

Effort to Overturn California's 'Bathroom Bill' Takes Step Forward

In August of 2013, long before “bathroom access” for transgendered people became a national issue, California lawmakers passed a statute that allows access to opposite-sex public school facilities.

In the 90 days that followed passage of the law, Privacy For All Students (PFAS) collected more than 620,000 signatures of registered California voters to qualify a referendum to overturn the new law. But elections officials disqualified more than 20 percent of the signatures, leaving the referendum effort more than 17,000 signatures short of the requirement to qualify for the ballot.

PFAS has been in court ever since, battling “scores of government attorneys” who have been trying to withhold both the disqualified names and the reason for their rejection. But the Secretary of State and 55 counties had resisted production of these documents, citing undisclosed privacy concerns.

On Friday, a Superior Court judge in Sacramento granted a motion to compel the production of documents requested by their attorneys from the Pacific Justice Institute. Backers of the referendum had asked the court to compel Kings County to produce documents related to the invalidation of signatures, including the petitions submitted in support of the referendum.

The county had objected to producing the petitions out of “concerns of privacy and confidentiality of voters’ records,” even though the petitions had been in the backers’ possession until they were turned over to the county to be counted. PFAS is using King County as a “test case,” and will use the

results there to similarly compel the other counties to produce those documents.

“Today the court gave us a roadmap that we believe will ultimately allow us to prove that the necessary signatures were submitted to qualify the referendum,” PJI Chief Counsel Kevin Snider said. “We are pleased that the court rejected attempts by elections officials to prohibit access to this necessary information.”

The irony of the county and state officials’ concerns over privacy wasn’t missed on PFAS executive committee member Gina Gleason.

“It is difficult to miss the irony of elections officials using privacy as grounds for opposing production of evidence to back their claims,” she said. “Privacy For All Students sought to qualify this referendum to protect the privacy of school children threatened with unwanted exposure under the new law.”

In addition to granting the motion to compel production of the requested documents, the court issued a protective order to assure that documents produced were treated as confidential. Karen England, a privacy advocate and member of PFAS’s executive committee said the people of California “object to bullies in bathrooms and bullies in elected office.”

“We are now one step closer to maintaining privacy for all students in public school bathrooms, showers and locker rooms,” she added.