daily list candidates whose residence address, telephone number, and email address are confidential.

\*This subdivision refers to an application process, however there is no such application.

A county or county elections official shall not be liable for taking or failing to take the actions described in this section when the county or county elections official has received erroneous information from the Secretary of State. (Subdivision (g).)

An action in negligence shall not be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information that is the subject of this section, except by a showing of gross negligence or willfulness. (Subdivision (h).)

### **Additional amendments**

#### Elections Code section 2194 (Sec. 2.5 of the bill)

##### **ACTION NEEDED:** SOS and County Election Officials

Section 2166.9 is added to section 2194's list of confidential voter sections. (Paragraph (3) of subdivision (a), new paragraph (1) of subdivision (f.) Therefore, elected officials' and candidates' confidential information should not be provided in a voter file request, nor should it be provided in response to requests regarding voters who need to cure signatures pursuant to subdivision (d) or (e) of Elections Code section 3019.

**Implementation:** A separate communication from the VoteCal team will be forthcoming with information regarding the VoteCal codes for these new confidential voter statuses.

Additionally, voter information provided regarding signature cures shall be updated daily, include the name of the voter, and be provided in a searchable electronic format. The daily update shall also include, as applicable,

- information regarding whether a form has been received from the voter to verify their signature pursuant to subdivision (d) of Section 3019,
- whether a form has been received or the voter has otherwise provided a signature pursuant to subdivision (e) of Section 3019, and
- whether the signature provided pursuant to subdivision (d) or (e) of Section 3019 did or did not compare.

(New paragraph (2) of subdivision (f.)

#### Elections Code section 8600

##### **ACTION NEEDED:** SOS and County Election Officials

The amendments to Section 8600, among other small amendments, make the provisions of Section 2166.9 applicable to write-in candidates when they file their Statement of Write-in Candidacy.

**Implementation:** On a daily basis during the Write-in Statement of Candidacy and Nomination Papers filing period, the SOS will provide a list of all federal and state candidates to all county elections officials.

The list will contain the names of federal and state candidates who have filed a Write-in Statement of Candidacy. The list will not reflect any federal and state candidates who have opted out of confidentiality.

The SOS will create and provide a separate form to be included in the write-in candidate filing packet advising write-in candidates of their new confidential voter status. The form will allow them to either indicate their acknowledgment of their confidentiality status or opt out if they choose.

The SOS requests that county elections officials provide SOS with this completed form at the time federal and state candidate documents are transmitted to the SOS.

SOS requests that county election officials notify our office, when a federal or state write-in candidate has opted out of having their information confidential, at the time candidates' documents are transmitted to the SOS.

SOS will create an internal list of federal or state write-in candidates whose residence address, telephone number, and email address will be made confidential and update it accordingly.

Additionally, if a candidate does not state their residence address on the Statement of Write-in Candidacy, elections officials shall verify the address is within the relevant political subdivision and add the notation “verified” on the declaration. (Subdivision (c).)

Elections Code sections 2227, 8040, and 10226.3

Section 2166.9 is added to Sections 2227, 8040, and 10226.3s' lists of confidential voter sections.

### **Further Information**

The text of AB 1392 can be found at:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202520260AB1392](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1392)

To report requests for confidentiality or opt out information related to elected officials and candidates, please email information to [candidate-filings@sos.ca.gov](mailto:candidate-filings@sos.ca.gov) and for candidate questions, contact the Candidate Filing Help Desk at (916) 653-9154.

For VoteCal related questions, please contact the VoteCal Help Desk at (916) 654-1411 or email at [votecalhelp@sos.ca.gov](mailto:votecalhelp@sos.ca.gov).

For any other questions, please contact Rachelle Delucchi at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) or Robbie Anderson at [aanderso@sos.ca.gov](mailto:aanderso@sos.ca.gov).

Thank you.