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## Guidance: Confidential Voters

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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 to maintain 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 must have a mailing address. The confidential voter record is only accessible by staff with the appropriate security credentials.

All voter registration information is confidential. However, further protections are afforded to voter registration records that are confidential per Elections Code sections 2166, 2166.5, and 2166.7. For example, confidential voter records are never included in Public Voter Registration Data Requests (PVRDR).

There are three categories for confidential voters which are identified in VoteCal as confidential voter Legal Basis codes as follows:

- **Court Ordered** – Per EC § 2166, a county Superior Court confidential voter status can be 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 by naming the county elections official as a party.
- **Safe At Home** – Per EC § 2166.5, participants of Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking program, or Reproductive Health Care Service Providers, Employees, Volunteers, and Patients programs.
- **Public Safety Officer** – Per EC § 2166.7, upon application by a public safety officer, if authorized by the County Board of Supervisors.

The voter's confidential status remains unchanged until a county user removes the status, or the voter is a public safety officer and confidential status automatically expires two (2) years from the application date.

For information related to county staff security access and managing confidential voters in the local county EMS, contact your EMS vendor.

This document provides guidance on the following VoteCal processes:

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

### **Guidance: Confidential Voters Moving Between Counties**

In general, voters can move between counties during the re-registration process, either via online registration or via the submittal of a paper registration form. In addition, voters can move between counties when a voter's residential address is updated through the National Change of Address (NCOA), Department of Motor Vehicle Change of Address (DMV COA), or the VoteCal Push Voter process.

The movement of confidential voters between counties must be managed according to elections code statute to maintain the confidentiality status of the voter. For confidential voters with the Legal Basis of "Court Ordered" and "Public Safety Officer" that obtain the voter registration confidentiality at the county level, the voter's confidential status should be retained for a 60-day



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period during the movement process to provide the time necessary for counties to reach out to the confidential voters to establish the confidential status within the new county.

## RE-REGISTRATION

When a confidential voter re-registers, 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 staff with confidential security access can make a match determination for a confidential voter record. Once a match determination is made between the new registration record and the confidential voter record, the records merge and voter moves to the new county.

- PLEASE NOTE: Confidential voters are advised on the California Online Voter Registration (COVR) website NOT to utilize the online registration process for voter registration changes. However, there is nothing stopping a confidential voter from using COVR, therefore counties must pay careful attention after determining a match of a confidential voter record, that the resulting registration record is marked to indicate the voter is a confidential voter.

When a confidential voter re-registers using a process that is outside of the prescribed confidential voter process, the new incoming registration is not marked as confidential automatically in VoteCal. The merge process for a potential match does not inherit the confidential status of the non-survivor (prior voter registration) record. **Therefore, county staff must update the merged record to indicate the voter is confidential based on the non-survivor record’s confidential status.**

## CHANGE OF ADDRESS MOVEMENT

When a confidential voter’s residential address is updated for a move between counties through the DMV COA or Push Voter process, VoteCal retains the voter’s confidential information. Although voter registration records do move between counties via the NCOA process, confidential voters are not included in the NCOA extract process.

## COUNTY ACTION WHEN CONFIDENTIAL VOTER MOVES TO NEW COUNTY

When a confidential voter moves into a new county, county staff must take action dependent on the confidential voter’s Legal Basis. Table 1: Confidential Voter Moves to a New County describes the county responsibilities.



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**Table 1: Confidential Voter Moves to a New County**

Confidential Voter Legal Basis	County Actions
<b>Court Ordered (EC § 2166)</b>	<ol style="list-style-type: none"><li>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 sixty (60) days from the date of notice. (See <b>Sample Notice #1</b> below the table.)</li><li>2. The confidential voter status from the previous county must remain for sixty (60) days from the date the notice was sent. Verify voter record is marked as confidential and, if not, mark the record as confidential.</li><li>3. Set a reminder to check the voter record in sixty (60) days.</li><li>4. Exclude the confidential voter from any list, roster, or index.</li><li>5. At the end of sixty (60) days, if the voter has not provided a court order for the new county, remove the confidential voter status.</li></ol>
<b>Safe-At-Home (SAH) (EC § 2166.5)</b>	<ol style="list-style-type: none"><li>1. Notify the SAH coordinator that the voter has moved into the county. SAH will contact the voter and determine if the voter should remain confidential.</li><li>2. The existing voter's confidential status must remain on the voter record. Verify voter record is marked as confidential and, if not, mark the record as confidential.</li><li>3. Set a reminder to check the voter record in sixty (60) days.</li><li>4. Exclude the confidential voter from any list, roster, or index.</li><li>5. At the end of sixty (60) days, contact SAH again if there has not been a resolution.</li></ol>
<b>Public Safety Officer (EC § 2166.7)</b>	<p>If the County Board of Supervisors in the new county has an <b>established public safety officer confidentiality program</b>:</p> <ol style="list-style-type: none"><li>1. Send the confidential voter a notice providing information regarding the application for confidential voter status in the new county. (See <b>Sample Notice #1</b> below the table.)</li><li>2. The voter's confidential status from the previous county must remain for sixty (60) days from the date the notice was sent. Verify voter record is marked as confidential and, if not, mark the record as confidential.</li><li>3. Set a reminder to check the voter record in sixty (60) days.</li><li>4. Exclude the confidential voter from any list, roster, or index.</li><li>5. At the end of sixty (60) days, review the voter record. If the voter has applied and been approved to continue confidential voter status, update the application date. If the voter has not applied or been approved to continue confidential voter status, remove the confidential voter status.</li></ol>



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Confidential Voter Legal Basis	County Actions
	<p>If the County Board of Supervisors in the new county does not have an established public safety officer confidentiality program:</p> <ol style="list-style-type: none"><li>1. Send the public safety officer a notice advising them that the county is not authorized to provide confidential voter status. (See <a href="#">Sample Notice #2</a> below the table.)</li><li>2. The voter's confidential status from the previous county must remain for sixty (60) days from the date the notice was sent. Verify voter record is marked as confidential and, if not, mark the record as confidential.</li><li>3. Set a reminder to check the voter record in sixty (60) days.</li><li>4. At the end of sixty (60) days, remove the confidential voter status.</li></ol>

## SAMPLE NOTICES

The following are sample notices related to confidential voters. The first sample notice can be used when a confidential voter's Legal Basis is "Court Ordered" or "Public Safety Officer" where the County Board of Supervisors in the new county has an established public safety officer confidentiality program. The second sample notice can be used when a confidential voter's Legal Basis is "Public Safety Officer" when a County Board of Supervisors in the new county does not have an established public safety officer confidentiality program.

### **Sample Notice #1: 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 voter 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 sixty (60) days. If the appropriate paperwork is not received within sixty (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 #2: Notice to confidential voter when a County Board of Supervisors does not have established public safety officer confidentiality program**

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.



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As a courtesy, your voter registration record will remain confidential for sixty (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 (2) years from the date of application, pursuant to Elections Code section 2166.7. VoteCal sends an automatic warning message to the county ninety (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. See Sample Notice #3 provided below Table 2: Public Safety Officer Automatic Expiration. 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 ninety (90) days. If the voter reapplies and is approved by the county to continue voter record confidentiality, the county updates the confidentiality application date.

Table 2: Public Safety Officer Automatic Expiration describes the activities that occur for the automatic expiration functionality.

**Table 2: Public Safety Officer Automatic Expiration**

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

### SAMPLE NOTICE

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



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### **Sample Notice #3: Notice to confidential voter when confidentiality 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.

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### **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](mailto:VoteCalHelp@sos.ca.gov).