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CALIFORNIA SECRETARY OF STATE GUIDELINES FOR ACCESS TO PUBLIC RECORDS

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 7920.000, et seq.

Who has a right to access public records? The California Public Records Act (PRA) gives every person the right to access public records in the physical custody of the Secretary of State unless the records are exempt from disclosure by law. (Government Code section 7920.000, et seq.) “Person” includes any natural person, corporation, partnership, limited liability company, firm, or association. (California Government Code section [7920.520](#).) State or local agencies and their officials are entitled to request public records on the same basis as any other person.

What is a public record? Public records are any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the Secretary of State regardless of physical form or characteristics. (California Government Code section [7920.530\(a\)](#).) As used in the PRA, a writing is “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” (California Government Code section [7920.545](#).)

How do I make a request pursuant to the California Public Records Act? The easiest way to request public records is to submit a [PRA Request Form](#) online. Doing so will ensure that your request is directly routed to the Secretary of State staff charged with responding to requests pursuant to the California Public Records Act. Requests may also be submitted by email, phone, mail, or in person. Written requests are strongly encouraged to help the Secretary of State correctly identify what is being requested. Requests by email should be sent to PRAPublicRequest@sos.ca.gov. If sending a request by mail, the request should be sent to the Office of the Secretary of State, Attn: Legal Affairs PRA, 1500 11th Street, Sacramento, California 95814. In-person requests may be submitted at any of the Secretary of State’s open public counters located at 1500 11th Street, Sacramento and 300 South Spring Street, Room 12513, Los Angeles.

What is the process for requesting to inspect records in person? Records in the custody of the Secretary of State will be available for inspection, upon reasonable notice, during normal business hours at locations determined by the Secretary of State and in the presence of agency personnel. However, special arrangements must be made in advance for the inspection of voluminous records to permit any necessary retrieval, review, and redaction of records. Furthermore, additional time may be needed for records that must be located, reviewed for exemption, and copied. 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. (California Government Code section [6201](#).)

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.

What is the response timeline? Within ten (10) days of receiving a PRA request, the Secretary of State will determine whether the requested records are in the possession of the Secretary of State's Office and can be disclosed. The Secretary of State will notify you in writing of the determination. In unusual circumstances, such as where a voluminous amount of separate and distinct records must be examined, the Secretary of State may extend by up to fourteen (14) days the time in which you will be provided a response to the PRA request.

Disclosure Exemptions and Limitations. The requested records will be made available unless all or part of the records are exempt from disclosure. Examples of documents with full or partial exemptions or access limitations include:

- nomination papers and signatures-in-lieu of filing fee petitions;
- preliminary drafts, notes, or interagency or intra-agency memoranda not retained by the Secretary of State in the ordinary course of business;
- records pertaining to pending litigation to which the Secretary of State is a party;
- records that are exempt or prohibited from disclosure by state or federal law;
- records pertaining to personnel matters including examinations for students, employees, or licensees;
- notary public application information and complaints compiled for law enforcement purposes;
- confidential voter registration information;
- records of complaints received by the Secretary of State;
- records of investigations compiled for the purposes of law enforcement or commissioning notaries public;
- critical infrastructure and security information;
- records pertaining to participants in the Domestic Partner, Safe at Home, and Advance Health Care Directive Registries
- records relating to Secretary of State procurement contracts for goods or services prior to public opening of qualifying bids, or when the bidding process is terminated during the bidding process; and
- personal information protected by law from disclosure.

The exemptions and limitations provided above do not constitute all exemptions authorized by law.

Applicable Fees. California law, including the Public Records Act, permits the Secretary of State to charge a fee for providing copies of its records. However, in many circumstances, electronic copies of records can be provided at no cost. The Secretary of State will determine whether any fees must be collected prior to providing responsive records.

Depending on the circumstances, the following fees may apply:

- 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.
- 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.
- 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.
- Fees for copying, reproduction, and other services provided by the California State Archives shall be consistent with the costs of providing such services.

Copy requests shall not require a division within the Secretary of State's Office to suspend normal operations to comply with a request.

Notice of Guidelines. These guidelines shall be posted at all public counters in each division and in all regional offices. A copy shall be made available upon request at no charge.

Have questions? Please contact the Secretary of State via email at PRAPublicRequest@sos.ca.gov.