



REVISED JANUARY 5, 2015

## GUIDELINES FOR ACCESS TO PUBLIC RECORDS

The Secretary of State maintains public counters located in each of the divisions within the Agency and in regional offices throughout the state, and a public research facility at the California State Archives. Members of the public are invited to utilize the counter services and the research facility to access and obtain copies of public records maintained by the Secretary of State. A formal request pursuant to the California Public Records Act is not necessary for inspection and copying of public records that are routinely available at the public counters and the research facility at the California State Archives.

The public counters identified below are located at the Office of the Secretary of State, 1500 11<sup>th</sup> Street, Sacramento, California. Agency personnel are available at the public counters from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on State holidays. No appointment is required to inspect or copy public records at the public counters. However, depending on the nature of a request or the volume of customers, reasonable delays may occur in processing a request.

### PUBLIC COUNTERS

#### Business Programs Division

Uniform Commercial Code Section	2 <sup>nd</sup> Floor
Statement of Information Section	2 <sup>nd</sup> Floor
Notary Public and Special Filings Section	2 <sup>nd</sup> Floor
Notary Public Commissions, Apostilles, Authentications, Trademarks and Service Marks, Domestic Partnership Registry, Written Advance Health Care Directive Registry	
Business Entities Section	3 <sup>rd</sup> Floor
Corporations, Limited Liability Companies, Limited Partnerships, General Partnerships, Limited Liability Partnerships	

Political Reform Division	4 <sup>th</sup> Floor
Management Services Division	4 <sup>th</sup> Floor
Information Technology Division	4 <sup>th</sup> Floor
Elections Division	5 <sup>th</sup> Floor
Executive Office	6 <sup>th</sup> Floor

The public research facility at the California State Archives is located at 1020 O Street, 4<sup>th</sup> Floor, Sacramento, California. The research facility is open from 9:30 a.m. to 4:00 p.m., Monday through Friday, except on State holidays. Staff archivists are available to assist the general public and researchers in accessing the extensive holdings of archival materials relating to the history and people of California. Please be advised that depending on the nature of a request and the volume of customers, reasonable delays may occur in processing a request.

In addition to the public counters at the Office of the Secretary of State in Sacramento, there is also a public counter at the Secretary of State's Los Angeles office, which is located at 300 South Spring Street, Room 12513, Los Angeles, California.

With regard to documents not generally available for access at the public counters and the research facility, the Secretary of State is committed to full, fair, and prompt compliance with the California Public Records Act. The guidelines below are designed and intended to facilitate access to public records pursuant to the California Public Records Act. For detailed statutory language, please consult Government Code section 6250 *et seq.*

## **REQUESTS FOR ACCESS PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT**

Public records, as defined in subdivision (e) of Section 6252 of the Government Code, in the physical custody of the Secretary of State shall be made available for inspection and copying in accordance with the following provisions:

### Requests for Inspection of Public Records

1. Subject to reasonable notice, any person may inspect public records in the custody of the Secretary of State during normal business hours. Physical inspection of such records shall be permitted at locations within the Office of the Secretary of State as determined by the Secretary of State or the Secretary of State's designee. Special arrangements shall be made in advance for the inspection of voluminous records.
2. Inspection of public records maintained by the Secretary of State shall be permitted only in the presence of Agency personnel, except as the Secretary of State or the Secretary of State's designee otherwise determine.
3. Persons inspecting public records shall not destroy, mutilate, deface, or alter any such record or records or remove any such record or records from the location designated for inspection. The records shall be physically returned in the same condition and order as received, upon either the completion of the inspection or upon verbal request of Agency personnel presiding during the inspection.

### Requests for Copies of Public Records

1. Requests for copies of public records pursuant to the California Public Records Act must reasonably describe an identifiable record or records.
2. If sending a request through the postal service, the request should be directed to the attention of Constituent Services, Office of the Secretary of State, Executive Office, 1500 11<sup>th</sup> Street, Sacramento, California 95814.
3. When a request requires a delay in response due to the need to search for, retrieve, review, or redact records and cannot be accommodated with immediate inspection or copying, the Secretary of State shall have ten (10) calendar days from the receipt of the request to determine whether the request seeks copies of disclosable public records in the possession of the Secretary of State's Office. The Secretary of State shall promptly notify the requesting party in writing of the determination. If the request is denied, the written response shall set forth the basis for the denial. Under unusual circumstances, as specified in Section 6253(c) of the Government Code, the Secretary of State may extend the time in which the requesting party is to be notified of the determination. Notice of the extension shall be in writing, setting forth the reasons for the extension and the date on which a determination is expected. The extension shall not exceed fourteen (14) additional calendar days.
4. All requests for copies of public records shall be maintained by the Secretary of State.

5. The Secretary of State is not required to compile data, gather information, perform research, or otherwise create a record that does not exist or that is not maintained in the normal course of business.
6. A response to a written request pursuant to the Public Records Act denying the request, in whole or in part, shall be in writing.

#### Records Exempt from Disclosure

1. Records shall be made available for inspection or copying unless the records are exempt from disclosure. Any reasonably segregable portion of a record shall be provided to any requesting party after the removal of the information in the record that is exempt from disclosure by law.
2. Nomination papers and signatures-in-lieu of filing fee petitions may be viewed at the Elections Division public counter, but these documents may not be copied or distributed if they contain signatures of voters. [Elections Code section 17100(c)].
3. The following types of records, which are commonly found in files maintained by the Secretary of State, are generally withheld from public disclosure in accordance with the provisions of the Government Code:
  - Preliminary drafts, notes, or interagency or intra-agency memoranda not retained by the Secretary of State in the ordinary course of business, if the public interest in withholding the records clearly outweighs the public interest in disclosure. [Government Code section 6254(a)].
  - Records pertaining to pending litigation to which the Secretary of State is a party, or claims made pursuant to Division 3.6 of the Government Code (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled. [Government Code section 6254(b)].
  - Records that are exempt or prohibited from disclosure by state or federal law. Such records may include, but are not limited to, the following: confidential attorney-client correspondence; notes and other work product prepared by legal counsel; materials constituting trade secrets of licentiates or applicants or contained in contract proposals; personal information, such as date of birth, social security number, and criminal history; and records that may be subject to other legal privilege (e.g., medical records prepared by a physician). [Government Code section 6254(k)].
  - Records pertaining to personnel matters including, but not limited to, employee records, background checks, medical evaluations, psychological evaluations, etc. [Government Code section 6254(c)].
  - Test questions, scoring keys, and other examination data used to administer a licensing examination, examinations for employment, or academic examination. [Government Code section 6254(g)].
  - Information contained in an application for an appointment as a notary public submitted to the Secretary of State shall not be disclosed, except the name and address of the applicant, pursuant to Section 8201.5 of the Government Code. [Government Code section 6276.32].
  - The home address, telephone number, e-mail address, California driver's license number or California identification card number, social security number, precinct number, signature, and prior registration information shown on a voter registration card for all registered voters is confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code. [Government Code section 6254.4].

- Records of complaints received by the Secretary of State, which are compiled for the purpose of law enforcement or commissioning of notaries public, are not subject to public disclosure, except as set forth in subdivision (f) of Section 6254 of the Government Code. However, nothing in this section shall require records reflecting the analysis or conclusions of an investigator to be disclosed. [Government Code section 6254(f)].
  - Records of investigations conducted by the Secretary of State, which are compiled for the purposes of law enforcement or commissioning notaries public, are not subject to public disclosure, except as set forth in subdivision (f) of Section 6254 of the Government Code. However, nothing in this section shall require records reflecting the analysis or conclusions of an investigator to be disclosed. [Government Code section 6254(f)].
  - Circulation records maintained by the California State Archives for the purpose of identifying parties that viewed archival materials. [Government Code section 6254(j)].
  - Documents prepared by or for the Secretary of State's Office that assess its vulnerability to terrorist attack or other criminal acts intended to disrupt the Agency's operations and that is for distribution or consideration in a closed session. [Government Code section 6254(aa)].
  - Critical infrastructure information, as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the California Office of Homeland Security for use by that office, including the identity of the person who or entity that voluntarily submitted the information. [Government Code section 6254(bb)].
  - All information provided to the Secretary of State by a person for the purpose of registration in the Advance Health Care Directive Registry, except that those records shall be released at the request of a health care provider, a public guardian, or the registrant's legal representative. [Government Code section 6254(cc)].
  - Records pertaining to participants in the Safe at Home program. [Government Code sections 6205 *et seq.* and 6215 *et seq.*].
4. The exemptions from disclosure set forth above do not constitute all of the exemptions specified by law, but are those exemptions more commonly observed with reference to records in the custody of the Secretary of State. Other records may be withheld as authorized by law.

#### Fees for Copying Public Records

1. Upon submitting a request for copies pursuant to the Public Records Act and payment of the fees covering the direct costs or the applicable statutory fee, the Secretary of State shall promptly provide the requested copies.
2. Requests for copies pursuant to the Public Records Act will be forwarded to the division within the Secretary of State's Office that files and maintains such documents. Copy requests shall not require a division within the Secretary of State's Office to suspend normal operations in order to comply with a request.
3. The following fees shall be charged for copying public records:
  - The fee for preparing a copy of any law, resolution, record, or other document on file in the Secretary of State's Office is one dollar (\$1.00) for the first page and fifty cents (\$0.50) for each page thereafter. [Government Code section 12178.1(a)].
  - The fee for responding to a request for information pursuant to the Uniform Commercial Code is ten dollars (\$10.00) if the request is communicated in writing or five dollars (\$5.00) if communicated by approved electronic means using UCC Connect. [Commercial Code section 9525(c)].

- The fee for preparing copies of campaign statements, contribution and expenditure reports, or statements of disclosure of financial interest is ten cents (\$0.10) per page. [Government Code section 81008(a)].
- Any request requiring electronic compilations, indexes, extracts, or summaries of information, including computer information, contained in the public records of the Secretary of State shall be provided at a charge sufficient to recover all costs associated with the request. [Government Code section 6253.9(b).]
- Fees for copying, reproduction, and other services provided by the California State Archives shall be consistent with the costs of providing such services. Please contact the California State Archives, located at 1020 O Street, Sacramento, California 95814, or call (916) 653-7715 for detailed information regarding the costs of services provided by the California State Archives. [Government Code section 12174(e)].
- A request by an individual for copies of records pertaining to that individual (e.g., files of a notary public, personnel files, etc.) shall be provided to that individual at the actual cost of duplicating the record. The cost shall not include staff time for retrieving or duplicating the record, and shall not exceed ten cents (\$0.10) per page. These fees may be waived if the costs of duplication are less than the cost of processing the payment. [Civil Code section 1798.33].
- The fee for certification of a document is five dollars (\$5.00). [Government Code section 12183(a)].
- The fee for issuing a certificate of status or filing is five dollars (\$5.00). [Government Code section 12183(b)].

#### Other Provisions

1. Functions of the Secretary of State's Office shall not be suspended to permit, and public records shall not be made available for, inspection during periods in which such records are reasonably required in the performance of the duties and responsibilities of the Secretary of State.
2. Any action filed with a court pursuant to Government Code section 6258 to compel disclosure of records must be served on the Secretary of State and should be directed to the attention of the Chief Counsel, Office of the Secretary of State, Executive Office, 1500 11<sup>th</sup> Street, Sacramento, California 95814.
3. In the event that any portion of these guidelines is deemed in conflict with any law or regulation, such law or regulation shall prevail.
4. A copy of these guidelines shall be posted at all public counters in each division and in all regional offices. A copy shall be made available at no charge to any person upon request.