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Umberg, Thomas J.

California State Senate

ELECTIONS AND CONSTITUTIONAL AMENDMENTS



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AGENDA

Tuesday, April 1, 2025
10:30 a.m. -- 1021 O Street, Room 2100

ADOPTION OF COMMITTEE RULES

MEASURES HEARD IN FILE ORDER

- | | | | |
|----|--------|------------|---------------------------------------------------------------------------------------------------------------|
| 1. | SB 270 | Ochoa Bogh | Recall elections: notice of intention. |
| 2. | SB 458 | Niello | Initiative and referendum measures: title and summary. |
| 3. | SB 42 | Umberg | Political Reform Act of 1974: public campaign financing:
California Fair Elections Act of 2026. |
| 4. | SB 398 | Umberg | Voter registration. |
| 5. | SB 405 | Choi | Elections: voter identification. |
| 6. | SB 406 | Choi | Elections: ballot submission deadline. |
| 7. | SB 407 | Choi | Elections: official canvass. |
| 8. | SB 280 | Cervantes | Political Reform Act of 1974: prohibition on contributions in
state and local government office buildings. |

**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No: SB 270 **Hearing Date:** 4/1/25
Author: Ochoa Bogh
Version: 2/3/25
Urgency: No **Fiscal:** No
Consultant: Carrie Cornwell

Subject: Recall elections: notice of intention

DIGEST

This bill excludes the signatures and street addresses of the recall proponents from a published notice of intention to recall a state or local elected official.

ANALYSIS

Existing law:

- 1) Declares in the California Constitution that “recall is the power of the electors to remove an elective officer.”
- 2) Provides that to initiate a recall, a notice of intention to circulate a petition to recall an elected official must be served, filed, and published. The notice of intention includes:
 - a) Name and title of the officer sought to be recalled;
 - b) Statement of the reasons for the recall that does not exceed 200 words; and
 - c) Printed name, signature, and residence address of each proponent of the recall, which could be as few as 30 individuals.
- 3) Requires that the notice of intention be:
 - a) Served on the officer sought to be recalled;
 - b) Filed with the local elections official or the Secretary of State, as appropriate; and
 - c) Published in a newspaper that meets specified requirements to be a “newspaper of general circulation.” In cases where there is no such newspaper, the notice of intention must be posted in three locations in the jurisdiction of the official to be recalled.
- 4) Prescribes the processes for qualifying a recall to appear on a ballot and for scheduling the election resulting when a recall qualifies, and creates separate processes for state and local officials.

This bill excludes the signatures, street numbers, and street names from the notice of intention when it is published in a newspaper or posted in three locations.

COMMENTS

- 1) Author's statement. The recall is a popular tool of electoral accountability that has been used by California's voters for more than a century. In this era of digital technology, it is critical we take steps to safeguard the personal information of voters who choose to engage in the electoral process.
- 2) Number of Recalls. Since the addition of recall provisions in the California Constitution in 1911, only 11 recall elections against state officials have occurred, most recently in 2021 with the effort to recall Governor Gavin Newsom. Of the 11, six were successful.

The recall is more commonly used at the local level. According to data from the California Election Data Archive (CEDA), a joint project of the Center for California Studies at the California State University, Sacramento, and the Secretary of State's office, 368 local recall elections occurred in California between 1995 and 2022, or an average of 13 per year. Most local recall efforts that qualify for the ballot are generally successful.

- 3) Suggested Amendment: Public Records Act. The author introduced a similar bill last year that was amended to require local election officials or the Secretary of State to redact the same information from the notice of intention before releasing it to the public. The author noted that this amendment further served to protect the personally identifiable information of voters participating in the recall process. The committee may wish to amend that language from SB 1293 (Ochoa Bogh) of 2024 into this bill.
- 4) Suggested Amendment: Posting in Places without a Newspaper. The committee may wish to consider an amendment to require in communities without a newspaper of general circulation to electronically post the notice of intention on three local websites, in addition to three physical locations. These could include the local jurisdiction's website, the local chamber of commerce or other business organization's website, and a local virtual bulletin board. To achieve this intent, the amendments would direct the California Secretary of State to promulgate regulations to implement this virtual posting requirement.
- 5) Double referral. Should this bill pass this committee, it will next be heard in the Committee on Judiciary.

RELATED/PRIOR LEGISLATION

SB 1293 (Ochoa Bogh) of 2024 would have required that a published notice of intention to recall a state or local elected officer to omit the proponents' signatures, street numbers, and street names of their residence addresses. The bill was held under submission in the Senate Committee on Appropriations.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

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**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No:	SB 458	Hearing Date:	4/1/25
Author:	Niello		
Version:	2/19/25		
Urgency:	No	Fiscal:	Yes
Consultant:	Scott Matsumoto		

Subject: Initiative and referendum measures: title and summary

DIGEST

This bill makes corresponding changes should SCA 3 (Niello) of 2025 be adopted by the Legislature and subsequently approved by voters. SCA 3 requires the Legislative Analyst Office (LAO), instead of the Attorney General (AG), to prepare the ballot title and summary for all measures submitted to the voters of the state.

ANALYSIS

Existing law:

- 1) Requires, pursuant to both the California Constitution and various state statutes, the proponent(s) of a proposed initiative or referendum to submit the proposal to the AG to prepare a circulating title and summary of its chief points and purposes.
- 2) Requires the AG to provide a copy of the circulating title and summary to the Secretary of State (SOS) within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance (DOF) and the LAO.
- 3) Provides that the date the copy is delivered is the “official summary date.”
- 4) Requires the fiscal estimate prepared by the DOF and the LAO to be delivered to the AG within 50 days of the date of receipt of the proposed initiative measure by the AG.
- 5) Requires the AG to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and the SOS within 10 days after receipt of the proposed referendum.
- 6) Requires the circulating title and summary of a proposed statewide ballot measure to appear on the measure’s petitions.
- 7) Requires the AG to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election for inclusion in the state ballot pamphlet and the actual ballots.

This bill:

- 1) Requires the LAO, instead of the AG, to prepare the circulating title and summary of proposed ballot measures.
- 2) Requires the LAO, instead of the AG, to prepare the ballot title and summary for all measures submitted to the voters of the state.
- 3) Makes other conforming changes.
- 4) Provides the provisions of this bill are contingent upon the approval of SCA 3 by voters.

BACKGROUND

The DOF and the LAO. The DOF serves as the Governor's chief fiscal policy advisor in fiscal matters. The LAO is overseen by the a 16-member bipartisan Joint Legislative Budget Committee (JLBC). According to its website, the LAO's analytical staff covers several budget and policy areas: criminal justice, state finance, education (including K-12 and higher education), health and human services, natural resources and environment, general government (including local government), transportation, and capital outlay and infrastructure.

The LAO is responsible for analyzing the Governor's annual budget. This responsibility includes providing a number of analyses throughout the budget process on fiscal issues and specific department proposals.

The LAO is also a staff resource to the Legislature and does the following:

- Reviews requests by the administration to make changes to the budget after it is enacted. These reviews are used primarily by members of the JLBC and the fiscal committees.
- Prepares special reports throughout the year on the state budget and topics of interest to the Legislature.
- Estimates the fiscal effect on state and local government of all proposed initiatives (prior to circulation) and prepares analyses of all measures that qualify for the statewide ballot.
- Forecasts the state revenues and expenditures.

History of similar proposals. Over the last 15 years, versions of this proposal have been introduced, most recently as SCA 3 (Niello) of 2023 and SB 858 (Niello) of 2023. SCA 3 and SB 858 were both held on the Senate Committee on Appropriations' Suspense File.

COMMENTS

- 1) Author's Statement. This bill will reform the process by which ballot measure title and summaries are written by transferring the duty of preparing the ballot title and summary for all proposed initiative or referendum measures from the AG to the LAO.

This bill would help alleviate the partisanship involved in drafting of ballot initiative title and summaries, by moving the responsibility to the Legislative Analyst, the entity that prepares the impartial analysis of ballot initiative measures. Having a nonpartisan official responsible for writing title and summaries, allows for an unbiased perspective. The LAO is a trusted source that can provide such a solution.

- 2) Legislative Analyst. While oftentimes viewed as a nonpartisan position, the Legislative Analyst is appointed by the Legislature. Additionally, the initiative and referendum process was originally designed to be an alternative to the legislative process. If these tools of democracy were truly intended to circumvent the legislative process, the committee should consider whether the LAO is the appropriate entity to write information relating to initiatives and referenda.
- 3) Suggested Amendment. This measure is the companion measure for SCA 3. As a result, the references to an SCA in this bill should reflect how the provisions in this bill only go into effect if SCA 3 is enacted.

RELATED/PRIOR LEGISLATION

SCA 3 (Niello) of 2023 and SB 858 (Niello) of 2023 would have amended the California Constitution to require the LAO, instead of the AG, to prepare the ballot title and summary for all measures submitted to the voters. Both measures were held on the Senate Committee on Appropriations' Suspense File.

ACA 4 (Kiley) of 2021 was substantively similar to SCA 3 as it would have transferred from the AG to the LAO the duty of preparing the title and summary for a proposed initiative or referendum, the ballot label, and the ballot title and summary for the state voter information guide. ACA 4 was not heard and was returned to the Assembly Desk.

AB 2394 (Gorell) of 2014 would have required the SOS, instead of the AG, to prepare the ballot label and the ballot title and summary for all state measures submitted to the voters and the circulating title and summary for initiative and referendum measures. AB 2394 was not heard by an Assembly policy committee.

SCA 19 (Fuller) of 2012 and SB 1296 (Fuller) of 2012 would have transferred the duty of preparing the title and summary for proposed initiative or referendum measures from the AG to the LAO. Both measures failed passage in this committee.

AB 1968 (Niello) of 2010, among other provisions, would have required the LAO, instead of the AG to prepare a circulating title and summary of the chief purpose and points of a proposed state initiative or referendum measure. The bill failed passage in the Assembly Committee on Appropriations.

AB 319 (Niello) and ACA 20 (Niello) of 2009 would have required the LAO, instead of the AG, to prepare a circulating title and summary of the chief purpose and points of a proposed state initiative or referendum measure. Both measures failed passage in the Assembly Elections and Redistricting Committee.

AB 2209 (Niello) of 2008 was substantively similar to AB 319 of 2009 and failed passage in the Assembly Committee on Elections and Redistricting.

POSITIONS

Sponsor: Author

Support: California Common Cause
Folsom Chamber of Commerce / Choose Folsom
League of Women Voters of California

Oppose: None received

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**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No: SB 42 **Hearing Date:** 4/1/25
Author: Umberg
Version: 2/5/25
Urgency: No **Fiscal:** No
Consultant: Carrie Cornwell

Subject: Political Reform Act of 1974: public campaign financing: California Fair Elections Act of 2026

DIGEST

This bill puts before the voters a system for public funding of state and local election campaigns in California.

ANALYSIS

Existing law, the Political Reform Act of 1974 (PRA):

- 1) Prohibits spending public moneys for campaign purposes.
- 2) Prohibits foreign entities from making campaign contributions and campaigns from soliciting or accepting foreign contributions.
- 3) Allows two processes for amending the PRA, either by a majority vote of the people or by legislation passed by a two-thirds vote of each house of the Legislature, provided the amendments further the purposes of the PRA.

This bill:

- 1) Makes findings and declarations, including that:
 - a) The costs of political campaigns can force candidates to rely on large contributions from wealthy donors and special interests, which in turn can give those donors disproportionate influence over governmental decisions and thus undermine public trust.
 - b) The absolute prohibition on public campaign financing allows special interests to gain disproportionate influence and unfairly favors incumbents.
- 2) Defines “public funds” for campaigns as “moneys provided to a candidate by a state or local governmental entity for the purpose of seeking elective office.”

- 3) Prohibits a public official or other candidate for office from expending public funds that a state or local entity has earmarked for education, transportation, or public safety for seeking elective office.
- 4) Requires candidates in order to qualify for public funds to abide by expenditure limits and meet strict criteria showing broad-based support through a large number of small dollar contributions or a similar proxy.
- 5) Prohibits using public funds for legal defense fees or fines or to repay a personal loan made by a candidate to the campaign, including after a campaign's conclusion.
- 6) Provides that the Fair Political Practices Commission (FPPC) is not responsible for administering or enforcing a local agency's system of public financing of candidates.
- 7) Increases the fines, by up to three times, for violating the ban on foreign entities making campaign contributions.
- 8) Makes its provisions severable in the event any portion of the bill is successfully challenged in court.
- 9) Requires the Secretary of State to submit the provisions of this bill to the voters for approval at the November 3, 2026 statewide general election.

BACKGROUND

Proposition 9, which appeared on the June 1974 ballot, created the PRA and established California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures.

In 1988, Proposition 73 amended the PRA in several ways, including prohibiting the use of public moneys for campaign purposes. Federal courts found much of Proposition 73 unconstitutional, but the prohibition on the use of public money for campaign purposes was one provision that did survive and remains in force today.

Several attempts over the past few decades have been made to allow public financing of campaigns in California. Most recently, SB 1107 (Allen), Chapter 837, Statutes of 2016, permitted a public officer or candidate to spend or accept public moneys to seek elective office, if the state or a local governmental entity established a dedicated fund for that purpose. The courts invalidated SB 1107 by ruling that the voters would need to make this change to the PRA.

While none of the statewide efforts to establish public financing have succeeded, charter cities can have public financing of campaigns for city offices, and five charter cities do. These five are Berkeley, Long Beach, Los Angeles, Oakland, and San Francisco.

COMMENTS

- 1) Author's statement. Currently, local jurisdictions such as counties, districts, and general law cities, do not have the option to set up public fund for campaign financing, despite the policy's popularity among voters, as voters in several charter cities have overwhelmingly approved public campaign financing measures in recent years. Unfortunately, other local governments do not have the option to enact these same policies. In 2016, bipartisan supermajorities of the legislature passed, and Governor Jerry Brown signed, SB 1107 (Allen), which would have removed the ban and given local governments and the state this option. The courts, however, ruled that the question must be put before the voters. This bill will restore control to local governments and the state by giving counties, districts, general law cities, and the state the same option that charter cities currently have to enact public financing of campaigns. If passed, this measure will be placed on the November 2026 ballot for voter approval.
- 2) Other states. According to the National Conference of State Legislatures, 14 states provide some form of public financing of campaigns. Several states, including Arizona, Connecticut, and Maine, have systems similar to the one contemplated by this bill. In those states candidates must collect small contributions from a specified number of individuals to demonstrate sufficient support to warrant public campaign funding. The state then provides the candidate campaign funding equal to the expenditure limit set for that election. For example, in Arizona, a candidate for the state legislature must raise \$5 contributions from at least 200 individuals to qualify for public financing in an amount equal to the expenditure limit.
- 3) Arguments in support. Supporters cite polling data showing that voters are increasingly concerned about money in politics and note that public financing of campaigns can address the concerns of voters. They assert that public financing as conceived of in this bill increases the power of small donors and ordinary voters, as well as reducing the barriers to running for office.

Supporters further note that Proposition 73, passed in 1988 and largely invalidated by the courts, is the barrier to allowing jurisdictions, other than charter cities, to set up public financing systems. They observe that this bill does not create public financing nor require any government to offer it. They support this bill so that every jurisdiction in the state receives the same opportunity that charter cities have to make the choice to have public financing of campaigns.

- 4) Arguments in opposition. Opponents raise concerns that this bill will force taxpayers to finance political speech they do not wish to support and that under its provisions governments may be able to arbitrarily prohibit certain candidates from receiving funding. Opponents further note that public financing can lead to abuse and corruption when candidates fraudulently seek financing. Finally, opponents argue that the state has ongoing structural deficits and many local governments face budget pressures due to inflation. Governments should, therefore, prioritize prudent fiscal policies and make the most of the tax dollars they receive.
- 5) Technical amendments. Delete "recent" where it appears in findings and declarations referring to studies released in 2014 and 2016.

- 6) Double referral. Should this bill pass this committee, it will next be heard in the Committee on Appropriations.

RELATED/PRIOR LEGISLATION

AB 270 (Lee) of 2023-24 was nearly identical to this bill. After passing the Assembly, the bill was held under submission in the Senate Committee on Appropriations.

SB 24 (Umberg) of 2023-24 was similar to this bill in that it provided for a system of public financing of campaigns to be submitted to the voters at a statewide general election. The bill passed the Senate, but was ultimately held under submission in the Assembly Committee on Appropriations.

SB 1107 (Allen), Chapter 837, Statutes of 2016, permitted a public officer or candidate to spend or accept public moneys to seek elective office, if the state or a local governmental entity established a dedicated fund for that purpose. Court decisions invalidated the chaptered provisions of this bill.

POSITIONS

Sponsor: California Clean Money Campaign
California Common Cause (co-sponsor)
League of Women Voters of California (co-sponsor)

Support: Supervisor Vincente Sarmiento, Orange County Board of Supervisors
American Federation of State, County and Municipal Employees, AFL-CIO
Asian Law Center
Bay Rising Action
California Councils of Churches IMPACT
California Democratic Council
California Donor Table
California Environmental Voters
Californians for Disability Rights
Consumer Watchdog
Courage California
Culver City Democratic Club
Democrats of Rossmoor
Dolores Huerta Foundation
Ella Baker Center for Human Rights
End Citizens United
Endangered Habitats League
Engage San Diego
Fair Rep LA
Hmong Innovating Politics
Indivisible CA: StateStrong
Indivisible Green Team
Inland Empire United
La Defensa
Los Angeles County Democratic Party
Los Angeles for Democracy Vouchers

Money Out Voters In (MOVI)
Oakland Rising
Represnet.US
Santa Monica Democratic Club
South Bay Progressive Alliance
Starting Over Strong
Unrig LA
Voters Right to Know
Working Partnerships USA
One individual

Oppose: California Taxpayers Association
One individual

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**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No: SB 398 **Hearing Date:** 4/1/25
Author: Umberg
Version: 2/14/25
Urgency: No **Fiscal:** Yes
Consultant: Scott Matsumoto

Subject: Voter registration

DIGEST

This bill prohibits a person from paying another person to register to vote.

ANALYSIS

Existing law:

- 1) Prohibits, under federal law, a person from paying or offering to pay another person to register to vote, or from accepting payment to register to vote in a federal election.
- 2) Requires, under state law, any person who, in exchange for money or other valuable consideration, assists another person to register to vote to provide identifying information about the person, company, or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit of registration.
- 3) Requires, under state law, a person, company, or other organization that agrees to pay money or other valuable consideration to a person who assists another person to register to vote by assisting to register or by receiving the completed affidavit of registration to maintain records and ensure that the provisions in 2) are being followed.

This bill:

- 1) Provides any person who knowingly or willfully pays or offers to pay money or other valuable consideration for another person to register to vote is guilty of a crime.
- 2) Defines “other valuable consideration” to include, but is not limited to, a chance to win a lottery or similar prize-drawing contest.
- 3) Provides that a violation is punishable by imprisonment for up to five years, a fine of up to \$10,000, or both.

BACKGROUND

Federal Law. Existing federal law prohibits a person from paying another person for registering to vote in federal elections. This includes elections where a federal office is being considered at a primary, general, or special election.

Generally, a person's voter registration is valid for every election after following the initial registration if all the other pertinent information (name, address, etc.) remains the same. Voter registrations in California include federal elections because a voter's registration is maintained beyond one election. As federal law prohibits the payment to a person registering to vote, it is already illegal for this type of transaction to take place.

State Law. Existing state law consists of provisions relating to a person, organization, or other entity paying another person to register voters. This includes what information is collected by the person registering others to vote, how that information is separated, and the timeliness of submitting voter registration affidavits. The law also includes penalties for entities that misrepresent themselves when registering voters or do not comply with the provisions previously mentioned. There is nothing in state law that explicitly prohibits a person from providing compensation to another person to register to vote.

Standalone State or Local Elections. While federal law covers the bulk of elections in California as it pertains to voter registration, a person could be paid to register to vote, vote in a standalone state or local election, and then unregister to vote. The committee has not heard of instances of this occurring, especially since, generally, a person's voter registration remains intact beyond a single election.

America PAC and the 2024 Presidential Election. During the 2024 presidential election, America PAC announced that it was awarding \$1 million per day until Election Day to a voter who signed America PAC's petition to support the United States Constitution. This was open to registered voters in seven states - Arizona, Georgia, Michigan, Nevada, North Carolina, Pennsylvania, and Wisconsin.

In Pennsylvania, Philadelphia District Attorney Larry Krasner sued to block the effort, alleging that the payouts were an illegal lottery. Judge Angelo J. Foglietta ruled that Krasner failed to establish the three required elements that constitute a lottery: 1) a prize to be won, 2) a winner determined by chance, and 3) a payment of consideration by the player. Judge Foglietta ruled that those selected earned their compensation by agreeing to be a spokesperson for America PAC. It was noted that America PAC selected people using a multi-step process that included reviewing social media posts and meeting in-person to see if the person was a good fit for the role.

COMMENTS

- 1) **Author's Statement.** In October 2024, Elon Musk's America PAC announced a \$1 million lottery for individuals in swing states who signed a petition supporting the First and Second Amendments. Despite vote buying being illegal, Musk and the PAC argued that they were not directly paying people to vote in a specific way. Musk and America PAC claimed legality on the basis that they were not technically paying someone to vote in a particular manner. It can still be inferred that America

PAC created an alluring offer that likely incentivized constituents to register to vote if they had not already done so in a designated swing state.

- 2) Petitions and Voter Registration. The provisions of this bill explicitly prohibit a person from paying another person to register to vote. The author contends that this bill is a response to America PAC's effort to pay selected registered voters for signing a petition. Signing a petition by a non-governmental, but political, entity does not necessarily always require a person to be a registered voter before signing. This bill closes a potential loophole for paying someone to become registered to vote, but it does not directly address the issue raised by the author as it relates to America PAC and its activities.
- 3) Double Referral. If approved by this committee, SB 398 will be referred to the Committee on Public Safety for further consideration.

RELATED/PRIOR LEGISLATION

SB 1348 (Battin), Chapter 377, Statutes of 2006, made it a misdemeanor offense, with punishment by a fine of up to \$1,000, imprisonment up to six months in county jail, or both for any person to knowingly misrepresent themselves while providing assistance when registering another person to vote, unless certain conditions are met.

SB 1077 (Schiff), Chapter 456, Statutes of 1997, among other provisions, requires individuals or organizations paying to register people to vote to identify and separate submitted affidavits into groups that do and do not comply with specified provisions relating to the completeness of voter registration affidavits. The bill also established penalties for failure to comply.

POSITIONS

Sponsor: Author

Support: California Civil Liberties Advocacy
California Clean Money Campaign

Oppose: None received

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**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No: SB 405 **Hearing Date:** 4/1/25
Author: Choi
Version: 2/14/25
Urgency: No **Fiscal:** No
Consultant: Scott Matsumoto

Subject: Elections: voter identification.

DIGEST

This bill repeals a prohibition on local governments enacting and enforcing provisions requiring a person to present identification for voting.

ANALYSIS

Existing law:

- 1) Prohibits a local government from enacting or enforcing any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted, unless required by state or federal law.
- 2) Requires all city charters to provide for the conduct of city elections, in addition to other provisions allowable by the California Constitution, and by the laws of California, as specified.
- 3) Provides that every person who willfully causes, procures, or allows themselves or any other person to be registered as a voter, knowing that they or that other person is not entitled to register, is punishable by imprisonment for 16 months or two or three years, or in a county jail for not more than one year, as specified.
- 4) Provides that every person who knowingly and willfully signs, or causes or procures the signing of, an affidavit of registration of a nonexistent person, and who mails or delivers, or causes or procures the mailing or delivery of, that affidavit to a county elections official is guilty of a crime punishable by imprisonment for 16 months or two or three years, or in a county jail for not more than one year, as specified.
- 5) Provides that any person who commits fraud or attempts to commit fraud, and any person who aids or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16 months or two or three years.

This bill repeals a prohibition on any local government from enacting or enforcing any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted, unless required by state or federal law.

BACKGROUND

Voter Identification in California. In California, an individual registering to vote declares under penalty of perjury that the information provided on a voter registration form is true and correct. The registration form includes questions related to a person's eligibility to vote, date of birth, California driver's license or identification card number, and the last four numbers of the registrant's social security number, if available. This all typically occurs prior to voting and during the registration process.

If a first-time voter does not provide a California driver's license number, California identification card number, or the last four digits of their social security number on the registration form when they register to vote, they must provide identification prior to being eligible to vote in a federal election. If a voter does not provide the required information with their voted vote by mail ballot, the county elections official is advised to reach out to the voter to request and receive the required proof prior to counting the ballot. The vote by mail ballot is treated as a provisional ballot where it is processed after the voter is verified. If the first time voter does not provide the necessary identification, then the vote by mail ballot is not accepted. For the November 5, 2024 statewide general election, there were 1,565 vote by mail ballots rejected for a lack of identification.

When voting in person, if the person is voting for the first time after registering to vote by mail and did not provide a driver's license number, California identification card number, or the last four digits of their social security number on the registration form, then the person may be asked to show a form of identification when at the polling location. The Secretary of State (SOS) provides a list of acceptable identification and includes, but is not limited to, a driver's license, an identification card, passport, student identification card, a credit/debit card, health club identification card, or an identification card provided by a commercial establishment. If no identification is provided by the voter, then the ballot is considered a provisional ballot.

Measure A in Huntington Beach. On March 5, 2024, voters in the City of Huntington Beach voted on an amendment to the city's charter related to voter identification, known as Measure A. Measure A specifically placed the following into the city's charter:

Beginning in 2026, for all municipal elections:

- (1) "Elector" means a person who is a United States citizen 18 years of age or older, and a resident of the City on or before the day of an election.
- (2) The City may verify the eligibility of Electors by voter identification.
- (3) The City may provide at least 20 Americans with Disabilities Act compliant voting locations for in-person voting dispersed evenly throughout the City, in addition to any City facility voting locations.
- (4) The City may monitor ballot drop boxes located within the City for compliance with all applicable laws.

Measure A passed with 53.40 percent of the vote amending the city charter.

Recent Litigation. When the City of Huntington Beach considered placing Measure A on the ballot, the Attorney General (AG) and the SOS submitted a letter to Huntington Beach with concerns about the legality of the ballot measure. Their letter, stated in part:

Huntington Beach's voter ID proposal would destroy this careful balance by placing the onus on the voter to establish their identity and right to vote with some form of identification at the time they cast their ballot. By requiring additional documentation to establish a voter's identity and eligibility to vote at the time of voting—a higher standard of proof than set out in the Elections Code—Huntington Beach's proposal conflicts with state law. Indeed, the City's proposal would arguably constitute "mass, indiscriminate, and groundless challenging of voters," in violation of Elections Code section 18543.

Following the passage of Measure A, the AG and the SOS filed a lawsuit against Huntington Beach challenging Measure A. The lawsuit alleges that Measure A unlawfully conflicts with and is preempted by state law. On November 15, 2024, the Orange County Superior Court concluded that the state's lawsuit against Huntington Beach over Measure A was "not ripe for adjudication" because the measure "is permissive and discretionary in character, and thus currently presents no conflict with state elections law."

While Measure A was being litigated, the Legislature passed and the Governor signed SB 1174 (Min), Chapter 990, Statutes of 2024. SB 1174 prohibits a local government from enacting or enforcing any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted, unless required by state or federal law. The provisions of SB 1174 went into effect January 1, 2025. The Superior Court ruling was silent on the provisions of SB 1174.

In February 2025, the AG and the SOS appealed the Superior Court ruling. The case is pending.

COMMENTS

- 1) Author's Statement. California is only one of 14 states to not require any form of identification whatsoever for purposes of voting. According to the National Conference of State Legislatures, eight states have instituted voter identification laws since 2020, requiring some form of identification for voters as a way to restore the public's trust in their respective elections systems. SB 405 would promote confidence and fairness in our election system by restoring local governments' ability to institute reasonable voter identification requirements in order to vote in local elections. This bill would not seek to impose any specific sort of voter identification mandate, but instead, empower cities, counties, and their voters to decide whether or not to institute identification requirements for purposes of voting.
- 2) Election Fraud Statistics. According to the Heritage Foundation's database on election fraud, there were 69 instances of fraud between 1982 and 2024 in California. This includes, but not limited to, ineligible voting, ballot petition fraud,

vote buying, voting twice, and false voter registrations. The most recent instance noted was a person who voted twice in both the 2022 statewide primary and the 2022 general election. Charged with two felony counts, the individual pleaded guilty to one of the charges and was sentenced to 6 months of probation, ordered to complete 40 hours of community service, and pay \$500 in restitution. The database does not show other instances in 2022 of election fraud in California.

It should be noted that 7,285,230 people voted in the June 2022 statewide primary election and 11,146,620 voted in the November 2022 statewide general election, totaling 18,431,850 votes. Using the Heritage Foundation's database noting one instance of election fraud taking place in both elections from the same person, this represents 0.0000108 percent of the total number of votes cast in California in statewide elections in 2022. In other words, election fraud is exceedingly rare in California.

- 3) Potential Effect on Election Administration. If a jurisdiction is permitted to have their own voter identification standards, it could present a challenge for county election officials. Elections are typically conducted and administered at the county level. Election officials would need to figure out a way to check the voters of a city that has implemented a voter identification law while ensuring that voters outside of the city and within the county have access that applies to all other voters in California. This becomes more complicated when factoring in counties that operate using vote centers, because voters are able to visit any vote center within the county to vote. The committee should consider the ramifications on election administration before acting on this bill.
- 4) Double Referral. If approved by this committee, SB 405 will be referred to the Committee on Local Government for further consideration.

RELATED/PRIOR LEGISLATION

AB 25 (DeMaio) of 2025, among other provisions, repeals a prohibition on local governments to enact and enforce provisions requiring a person to present identification for voting. AB 25 is pending in the Assembly Committee on Elections.

SB 1174 (Min), Chapter 990, Statutes of 2024, prohibited a local government from enacting or enforcing any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted.

AB 2742 (Allen) of 2018 would have required a voter to provide specified identification in order to have their ballot counted. AB 2742 was not heard by a committee.

AB 1356 (Berryhill and Garrick) of 2009 would have required a voter to present photo identification before receiving a ballot at the polling place. AB 1356 failed passage in the Assembly Committee on Elections and Redistricting.

POSITIONS

Sponsor: Author

Support: Election Integrity Project California, Inc.
Shasta County Board of Supervisors

Oppose: American Civil Liberties Union California Action
American Federation of State, County and Municipal Employees, AFL-CIO
Asian Law Caucus
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO
Disability Rights California
League of Women Voters of California
VoteRiders

-- END --

**405SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No: SB 406 **Hearing Date:** 4/1/25
Author: Choi
Version: 2/14/25
Urgency: No **Fiscal:** No
Consultant: Scott Matsumoto

Subject: Elections: ballot submission deadline.

DIGEST

This bill requires vote by mail (VBM) ballots to be returned to the elections official by the close of the polls on Election Day, unless certain conditions are met.

ANALYSIS

Existing law:

- 1) Provides that a United States citizen at least 18 years old, a resident of California, and not serving a state or federal prison term may register to vote and vote.
- 2) Requires every active registered voter to receive a VBM ballot for any election.
- 3) Requires elections officials to begin mailing a VBM ballot no later than 29 days before Election Day.
- 4) Provides a VBM ballot is timely cast if it is received by the voter's elections official by mail no later than seven days after Election Day and is postmarked or time/date stamped on or before Election Day.

This bill:

- 1) Requires VBM ballots to be returned to the elections official by the close of the polls on Election Day.
- 2) Provides that a ballot cast by a military or overseas voter shall be counted if it is postmarked on or before Election Day and received by the elections official no later than seven days after Election Day.

BACKGROUND

Vote by Mail. Californians have increasingly relied on VBM ballots to cast a vote. According to the Secretary of State's office, the 1962 general election saw 2.63 percent of Californians vote by mail. For the 2024 presidential general election, 80.76 percent of Californians voted by mail. This massive increase in mail voting over the past 60 years is a result of many factors ranging from legislation expanding access to VBM

ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

The rise in popularity of VBM ballots has also corresponded with the number of voters registered to vote. California has a higher population than in the 1960s and the number of voters registered to vote has increased accordingly. As of October 21, 2024, there were 22,595,659 registered voters. This represents an increase of over four million registered voters since 2008. Below is a table of recent statewide elections and the percentage of VBM ballots in that election:

Vote By Mail Ballots since 2012*						
Year	Primary			General		
	VBM Ballots	Total Ballots Cast	Percentage	VBM Ballots	Total Ballots Cast	Percentage
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%
2014	3,096,104	4,461,346	69.40%	4,547,705	7,513,972	60.52%
2016	5,036,262	8,548,301	58.92%	8,443,594	14,610,509	57.79%
2018	4,834,975	7,141,987	67.70%	8,302,488	12,712,542	65.31%
2020	6,982,750	9,687,076	72.08%	15,423,301	17,785,151	86.72%
2021	Statewide Special Election			11,733,429	12,892,578	91.01%
2022	6,647,212	7,285,230	91.24%	9,755,198	11,146,620	88.64%
2024	6,841,984	7,719,218	88.64%	13,034,378	16,140,044	80.76%

*Data compiled from reports from the Secretary of State’s website.

AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. As a result, today, all voters receive a VBM ballot and can choose how to return it. The VBM ballot can be mailed back to the elections official, placed in a ballot drop-off box/location, or dropped off at a polling location. If a VBM ballot is mailed, the ballot needs to be postmarked by Election Day and received within seven days of Election Day.

Mail Delivery. According to their 2024 Post-Election Analysis Report, the United States Postal Service (USPS) reported that between September 1, 2024, and November 15, 2024, at least 99.22 million ballots were delivered to and from voters throughout the country. Of those ballots, USPS delivered 97.73 percent of ballots from voters to election officials within three days, 99.64 percent within five days, and 99.88 percent within seven days.

Ballot Rejection. A number of VBM ballots are rejected at every election for various reasons. A rejected ballot is a ballot that was not counted because of a missing signature, a noncomparing signature, the ballot was missing from the envelope, multiple ballots were returned in one envelope, the ballot was not received on time, the voter already voted, or there is a missing or incorrect address on the envelope. A ballot can also be rejected if a voter did not provide their driver’s license number, identification card number, or last four digits of their social security number when registering to vote and did not provide a form of identification when voting for the first time. Below is data relating to VBM ballots that missed the seven-day deadline relative to the total number of VBM ballots rejected by statewide election.

VBM Rejected Ballots Statistics*			
Election	Total Number of VBMs Accepted	Total Number of VBMs Rejected**	Rejected for Late Arriving Ballots
2020 Primary	6,958,885	102,428	70,330 [^]
2020 General	15,393,834	86,401	15,040 ^{^^}
2022 Primary	6,664,084	105,818	69,914
2022 General	9,755,198	120,609	57,764
2024 Primary	6,855,272	108,982	75,858
2024 General	13,034,378	122,480	33,016

*Data compiled from reports from the Secretary of State's website.

**Total number of ballots rejected includes all circumstances, beyond a late-arriving VBM ballot.

[^]Deadline for a ballot to be received by an elections official with a postmark of Election Day was three days after Election Day.

^{^^}Deadline for a ballot to be received by an elections official with a postmark of Election Day was 17 days after Election Day.

COMMENTS

- 1) Author's Statement. For the last few years, it has taken an unreasonably long time for California to be able to report its election results. Just this past election, there were over 2.6 million votes a week after Election Day waiting to be counted. This long wait leads to unfounded conspiracies and a decline in public trust of our state's elections process. This bill would help solve this issue by requiring all ballots, including those cast by mail or drop box, to be received by election officials no later than Election Day, with a small exception for military members and California voters overseas. This measure will go a long way in ensuring that voters can trust their elections system, while also ensuring that voters get final election results in a reasonable timeframe.

- 2) When to Mail and Public Education. If enacted, this bill requires VBM ballots to be received by an elections official by the close of the polls on Election Day. Under current law, as long as a voter mails their ballot prior to the mail being picked up by the postal service, it will be postmarked, delivered, and accepted by an elections official. The USPS data previously mentioned shows that a vast majority of VBM ballots are received within the seven-day deadline.

This bill will require voters to factor in mail delivery times when submitting a vote through USPS. Delivery times may vary for a number of reasons: weather, terrain, geography, budgetary constraints, traffic, etc. The Election Day deadline increases the likelihood that an external factor outside of the voter's control may prevent a voter, who thinks they are voting timely, from voting.

- 3) Role of Secretary of State – Recommended Amendment. If this bill is enacted, the Secretary of State and county election officials may need to adapt quickly to the new requirements prescribed by this bill. The Secretary of State, as California's chief elections official, needs to ensure that this new law is implemented uniformly throughout the state. Should the committee pass this bill, the bill should be amended to require the Secretary of State to adopt regulations.

RELATED/PRIOR LEGISLATION

SB 335 (Strickland) of 2025, among other provisions, repeals the requirement to mail a VBM ballot to every active registered voter.

AB 13 (Essayli) of 2023, among other provisions, would have changed the deadline, from seven days to three days after Elections Day, for VBM ballots to be received if postmarked before or on Election Day. AB 13 failed in the Assembly Committee on Elections.

AB 37 (Berman), Chapter 312, Statutes of 2021, among other provisions, required the mailing of a VBM ballot to every active registered voter, required VBM ballot drop-off locations, and established a seven-day deadline for VBM ballots to be returned if postmarked on or before Election Day.

AB 860 (Berman), Chapter 4, Statutes of 2020, changed the deadline for the November 2020 general election by which VBM ballots must be received by county election officials to the 17th day after Election Day.

SB 29 (Correa), Chapter 618, Statutes of 2014, allowed VBM ballots to be counted if they are cast by Election Day and received by county election officials no later than three days after Election Day. Prior to SB 29, VBM ballots needed to be received by the close of the polls on Election Day.

POSITIONS

Sponsor: Author

Support: Shasta County Board of Supervisors

Oppose: American Civil Liberties Union California Action
American Federation of State, County and Municipal Employees, AFL-CIO
Asian Law Caucus
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO
Disability Rights California
League of Women Voters of California

-- END --

**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No:	SB 407	Hearing Date:	4/1/25
Author:	Choi		
Version:	2/14/25		
Urgency:	No	Fiscal:	Yes
Consultant:	Scott Matsumoto		

Subject: Elections: official canvass

DIGEST

This bill requires election officials to certify election results within 10 days of an election. This bill also requires the Secretary of State (SOS) to prepare, certify, and file a statement of the vote of an election two days after receiving the election results from all county election officials.

ANALYSIS

Existing law:

- 1) Requires election officials to prepare a certified statement of the results of the election and submit it to the governing body of the local jurisdiction within 30 days of the election.
- 2) Requires election officials to send to the SOS within 31 days of the election in an electronic format one complete copy of the following results:
 - a) All candidates voted for statewide office.
 - b) All candidates voted for the following offices: Member of the Assembly, Member of the Senate, Member of the United States House of Representatives, Member of the State Board of Equalization, Justice of the Court of Appeal, and Judge of the superior court.
 - c) All persons voted for at the presidential primary within 28 days after the election.
 - d) The votes for President and Vice President of the United States within 28 days after the election.
 - e) All statewide measures.
 - f) The total number of ballots cast.
- 3) Requires the SOS to prepare, certify, and file a statement of the vote from the compiled results no later than the 38th day after the election. The SOS must post the certified statement of the vote on its website.

This bill:

- 1) Reduces the deadline for election officials to prepare a certified statement of the results of the election and submit it to the governing body to within 10 days of the election.
- 2) Reduces the deadline for election officials to send electronically election results for specific contests to the SOS to within 11 days of the election.
- 3) Reduces the deadline for the SOS to prepare, certify, and file a statement of the vote from the compiled results to two days after receiving election results from all county election officials.
- 4) Makes technical changes.

BACKGROUND

Voting by Mail. Californians have increasingly relied on vote by mail (VBM) ballots to cast a vote. According to the SOS, the 1962 general election saw 2.63 percent of Californians vote by mail. For the 2024 presidential general election, 80.76 percent of Californians voted by mail. This massive increase in mail voting over the past 60 years is a result of many factors ranging from legislation expanding access to VBM ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

The rise in popularity of VBM ballots has also corresponded with the number of voters registered to vote. California has a higher population than in the 1960s and the number of voters registered to vote has increased accordingly. As of October 21, 2024, there were 22,595,659 registered voters. This represents an increase of over four million registered voters since 2008. Below is a table of recent statewide elections and the percentage of VBM ballots in that election:

Vote By Mail Ballots since 2012*						
Year	Primary			General		
	VBM Ballots	Total Ballots Cast	Percentage	VBM Ballots	Total Ballots Cast	Percentage
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%
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2016	5,036,262	8,548,301	58.92%	8,443,594	14,610,509	57.79%
2018	4,834,975	7,141,987	67.70%	8,302,488	12,712,542	65.31%
2020	6,982,750	9,687,076	72.08%	15,423,301	17,785,151	86.72%
2021	Statewide Special Election			11,733,429	12,892,578	91.01%
2022	6,647,212	7,285,230	91.24%	9,755,198	11,146,620	88.64%
2024	6,841,984	7,719,218	88.64%	13,034,378	16,140,044	80.76%

*Data compiled from reports from the Secretary of State’s website.

AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. State law requires VBM ballots to be mailed no later than 29 days before an

election. As a result, today, all voters receive a VBM ballot and can choose how to return it. The VBM ballot can be mailed back to the elections official, placed in a ballot drop-off box/location, or dropped off at a polling location. If a VBM ballot is mailed, the ballot needs to be postmarked by Election Day and received within 7 days of Election Day.

Signature Curing. When a voter's signature does not compare to the signature on file or the voter's signature is missing from the voter's vote by mail envelope, the county elections official is required to mail a notice to the voter of the issue and how the voter can remedy or "cure" their ballot. The voter is required to submit their verification or unsigned identification envelope statement by no later than 5 p.m. two days prior to the certification of the election. It unknown how many voters submitted their cure statement after the deadline.

Ballot Curing. In addition to the signature curing process, county election officials also need to "cure" damaged ballots so that it could be read through the machines. Reasons include ripped or torn ballots, dog bite marks, coffee stains, and voters marking a ballot incorrectly. When curing ballots, the process requires multiple people to ensure the ballot is accurately cured to be read by the machine. Depending on the number of voters in a county, this may be a time-consuming endeavor.

COMMENTS

- 1) Author's Statement. This past election, California had millions of votes left to be counted weeks after Election Day. The longer results are delayed, the more voters begin to lose confidence in their elections process and start to believe in conspiracy theories regarding the integrity of elections. This bill would shorten the post-election canvassing period from 30 days to 10 days for all elections, while also requiring the Secretary of State to certify the elections within two days of receiving the final results. This bill will encourage county election officials to implement best practices for ballot counting and processing, and ensure legislators are not sworn in prior to the certification of the final election results.
- 2) What's the Problem? In background materials provided to the committee, the author notes that the length of time between Election Day and the final results impacts voter confidence leading to a breakdown in trust in elections. The committee should consider whether there is an actual problem, instead of a perceived problem, with the current time frame to complete and finalize election results. If it is deemed a problem, then the committee should consider whether a significant reduction of the canvass period is warranted or if other remedies should be considered. For example, additional funding for staff, processing machines, and places to use/store equipment may also help expedite election results. Balancing voter access, the speed of ballot processing, transparency to the public, and accuracy of the results are all paramount factors that should be considered before moving forward.
- 3) VBM Deadline Remains the Same. This bill reduces the time period counties have for completing the canvass of the election. Under current law, if postmarked by Election Day, VBM ballots have seven days to be received by an elections official. This bill does not change this deadline. As a result, a large influx of VBM ballots received on the 7th day following Election Day, especially in more populated

counties will create a logistical and administrative challenge to process these newly received, but timely cast, VBM ballots in three days.

It should be noted that SB 406 (Choi) of 2025 would require VBM ballots be returned to the appropriate elections official no later than the close of the polls on Election Day unless certain conditions are met. If both measures are chaptered, SB 406 would provide additional time, though less than under current law, to process VBM ballots.

RELATED/PRIOR LEGISLATION

SB 406 (Choi) of 2025 requires VBM ballots be returned to the appropriate elections official no later than the close of the polls on Election Day unless certain conditions are met.

AB 25 (DeMaio) of 2025, among other provision, requires an elections official to count all ballots, except provisional ballots and VBM ballots for which a voter has the opportunity either to verify or provide a signature, by no later than 72 hours after the election. AB 25 is pending in the Assembly Committee on Elections.

AB 1214 (Patterson) of 2025 requires election officials to count and certify election results within 21 days of the election, and to send the SOS a complete copy of all election results within 22 days of the election. AB 1214 also requires an elections official to count at least 25 percent of ballots by the 7th calendar day following the election and at least 67 percent of ballots by the 14th calendar day following the election.

SB 518 (Wilk) of 2023 would have prohibited election officials from certifying election results before the 30th day after an election. SB 518 passed the Senate, but was not heard by a committee in the Assembly.

SB 29 (Correa), Chapter 618, Statutes of 2014, extended the deadline for an elections official to submit the certified statement of the results of the election to the governing body within 30 days of the election.

AB 1490 (Galgiani), Chapter 149, Statutes of 2009, reduced the deadline that election officials have to send to the SOS in electronic format one complete copy of the specified election results from within 35 days to 31 days of the election. AB 1490 also reduced the deadline for the SOS to prepare, certify, and file a statement of the vote from the compiled results from no later than the 39th day to the 38th day after the election.

POSITIONS

Sponsor: Author

Support: Shasta County Board of Supervisors
One individual

Oppose: American Civil Liberties Union California Action
Asian Law Caucus

League of Women Voters of California

-- END --

**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No: SB 280 **Hearing Date:** 4/1/25
Author: Cervantes
Version: 3/25/25 Amended
Urgency: No **Fiscal:** Yes
Consultant: Carrie Cornwell

Subject: Political Reform Act of 1974: prohibition on contributions in state and local government office buildings

DIGEST

This bill includes local government offices and legislative district offices among the locations where a person cannot receive nor deliver a campaign contribution.

ANALYSIS

Existing law prohibits a person from receiving, delivering, or attempting to deliver a campaign contribution in the State Capitol, any state office building, or any office for which the state pays the majority of the rent other than a legislative district office.

This bill:

- 1) Expands that prohibition to include any local government office building, any office for which a local government pays the rent, and any legislative district office.
- 2) Defines a state or local office building as one owned by either the State of California or a local government in which 50 percent or more of the floor space is used as office space for government employees.

BACKGROUND

Proposition 9, which appeared on the June 1974 ballot, created the California Political Reform Act (PRA) and established California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures. Proposition 9 also created the Fair Political Practices Commission to implement, administer, and enforce the PRA.

The voters adopted Proposition 9 partly in reaction to scandals involving campaign finance, including the delivery of campaign contributions in the offices of elected officials, particularly in the State Capitol. Despite that, the PRA did not include a prohibition on receiving contributions in state office buildings, including the Capitol, until 1983, when AB 3502 (Agnos), Chapter 920, Statutes of 1982, took effect. That bill prohibited receiving, delivering, or attempting to deliver a campaign contribution in the State Capitol, any state office building, or any office for which the state pays the majority of the rent other than a legislative district office. It is unclear why the Legislature made

an exception for district offices, as that amendment was added after the Senate Elections Committee analyzed the bill.

COMMENTS

Author's Statement. The integrity of our democratic institutions depends on maintaining a clear separation between government functions that serve the public and political fundraising. In 1982, the Legislature prohibited the receipt or delivery of campaign contributions at the State Capitol, in any state office building, or any office in which the State of California pays the majority of the rent, but it made an explicit exception for legislative district offices.

District offices exist to assist constituents in dealing with government agencies and facilitate representation by the Legislature, not provide an avenue for political fundraising. This bill closes this long-standing loophole by prohibiting campaign contributions in legislative district offices and in local government offices. By creating a clear line of separation between the work of government and political campaigns, the bill will help rebuild public trust in government and reaffirm California's commitment to transparency, accountability, and ethical governance.

POSITIONS

Sponsor: Fair Political Practices Commission

Support: None received

Oppose: None received

-- END --