SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 904	**Hearing Date:**	4/16/24
Author:	Dodd		
Version:	3/21/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Sonoma-Marin Area Rail Transit District

DIGEST

This bill makes various changes to the enabling statutes for the Sonoma-Marin Area Transit District (SMART), including procurement thresholds, as specified. Authorizes SMART's special taxes to also be imposed by a qualified voter initiative, if the initiative complies with certain requirements**.**

ANALYSIS

Existing law:

1) Creates SMART and establishes a comprehensive set of powers and duties regarding the formation, governance, organization, maintenance, operation and potential dissolution of the district. Authorizes SMART to provide passenger rail service in the counties of Sonoma and Marin and is governed by a 12-member board of directors.

2) Authorizes SMART to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance.

3) Requires public agencies to obtain competitively bid contracts for construction projects, and contracts for supplies, equipment, and materials, when certain conditions are met and as specified.

4) Requires SMART to award contracts for the purchase of supplies, equipment, and materials in excess of $40,000 to the lowest responsible bidder.

5) Restricts SMART to only locate stations in the incorporated area of Sonoma County, north of Healdsburg.

6) Requires SMART to obtain coverage for the district and its employees under the appropriate workers' compensation, unemployment compensation, and disability and unemployment insurance laws of this state.

7) Provides that initiative powers may be exercised by the electors of each city or county under procedures that the Legislature is required to provide.

8) Provides that ordinances may be enacted by any district, except for the following districts:

   a) Irrigation districts.

   b) To a district formed under a law that does not provide a procedure for elections.

   c) To a district formed under a law which does not provide for action by ordinance.

   d) To a district governed by an election procedure that permits voters, in electing the district's directors or trustees, to cast more than one vote per voter.

   e) To a district in which the directors are empowered to cast more than one vote per director when acting on any matter.

This bill:

1) Increases the existing bid threshold for SMART to award contracts for the purchases of supplies, equipment, and materials from $40,000 to $75,000, as provided.

2) Authorizes SMART to let contracts to the responsible bidder that provides the best value, as provided.

3) Requires SMART to obtain a minimum of three quotations, as provided, that permit prices and terms to be compared, whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds $10,000 but does not exceed $75,000.

4) Authorizes SMART's special taxes to also be imposed by a qualified voter initiative, if the initiative complies with certain requirements, including:

   a) The qualified voter initiative proposes a rate for the retail sales and use tax that is no less than 1/4 of 1%.

   b) The qualified voter initiative proposes expenditures for the revenues generated from the retail transaction and use tax that are consistent with the purpose of providing a rail transit system under the jurisdiction of SMART.

5) Requires the Board of Supervisors of the Counties of Sonoma and Marin to call a special election on a tax measure proposed by SMART's Board of Directors or a qualified voter initiative in their respective counties, as specified.

6) Requires SMART to obtain coverage for the district and its employees under the appropriate federal workers' compensation, unemployment compensation, and disability and unemployment insurance laws, in addition to California law.

7) Deletes requirement that SMART can only locate commuter stations within incorporated areas in Sonoma County, north of Healdsburg.

8) Deletes obsolete references, as specified.

9) Declares that the bill could constitute a reimbursable mandate.

BACKGROUND

Who is SMART? SMART is a commuter rail provider that provides passenger service in a corridor linking Santa Rosa Airport in Sonoma County to San Rafael in Marin County. The current 45-mile system includes stations in the Sonoma County Airport area, Santa Rosa, Rohnert Park, Cotati, Petaluma, Novato, San Rafael, and Larkspur. SMART service generally parallels the existing Highway 101 corridor. In 2019, SMART had a ridership of approximately 2,500 passengers per weekday. As of 2023, SMART is back to pre-pandemic ridership levels.

Future extensions of SMART are planned for Windsor, Healdsburg, and Cloverdale, providing 70 miles of passenger rail service. Additionally, SMART has been studying the development of its 41 mile long East/West corridor from Novato to Suisun, which would connect SMART to the exiting Capitol Corridor intercity rail which provides service from the Bay Area to Sacramento. SB 1175 (McGuire, Chapter 303. Statutes of 2022), designated this route as intercity rail corridor. As noted by the author, in December 2023, the Federal Railroad Administration (FRA) included the new corridor, along with other California intercity passenger rail corridors, as part of the new Corridor Identification and Development (Corridor ID) program. Corridor ID is an intercity passenger rail planning and development program to create a pipeline of intercity passenger rail projects around the country ready for implementation. The California Department of Transportation (Caltrans) will administer $500,000 in initial Corridor ID funds to begin preparing a future service plan for passenger rail expansion in the corridor.

SMART's system also includes a bicycle and pedestrian pathway along the rail corridor, which is part of the newly created Great Redwood Trail. Over 28 miles have been completed, with 14 additional miles in construction. The trail averages 55,000 monthly trips. Additionally, in 2022, SMART began operating freight rail service from Schellville to Petaluma.

SMART's Tax Measure Ending Soon. As part of its enabling legislation, AB 2224 (Nation), Chapter 341, Statutes of 2002, SMART is authorized to submit a measure proposing a retail transactions and use tax ordinance (sales tax) to the voters of the district in Sonoma and Marin Counties. In November 2008, more than 2/3rds of the voters in Sonoma and Marin counties approved Measure Q. Measure Q is a sales and use tax of a quarter of one percent (1/4%) imposed for a period of 20 years beginning April 1, 2009, on the gross receipts from all tangible personal property sold at retail businesses in the counties and a use tax at the same rate on the storage, use, or other consumption in the counties of such property purchased from any retailer, subject to certain exceptions.

Measure Q generated roughly $51 million in 2023 and represents 52% of SMART's annual budget, which is used for both operations and capital improvements. SMART also receives funding from federal and state sources, with direct farebox revenues accounting for only roughly 2% of total revenues.

As Measure Q will sunset in 2028, SMART is working to extend it. SMART tried to extend it in 2020 for an additional 30 years. However, it was unsuccessful in garnering 2/3rds. A June 2023, Marin County Grand Jury Report entitled, *SMART at a Crossroads Here Today, Gone Tomorrow?*, stated that, "SMART is highly dependent on sales tax revenues for its operations. Without those funds SMART will not be able to continue even if it substantially increases the number of riders or obtains additional federal, state, or regional funds from existing programs." The Grand Jury's primary recommendation is for SMART to "immediately begin a frank, straightforward conversation with voters delineating the value SMART brings to the community."

Voter Initiative and SMART. In addition to a sales and use tax measure being submitted to the voters by SMART, SB 904 authorizes a sales and use tax to also be imposed by a qualified voter initiative, pursuant to specific elections procedures, if it complies with specific requirements. Since the so-called *Upland* court decision in 2017, some local taxes have been imposed by a qualified voter initiative with a majority vote.

Specifically, on August 28, 2017, the California Supreme Court entered a decision in *California Cannabis Coalition v. City of Upland*, 3 Cal. 5th 924, which held that Article XIIIC, Section Two, subdivision (b)'s requirement that general taxes be submitted to the electorate at a regularly scheduled general election where members of the local governing board are subject to election did not apply to taxes proposed by voter initiative. Groups seeking to impose special taxes by majority vote by initiative soon argued that if the Court held that the general election requirement in subdivision (b) did not apply to initiatives, then neither did the 2/3 vote requirement for special taxes in subdivision (d). At least seven such taxes imposed by voters in various local agencies across the state have been approved, and no court thus far has invalidated them.

Additionally, the California Constitution provides that initiative powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide, with certain exceptions. SMART is neither a city nor a county. It is a special district. Special districts can only exercise initiative power if the district provides a procedure for elections, among other requirements. SMART is comprised of appointed elected officials from other local jurisdictions. Since SMART does not provide a procedure for elections, it currently does not have the authority to provide for initiatives.

As noted, SB 904 authorizes a sales and use tax to be imposed by a qualified voter initiative, and provides for elections procedures. As SMART is given initiative power through SB 904, it is possible that any qualified initiative would be put before voters. Therefore, the bill also includes requirements with which any qualified voter initiative would have to comply. Specifically, the qualified voter initiative would be required to propose a rate for the retail transaction and use tax that is no less than one quarter of one percent (1/4%), and expenditures for the revenues generated from the tax are consistent with the purpose of providing a rail transit system under the jurisdiction of SMART.

Finally, the bill requires the Boards of Supervisors of Sonoma and Marin to call a special election if either a SMART or qualified voter initiative is proposed. The special election may be consolidated with a statewide election.

Los Angeles County Affordable Housing Solutions Agency. There is at least one other special district that explicitly mentions initiative in statute as it relates to what SB 904 attempts to accomplish. The Los Angeles County Affordable Housing Solutions Agency (LACAHSA) is comprised of regional elected officials, such as county supervisors and city councilmembers. Since LACAHSA does not provide a procedure for election, they are unable to accept an initiative without legislative action. The provisions for LACAHSA in the Government Code provide LACAHSA with the authority.

COMMENTS

1) According to the author: The SMART train is an incredible multi-modal and multi-jurisdictional project that advances many of our state's top goals: increased rail and bicycle use, transit oriented development, and collaboration by local governments at a regional scale. SMART is the first railroad to resume passenger service in Sonoma and Marin counties in over 50 years. Since coming into service only 7 years ago, SMART has overcome many hurdles and in 2023 returned to their pre-pandemic ridership numbers. SMART was recently designated by the Federal Railroad Administration as part of the Capitol Corridor network and the State Rail Plan projects that it may one day connect with Amtrak services in Solano County, further strengthening our state's rail transit system. SB 904 updates the enabling statute that created the SMART special district, raising bidding thresholds and aligning state law with SMART's new dual status as a freight operator. This bill also empowers the voters of this special district for the first time to pursue their own ballot measures through a voter initiative. A voter-approved qualified initiative process has the potential to provide an opportunity to enhance community engagement and help inform and affirm the development of an expenditure plan, providing greater accountability and direction for how to best dedicate future resources to operate the SMART system.

2) Expanding the Initiative. SB 904 permits SMART to accept initiatives if it meets specific requirements. Even though this may be a way for voters to generate revenue by initiative, it has the potential to have the opposite effect. For example, rather the attempting to raise revenue, a voter could propose an initiative that prohibits the very thing SMART aims to achieve (i.e. finding ways to generate new revenue).

3) Double Referral. Prior to this committee, SB 904 was heard in the Committee on Transportation on April 9, 2024. SB 904 passed with an 11 – 4 vote.

4) Argument in Support. In a letter sponsoring SB 904, SMART stated, in part, the following:

> *SB 904 allows SMART's Board of Directors to consider a voter-approved qualified initiative organized by citizen groups. This approach can enhance community engagement and help inform and affirm the development of an expenditure plan to reauthorize Measure Q, a quarter-cent sales tax used for operations. In the Marin County Grand Jury's June 2023 Report: "SMART at a Crossroads Here Today, Gone Tomorrow?" the Grand Jury noted on "four occasions since 1998, a majority of Marin and Sonoma county voters supported an inter-county passenger train." The Grand Jury's conclusion found "local*

taxpayers have funded a monumental capital infrastructure project, and voters have directed SMART's board as stewards of this investment to manage it wisely." The SMART Board of Directors discussions of the report findings included public comment that SMART should be open to voter-approved qualified initiatives to ensure the public investment, including over $500 million in State, Federal, Regional and local grants matching Measure Q voter approved funds, is maintained in the highest and best productive public use. SMART has substantially expanded its service area through successful grant awards, underscoring the need to maintain accountability and funding stability. SB 904 supports SMART's mission of providing efficient and reliable service for North Bay residents, students, and workers while meeting state mandates to reduce greenhouse gas emissions.

5) Argument in Opposition. In a letter opposing SB 904, the California Taxpayers Association (CalTax) stated, in part, the following:

CalTax opposes SB 904 for the following reasons:

Special Taxes Require a Two-Thirds Vote. SB 904 fails to specify that special taxes placed on the ballot via an initiative require a two-thirds vote of the electorate. The two-thirds vote was enacted to require bipartisan consensus on tax increases, counterbalance well-financed special interests influencing the local election process, and require local jurisdictions to provide a clear and critical need for a particular public project. Voters have consistently supported a two-thirds vote threshold for special taxes. The Legislature should uphold the will of the voters and respect the taxpayer protections enshrined in the California Constitution.

Ripe for Legal Challenges. By allowing some special taxes to be approved without the constitutionally required two-thirds vote, SB 904 would open any tax increases approved pursuant to the bill to significant legal scrutiny. Taxpayers should not be required to fund costly litigation defending unconstitutionally approved tax increases.

Sunset Date. SB 904 does not require sunset dates for the special taxes it encourages. A sunset date would ensure that voters have an opportunity to review the district's use of their tax dollars after an appropriate amount of time, thereby increasing accountability. The Legislature has consistently required sunset dates on tax incentives − including exemptions, deductions, and credits − and the same standard should be applied to tax increases.

RELATED/PRIOR LEGISLATION

SB 1175 (McGuire), Chapter 303. Statutes of 2022, added the Sacramento-Larkspur-Novato-Cloverdale corridor to the existing authorization for the California Department of Transportation (Caltrans) to provide intercity passenger rail service on specified corridors in the state.

SB 69 (McGuire), Chapter 423, Statutes of 2021, reorganized the North Coast Rail Authority (NCRA) into the Great Redwood Trail Agency (GRTA), transferred its authority related to rail and freight to SMART, and established GRTA's new mission of developing the Great Redwood Trail.

AB 2224 (Nation), Chapter 341, Statutes of 2002, created SMART and established powers and duties regarding the formation, governance, organization, maintenance, operation and potential dissolution of the district. Authorized SMART to provide passenger rail service in the counties of Sonoma and Marin. Authorized SMART to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance.

POSITIONS

Sponsor: Sonoma-Marin Area Rail Transit District

Support: California Teamsters
TransForm

Oppose: California Taxpayers Association

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Bill No:	SB 977	**Hearing Date:**	4/16/24
Author:	Laird		
Version:	3/20/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: County of San Luis Obispo Redistricting Commission

DIGEST

This bill establishes the Citizens Redistricting Commission in the County of San Luis Obispo (CRCCSLO) and tasks it with adjusting the boundary lines of the supervisorial districts in the County of San Luis Obispo, as specified.

ANALYSIS

Existing law:

1) Requires the board of supervisors of each county, following each federal decennial census, to adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts are substantially equal in population as required by the United States Constitution.

2) Requires population equality to be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data are available, as specified.

3) Requires each Board of supervisors to adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (VRA).

4) Requires each board of supervisors to adopt supervisorial district boundaries using a specified criteria and procedures.

5) Authorizes a county, general law city, school district, community college district, or a special district to establish an independent redistricting commission, an advisory redistricting commission, or a hybrid redistricting commission by resolution, ordinance, or charter amendment, subject to certain conditions.

6) Defines an “advisory redistricting commission” to mean a body that recommends to a legislative body placement of the district boundaries for that legislative body. Defines a “hybrid redistricting commission” to mean a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.

Defines an "independent redistricting commission" to mean a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.

7) Establishes a procedure for a government of a county to adopt a charter by a majority vote of its electors. Provides counties, generally, greater autonomy over county affairs that have adopted charters.

8) Provides that counties that have adopted charters are subject to statutes that relate to apportioning population of governing body districts.

9) Establishes the California Citizens Redistricting Commission, as specified. Establishes a Citizens Redistricting Commission in Fresno, Kern, Los Angeles, Orange, Riverside, and Sacramento counties, and an Independent Redistricting Commission in San Diego County, and charges each commission with adjusting districts of supervisorial districts after each decennial federal census, as specified.

This bill:

1) Establishes the CRCCSLO and tasks it with adjusting the boundary lines of the supervisorial districts in the County of San Luis Obispo, as specified.

2) Requires the CRCCSLO be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

3) Requires the CRCCSLO consist of 11 members and two alternate, nonvoting members.

4) Provides that the political party preferences of the commission members, as shown on the members' most recent affidavits of registration, shall be as proportional as possible to the total number of voters who are registered with each political party in the County of San Luis Obispo, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. Provides that the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. Requires at least one commission member reside in each of the five existing supervisorial districts of the board.

5) Requires each commission member to meet all of the following qualifications:

   a) Be a resident of the County of San Luis Obispo.

   b) Be a voter who has been continuously registered in the County of San Luis Obispo with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the commission.

   c) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.

d) Be subject to and meet the specific conditions relating to potential conflicts of interest, employment, and political involvement, as specified.

e) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and an ability to comprehend and apply the applicable state and federal legal requirements.

f) Possess experience that demonstrates an ability to be impartial.

g) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of San Luis Obispo.

6) Provides that interested individuals may submit an application to the county elections official to be considered for membership on the commission, as specified. Requires the county elections official to review the applications and eliminate applicants who do not meet the specified qualifications, as specified.

7) Provides, from the pool of qualified applicants, the county elections official shall select up to 60 qualified applicants, as specified. Requires the county elections official to publicize the names of up to 60 qualified applicants for at least 30 days. Requires the county elections official to not communicate with a member of the county board, or an agent for a member of the county board, about any matter related to the nomination process or applicants before the publication of the list of the 60 qualified applicants.

8) Provides that after the time period when the qualified applicants are public, the county elections official shall create a subpool for each of the five existing supervisorial districts of the board. Requires the Clerk of the Board or designee of the County of San Luis Obispo to conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official at a regularly scheduled meeting of the board. Provides that the five commissioners selected, at a separate public meeting, shall review the remaining names in the subpools of applicants, interview the finalists for appointment, allow public comment, and appoint six additional members and two non-voting alternates to the commission, as specified. Provides, in appointing the six additional commissioners, the five selected commissioners shall select one applicant from each of the existing five subpools reflecting the five existing supervisorial districts, and one at large, as specified.

9) Prescribes various requirements for commission members and the CRCCSLO, as specified. Provides that seven members of the commission constitutes a quorum and at least seven affirmative votes are required for any official action. Provides that the CRCCSLO may create bylaws or other rules of procedure for the purpose of conducting orderly meetings and communication.

10) Requires the CRCCSLO, following the creation of a draft map, to post the map for public comment on the county's website and conduct at least three public hearings to take place over a period of no fewer than 30 days. Requires the CRCCSLO to establish and make available to the public a calendar of all public hearings.

Provides that hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

11) Requires the CRCCSLO to post the agenda for a public hearing at least seven days before the hearing, as specified. Provides various accessibility requirements to encourage participation, as specified.

12) Requires the board to take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members. Requires the board to provide for reasonable funding and staffing for the CRCCSLO.

13) Requires the CRCCSLO to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official no later than 204 days before the county's next regularly scheduled election occurring after January 1 in each year ending in the number two. Provides that the plan shall be subject to referendum in the same manner as ordinances. Requires the CRCCSLO to issue, with the final map, a report that explains the basis on which the CRCCSLO made its decisions in achieving compliance with the criteria prescribed by this bill.

14) Imposes prohibitions on commission members while serving on the CRCCSLO and following service to the CRCCSLO, as specified.

15) Provides that the CRCCSLO may only remove a commission member for substantial neglect of duty, gross misconduct in office, causing the commission to be unable to discharge its duties with seven affirmative votes. Provides that the CRCCSLO may also remove a commission member if it is later discovered that the commission member did not meet the required qualifications at the time of appointment or if the commission member no longer meets the required qualifications while serving on the commission. Provides that at least two affirmative votes to remove a member shall be from commission members of one political party, and at least two affirmative votes to remove a member shall be from commission members of one other political party. Provides that a commission member or alternate commission member who is subject to removal shall not vote on their own removal.

16) Provides that prior to their removal, a commission member is entitled to receive all of the following from the commission:

    a) The reasons for their proposed removal, in writing.

    b) At least one week's written notice of the public meeting where the commission will vote on their proposed removal.

    c) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting, as specified.

17) Provides that the commission may employ legal counsel in seeking removal of a commission member. Provides that the decision of the commission to remove a member is final, nonappealable, and is not subject to judicial review.

18) Provides that if a commission member resigns or is removed, the chair of the commission shall select one alternate commissioner to fill the vacancy as a voting member. Provides that the alternate member who is appointed to fill the vacancy shall have the same political party preference as the commission member who vacated their position.

19) Provides that if the commission is unable to act because it has fewer than seven voting commission members, within one month of such determination that the commission cannot act, the county elections official shall select a replacement from the pool of remaining qualified candidates from the initial commission member selection process. Provides that the selected commission member have the same political party preference as the commission member who vacated their position.

BACKGROUND

California Citizens Redistricting Commission. In 2008, voters approved Proposition 11, creating the California Citizens Redistricting Commission (CCRC), and gave it the responsibility for establishing district lines for the Assembly, Senate, and Board of Equalization. In 2010, the voters approved Proposition 20 and gave the CCRC the responsibility for establishing lines for California's districts for the United States House of Representatives, and made other changes to the procedures and criteria to be used by the CCRC. The CCRC consists of 14 registered voters, including five Democrats, five Republicans, and four others, all of whom are chosen according to procedures specified in Proposition 11.

Local Redistricting. Prior to 2017, counties and general law cities were able to create advisory redistricting commissions, but were not able to create independent commissions with the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction was generally held by the governing body of that jurisdiction. Charter cities are able to establish independent redistricting commissions that have the authority to establish district boundaries because the California Constitution gives charter cities broad authority over the conduct of city elections and over the manner for which municipal officers are elected. As a result, a number of California charter cities established redistricting commissions to adjust city council districts following each decennial census. Counties and general law cities did not have that authority in the absence of express statutory authorization.

Legislative Authority for County Redistricting Commissions. The Legislature has created independent redistricting commissions for seven counties: Fresno, Kern, Los Angeles, Orange County, Riverside, Sacramento, and San Diego.

The Legislature also authorized (but did not require) counties and general law cities to establish redistricting commissions. SB 1108 (Allen), Chapter 784, Statutes of 2016, authorized two different types of commissions: independent commissions and advisory commissions. SB 1108 generally provided cities and counties with the discretion to determine the structure and membership of an advisory or independent redistricting

commission. However, it did establish minimum qualifications for commission membership. While SB 1108 imposed few restrictions and requirements on advisory commissions, it did subject members of independent commissions to extensive eligibility requirements and post-service restrictions.

Legislative Authority for Other Local Entities. SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts. The bill also relaxed some of the eligibility requirements for members of independent commissions and eased one of the post-service restrictions on those members in an effort to expand the pool of individuals who are available to serve on such commissions. SB 1018 also allowed for the creation of hybrid commissions, subject to the same restrictions and requirements as independent commissions.

Redistricting in San Luis Obispo. San Luis Obispo County Citizens for Good Government sued San Luis Obispo County in early January 2022 over the recent Board-approved district boundaries that were drawn after the 2020 Census. The San Luis Obispo County League of Women Voters subsequently intervened in the lawsuit. In March of 2023, a settlement was reached, requiring San Luis Obispo County to set aside the adopted map and reconsider alternative maps from the redistricting process, one of which was later adopted.

Political Party Preferences. If chaptered, the CRCCSLO makeup will be required, as shown on the members' most recent affidavits of registration, to be as proportional as possible to the total number of voters who are registered with each political party preference in Orange County, as determined by registration at the most recent statewide election. According to the February 20, 2024 Report of Registration, the Secretary of State reported the following for San Luis Obispo County:

Party Preference	**Registered Voters (Total: 177,009)**
Democratic	68,289 (38.58%)
Republican	61,721 (34.87%)
American Independent	8,209 (4.64%)
Green	1,038 (0.59%)
Libertarian	2,612 (1.48%)
Peace and Freedom	687 (0.39%)
Unknown	1,106 (0.62%)
Other	1,136 (0.64%)
No Party Preference	32,211 (18.20%)

If no party preference is shown on a voter registration affidavit, then the county election official designates the voter's party preference as "Unknown" and is treated as a "No Party Preference" voter. If you take these numbers into consideration and use them to calculate the potential commission party preference composition, Democrats would have 4 or 5 members, Republicans would have 3 or 4 members, No Party Preference voters would have 2 or 3 members when only using No Party Preference voters and when combining Unknown and No Party preferences, and the remaining party preferences between 0 and 1 member.

COMMENTS

1) According to the author: Senate Bill 977 creates an independent citizens redistricting commission in San Luis Obispo. San Luis Obispo County requested I author this legislation, after litigation was settled over the most recent redistricting process. There has been a thorough public process at the local level to produce a thoughtful proposal that is reflecting of the Community's wishes, which is encapsulated in Senate Bill 977. This bill ensures that future redistricting processes in San Luis Obispo are conducted through a neutral, non-partisan process.

2) Double Referral. If approved by this committee, SB 977 will be referred to the Committee on Local Government for further consideration.

3) Alternates – Suggested Amendment. In addition to the 11 commission members, SB 977 requires two non-voting alternates. However, if an alternate was needed to fill a vacancy, they might not live in the same district or have the same party preference as the person they are replacing. This has the potential to create an imbalance in representation.

   The bill also allows requires the CRCCSLO to create bylaws or other rules of procedure for the purpose of conducting orderly meetings and communication. Committee staff recommends amending the bill to include provisions in the bylaws to address how the committee will fill a vacancy following the resignation or removal of a commission member. If the author agrees to this amendment, the amendment will be processed in the Committee on Local Government.

4) Argument in Support. In a letter supporting SB 977, Supervisor Dawn Ortiz-Legg, on behalf of the County of San Luis Obispo Board of Supervisors, stated, in part, the following:

   The Commission will be comprised of county residents who are not elected officials, lobbyists, candidates, campaign donors, or their close family members. The commission will be tasked with providing an open and transparent process to enable full public participation. The members will be selected through an application and selection process, where they would be subject to the criteria and qualifications outlined in the ordinance after an extensive outreach campaign.

   Senate Bill 977 builds on our organizational values, and by passing SB 977, California will continue to promote transparency and non-partisanship in the redistricting process.

RELATED/PRIOR LEGISLATION

AB 1248 (Bryan) of 2023 would have required a county or city with more than 300,000 residents, or a school district or community college district with more than 500,000 residents, to establish an independent redistricting commission to adopt district boundaries after each federal decennial census, as specified. AB 1248 was vetoed by Governor Newsom who raised fiscal concerns with the measure.

SB 52 (Durazo) of 2023 would have required an independent redistricting commission for charter cities with a population of at least 2,500,000 people to adjust the district boundaries for the city council, as specified. SB 52 was vetoed by Governor Newsom. Governor Newsom's veto message stated the following: "While I agree with the goal of the author's proposal, this bill is contingent on the enactment of Assembly Bill 1248, which I have vetoed."

SB 314 (Ashby), Chapter 389, Statutes of 2023, created a Citizens Redistricting Commission in Sacramento County, as specified.

AB 34 (Valencia), Chapter 315, Statutes of 2023, created a Citizens Redistricting Commission in the County of Orange, as specified.

AB 1307 (Cervantes), Chapter 403, Statutes of 2022, created a Citizens Redistricting Commission in Riverside County, as specified.

AB 2030 (Arambula), Chapter 407, Statutes of 2022, created a Citizens Redistricting Commission in Fresno County, as specified.

AB 2494 (Salas), Chapter 411, Statutes of 2022, created a Citizens Redistricting Commission in Kern County, as specified.

AB 849 (Bonta), Chapter 557, Statutes of 2019, revised and standardized redistricting criteria, procedures, and requirements that counties and cities must follow when they adopt or adjust the boundaries of electoral districts used to elect members of the jurisdictions' governing bodies. AB 1276 (Bonta), Chapter 90, Statutes of 2020, made a number of technical and clarifying changes to law governing local government redistricting that were inadvertently left out of AB 849 (Bonta).

SB 139 (Allen) of 2019 would have required a county with a population of 400,000 or more to establish an independent redistricting commission to adopt the county supervisorial districts after each federal decennial census. SB 139 was vetoed by the Governor with the following message:

> *This bill requires a county with more than 400,000 residents to establish an independent redistricting commission tasked with adopting the county's supervisorial districts following each federal decennial census.*
>
> *While I agree these commissions can be an important tool in preventing gerrymandering, local jurisdictions are already authorized to establish independent, advisory or hybrid redistricting commissions. Moreover, this measure constitutes a clear mandate for which the state may be required to reimburse counties pursuant to the California Constitution and should therefore be considered in the annual budget process*.

SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts, relaxed some requirements for members of independent commissions, and allowed for hybrid commissions.

AB 801 (Weber), Chapter 711, Statutes of 2017, revised the membership of the County of San Diego's Citizens Redistricting Commission to a 14-member commission charged with adjusting the boundary lines of the districts of the Board of Supervisors.

SB 958 (Lara), Chapter 781, Statutes of 2016, established an independent Citizens Redistricting Commission in the County of Los Angeles to adjust the boundary lines of the districts of the county's Board of Supervisors.

SB 1108 (Allen), Chapter 784, Statutes of 2016, authorized a county or a general law city to establish a redistricting commission.

SB 1331 (Kehoe), Chapter 508, Statutes of 2012, established an Independent Redistricting Commission in the County of San Diego and stipulated, among other things, that only retired state or federal judges were eligible to serve on the commission.

POSITIONS

Sponsor: San Luis Obispo County Board of Supervisors

Support: American Federation of State, County, and Municipal Employees, AFL-CIO

Oppose: None received.

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1151	**Hearing Date:**	4/16/24
Author:	Hurtado		
Version:	2/14/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Political Reform Act of 1974: foreign agents

DIGEST

Requires any individual acting as an agent of a foreign principal to register with the Secretary of State (SOS) as an agent of a foreign principal and file periodic reports in the same manner, with the same frequency, and with the same content as are required for a lobbyist and lobbying firm.

ANALYSIS

Existing law:

1) Establishes the Federal Election Commission (FEC), and makes it responsible for the administration and enforcement of the Federal Election Campaign Act (FECA), including restrictions on federal, state, and local campaign contributions and expenditures by foreign nationals, as described below.

2) Requires, pursuant to the federal Foreign Agents Registration Act of 1938 (FARA), individuals doing political or advocacy work on behalf of foreign entities in the United States to register with the Department of Justice and to disclose their relationship, activities, receipts, and disbursements in support of their activities, as specified.

3) Creates the Fair Political Practices Commission (FPPC), and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act (PRA).

4) Requires each member of the FPPC to be an elector. Provides that an FPPC member, during the member's tenure, shall not hold any other public office, serve as an officer of any political party or partisan organization, participate in or contribute to an election campaign, or employ or be employed as a lobbyist nor, during the member's term of appointment, seek election to any other public office, as specified.

5) Provides, upon the sworn complaint of any person or on its own initiative, the commission shall investigate possible violations of this title relating to any agency, official, election, lobbyist, or legislative or administrative action.

6) Prohibits a foreign government or foreign principal from making, directly or through any other person, a contribution, expenditure, or independent expenditure in

connection with the qualification or support of, or opposition to, any state or local ballot measure or in connection with the election of a candidate to state or local office.

7) Prohibits a person or a committee from soliciting or accepting a contribution from a foreign government or foreign principal in connection with the qualification or support of, or opposition to, any state or local ballot measure or in connection with the election of a candidate to state or local office.

8) For the purposes of 6) and 7), a "foreign principal" includes the following:

   a) A foreign political party.

   b) A person outside the United States, unless either of the following is established:

      i) The person is an individual and a citizen of the United States.

      ii) The person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States.

   c) A partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

   d) A domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director, or management employee of the foreign corporation who is neither a citizen of the United States nor a lawfully admitted permanent resident of the United States.

9) Provides that the provisions in 6) and 7) does not prohibit a contribution, expenditure, or independent expenditure made by a lawfully admitted permanent resident.

10) Provides that any person who violates the provisions in 6) and 7) shall be guilty of a misdemeanor and shall be fined an amount equal to the amount contributed or expended.

11) Requires the appropriate legislative ethics committees to conduct at least semiannually an orientation course of the relevant statutes and regulations governing official conduct, as specified. Provides that the committees shall conduct at least semiannually an orientation course on the relevant ethical issues and laws relating to lobbying, in consultation with the FPPC, as specified. Requires the course to include information on each house of the Legislature's policies against harassment, including sexual harassment, in connection with lobbying activities. Requires the committees to impose fees on lobbyists for attending the course on the relevant ethical issues and laws relating to lobbying, as specified.

This bill:

1) Requires any individual acting as an agent of a foreign principal to register with the SOS as an agent of a foreign principal and file periodic reports in the same manner, with the same frequency, and with the same content as are required for a lobbyist and lobbying firm.

2) Requires the registration for an agent of a foreign principal to include the disclosure of any compensation received, contracted, or otherwise promised to the agent by each foreign principal.

3) Requires the SOS, on the registration form for an agent of a foreign principal, to include a statement noting the existence of the FARA, and how registration with the state does not excuse an individual or entity from also registering with the federal government if their activities require such registration under federal law.

4) Requires agents of a foreign principal to complete the ethic's course on the relevant ethical issues and laws relating to lobbying, as specified, and requires agents of a foreign principal to pay the same fee as required of lobbyists to take this course.

5) Defines the following terms:

    a) "Agent" or "agent of a foreign principal" to mean:

        i) Any person who acts as a representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person does any of the following:

            (1) Communicates with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action for or in the interests of a foreign principal.

            (2) Acts as a public-relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal for the purpose of influencing legislative or administrative action.

            (3) Solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for the purpose of influencing legislative or administrative action for or in the interest of such foreign principal.

            (4) Represents the interests of a foreign principal before any agency or official of the state.

        ii) Any person who agrees, consents, assumes, or purports to act as, or who is or holds themselves out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal, as specified.

b) "Foreign political party" to include any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof.

c) "Foreign principal" includes a government of a foreign country or any person or entity prescribed by existing law, as specified.

d) "Government of a foreign country" includes both of the following:

   i) Any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated.

   ii) Any faction or body of insurgents within a country purporting to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.

e) "Information-service employee" includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country.

f) "Public-relations counsel" includes any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal.

g) "Publicity agent" includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise.

6) Provides that the provisions prescribed by this bill are severable. Provides that if any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. Prohibits the provisions of this bill to not be applied in a manner inconsistent with any provision of any treaty between the United States and another country.

7) Prohibits an FPPC commissioner from being an agent of a foreign principal during the commissioner's tenure.

8) Requires the FPPC to investigate possible violations relating to any agency, official, election, lobbyist, agent of a foreign principal, or legislative or administrative action upon the sworn complaint of any person or on its own initiative.

BACKGROUND

Political Reform Act of 1974. In 1974, California voters passed Proposition 9, an initiative commonly known as the PRA. Proposition 9 created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. The Legislature is permitted to amend the PRA, but the amendments must further the purposes of the PRA and requires a two-thirds vote of both houses of the Legislature.

Foreign Agents Registration Act of 1938. Federal law prohibits foreign nationals from making contributions in connection with federal, state, and local elections. The Foreign Agents Registration Act of 1938 (as amended, 22 U.S.C. § 611 et seq.) requires the registration of, and disclosures by, an "agent of a foreign principal" who, either directly or through another person, within the United States (1) engages in "political activities" on behalf of a foreign principal, (2) acts as a foreign principal's public relations counsel, publicity agent, information-service employee, or political consultant, (3) solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of a foreign principal, or (4) represents the interests of the foreign principal before any agency or official of the U.S. government. FARA also requires agents to conspicuously label "informational materials" transmitted in the United States for or in the interest of a foreign principal unless other requirements are met. According to information from the FEC, the goal of the FARA was to minimize foreign intervention in US elections by establishing a series of limitations on foreign nationals.

As of March 29, 2024, there are 515 active registrants under FARA.

State Action. In 1997, the Legislature approved and Governor Wilson signed SB 109 (Kopp), Chapter 67, Statutes of 1997, to prohibit foreign governments or foreign principals from making contributions, expenditures, or independent expenditures in connection with state or local ballot measures. The legislative history suggests that SB 109 did not seek to regulate foreign contributions made in connection with elections for *office* because such contributions were already restricted by federal law. SB 109 was limited to foreign spending in connection with ballot measure elections, thereby restricting foreign spending that was not covered by federal law.

Aside from the fact that state law is limited to foreign spending made in connection with ballot measures, state and federal law differ in one other important respect. While federal law restricts contributions and expenditures by foreign nationals, state law does not restrict contributions or expenditures by a foreign national who is an individual and who is legally present in the U.S. The initial version of SB 109 would have restricted contributions by foreign nationals who were legally present in the U.S., but that restriction was amended out of the bill to address opposition.

More recently, in 2021, the Legislature passed and Governor Newsom signed SB 319 (Valladares), Chapter 313, Statutes of 2021. SB 319 prohibited contributions, expenditures, and independent expenditures by foreign governments and foreign principals in connection with state and local candidate elections.

COMMENTS

1) According to the author: Corruption is not some remote concept that exists in a faraway land. Corruption and abuses are on the rise not just abroad, but also here at home. Bad actors are employing both new and traditional schemes to influence our policies and political systems. California has the duty and responsibility to protect the integrity of its legislative processes and shed light on threats of any form of corruption. Currently under FARA, individuals acting on behalf of foreign principles as foreign agents to influence our democratic systems must disclose who they are representing. However, there is a severe lack of awareness amongst foreign agents' responsibility to disclose their influencing activities under FARA.

   SB 1151 is a simple disclosure bill pushing for further transparency in our State's legislative and regularity processes by requiring any person acting as a foreign agent within the State of California to disclose their affiliations to any foreign principle. By shedding light on the origins of political influence we can harness public trust in our political systems and ensure that we are legislating in with integrity. SB 1151 also incorporates an education piece by requiring the Secretary of State to include a statement on filing forms to educate any person acting as a foreign agent about their responsibilities under FARA. Only then can we repair any public mistrust in our legislative and regulatory processes.

2) Need for the Bill. According to the author's office, there are three problems that SB 1151 seeks to address. First, despite the increasing sophistication of foreign influence campaigns, the existing framework of FARA lacks teeth in enforcing compliance and ensuring comprehensive disclosure. This deficiency allows hidden actors to operate within our democratic processes without accountability, potentially undermining the integrity of our elections, policies, and public discourse.

   Second, the rapid evolution of technology has provided foreign actors with new avenues for manipulation and misinformation, further exacerbating the problem. As our political and legislative processes become more intertwined with digital platforms, the need for robust regulations to address foreign influence becomes even more critical.

   Third, there is a general lack of awareness among both the public and agents engaging in lobbying or advocacy activities about the requirements and implications of FARA. This contributes to a state of vulnerability where foreign entities can operate covertly, exploiting loopholes in the law to advance their agendas without scrutiny.

   Finally, the authors notes that the affected parties encompass not only policymakers and legislators but also the broader American public whose trust in the democratic process is eroded by opaque foreign influence. Additionally, the integrity of California's legislative and regulatory processes is compromised.

RELATED/PRIOR LEGISLATION

SB 319 (Valladares), Chapter 313, Statutes of 2021, prohibited contributions, expenditures, and independent expenditures by foreign governments and foreign principals in connection with state and local candidate elections.

SB 109 (Kopp), Chapter 67, Statutes of 1997, prohibited foreign governments or foreign principals from making contributions, expenditures, or independent expenditures in connection with state or local ballot measures.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1155	**Hearing Date:**	4/16/24
Author:	Hurtado		
Version:	2/14/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Political Reform Act of 1974: postgovernment employment restrictions

DIGEST

This bill prohibits the head of a state administrative agency from lobbying the Legislature or any state administrative agency for one year after leaving office, unless certain conditions are met and as specified.

ANALYSIS

Existing law:

1) Creates the Fair Political Practices Commission (FPPC), and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act (PRA).

2) Prohibits a designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position that entails the making, or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, and a member of a state administrative agency, for a period of one year after leaving office or employment for compensation, act as agent or attorney for, or otherwise represent, any other person, by making any formal or informal appearance, or by making any oral or written communication, before any state administrative agency, or officer or employee thereof, for which the individual worked or represented during the 12 months before leaving office or employment, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. Provides, for this provision, an appearance before a state administrative agency does not include an appearance in a court of law, before an administrative law judge, or before the Workers' Compensation Appeals Board. Provides that the prohibition only apply to designated employees employed by a state administrative agency on or after January 7, 1991.

   a) Defines "state administrative agency" to mean every state office, department, division, bureau, board, and commission, but does not include the Legislature, the courts, or any agency in the judicial branch of government.

3) Prohibits a Member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making formal or informal appearances before or communications with the Legislature, any committee or subcommittee, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

4) Prohibits a Member of the Legislature who resigns from office, for a period commencing with the effective date of the resignation and concluding one year after the adjournment sine die of the session in which the resignation occurred, from acting as a compensated agent or attorney for, or otherwise representing, any other person by making formal or informal appearances before or communications with the Legislature, any committee or subcommittee, any present Member of the Legislature, or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing legislative action.

5) Defines "legislative action," for the purpose of the restrictions on post-legislative employment activities by former members of the Legislature, to mean the drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in the member's official capacity. Provides that "legislative action" also include the action of the Governor in approving or vetoing any bill.

6) Prohibits an elected state officer, other than a member of the Legislature, for a period of one year after leaving office, from acting as a compensated agent or attorney for, or otherwise representing any other person by making appearances before, or communications with, any state administrative agency, as specified, if the appearance or communication is for the purpose of influencing specified administrative actions.

7) Provides that the above prohibitions do not apply to any individual who is or becomes any of the following:

    a) An officer or employee of another state agency, board, or commission if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the state agency, board, or commission; or,

    b) An official holding an elective office of a local government agency if the appearance or communication is for the purpose of influencing legislative or administrative action on behalf of the local government agency.

8) Prohibits a state or local public official from making, participating in making, or using their official position to influence any governmental decision directly relating to any person or other entity with whom the official is negotiating, or has any arrangement concerning, prospective employment.

9) Defines "lobbyist," unless certain conditions are met and as specified, to mean either of the following:

a) Any individual who receives $2,000 or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through that individual's agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action.

b) An individual directly or indirectly hired, engaged, or retained by, or serving for the benefit of or on behalf of, an external manager or an investment fund managed by an external manager, and who acts or has acted for compensation as a finder, solicitor, marketer, consultant, broker, or other intermediary in connection with the offer or sale to a state public retirement system in California or an investment vehicle, as specified in the PRA. This is referred to as a placement agent.

10) Defines "elective state office" as the any person who holds an elective state office or has been elected to a state office but has not yet taken office. Provides that a person who is appointed to fill a vacant elective state office is an elected state officer.

This bill:

1) Prohibits the head of a state administrative agency, for a period of one year after leaving office, for compensation from engaging in any activity for the purposes of influencing legislative or administrative action by the Legislature or any state administrative agency that would require the individual to register as a lobbyist.

2) Specifies that the "head of a state administrative agency" includes elected state officers and appointed officials.

BACKGROUND

Postgovernment Employment - One Year Ban. The one-year ban prohibits certain officials, for one year after leaving state service, from representing any other person by appearing before or communicating with, for compensation, their former agency in an attempt to influence agency decisions that involve the making of general rules (such as regulations or legislation), or to influence certain proceedings involving a permit, license, contract, or transaction involving the sale or purchase of property or goods.

Additionally, a one-year ban applies to a Member of the Legislature who resigns from office, beginning with the date of resignation and ending one year after the end of the session in which the resignation occurred.

The following persons are subject to the one-year ban:

1) Members of the Legislature and other elected state officials.
2) Members of state boards and commission with decision-making authority.
3) Any individual who holds a position designated in Government Code Section 87200 appointed or employed by a state agency.

4) Any individual who manages public investments appointed or employed by a state agency.
5) Any state official designated in their agency's conflict-of-interest code.
6) Any state official that should be designated in their agency's conflict-of-interest code. State agency employees, officers, and consultants should be designated in their respective agency's conflict-of-interest code if they make or participate in making governmental decisions.

It should be noted that non-elected employees and consultants of the Legislature, the courts, and any agency in the judicial branch are not subject to the one-year ban unless they held other positions or offices subject to the ban.

Permanent Ban. Existing law also contains a permanent ban for specific former state officials. The permanent ban on "switching sides" prohibits former state officials from working on proceedings that they participated in while working for the state. The ban prohibits appearances and communications to represent any other person as well as aiding, advising, counseling, consulting or assisting in representing any other person, for compensation before any state administrative agency in a proceeding involving specific parties (such as a lawsuit, a hearing before an administrative law judge, or a state contract) if the official previously participated in the proceeding.

The permanent ban applies to every "state administrative official," which is defined as "every member, officer, employee or consultant of a state administrative agency who as part of his or her official responsibilities engages in any judicial, quasi-judicial or other proceeding in other than a purely clerical, secretarial or ministerial capacity." However, the permanent ban does not apply to Members, officers, employees, or consultants of the Legislature, the courts, or any agency in the judicial branch of government, unless they held other positions or offices subject to the ban.

Am I a Lobbyist? Existing law defines "lobbyist" as any individual who receives $2,000 or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, or whose principal duties as an employee are, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of influencing legislative or administrative action.

Regulations promulgated by the FPPC further define non-contract lobbyists as individuals who spend one-third or more of their time, in any calendar month, for which they receive compensation from his or her employer, engaging in direct communication, other than administrative testimony, with one or more qualifying officials for the purpose of influencing legislative or administrative action.

The existing revolving door prohibitions apply whether or not the former elected state officeholder qualifies as a "lobbyist" under this current definition.

COMMENTS

1) According to the author: Building trust in our democracy requires decisive action to address the concerning phenomenon of the revolving door between state agencies and lobbying firms. SB 1155 stands as a beacon of hope, proposing a one-year

cooling-off period for executive members of state agencies before they can engage in lobbying activities.

This legislation recognizes the urgency of the situation and seeks to create a longer buffer period to mitigate conflicts of interest, promote transparency, and ultimately restore trust in the integrity of our state agencies and the policymaking process. By imposing a more substantial barrier between public service and private advocacy, SB 1155 aims to safeguard against the undue influence of special interests and ensure that decisions are made with the public's best interests at heart.

In taking this bold step, we reaffirm our commitment to accountable governance and uphold the principles upon which our democracy thrives. By enacting measures such as SB 1155, we send a clear message that the integrity of our democratic institutions is non-negotiable and that the public's trust must be safeguarded above all else. It is through actions like these that we can build a government that is truly of the people, by the people, and for the people.

2) Need for the Bill. According to the author, in recent years, concerns have escalated regarding the revolving door phenomenon observed between state agencies and lobbying firms. This phenomenon entails a seamless transition for state agency executives into highly lucrative lobbying roles, wherein there is a significant potential for leveraging insider knowledge for personal gain. Such a practice has become a focal point for ethical scrutiny and has detrimentally impacted public trust in the integrity of state agencies.

   Traditionally, state regulations have attempted to address this issue by imposing short cooling-off periods, ostensibly aimed at allowing officials to take up lobbying positions shortly after departing from government roles. However, this regulatory approach has inadvertently created a loophole, enabling former executives to swiftly advocate for interests that may directly conflict with the broader public good. Consequently, this loophole has contributed to the erosion of confidence in government decision-making processes, further exacerbating concerns surrounding the impartiality and transparency of governance mechanisms.

3) Appointed Officials. SB 1155 specifies that the "head of a state administrative agency" include elected state officers and appointed officials. The PRA defines "elected state officers" as the any person who holds an elective state office or has been elected to an elective state office but has not yet taken office and provides that a person who is appointed to fill a vacant elective state office is an elected state officer.

   However, there is not a definition of "appointed officials." For example, the Governor appoints individuals to various boards and commissions as well as to positions within state agencies, not necessarily the head of the agency. It is logical to assume that this bill is aimed at high-level officials, such as a gubernatorial appointee to a commission that leads a state agency. However, the bill should clarify which appointed officials are required to abide by the provisions of this bill. As a result, committee staff recommends the bill be amended to clarify that appointed officials who receive a salary based on the appointment, instead of all appointed officials, are considered heads of state administrative agencies.

RELATED/PRIOR LEGISLATION

SB 573 (Wahab) of 2023 would have prohibited an employee designated in the Conflict of Interest Code for the Senate or the Assembly, for a period of two years after leaving office and for compensation from engaging in lobbying activities, unless certain conditions were met. SB 573 was amended to apply to committee consultants. This committee approved SB 573 as amended, but was not heard in the Committee on Appropriations.

AB 1620 (Dababneh), Chapter 800, Statutes of 2017, provided that if a Member of the Legislature resigns from office, the "revolving door" prohibition will commence with the effective date of the resignation and continue until one year after adjournment sine die of the legislative session during which he or she resigned.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1156	**Hearing Date:**	4/16/24
Author:	Hurtado		
Version:	2/14/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Groundwater sustainability agencies: financial disclosures

DIGEST

This bill requires annual disclosures by a groundwater sustainability agency's (GSA's) executive team, board of directors, or other decision makers of any economic or financial interest that may reasonably be considered to affect their groundwater management decisions, as specified.

ANALYSIS

Existing law:

1) Creates the Fair Political Practices Commission (FPPC) and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act of 1974 (PRA).

2) Prohibits a public official from making, participating in making, or attempting to use their official position to influence a governmental decision in which they know or have reason to know that they have a financial interest, as defined, unless the official's participation is legally required for the action or decision to be made.

3) Defines a local government agency, pursuant to the PRA, to mean a county, city, or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission, or other agency of the foregoing.

4) Defines a local agency to mean a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

5) Requires all state and local government agencies to adopt a conflict of interest code.

6) Requires each conflict of interest code be reviewed and approved by the code reviewing body for each agency.

7) Provides that conflict of interest codes generally list the position in an agency and describe the level of disclosure required for each position. Provides that individuals in positions that are designated in a conflict of interest code are "designated employees."

8) Disclosure is done on annual statements of economic interests (i.e. Form 700s) which are due annually and also when assuming or leaving office. Provides that a report or statement filed pursuant to the PRA is a public record open for public inspection and reproduction during regular business hours, as provided.

9) Makes violations of the PRA subject to administrative, civil, and criminal penalties.

10) Authorizes a local agency or combination of local agencies overlying a groundwater basin to decide to become a GSA for that basin, as provided. Defines a GSA to mean one or more local agencies that implement provisions of the Sustainable Groundwater Management Act (SGMA), or, in certain circumstances, each of the local agencies comprising the GSA, as provided.

11) Authorizes the participation of a water corporation regulated by the Public Utilities Commission or a mutual water company in a GSA through a memorandum of agreement or other legal agreement.

This bill:

1) Requires the annual disclosure by the executive team, the board of directors, and other groundwater management decision makers of GSAs of any economic or financial interest pursuant to the PRA that may reasonably be considered to affect their groundwater management decisions.

2) Requires the disclosures to be submitted to the FPPC, as specified.

3) Requires the disclosures to include, at least the following:

    a) Investments, ownership, or financial interests in entities engaged in groundwater related activities, as provided.

    b) Receipts of gifts, loans, or other economic benefits due to the person's role in groundwater management.

    c) Other economic or financial interests that may reasonably influence decision-making, as specified.

4) Requires the FPPC to establish guidelines and procedures for the submission and review of the disclosures, as specified. Authorize the FPPC to investigate and take appropriate enforcement actions.

5) Authorizes penalties for failure to comply with disclosure requirements, as provided.

6) Makes relevant legislative findings and declarations, and provides that no reimbursement for state-mandated local costs is required, as specified.

BACKGROUND

GSAs as Public Entities. A GSA is a public entity. The membership of a GSA is typically composed of local public agencies, such as water districts. Some GSAs include participation by private entities, such as mutual water companies. Any person participating in a decision making role at a GSA is subject to the PRA, regardless of their public or private employment status.

When a GSA is formed, part of its formation includes development of a conflict of interest code. That code specifies which decision makers or participants in the decision making process have to make disclosures of economic interests (i.e. file a Form 700) and what is included in those disclosures. Depending upon the GSA and the conflict of interest code, the disclosures are filed with either the FPPC or the GSA itself. However, as noted above, existing law requires that this information be disclosed to the public once it has been provided by the public official.

COMMENTS

1) According to the author: SB 1156 creates policies and procedures that promote transparency, prevent conflicts of interest, and ensure accountability within groundwater sustainability agencies. The disclosures by executive members and board of directors of GSAs will be submitted to the FPPC. If necessary, the commission may investigate and take appropriate enforcement actions for violations of the disclosure requirements. Requiring greater accountability by those in power of GSAs seeks to safeguard the sustainable management of groundwater resources.

2) Need for the Bill. According to the author, current law lacks appropriate transparency measures relating to GSAs. This insufficiency can exacerbate the risk of economic interests influencing decision-making processes. The lack of robust mechanisms to ensure clarity and prevent conflicts of interest pose a severe threat to the sustainable management of groundwater resources. Without adequate safeguards, there is a heightened risk of economic instability and social inequities.

3) Double Referral. Prior to being heard in this committee, SB 1156 was heard in the Committee on Natural Resources and Water on April 9, 2024. The measure passed on an 11 – 0 vote.

4) Argument in Support. In a letter supporting SB 1156, the Mission Springs Water District stated, in part, the following:

> *Recently, our District has encountered challenges in obtaining separate accounting information from our GSA. The commingling of funds between their business's wholesale and retail sides has raised concerns regarding transparency and accountability.*
>
> *As a water district responsible for ensuring the welfare of our community, it is imperative that we have access to clear and transparent financial information. The lack of financial separation between the wholesale and retail businesses, with the same board and staff, has raised questions regarding the autonomy of individual districts and their responsibilities as GSAs.*

SB 1156 addresses these concerns by promoting transparency in financial matters and ensuring that GSAs remain accountable to the communities they serve. Therefore, we urge you to support SB 1156 and advocate for its passage. Transparent and accountable governance is fundamental to effectively managing groundwater resources and protecting our community's interests.

RELATED/PRIOR LEGISLATION

AB 2799 (Fong) of 2024 would require a GSA to consider the efforts of small farms, as defined, that recharge groundwater into the basin upon which their property is located when imposing or increasing fees. AB 2799 is pending before the Assembly Committee on Water, Parks, and Wildlife.

AB 2079 (Bennett) of 2024 would set new requirement for permitting a new large-diameter, high-capacity well, as provided. AB 2079 is pending before the Assembly Committee on Water, Parks, and Wildlife.

POSITIONS

Sponsor: Author

Support: Clean Water Action
Community Alliance with Family Farmers
Community Water Center
Mission Springs Water District

Oppose: None received

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1337	**Hearing Date:**	4/16/24
Author:	Gonzalez		
Version:	3/20/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Elections: form of petitions

DIGEST

This bill modifies the requirements for what is included on petitions for state referenda, as specified.

ANALYSIS

Existing law:

1) Defines "committee" as any person or combination of persons who directly or indirectly does any of the following:

   a) Receives contributions totaling $2,000 or more in a calendar year.

   b) Makes independent expenditures totaling $1,000 or more in a calendar year.

   c) Makes contributions totaling $10,000 or more in a calendar year to or at the behest of candidates or committees.

2) Defines "top contributors" to mean the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of $50,000 or more. Defines "cumulative contributions" to mean the cumulative amount of contributions received by a committee beginning 12 months before the date of the expenditure and ending seven days before the time the advertisement is sent to the printer or broadcaster.

3) Permits electors to approve or reject statutes or parts of statutes, except as specified, through the referendum process. Requires a petition with signatures for a proposed state referendum measure to be filed with the county elections official no later than 90 days from the date the legislative bill was chaptered by the Secretary of State (SOS), as specified.

4) Provides for the format of state or local initiative, referendum, or recall petition, as specified. Requires a petition for a state initiative or referendum to contain, among other things, each signer's signature, printed name, residence address, and the name of the signer's incorporated city or unincorporated community.

5) Requires a committee that pays for the circulation of a state or local initiative, referendum, or recall petition to create an Official Top Funders sheet that includes a listing of the top contributors, as specified. Requires a committee to create a page on an internet website that includes a link to the Official Top Funders sheet and a link to the full text of the initiative or referendum. Requires committees to submit the Official Top Funders sheet to the SOS.

6) Requires a state or local initiative, referendum, or recall petition that requires voter signatures and that a committee pays to circulate to include a disclosure statement on the petition, as specified, or for the circulator for the petition to present as a separate document the Official Top Funders sheet to a prospective signer of the petition.

7) Requires that a state or local initiative, referendum, or recall petition contain a notice alerting voters that a paid signature gatherer or a volunteer may circulate the petition, and that voters have the right to ask if a petition circulator is a paid gatherer or volunteer.

This bill:

1) Recasts the format of petitions for state referenda. Specifically, in the following order:

   a) At the top of the page, include the following, in at least 11-point type:

      REFERENDUM AGAINST AN ACT PASSED BY THE LEGISLATURE

      OFFICIAL TITLE AND SUMMARY

      The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the law proposed to be overturned:

      [Here set forth the Attorney General's unique numeric identifier placed before the circulating title and summary prepared by the Attorney General.]

   b) For a proposed state referendum measure that a committee pays to circulate, separated by a blank horizontal line from the text required in a), the text "TOP FUNDERS OF PETITION TO OVERTURN THE LAW. Valid:" followed by the month, date, and year of the committee's top contributors as of the date the petition is printed. This text shall be centered in at least 16-point boldface type.

   c) Separated by a blank horizontal line from the text in b), shall appear a disclosure statement in a printed box with a black border. At the top of the disclosure statement shall appear the text "Petition circulation paid for by" centered in at least 14-point boldface type.

   d) Centered on a separate horizontal line in at least 14-point type, shall appear the name of the committee as it appears on the most recent statement of organization or the name that the committee is required to use on campaign statements, as specified. The committee's name shall be followed by a blank

horizontal line and then, if the committee has top contributors, the underlined text "Committee major funding from:" shall appear centered in at least 14-point type.

e) The top contributors, if any, shall each be centered in at least 14-point boldface type on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line, as specified.

f) The following line shall include the text, centered in at least 14-point font type, "Latest Official Top Funders:" followed by the hyperlink to one of the following:

i) The internet webpage on the SOS's internet website that lists the "Official Top Funders" statements.

ii) An internet website created or maintained by the committee that prominently includes the information required by this section and a prominent link to the full text of the referendum measure.

g) Separated by a blank horizontal line from the bottom of the border, the following:

i) "NOTICE TO THE PUBLIC:" This text shall be in a boldface type.

ii) If the petition includes the disclosure statement, the text "SIGN ONLY IF IT IS THE SAME MONTH SHOWN IN THE OFFICIAL TOP FUNDERS OR YOU SAW AN "OFFICIAL TOP FUNDERS" SHEET FOR THIS MONTH." This text shall be in a boldface type.

iii) "THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK." This text shall be in a non-boldface type.

h) Separated by a blank horizontal line from the text in paragraph g), the portion of the petition for voters' signatures, printed names, residence addresses, date petition is signed, and signer's initials, and the declaration of circulator shall be printed in at least 8-point type, as specified.

i) Each referendum petition shall be consecutively numbered. The petition section number shall be included anywhere on the petition in at least 8-point type.

2) Provides that if a new contributor qualifies as a top contributor during petition circulation, the first page of the petition shall, within five business days, be reprinted to show the revised validity date of the top contributors, as specified.

3) Provides that the portion of the petition for voters' signatures, printed names, residence addresses, the date petition is signed, and the signer's initials shall appear only on the first page of a petition for a proposed statewide referendum measure.

4) Provides that signatures collected on a petition for a proposed statewide referendum measure shall be invalid and not counted toward qualifying the measure for the

ballot if the information required is absent or inaccurate, if the date a petition was signed by a voter is not included, or is more than five business days after the date of a required reprinting of the list of top contributors, as specified.

5) Requires a committee that circulates a state referendum petition to submit the first page of the petition and any reprinting of the list of top contributors to the SOS, who shall post the page on the SOS's internet website along with the previous versions the committee submitted.

6) Provides that if the disclosure of the name of a top contributor is only sponsor, then only the name of the single sponsor shall be disclosed, as specified.

7) Provides that if complying with the formatting specifications prescribed by this bill causes the required content to exceed the first page of the petition with a minimum of one signature space for each petition section, the specifications may be modified by eliminating blank horizontal lines or, if doing so is insufficient to ensure space for at least one signature space on the first page of the petition, by reducing the size of disclosures required to be included in 14-point text to a minimum of 10-point text.

BACKGROUND

Qualification of State Referenda Measures. The qualification of a state referendum measure for the ballot has the effect of staying the operation of a duly enacted state law until voters have the opportunity to decide whether to approve or reject that law. Since state referenda generally appear on the ballot only at statewide general elections, the qualification of a referendum measure for the ballot can prevent the operation of a state law for up to two years. The qualification of a state referendum for the ballot alters the operation of state law before the electorate has a chance to vote on that ballot measure.

This is an important difference from the state initiative process. The qualification of an initiative measure for the ballot does not have any direct effect on the operation of state law simply by virtue of the fact that it has qualified. In the case of an initiative that seeks to undo a recently enacted legislative change, the proponents cannot stop or delay the operation of that law simply by qualifying the measure for the ballot. The only way that an initiative measure affects the operation of a recently enacted legislative change is if the voters approve that measure when it appears on the ballot.

Invalidation of Signatures. Existing law generally is silent on the issue of whether violations of state law prohibiting improper signature-gathering tactics will result in the signatures on those petitions being invalidated. In at least one case, however, a court invalidated signatures gathered to qualify an initiative for the ballot due to improper signature-gathering tactics by the proponents of the measure. In *San Francisco Forty-Niners v. Nishioka* (1999), 75 Cal.App.4th 637, the California Court of Appeals for the First District, Division One, prohibited an initiative measure from appearing on the ballot because the initiative petition included false statements intended to mislead voters, in violation of Section 18600 of the Elections Code. In this case, the false statements appeared on the text of the petition itself. As a result, every person who was asked to sign the petition was exposed to these false statements that were intended to mislead voters.

In a case where petition circulators make false or misleading statements about a proposed ballot measure, or engage in other illegal signature-gathering tactics in an attempt to get voters to sign a petition, it is unclear whether that misconduct can result in signatures being invalidated. Committee staff is not aware of any court cases that have addressed this issue.

Referendum Data. According to the SOS, between 1912 and January 31, 2024, 96 statewide referenda were titled and summarized for circulation. Of those, 42 referenda (43.75%) failed to qualify for the ballot and 54 referenda (56.25%) qualified for the ballot. This includes one referendum that is currently eligible for the November 5, 2024 statewide general election ballot. This also includes one eligible referendum that was withdrawn by the proponents prior to qualification.

Finally, of the 52 laws placed on the ballot, 22 (42.31%) were approved and 30 (57.69%) were rejected by voters.

COMMENTS

1) According to the author: While direct democracy is an important right for California voters, large corporations are increasingly turning to misleading tactics and ballot referendums to subvert the democratic legislative process. Existing law allows paid signature gatherers to mislead voters about who is funding a campaign to overturn state law. SB 1337 will enact important transparency updates to the signature-gathering process to ensure that voters have access to relevant information before agreeing to sign a petition. Empowering voters to transparently view the funders of an effort to overturn state law will allow for more informed decision-making.

2) Argument in Support. In a letter supporting SB 1337, California Environmental Voters stated, in part, the following:

> *This bill builds on the transparency requirements enacted by AB 421 (Bryan, 2023). Big tobacco companies, oil companies, fast food companies, and plastic manufacturers have all utilized the referendum process in recent years in efforts to block progress that protects working people, improves our health, or limits harmful pollution. These powerful forces use every tool at their disposal like the referendum process to defeat hard fought victories that took years if not decades of coalition building and negotiating, to protect their exorbitant profits at the expense of our communities.*
>
> *SB 1337 will require that the top three funders of a referendum petition appear directly on the signature petition, rather than on a separate piece of paper. This bill will require signers of the petition to also mark their initials next to a statement that they have reviewed the top funders.*
>
> *We believe that these changes will help advancing our mission to put this critical tool of direct democracy - the referendum - back in the hands of voters. For these reasons, California Environmental Voters is in support of SB 1337 and urges the committee's aye vote.*

3) Argument in Opposition. In a letter opposing SB 1337, the California Chamber of Commerce stated, in part, the following:

> *Under the proposal, the petitions that are used to collect signatures would have to follow a strict template, including a sheet with the list of the "OFFICIAL TOP FUNDERS" at the top in boldface 16-point font. In addition to signing their names and addresses to the petition, voters would have to initial and date that they reviewed the top funders. Signatures of voters who don't, would be invalidated. Referendum campaigns would also have to immediately note any changes to their top funders. Signatures on allegedly out-of-date petition sheets would be invalidated.*
>
> *So, if a campaign receives a new donation and their top funders change they will need to totally reprint their petitions and throw out the old petitions. If a signature is on the old petition, then it will be ruled invalid. There is no practical way to constantly update the petitions as campaign contributions often take place on a daily basis, thus changing who the top funders would be. This will make it impossible to gather the requisite number of signatures in the time allowed.*
>
> *Many of these issues were raised in AB 421 (Bryan) last year and were subject to a negotiation. It's disappointing to see these provisions that were already agreed on once again being proposed.*
>
> *By making it harder to qualify referenda this proposal is denying Californians the right to address grievances with their government. Californians cherish direct democracy, and this would eliminate that opportunity.*

RELATED/PRIOR LEGISLATION

AB 421 (Bryan), Chapter 162, Statutes of 2023, originally included the requirement that top funders be printed directly on the first page of the petition and required signers to initial an acknowledgement that they saw the Top Funders. These provisions were amended out of the bill prior to the bill being chaptered.

POSITIONS

Sponsor: SEIU California

Support: Asian American and Pacific Islanders for Civic Empowerment
Asian Pacific Environmental Network
California Environmental Voters
Indivisible CA: StateStrong
Inland Empire Labor Council
SMART – Transportation Division
VISIÓN
Voices for Progress
Working Partnership USA

Oppose: California Chamber of Commerce

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 907	**Hearing Date:**	4/16/24
Author:	Newman		
Version:	1/4/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Orange County Board of Education: members

DIGEST

This bill would require the Orange County Board of Education (OCBOE) to consist of seven, rather than five members, and for an election to be held during the statewide general election in November of each even-numbered year, rather than the statewide primary election.

ANALYSIS

Existing law:

1) Requires, pursuant to the California Constitution, that the Legislature provide for a board of education in each county, as specified.

2) Provides that a county charter may provide for the election of the members of the county board of education of such county and for their qualifications and terms of office.

3) Provides that all laws of a general nature have uniform operation. Provides that a local or special statute is invalid in any case if a general statute can be made applicable.

4) Requires, except in a city and county, a county board of education, which, unless a petition to establish a student board member is presented to a county board of education, consist of five or seven regular members to be determined by the county committee on school district organization.

5) Provides, upon being requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county or propose to increase or decrease the number of members of the county board of education, or both.

6) Provides that when a county committee on school district organization proposes to reduce from seven to five or increase from five to seven the number of members of the county board of education, the county committee shall call and conduct a

hearing on the matter. At the conclusion of the hearing, the county committee shall, by resolution, approve or disapprove the proposal.

7) Provides that the resolution of the county committee approving a reduction or increase in the number of members of the county board of education shall constitute an order of election, and the proposal shall be presented to the electors of the county not later than the next succeeding election for members of the county board of education.

8) Provides that the established election dates are as follows:

   a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four.

   b) The first Tuesday after the first Monday in March of each odd-numbered year.

   c) The second Tuesday of April in each even-numbered year.

   d) The first Tuesday after the first Monday in June of each even-numbered year that is not evenly divisible by four.

   e) The first Tuesday after the first Monday in November of each year.

9) Requires, except as provided in 10) and notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections to be held on an established election date.

10) Provides that election dates shall not apply to the following:

   a) Any special election called by the Governor.

   b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter.

   c) Certain school governing board elections, as specified.

   d) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.

   e) County, municipal, district, and school district initiative, referendum, or recall elections.

   f) Any election conducted solely by mailed ballot as specified in elections code.

   g) Elections held as specified in Education Code.

This bill:

1) Increases the membership of the OCBOE from five to seven members, notwithstanding any other law to the contrary.

2) Requires, notwithstanding any other law, an election for the OCBOE to be held with the statewide general election in November of each even-numbered year, rather than the statewide primary election.

3) States the Legislature, finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing elections for the OCBOE.

BACKGROUND

Orange County Board of Education. The OCBOE provides educational opportunities for Orange County students, promotes student achievement, and offers leadership, services, and resources for Orange County school districts, educators, and the community. OCBOE responsibilities include:

- Approving the annual budget of the Orange County Department of Education.
- Receiving the annual audit of the Orange County Department of Education.
- Maintaining an awareness of the operations and financial conditions of the school districts in the county.
- Approving the purchase of property for department programs.
- Serving as Orange County's appeal board for the adjudication of expulsion appeals and interdistrict attendance appeals.
- Representing Orange County's education community and families at the local, county, state, and national level.
- Informing local communities about the programs and achievements of the Orange County Department of Education.

The OCBOE consists of five lay members who represent the five trustee areas of the county. Board members are elected for a four-year term by the electors of the trustee area which they represent. From among its members, the Board elects a president and a vice president. The OCBOE has a secretary and executive officer the County Superintendent of Schools, who is elected by the people every four years.

It should be noted that it is possible under existing law to increase the OCBOE's membership to seven member without legislation. Under current law, county boards of education can have five or seven members as determined by the county committee on school district organization. This county committee can propose changes to the number of board members or to trustee area boundaries upon request by the county board of education. If the committee wants to change the number of board members, a public hearing is held, followed by a vote. If the proposal is approved, it becomes an order of election presented to the county's electors at the next board of education election.

Elections for Boards of Education. Based on data collected by the California Elections Data Archive (CEDA), a collaborative project between California State University, Sacramento, and the Secretary of State (SOS), it found that most county boards of

education conduct their elections alongside the statewide general election. In the years between 2017 and 2020, county board of education elections were held in 45 counties. Of these 45 counties, 36 (80%) had their county board of education elections solely with the statewide general election. On the other hand, five counties (11%) – Alameda, Orange, Riverside, Sacramento, and San Joaquin counties – held their county board of education elections with the statewide primary election.

A report by the Public Policy Institute of California (PPIC) titled "Voter Turnout in Primary Elections" in May 2014 examined voter turnout in California's primary elections and found evidence that statewide general elections had more diverse turnout than statewide primary elections. The report found that younger voters, Latinos, and Asian Americans participated less in primary electorates than in the general electorate in the fall. Between 2004 and 2012, the report also found that the overall percentage of younger voters (ages 18-24), Asian/Pacific Islander, and Latino turnout increased in the general election compared to the primary election. Specifically, younger voter turnout increased between 1.2 and 5.5 percentage points, Asian/Pacific Islander turnout increased between 0.6 and 2 percentage points, and Latino turnout increased between 2 and 7.3 percentage points.

Current law permits county boards of education to pass a resolution to change their elections to coincide with the statewide direct primary election, the statewide general election, or the general municipal election. Once approved by the county board of supervisors, the resolution becomes effective. Within 60 days of submission, the board of supervisors must approve the resolution unless it determines that handling additional elections or materials would be challenging due to ballot style, voting equipment, or computer capacity.

COMMENTS

1) According to the Author: Comprised of five elected trustees, the OCBOE is one of only five county education boards to hold their elections as part of the primary, and are the only contests in Orange County that are decided solely during the primary by a plurality, rather than majority, vote. Data indicates 360,000 fewer voters participated in the 2022 primary than in the general, and at least one OCBOE candidate won the support of as little as 11% of registered voters. Increasing the number of trustees will ensure a more representative and responsive board, and aligning OCBOE elections with the November balloting will improve civic participation and parental engagement in our local education decision-making processes. This is especially important for Orange County's Asian American and Latino families, who despite comprising 70% of the county's K-12 student population, remain underrepresented in the primary electorate and on the Board. Orange County's population has become more diverse, and more than doubled in size since the OCBOE was last modified in 1977. SB 907 offers two common-sense governance reforms that will enhance local control and ensure a more representative and responsive Board of Education for the residents of California's third-largest county.

2) Argument in Support. In a letter supporting SB 907, Citizens Take Action stated, in part, the following:

We also routinely support efforts to increase civic engagement. We believe that SB 907 furthers that critical goal.

Government is generally more effective and responsive when there is a lower ratio of constituents to representatives. By expanding the number of seats on the OCBOE, SB 907 will make it easier for communities throughout Orange County to have their voice heard. And given that the population of Orange County has more than doubled since the OCBOE was last modified in 1977, this change seems long overdue.

3) Argument in Opposition. In a letter opposing SB 907, the California School Board Association stated, in part, the following:

   The bill sets a troubling precedent by singling out and manipulating just one county board of education for manipulation. By doing so, SB 907 tramples on the will of local voters by legislating the addition of two additional seats on the OCBE in an effort to dilute the current makeup of a locally elected governing board. This proposal enables the state to reach into communities to influence changes to a locally elected governing board, circumventing the long-standing normal process that requires a vote of the electorate to make a similar change.

4) Double Referral. Prior to this committee, SB 907 was heard in the Senate Committee on Education on March 20, 2024. The bill was approved by the committee with a vote of 5 – 2.

RELATED/PRIOR LEGISLATION

SB 286 (Min) of 2021 would have required the election for seats on the OCBOE to be consolidated within the November statewide general election. This bill was held in the Assembly Committee on Appropriations.

SB 1450 (Umberg) of 2020 would have required an election for an office that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, that is consolidated with a statewide election shall be consolidated with the statewide general election in November.

AB 901 (Gloria), Chapter 713, Statutes of 2017, described above, authorized the amendment of the charter of the County of San Diego to require that candidates for certain county offices and the county board of education be elected at the general election, as specified.

SB 415 (Hueso), Chapter 235, Statutes of 2015, prohibited political subdivisions from holding an election other than on a statewide election date (either the statewide primary or the statewide general election) if holding an election on a nonconcurrent date had previously resulted in lower voter turnout, as specified.

AB 2605 (Robinson), Chapter 667, Statutes of 1986, authorized the governing board of any school district or county office of education to consolidate the school district or county office of education election with either the statewide primary, the statewide general election, or a municipal election, as specified.

POSITIONS

Sponsor: Author

Support: California League of United Latin American Citizens
Citizens Take Action
Lavender Democrats OC
Public School Defenders Hub
One Individual Letter of Support

Oppose: California Charter Schools Association
California School Boards Association
Orange County Board of Education

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1422	**Hearing Date:**	4/16/24
Author:	Allen		
Version:	4/9/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Disclosures: Travel DISCLOSE Act

DIGEST

This bill requires any person that regularly organizes and hosts travel for elected officials and spends more than $10,000 in a calendar year, or more than $5,000 in a calendar year for a single person, to file certain disclosures with the Fair Political Practices Commission (FPPC), as specified.

ANALYSIS

Existing law:

1) Creates the Fair Political Practices Commission (FPPC), and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act (PRA).

2) Provides that payments, advances, or reimbursements for travel, including actual transportation and related lodging and subsistence that is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, are not prohibited or limited if either of the following applies:

   a) The travel is in connection with a speech, as specified.

   b) The travel is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, a nonprofit organization, or by a person domiciled outside the United States who substantially satisfies the requirements for tax-exempt status, as specified.

3) Requires *a nonprofit organization* that regularly organizes and hosts travel for elected officials and that makes payments, advances, or reimbursements that total more than $10,000 in a calendar year, or more than $5,000 in a calendar year for a single person, to disclose to the FPPC the names of donors who did both of the following in the preceding year:

   a) Donated $1,000 or more to the nonprofit organization.

b) Accompanied an elected state officer or local elected officeholder, either personally or through an agent, employee, or representative, for any portion of travel, as specified.

4) Provides that a nonprofit organization "regularly organizes and hosts travel for elected officials" if the sum of the nonprofit organization's expenses that relate to any of the following types of activities with regard to elected officials was greater than one-third of its total expenses reflected on the nonprofit organization's Internal Revenue Service Form 990, or the equivalent, filed most recently within the last 12 months:

   a) Travel.

   b) Study tours.

   c) Conferences, conventions, and meetings.

5) Does not preclude a finding that a nonprofit organization is acting as an intermediary or agent of the donor. Provides that if the nonprofit organization is acting as an intermediary or agent of the donor, all of the following apply:

   a) The donor to the nonprofit organization is the source of the gift.

   b) The donor is identified as a financial interest, as specified.

   c) The gift is required to be reported, as specified.

   d) The gift is subject to the limitations on gifts, as specified.

6) Provides that a nonprofit organization include an organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code.

This bill:

1) Removes the requirement in 4) above and applies the disclosure requirement to all entities that spend at least $10,000, or $5,000 for a single person, in a calendar year for organizing and hosting travel, as specified.

2) Provides that the disclosure requirement described above only apply to donors who knew or had reason to know that the donation would be used for a payment, advance, or reimbursement for travel by an elected state officer or local elected officeholder, as specified. Provides that the disclosure requirement does not apply to a government, a governmental agency, a foreign government, a governmental authority, or a bona fide public or private educational institution of collegiate grade, as specified.

3) Requires the person who made payments, advances, or reimbursements for travel to one or more elected officers to disclose the following for each travel event:

   a) The travel destination or destinations.

b) The dates of the travel event.

c) The names of the elected state officers or local elected officers for whom the person made payments, advances, or reimbursements for travel relating to the event.

d) The names of any donors for which the donor, or an agent, employee, or representative of the donor, accompanied an elected state officer or local elected officeholder for any portion of travel event.

BACKGROUND

Political Reform Act of 1974. In 1974, California voters passed Proposition 9, an initiative commonly known as the PRA. Proposition 9 created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. The Legislature is permitted to amend the PRA, but the amendments must further the purposes of the PRA and requires a two-thirds vote of both houses of the Legislature.

Additionally, some travel payments are not subject to the $590 gift limit but are reportable on an official's statement of economic interests. This includes certain travel in connection with a speech, panel or seminar and certain travel provided by specified nonprofit organizations.

Previous Legislation. In 2015, the Legislature passed and Governor Brown signed SB 21 (Hill), Chapter 757, Statutes of 2015. SB 21 required nonprofit organizations that pay for specified types of travel for elected officeholders to disclose the names of donors responsible for funding the travel. The bill also required an official who receives a gift of a travel payment from any source to report the travel destination on their statement of economic interests.

CalMatters Reporting. In May of 2023, *CalMatters* reported that following the passage of SB 21 two disclosure forms were filed. After contacting several organizations, CalMatters noted that many of those groups contended that they do not meet the eligibility requirements for disclosure. The article explained that many organizations meet the monetary thresholds, but that ambiguity existed on how spending for travel, study tours and conferences, conventions and meetings related to elected officials account for at least one-third of its total expenses was calculated.

COMMENTS

1) According to the author: California disclosure laws require interest groups that sponsor travel for legislators to disclose if any donors to the organization also attended the trip. These disclosures improve transparency and accountability for the public to know what outside groups are paying to sponsor travel for legislators. However, according to May 2023 reporting by *CalMatters*, a review of disclosure filings with the FPPC revealed that only two disclosures have been filed in the 9 years since this law was enacted in 2015.

Provisions of that law require disclosure only if one-third of the organization's yearly expenditures were dedicated to sponsoring the travel of legislators. This loophole inadvertently allows the most well-resourced organizations to circumvent travel disclosures if they spend more on other activities. SB 1422 seeks to close this loophole by removing the one-third expenditure provision. The bill also further increases transparency by requiring disclosure of the amount a donor contributed to an interest group for travel purposes and how many trips the donor attended.

2) Argument in Support. In a letter supporting SB 1422, former Senator Jerry Hill stated, in part, the following:

I strongly support SB 1422's new requirements, informed by experience since the initial law's passage, to ensure the public's transparency needs are met.

The most impactful change removes the secondary threshold in current law. Currently, nonprofits only report when travel payments for elected officials make up over one-third of their total expenses. While this aimed to capture nonprofits focused primarily on travel funding, experience has shown it leaves the public unaware of donors behind larger nonprofits that may spend heavily on elected official travel. Larger nonprofits should not get out of disclosure of the travel they pay for just because they have larger budgets.

SB 1422's expansion to encompass all non-governmental entities is equally important. The initial law focused on non-profits (501(c)(3) and (c)(4) organizations), but as CalMatters exposed in 2022, two trade associations exceeding the spending threshold claimed exemption due to this limitation. This needs to change. Public knowledge of travel funded by trade associations, unions, corporations, or individuals is as crucial as that of travel funded by nonprofits.

Finally, I commend SB 1422 for expanding disclosure requirements to include travel locations, dates, participating elected officials, and accompanying donors. Additionally, identifying donors who knowingly funded elected official travel and their contribution amounts is crucial. It makes a difference whether they have $1,000 or $50,000.

As a former State Senator, I recognize the potential education benefits of travel for elected officials. However, public awareness of trip funders and participants is equally important – just like knowing who is making campaign contributions and spending on political ads.

RELATED/PRIOR LEGISLATION

SB 21 (Hill), Chapter 757, Statutes of 2015, required nonprofit organizations that pay for specified types of travel for elected officeholders to disclose the names of donors responsible for funding the travel, as specified. SB 21 also required an officeholder who receives a gift of a travel payment from any source to report the travel destination on their statement of economic interests.

POSITIONS

Sponsor: California Clean Money Campaign

Support: Former State Senator Jerry Hill
350 Conejo
350 South Bay LA
350 Southland Legislative Alliance
350 Ventura County Climate Hub
Acterra
Ballona Institute
Ban Sup
California Alliance for Community Energy
California Climate Voters
California for Disability Rights
California for Energy Choice
Center for Biological Diversity
Clean Coalition
CleanEarth4Kids.org
Coastal Lands Action Network
Consumer Federation of California
Consumer Watchdog
Courage California
Courageous Resistance of the Desert
Custom Power Solar
Defend Ballona Wetlands
Endangered Habitats League
Extinction Rebellion San Francisco Bay Area
Glendale Environment Coalition
Habitable Designs
Hammond Climate Solutions
Hang Out Do Good
Indivisible California Green Team
Indivisible CA: StateStrong
Local Clean Energy Alliance
Long Beach Alliance for Clean Energy
Long Beach Environmental Alliance
Money Out People In
Money Out Voters In
Progressive Democrats of America, California
Progressive Democrats of the Santa Monica Mountains
Recolte Energy
RootsAction.org
San Joaquin Valley Democratic Club
San Jose Community Energy Advocates
San Luis Obispo Mothers for Peace
Silicon Valley Youth Climate Action
SoCal 350
Sonoma County Democratic Party

Sustainable Systems Research Foundation
The Climate Alliance of Santa Cruz County
Unrig LA
Valley Women's Club Environmental Committee
Voices for Progress
Voters Right to Know
Women's Energy Matters

Oppose: None received

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1441	**Hearing Date:**	4/16/24
Author:	Allen		
Version:	4/4/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Examination of petitions: time limitations and reimbursement of costs

DIGEST

This bill requires a proponent to conclude an examination of an election petition for insufficiency no later than 60 days from the date the examination commenced.

ANALYSIS

Existing law:

1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny.

2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure.

3) Provides that the following are not public records:

   a) A statewide, county, city, or district initiative, referendum, or recall petition.

   b) A petition circulated pursuant to Section 5091 of the Education Code.

   c) A petition for reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of Division 3 of Title 2 of the Education Code.

   d) A petition for reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of Division 7 of Title 3 of the Education Code; and

   e) A memorandum prepared by a county elections official in the examination of a petition, indicating which registered voters signed that particular petition.

4) Provides that materials in 3), above, are not open to inspection except to the following persons:

   a) A public officer or public employee who has the duty of receiving, examining, or preserving the petition, or who is responsible for preparation of the memorandum.

   b) If a petition is found to be insufficient, by the proponent of the petition and a representative of the proponent as may be designated by the proponent in writing, in order to determine which signatures were disqualified and the reasons therefor.

5) Provides that if the proponent of a petition is permitted to examine a petition and a memorandum pursuant to 4)b), above, the examination must commence not later than 21 days after certification of insufficiency.

6) Requires a voter or campaign committee seeking a recount, before the recount is commenced and at the beginning of each subsequent day, to deposit with the elections official the amount of money required by the elections official to cover the cost of the recount for that day.

7) Provides that the money deposited must be returned to the depositor if, upon completion of the recount, the candidate, slate of presidential electors, or the position on the measure (affirmative or negative) for which the declaration is filed is found to have received the plurality of votes cast which it had not received according to the official canvass or, in an election where there are two or more candidates, the recount results in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff election or general election who would not have so appeared in the absence of the recount.

8) Provides that the depositor shall be entitled to the return of any money deposited in excess of the cost of the recount if the candidate, slate, or position on the measure has not received the plurality of the votes cast or, in an election where there are two or more candidates, the recount does not result in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff or general election as a result of the recount.

9) Provides that, if the random sampling of the number of qualified voters who signed a petition shows that the number of valid signatures is within 95 to 110 percent of the requisite number of qualified voters, the Secretary of State must order the examination and verification of the signatures filed, and within 60 days of this order, as specified, the elections official must determine the number of qualified voters who signed the petition.

This bill:

1) Requires an examination of a petition for insufficiency to conclude no later than 60 days from the date examination commenced.

2) Requires that all costs incurred by the county elections official due to the examination be reimbursed within 30 days from the date the examination concludes.

3) Requires, before an examination is conducted and at the beginning of each day following, the proponent of a petition who requests to examine a petition and a memorandum to deposit with the elections official a sum as required by the elections official to cover the cost of the examination for that day. Provides that the proponent is entitled to the return of any money deposited in excess of the cost of the examination. Provides that funds not required to be refunded must be deposited in the appropriate public treasury. Provides that the elections official is not bound by any estimate of cost provided to the proponent or required to be deposited by the proponent and may, on a pro rata basis, bill the proponent for additional actual expense or refund any excess paid depending on the final actual cost.

4) Defines "cost" to mean any cost incurred by a county elections official that is in addition to or greater than general operating costs.

BACKGROUND

California Public Records Act and Petitions. The CPRA makes all public records of a public agency open to public inspection upon request and grants the public the right to obtain a copy of any public record, unless the records are otherwise exempt from public disclosure. In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 at the statewide general election held on November 3, 2004. Proposition 59 amended the California Constitution to specifically protect the right of the public to access and obtain government records. Additionally, at the statewide primary election held on June 3, 2014, voters approved Proposition 42 and increased public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act, and with any subsequent statutory enactment amending either act, as provided.

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. Additionally, the CPRA only allows an agency to charge a fee to cover the direct costs of duplication of a public record in a non-electronic format or statutory fee if applicable.

The CPRA expressly provides that certain election petitions are not public records. Additionally, they and are not open to inspection except to specified public officials or, if a petition is found to be insufficient, by the proponent of the petition in order to determine which signatures were disqualified and the reasons therefor. Existing law also provides that the examination of a petition must commence within 21 days of certification of insufficiency, but there is no time prescribed for when the examination must end.

Los Angeles County. The Committee to Support the Recall of District Attorney George Gascón (proponents) submitted a recall petition containing 715,833 signatures on July 6, 2022, which was 148,976 more than required to trigger a recall election. (*Committee*

to Support the Recall of District Attorney George Gascon v. Dean C. Logan et al. (2023) 94 Cal.App.5th 352 at 359.) On August 15, 2022 the County issued a press release after a full count examination of the signatures on the petition to recall DA Gascón, stating that the proponents were 46,000 signatures short of those needed to qualify for the ballot. The press release noted the number of invalidated signatures as 195,783 and provided categories for why the signatures were rejected: "Not Registered" (88,464); "Duplicate" (43,593); "Different Address" (32,187); "Mismatch Signature" (9,490); "Canceled" (7,344); "Out of County Address" (5,374); and "Other" (9,331). (Ibid at fn. 2.) The proponents began an examination of the signatures on September 6, 2022 and were permitted by the Registrar to examine the signatures three days a week from 9:00 am until 4:00 pm with "no more than 14 representatives working at seven computer workstations under the control of Registrar staff. The Registrar prohibited the Committee from using any personal electronic devices inside its examination room."

The proponents were provided several reports by the Registrar in the examination room including: "(1) a report of signatures challenged as due to death with a date of death; (2) a report of signatures challenged as fatal pending with a fatal pending reason code; and (3) a report of signatures challenged as duplicates with all other signatures for the voter, including accepted signatures." The Registrar also provided "a hardcopy list and report of invalided signatures, hardcopy list of signatures invalidated for death or fatal pending, and a hardcopy report showing when a voter changed or updated an address during the time the petition was circulated." The Registrar declined to provide the proponents with information it deemed were not authorized by existing law, including "training materials for the software program it used to store voter registration records […], all signatures on file for each voter, various lists and/or reports for signatures deemed valid and accepted, and signatures invalidated as duplicates, death, fatal pending, or different address. The proponents brought suit seeking several things, including access to training materials for staff to interpret its own data, electronic copies of lists of all voters who submitted a valid signature, whose signatures were invalidated, and original affidavits of registration and re-registration for voters whose recall signatures were rejected. Proponents also sought an order to allow 25 representatives of the proponents to be able to participate in the examination five days a week, access to computer stations for each representative, and the ability to use their own devices.

The trial court issued several orders that, among other things, (1) authorized the proponents and their representatives to use electronic lists of voter data outside the examination room subject to a protective order, and (2) ordered disclosure of current and former affidavits of registration for rejected signatures to proponents. The Registrar appealed the trial court's decision on multiple grounds, including that the use of electronic lists of voter data outside the examination room and access to current and former affidavits of registration for rejected signatures would violate confidentiality statutes and was outside the scope of existing law. The Appeals Court agreed with the Registrar regarding the disclosure issue, dismissed other issues raised on appeal by the Registrar on procedural grounds, and remanded the case back to the trial court on certain outstanding issues that remained in the case.

The Appeals Court pointed to the constitutional guarantee of voter privacy as the main reason for its finding on the disclosure issues stating:

In view of the constitutional guarantee of voter privacy, however, it is unlikely the Legislature intended to broaden a petition examination by permitting the proponent to copy petition and memoranda data for use beyond the control of county election officials. In Bilofsky v. Deukmejian (1981) 124 Cal.App.3d 825, 831, 177 Cal.Rptr. 621 (Bilofsky), this court narrowly construed a provision in the Elections Code to prohibit any circulator of a petition (initiative, referendum, or recall) from using the list of signatures "'for any purpose other than qualification of the ... question for the ballot.'" Guided by "the California constitutional guarantee of privacy by insuring the least interference with that right of persons signing ... recall petitions," we narrowly construed the provision as "designed in order to protect the signer from any use of his identity other than that integral to the [petition] process."

We agree with the Registrar that the same privacy concerns exist for voters who participate in recall petitions. (See [Government Code] §§ 7924.000, subds. (a)-(c).) Use of voter information in this case outside the Registrar's walls would undoubtedly give the Committee greater control over how they use the information. In turn, this level of control could expedite its petition examination. But the Committee already has access to this information for use inside the examination room. And as a practical matter, we are mindful of the risks of unlawful dissemination of voter data in this case, even if that risk is mitigated by a protective order.[] Under these circumstances, we do not believe that use of electronic voter data outside the Registrar's walls is "integral" to the Committee's petition examination. (Bilofsky, supra, at pp. 831, 833, 177 Cal.Rptr. 621.)

The Appeals Court also concluded that existing law "does not authorize disclosure of affidavits of registration to proponents of recall petitions, the trial court erred by ordering disclosure of them in this case."

According to the County, the above described petition review lasted 14 months, cost the County approximately $1.5 million in additional staffing and resources, and diverted substantial resources and staffing away from existing election support activities; such as, examination of other initiative and referendum petitions at the state and local levels, updating of voter records, and preparing for the November 2022 General Election. The Court of Appeal decision does not address the duration of the failed petition examination or cost recovery as these were not issues in the case. The petition examination ultimately concluded because the trial court ordered the examination to conclude by November 21, 2023, which was 14 months after the petition review commenced.

COMMENTS

1) According to the author: When a petition receives insufficient signatures to qualify for the ballot, state law affords proponents the opportunity to examine the petition and reasons for signature rejections. However, there is no time limit for this review process which increases demand on county elections department staff time and resources. Some petition proponents have exploited this access to public resources through indefinite time for a review. SB 1441 establishes a 60-day time limit for the proponents to complete their review of the failed petition's signatures and authorizes a county to recover costs for resources expended accommodating the proponent's access to election records.

2) Double Referral. Prior to being heard by this committee, SB 1441 was heard in the Committee on Judiciary where it was approved with a 9 – 2 vote.

3) Argument in Support. In a letter sponsoring SB 1441, the County of Los Angeles stated, in part, the following:

> *Current law is silent regarding the amount of time proponents have to review failed petitions. Government Code section 7924.110 states that a petition proponent has up to 21 days after certification of insufficiency to commence an examination of disqualified petition signatures. However, the statute does not inform proponents of a failed petition how long they have to conduct their review of the insufficient signatures.*
>
> *Likewise, current law is silent about who must bear extraordinary costs incurred by elections offices for a protracted examination. Protracted reviews, although rare, are costly. SB 1441 would permit election officials to recover costs associated with reviewing failed petitions when those costs are not part of the normal operations budget of an elections office. Examples of such costs include hiring additional staff, sacrificing office space, and providing secure computer stations for the proponents to review documents.*
>
> *Elections have become increasingly complex, particularly following the enactment of the California Voter's Choice Act (SB 450, Chapter 832, Statutes of 2016). This complexity is creating greater demand for existing staff time and office resources. In this context, it is important to remember that county election officials have a sworn duty to ensure elections are conducted fairly, transparently, and lawfully. It is critical that county election officials ensure that election activities, like reviewing a failed petition, are managed effectively. As a result of current law's silence, petition proponents in some jurisdictions have exploited this access and abused public resources through what they may perceive as their right to an infinite amount of time and staff to examine failed petitions without obligation to reimburse the county. One egregious petition examination resulted in proponents using 14 months of election staff office time, office space, and computer terminals at a cost of well over $1.5 million.*

4) Argument in Opposition. In a letter opposing SB 1441, the Howard Jarvis Taxpayers Association stated, in part, the following:

> *The Howard Jarvis Taxpayers Association must oppose your Senate Bill 1441. The bill eviscerates a critically important tool for voters to ensure accurate verification of signatures on recall, initiative, and referendum petitions. It does this by placing a 60-day limit on the proponents' review of rejected signatures and the reason for that rejection, and by adding a new requirement for proponents to pay the costs of the review, which could run into the hundreds of thousands of dollars.*
>
> *SB 1441 requires proponents to deposit a sum covering the daily cost determined by the elections official before the examination even commences, and daily thereafter, with any costs above those amounts paid in full within 30*

days from the date that the examination concludes. This bars all but the wealthiest Californians and well-funded special interest groups from verifying the accuracy of a county's determination that insufficient signatures were submitted to qualify a measure for the ballot.

RELATED/PRIOR LEGISLATION

SB 286 (Newman), Chapter 870, Statutes of 2023, among other provisions, extended the time in which a county must examine petitions for sufficiency from 30 days to 60 days.

AB 1004 (Ta) of 2023 would have established a process for a voter whose signature on a state, county, city, or district initiative, referendum, or recall petition is rejected by an elections official to submit a statement to verify the voter's signature. AB 1004 was held in the Assembly Committee on Appropriations.

POSITIONS

Sponsor: County of Los Angeles

Support: California Association of Clerks and Election Officials
California State Association of Counties

Oppose: Howard Jarvis Taxpayers Association
3 individuals

-- END --

SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1450	**Hearing Date:**	4/16/24
Author:	Allen		
Version:	4/9/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Elections

DIGEST

This bill makes various changes to the California Voter's Choice Act (VCA).

ANALYSIS

Existing law.

1) Establishes the VCA and permitted counties to conduct elections in which every voter is mailed a ballot with vote centers and ballot drop-off locations available prior to and on Election Day. Provides a number of planning and outreach requirements for counties adopting and conducting elections pursuant to the VCA, as specified.

2) Requires every active registered voter to receive a vote by mail (VBM) ballot. Requires a county that does not conduct an election pursuant to the VCA to provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more VBM ballot drop-off locations, unless certain conditions are met.

This bill:

1) Makes the following changes for counties conducting their elections pursuant to the VCA:

    a) Requires each vote center to post information regarding the availability of language assistance services provided by the Secretary of State (SOS).

    b) Requires the establishment of a voter education and outreach advisory committee that is comprised of voter engagement, education, and community outreach advocates.

    c) Requires, when the county elections official develops a draft plan of administration, to hold a public meeting that includes experts on voter education and outreach, as specified.

d) Specifies when the existing language accessibility advisory committee (LAAC), the existing voting accessibility advisory committee (VAAC), and the voter education and outreach advisory committee (VEOAC) to hold their first meetings, as specified.

e) Permits a county with fewer than 50,000 registered voters to establish a joint advisory committee for language minority community, voters with disabilities, and voter education and outreach advocates.

f) Creates a deadline and requires the county election official to adopt a final election administration plan no later than 180 days before the election conducted using the VCA model.

g) Modifies the mailing requirements for two direct contacts with voters to requiring at least one direct contact after eight elections are conducted pursuant to the VCA. Provides that if two or more registered voters have the same surname and the same postal address, only one copy of each direct contact may be mailed to that postal address. Provides that one direct contact with voters may be made for an election that is conducted either in a jurisdiction with fewer than 30,000 registered voters or if a special election is conducted within 30 days a regularly scheduled statewide election, as specified.

h) Establishes a deadline of six months after each election for the county election official to post reports on the costs of the election on their website.

2) Specifies that a final report is required to be submitted by the SOS to the Legislature within six months of each election conducted pursuant to the VCA.

3) Requires the SOS to establish a taskforce to review elections conducted pursuant to the VCA and provide comments as well as recommendations to the Legislature within six months of election, as specified. Provides the representatives of the taskforce include all of the following:

a) County elections officials.

b) Individuals with demonstrated language accessibility experience for languages covered under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

c) The disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

d) Experts with demonstrated experience in the field of elections.

4) Makes various minor, clarifying, and technical changes.

BACKGROUND

Senate Bill 450 (Allen). In 2016, the Legislature passed and Governor Brown signed SB 450 (Allen), Chapter 832, Statutes of 2016. SB 450 enacted the VCA and provided

a new model for counties to administer elections. This election model was based off of a Colorado election model where every registered voter is mailed a VBM ballot and may visit any voting location, known as vote centers, within the voter's county prior to and on Election Day to vote or seek assistance with voting.

While there was some variation in California, prior to SB 450, jurisdictions had two options to administer elections. First, jurisdictions under a specific number of registered voters were able to conduct their election by mail. Second, and more common, jurisdictions provided polling places where voters voted at an assigned polling place. Voters were divided into precincts of no more than 1,000 voters and assigned a polling place. Counties using this method are sometimes referred to as "traditional polling place" counties.

The VCA requires counties to mail a VBM ballot to all active registered voters and replaced polling places with vote centers and ballot drop-off locations. For regularly scheduled elections, one vote center is required for every 50,000 registered voters open from the 10th day to the 4th day prior to the election, and one vote center for every 10,000 registered voters from the 3rd day prior to the election through Election Day, with no fewer than two vote centers. For special elections, one vote center is required for every 60,000 registered voters from the 10th day to the day prior to the election, and one vote center for every 30,000 registered voters on Election Day. Voters could visit any vote center in the voter's county to return a VBM ballot, register to vote, and vote. Vote centers also need to be accessible to voters with disabilities and provide language assistance in a way consistent with current state and federal law. Finally, a ballot drop-off location was required for every 15,000 registered voters and available from the 28th day before the election through Election Day.

Counties under the VCA. Following the enactment of SB 450, five counties elected to change their election model to the VCA for the 2018 elections. In 2020, 10 counties made the switch. In 2022, 12 more counties opted for the VCA. For the March 5, 2024 statewide presidential primary, 29 counties conducted their elections using the VCA model.

Using data from the SOS's Report of Registration, as of February 20, 2024, there were 26,638,018 eligible voters with 22,077,333 registered voters in California. There were 20,583,056 eligible voters with 17,236,233 registered voters in counties using the VCA as an election model. This equates to 77.27 percent of California's eligible voters and 78.07 percent of registered voters.

Election Administration Plans. When determining the placement of vote centers and VBM drop-off locations, county elections officials are required to develop a plan for election administration under the VCA. The county elections official, when developing the draft election administration plan, are required to consider, at a minimum, all of the following: vote center and ballot drop-off location proximity to public transportation, to communities with historically low VBM usage, to population centers, to language minority communities, to voters with disabilities, to communities with low rates of household vehicle ownership, to low-income communities, to communities of eligible voters who are not registered to vote and may need access to same day voter registration, and to geographically isolated populations. Additionally, elections officials must also consider access to accessible and free parking at vote centers and ballot

drop-off locations, the distance and time a voter must travel by car or public transportation to a vote center and ballot drop-off location, traffic patterns near vote centers and ballot drop-off locations, the need for alternate methods for voters with disabilities for whom VBM ballots are not accessible to cast a ballot, the need for mobile vote centers in addition to the number of vote centers established pursuant to the VCA, and vote center locations on a public or private university or college campus.

These election administration plans are also drafted in consultation with the public through meetings publicly noticed in advance of the meeting. One meeting is required to include representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English. Another meeting is required to include representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities. Both meetings need to be publicly noticed at least 10 days in advance of the meeting.

Following the public meeting, the county elections official is required to consider any public comments the official receives from the public and amend the draft plan in response to the public comments to the extent the official deems appropriate. Following this step, the amended draft plan is publicly noticed and additional public comments are accepted for at least 14 days before the county elections official may adopt the amended draft plan. After the public review period, the elections official may adopt a final election administration plan.

The county elections official is also required to create and submit to the SOS a voter education and outreach plan for approval. The SOS is required to approve, approve with modifications, or reject the voter outreach and education plan within 14 days after the plan is submitted by the county elections official. The draft plan, the amended draft plan, and the adopted final plan for the administration of elections is required to be posted on the website of the county elections official in each language in which the county is required to provide voting materials and assistance under state and federal law and the SOS's website in a format that is accessible for people with disabilities.

Outreach Efforts. Counties using the VCA are also required to create two committees under the county elections official: a LAAC and a VAAC. A local LAAC is comprised of representatives of language minority communities. A local VAAC is comprised of voters with disabilities. This is similar to the statewide LAAC and VAAC. These local committees provide the elections official with input and feedback when creating election administration plans.

Of note, San Mateo County established a VEOAC. The VEOAC was created in 2018, San Mateo County's first election using the VCA. This committee, though not required by state law, advises and assists the San Mateo County elections official on matters relating to education and outreach by providing expertise and advice on voter education and outreach issues, gather feedback from local communities on voter education and outreach issues, propose recommendations on how to better assist voters, and monitor new laws and regulations on elections voter education and outreach issues.

The SOS also provides outreach specifically related to the VCA. For example, in 2021, the state budget included $5.8 million from the General Fund to support VCA counties in

preparation for the 2022 primary and general elections. This funding provided local assistance to counties that adopted the VCA model and funded statutory elections research and reporting requirements. In 2022, the SOS received $452,000 from the General Fund and $437,000 annually thereafter to support three positions for the continued administration of VCA mandates.

Additionally, the SOS also launched the VCA Ambassador Program to promote awareness about increased voting options. This program assists the SOS's office in building partnerships with organizations and connecting these organizations with VCA counties to help close voter participation gaps. According to the SOS's website, these ambassadors seek to amplify the "More Days, More Ways to Vote" voter education and outreach message to ensure voters in VCA counties are informed about the available voting options under the VCA election model.

VCA Reports. Within six months of each election, the SOS is required report to the Legislature, to the extent possible, all of the following information by categories of race, ethnicity, language preference, age, gender, disability, permanent VBM status, historical polling place voters, political party affiliation, and language minorities as it relates to the languages required under state and federal law: voter turnout, voter registration, ballot rejection rates, reasons for ballot rejection, provisional ballot use, accessible VBM ballot use, the number of votes cast at each vote center, the number of ballots returned at ballot drop-off locations, the number of ballots returned by mail, the number of persons who registered to vote at a vote center, instances of voter fraud, and any other problems that became known to the county elections official or the SOS during the election or canvass. The report is required to be posted on the SOS's website in a format accessible for people with disabilities.

The reports seek to provide information in order to improve aspects of election administration using the VCA in a timely manner. However, the March 3, 2020 Primary Election and the November 3, 2020 General Election reports were received on May 6, 2022. This was approximately 26 months following the March 2020 primary election and approximately 18 months following the November 2020 general election.

The initial reports from the 2021 gubernatorial recall election, the 2022 primary election, and the 2022 general election were received in June 2023. A supplemental report with additional data for the 2021 gubernatorial recall election and the 2022 primary election were received in November 2023. For the 2021 gubernatorial recall election, this was approximately two years from that election. For the 2022 primary election, this was approximately 17 months from that election. The SOS has not posted the supplemental report for the 2022 general election.

Additionally, county elections officials are required to post on the official's website a report that compares the cost of elections conducted pursuant to the VCA to the costs of previous elections. These reports are required to be posted in a format that is accessible for people with disabilities.

VCA Analysis. In October 2023, a report was published to examine the impact of the VCA on California's voter participation gap and explored how the VCA could be used to increase voter turnout. The project was sponsored by the Evelyn and Walter Haas, Jr. Fund and the Silicon Valley Community Foundation. Dr. Mindy Romero, founder and

director of the Center for Include Democracy at the University of Southern California, was the principal researcher and advisor for this project. Lori Shellenberger, an election policy consultant, facilitated the project and drafted the report.

The report found that a participation gap exists across elections in both VCA and non-VCA counties. For example, the report shows that eligible voter turnout gaps between Latino and Asian American voters and the general voter population were slightly wider in VCA counties when compared to non-VCA counties in the 2022 general election. The report notes that this is in contrast to turnout increases in the first five VCA counties in the 2018 elections and the 2020 elections. While there was not a single provision as to why this participation gap continues to exist, the report makes the following recommendations for statewide leadership and counties:

Statewide:

1) The SOS and the Legislature should work together to secure more funding in the Governor's 2024 budget for voter outreach and education and to ensure robust election administration planning and implementation.
2) The SOS should revive the VCA Taskforce that was allowed to sunset on January 1, 2022. The re-establishment of the VCA Taskforce would be the best avenue for the SOS to intentionally and formally convene elections officials, voter engagement experts, and legislative stakeholders. The Taskforce would play an important role in reviewing VCA election planning, spending, and outreach efforts, and in formally reporting their analysis – and suggestions for how gaps can be narrowed – to the Legislature.
3) The Legislature should turn a closer eye to the voter participation crisis, including a joint elections committee informational hearing to review the SOS's 2022 VCA election reports and other reports and research from the elections field that could inform recommendations for elections funding in the Governor's 2024 budget, as well as steps the Legislature might take in the future to address participation gaps.

Counties:

1) County elections officials should post the required VCA election cost analysis, including detailed information on the dollars spent to reach marginalized voters and the methods used to reach those voters in the 2022 election, and should continue to make that information available, as required, following subsequent elections.
2) Each county elections official should host a debrief of the 2024 primary election with voter engagement organizations in their county and the county's language and accessibility advisory committees, share data on primary election turnout and vote center and drop box usage, explore ways to better reach marginalized voters, and share details of 2024 general election voter outreach plans. This practice should be utilized after all elections moving forward.
3) County elections officials should seek additional outreach funding from their Boards of Supervisors and consider ways to get those funds to trusted messengers.

Senate Oversight Hearing on VCA. On December 18, 2023, this committee held an oversight hearing on the VCA. The hearing's goal was to learn what is working, what could be improved, and how to move forward. The committee heard from the SOS's office, county election officials, community organizations, and the Center for Inclusive Democracy on all aspects of the VCA. Topics discussed ranged from the roles of each entity under the VCA, early voting time periods, reviving the VCA taskforce, and outreach operations.

COMMENTS

1) According to the author: The VCA offered counties a new way to conduct elections that increases access and convenience for voters. Under the VCA, counties can choose to switch from traditional neighborhood polling places to a vote center model that offers ten days of early voting, vote-by-mail for all voters, same-day voter registration, accessible voting machines for voters with disabilities, additional language support services, and the ability for voters to vote at any location in the county.

   A 2023 report published by the Center for Inclusive Democracy noted that, while turnout gaps still exist, there are beneficial aspects of the VCA including increased transparency, accountability, and community engagement with election planning. Additionally, there are fewer reported Election Day problems at vote centers, more access to bilingual poll workers, and more voting machines for voters with disabilities. However, a Senate Committee on Elections and Constitutional Amendments oversight hearing reviewing VCA implementation revealed potential improvements to reduce costs for county elections officials and enhance voter outreach strategies.

   SB 1450 proposes changes to streamline administration and reduce costs of conducting elections under the VCA. The bill will require mailings to be sent to each household, rather than to every registered voter, and addresses situations where irregularly scheduled special elections and overlapping special districts result in duplicative and potentially confusing informational mailers. To improve election management, the bill also establishes a deadline for counties to finalize election administration plans and requires advisory committees to provide expertise on voter education and community outreach strategies. SB 1450 will maintain vital voter accessibility provisions while reducing costs and administrative barriers for counties to more efficiently and effectively conduct elections under the VCA model.

2) Early Voting Period and Timeliness. One topic that was brought up in the committee's oversight hearing that this bill does not address is the early voting period and the number of required vote centers. It was clear from the oversight hearing that finding a workable solution that balances voter access with the need to be fiscally responsible is paramount. All entities, including the SOS's office, should continue discussing the issue, but a viable solution is needed sooner rather than later in order for counties to adequately prepare for the 2026 elections.

RELATED/PRIOR LEGISLATION

SB 450 (Allen), Chapter 832, Statutes of 2016, established the VCA and permitted counties to conduct elections in which every voter is mailed a ballot with vote centers and ballot drop-off locations available prior to and on Election Day, in lieu of operating polling places for the election, subject to certain conditions and as specified.

AB 37 (Berman), Chapter 312, Statutes of 2021, required county elections officials to mail a ballot to every active registered voter for all elections. Additionally, AB 37 required a county that does not conduct an election pursuant to the VCA to provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more VBM ballot drop-off locations, unless certain conditions are met.

AB 1762 (Committee on Elections), Chapter 479, Statutes of 2023, among other provisions, deleted the VCA provisions specific to Los Angeles County permitting them to use the VCA model that applies to all the counties that opt for the VCA.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

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SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS
Senator Catherine Blakespear, Chair
2023 - 2024 Regular

Bill No:	SB 1493	**Hearing Date:**	4/16/23
Author:	Blakespear		
Version:	3/18/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Scott Matsumoto		

Subject: Elections.

DIGEST

This bill reduces the number of copies of the state voter information guide required to be mailed to specified individuals and educational institutions.

ANALYSIS

Existing law:

1) Requires the Secretary of State (SOS) to produce a state voter information guide (VIG) which must contain specified information, including, but not limited to, arguments and rebuttals for and against each state ballot measure, and an analysis of each state ballot measure.

2) Requires that a state VIG be mailed to every postal address at which one or more persons are registered to vote as of the 29th day before a statewide election.

3) Requires the SOS to establish a process that allows a voter to choose to opt out of receiving the state VIG and receive it by electronic mail, as specified.

4) Requires the SOS, as soon as copies of the VIG and copies of the full text of state ballots measures are available, to immediately mail the following number of copies and to the listed individuals and places:

    a) Five copies to each county elections official or registrar of voters, Member of the Legislature, and to the proponents of each ballot measure.

    b) Two copies to each public library and branch of each public library.

    c) Six copies to each city elections official.

    d) Twelve copies to each high school or other public school teaching at least the 11th and 12th grades.

    e) Twenty-five copies to each public postsecondary education institution.

5) Provides that upon request, and at the discretion of the SOS, additional copies may be furnished to these persons and institutions.

This bill:

1) Reduces the number of copies to one copy of the state voter information guide and one copy of the full text of all measures distributed to each county elections official or registrar of voters, Member of the Legislature, proponents of each ballot measure, public library, city elections official, high school, and public postsecondary education institution, as specified.

2) Requires, upon request, the SOS to furnish to these persons and institutions upon request to the SOS.

BACKGROUND

State VIG Costs. Numerous factors go into determining the total cost for the SOS to prepare and mail the state VIG including, but not limited to, the total number of pages required, the total number of copies required, translation costs, etc. The state VIG for the November 8, 2024 statewide general election was 128 pages. According to the SOS's office, the total cost to produce and mail the state VIG for the November 8, 2024 statewide general election was $12,335,979.

COMMENTS

According to the author: In an age where we can access voter information guides with electronic devices that fit into the palm of our hands, it is redundant to send multiple copies of this easily accessible information to elected officials, the legislature, public libraries or schools. Reducing this requirement to one copy each is reasonable and will prevent unnecessary waste, as each office or entity may request additional copies if they wish to.

RELATED/PRIOR LEGISLATION

The introduced version SB 664 (Allen) of 2019 reduced the required number of VIGs to each county election official or registrar of voters, each city elections official, each Member of the Legislature, and the proponents to one copy. SB 664 was later amended to reflect another subject.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

-- END --