LEAGUE OF CALIFORNIA CITIES CITY CLERKS NEW LAW AND ELECTIONS SEMINAR

When the Camera Is Rolling



How California City Clerks Can Prepare for First Amendment Auditors

RPLG
Renne Public Law Group

Committee for
SAFE AND SECURE
ELECTIONS

SPEAKERS

Meet Our Speakers



Kathy Boockvar

Former Secretary of State
Commonwealth of Pennsylvania

President of Athena Strategies, LLC



Jim Ross

Partner and Head of Affirmative Litigation Practice

Renne Public Law Group



Kawika Lau

Keynote Speaker & Facilitator

Retired FLETC Instructor,
Combat Veteran

RPLG
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Committee for SAFE AND SECURE ELECTIONS

Who We Are: Committee for Safe and Secure Elections (CSSE)

CSSE is a nonpartisan initiative that brings election officials and law enforcement together to reduce threats, intimidation, and violence directed at the people who administer American elections. This briefing distills our current threat intelligence for law enforcement intelligence commanders ahead of the 2026 midterms.



Build Trust & Relationships

Foster strong, collaborative partnerships between election officials and law enforcement agencies.



Develop Solutions

Implement effective strategies to curb intimidation, threats, and violence against election workers.



Create & Share Resources

Develop and disseminate best practices and toolkits for law enforcement and election officials.

DEFINITION

What is a First Amendment Auditor?



A person who tests their First Amendment right by filming their encounters with government officials and employees, then posts the videos online. It is part of a nationwide movement, loosely connected through social media, with no explicit partisan affiliation.

CSSE, Four Steps to Working With Challenging Visitors and Disruptive Content Creators

WHAT IT LOOKS LIKE AT THE COUNTER

Films Records public areas and interactions with staff, often while seeking (or claiming to seek) information.

Tests May ask for names, push toward staff-only areas, ask challenging questions, or try to provoke a reaction.

Posts Uploads the video, often labeled a "First Amendment Audit," where views can earn income.

THE SITUATION

Auditors have reached the clerk's counter



A nationwide movement

Loosely connected through social media, individuals film their encounters with government employees and post the videos online.



No partisan label

The trend has no explicit partisan affiliation; participants come "from across the ideological spectrum."



Conflict pays

Some creators are calm and respectful. Others provoke staff, because dramatic, confrontational videos attract more views and more revenue.


WEST
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THE FRAMEWORK

Four Steps to Working with Disruptive Content Creators

1. KNOW

the laws in your jurisdiction

2. PREPARE

to facilitate smooth operations in stressful situations

3. PROTECT

your staff, voters, sensitive information and operational integrity

4. SHARE

appropriate information and facilitate transparency



STEP 1

KNOW

the laws in your jurisdiction



STEP 1: KNOW

What the law generally allows, and what it limits

THE GENERAL RULE

- The First Amendment generally protects filming government officials in public places.
- Government may set reasonable, nondiscriminatory time, place and manner limits.
- Common limits protect voter information and staff safety, such as no filming in "Personnel Only" areas.

CALIFORNIA LAWS - REVIEW WITH CITY ATTORNEY

Penal Code § 632
Recording confidential communications. Ask how it applies to conversations at a public counter.

Penal Code § 602.1
Obstructing or intimidating people doing business with a public agency, and refusing to leave.

Elections Code § 2194
Confidentiality of voter registration information.

California Public Records Act
Records are requested through the CPRA process, not viewed over a staff member's shoulder.

This is not legal advice. Confirm current laws and local ordinances with your city attorney.

STEP 1: KNOW

CSSE Law Enforcement Quick Reference Guides

Law	PROHIBITS:
Elec. Code § 18502 **Interference with Election**	Interfering with election officials, poll workers, or the observation process, or with voters lawfully voting
Elec. Code § 18540 **Threats to Coerce Voting**	Using or threatening force, violence, coercion, or intimidation to induce someone to vote or not vote, or hiring someone to do so
Penal Code § 76 **Threats to Public Officials**	Intentionally making a threat to the life or safety of a public official including county clerks, their staff, or their immediate family

This is not legal advice. Confirm current laws and local ordinances with your city attorney.

STEP 1: KNOW

CSSE Law Enforcement Quick Reference Guides

Law	PROHIBITS:
Elec. Code § 18564 **Unlawful Interference**	Interfering or attempting to interfere with correct operation of voting systems or the secrecy of voting or source codes
Elec. Code § 18544, 18545 **Armed or Uniformed at Polls**	Possessing a firearm, or stationing a uniformed officer or guard near an election location without authorization
Elec. Code § 15007 **Peace Officer Interference**	Officers may not interfere with election administration or discharge of election duties, except if necessary for urgent public safety threats

This is not legal advice. Confirm current laws and local ordinances with your city attorney.

CITY ATTORNEY CHECKLIST

Questions to ask your City Attorney

- [ ] Is there a state law, local ordinance or policy that governs filming in government offices?
- [ ] Do current laws and policies restrict filming when other members of the public are present?
- [ ] What information, if any, are employees legally required to provide about themselves when asked?
- [ ] May staff ask a visitor for their name or other information?
- [ ] Which areas of our office can lawfully be designated "Personnel Only"?
- [ ] At what point does conduct justify asking someone to leave, and who makes that call?

CSSE LAW ENFORCEMENT QUICK REFERENCE GUIDES

AVAILABLE IN ALL 50 STATES!



- Law Enforcement Quick Reference Guides that summarize key penal provisions found within state law for each state and the District of Columbia.
- Information is updated to reflect new 2026 statutes, regulations, voting hours, and election dates.

SCAN THE CODE TO FIND & DOWNLOAD OR PRINT YOURS TODAY!

STEP 2

PREPARE

to facilitate smooth operations in stressful situations




IF YOU DID IT YOU'D BE IN JAIL

STEP 2: PREPARE

Set up the office before the camera arrives

SAFEGUARDS

- Mark clear boundaries between public and non-public areas
- Post signage identifying "Personnel Only" areas
- Post office rules for the public and enforce them fairly and consistently
- Install recording video cameras in public areas

FORTIFICATION

- Display your mission statement in the public area
- Make sure building security officers know the rules
- Review all posted signage for accuracy
- Plan for doxing, website traffic spikes and email surges after a viral post

STAFF TRAINING FRAMEWORK

Training modules every staff member should complete

1 Laws and policies

Overview of relevant laws, ordinances, office policies and guidance

2 De-escalation

Calm, Listen, Affirm, Respond, Address alternatives (CLARA)

3 Counter guidance

Commonsense rules for every interaction with the public

4 Operational security

Internal policies that protect sensitive information

5 When it gets disruptive

How to tell disruptive from uncomfortable, and what to do next

Train regularly, not once. Include building security and new hires, and refresh before each election cycle.

STEP 2: PREPARE

At the counter: what to do and what to avoid

✓ DO

- Ask clarifying questions and take notes to follow up later
- Use a memorized statement to hand off to a supervisor
- Say so when a request is beyond your authority or you don't know the answer
- Use the same responses and notifications you would for a media request
- Tell visitors when conduct is disruptive. Be fair, but be firm.

✗ DON'T

Tell someone they can't do something they have a right to do, such as recording video in a public area.

SAMPLE HAND-OFF STATEMENT

"I want to make sure you get accurate information. I'm going to contact my supervisor, who can help you from here."

STEP 3

PROTECT

your staff, voters, sensitive information and operational integrity



STEP 3: PROTECT

Protect people, information and operations

Office Security

- Name one staff member to own security procedures
- Badge entry for "Personnel Only" areas
- No last names or titles on name badges
- Close doors when handling sensitive voter information
- Set monitors to time out when unattended

Tours by Reservation

- Limit group size and collect names and contact information
- Plan routes so protected information can't be seen
- Tell staff when tours are scheduled
- Assign more than one staff member
- Post your tour policy publicly

Trespass Plan

- Expect confrontational visitors to test boundaries
- Meet in advance with administration, building security, and law enforcement
- Review guidelines, policies, local ordinances and state law together



Personal Security for Election Officials

For: Election officials and their families

Field-tested advice, drawn from officials who faced serious threats, for protecting yourself and your family.

THREE DOMAINS

1. **Securing your home** - Locks, cameras, lighting, and support from family and neighbors
2. **Securing your commute** - Vary routes, share your location, use a buddy system
3. **Privacy and online security** - Limit personal details in public and online; scrub data brokers

STEP 4

SHARE

appropriate information and facilitate transparency



STEP 4: SHARE

Make the process visible on your terms

Review policies regularly
Keep transparency and operational integrity in balance as conditions change.

Explain your processes
Post clear signage that explains how your office and elections work.

Show your standards
Display the Standards of Conduct agreement your staff have signed.

Teach the public
Offer election administration classes for residents.

Build media relationships
Work with local reporters to help educate the public before tensions rise.

When residents can see how the process works, there is less for a camera to "catch."

THANK YOU

QUESTIONS



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