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AB-1678 Elections: voter registration information: security: campaign literature and communications.
(2017-2018)

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Assembly Bill No. 1678

CHAPTER 96

An act to amend Section 18302 of, and to add Sections 2188.2 and 2188.3 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 2018. Filed with Secretary of State July 16, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, Berman. Elections: voter registration information: security: campaign literature and communications.

Existing law makes an affidavit of voter registration confidential, and prohibits the use of an affidavit for a personal, private, or commercial purpose, except as specified. Existing law requires that an affidavit of voter registration with respect to a voter be provided to a candidate for federal, state, or local office, to a committee for or against an initiative or referendum measure for which publication is made, and to a person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. Existing law requires the release of the home address or signature of a voter whenever the person's vote is challenged, as specified.

This bill would require the Secretary of State to adopt regulations describing best practices for storage and security of voter registration information received by an applicant. The bill would require a person or entity who has received voter registration information pursuant to an application to disclose a breach in the security of the storage of the information to the Secretary of State, as specified.

Existing law makes it a misdemeanor for a person to knowingly cause to be mailed or distributed, or knowingly mail or distribute, literature to a voter that includes a designation of the voter's precinct polling place other than the precinct polling place listed for that voter in an official precinct polling list.

This bill would make it a misdemeanor for a person, with actual knowledge and intent to deceive, to cause to be distributed or to distribute literature or any other form of communication to a voter that the person knows to include voting information that is incorrect, false, or misleading, as specified. This bill would specify that distribution for this purposes includes distribution by mail, radio or television broadcast, telephone call, text message, email, or any other electronic means, including over the Internet.

By creating a new crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2188.2 is added to the Elections Code, to read:

2188.2. The Secretary of State shall adopt regulations that describe the best practices for storage and security of voter registration information received by an applicant pursuant to Section 2188.

SEC. 2. Section 2188.3 is added to the Elections Code, to read:

2188.3. A person or entity who has received voter registration information pursuant to an application made under Section 2188 shall, following discovery or notification of a breach in the security of the storage of the information, disclose the breach in security to the Secretary of State. The disclosure shall be made in the most expedient time possible and without unreasonable delay.

SEC. 3. Section 18302 of the Elections Code is amended to read:

18302. (a) A person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to a voter that includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at sometime not more than 30 days prior to the mailing or distribution.

(b) A person is guilty of a misdemeanor who, with actual knowledge and intent to deceive, causes to be distributed or distributes, including distribution by mail, radio or television broadcast, telephone call, text message, email, or any other electronic means, including over the Internet, literature or any other form of communication to a voter that includes any of the following:

- (1) The incorrect location of a vote center, office of an elections official, satellite office of an elections official where voting is permitted, vote by mail ballot drop box, or vote by mail ballot drop-off location.
- (2) False or misleading information regarding the qualifications to vote or to register to vote.
- (3) False or misleading information regarding the date of an election or the days, dates, or times voting may occur at a place described in paragraph (1).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that voters' personal information is protected, to ensure that a breach in the security of voter registration information is promptly reported, and to prohibit the intentional distribution of false information related to the time, place, and manner of voting before the November 6, 2018, statewide general election, it is necessary that this bill take effect immediately.