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County Clerk/Registrar of Voters (CC/ROV) Memorandum # 25169

TO: All County Clerks/Registrars of Voters

FROM: /s/ Catherine Ingram-Kelly
Voter Registration Section Manager

RE: VoteCal: New Confidential Voter Legal Basis Codes

As detailed in CCROV # 25168, Assembly Bill (AB) 1392 (Ch. 300, Stats. of 2025) was signed into law by Governor Newsom and will be effective January 1, 2026. 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.

The Secretary of State (SOS) office has created two new confidential voter Legal Status Codes. These codes will enable counties to make the above-mentioned information confidential for current elected officials who request to have the specified voter registration information to be confidential and for candidates who have filed Declarations of Candidacy (unless the candidate opts out of having a confidential voter status).

New Legal Basis Codes:

- D Candidate
- E Elected Official

When a county is setting a confidential status in their EMS, there are three required fields. Below are the fields that must be provided for each confidential voter.

- **Confidential Voter:**
 - Yes
 - No
- **Legal Basis Code (if Confidential Voter is set to “Yes”):**
 - C Court Ordered

- D Candidate
- E Elected Official
- P Public Safety Officer
- Q Qualified Election Worker
- S Safe at Home
- **Application Date (date the voter becomes confidential):**
 - C date on the court order
 - D date on Declaration of Candidacy
 - E date requested by elected official
 - P date on the application
 - Q date on the application or request
 - S date on the Confidential Voter Registration Card

County Action Required

The information of elected officials is not automatically made confidential. Therefore, upon request of an elected official, county elections officials will set the Legal Basis Code to designate the voter record confidential.

Upon receipt of a list of federal or state candidates who have filed their Declaration of Candidacy, county elections officials will set the Legal Basis Code to designate the voter record confidential, unless the candidate opts out of having the confidential voter status.

Upon the filing of a Declaration of Candidacy for a local office, county elections officials will set the Legal Basis Code to designate the voter record confidential, unless the candidate opts out of having the confidential voter status.

If a candidate has not opted out, the county should designate them as confidential using the new legal basis code D – Candidate.

Upon certification of an election, the unelected candidates shall have their confidential status removed.

If an elected official has not opted out, the county shall designate them as confidential using the new legal basis code E – Elected Official. Upon conclusion of their term, the elected official's confidential status shall be removed.

Please reference CCROV # 25168 for additional information.

If you have any questions or need clarification regarding this CCROV or other VoteCal matters, please contact the VoteCal Help Desk at 888-868-3225 or via email at VoteCalHelp@sos.ca.gov.