

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1392 (Sharp-Collins)
Version: July 2, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Elections: voter registration information: elected officials and candidates

DIGEST

This bill exempts the residence address, telephone number, and email address of a federal, state, or local elected official or candidate for an elected federal, state, or local office from being disclosed on voter rolls under existing provisions of law, as provided. The bill provides that a county or county elections official is not liable for taking, or failing to take, the actions prescribed by this bill when the county or the county elections official receives erroneous information from the Secretary of State. The bill also provides that an action in negligence will not be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information that is the subject of this bill, except by a showing of gross negligence or willfulness.

EXECUTIVE SUMMARY

The recent events in Minnesota where elected politicians and their spouses were targeted in their homes and, in one instance, tragically killed provides a stark reminder that serving in public office poses risks for those who choose to serve and their families.¹ In response to these recent events, this bill seeks to exempt the residence address, telephone number, and email address of a federal, state, or local elected official or candidate for an elected federal, state, or local office from being disclosed on voter rolls under existing provisions of law. The bill is sponsored by the Secretary of State. The bill is opposed by the California Broadcasters Association, the California News Publishers Association, and the First Amendment Coalition. This bill passed the Senate Elections and Constitutional Amendments Committee on a vote of 5 to 0.

¹ Steven Karnowski, et. al, *The man suspected of shooting 2 Minnesota lawmakers is in custody after surrendering to the police*, AP News, (June 16, 2025), available at <https://apnews.com/article/minnesota-lawmakers-shot-8ce70a94c9eb90688baaa1a71faef6cc>.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that the home address, telephone number, email address, precinct number, or other information specified by the Secretary of State (SOS) for voter registration purposes, and prior registration information shown on the voter registration affidavit for all registered voters, are confidential, and are prohibited from being disclosed to any person, except as specified. (Gov. Code § 7924.000; Elec. Code § 2194(a)(1).)
- 2) Provides that the information in 1) be provided with respect to any voter 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 SOS. (Elec. Code § 2194(a)(3).)
- 3) Permits any person filing a new registration affidavit of registration or reregistration to have the information relating to their residence address, telephone number, and email address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon order of a superior court upon a showing of good cause that a life-threatening circumstance exists to the voter or a member of the voter's household. An individual is also able 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 SOS's Safe at Home program, which masks the identifying information of crime victims and other specified individuals. (Elec. Code §§ 2166 & 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. (Elec. Code §§ 2166.7.)
- 5) Requires a county elections official, upon application of a qualified elections-related worker, to make confidential that worker's residence address, telephone number, and email address appearing on the affidavit of registration. (Elec. Code §§ 2166.8.)
- 6) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)

- b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 7) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 7920.000 et seq.)
 - a) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)

This bill:

- 1) Requires the residence address, telephone number, and email address appearing on an elected official or candidate's affidavit of registration be made confidential.
- 2) Defines "elected official or candidate" as a federal, state, or local elected official or a candidate for an elected federal, state, or local office.
- 3) Requires the SOS or the local elections official, if the local elections official is someone other than the county elections official, to provide each county elections official a list identifying each elected official or candidate residing in each respective county when a person files nomination papers for an elected federal, state, or local office.
- 4) Requires county election officials to make confidential the information in 1), above within five business days of receiving the list elected officials described under 3), above.
- 5) Provides that an elected official or candidate's residence address, telephone number, and email address remains confidential until, for an elected official, the official no longer holds the office or, for a candidate, the winning candidate takes office.
- 6) Requires an elected official or candidate to contact their county elections official to ensure that their voter registration record has been made confidential. An elected official or candidate holding office as of the effective date of this bill must contact

their county elections official to ensure the confidentiality of their voter registration record.

- 7) Provides that a county or county elections official is not liable for taking or failing to take the actions described in these provisions when the county or county elections official has received erroneous information from the SOS.
- 8) Provides that an action in negligence will not be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information that is the subject of this section, except by a showing of gross negligence or willfulness.
- 9) Makes corresponding changes.

COMMENTS

1. Stated need for the bill

The author writes:

Public service should not come with threats, violence and potential harm to the elected official or their family. Unfortunately, these threats are on the rise. AB 1392 is a common sense measure that requires county officials to make confidential the address and other sensitive information of state and federal elected officials in order to improve safety.

The sponsor of the bill, Shirley N. Weber, Ph.D., California Secretary of State, writes in support, stating:

[...] AB 1392 establishes a process to safeguard the residence address, telephone number, and email address listed on the affidavit of registration for federal, state, and local elected officials and candidates. It directs the Secretary of State, via a certificate of election, to notify county elections officials of newly elected officials in their jurisdiction. It also requires counties, within five business days of receiving that certificate, to make the official's voter registration information confidential. This sensitive information will remain confidential for the duration of the officials' term of office.

In an era of heightened threats and harassment directed toward public officials, this legislation is both timely and necessary. Recent amendments taken in Assembly Elections, adding local elected officials and candidates to the scope of the bill, will necessitate a host of additional changes. Dialogue with the California Association of Clerks and Elections Officials on those changes is pending. In an era of heightened

threats and harassment directed toward public officials, this legislation is both timely and necessary. [...]

2. Intimidation and threats against elected officeholders and public officials is on the rise

A report published by the Combating Terrorism Center at West Point found that threats against public officials have steadily increased since 2017, which corresponds with an increase in polarization in this country since the 2016 presidential election.² The report found that in 2013-2016 there were an average of 38 federal charges per year, but that number almost doubled during 2017-2022. Several high profile incidents have occurred against federal officials. In 2017, U.S. Representative Steve Scalise was shot at a congressional baseball practice. There was the January 6 insurrection at the Capitol and the hammer attack on U.S. Representative Nancy Pelosi's husband in their home. The California Legislature has also had its fair share of violent incidents. In late August of 2019, former Senator Richard Pan was shoved by an anti-vaccine activist who was videotaping Senator Pan while walking in downtown Sacramento.³

A little over a month ago, two Minnesota legislators – Senator John Hoffman and Representative Melissa Hortman – were shot in their homes. Senator Hoffman and his wife Yvette survived the attack, but were hospitalized for needed medical care. Representative Hortman and her husband Mark succumbed to their injuries. The suspect was apprehended and faces federal and state murder charges. Minnesota Governor Tim Walz called the shooting an “act of targeted political violence.”⁴ Court documents in the case show that the suspect used “online people search services to find the home addresses of his intended targets. Police found the names of 11 registered data brokers – or companies that gather and sell people’s information, including addresses, emails and phone numbers – in [the suspect’s] abandoned car after the shootings. Police also found a list of dozens of state and federal lawmakers, and their addresses, according to the criminal complaint.”⁵ On the last night of the 2019 legislative session, the Senate had to shut down for several hours after a protestor in the Senate Gallery

² Pete Simi, et. al, *Rising Threats to Public Officials: A Review of 10 Years of Federal Data*, Vol. 17, Issue 5, (May 2024), available at <https://ctc.westpoint.edu/rising-threats-to-public-officials-a-review-of-10-years-of-federal-data/>.

³ KCRA Staff, 'I don't regret pushing him': Man cited for shoving California state senator, KCRA News, (Aug. 22, 2019), available at <https://www.kcra.com/article/california-state-senator-richard-pan-assault/28777200>.

⁴ Meg Anderson & Avie Schneider, *Suspect named in targeted shootings of Minnesota lawmakers*, NPR, (Jun. 14, 2025), available at <https://www.npr.org/2025/06/14/nx-s1-5433645/minnesota-state-legislators-lawmaker-shootings>.

⁵ Alfred Ng, *Alleged shooter found Minnesota lawmakers' addresses online, court docs say*, Politico, (Jun. 16, 2025), available at <https://www.politico.com/news/2025/06/16/alleged-shooter-found-minnesota-lawmakers-addresses-online-court-docs-say-00409260>.

“threw a feminine hygiene device containing what appeared to be blood onto the Senate floor.”⁶

A 2024 report from the Brennan Center for Justice that conducted surveys in October 2023 from over 1,700 local and state elected officials from all 50 states and across ages, party affiliations, ideologies, genders, sexual orientations, racial and ethnic identities, and religions found alarming rates of threats against elected officials. The report highlights:

Officeholders across these demographic categories reported experiencing threats or attacks within the past three years. And the volume and severity of abuse have increased in recent years, they said. More than 40 percent of state legislators experienced threats or attacks within the past three years, and more than 18 percent of local officeholders experienced threats or attacks within the past year and a half. The numbers balloon to 89 percent of state legislators and 52 percent of local officeholders when less severe forms of abuse — insults or harassment such as stalking — are included.⁷

A report conducted by the Joan B. Kroc School of Peace Studies at the University of San Diego that focused on local elected officials in San Diego, Riverside, and Imperial Counties found:

- 66% of all elected officials reported being on the receiving end of threats and harassment.
- 69% of women report experiencing threats and harassment monthly, compared to 38% of their male counterparts.
- 83% of respondents said that threats and harassment are a major issue that require a public response.
- 46% of women and 39% of men have considered leaving public service as a direct result of the threats and harassment they have experienced.⁸

As the Brennan Center for Justice Report explains, “threats and attacks [on elected officials] constrain how freely officeholders interact with constituents, narrow the spectrum of policy positions they feel safe to support, and make them less willing to continue in public service. Unaddressed, the problem stands to endanger not just

⁶ Angela Hart & Colby Bermel, *Protester throws apparent blood at legislators, shutting down California Senate*, Politico, (Sept. 13, 2019), available at <https://www.politico.com/states/california/story/2019/09/13/protester-throws-red-liquid-at-legislators-shutting-down-california-senate-1188537>.

⁷ *Intimidation of State and Local Officeholders*, Brennan Center for Justice, (Jan. 25, 2024), available at <https://www.brennancenter.org/our-work/research-reports/intimidation-state-and-local-officeholders>.

⁸ *Assessing Threats and Harassment Towards Locally Elected Officials*, Joan B. Kroc School of Peace Studies, University of San Diego, available at <https://www.sandiego.edu/peace/institute-for-peace-justice/violence-inequality-power-lab/san-diego-threats.php>.

individual politicians but, more broadly, the free and fair functioning of representative democracy – at every level of government.”⁹

3. Limitation on public’s access to public records

Access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),¹⁰ which amended the California Constitution to specifically protect the right of the public to access and obtain government records: “The people have the right of access to information concerning the conduct of the people’s business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)¹¹ to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act¹², and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Code § 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public’s interest in disclosure outweighs the public’s interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (see Gov. Code § 7924.110(a).) For example, the home addresses, home telephone numbers, personal cellular telephone numbers, and birthdates of all employees of a public agency are not public records and are not open to public inspection. (Gov. Code § 7928.300 (a).)

⁹ *Intimidation of State and Local Officeholders*, Brennan Center for Justice, (Jan, 25, 2024), available at <https://www.brennancenter.org/our-work/research-reports/intimidation-state-and-local-officeholders>.

¹⁰ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

¹¹ Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013).)

¹² The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.¹³ At the same time, the state recognizes that this right must be balanced against the right to privacy.¹⁴ The general right of access to public records may, therefore, be limited when other prevailing public policy interests exist. As noted above, the suspect in the Minnesota case seemed to access the addresses of the elected officials through data brokers, not voter registry information. In this current age, unfortunately much of the information his bill seeks to protect is readily available online. Nevertheless, the Legislature has passed bills protecting election workers in the past by making them eligible for confidential voter status, which makes their information not disclosable under the voter registry for any purpose. (SB 1131(Newman, Ch. 554, Stats. 2022.)) The justification for this was similarly the increase of threats against election workers and their crucial role to a functioning democracy.¹⁵

This bill states its limitation on the access to the residence address, telephone number, and email address listed in the affidavit of voter registration for an elected official or candidate is necessary to ensure the safety of elected officials and candidates for elective office. In light of recent events and the increasing polarization of politics in this country, the finding on the limitation on access to public records seems warranted.

4. Immunity under the bill

Liability has the primary effect of ensuring that some measure of recourse exists for those persons injured by the negligent or willful acts of others; the risk of that liability has the primary effect of ensuring parties act reasonably to avoid harm to those to whom they owe a duty. As a general rule, California law provides that everyone is responsible, not only for the result of their willful acts, but also for an injury occasioned to another by their want of ordinary care or skill in the management of their property or person, except so far as the latter has, willfully or by lack of ordinary care, caused their own injury. (Civ. Code § 1714(a).)

Blanket immunity provisions are generally disfavored as a matter of public policy because they, by their nature, prevent an injured party from seeking a particular type of recovery. However, the Legislature has in limited circumstances allowed for measured immunity from liability to promote other policy goals that could benefit the public. Immunity provisions are sometimes allowed when necessary to ensure the willingness of individuals to continue taking on certain roles that may involve some risk.

This bill provides that a county or county elections official is not liable for taking or failing to take the actions prescribed by this bill when the county or the county elections

¹³ Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

¹⁴ Cal. Const., art. I, § 1.

¹⁵ Sen. Judiciary Comm. analysis SB 1131 (2021-22 reg. sess) as amended Aug. 15, 2022.

official receives erroneous information from the SOS. The bill also provides that an action in negligence will not be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information that is the subject of this bill, except by a showing of gross negligence or willfulness.

5. Statements in opposition

The California Broadcasters Association, the California News Publishers Association, and the First Amendment Coalition write in opposition, stating:

[...] [W]e understand the serious threats elected officials can face and submit that limiting the access to portions of the street address- not the city, state or zip code- would protect public officials without restricting access to other information in these affidavits. Access to public records is of such paramount importance that it is enshrined in Article I, Section 3 of the California Constitution. The records relating to a candidate or elected official that has been submitted to the Secretary of States office for their candidacy certainly qualifies as public records the people are entitled to under the California Constitution. The courts have routinely held that limited redactions are favored over complete denials of public information. Given safety is the intended purpose of this legislation, confidentiality should be limited to the residential street address. The public and the press should be able to at a minimum, obtain what city the candidate or official states they reside in to ensure the candidate actually resides in the area they are or seeking to represent. [...]

SUPPORT

Shirley N. Weber, Ph.D., California Secretary of State (sponsor)

OPPOSITION

California Broadcasters Association
California News Publishers Association
First Amendment Coalition

RELATED LEGISLATION

Pending Legislation:

AB 302 (Bauer-Kahan, 2025), among other things, authorize a protected individual or the California Privacy Protection Agency, to request a business to refrain from publishing or selling their personal information. AB 302 is pending before this Committee and is set to be heard on the same day as this bill.

Prior Legislation:

SB 1131 (Newman, Ch. 554, Stats. 2022), among other things, expanded eligibility in the state's address confidentiality program to include individuals who face threats of violence or violence or harassment from the public because of their work for a public entity and provided that participants in the program are eligible for confidential voter status.

PRIOR VOTES

Senate Elections and Constitutional Amendments Committee (Ayes 5, Noes 0)

This bill was amended on June 23, 2025, to completely change the bill's provisions. The prior votes are based on the bill before it was amended on that date.
