

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

SB 1131 (Newman)  
Version: August 15, 2022  
Hearing Date: August 24, 2022  
Fiscal: Yes  
Urgency: Yes  
AM

**PURSUANT TO SENATE RULE 29.10**

**SUBJECT**

Address confidentiality: public entity employees and contractors

**DIGEST**

This bill establishes an address confidentiality (or “Safe at Home”) program for public entity employees and contractors, as provided. The bill prohibits the names of precinct board members from being listed when posting information, as specified, and requires county elections officials to make certain information appearing on the affidavit of registration confidential upon request of a qualified worker. The bill also includes harassment as a basis for application in the existing Safe at Home program for reproductive health care service providers and allows additionally documentation to be submitted in the application. The bill contains an urgency clause.

**EXECUTIVE SUMMARY**

Existing law creates the “Safe at Home” address confidentiality program for victims of domestic violence, sexual assault, and stalking, and reproductive health care providers, employees, volunteers, and patients. Since the 2021 election cycle, election workers have come under increasing and more threatening attacks than ever before. Additionally, other public employees, including health care workers, educators, and code enforcement officers, have been experiencing increasing threats since the beginning of the COVID-19 pandemic. This bill seeks to address these issues with proactive steps that can help public entity employees and contractors feel safe and secure immediately, without having to wait for bad actors to be investigated and prosecuted. The bill does this by creating a Safe at Home program for public entity employees and contractors and allowing participants to be eligible for confidential voter status. The bill requires county election officials to make specified information appearing on the affidavit of registration confidential upon request of a qualified worker. The bill also prohibits the names of precinct board members from being listed when posting information about precinct board members. Lastly, the bill includes harassment as a basis for application

in the program for reproductive health care service providers, employees, volunteers, and patients and expands the documentation that such an applicant can submit.

The bill is sponsored by the Brennan Center and the California Voter Foundation. The bill is supported by numerous organizations representing public entities and public entity employees, civic organizations, and a coalition of Indivisible groups from across the state.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes an address confidentiality (or “Safe at Home”) program within the Office of the Secretary of State (SOS) in order to enable state and local agencies to both accept and respond to requests for public records without disclosing the changed name or address of a victim of domestic violence, sexual assault, or stalking. Existing law permits any such adult victim, or parent or guardian acting on behalf of a minor or incapacitated person, to apply through a community-based victims’ assistance program to have an address designated by the SOS as their substitute mailing address. (Gov. Code § 6205 et seq.)
- 2) Existing law similarly allows reproductive health care providers, employees, volunteers, and patients to apply to the address confidentiality program through a community-based victims’ assistance program, as specified. (Gov. Code § 6215 et seq.) The application is required to contain certain things, including a certified statement signed by a person authorized by the reproductive health care services facility stating that the facility or any of its providers, employees, volunteers, or patients is or was the target of threats or acts of violence or harassment within one year of the date of the application. (Gov. Code § 6215.2(a)(1)(B).)
- 3) Permits an individual to seek confidential voter status and have their residence address, telephone number, and email address declared confidential upon presentation of certification that the person is a participant in the Safe at Home program, as specified. (Elec. Code § 2166.5.)
- 4) Requires a county elections official, upon application of a public safety officer and if authorized by the county board of supervisors, to make confidential an officer’s residence address, telephone number, and email address appearing on the affidavit of registration, as specified. (Elec. Code § 2166.7.)
- 5) Requires an election official to post a list of all polling places and precinct board members at specified times before an election. Requires these lists be posted at the elections official’s office and on their official website. Requires an election official to

include the political party affiliation for each listed precinct board member. (Elec. Code § 12105.5.)

- 6) Authorizes a court to issue a workplace violence restraining order, requested by an employer, to protect an employee from suffering unlawful violence or credible threats of violence at the workplace, after a noticed hearing. (Code of Civil Procedure (CCP) Section 527.8.)
- 7) Authorizes a court to issue a civil restraining order to prevent abuse, threats of abuse, stalking, sexual assault, or serious harassment by someone who is not an intimate partner, or a close family member of the protected party after a noticed hearing. (CCP Section 527.6.)

This bill:

- 1) Creates a Safe at Home program for public entity employees and contractors by permitting an adult person, who is domiciled in California, to have an address designated by the SOS to serve as the person's address, as specified and if certain conditions are met. Provides, among other requirements, that the basis for the application to the Safe at Home program is that the applicant is a public entity employee or contractor who faces threats of violence or violence or harassment from the public because of their work for the public entity and is fearful for their safety or the safety of their family because of their work for the public entity.
  - a) Defines "harassment" as repeated, unreasonable, and unwelcome conduct directed at a targeted individual that would cause a reasonable person to fear for their own safety or for the safety of an immediate family member, domestic partner, or a household member. Harassing conduct may include, but is not limited to, following, stalking, phone calls, or written correspondence.
  - b) Defines "public entity" as a federal, state, or local government agency.
  - c) Defines "work for a public entity" as work performed by an employee of a public entity, or work performed for a public entity by a person pursuant to a contract with the public entity.
- 2) Authorizes a public entity employee or contractor to submit, in addition to a certified statement signed by a person affiliated with the applicant's place of work or employment, a certified statement signed by the applicant stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their occupation or specified restraining orders issued after a noticed hearing.
- 3) Permits an individual in the public entity employees and contractors Safe at Home program to seek confidential voter status and have their residence address, telephone number, and email address declared confidential upon presentation of

certification that the person is a participant in the Safe at Home program, as specified.

- 4) Includes harassment of a facility or any of its providers, employees, volunteers, or patients, as a basis for a person's application in the Safe at Home program for a reproductive health care service provider, employee, or volunteer or their families because of their affiliation with a reproductive health care services facility, as provided. Includes a certified statement signed by the applicant stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their occupation or specified restraining orders issued after a noticed hearing as additional documentation that can be submitted to qualify for the Safe at Home program.
- 5) Requires a county elections official, upon application of a qualified worker, to make confidential that qualified worker's residence address, telephone number, and email address appearing on the affidavit of registration, as provided.
  - a) Defines "qualified worker" as a person who is employed by or contracts with the SOS or a local election office who performs election-related work and interacts with the public or is observed by the public doing election-related work, but does not include a person who is a precinct board member who does not otherwise perform election-related work, and a qualified worker is not limited to those who exclusively perform direct election-related work for the SOS or local election offices.
  - b) Requires the SOS to submit to the Legislature no later than January 10 of each year a report that includes the total number of applications received for the program established, which includes the number of program participants within each county and describe any allegations of misuse relating to election purposes.
- 6) Prohibits the names of precinct board members from being listed when posting information about precinct board members, as specified.
- 7) The bill declares that it is to take effect immediately as an urgency statute in order to ensure the safety of Californians who work for public entities due to the risk of violence, threats, and harassment from the public.

### COMMENTS

#### 1. Stated need for the bill

The author writes:

In recent years, an ever-increasing number of diligent and dedicated public servants have been subjected to threats, intimidation, and sometimes physical

violence -- at polling places, in their offices, and even at the grocery store. In some instances, the threats follow them to their home. SB 1131 reduces the likelihood that public servants may be subject to doxing and targeting, by allowing California's public servants to enroll in the "Safe at Home" Program, administered by the Secretary of State, which provides protection to survivors of domestic violence and people who work at reproductive care facilities. This bill also includes an alternative option that allows election workers to withhold their private information from public records requests for those that don't wish to enroll in "Safe at Home", thereby expanding the personal protection and privacy they deserve. This legislation is vital in order to protect Californians.

## 2. Safe at Home program

With the passage of SB 489 (Alpert, Ch. 1005, Stats. 1998), the California State Legislature established the Safe at Home program within the Office of the SOS to allow victims of domestic violence to apply for a substitute address to be used in public records in order to prevent their assailants, or potential assailants, from finding their work or home address. Through subsequent legislation, the program has been expanded to include victims of sexual assault, stalking, and reproductive health care service providers, employees, volunteers, and patients. (See SB 1318 (Alpert, Ch. 562, Stats. 2000) and AB 797 (Shelley, Ch. 380, Stats. 2002).)

Upon successful application, a program participant is certified to remain in the program for four years, subject to early termination or withdrawal, and must re-certify pursuant to the SOS's renewal process if the participant wishes to continue in the program beyond the four-year enrollment period. For victims not yet of the age of majority or incapacitated persons, a parent or guardian may apply to enroll the victim into the program. Program participants may seek confidential voter status and have their residence address, telephone number, and email address declared confidential upon presentation of certification to the county elections official that the person is a participant in the Safe at Home program.

## 3. Public entity employees and contractors have increasingly faced threats from the public over the past few years

According to the author and the sponsors, over the past two years those charged with administering California's elections have been increasingly subjected to threats, harassment, and intimidation. Election workers face the risk of "doxing" and harassment as the result of their names, photographs, and addresses being posted online and on social media platforms, as has happened to numerous election officials already around the country. Since November 2020, more than 15 percent of California's election officials have left their jobs. They additionally note that journalists at Reuters have documented violent threats and harassment against election officials across the country, even identifying nine of the harassers whom have not been held accountable.

The U.S. Department of Justice has announced a task force to combat the problem and has brought charges against two individuals thus far.<sup>1</sup> Multiple states have moved to increase criminal penalties against those who threaten election workers.<sup>2</sup> In December 2020, the Michigan Secretary of State reported having armed protesters surround her home while she and her four-year-old son were inside.<sup>3</sup> The Brennan Center for Justice and the Bipartisan Policy Center published a report attempting to learn more about what can be done to protect election administrators from harassment and other types of threats.<sup>4</sup> As a result of their research, the report found that one of the key solutions for violent threats and personal safety was to provide greater protection of personally identifiable information and that existing programs that protect domestic violence victims and stalking victims could serve as a model for protecting the personal information of election workers who have been threatened.<sup>5</sup>

Other individuals working for public entities have been facing increased harassment as well, especially since the beginning of the COVID-19 pandemic. A survey found that nearly 12 percent of America's public health workforce has been threatened due to their job.<sup>6</sup> The New York Times identified more than 500 top health officials who left their jobs in the past 19 months, in part because of abuse and threats.<sup>7</sup> In the wake of these increased threats, the U.S. Justice Department created separate initiatives to address these increasing threats against election administrators and education workers.<sup>8</sup> School board members and school administrators have also faced increased threats, harassment, and sometimes even violence. In October of 2021, U.S. Attorney General Garland directed the Federal Bureau of Investigation and U.S. Attorneys' Offices to meet with federal, state, tribal, territorial and local law enforcement leaders and discuss

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<sup>1</sup> *Justice Department Launches Task Force to Combat Threats Against Election Workers*, U.S. Dept. of Justice, (July 29, 2021) available at [Justice Department Launches Task Force to Combat Threats Against Election Workers | OPA | Department of Justice](#) (as of Apr. 17, 2022).

<sup>2</sup> Rick Rouan and Deborah Barfield Berry, *Election workers faced new threats after 2020 election. Experts fear it will drive them away*, USA Today (Feb. 7, 2022) available at [Election workers faced new threats after 2020 election. Experts fear it will drive them away \(yahoo.com\)](#) (as of Apr. 17, 2022).

<sup>3</sup> Bill Chappell, *Michigan Secretary of State Says Armed Protesters Descended on Her Home Saturday*, NPR, (Dec. 7, 2020), available at <https://www.npr.org/sections/biden-transition-updates/2020/12/07/943820889/michigan-secretary-of-state-says-armed-protesters-descended-on-her-home-saturday> (as of Apr. 21, 2022).

<sup>4</sup> *Election Official Under Attack*, Brennan Center for Justice and the Bipartisan Policy Center (June 16, 2021) available at <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack> (as of Apr. 17, 2022.)

<sup>5</sup> *Id.* at 7.

<sup>6</sup> Zack Beauchamp, *"We are going to make you beg for mercy": America's public servants face a wave of threats*, Vox (Nov. 18, 2021), available at <https://www.vox.com/22774745/death-threats-election-workers-public-health-school>.

<sup>7</sup> Ivory and Baker, *Public health officials in the U.S. need federal protection from abuse and threats, a national group says*, Opinion, The New York Times, (Oct. 19, 2021), available at <https://www.nytimes.com/2021/10/19/us/public-health-threats-abuse.html>.

<sup>8</sup> Beauchamp *supra*.

strategies for addressing a disturbing trend of threats and abuse toward public school officials.<sup>9</sup>

4. Expands the Safe at Home program to include public entity employees and contractors who face threats of violence or violence or harassment from the public because of their work for a public entity

When this bill came through this Committee originally it only expanded the Safe at Home program to election workers. As amended in the Assembly Judiciary Committee, the bill now expands the Safe at Home program to include public entity employees and contractors who faces threats of violence or violence or harassment from the public because of their work for a public entity. The bill defines “public entity” as a federal, state, or local government agency and “work for a public entity” as work performed by an employee of a public entity, or work performed for a public entity by a person pursuant to a contract with the public entity.

All program participants would be subject to the existing enrollment process, orientation, counseling, termination process, and disenrollment process required under the Safe at Home program, except the bill allows an applicant to submit, in addition to a certified statement signed by a person affiliated with the applicant’s place of work or employment (1) a certified statement signed by the applicant stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their occupation or (2) a workplace violence restraining order described in Section 527.8 of the Code of Civil Procedure or a civil restraining order described in Section 527.6 of the Code of Civil Procedure after notice of a hearing.

According to the Assembly Judiciary Committee analysis:

This flexibility appears justified and reasonable. On one hand, some employers may be reluctant to “get involved” in the applicant’s “personal business” by writing a certified statement and could even fear that they could be subject to criminal prosecution for their statements. At the same time, this requirement could be unnecessary if a court had already weighed the evidence and determined that issuance of a restraining order, based upon violence, threats, or harassment connected to the applicant’s occupation or volunteer work was justified.<sup>10</sup>

Existing law authorizes a person who is a participant in a Safe at Home program for victims of domestic violence, sexual assault, stalking, or reproductive health care providers, employees, volunteers, and patients to be granted confidential voter status by the county elections official upon presentation of certification that the person is a

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<sup>9</sup> Ivory and Baker *supra*.

<sup>10</sup> As. Judiciary Comm., analysis of SB 1131 (reg. sess. 2022) as amended Jun. 23, 2022 at 12.

participant in a Safe at Home program. (Elec. Code § 2166.5.) This bill grants this same right to participants in the public employee and contractor Safe at Home program.

5. Safe at Home program for reproductive health care providers, employees, volunteers, or patients

The bill additionally provides that the basis for seeking participation in the Safe at Home program for reproductive health care providers, employees, volunteers, or patients can include harassment. The bill also allows health care providers, employees, volunteers, or patients to submit, in addition to a certified statement signed by a person affiliated with the applicant's place of work or employment, a certified statement signed by the applicant stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their occupation or a workplace violence restraining order described in Section 527.8 of the Code of Civil Procedure or a civil restraining order described in Section 527.6 of the Code of Civil Procedure after notice of a hearing.

6. Other changes related to elections

Existing law requires a county elections official, upon application of a public safety officer and if authorized by the county board of supervisors, to make confidential an officer's residential address, telephone number, and email address appearing on the affidavit of voter registration. (Elec. Code § 2166.7.) The application is required to contain certain things, including a statement, signed under penalty of perjury, that the person is a public safety officer and that a life-threatening circumstance exists to the officer or a member of the officer's family. (*Id.* at (b).) The confidentiality under this provision terminates no more than two years after commencement, as determined by a county elections official, and an applicant can reapply for confidential voter status. (*Id.* at (c).) This bill enacts substantially similar provisions for a qualified worker, except that the county election official is required to make the information confidential regardless if authorized by the county board of supervisors. A qualified worker is defined as a person who is employed by or contracts with the SOS or a local election office who performs election-related work and interacts with the public or is observed by the public doing election-related work, but does not include a person who is a precinct board member who does not otherwise perform election-related work. A qualified worker is not limited to those who exclusively perform direct election-related work for the SOS or local election offices. The author and sponsor wanted to offer election workers the ability to obtain confidential voter status without becoming a participant in the Safe at Home program, as an election worker may not feel the need to have the heightened confidentiality provisions offered under the Safe at Home program but still want to have confidential voter status. The bill requires the SOS to submit to the Legislature, no later than January 10 of each year, a report that includes the total number of applications received under this provision, which is to include the number of



program participants within each county and describe any allegations of misuse relating to election purposes.

Existing law requires election officials to post a list of all current polling places in each precinct and a list of precinct board members appointed by the 15th day before the election and not less than one week before an election. (Elec. Code § 12105.5(a).) This bill, in order to protect the names of precinct board members, instead requires a list of political party affiliation of precinct board members to be posted and specifically prohibits the names of precinct board members from being included on the list.

#### 7. Limitation on public's access to public records

This bill limits the public's access to public records of a public entity employee or contractor participant under the Safe at Home program and through granting voter confidentiality status. Additionally, by adding harassment as a basis for seeking participation in the Safe at Home program for reproductive health care providers, employees, volunteers, or patients more persons may become participants. The bill provides that this is necessary because:

Individuals who work for public entities are increasingly subjected to violent threats, harassment, and intimidation. In order to prevent acts of violence from being committed against persons who work for public entities, it is necessary for the Legislature to ensure that the home addresses of these individuals are kept confidential.

Due to the current environment for public employees and their vital importance to ensuring our system of democratic elections, the finding on the need for protecting their privacy seems warranted. Additionally, adding harassment as a basis for participating in the Safe at Home program for health care providers, employees, volunteers, and patients will strengthen the ability of persons to exercise their constitutional and statutory right to accessing abortion, therefore, the findings on the need for protecting their privacy appears warranted as well.<sup>11</sup>

#### 8. Statements in support

The Brennan Center for Justice, one of the sponsors of the bill, writes:

In the spring of 2021, the Brennan Center for Justice commissioned a national survey of election officials. We also held interviews and hosted conversations, along with the Bipartisan Policy Center and the Ash Center at Harvard's Kennedy School, with nearly three dozen election officials and over thirty

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<sup>11</sup> For a more detailed analysis on the constitutional and statutory right to abortion see Sen. Judiciary Com. analysis for Sen. Bill 1142 (2021-22 reg. sess.) as amended April 7, 2022.

experts. This culminated in a report entitled “Election Officials Under Attack: How to Protect Administrators and Safeguard Democracy.”<sup>2</sup>

What we learned from the survey, the interviews, and the discussions was heartbreaking. We found that roughly one in three election officials feel unsafe because of their job. Approximately one in six listed threats to their lives as a job-related concern. We also found that local election officials feel unsafe because they were, and in many cases still are, being harassed and threatened in the wake of the 2020 election. They told us that the quantity and severity of these attacks has dramatically increased as compared to past election cycles. [...]

SB 1131 would ensure that election workers can take advantage of either the Safe at Home program or address confidentiality programs in California. The Safe at Home program provides both address confidentiality and mail forwarding, while the address confidentiality program masks a participant’s address in the voter registration file. SB 1131 would also remove the requirement that those administering elections publicly post the names of pollworkers in advance of elections, while leaving in place the requirement to post pollworker party affiliations. This can boost public trust in elections without undermining pollworker security. [...]

#### 9. Support if amended

When this bill came through this Committee the first time the Right to Life League was opposed to the bill. They are now in a support if amended position and ask that the bill be amended to clarify that it applies to all reproductive healthcare workers not just ones who provide abortion services.

### **SUPPORT**

Brennan Center for Justice (sponsor)  
California Voter Foundation (sponsor)  
350 South Bay LA  
American Association of University Women California  
Association of California School Administrators  
California Association of Clerks and Election Officials  
California Association of Code Enforcement Officers  
California Association of Joint Powers Authorities  
California Environmental Voters  
California School Boards Association  
California State Association of Counties  
California Voter Foundation

City Clerks Association of California  
City of Foster City  
City of Vista  
Clean Coalition  
Cloverdale Indivisible  
County Health Executives Association of California  
Indivisible Alta Pasadena  
Indivisible CA GreenTeam  
Indivisible Marin  
Indivisible Media City Burbank  
Indivisible Mendocino  
Indivisible Riverside  
Indivisible Ross Valley  
Indivisible Resistance San Diego  
Indivisible San Jose  
Indivisible Sacramento  
Indivisible Stand Strong LA  
Indivisible Stanislaus  
Indivisible Sonoma County  
Indivisible South Bay LA  
League of California Cities  
League of Women Voters of California  
Livermore Indivisible  
Long Beach Alliance for Clean Energy  
Orange County Employees Association  
Progressive Democrats of the Santa Monica Mountains  
RepresentUs  
SoCal 350  
The Resistance Indivisible Northridge  
Urban Counties of California  
Valley Women's Club of San Lorenzo Valley

**OPPOSITION**

None known

## **RELATED LEGISLATION**

### **Pending Legislation:**

AB 1726 (Aguilar-Curry, 2022) provides additional protections and eases requirements applicable to participants in the Secretary of State's Safe at Home address confidentiality program including extending various deadlines in civil cases, easing provisions that might jeopardize participation in the program, and clarifying the information necessary for applicants. This bill is awaiting the Governor's signature.

AB 2381 (Daly, 2022) authorizes Safe at Home applicants to submit a certified statement by the employee, patient, or volunteer for a reproductive health care services facility that they have been the target of threats or acts of violence, or a workplace violence restraining order issued because of threats or acts of violence connected with a reproductive health care services facility, as specified, instead of a certified statement from a representative of the reproductive health care services facility. It also expands the address confidentiality program to include other individuals who face threats of violence or violence from the public because of their work, employment, or volunteer service. This bill was held in the Assembly Appropriations Committee.

### **Prior Legislation:**

SB 636 (Corbett, Ch. 200, Stats. 2011), among other things, specified that a participant's personal address may be revealed after termination of certification if the participant's termination resulted from the program manager determining that false information was used in the application process or the program was used as subterfuge.

AB 2251 (Evans, Ch. 486, Stats. 2006) prohibited the public posting or display of the home address or telephone number of specified individuals who are associated with a reproductive health care service provider on the Internet.

AB 797 (Shelley, Ch. 380, Stats. 2002) expanded eligibility in the state's address confidentiality program to reproductive health care service providers, their employees and patients.

SB 1318 (Alpert, Ch. 562, Stats. 2000) expanded the Safe at Home Program to victims of stalking.

SB 489 (Alpert, Ch. 1005, Stats. 1998) established the Safe at Home program within the Office of the Secretary of State to allow victims of domestic violence to apply for a substitute address to be used in public records in order to prevent their assailants, or potential assailants, from finding their work or home address.

**PRIOR VOTES:**

Assembly Floor (Ayes 62, Noes 0)

Assembly Appropriations Committee (Ayes 12, Noes 2)

Assembly Judiciary Committee (Ayes 9, Noes 0)

Assembly Elections Committee (Ayes 5, Noes 1)

Senate Floor (Ayes 30, Noes 8)

Senate Appropriations Committee (Ayes 5, Noes 2)

Senate Appropriations Committee (Ayes 7, Noes 0)

Senate Judiciary Committee (Ayes 9, Noes 2)

Senate Elections and Constitutional Amendments Committee (Ayes 4, Noes 0)

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