PUBLIC HEARING AND COMMENT

Hearing Date: No hearing date is scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed no later than 15 days prior to the close of the written comment period.

Written Public Comment Period: November 27, 2020, through January 11, 2021 (45-day comment period)

Subject Matter of Proposed Regulations: Access to Voter Registration Information

Section(s) Affected: Sections 19000 through 19013 of Title 2, Division 7, Chapter 1, Article 1 of the California Code of Regulations

PURPOSE AND NECESSITY

This proposed regulation text updates and adds to existing regulations to reflect current law and practices related to how the Secretary of State and local elections officials provide access to voter registration information. These proposed regulations comply with the corresponding provisions of the Elections Code amended as of January 01, 2020. These regulations are necessary to conform to not only the current law but also the current practice and the public expectation for how the voter registration information should be made available.

FACTUAL BASIS / RATIONALE

Since the regulations related to access to voter registration information were last updated, the Secretary of State (SOS) has certified a new computerized statewide voter registration system consistent with HAVA. Additionally, the SOS’s experience processing requests for voter registration information has shown that existing regulations do not adequately contemplate all methods by and purposes for which voter registration information is requested.

The factual basis and rationale for each section of the proposed regulations are as follows:

Section 19000. Purpose – Provides the purpose of the article, which is to provide the requirements to request voter registration information of California voters and to provide the requirements for storage and security of such voter registration information of California voters. This non-substantive section is necessary introduce the Article.
**Section 19001. Definitions** – This section defines the terms used in these regulations.

Subdivision (a) defines the term “Agent.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (b) defines the term “Applicant.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (c) defines the term “Beneficiary.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (d) defines the term “Person.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (e) defines the term “Source agency.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (f) defines the term “Specific voter registration record.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (g) defines the term “Vendor.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

Subdivision (h) defines the term “Voter registration information.” This definition is necessary to define this term to prevent ambiguity when it is used throughout the regulations.

**Section 19002. Application of this Article** –
The purpose of subdivisions (a) and (b) of this section is to make specific that Article 1 of Chapter 1 of Division 7 of Title 2 of California Code of Regulations, which includes sections 19000 through 19013, will apply only to specified persons and to clarify the person to whom it does not apply.

**NECESSITY**

**Subdivision (a) and (b):** There are certain individuals and groups that obtain voter registration information from the Secretary of State and/or the counties. That includes candidates for elections, election campaigns, interest groups, students, universities, vendors, etc. Some people and/or groups get this information not directly from the Secretary of State or the counties but from the vendors or political campaigns. Therefore, our office has determined that it is necessary to clarify that this chapter will apply to those individuals or groups that obtain voter registration information indirectly through vendors or political campaigns or any other group or agency. However, recognizing that the Secretary of State and the counties offer an online tool ([https://voterstatus.sos.ca.gov/](https://voterstatus.sos.ca.gov/)) where voters can go and get their own registration information, it was necessary to create this exception to the application of this section. Subdivision (b) also specifies that if a voter wants more information about their own specific voter record such as the
specific precincts they are assigned to and additional details about their voting history, which is not available on the online tool, then they are required to submit an application pursuant to section 19008 of Article 1 of Chapter 1 of Division 7 of Title 2 of California Code of Regulations. This is necessary to clarify that a voter must follow a specific process to obtain their voter records.

**Section 19003. Permissible Uses -**
The purpose of subdivision (a) is to provide and specify the permissible uses of the voter registration information by defining the following terms specified in the Elections Code Section 2194: Election, Scholarly, Journalistic, Political, and, Governmental. It also defines two additional terms Investigation and Vendor.
The purpose of subdivision (b) is to create an exception whereby the Secretary of State or the County elections officials can review and determine the outcome of any application for voter registration information wherein the applicant has not cited any of the permissible used specified in subdivision (a) and the request is also not barred by the impermissible uses specified in section 19004 of this chapter.
The purpose of subdivision (c) is to clarify and make specific that the Secretary of State and the County elections officials will review each application for voter registration information separately will not be bound by the determination made in any earlier application.

**NECESSITY**

Subdivision (a): The existing regulation, section 19003 of Chapter 1 of Division 7 of Title 2 of California Code of Regulations, is based on criteria that were provided in section 607 of the Elections Code (amended as of 1977). Section 607 was later amended and renumbered in 1994 as Section 2187. Section 607 of the Elections Code required the Secretary of State to make the voter registration data available under conditions prescribed by the Secretary of State, to any candidate for federal, state or local office, to any committee for or against any proposed ballot measure, to any committee for or against any referendum or initiative measure for which legal publication is made, and to any person for election or governmental purposes as determined by the Secretary of State.

In 1994, when Section 2187 was amended, the legislature added two more purposes under which the voter registration information could be provided namely, scholarly and political. The Legislature also amended and renumbered Section 615 of the Elections Code to Section 2194. Section 2194 provided that the voter registration information to be provided to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

The existing regulations do not reflect the criteria that were added to disseminate the voter registration information after 1977. Therefore, our office has determined that it is necessary to update the regulations per the requirements of the statutes. In defining the terms mentioned in subdivision (a) our office has relied on the criteria mentioned in existing section 19003,
Elections Code section 2194, and a memo dated January 12, 1995, by then Chief of Elections Division of the Secretary of State John Mott-Smith (attached as Exhibit –1).

One term that is not part of either existing section 19003 or Elections Code section 2194 is the term “vendor.” Since the existing regulations have been in effect, we have learned that many persons allowed to obtain voter registration information under these regulations would request that the data be given to a vendor, as newly defined in Section 19001 of these proposed regulations, to compile or manipulate the data for them. Alternatively, some vendors have requested voter registration information on behalf of a person allowed to obtain the data. Our office has determined that it is necessary to define and include the term “vendor” to describe the organizations performing this task. Additionally, since this is a common use of voter registration information, we found it prudent to allow vendors to obtain voter registration information directly and have it ready for persons allowed to use the data under these regulations without the need to submit additional documentation, which saves time for the applicant and the Secretary of State’s office. The methods by which vendors can provide voter registration information to those persons is described in Section 19005.

**Subdivision (b):** Creating an exception whereby the Secretary of State and the county elections officials reserve the right to determine the outcome of any application for voter registration information that does not cite the permissible uses and is not explicitly barred by Section 19004 is necessary to preserve the discretion of the Secretary of State granted to it under Section 2194 (a)(3) of the Elections Code, “...the affidavit of voter registration information... Shall be provided with respect to any voter, subject to the provisions of Sections 2166, 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State....”

**Subdivision (c):** Requiring a source agency to review each application to compliance with the Elections code and this article independent of decisions made on other applications is necessary to ensure that each application is reviewed on a case by case basis dependent on the facts specific to each application. This provision ensures that no approval criteria exist outside of these regulations and that each application is evaluated de novo according to these provisions.

**Section 19004. Impermissible Uses** –
The purpose of subdivision (a) and (b) is to provide and specify the uses of the voter registration information that are not permissible.

The purpose of subdivision (c) is to provide and make specific that the source agency can refuse to provide voter registration information to the applicant under certain circumstances where the source agency believes that information is being requested for an unlawful, false, or fraudulent purpose, to promote or conduct an illegitimate object or purpose, or is being requested or submitted in bad faith or for the purpose of harassing or defrauding a person or entity. The purpose of subdivision (c) is also to require that the source agency to provide this refusal in writing and allow the applicant to file a new application.
NECESSITY

Subdivision (a) and (b): Subdivision (a)(1)-(3) are in essence similar to the existing regulations in section 19004 of Chapter 1 of Division 7 of Title 2 of California Code of Regulations. These regulations are only clarifying these subdivisions by referencing the applicable section of these regulations. Subdivision (a)(4) is restating the requirements of section 2194 (a)(2)(A) of the Elections Code which provides that voter registration information shall not be used for the harassment of any voter or voter’s household. Sections 18540 and 18543 provides penalties and punishment for conduct that amounts to harassment and voter intimidation. Therefore, subdivision (a)(4) is necessary to further clarify and make specific that the use of voter registration information to harass any voter or the voter’s household through any conduct that is provided under sections 18540 and 18543 is impermissible. Subdivision (a)(4) also clarifies that reference to sections 18540 and 18543 is inclusive and not exhaustive. Subdivision (b) are restating the requirements of and 2188.5 of the Elections Code. Therefore, these are non-substantive.

Subdivision (c): The authorization to a source agency to refuse to provide the voter registration information in the event a source agency comes across any information that the applicant seeking the voter registration information has no legitimate purpose but is doing so only for an unlawful, false, or fraudulent purpose, to promote or conduct an illegitimate object or purpose, or for the purpose of harassing or defrauding a person or entity or has a bad faith is necessary to ensure that this vital information of California voters is protected and not misused by bad actors or persons or entities acting in bad faith. However, in doing so it is also necessary that denial of the voter registration information that is not explicitly prohibited is not without any reason or basis. Therefore, it is also necessary to require a source agency to provide to the applicant in writing the factors which served as the basis for such denial.

Section 19005. Transfers –
The purpose of subdivisions (a), (b) and (c) are to provide and make specific the procedures that are required to be followed in the event of a transfer of voter registration information from a vendor to another person and a beneficiary to their agent(s) and also imposes a penalty for not following the specified procedure.

NECESSITY

Subdivision (a) and (c): Our office has determined that any vendor who would like to make the voter registration information available to another person is not required to receive prior written authorization from a source agency. They would now be required to provide a written notification only to the Secretary of State with the specified information and an acknowledgment that they have shared the information security requirements in section 19012 of this article. This is necessary to ensure that the Secretary of State at all times has the up to date information as to who has the voter registration information. It is also necessary to ensure that the Secretary of State can quickly identify the person who misused voter registration information in the event of any misuse. It is also necessary to hold a person accountable to the same standards who receives
information from a vendor and not from a source agency to ensure that the vital information of California voters is protected and misused by bad actors or person acting in bad faith. Subdivision (c)(4) also imposes a penalty of $1,000.00 on a vendor who fails to provide a notification of transfer to the Secretary of State for the first time and bars the vendor from getting the voter registration information from a source agency for the remainder of the presidential election cycle. Our office has determined that the amount of $1000.00 for the first violation and disbarment for the second is reasonable and sufficient and necessary to enforce the procedure laid out in subdivision (c) of this section. Specifically, we determined $1,000 to be a fine for the first violation that is sufficient to deter such action as it would be noticeable to any vendor but not so large that it would substantially affect the finances of a smaller vendor. This fee of $1,000 is 10 times the amount it costs to obtain the entire data set of voter registration as provided in Section 19006, and we determined this 10 times multiplier to be a reasonable fine for behavior that violates this provision. We determined that a ban on a vendor obtaining voter registration information for a second violation in one election cycle was necessary to prevent misuse. Voter registration information is sensitive and we must ensure we can track who has access to it and who is using it; barring vendors from obtaining the data directly who have violated this provision allows our office or a county elections office to control the voter registration information. However, this ban does not prevent vendors from continuing to provide services to persons allowed to use voter registration information under this Article as those persons can request the information themselves and provide it to the vendor. Additionally, the ban is time limited to not prevent all future use of the data after two violations.

Subdivision (b): Our office has determined that a beneficiary of the voter registration information including a vendor may need to share the voter registration information with their agents as defined in section 19001 (a) of these regulations for many reasons such as their campaign staffers and volunteers to walk the precincts or make phone calls for such campaign or candidate for an election or in case of vendors their contactors to sort the information or to make it more user friendly. As long as the agent uses the voter registration information for the purpose specified in the approved application and exercise reasonable care to prevent its misuse and report any unauthorized use, the beneficiary is not required to notify the Secretary of State of such transfer. Our office has determined that it is necessary to clarify that a beneficiary or a vendor has the flexibility regarding the use of voter registration information with reasonable care and should not be unnecessarily burdened with regulatory requirements for the tasks performed by their agents. However, our office has also determined that it is also necessary to clarify that a beneficiary or a vendor remain vicariously liable for the actions of their agent in the event of misuse or lack of proper care of the voter registration information.

Section 19006. Charges; Deposits –
The purpose of subdivisions (a) and (b) is to provide and specify a fee that the Secretary of State office will charge for providing the voter registration information.

The purpose of subdivision (c) is to provide county election officials with the authority to charge a fee as they see fit provide the voter registration information.
NECESSITY

Subdivision (a) and (b): The existing regulation section 19006 of Chapter 1 of Division 7 of Title 2 of California Code of regulations allows a source agency to designate the price to be charged for the use of voter registration information. Currently, the Secretary of State does charge a fee of $1 per thousand records, with a maximum charge of $30. There is currently no charge for specific voter records. Our office determined that it is necessary to specify the amount that an applicant must pay to receive the requested voter registration information in the regulations to consistent its application consistent with current costs of providing this service.

Subdivisions (c): Subdivision (a) and (b) only specify the fee to be charged by the Secretary of State. It does not apply to other source agencies like county elections officials. Our office has determined that it is necessary to clarify that the county elections officials are still authorized to charge the fee as they see fit under the current regulation section 19006 Chapter 1 of Division 7 of Title 2 of California Code of Regulations.

The Secretary of State determined our fee of $15.00 per one thousand records, up to a maximum of $100.00, based on the following cost analysis (all costs are per application):

- Analysis of application (including communicating with the requestor): 60 minutes
- Process fee (make a receipt, update our records, send the payment to accounting): 15 minutes
- Create data extract from the statewide voter registration system: 30 minutes
- Burn and verify DVD of data extract: 30 minutes
- Prepare letter to requestor and file for future reference: 30 minutes
- Update tracking log: 15 minutes
- Prepare disc and approval letter for mailing: 15 minutes
- Cost of DVD disc: $0.29
- Cost of padded mailer envelope: $0.60
- Cost of postage: $2.00
- This gives a total of 195 minutes for a typical approved application. 195 minutes times the starting hourly salary of a state analyst of $28.27 is $91.87. With the total material costs of $2.88, the total cost is $94.75, which we rounded to $100.

We allowed for partial fees for fewer records to match our current process and to acknowledge that, although most costs are fixed regardless of records, it is unreasonable to charge the maximum fee for a small number of records. We are not charging for denied applications as processing time is less than for approved applications and to reflect that many rejected applications re-file and are ultimately approved, which effectively merges the processing time for that ultimately approved application which we charge for with the earlier time spent on the rejected application.

The fee for specific voter records of $30 per record up to a maximum of $100, with a maximum of 10 records per application, is based on modified costs in providing these records. Searching for specific voter records is more time intensive up front than providing larger data sets based on defined criteria (voter’s county, special district, etc.) as staff need to locate the correct voter
record. However, processing time once that record is identified is lower. Additionally, we do not need to burn a DVD to provide specific voter record information as this data is on reports that we export to a printed document or an email attachment. The minimum cost of $30 reflects the level of effort the search takes, and the maximum fee of $100 ensures specific voter records do not cost more than the entire record list of the entire statewide voter registration system.

Section 19007. Penalties – This section restates the existing section 19007 of Chapter 1 of Division 7 of Title 2 of California Code of Regulations except for the language where it limits the maximum penalty to $100,000.00. The amount of penalty under this section can be potentially to upward of $10 million. Our office has determined that this penalty amount would be considered excessive and would be unconstitutional. Therefore, our office deemed it necessary to specify the maximum amount of penalty to be charged for the unauthorized use of voter registration information.

Section 19008. Application – The purpose of subdivision (a) and (b) is to provide information and steps necessary to complete the application for voter registration information.

NECESSITY

Subdivision (a): Paragraphs (1) through (6) of this subdivision require every applicant to provide the information that is necessary to identify and contact them in case that is required to do so. In addition, the identity and contact information is also necessary to ensure that in case of unauthorized use of voter registration information the Secretary of State has enough information to investigate such use. Paragraph (7) of this subdivision also requires an applicant to provide the purpose for which the voter registration information is requested and also provide the appropriate documentation is the purpose for the request is political, scholarly, or journalistic. These requirements are necessary to ensure that the Secretary of State has sufficient information to determine whether the request is proper and in accordance with this article. Paragraph (8) of this subdivision requires a detailed explanation of how the requested voter registration information will be maintained securely and confidentially consistent with Section 19012 is necessary to ensure that the applicant has the resources and means to keep the voter registration information secure and protected. Paragraphs (8), (9) and, (10) if this subdivision requires the applicant to provide information that is necessary to identify that specific information the applicant requests along with shipping instructions to ensure the proper delivery of the requested information. Paragraph (12) of this subdivision is necessary to ensure that the applicant understands their duties and responsibilities vis-a-vis the use, transfer, and storage of the voter registration information. The collection of information under this subdivision is in line with the requirements of Section 2188 of the Elections Code.

Subdivision (b): Section 2188 (e) of the Elections Code also requires the applicant to certify to the truth and correctness of the content of the application, under penalty of perjury. Therefore, requiring the applicant to certify the truthfulness and correctness of the contents of the application for voter registration under the penalty of perjury with the applicant’s signature and
the date and place of signing are necessary to ensure that the applicant understands that providing false information will be punishable by law.

Section 19009. Application Submission and Processing –

The purpose of subdivisions (a), (b), and (c) is to specify the requirements that are necessary for the proper submission of the application for voter registration information.

The purpose of subdivisions (d) and (e) is to specify the steps the Secretary of State will in processing the application for voter registration information.

The purpose of subdivision (f) is to specify that a source agency other than the Secretary of State can prescribe its own procedure for processing the application for voter registration information described in subdivision (d) and (e) of this section.

The purpose of subdivision (g) is to specify the time period for a source agency to maintain the record by requiring a source agency to log all applications received, including the approved and denied applications and the contact information of each applicant for five years.

NECESSITY

Subdivision (a), (b) and, (c): Our office has determined that to properly process the application for the voter registration information an application must be completed and submitted to a source agency via U.S. mail or other delivery services. In determining this our office has looked at the past practice of accepting the applications for voter registration information. In the past, the Secretary of State has been accepting completed applications for voter registration information in person or by U.S mail or other delivery services along with a wet signature on the application. The Secretary of State also requires that the completed application must be accompanied by a clear copy of the applicant’s current photo identification issued by federal or state government agency and the appropriate fee. Therefore, our office determined that it is necessary to put this practice into regulations to make it consistent across the board.

Subdivision (d) and (e): In the event Secretary of State deny an application for voter registration information for any reason then in that case fairness demands that the Secretary of State must respond to the applicant know that reasons as to why their application was denied. It is also just fair and reasonable to return the material that the applicant submitted to the Secretary of State along with the application to give the applicant the opportunity to submit another application after addressing the reasons for which the earlier application was denied. Justness also demands that the Secretary of State must not process payment for the denied application. Therefore, it is necessary to require the Secretary of State to process the applications for voter registration in a just, fair and, reasonable manner and also in the order it is received.

Subdivision (f): Our office has determined that the procedures to process the application for voter registration would serve as guidelines to the county elections officials and they will not be bound by it. In making this determination emphasized on the fact that different county elections officials can have a different process and that may work best for them depending upon their workload and other factors. By imposing a universal procedure to process the application the
Secretary of State doesn’t want to impose any additional or unwarranted burden on the county elections officials that may affect their efficiency.

Subdivision (g): By requiring a source agency to maintain a log of all applications received by a source agency for five years along with the contact information of each applicant to ensure that in the event of unauthorized use of the voter registration the Secretary of State can properly investigate such use.

Section 19010. Requests for Specific Voter Records –
The purpose of subdivision is s (a), (b), (c), (d) and (e) is to clarify and make specific the procedures to be followed by an applicant and a source agency to process a request for specific voter registration records.

NECESSITY

Subdivisions (a) and (b): Requiring that an applicant must provide as much detail as is possible, including but not limited to the full name, date of birth, and present and/or former residence address of the specific voter that is the subject of the request to the source agency is necessary for the source agency to locate such a specific voter registration information. In addition, requiring a source agency to locate such specific voter registration record is necessary to ensure that registration records of other voters that are not subject to the request must be protected and are not divulged inadvertently. Therefore, it is also necessary for the source agency to contact the applicant to obtain additional information if the information already provided with the application is not sufficient.

Subdivision (c): Requiring that a source agency to inform the applicant in writing and not to process the payment if the request for specific voter registration record cannot be filled is necessary to ensure that the applicant is aware of the reasons as to why their request could not be filled and that they are not charged for incomplete work.

Subdivision (d): We determined a maximum number of specific voter records in an application of 10 based on: 1) the effort required to obtain and provide specific voter records and 2) the purpose of providing specific voter records. It is very time intensive to obtain specific voter records. Rather than inputting generic voter criteria for a large search of a voter’s county, special district, or the like, searching for a specific voter involves identifying a voter’s record based on criteria such as their name, address, and date of birth; this process takes time to ensure it is done accurately. Then, a report must be run on each voter to extract their data from the statewide voter registration system. This process must be repeated for each specific voter. The purpose of specific voter record searches is to provide voter information in an easier to understand format: a table listing the name of each field next to the data points. This data can be read by someone not experienced with database design. In contrast, larger data extracts require some level of familiarity with database design and the ability to map field names with their descriptions in a separate document. The specific voter record process represents a balance of providing easy to decipher data for a small number of voters (for example, a voter looking at their own record) with Secretary of State time in providing the data in this format when the typical process is to
provide a database extract. Additionally, providing for this function discourages requests for larger data sets that include information on a number of voters when a requestor is just looking for information on a small number of named voters.

Section 19011. End User Technical Support –
The purpose of this section is to clarify that a source agency not responsible for end-user technical support for processing voter registration information data obtained from a source agency or for assistance on converting such data for use of the beneficiary.

NECESSITY: End user technical support is beyond the requirement of Elections Code sections 2188 and 2194 that require a source agency to provide this data. Data management and extract capabilities are specific functions within the statewide voter registration system and therefore part of the job functions of staff who provide voter registration information. However, technical assistance in how to manage large data sets is a specific job function beyond that. To provide these services, a source agency would have to retain designated staff. This section is necessary to clarify that a source agency is not required to provide this level of specialized assistance, ensuring that costs of providing this data is not excessive.

Section 19012. Requirements for Storage and Security of Voter Registration Information –
The purpose of subdivision (a) is to ensure and make specific that any person who directly or indirectly obtains voter registration information from a source agency must be responsible for maintaining and securing such voter registration information in order to reduce the risk of information exposure and/or breach.

The purpose of subdivision (b) is to provide a list of specific security requirements for any person who receives voter registration information from a source agency either directly or indirectly.

The purpose of subdivision (c) is to provide a list additional specific security measures that a vendor must employ to safeguard the voter registration information.

NECESSITY:

Subdivision (a): In January 2017, the U.S Department of Homeland Security designated the infrastructure used to administer the Nation’s elections as critical infrastructure that included voter registration information. This designation recognizes that the United States’ election infrastructure is of such vital importance to the American way of life that its incapacitation or destruction would have a devastating effect on the country. Therefore, it is necessary to require that any person who directly or indirectly obtains voter registration information from a source agency must be responsible for maintaining and securing such voter registration information in order to reduce the risk of information exposure and/or breach.

Subdivision (b): The Information and Technology Division of the Secretary of State has drafted the steps specified in this subdivision in order to ensure that any person who has directly or
indirectly obtained voter registration information from a source agency must use strong and unique password per account with access to voter registration information or privileges to grant access and also use best practices to secure and protect the voter registration information. These steps are based on the industry best practices and are recommended by the Department of Homeland Security and Election Assistance Commission. These steps are required to properly secure and protect the voter registration information of California Voters.

Subdivision (c): In addition to the security measures and best practices specified in subdivision (b), a vendor must abide by the additional best practices, log requirements, and system hardening techniques to maintain, secure, and protect the voter registration information. The Information and Technology Division of the Secretary of State has drafted these measures based on the industry best practices to maintain, secure and, protect any critical data. Our office relied upon many resources to develop the specified security measures in this subdivision. Some of the key sources we relied upon, which are referenced in the Notice under the Informative Digest, Section E, Documents Relied Upon in Preparing the Regulations, are: A Handbook for Elections Infrastructure Security by Center for Internet Security; EAC Election Management Guidelines; Chapter 2 System Security; EAC Election Management Guidelines; Chapter 3 Physical Security; and #Protect2020 Strategic Plan. These additional best practices, log requirements, and system hardening techniques for vendors are necessary to maintain, secure, and protect the voter registration information.

Section 19013. Reporting Requirement for Unauthorized Use and Data Breaches –
The purpose of this section is to make specific that any person that obtains voter registration information from a source agency is responsible to report any detected unauthorized use, suspected breach, or denial of service attack on the voter registration information or the system containing the voter registration information to the Secretary of State Elections Division Help Desk within twenty-four (24) hours of discovery.

NECESSITY:

Requiring that a recipient of voter registration information under these guidelines reports any unauthorized use and data breach ensures a source agency is aware of such occurrences. This allows a source agency to consider whether additional safeguards need to be made in the future to address such issues, potentially notify voters, and be alert to subsequent misuse of voter registration information. A 24-hour reporting requirement balances the need for a source agency to learn about such unauthorized use or data breach quickly, but allows a recipient of the information a reasonable amount of time to provide this information.

ECONOMIC IMPACT STATEMENT

The proposed regulations reflect updated business practices for the processing requests for voter registration information and storing voter registration information obtained from the Secretary of State and local elections officials. These regulations eliminate outdated requirements, define
processes, add new procedures and give guidance to ensure data accuracy and data constancy statewide.

**Creation or Elimination of Jobs within the State of California**

It is not anticipated that these regulations will create or eliminate jobs within the State of California. These regulations codify current practices related to how voter registration information can be accessed by parties other than the Secretary of State and local elections officials. The changes to the current regulations do not significantly change the relationship between those who currently consume this information and the Secretary of State or local elections offices that provide this information.

**Creation of New or Elimination of Existing Businesses within the State of California**

These regulations are anticipated to affect the Secretary of State and local elections offices. These regulations codify current practices related to how voter registration information can be accessed by parties other than the Secretary of State and local elections officials. The changes to the current regulations do not significantly change the relationship between those who currently consume this information and the Secretary of State or local elections offices that provide this information. Therefore, we do not anticipate the creation of new or the elimination of existing businesses.

**Expansion of Businesses or Elimination of Existing Businesses within the State of California**

These regulations are anticipated to affect the Secretary of State and local elections offices. These regulations codify current practices related to how voter registration information can be accessed by parties other than the Secretary of State and local elections officials. The changes to the current regulations do not significantly change the relationship between those who currently consume this information and the Secretary of State or local elections offices that provide this information. Therefore, we do not anticipate the expansion of or elimination of existing businesses.

**Benefits of the Regulations**

These regulations benefit California residents as they provide transparency for voters about how their voter registration information can be obtained by parties other than the Secretary of State and local elections officials. These regulations also benefit California residents by ensuring the protection of voter registration information no longer under the control of the Secretary of State or local elections officials. These regulations do not have any significant impact on the environment or the working conditions of California businesses and their employees.