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VIA PORTAL

The Honorable LaShae Sharp-Collins
California State Assembly
1021 O Street, Suite 4130
Sacramento, CA 95814

Senator Thomas Umberg, Chair
Senate Committee on Judiciary
1021 O Street Suite 7510
Sacramento, CA 95814

OPPOSE — AB 1392

Dear Assemblymember Sharp-Collins and Chair Umberg,

The First Amendment Coalition writes in respectful opposition to AB 1392, which eliminates critical transparency protections that allow journalists to do the important work of keeping communities informed about elected officials and candidates for office.

Existing law generally makes voter registration records confidential. Elec. Code § 7924.000. However, journalists are among a select few with a right of access to select pieces of information contained in voter registration affidavits. Specifically, [agencies must disclose](#) the home address, telephone number, email address, precinct number and prior registration information 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.” Elec. Code § 2194(a)(3). (Other personal data, such as special security number and signature of the voter, is confidential in all circumstances, per Elections Code section 2194(b).)

The narrow transparency protection is essential for a wide range of important public service journalism, including public corruption reporting.¹ Access to politicians’ voter registration affidavits, including their full residential address, enables journalists to probe their fitness and eligibility for office, in addition to general truthfulness.² It allows journalists to perform oversight

¹ See Jodie Gil, *Journalists’ Reflections on Using Home Addresses in Reporting*, 6 J. Civic Info. 1 (2024) (available at <https://journals.flvc.org/civic/article/view/137910/143011>).

² See, e.g., Brandon Pho, Silicon Valley lawmaker running for Congress doesn’t live in his district, San José Spotlight (July 24, 2024), <https://sanjosespotlight.com/silicon-valley-lawmaker-california-assemblymember-evan-low-running-for-congress-doesnt-live-in-his-state-district-election-2024/> (“Campaign finance and voter registration records reviewed by San José Spotlight link Low to a condo on Campisi Way in Campbell — which falls outside his current Assembly District 26.”); Andrew Kaczynski & Em Steck, *California Senate hopeful Rep. Adam Schiff claimed primary residences in Maryland and California*, CNN (Nov. 3, 2023, at 3:58 PM), <https://www.cnn.com/2023/11/02/politics/adam-schiff-primary-residence-maryland-california>.

on newsworthy activities centering on a public official's home for the duration of their time in office, such as calls for police service³ or controversial public benefits.⁴

Eliminating the ability of the press to perform its watchdog function hurts all Californians will not be effective in preventing the acts of political violence cited as the reason for this legislation.

To explain the circumstances under which the home address, telephone number and email address can be obtained by journalists and select others in the limited circumstances described in section 2194(a)(3), see [section 2188](#) of the Elections Code. It sets forth the requirements for a requester to seek this restricted information. Requesters must fill out an application providing their name, address, phone number, drivers license or other identification number, the specific information requested, and a statement of the intended use of the information. The requester must swear under penalty of perjury the accuracy of the information being submitted. This process granting limited access to these records for limited purposes properly balances privacy interests with public access to this information.

Additionally, existing law contains ample privacy protections for voters with specific safety concerns. Elections Code sections 2166 and 2166.5 allow a voter to keep their residence information confidential for "good cause that a life-threatening circumstance exists to the voter or a member of the voter's household" or if the person participates in a program for address confidentiality for victims of domestic violence, sexual assault and stalking. Section 2166.7 allows a peace officer with life-threatening circumstances to make their address confidential. Section 2166.8 expands confidentiality provisions to election workers. AB 1392, by contrast, offers blanket secrecy to all politicians, as defined, without any showing of specific risk. This is extraordinary secrecy that no other Californian enjoys.

We appreciate the stated intent to address safety concerns following acts of political violence around the country, but we must oppose AB 1392 because we believe it will not contribute to greater security for those choosing to perform public service. Instead, this bill if enacted would reduce checks on politicians and have a number of unintended consequences that hurt trust in government and elections.

³ See Amy Taxin, *A Southern California judge has been arrested on suspicion of killing his wife in the couple's home*, AP (Aug. 4, 2023, at 2:37 PM), <https://apnews.com/article/california-judge-arrested-wife-homicide-83257911dc9b2e00dc8e9bfd2d0a35b2>.

⁴ See David Zahniser & Taylor Goldenstein, *City Atty. Mike Feuer, turf rebate recipient, steers clear of DWP records lawsuit*, L.A. Times (Feb. 8, 2016, at 3:00 AM), <https://www.latimes.com/local/california/la-me-feuer-turf-rebate-20160208-story.html>; Taylor Goldenstein, *Names, addresses of DWP customers who received turf rebates are released*, L.A. Times (Feb. 26, 2016, at 7:59 PM), <https://www.latimes.com/local/lanow/la-me-ln-turf-rebate-data-release-with-exceptions-20160225-story.html>; Matt Stevens, *Massive \$340-million turf rebate program plagued by poor planning and oversight, audit finds*, L.A. Times (Dec. 10, 2016, at 10:05 AM), <https://www.latimes.com/local/lanow/la-me-water-turf-rebate-program-audit-20161209-story.html> ;

Thank you for considering these important issues. We look forward to discussing these critical issues and discussing possible alternative approaches.

FIRST AMENDMENT COALITION



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cc: Honorable Members of the Senate Judiciary Committee
Amanda Mattson, Counsel, Senate Judiciary Committee
Michael Lucien, Chief of Staff, Office of Assemblymember Sharp-Collins