



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

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December 20, 2016

County Clerk/Registrar of Voters (CC/ROV) Memorandum #16336

TO: All County Clerks/Registrars of Voters

FROM: /s/ Catherine Ingram-Kelly
VoteCal Program Manager

RE: VoteCal: Entering Confidential Voters

On April 3, 2017, the Secretary of State (SOS) will enable the functionality that automatically expires public safety officer's confidential voter status, two years from his/her current application date (see Elections Code section 2166.7). In preparation for this VoteCal confidential voter functionality, please review the following details.

Date	Activity	County/SOS
Dec. 31, 2016	Entry of Confidential Voters into the Statewide Voter Registration List: Enter all confidential voters in your county in the local Election Management System (EMS) and send to VoteCal. Please complete this activity by December 31, 2016.	County
	Security of Confidential Voter Information: The residential address, email address, and phone number of each confidential voters included in the statewide voter registration list is considered protected information and is only accessible by staff with the appropriate security credentials. For information on security controls within your Election Management System (EMS), please contact your EMS.	
Jan. 9, 2017	Provide List of Public Safety Confidential Voters due to Expire to Counties: Secretary of State will provide a list for each county identifying the voters with an expiration date on or before June 30, 2017.	SOS

Between Jan. 9, 2017 and Apr. 3, 2017	County Staff to Contact Public Safety Officer Automatic Expiration: County staff can contact these voters before the functionality is turned on and determine whether the voter would like to re-establish their confidential status. Reference Guidance: Confidential Voters for sample notices.	County
Apr. 3, 2017	SOS turns on VoteCal Automatic Expiration of Public Safety Officers Confidential Status Feature: VoteCal automatically ends the confidential status of a public safety officer two years from the date of application, pursuant to Elections Code 2166.7. VoteCal sends a warning message to the county 90 days prior to the expiration date allowing county staff time to contact the confidential voter. Reference Guidance: Confidential Voters for sample notices.	SOS
Following Apr. 3, 2017 Daily Notices and Expirations	VoteCal will automatically send to the county expiration notices and confidential status expirations of a public safety officer on a daily basis dependent on the existence of a confidential public safety officer voter record with an application date due to expire 90 days from the current date.	SOS

For additional information on the public safety officer automatic expiration, refer to Guidance: Confidential Voters, Issue Date September 9, 2016, Revision Date December 16, 2016 attached and posted on the VoteCal County Communication Portal at <https://county.sos.ca.gov/>.

For questions on entering confidential voters in the local county EMS, please contact your EMS Help Desk. The VoteCal Help Desk is also available to answer questions or provide clarification at 888-868-3225 or via email at VoteCalHelp@sos.ca.gov.

Attachment



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December 2016 Confidential Voter Information:

On April 3, 2017, the Secretary of State (SOS) will enable the functionality that automatically expires public safety officer's confidential voter status after two years. If the confidential voters in your county have not been entered into the local EMS and sent to VoteCal, please do so by December 31, 2016. If you need information related to entering confidential voters in the local EMS or security access, contact your EMS vendor.

In order for counties to prepare for April, the Secretary of State will provide each county with a report in January. The report will identify the confidential public safety officers with an expiration date on or before June 30, 2017. County elections officials are responsible for contacting the confidential public safety officers on the list and providing the appropriate notification and re-application information. Those confidential voters with an expiration date on or before April 3, 2017 will expire when the functionality is turned on.



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Confidential voters are entered and managed in the local county Election Management System (EMS) and maintained in VoteCal to comply with the federal Help America Vote Act (HAVA) mandate for maintaining a single voter registration list for all voters in the state. Confidential voters included in the statewide voter registration list are considered permanent vote-by-mail voters, and residential address, email address, and phone number is considered protected information only accessible by staff with the appropriate security credentials.

Confidential voter information, with the mailing address, is only used for election, scholarly or political research, or for government purposes. For more information related to security access and managing confidential voters in the county EMS, contact your EMS vendor.

This document provides guidance on the following processes:

- Confidential voters that move between counties
- Automatic expiration of a public safety officer’s confidential status

Guidance: Confidential Voters Moving between Counties

Counties may receive potential match messages for confidential voters if a confidential voter from one county completes a new voter registration in a new county, or if a DMV Change of Address (DMV COA) is received for an existing voter. After a county enters a new voter registration affidavit, VoteCal looks for matching voter records across the state. If a match is found for an existing confidential voter in another county, VoteCal sends a “Potential Duplicate Match for Confidential Voter” message to the new county. All confidential voter matches are considered potential matches; VoteCal does not use high confidence matching criteria for confidential voters. Only a county EMS user with permission to access confidential voter records can make a match determination for a confidential voter record. Once a match determination is made, the confidential voter record moves to the new county and merges with the new record. The voter status remains confidential until a user removes the status, or the voter is a public safety officer and confidential status automatically expires two years from the application date.

Elections Code (EC) sections 2166, 2166.5 and 2166.7 have been amended to provide direction to county elections officials when a confidential voter moves to a new county. Table 1: Confidential Voter Moves to a New County describes the county responsibilities.

Table 1: Confidential Voter Moves to a New County

Type of Confidential Voter	County Actions
<p>Court Ordered Confidential Voter (E.C., Section 2166)</p> <p>A county Superior Court confidential voter status issued upon a showing of good cause that a life-threatening circumstance exists to the voter or a member of the voter’s household, and naming the county elections official as a party</p>	<ol style="list-style-type: none"> 1. Send the voter a notice including county specific information regarding the application for confidential voter status and advise the voter that confidential status will remain for 60 days from the date of notice. (see sample notice below the table) 2. Honor the confidential voter status from the former county for 60 days from the date of notice. Set a reminder to check back on the



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Type of Confidential Voter	County Actions
	<p>voter record in 60 days.</p> <ol style="list-style-type: none">3. Exclude the confidential voter from any list, roster, or index.4. At the end of the 60 days, remove the confidential voter status if the new voter has not provided a court order to the new county during the 60-day period.
<p>Safe-At-Home (SAH) (E.C., Section 2166.5) Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking program or Reproductive Health Care Service Providers, Employees, Volunteers, and Patients program</p>	<ol style="list-style-type: none">1. Contact Safe at Home and notify the coordinator that the voter has moved into the county. Safe at Home will contact the voter and determine if the voter should remain confidential.2. Honor the confidential voter status from the former county until the Safe at Home coordinator contacts the county with a determination.3. Exclude voter from any list, roster, or index.4. Set a reminder to check back on the voter record in 60 days. Contact Safe at Home again if there has not been a resolution.
<p>Public Safety Officer (E.C., Section 2166.7) If authorized by his or her county board of supervisors, upon application of a public safety officer</p>	<p>If the county board of supervisors allows public safety officers to apply for confidential status:</p> <ol style="list-style-type: none">1. Send the confidential voter a notice providing information regarding the application for confidential voter status in the new county.2. Honor the confidential voter status from the former county for 60 days from the date of notice. Set a reminder to check back on the voter record in 60 days.3. Exclude the confidential voter from any list, roster, or index4. At the end of the 60 days, review the voter record. If the voter has applied for and been approved to continue confidential status, update the application date. If the voter has not been approved, remove the confidential voter status. <p>If the county board of supervisors does not authorize the county elections official to grant confidentiality for public safety officers:</p> <ol style="list-style-type: none">1. Send the public safety officer a notice advising them the county is not authorized to provide confidentiality.2. Honor the confidential voter status from the former county for 60 days from the date of notice. Set a reminder to check back on the



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Type of Confidential Voter	County Actions
	voter record in 60 days. 3. At the end of the 60 days, remove the confidential status.

The following are sample notices related to confidential voters, excluding Safe at Home, who move to a new county or for public safety officers if a county board of supervisors does not approve granting confidentiality for public safety officers.

Sample notice to a confidential voter that has moved to a new county:

We have received notification that your voter registration record was included in the confidential voter program in <insert county> county. If you would like your record to remain confidential in <insert county> county please complete and return the enclosed application and provide the appropriate paperwork to our office on or before <fill in the date>.

As a courtesy, your voter registration record will remain confidential for 60 days. If the appropriate paperwork is not received within 60 days, your confidential status will be removed and your residential address, telephone number, and email address will appear in public reports and rosters.

Sample notice to a confidential public safety officer if a county board of supervisors does not approve of granting confidentiality for public safety officers:

We have received notification that your voter registration record was included in the confidential voter program in <insert county> county. Please be advised the county board of supervisors in <insert your county> has not authorized the county elections official to grant confidentiality to public safety officers.

As a courtesy, your voter registration record will remain confidential for 60 days; however, as of <insert date> your residential address, telephone number, and email address will appear in public reports and rosters.

Guidance: Automatic Expiration of Public Safety Officers Confidential Status

VoteCal automatically ends the confidential status of a public safety officer two years from the date of application, pursuant to Elections Code 2166.7. VoteCal sends a warning message to the county 90 days prior to the expiration date allowing county staff time to contact the confidential voter and provide the voter an opportunity to reapply for confidential status. If the voter does not respond to the county outreach attempts, then VoteCal automatically ends the confidential status and sends a message to the EMS at the end of the 90 days. If the voter reapplies and is approved by the county to continue voter record confidentiality, the county updates the confidentiality date.

It is anticipated that when the automatic expiration functionality is enabled there will be confidential voters that are ready to expire. In order to prepare for this, the Secretary of State



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will provide a list for each county identifying the voters with an approaching expiration date or expiration date in the past. County staff can contact these voters before the functionality is turned on and determine whether they would like to re-establish confidential status. A sample notice is included below Table 2: Public Safety Officer Automatic Expiration.

Table 2: Public Safety Officer Automatic Expiration Table 2: Public Safety Officer Automatic Expiration describes the activities that occur for the automatic expiration functionality. All confidential voters are entered in the local county EMS.

Table 2: Public Safety Officer Automatic Expiration

ACTIVITY	PROCESS
County Receives “Confidential Voter Warning” Message	<ul style="list-style-type: none"> • VoteCal sends the EMS a warning message 90 days before the public safety officers confidential status is scheduled to expire. • Following your local procedures, notify the voter their confidential status will expire on xx date and if applicable, provide the voter instructions on re-applying for confidential status. • If the voter is approved to continue confidential status, using your local EMS update the application date. (Review corresponding EMS Guide for detailed instructions)
Receive “Confidential Voter Status Expired” Message	On the expiration date, VoteCal automatically ends a voter’s confidential status and sends a “Confidential Voter Status Expired” message to the EMS.

The following is a sample notice related to a public safety officer whose confidential voter status is expiring.

The confidentiality of your residence address, phone number, and e-mail address in your voter registration record will expire on <fill in the date>. Pursuant to California Elections Code 2166.7(c), the confidentiality granted pursuant to 2166.7(a) shall terminate no more than two years after commencement, as determined by the county elections official. If you would like to continue the confidentiality of your residence address, telephone number, and e-mail address please complete and return the enclosed application to our office by <date>. If you do not respond to this notice by the above-mentioned date, your contact information will appear in public reports and rosters.

If you have any questions, please contact our office.

VoteCal Contact Information

For questions or to report issues contact the SOS VoteCal Help Desk at 888-868-3225 or email VoteCalHelp@sos.ca.gov.