

## Assembly Bill No. 1741

### CHAPTER 121

An act to add Section 2188.5 to the Elections Code, relating to voter information.

[Approved by Governor July 25, 2005. Filed with  
Secretary of State July 25, 2005.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1741, Committee on Judiciary. Voter information: privacy.

Existing law sets forth the requirement for an application for voter registration information, including a statement of the intended use of the information requested.

The bill would prohibit the requester of voter information or of signatures or other information collected for an initiative, referendum, or recall petition from sending the information outside of the United States, as specified, and would state findings and declarations regarding the protection of voter-related identities and personal information of Californians.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds that identity theft is one of the fastest growing crimes in America. Last year nearly 10 million people across the nation were victimized, resulting in losses to businesses and consumers of more than 50 billion dollars. California has the unflattering distinction of being the only state last year with more than one million identity theft victims. One in 10 of the nation's victims of identity theft are Californians, and the state has 5 of the nation's top 15 regions for identity theft, according to the Federal Trade Commission. The FBI has reported that many identity thefts that occur in the United States are hatched internationally and a leading bank regulator, the Federal Deposit Insurance Corporation, has warned that increased outsourcing of jobs overseas has heightened the risk of identity theft.

(b) The Legislature further finds that identity theft is not a partisan issue; persons across the political spectrum share growing concerns that the cost of losing one's personal identity and privacy is much greater than an issue of dollars and cents. Recent opinion polls reveal that Californians place protecting their right to privacy as a major concern. Victims of identity theft tell horror stories of the hundreds of painful hours they must spend talking to credit card companies, banks, insurance companies, law enforcement officials, and merchants just to clear their name and their credit. The crisis has created sufficient concern that it recently led to the

state's first identity theft conference, held recently on March 1, 2005. The conference partners included Governor Arnold Schwarzenegger, law enforcement officials, politicians, businesses, consumer advocates, and identity theft victims. All of the participants recognized that the state needs to do much more to protect the identity of California's citizens.

(c) The Legislature further finds that the sharing of voter information and initiative petition signatures abroad creates special risks to the state's democratic process. It is well understood that voter registration is the initial step in citizens' involvement in the democratic process. Only registered voters are permitted to vote in a democracy to safeguard the principle that elections are fair and only those entitled to vote do so. In addition, under the California Constitution's initiative requirements, only those proposed initiative measures that have the support of a specified number of petition signers may properly qualify to be voted on by the state's electorate. It is therefore manifest that if voters come to believe that by signing an initiative petition or registering to vote they may risk becoming victims of identity theft through the outsourcing of their identities abroad, they may not sign the petition and they may not vote. It is therefore imperative that the state undertake increased measures to protect the voter-related identities and personal information of all Californians.

SEC. 2. Section 2188.5 is added to the Elections Code, to read:

2188.5. (a) A person who requests voter information pursuant to Section 2188 or who obtains signatures or other information collected for an initiative, referendum, or recall petition shall not send that information outside of the United States or make it available in any way electronically to persons outside the United States, including, but not limited to, access over the Internet.

(b) For purposes of this section, "United States" includes each of the several states of the United States, the District of Columbia, and the territories and possessions of the United States.