



# Application for Voter Data and GIS Products

(Please allow 3-5 business days for standard requests and 5-7 business days for custom requests)

## APPLICANT INFORMATION

Full Name		Title/Position	
Organization	Email	Phone Number	
Address (Street Number and Name)	City	State	Zip Code
Business/Mailing Address (if different from above)	City	State	Zip Code

## INTENDED USE OF REQUESTED DATA/GIS PRODUCT

**I am a:** (Check all that apply)

candidate for federal, state, or local office and I declare that the requested information will be used for my campaign.

member/representative of a committee for or against an initiative/referendum measure and I declare that the requested information will be used for said campaign.

government employee and I declare that the requested information will be used for governmental purposes.

person who wants to use the requested information for one or more of the following purposes:  
 \_\_\_Scholarly    \_\_\_Journalistic    \_\_\_Governmental    \_\_\_Election/Political

Please describe the purpose and intended use of the information:

\_\_\_\_\_

\_\_\_\_\_

## ITEM(S) BEING REQUESTED

**PLEASE NOTE: Payment must be received in full in order to begin any GIS product request.**

Voter Registration Data     Vote-by-Mail Data     Walking List

Maps     Shape Files     Other \_\_\_\_\_

## AREA REQUESTED

District(s): \_\_\_\_\_

Precinct(s): \_\_\_\_\_

Political Party: \_\_\_\_\_

## MEDIA TYPE REQUESTED

**PLEASE NOTE: Not all media types supported by all options**

How would you like to receive your request?

Paper Copy (printing charges apply)     USB     Electronic Copy (PDF version)

County FTP     Customer FTP- (provide username and password, if needed)

Username: \_\_\_\_\_ Password: \_\_\_\_\_

## FOR OFFICIAL USE ONLY

Application Complete     Copy of ID     Payment Received     Completed on \_\_\_\_\_



**CALIFORNIA CODE OF REGULATIONS**

**TITLE 2. ADMINISTRATION**

**DIVISION 7. SECRETARY OF STATE**

**CHAPTER 1. VOTER REGISTRATION**

**ARTICLE 1. ACCESS TO VOTER REGISTRATION INFORMATION**

**19001. Definitions.**

As used in this Article, the following terms have the following meanings:

- (a) "Agent" means a person authorized by a beneficiary to use voter registration information on that person's behalf including, but not limited to, employees and volunteers.
- (b) "Applicant" means a person who completes and submits an application to a source agency for the purpose of obtaining voter registration information. If an applicant submits the application on their own behalf, they are also the beneficiary. If an applicant submits the application on behalf of another person, the other person is the beneficiary.
- (c) "Beneficiary" means a person, including a vendor, who receives voter registration information either directly or indirectly from a source agency.
- (d) "Person" includes any individual, firm, association, organization, partnership, business trust, committee, political organization, corporation, or company.
- (e) "Source agency" means the Secretary of State or a county elections official, both of which maintain voter registration information and provide access to such information pursuant to Elections Code sections 2188 and 2194.
- (f) "Specific voter registration record" means voter registration information of an individual named voter for whom the applicant provides all required identifying information such as date of birth. Specific voter registration information does not include requests of unidentified individuals meeting certain criteria, such as any voters living on a certain street in a certain city.
- (g) "Vendor" means a person that obtains voter registration information from a source agency for another person's use, including, but not limited to, political parties, political campaigns, political committees, and data aggregators that prepare voter registration information for beneficiaries.
- (h) "Voter registration information" means information on registered voters that may be provided to an authorized applicant by a source agency under the provisions of this Article, Elections Code section 2194, and Government Code section 6254.4. This information includes the following for each voter, to the extent that it is included in any individual voter's record: registration county, unique registration identification number, name, residential address, mailing address, phone number, email address, language preference, date of birth, gender, party preference, registration status, registration date, precinct, registration method, place of birth, registration status reason (reason for the most recent update to the registration), voting assistance request status, permanent vote-by-mail status, county voter identification number, and voting participation history (election date and voting method).

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.*

**19002. Application of this Article.**

- (a) This Article shall apply to any person who directly or indirectly receives voter registration information from any source agency.
- (b) This Article shall not apply to any voter requesting their own voter registration information through a publicly available voter record lookup tool. However, when a voter requests additional information about their own specific voter record than is available on such a tool, they must submit an application for specific voter registration record pursuant to this Article.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4, 12172.5, Government Code. Reference: Sections 2188, 2194, Elections Code.*

**19003. Permissible Uses.**

- (a) Voter registration information obtained from a source agency shall be used solely for the following purposes:
  - (1) Election: for any person to communicate with voters in connection with an election by means that shall include, but shall not be limited to, the following:
    - (A) Communicating with voters for or against any candidate or ballot measure in any election;
    - (B) Communicating with voters regarding the circulation or support of, or opposition to, any recall, initiative, or referendum petition;
    - (C) Surveying voters in connection with any specific election campaign or specific potential election campaign in which any voter registered to vote may vote;
    - (D) Surveying voters in connection with an election-related exploratory committee;
    - (E) Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure, initiative, or referendum petition.
  - (2) Scholarly: students working on theses, professors researching voting patterns, and other academics involved in research related to political or election activities.
  - (3) Journalistic: members of the press for any purpose related to political or election activities.
  - (4) Political: for any person to communicate with voters to influence public opinion related to political or election activities. The content of such communications shall include, but shall not be limited to: news and opinions of candidates, elections, education related to political matters, political party developments, ballot measures, initiatives, referendum positions, and related political matters.
  - (5) Governmental: Any request from a governmental agency or for a use related to a governmental function by means including, but not limited to:
    - (A) Encouraging participation in the United States Census;
    - (B) Conducting any survey of opinions of voters by any government agency or its contractors;
    - (C) Any official use by any local, state, or federal governmental agency, which shall include use in connection with any judicial proceeding or investigation involving or being conducted by any local, state, or federal governmental agency.
  - (6) Record review: For any person to conduct an audit of voter registration lists for election, scholarly, journalistic, political, or governmental purposes. Record review includes, but is not limited to, detecting voter registration fraud, evaluating voter registration information accuracy, and evaluating compliance with applicable Federal and California laws.
  - (7) Vendor: By any vendor to compile and/or organize voter registration information for another person's use consistent with this Article.

- (b) Requests for voter registration information for a purpose not specifically listed in subdivision (a), and not prohibited by section 19004, shall be evaluated for compliance with the Elections Code by the source agency.
- (c) A source agency shall review each application for compliance with the Elections Code and this Article independent of decisions made on other applications.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.*

**19004. Impermissible Uses.**

- (a) Using voter registration information in a manner contrary to the authorized uses specified in Elections Code section 2194 is impermissible. Impermissible uses include, but shall not be limited to:

- (1) Any communication for any personal, private, or commercial purpose other than for those purposes permitted by Section 19003.
  - (2) Solicitation of contributions or services for any personal, private, or commercial purpose.
  - (3) Conducting any survey of opinions of voters other than for those purposes permitted by Section 19003, subdivision (a).
  - (4) Using the voter registration information to harass any voter or the voter's household, including, but not limited to, any conduct prohibited by Elections Code sections 18540 and 18543.
- (b) Voter registration information shall not be sent outside of the United States, as specified in Elections Code section 2188.5.
- (c) Notwithstanding section 19003, a source agency may reject a request for voter registration information based on a reasonable belief or determination that it is being requested for use in a manner prohibited by law, including, but not limited to, uses contrary to the prohibitions or authorized uses specified in Elections Code sections 2188.5 and 2194 or that is contrary to Elections Code section 10. An impermissible purpose may include requests for voter registration information for an impermissible purpose submitted for fraudulent purposes or in bad faith or for the purpose of harassing or defrauding a person or entity. In such instances, the source agency shall provide the applicant its reasons for refusal. An applicant whose application is rejected shall not be prohibited from filing a new application.

*Note: Authority cited: Sections 2188.2 and 2188.5, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.*

#### **19005. Transfers.**

- (a) Only a vendor may transfer voter registration information to another person, as described in subdivision (c).
- (b) A beneficiary, including a vendor, may share voter registration information with their agent(s) without prior written authorization from a source agency.
  - (1) An agent may only use the voter registration information for the purposes specified in the approved application.
  - (2) LA beneficiary sharing voter registration information with an agent must exercise reasonable care that the agent uses the voter registration only for purposes approved by the source agency and report any unauthorized use as described in Section 19012 of this Article.
  - (3) A beneficiary remains responsible for the actions of their agent with respect to the use of the voter registration information.
- (c) A vendor may provide voter registration information to another person, other than its agent as described in subdivision (b), only upon providing written notification to the Secretary of State.
  - (1) This is intended to mean that the Secretary of State can approve the transfer of voter registration information obtained from both the Secretary of State and other source agencies.
  - (2) This notification shall include the name, address, phone number, and email address of the person to whom the information is provided. If applicable, the notification shall also include the business name and address of the person to whom the information is provided.
  - (3) A vendor that provides voter registration information to another person must share, in writing, the information security requirements in Section 19012 with that person and acknowledge, in writing, that they provided this information in the notification.
  - (4) A vendor who fails to provide the notification or transfers voter registration information to another person for an impermissible purpose shall be issued a warning by the Secretary of State for the first violation. For a second violation, a vendor will be barred from providing voter registration information to any person for the remainder of that presidential election cycle, defined as the period beginning on

a presidential election day through the next presidential election day.

- (5) This Article shall apply to any person who receives voter registration information from a vendor, as if that person had received the voter registration information directly from a source agency.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.*

#### **19010. Requests for Specific Voter Records.**

- (a) If specific voter registration record(s) are requested, the source agency shall only use the exact information provided by the applicant to locate the record(s). The applicant shall 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.
- (b) The source agency will only use the exact information provided (full name, date of birth, county of residence, and residence address, etc.) to identify specific voter registration record(s).
- (c) In the event there are insufficient details for the source agency to fulfill the request for a specific voter registration record, the source agency shall communicate that fact to the applicant to determine if additional criteria to identify the voter(s) is available.
- (d) If the request cannot be filled, the source agency shall send a letter to the applicant stating such. Payment will not be processed for requests that cannot be filled.
- (e) An applicant may request up to 10 specific voter registration records per application. A variant of a name shall be considered a part of one request.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4, 12172.5, Government Code. Reference: Sections 2188, 2194, Elections Code.*

#### **19011. End User Technical Support**

A source agency that provides voter registration information under this Article is not responsible for end-user technical support for processing purchased data or for assistance on converting provided data for usage.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Section 2194, Elections Code.*

#### **19012. Requirements for Storage and Security of Voter Registration Information**

- (a) Any person who has directly or indirectly obtained voter registration information from a source agency must exercise due diligence in maintaining and securing the voter registration information in order to reduce the risk of information exposure and/or breach.
- (b) Any person who has directly or indirectly obtained voter registration information from a source agency shall:
  - (1) Use a strong and unique password ("strong password hygiene") per account with access to the voter registration information or privileges to grant access.
  - (2) Apply security best practices, which includes the following:
    - (A) Obtaining training on security awareness to avoid social engineering and phishing attacks.
    - (B) Practice the principles of "least privilege" By restricting user access to the minimum need based on users' job necessity.
    - (C) Ensure user accounts are logged off or the session is locked after a period of inactivity, which shall be no more than 15 minutes.
    - (D) Remove, deactivate, or disable accounts or default credentials.
    - (E) Erase or wipe voter registration information that is no longer needed for its retention and sanitized following National Institute of Standards and Technology (NIST) 800-88 Guidelines for media sanitization.

- (F) Restrict physical access by not leaving your computer in places unlocked and unattended.
  - (G) Limit the use of portable devices. If a portable device is used, strong storage encryption procedures must be applied utilizing Federal Information Processing Standards (FIPS) 197, commonly referred to as "Advanced Encryption Standard" or "AES."
  - (H) Use wireless technology securely with Wi-Fi Protected Access 2 (WPA2) or better.
- (c) In addition to the requirements set forth in (b) above, any vendor shall:
- (1) Apply additional security best practices, which include the following:
    - (A) Use strong identity and access management, preferring multi-factor authentication for any and all privilege accounts and/or accounts with access to voter registration data.
    - (B) Initiate an account lockout after a pre-defined number of failed attempts, no more than 10. Any automated account unlock actions must wait no less than 30 minutes from the lockout event.
    - (C) Force password changes on a pre-defined basis, but not less than 365 days.
    - (D) Backups of voter registration information shall be securely stored separately and utilizing FIPS 197 encryption at rest.
  - (2) Implement security log management, which includes the following:
    - (A) Enable logging on all systems and network devices with sufficient information collection that answers the following:
      - (i) What activity was performed?
      - (ii) Who or what performed the activity, including where or on what system the activity was performed?
      - (iii) What activity was the action performed on?
      - (iv) What tool(s) were used to perform or performed the activity?
      - (v) What was the status, outcome, or results of the activity?
    - (B) Review log(s) regularly for any errors, abnormal activities and any system configuration changes.
    - (C) Securely store log files separately from the systems monitored, archived, and protect from unauthorized modification, access, or destruction.
    - (D) Use log monitoring tools to send real-time alerts and notifications.
    - (E) Utilize multiple synchronized United States-based time sources.
  - (3) Employ system hardening techniques, which include the following:
    - (A) Update and install all firmware and patches from a trusted and verifiable source.
    - (B) Use only the most up-to-date and certified version of vendor software.
    - (C) Install and maintain active malware and anti-virus software.
    - (D) Implement firewalls, also known as host-based firewalls, and/or port filtering tools with host-based intrusion protection services.
    - (E) Encrypt voter registration information using FIPS 197 at rest.
    - (F) Encrypt voter registration information in transit such as Transport Layer Security (TLS) 1.2 or better with a valid certificate and certificate chain.
    - (G) Do not use self-signed certificates.
    - (H) Conduct regular vulnerability scanning and testing for known or unknown weaknesses.
    - (I) Use application whitelisting on all endpoints and systems.

*Note: Authority cited: Section 2188.2, Elections Code; Sections 6254.4 and 12172.5, Government Code. Reference: Sections 2188 and 2194, Elections Code.*

### **19013. Reporting Requirement for Unauthorized Use and Data Breaches**

Any person who has obtained voter registration information from a source agency shall report 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.

*Note: Authority cited: Section 2188.3, Elections Code. Reference: Sections 2188 and 2194, Elections Code.*

### **SAN JOAQUIN COUNTY GIS PRODUCT TERMS AND CONDITIONS OF USE**

1. GIS Product provided is based on the most current information available to the County of San Joaquin Registrar of Voters. The information provided is not intended to replace engineering, financial or primary records research.
2. The County of San Joaquin does not warrant that the GIS product furnished will meet the applicant's requirements, or that their use will be uninterrupted or error-free. The GIS Product is furnished "as is" and the County of San Joaquin makes no warranties, express or implied, including but not limited to implied warranties of merchantability or fitness for a particular purpose. The entire risk as to the quality and performance of the GIS Product furnished is with the applicant.
3. The applicant understands that the automated conversion of information and data from the system and format used by the County of San Joaquin to an alternate system or format cannot be accomplished without the possibility of the introduction of inexactitudes, anomalies, and errors. In the event the GIS Product provided to applicant in machine-readable form are so converted, the applicant agrees to assume all risks associated therewith, and to defend, to hold harmless and indemnify the County of San Joaquin from and against any claims, liabilities, losses, damages and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.
4. The applicant recognizes that changes or modifications to the County of San Joaquin GIS Product introduced by anyone other than the County of San Joaquin may result in adverse consequences which the County of San Joaquin can neither predict nor control. Therefore, and in consideration of the County of San Joaquin's agreement to provide the Product the applicant agrees, to defend, to hold harmless and indemnify the County of San Joaquin from and against all claims, liabilities, losses, damages and costs, including but not limited to attorney's fees arising out of or in any way connected with the modification, misrepresentation, misuse or reuse by others of the machine-readable and photographic information and data provided by the County of San Joaquin under this agreement. The foregoing indemnification applies without limitation, to any use of the GIS Product on other projects, for additions to this project, or for the completion of this project by others, excepting only such use as may be authorized, in writing, by the County of San Joaquin.
5. Liability. The County of San Joaquin shall not be liable for any activity involving the GIS Product.
6. Remedy.
  - a. Applicant's sole and exclusive remedy for breach of the limited warranty will be to return the GIS Product within thirty (30) days of receipt.
  - b. The County of San Joaquin Registrar of Voters' shall, at its discretion, retain the GIS Product returned because of physical defect and refund the fee for the GIS Product, or replace the GIS Product, or repair the GIS Product and return it to the applicant.