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# California State Senate

## ELECTIONS AND CONSTITUTIONAL AMENDMENTS



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### AGENDA

Tuesday, July 1, 2025  
9:30 a.m. -- 1021 O Street, Room 2100

### MEASURES HEARD IN FILE ORDER

1.	AB 5	Berman	Elections: official canvass.
2.	AB 827	Berman	Voting: signature verification.
3.	AB 16	Alanis	Vote by mail ballots: processing.
4.	AB 17*	Alanis	Elections: precinct maps.
5.	AB 94	Bennett	Recall elections: successors.
6.	AB 287	Lackey	Elections: polling places and vote centers.
7.	AB 331	Pellerin	Elections: duties of election officials: voter information guides.
8.	AB 502	Pellerin	Elections: deceptive media in advertisements.
9.	AB 1072*	Pellerin	Elections: ballot mistakes.
10.	AB 359**	Ramos	Fair Political Practices Commission.
11.	AB 775	Fong	Behested payments: reporting.
12.	AB 930	Ward	Elections and voting procedures.
13.	AB 953**	Pacheco	Political Reform Act of 1974: contributions and expenditures by foreign nationals.
14.	AB 1029*	Valencia	Statements of financial interest: digital financial assets.
15.	AB 1286**	Boerner	Political Reform Act of 1974: prospective employment.
16.	AB 1392	Sharp-Collins	Elections: voter registration information: elected officials.
17.	AB 1441	Soria	County of Merced Citizens Redistricting Commission.

\*Consent

\*\*Consent with Committee Amendments

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

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**Bill No:** AB 5 **Hearing Date:** 7/1/25  
**Author:** Berman  
**Version:** 6/24/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Scott Matsumoto

**Subject:** Elections: official canvass.

**DIGEST**

This bill requires election officials to finish counting all ballots by the 13th day following Election Day unless certain conditions are met.

**ANALYSIS**

Existing law:

- 1) Requires an elections official to conduct a semifinal official canvass of each election by tabulating vote by mail (VBM) and precinct ballots and compiling the results. The semifinal official canvass is required to begin immediately upon the closing of the polls and to continue without adjournment until all precincts are accounted for.
- 2) Requires an official canvass of an election to commence no later than the Thursday following the election. The official canvass is required to be open to the public and, for state elections, concludes in a report of results to the Secretary of State (SOS). The official canvass continues daily (except for Saturdays, Sundays, and holidays) for not less than six hours each day until completed.
- 3) Requires an elections official, beginning no later than the Thursday following an election, to post updated information regarding the election on the election official's website at least once per week. This includes updated results for any candidate or measure appearing on the ballot, the number of ballots processed, an estimated number of outstanding ballots remaining to be processed, and the date and time when the official will post results.
- 4) Requires the elections official to prepare a certified statement of the results of an election and submit it to the local governing body within 30 days of the election.
- 5) Requires county election officials, upon receiving a VBM ballot, to compare the signature on the VBM ballot identification envelope with signatures that are part of the voter's registration record. If a VBM ballot identification envelope was not signed by the voter or the signature on the envelope does not compare to the signatures part of the voter's registration record, then election officials must provide the voter an opportunity to verify the ballot so that it may be counted.

- 6) Requires a county elections official, if a VBM ballot is returned to the county that was not issued by that official, to forward the ballot to the elections official who issued the ballot no later than eight days after receipt.
- 7) Provides for an elections official to make a duplicate copy of a ballot under any of the following circumstances:
  - a) Where necessary, if the ballot is torn, bent, or otherwise defective such that every vote cast by the voter can be counted by the tabulating equipment.
  - b) Upon receipt of a ballot returned by a military or overseas voter via facsimile transmission.
- 8) Permits a voter who is not registered to vote, but who is otherwise qualified to register to vote, to complete a conditional voter registration (CVR) and to cast a ballot during the 14 days immediately preceding an election or on Election Day. A CVR is deemed effective if the county elections official is able to determine before or during the canvass period that the registrant is eligible to register to vote.
- 9) Entitles a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established, to vote a provisional ballot. The elections official, during the official canvass, is required to examine the records with respect to a provisional ballot cast and to count the ballot if the county elections official can verify the eligibility of the provisional voter.

This bill requires election officials to finish counting all ballots and release the results of those ballots by the 13th day following Election Day, except:

- 1) For ballots needing to be duplicated, VBM ballots forwarded from a county to county of origin, VBM ballots with an issue with the voter's signature, provisional ballots, ballots cast by a person who votes through conditional voter registration, and ballots received by an elections official after the fourth day following Election Day.
- 2) When the election official files a notice of extension with the SOS and includes the reason for the extension. The SOS and the elections official must post the extension filing on their respective websites.

### **BACKGROUND**

The Waiting is the Hardest Part. Following the 2024 November statewide general election, increased attention was placed on California's election results. News organizations seeking finality in election results often declare a victor before all the votes are counted. California faced a situation where a few congressional contests were close, a winner was not declared or apparent over a prolonged stretch of time, and news organizations and the public began questioning the speed of election results. It should be noted that the overall mechanics relating to the certification of the 2024 November statewide general election has remained consistent in California over many years.

VBM Ballot Processing. Notwithstanding the fact that nearly 95% of ballots from the November 2024 election were counted by the 10th day after the election, the remaining 5% of ballots to be counted likely were disproportionately the types of ballots that require additional processing by election officials before they can be counted. The additional workload associated with processing and counting those ballots are the result of provisions of state law that were enacted in an effort to count as many ballots and enfranchising as many voters as possible. In some cases, the types of ballots cast and counted under these provisions of California law would not be counted if they were cast in other states. These types of ballots include the following:

- VBM Ballots Forwarded from Other Counties – Prior to 2017, if a voter who was travelling on Election Day dropped their completed VBM ballot off at an in-person voting location or VBM ballot drop-off location in a county other than the one where the voter was registered to vote, state law did not require the ballot to be counted. Beginning in 2017, SB 450 (Allen), Chapter 832, Statutes of 2016, required a county to forward any VBM ballot received that was issued by another county to the county of origin within eight days of receiving the ballot, among other provisions. While that requirement increases the number of ballots that are able to be counted, it also increases workload for county election officials. A county cannot begin processing a VBM ballot until it has possession of that ballot, ballots that are forwarded under this provision may not be able to be counted until many days after Election Day.
- VBM Ballots Subject to Signature Curing – Under existing law, when a voter casts a VBM ballot, that voter generally returns the completed VBM ballot in a ballot identification envelope that contains information about the voter to whom the ballot was issued. Among other purposes, the identification envelope serves as a way to verify the identity of the voter who cast the ballot. Before a VBM ballot identification envelope can be opened and the ballot counted, the elections official must first verify information on the envelope, including comparing the voter's signature on the identification envelope to the signature(s) in the voter's registration record. This verification process means that tabulating VBM ballots generally is more time- and labor-intensive than tabulating ballots that are cast at in-person voting locations.

Voters are also provided an opportunity to cure a missing or noncomparing signature. State law requires that a voter be notified of their ability to "cure" a problem with their VBM ballot and be given time to complete that curing process. It generally takes longer before these ballots can be verified and counted by election officials.

- Provisional Ballots – Under state law, a voter is entitled to cast a provisional ballot if the voter claims to be properly registered but the elections official cannot immediately establish that voter's eligibility. While federal law requires most states to have a provisional balloting process, California's laws are liberally construed in favor of the voter.

The provisional ballot issued to the voter may contain contests in which the voter was not eligible to participate. Provisional ballots in California sometimes must be duplicated so that the ballot only counts contests in which the voter was

eligible to vote. These verification and duplication processes take time and add workload to county election officials, but also result in many more voters being able to participate in elections. In California, more than 90% of provisional ballots cast in statewide elections generally are counted in whole or in part. In some other states, fewer than 40% of provisional ballots are counted.

- **Conditional Voter Registration** – California law allows a person who did not register to vote by the regular voter registration deadline (15 days before the election) to register and vote in-person up to and including on Election Day through a process known as CVR. Before a CVR ballot can be counted, the elections official must first verify the registrant’s eligibility to register to vote and cast a CVR ballot. This may require the elections official to wait until other ballots and election records are processed before processing the CVR ballot. The verification process takes time and adds to the workload of election officials.
- **Ballots that Need Duplicating** – As previously mentioned, certain provisional ballots need to be duplicated once the voter’s eligibility has been established, but before the ballot can be tabulated. Ballots damaged or that otherwise cannot be counted by the tabulating equipment and ballots containing a voter’s personal information generally must be duplicated on to a blank ballot following a specified procedure before those ballots can be counted. Both the original ballot and the re-made duplicate are preserved with other election records. The process for duplicating ballots takes time and adds to the workload of election officials.

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.

### COMMENTS

- 1) Author’s Statement. California has one of the most accessible, secure, and transparent voting systems in the country. We also have some of the most competitive congressional and legislative races, due to our independent redistricting process and lack of political gerrymandering. These are things to be proud of, but the reality is that they also lead to slower vote counts that can confuse and frustrate the public, drawing negative attention to our voting process, and creating an opportunity for bad actors to sow doubt about election results they don’t like in an effort to undermine confidence in our democracy.

This bill seeks to maintain voting accessibility and security while also speeding up vote counting by establishing clear and achievable metrics for when the vast majority of ballots must be counted and races decided. This increases transparency in the vote count process to give voters and the public even more confidence, while maintaining our nation-leading voting rights.

- 2) A Real Problem or a Perceived Problem? The author notes that the length of time between Election Day and the final results impacts voter confidence leading to an

increase in doubt about California’s election results. 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 the criteria for a deadline extension solves the problem, or at least improves upon the situation, that the author believes exists. Balancing voter access, the speed of ballot processing, transparency to the public, and accuracy of the results are all notable factors worth considering before moving forward.

- 3) SOS Concerns and Opposition. The SOS submitted a letter of opposition to this bill. The letter raises the fiscal issues to comply with this 13-day deadline, the numerous types of exemptions provided by this bill, and the vagueness of the deadline extension process. The letter provided proposed amendments for this bill and include extending the deadline to 15 days, adding VBM ballots in the process of signature verification as of the expiration of the 15-day deadline to the exemptions not subject to the deadline, and requiring election officials to attest that their office has complied with existing statutory requirements of the Elections Code.
  
- 4) Suggested Amendment. In light of the letter of opposition from the SOS, committee staff recommends the bill be amended to require an attestation from election officials confirming compliance with existing laws and requirements of the Elections Code.

**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. SB 406 was heard by this committee was held without recommendation.

AB 25 (DeMaio) of 2025, among other provisions, 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. The bill was heard by the Assembly Committee on Elections where the measure failed passage.

**PRIOR ACTION**

Assembly Floor:	71 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** California Taxpayers Association  
Silicon Valley Community Foundation

**Oppose:** California Secretary of State Shirley N. Weber, Ph.D.

Election Integrity Project

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

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**Bill No:** AB 827 **Hearing Date:** 7/1/25  
**Author:** Berman  
**Version:** 6/23/25 Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Scott Matsumoto

**Subject:** Voting: signature verification

**DIGEST**

This bill makes changes to the procedures when processing vote by mail (VBM) ballots with a signature issue and modifies deadlines allowing voters to submit a VBM ballot signature verification statement or an unsigned identification statement, also known as “signature cure forms.”

**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 election 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.
- 5) Requires election officials to compare the voter’s signature on the identification envelope with the voter’s signatures on file upon receiving a VBM ballot.
- 6) Provides the following are applicable when comparing signatures on VBM envelopes and VBM related forms:
  - a) A presumption exists that the signature is the voter’s signature.
  - b) An exact match is not required for an elections official to determine that a voter’s signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.
  - c) The elections official shall consider explanations for discrepancies between signatures and characteristics of the written signature that are specified in



regulations promulgated by the Secretary of State (SOS). Explanations include a variation in signature style over time and the haste with which a signature is written. Characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

- d) When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.
  - e) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.
  - f) A signature made using a mark such as an "X," or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets specified requirements.
- 7) Permits election officials to use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law. Election officials may also use signature verification technology.
- 8) Provides that if an elections official determines the signatures compare, then the ballot is processed and counted.
- 9) Provides that if two additional election officials determines the signature does not compare to the signature(s) on file, the ballot is not processed or counted.
- 10) Permits a voter to cure a missing or noncomparing signature on a VBM envelope. This cure process includes the following procedures:
- a) On or before the next business day after a determination that a voter's signature does not compare or is missing and no later than eight days prior to the certification of the election, the elections official shall send a mail notice to the voter of the opportunity to verify the voter's signature or provide a signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.
  - b) If an elections official has a telephone number or email address on file for a voter whose signature does not compare or is missing, the elections official shall notify the voter by telephone, a text message, or email of the opportunity to verify the voter's signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.
  - c) The elections official may send additional written notices to a voter and may also notify the voter in person or by other means of the opportunity to verify the voter's signature.
  - d) If it is impracticable under the circumstances for the elections official to send the notice of a missing or noncomparing signature on or before the next business day, including in the event of technological failure, the elections official shall send

the notice as soon as practicable, but not later than eight days prior to the certification of the election.

- e) The elections official shall not reject a VBM ballot identified if each of the following conditions is satisfied:
    - i) The voter delivers, in person, by mail, by fax, by email, or by other means, a signature verification statement, an unsigned identification envelope statement, or a combined statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot drop-off box.
    - ii) If upon conducting the comparison of signatures and the elections official determines the signatures compare, then the ballot is processed and counted. If the elections official determines that the signatures compare, the elections official shall use the signature in the signature verification statement, even if returned untimely, to update the voter's signature for future elections.
  - f) If a determination is made that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted.
  - g) Requires election officials to post updated election information at least once per week as it pertains to results, the number of ballots processed, the number of unprocessed ballots, and when the next results will be posted.
- 11) Requires an official canvass of election results to commence no later than the Thursday following the election. The official canvass shall be open to the public and, for state elections, conclude in a report of results to the SOS. The official canvass must be continued daily (except for Saturdays, Sundays, and holidays) for not less than six hours each day until completed.

This bill:

- 1) Changes the deadline for election officials to send notifications to voters who failed to sign their VBM ballot return envelope, or whose signature from the VBM ballot return envelope did not compare with signatures in the voter's registration record, from the 8th day before the election is certified to the 14th day after the election.
- 2) Changes the date until which a county elections official must accept a completed signature cure form from a voter from two days before the election is certified until the 22nd day following the election unless certain conditions are met.
- 3) Establishes a notification deadline of eight days and a receipt deadline of two days for signature cure forms for an election that is not a regularly schedule statewide election.
- 4) Requires election officials who place a VBM ballot drop box at their office location to allow that drop box to receive signature cure forms, provided that the drop box is

clearly and conspicuously labeled that it is to be used for this limited purpose and not for the acceptance of ballots.

- 5) Prohibits an elections official, when receiving signature cure forms from voters, from delaying the comparison of signatures on those forms with signatures that are part of the voters' registration records until later in the official canvass.
- 6) Provides that the deadline for sending, processing, and submission of signature cure forms is not continued to the next business day if the deadline falls on a holiday.
- 7) Requires the California's VBM ballot tracking system, when it notifies a voter that the voter's ballot cannot be counted because the voter's signature did not compare or the identification envelope is missing a signature and that voter opted in to receive notifications by text or email, to include an internet link to the signature cure form with instructions for completion.
- 8) Requires daily updates from election officials about voters who did not sign a VBM ballot identification envelope or whose signature on the envelope did not compare with the voter's signature on file.
- 9) Requires an elections official who receives a completed unsigned identification envelope statement that is not timely submitted to compare the voter's signature on the statement with the signatures that are part of the voter's registration record and, if the elections official determines that the signatures compare, to add the signature from the unsigned identification envelope statement to the voter's registration record for use in future elections.
- 10) Provides that a county elections official is not required to continue the official canvass of the election for at least six hours per day if the only ballots that a county elections official has left to count as part of the official canvass are VBM ballots for which a voter has an opportunity to verify or provide their signature in order for the ballot to be counted.

### **BACKGROUND**

Vote by Mail. Californians have increasingly relied on VBM ballots to cast a vote. According to the SOS's office, the 1962 general election saw 2.63% of Californian voters vote by mail. For the 2024 presidential general election, 80.76% of Californian voters 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. 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 SOS'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.

2024 November General Election. In 2024, the Legislature passed and the governor signed AB 3184 (Berman), Chapter 437, Statutes of 2024. AB 3184 made various changes to the signature curing process, such as creating a combined signature verification form and clarifying what information about voters needing to cure a signature was made available. Among the provisions of the bill, it prohibited county election officials from certifying the results of the election prior to the 28th calendar day following the election, unless certain conditions were met. As a result and keeping with the existing practice of having a signature cure form deadline two days before certification of an election, county election officials were required to accept a completed signature verification statement, unsigned identification envelope statement, or combined signature verification, until 5 p.m. on the 26th calendar day following the election.

Signature Verification and Voter Identity. Election officials determines a voter's identity by comparing the signature on the VBM ballot return envelope with the signature from the voter's registration or from a form issued by the elections official containing the voter's signature. The accepted signature becomes part of the voter's registration record.

In addition to the parameters specified in the Elections Code surrounding the comparison of signatures, the SOS provides counties additional parameters when comparing signatures, including:

- 1) Permitting the elections official to consider the following characteristics when visually comparing a signature to determine whether the signatures are from the same signer:
  - a) Slant of the signature.

- b) Whether printed or in cursive.
  - c) Size, proportions, or scale.
  - d) Individual characteristics, such as how the “t’s” are crossed, “i’s” are dotted, or loops are made on the letters f, g, j, y, or z.
  - e) Spacing between the letters within the first and/or last name and between first and last name.
  - f) Line direction.
  - g) Letter formations.
  - h) Proportion or ratio of the letters in the signature.
  - i) Initial strokes and connecting strokes of the signature.
  - j) Similar endings such as an abrupt end, a long tail, or loop back around.
  - k) Speed of the writing.
  - l) Presence or absence of pen lifts.
  - m) Misspelled names.
  - n) Factors applicable to a particular voter, such as the age of the voter, the age of the signature(s) contained in the voter’s record, the possibility that the voter is disabled, the voter’s primary language, and the quality of any digitized signature(s) contained in the voter’s record.
- 2) Requires election officials to consider as explanations for the following discrepancies in signatures:
- a) Evidence of trembling or shaking in a signature could be health-related or the result of aging.
  - b) The voter may have used a diminutive of their full legal name, including, but not limited to the use of initials, or the rearrangement of components of their full legal name, such as a reversal of first and last names, use of a middle name in place of a first name, or omitting a second last name.
  - c) The voter’s signature style may have changed over time.
  - d) The signature on the VBM identification envelope or provisional ballot envelope may have been written in haste.
  - e) A signature in the voter’s registration file may have been written with a stylus pen or other electronic signature tool that may result in a thick or fuzzy quality.
  - f) The surface of the location where the signature was made may have been hard, soft, uneven, or unstable.

If the signature on the VBM envelope compares, then the VBM ballot is counted. Alternatively, if the elections official makes the determination that the signature does not compare and two additional election officials find beyond a reasonable doubt that the signature does not compare, then the voter is contacted and provided an opportunity to remedy the situation.

Signature Curing. On or before the next business day, the elections official mails a notice, a statement, and a return envelope to the voter. The statement could be one of three options: (1) signature verification statement for noncomparing signatures, (2) unsigned verification envelope statement, or (3) a combined statement. Additionally, if the elections official has a phone number or email address on file for the voter, then the official is required to call, text, or email the voter. The elections official has until eight days prior to certification of the election to mail these notices and cure statements.

The voter has until two days before certification to return the cure statement to the elections official. If the voter’s signature on the cure form compares to the signature(s) on file, then the form is accepted and the VBM ballot is counted. The elections official also updates the signature for future elections, even if the voter returns the form after the deadline.

Specific processes and deadlines are ultimately left to each of California’s 58 counties, because each county administers its own elections. Though the process is similar throughout the state, there are 58 different ways elections are conducted. The signature cure process is not an exception. This includes, but is not limited to, how and when VBM ballots are processed, how voters are notified, how many times a voter is notified, what types of forms are used (single versus combined form), and what type of follow-up with voters occurs after the election is certified.

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 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 SOS’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.

Ballot Tracking. AB 2218 (Berman), Chapter 432, Statutes of 2018, required the SOS to establish a system that allows voters to track and receive information about their VBM ballots as they move through the mail system and are processed by county elections officials. Voters can sign-up to use California’s system, commonly known as BallotTrax. The BallotTrax system is capable of providing the following information via text message or email to a voter who has signed up for the tracking service:

- A notification when the elections official delivers the voter’s ballot to the United States Postal Service (USPS).

- A notification of the date that the ballot is expected to be delivered to the voter.
- A notification if the voter's ballot is returned as undeliverable by the USPS.
- A notification when the voter's completed ballot has been received by the county elections official.
- A notification that the voter's completed ballot has been counted, or, if the ballot cannot be counted, a notification of the reason why the ballot could not be counted and instructions of any steps that the voter can take in order to have the ballot counted.
- A reminder of the deadline for the voter to return the ballot if the county elections official has not received a voter's completed ballot by specified dates determined by the county elections official.

### **COMMENTS**

- 1) Author's Statement. In November 2024 general election, over 69 percent of rejected VBM ballots were for either a missing or non-matching signature. That amounted to nearly 85,000 ballots. Current law provides that if there is a missing or non-matching signature on the vote by mail ballot envelope, election officials are required to notify the voter of the problem, how to correct the issue, and that the voter has until 5 p.m. two days prior to the certification of the election to correct. Because there is no uniform date when counties certify elections, a voter may not know the date by which to make the correction and could inadvertently miss the deadline. This bill provides voters with greater certainty if they are notified of a missing or non-matching signature, ensuring that everyone is operating on a level playing field. This bill makes a number of related improvements to the process and procedures for ballot cure, including authorizing use of a ballot drop box to collect verification statements and updating our ballot tracking system to provide better additional notice.
- 2) Senate Informational Hearing. On March 18, 2025, the Senate Committee on Elections and Constitutional Amendments held an informational hearing on the signature curing process. The hearing was intended to inform the Senate on the different ways counties verify a signature on a VBM return envelope and contact a voter to cure a signature issue. The goal was to learn ways to improve VBM ballot processing, thereby enhancing the voter experience and helping counties expedite the overall vote count. The hearing included perspectives, insight, and recommendations from the SOS's office, county election officials, voter advocacy organizations, and political attorneys. These panelists provided insights and thoughts about the role of the SOS and county election officials in the signature curing process.
- 3) Adding a Coauthor. There are committee amendments to add Senator Cervantes as a principal coauthor.

### **RELATED/PRIOR LEGISLATION**

SB 3 (Cervantes) of 2025 makes changes to signature curing process, including signature cure forms, for VBM ballots. The bill is pending in the Assembly Committee on Elections.

AB 3184 (Berman), Chapter 312, Statutes of 2024, made various changes to the signature curing process, such as creating a combined signature verification form and clarifying what information about the voter needing to cure a signature was made available. The bill prohibited a county elections official from certifying the results of the election prior to the 28th calendar day following the election as well as establishing a uniform deadline of 26 days after the election for signature cure forms for the 2024 November general election.

SB 77 (Umberg), Chapter 701, Statutes of 2023, required election officials to notify a voter by telephone, text message, or email of the opportunity for a voter to verify their signature if the voter’s signature did not compare to the signature on file, or to provide a signature if the voter’s signature was missing.

AB 63 (Cervantes), Chapter 514, Statutes of 2023, required election officials to update election results at least once a week until the results are complete.

SB 503 (Becker), Chapter 319, Statutes of 2021, required election officials to apply certain presumptions about a voter’s signature when comparing a signature on a VBM ballot envelope.

SB 523 (McGuire), Chapter 568, Statutes of 2019, required counties to notify a voter whose signature is missing on a VBM identification envelope and aligned the timeline for notices and the submission of an unsigned VBM ballot envelope with the deadlines established for mismatching signatures.

SB 759 (McGuire), Chapter 446, Statutes of 2018, permitted a voter whose signature on their VBM ballot identification envelope does not match the signature on file in the voter’s record to return a completed signature verification statement in order to have their ballot counted.

**PRIOR ACTION**

Assembly Floor:	62 - 3
Assembly Appropriations Committee:	11 - 0
Assembly Elections Committee:	4 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** None received

**Oppose:** None received

**-- END --**



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

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**Bill No:** AB 16 **Hearing Date:** 7/1/25  
**Author:** Alanis  
**Version:** 4/21/25  
**Urgency:** No **Fiscal:** No  
**Consultant:** Scott Matsumoto

**Subject:** Vote by mail ballots: processing

**DIGEST**

This bill permits election officials to begin processing vote by mail (VBM) return envelopes and VBM ballots on the day VBM ballots are mailed.

**ANALYSIS**

Existing law:

- 1) Requires an elections official to mail a ballot to every active registered voter for every election in which the voter is eligible to participate and to begin mailing VBM ballots no later than 29 days before the election.
- 2) Permits any jurisdiction to process VBM ballot return envelopes beginning 29 days before the election. Processing VBM ballot return envelopes may include verifying the voter's signature on the envelope and updating voter history records.
- 3) Permits any jurisdiction having the necessary computer capability to start processing VBM ballots on the 29th day before the election. Provides that processing VBM ballots includes opening VBM return envelopes, removing ballots, duplicating damaged ballots, preparing ballots to be machine read, or processing ballots through the machine. All other jurisdictions are required to start processing VBM ballots at 5 p.m. on the day before the election.
- 4) Prohibits a vote count from being accessed or released until 8 p.m. on Election Day.

This bill permits election officials to begin processing VBM return envelopes and VBM ballots on the day VBM ballots are mailed.

**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% of Californian voters vote by mail. For the 2024 presidential general election, 80.76% of Californian voters 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. 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.

Restriction on Pre-Processing of VBM Ballots. The limitation that counties must have “necessary computer capability” in order to begin processing VBM ballots a day before the election dates back to 1975, when some counties still tallied ballots manually rather than by a computerized voting system. This restriction appears to be intended to prevent those counties from manually tallying ballots the day before the election, potentially due to concerns that the process would make election results publicly available before Election Day. It should be noted that no California county has conducted a full manual tally of all ballots cast at a statewide election since 1984 and the language related to counties having “necessary computer capability” in order to begin processing VBM ballots earlier appears to be obsolete.

**COMMENTS**

- 1) Author’s Statement. Recent elections have revealed a significant deficiency in the state’s ability to process and count VBM ballots in a timely manner. The sheer volume of ballots requires additional verification steps and, unfortunately, that has led to delays in providing election results to the public. Voters, candidates, and the public have grown increasingly frustrated with these delays, and that frustration undermines trust in our electoral system. This bill addresses this issue by requiring county election officials to begin processing and counting VBM ballots as soon as ballots are mailed. This will allow them to begin verifying signatures, processing ballots, and preparing them for machine counting without compromising the integrity of the election process. As a whole, this bill is about transparency, efficiency, and public confidence in our elections.
  
- 2) Speeding Up the Count. The author contends this bill will increase efficiency in the vote counting process. According to the California Association of Clerks and Election Officials, it does not appear that there are any counties lacking computer capabilities that wait until the day before Election Day to begin processing VBM ballots. Counties typically process most VBM ballots that have arrived in the weeks prior to the week of the election. The bulk of VBM ballots is usually delivered to election officials on the day before Election Day, on Election Day, and in the days

immediately following Election Day. This is a main reason for prolonged vote counts. Additional funding for staff and technology to process VBM ballots as well as a public education campaign would be needed to convince Californians to return their VBM ballots earlier. This would help expedite VBM ballot processing. While helpful in cleaning up the Elections Code and providing election officials with some additional time to process VBM ballots on the front end, it is doubtful that this bill will not have a sweeping effect on increasing the timeliness of election results.

- 3) Argument in Opposition. In a letter opposing AB 16, Election Integrity Project California, Inc., stated, in part, the following:

We must assume that a move to authorize earlier ballot processing has as its goal shortening the gap between California's outrageous 30-days-after Election Day certification deadline and the other 49 states' ability to certify within a day or two after Election Day. To that end, AB 16 accomplishes nothing.

### **RELATED/PRIOR LEGISLATION**

SB 3 (Cervantes) of 2025, among other changes to the signature verification process for VBM ballot envelopes, includes the verification of signature cure statements as one of the procedures that is publicly observable. The bill is pending consideration in the Assembly.

AB 37 (Berman), Chapter 312, Statutes of 2021, among other changes to VBM ballots, changed the starting date that counties were permitted to process VBM ballots from 15 business days before an election to 29 days before an election if the jurisdiction has the necessary computer capability. This practice was permitted for the November 3, 2020, statewide general election pursuant to AB 860 (Berman), Chapter 4, Statutes of 2020, and AB 37 made the change permanent.

AB 3370 (Committee on Elections and Redistricting), Chapter 106, Statutes of 2020, among other changes, modified the starting date that counties were permitted to process VBM ballots from 10 business days before an election to 15 business days before an election other than the November 3, 2020, statewide general election if the jurisdiction has the necessary computer capability.

SB 29 (Correa), Chapter 618, Statutes of 2014, among other changes, changed the starting date that counties were permitted to process VBM ballots from seven business days before an election to 10 business days before an election if the jurisdiction has the necessary computer capability.

AB 2606 (Keysor), Chapter 1275, Statutes of 1976, among other changes, permitted counties with the necessary computer capability to begin processing "absent voter ballots" on the fifth day prior to the election.

AB 50 (Unruh), Chapter 794, Statutes of 1961, required election officials to begin processing "absent voter ballots" at any time following the third day prior to an election.

**PRIOR ACTION**

Assembly Floor:	75 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** None received

**Oppose:** Election Integrity Project California, Inc.  
One individual

**-- END --**



- a) All precinct boundary changes and alterations made within the current calendar year and the immediately preceding two calendar years.
- b) All precinct consolidations made within the current calendar year and the immediately preceding two calendar years, specifying the election or elections in which the consolidations were made.

The information provided to persons must include the precinct numbers before the change or alteration and then a description, including precinct numbers, of the changes or alterations. This description includes maps.

- 7) Allows an elections official to charge a person requesting information about changes or alterations to precinct boundaries the amount needed to reimburse the jurisdiction for the actual expenses incurred in providing copies of the information required.
- 8) Requires the boundaries of precincts for the general election to be the same as those established for the direct primary election, except to the extent necessary to add or subtract precincts as the result of population change or to divide precincts containing more than 1,000 voters or to change precinct boundaries due to jurisdictional boundary changes or consolidations of elections.
- 9) Permits an elections official, if there are 250 or fewer persons registered to vote in any precinct, to furnish each voter with a vote by mail ballot along with a statement that there will be no polling place for the election.
- 10) Authorizes any county, pursuant to the Voter's Choice Act (VCA), to conduct elections in which every registered voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on Election Day, in lieu of operating polling places for the election, subject to certain conditions. Eligible voters from any precinct within the county can use any vote center located within the county.

This bill requires a registrar of voters in each county to make available, upon request by any member of the public, a map in digital form that is free of charge showing the effective boundaries of each precinct within the county.

### **BACKGROUND**

**Precincts.** Current law requires an elections official to divide a jurisdiction into precincts and prepare detailed maps or exterior descriptions of the precincts. A precinct is defined as a geographical area within a county that is made up of voters. In traditional polling place counties, all voters from the same precinct are assigned to a specific polling place for an election. In the VCA counties, eligible voters from any precinct within the county can use any vote center located within the county.

Under current law, copies of precinct maps are available to the public upon request. The elections official may charge a person requesting copies for expenses incurred in providing precinct maps. The law does not specify any specific format in which precinct maps must be made available to the public.

A number of counties post precinct maps in portable document format (pdf) on their website, but the clarity in these maps varies among counties. Some of these maps can be downloaded and printed for free. Other counties have online interactive mapping tools that allow a voter to look up district and precinct maps, and download and print the digital maps for free.

**COMMENTS**

Author's Statement. Current law makes it difficult for voters to access precinct boundary maps, posing threats to electoral transparency and the democratic process in California. It is vital that all citizens have widespread access to these maps in order to reduce confusion, increase voter turnout, and engage individuals of all backgrounds with our political system. This bill is an effort to modernize the electoral process by requiring registrars of voters to make publicly available free digital maps that show precinct boundaries within each county. This bill would not only make it easier for voters to identify polling places, but it would also decrease barriers to accessing public records and enhance the public's understanding of precincts and district boundaries.

**RELATED/PRIOR LEGISLATION**

AB 1096 (Galgiani) of 2009 would have required election officials to provide electronic copies of precinct maps to any interested person. The bill was vetoed by Governor Schwarzenegger who stated, in part, the following:

While I support the author's efforts to increase the availability of detailed precinct maps in electronic format, I believe this will result in additional costs to local governments. Existing law allows a county to provide this information in electronic format; therefore, a statewide mandate is unnecessary. I encourage counties to consider implementing the provisions of this bill if their resources allow, but in this time of fiscal constraint, cannot support mandating them to do so.

**PRIOR ACTION**

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	7 - 0

**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

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**Bill No:** AB 94 **Hearing Date:** 7/1/25  
**Author:** Bennett  
**Version:** 1/7/25  
**Urgency:** No **Fiscal:** No  
**Consultant:** Carrie Cornwell, Rida Shaikh

**Subject:** Recall elections: successors

**DIGEST**

This bill prohibits a recalled local officer from being appointed to fill the vacancy of that office.

**ANALYSIS**

Existing Law:

- 1) Provides that recall is the power of the electors to remove an elective officer.
- 2) Defines “local officer” as an elective officers of a city, county, school district, community college district, or special district, or a judge of a trial court.
- 3) Requires the Legislature to provide for the recall of local officers, but provides that this provision does not affect counties and cities whose charters provide for a recall.
- 4) Requires, in the case of a recall of a state officer, other than a judge of the Supreme Court or a court of appeal, the following:
  - a) The recall election to include both an election to determine whether to recall the officer and an election to elect a successor.
  - b) Provides that if the majority vote on the question is to recall, the officer is removed and the candidate who receives a plurality is the successor.
  - c) Prohibits the officer who is the subject of the recall from being a candidate in the election to choose a successor.
- 5) Provides at a statewide election if an officer is recalled, the candidate receiving the highest number of votes for the office is declared elected for the unexpired term of the recalled officer.
- 6) Provides there shall not be an election for a successor in a recall of a local officer. If the majority votes to recall a local officer, then the officer is removed and the vacated office is filled according to law.



This bill bars a recalled local officer from being appointed to fill the vacancy of that office and corrects a technical error relating to statewide election.

### **BACKGROUND**

Recall Changes. In 2022, the Legislature passed and Governor Newsom sign AB 2582 (Bennett), Chapter 790, Statutes of 2022, which changed how local recalls are conducted. Before AB 2582, state and local election recalls had the same process. The ballot asked voters two questions: 1) should the officer sought to be recalled be recalled, and 2) who should replace the recalled officer if the recall is successful. AB 2582 removed the second question and made it so local recall elections would only ask one question: should the local officer sought to be recalled be removed from office? As a result, any vacancy created from a successful recall is now be filled in accordance to law.

In 2024, the Legislature passed the proposed constitutional amendment SCA 1 (Newman), Resolution Chapter 204, Statutes of 2024. SCA 1, if approved by voters, would only ask one question at a state recall election: should the officer being recalled be removed? SCA 1 is similar to the local recall election processes created by AB 2582. SCA 1 also creates a provision that prohibits the recalled officer from being appointed to fill the vacancy, similar to what this bill is aiming to do.

### **COMMENTS**

Authors Statement: AB 94 seeks to align the local recall process with the recall process laid out in SCA 1 of 2024, and to clarify ambiguity in the code. There is currently inconsistency between the proposed ballot measure regarding recalls of state officers and AB 2582, as well as ambiguity in existing law.

Statewide or State Officer. AB 2582 created provisional changes in the Elections Code, which previously covered state and local election recalls. One change created a provision about *statewide* recall elections. However, the term *statewide* unintentionally left out state elected officers who are not elected statewide. For example, members of the Board of Equalization and Legislature are not included in current language. This bill clarifies that any state officer is subject to the provision.

### **RELATED/PRIOR LEGISLATION**

SCA 1 (Newman), Resolution Chapter 204, Statutes of 2024, would if passed by voters, eliminate the successor election for a recalled state officer and would provide, in the event an officer is removed in a recall election, that the office will remain vacant until it is filled in accordance with existing law. This constitutional amendment also repeals the prohibition against the officer subject to the recall from being a candidate to fill the office in a special election, but prohibits the appointment of the officer subject to the recall election to fill the vacancy.

AB 2582 (Bennett), Chapter 790, Statutes of 2022, requires a local recall election to include only the question of whether the elected officer sought to be recalled should be removed from office. It also requires the office, if a local officer is successfully recalled, to become vacant and to be filled in accordance with existing law.

**PRIOR ACTION**

Assembly Floor:	76 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** SEIU California

**Oppose:** Election Integrity Project California, Inc.

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

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**Bill No:** AB 287 **Hearing Date:** 7/1/25  
**Author:** Lackey  
**Version:** 1/22/25  
**Urgency:** No **Fiscal:** No  
**Consultant:** Carrie Cornwell

**Subject:** Elections: polling places and vote centers

**DIGEST**

This bill specifies that when a public entity provides use of one of its buildings for a polling place or vote center, it must also provide accessible parking, curbside parking, and storage at the location.

**ANALYSIS**

Existing law:

- 1) Allows a local governmental agency, the University of California (UC), the California State University (CSU), or a community college district to provide the use of its buildings as polling places or vote centers as well as for the storage, at no cost, of voting machines and other vote tabulating devices.
- 2) Requires, when a local elections official asks to use a specific public building as a polling place or vote center, that the local agency, CSU, or community college district allow for the building's use as a polling place or vote center. The UC is encouraged to do so.
- 3) Requires a public building, including a school building, that is used as a polling place or voter center to comply with applicable federal and state accessibility requirements and if requested, to make parking available at no charge.
- 4) Permits a voter with a disability to vote by regular ballot outside any polling place, also known as curbside voting.

This bill requires that when an agency provides a public building for use as a vote center or polling place that it also provides:

- Space for voting operations and storage of associated supplies; and
- Accessible parking spaces and curbside parking where voters with disabilities can be assisted, when requested to by the local elections official.

**COMMENTS**

- 1) **Author’s Statement.** It is imperative that Californians with disabilities can fully and equally participate in the electoral process. That means making sure they have accessible parking at polling places and vote centers for curbside voting if they need it. This bill is a simple clarifying bill to help guarantee that everyone has an equal opportunity to vote.
  
- 2) **Arguments in Support.** The County of Los Angeles, the bill’s sponsor, states that by clarifying requirements for accessible parking, curbside voting spaces, and adequate storage for voting materials, the bill will enhance accessibility at voting centers for individuals with disabilities. The county further notes that last year it reached a settlement with the U.S. Department of Justice resolving an Americans with Disabilities Act lawsuit that requires the county to improve its vote center site selection policies and increase the number of vote centers in the county. This bill helps the county comply with that settlement.
  
- 3) **School District Concerns.** The Los Angeles Unified School District (LAUSD), while not taking a position on this bill, notes that it, and likely many other school districts, may not be able to meet the requirements of this bill. It reports that over 80 percent of LAUSD schools have insufficient parking and therefore struggle to provide sufficient parking for teachers. Requiring districts to make accessible parking available during the 10-day window would further result in the displacement of students and employees who require accessible spaces during that period. Similarly, the storage of voting materials could also be an issue if the school site does not have usable space readily available.

**RELATED/PRIOR LEGISLATION**

AB 545 (Pellerin), Chapter 658, Statutes of 2023, authorized curbside voting, which permits a voter with a disability to vote by regular ballot outside any polling place.

**PRIOR ACTION**

Assembly Floor:	72 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** County of Los Angeles

**Support:** Asian Law Caucus  
 California Association of Clerks & Election Officials  
 California State Association of Counties  
 Disability Rights California  
 Election Integrity Project California, Inc.

**Oppose:** None received

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

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<b>Bill No:</b>	AB 331	<b>Hearing Date:</b>	7/1/25
<b>Author:</b>	Pellerin		
<b>Version:</b>	4/21/25		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** Elections: duties of election officials: voter information guides.

**DIGEST**

This bill requires the Secretary of State (SOS) and county election officials to prepare voter information guides (VIGs) for county jail facilities in a format that will be accepted by the jail facilities. This bill also clarifies that the duty to certify election results is a ministerial duty of the elections official. Finally, this bill makes it a crime to use misleading unofficial ballot return envelopes.

**ANALYSIS**

Existing law:

- 1) Provides that a person who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age by Election Day may register to vote and vote.
- 2) Requires the SOS to produce a state VIG that contains 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. The SOS must mail the state VIG to every postal address at which one or more persons are registered to vote starting the 29th day before a statewide election. Voters are permitted to opt out of receiving a paper copy of the state VIG and receive it by electronic mail.
- 3) Requires the SOS to send one copy of the state VIG by mail to each city and county elections official, each member of the Legislature, the proponents of each statewide ballot measure, each public library, and specified educational institutions. The SOS may provide additional copies of the state VIG to these persons and institutions upon request.
- 4) Requires election officials to compile election results, declare the vote upon completion of the vote count, and post one copy at the counting place for public inspection. Elections officials are required to prepare a certified statement of the results of the election, post the statement on their website, and submit it to the governing body within 30 days of the election.
- 5) Requires an elections official to send one complete copy of all results to the SOS in an electronic format within 31 days of the election that includes all of the following:

- a) All candidates voted for statewide office.
  - b) All candidates voted for Member of the State Assembly, Member of the State 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 statewide measures.
  - d) The total number of ballots cast.
- 6) Requires a governing body to declare elected or nominated to each office voted on at each election under its jurisdiction the person having the highest number of votes for that office, and to declare the results of each election under its jurisdiction as to each measure voted on at the election.
  - 7) Provides that every person who does either of the following is punishable by a fine not exceeding \$1,000, or by imprisonment for 16 months or two or three years, or by both:
    - a) Displays a container for the purpose of collecting ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot box. Evidence of intent to deceive may include using the word "official" on the container, or otherwise fashioning the container in a way that is likely to deceive a voter into believing that the container is an official collection box that has been approved by an elections official.
    - b) Directs or solicits a voter to place a ballot in an unofficial ballot box prohibited as described above.

This bill:

- 1) Requires the SOS to prepare a state VIG for each county jail in California in a format that will be accepted by county jail facilities and to make that guide available to registered voters with a mailing address in a county jail facility.
- 2) Requires county election officials to prepare a county VIG for each county jail in their counties in a format that will be accepted by county jail facilities and to make that guide available to registered voters with a mailing address in a county jail facility.
- 3) Provides that the number of VIGs required in 1) and 2) be equal to either of the following, as applicable:
  - a) At least 30 percent of the number of registered voters inside the facility, if the guides will be in a location accessible to each registered voter.
  - b) Equal to the number of registered voters inside the facility, if the guides will be delivered individually to each registered voter.

- 4) Clarifies that existing provisions of law that require an elections official to prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election, post the certified statement of results of the election on its website, and send to the SOS within 31 days of the election in an electronic format a complete copy of specified election results, are ministerial and nondiscretionary duties.
- 5) Requires the SOS, if an elections official fails to prepare a certified statement of the results of the election, to call the violation to the attention of the district attorney of the county or to the AG and permits the SOS to assist the county elections official in discharging the officer's duties.
- 6) Makes it a crime punishable by a fine, by imprisonment in county jail or in state prison, or by both a fine and imprisonment, for a person who provides, directs, or solicits a voter to place or return a ballot in an envelope with the intent or in a way to deceive a voter into returning a ballot in an unofficial return envelope and believing that the envelope is an official ballot return envelope.

### **BACKGROUND**

Unique Barriers and Recent Research. A 2020 Prison Policy Initiative report, "Eligible but Excluded: A Guide to Removing the Barriers to Jail Voting," discussed that while most people in local jails are legally eligible to vote, in practice many are unable to exercise those rights. The report discussed several barriers that prevent those in jail from voting, including confusion about voter eligibility requirements and deadlines for registering to vote and casting a ballot.

Some states require personal identification (e.g., a social security number or driver's license number) in order to register or cast a ballot, which can be problematic because when a person is arrested and detained in jail, their personal effects, such as identifications, are typically confiscated. Additionally, incarcerated people have limited or no access to the internet or various paper resources, making it significantly challenging to access voting forms, election resources, or confirm a ballot has been received and/or accepted by election officials. Delays in receiving mail in jail may also impede the timely casting of ballots or voter registration forms.

Unofficial Vote by Mail Ballot Return Envelopes. During the November 2020 statewide general election, there were instances of unauthorized and unofficial vote by mail (VBM) drop boxes. According to an October 11, 2020, advisory from the SOS to county election officials, the SOS' office received several complaints regarding the use of unauthorized and non-official VBM drop boxes being used or proposed to be used at local political party offices, candidate headquarters, and churches throughout the state. According to the memo, examples that were provided to the SOS's office included boxes or containers labeled as "ballot drop boxes" or "official ballot drop boxes."

Following the election, SB 35 (Umberg), Chapter 318, Statutes of 2021, was enacted to prohibit displaying a ballot collection container with the intent to deceive a voter into casting a ballot and directing or soliciting a voter into casting a ballot in an unofficial ballot collection container. SB 35 established that evidence of an intent to deceive may include using the word "official" on the container, or otherwise fashioning the container



in a way that is likely to deceive a voter into believing that the container is an official collection box that has been approved by an elections official.

According to the author and the sponsor, the state Department of Justice received a report of a potentially misleading ballot return envelope being delivered to a voter during a recent election.

Certification Process. Since the 2020 election, more than 30 local officials nationwide have refused or threatened to refuse to certify election results. These efforts were unsuccessful because state courts and state officials intervened to protect the certification process. State officials have several legal tools available to respond to and protect against future election certification issues. The Citizens for Responsibility and Ethics in Washington published a report, "Election Certification Under Threat: A legal roadmap to protect the 2024 election including from 35 officials who have refused to certify results," that outlines legal remedies available to state and federal authorities to protect certification at the county level. Among the recommendations, the report noted that state election boards, secretaries of state, attorneys general, and local prosecutors should explicitly advise county officials of their non-discretionary certification duties and the penalties for non-compliance before any election.

### **COMMENTS**

- 1) Author's Statement. This bill makes technical changes to the Elections Code to ensure timely certification of results, provides voter guides to eligible voters in jails, and clarifies that all materials distributed with the intention to mislead voters are unlawful. By clearly defining election officials' certification duties as ministerial, this bill removes any ambiguity that could be potentially exploited by bad actors. Furthermore, this bill makes it clear that it is the duty of county election officials and the SOS to provide voter information guides in a format accepted by jails. These changes will ensure that the California Department of Justice, can more easily enforce California's voter protection laws.
- 2) Receiving Election Materials. Current law provides a person is entitled to register to vote if they are a United States citizen, a resident of California, not in prison for the conviction of a felony, and at least 18 years of age at the time of the next election and requires all voters to be mailed a VBM ballot. In other words, if a person is not serving a state or federal prison term for the conviction of a felony and meets all of the other registration requirements, they are eligible to vote and to receive a ballot in the mail. Regardless of this bill, local jurisdictions are required to provide registration, information about the election, and voting access to eligible voters. This includes sending information regarding an upcoming election every eligible voter, including those in a jail facility. To deny access or provide inadequate access to voting and voting information for eligible individuals is voter disenfranchisement.
- 3) Double Referral. If approved by this committee, this bill will be referred to the Committee on Public Safety for further consideration.

**RELATED/PRIOR LEGISLATION**

AB 544 (Bryan) of 2024 would have required, among other provisions, the SOS to operate a pilot grant program to provide grants to three specified counties to design, implement, and evaluate a program to improve voter participation in jail facilities using appropriated funds. Governor Newsom vetoed this bill and noted that counties are able to establish these programs without statutory authority.

SB 35 (Umberg), Chapter 318, Statutes of 2021, prohibited displaying a ballot collection container with the intent to deceive a voter into casting a ballot and directing or soliciting a voter into casting a ballot in an unofficial ballot collection container.

**PRIOR ACTION**

Assembly Floor:	71 - 1
Assembly Appropriations Committee:	12 - 0
Assembly Public Safety Committee:	9 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Attorney General Rob Bonta

**Support:** California Common Cause  
California Voter Foundation  
Ella Baker Center for Human Rights  
Initiate Justice  
LA Defensa  
League of Women Voters of California  
Verified Voting

**Oppose:** None received

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

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**Bill No:** AB 502 **Hearing Date:** 7/1/25  
**Author:** Pellerin  
**Version:** 6/16/25  
**Urgency:** No **Fiscal:** No  
**Consultant:** Scott Matsumoto

**Subject:** Elections: deceptive media in advertisements

**DIGEST**

This bill makes modifications to provisions of law that prohibit anyone, with malice, from knowingly distributing a campaign advertisement or other election communication containing materially deceptive content unless certain conditions are met.

**ANALYSIS**

Existing law:

- 1) Prohibits anyone, until January 1, 2027, from distributing within 60 days of an election materially deceptive audio or visual media of a candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate.
- 2) Prohibits anyone, beginning January 1, 2027, from producing, distributing, publishing, or broadcasting campaign material that contains a superimposed image of a candidate unless the campaign material includes a disclaimer that the picture is not an accurate representation of fact.
- 3) Prohibits anyone, with malice, from knowingly distributing a campaign advertisement or other election communication containing materially deceptive content unless certain conditions are met. (These provisions are subject to a preliminary injunction and are being litigated.)
- 4) Requires any political advertisement that is published or distributed by a political committee, to include a disclaimer if content in the ad was generated or substantially altered using artificial intelligence (AI).

This bill makes the following modifications to provisions prohibiting anyone, with malice, from knowingly distributing a campaign advertisement or other election communication containing materially deceptive content unless certain conditions are met:

- 1) Clarifies the requirement to label satire does not apply if a reasonable person would recognize that it is satire or parody.
- 2) Specifies these prohibitions are 120 days before any election in California in which the candidate is running, instead of 120 days before any election in California.

- 3) Limits who can seek relief to only those depicted in the fraudulent material.
- 4) Makes the labeling provisions of the bill consistent with other existing election-related labelling provisions.
- 5) Makes conforming changes to existing legislative findings and declarations.

### **BACKGROUND**

Manipulated Media in Campaign Communications. The use of false and deceptive information in campaigns to influence election outcomes is not a new phenomenon. Laws aimed at curbing such practices and preserving the integrity of elections have a long history in California. The inaugural 1850 session of the California State Legislature created penalties for election misconduct, including for “deceiving [an elector] and causing him to vote for a different person for any office than such elector desired or intended to vote for.”

California law today includes various provisions criminalizing deceptive tactics that undermine election integrity or interfere with voters’ ability to participate in elections. This includes laws that prohibit distribution of false and misleading information about qualifications to vote or about the days, dates, times, and places where voting may occur; the misleading use of government seals in campaign literature; and coercing or deceiving a person into voting in a way that was inconsistent with the person’s intent.

Artificial Intelligence and Elections. On June 4, 2024, the Senate Committee on Elections and Constitutional Amendments and the Assembly Committee on Elections held a joint information hearing focusing on AI and elections.

The purpose of the hearing was to inform and assist the Legislature in making informed decisions on legislation related to AI-generated and altered content. It became evident that the ease with which people can create and spread mis- and disinformation creates a world where many people may have trouble determining what is fact and what is fiction.

State Action. AB 3075 (Berman), Chapter 241, Statutes of 2018, established the Office of Elections Cybersecurity (OEC) in the Secretary of State’s (SOS) office. The OEC has two primary missions. First, it is responsible for coordinating efforts between the SOS and local election officials to reduce the likelihood and severity of cyber incidents that could interfere with the security or integrity of elections in California. Second, the OEC is tasked with monitoring and counteracting false or misleading information regarding the electoral process that is published online or on other platforms that may suppress voter participation, cause confusion, or disrupt the ability to ensure a secure election. According to the OEC’s website, the office serves California with the sole purpose of keeping every Californian’s vote safe from online interference, especially the spread of mis- and disinformation.

AB 730 (Berman), Chapter 493, Statutes of 2019, addressed concerns that deepfake technology could be used to spread misinformation in political campaigns. “Deepfake technology” is software capable of producing a realistic looking video of someone saying or doing something they did not actually say or do.

AB 730 prohibits anyone from distributing deceptive audio or visual media with actual malice and the intent to injure a candidate's reputation or to deceive a voter, unless the media includes a disclaimer that it has been manipulated. AB 730 does not apply exclusively to deepfakes; it also applies to any intentional manipulation of audio or visual images where a reasonable person would be misled into believing it was authentic. AB 730 focused on materially deceptive representations of candidates, and not on deceptive media of other aspects of the electoral process. AB 730 included a January 1, 2023, sunset date, but AB 972 (Berman), Chapter 745, Statutes of 2022, extended the sunset date to January 1, 2027.

AB 2839 (Pellerin), Chapter 262, Statutes of 2024, prohibited the distribution of digitally altered, materially deceptive campaign advertisements and other election communications close to an election. Following the chaptering of the bill, several entities challenged the law alleging First Amendment violations. In particular, the provisions related to satire. A federal district court in Sacramento issued a preliminary injunction for most of the law. The court is now considering motions for summary judgment and has scheduled a hearing on the matter for August 5, 2025.

### COMMENTS

- 1) Author's Statement. AI-fueled disinformation can skew specific election results by deceiving voters or impacting voter turnout, call results into question, and more generally undermine faith in our elections, their security, and democratic systems. This bill seeks to strengthen AB 2839 in several small but important ways to better withstand constitutional challenge. These changes will make it easier for a court to uphold key provisions of last year's AB 2839 and better protect election integrity in California.
- 1) First Amendment Considerations. The First Amendment to the United States Constitution provides in relevant part "Congress shall make no law...abridging the freedom of speech..." Similarly, Section 2 of Article I of the California Constitution provides in relevant part, "Every person may freely speak, write, and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press."

A question could be raised about whether this bill is consistent with the right to freedom of speech that both the U.S. and California constitutions guarantee. The U.S. Supreme Court has ruled that the First Amendment even protects false statements (*United States v. Alvarez* (2012), 567 U.S. 709). When a law burdens core political speech, the restrictions on speech generally must be "narrowly tailored to serve an overriding state interest," *McIntyre v. Ohio Elections Commission* (1995, 514 US 334).

This bill builds upon AB 2839 that targeted deceptive content that could undermine trust in elections, prevent voters from voting, and distort the electoral process. The U.S. Supreme Court generally has found that the protection of the integrity of elections is an overriding (or compelling) government interest (*Id.* at 349; *Burson v. Freeman* (1992) 504 U.S. 191, 199). A challenge of this bill on First Amendment grounds would likely center on whether this bill's provisions are more narrowly tailored as compared to AB 2839.

**RELATED/PRIOR LEGISLATION**

AB 2839 (Pellerin), Chapter 262, Statutes of 2024, prohibited the distribution of digitally altered, materially deceptive campaign advertisements and other election communications close to an election.

AB 2355 (Wendy Carrillo), Chapter 260, Statutes of 2024, required a campaign committee that creates, originally publishes, or originally distributes a political advertisement utilizing AI to include a disclosure stating that the audio, image, or video was generated or substantially altered using AI.

**POSITIONS**

**Sponsor:** California Initiative for Technology and Democracy

**Support:** None received

**Oppose:** Electronic Frontier Foundation  
First Amendment Coalition

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

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<b>Bill No:</b>	AB 1072	<b>Hearing Date:</b>	7/1/25
<b>Author:</b>	Pellerin		
<b>Version:</b>	2/20/25		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** Elections: ballot mistakes

**DIGEST**

This bill requires the Secretary of State (SOS) to develop uniform standards and guidelines for a voter to correct mistakes when voting.

**ANALYSIS**

Existing law:

- 1) Requires an elections official to provide a replacement ballot to any voter upon receipt of a request from the voter. The voter making the request needs to provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration and requires an elections official, prior to issuing a replacement ballot, to advise the requester as follows: "Only the registered voter themselves may request a replacement ballot. A request for a replacement ballot that is made by any person other than the registered voter is a criminal offense."
- 2) Requires an elections official to provide a replacement ballot to the voter's representative upon receipt of a written request on a form prescribed by the SOS and signed by the voter under penalty of perjury. A ballot is prohibited from being provided until both of the following occur: the elections official compares the signature on the written request with the signature(s) in the voter's record and the authorized representative signs an acknowledgment of receipt of the voter's ballot.
- 3) Requires an elections official to keep a record of each vote by mail (VBM) ballot sent to and received from a voter and to verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice.
- 4) Provides that instructions printed on the ballot may include warnings and checks to help voters mark their ballot correctly and avoid errors.
- 5) Requires a voter to return their ballot to the ballot clerk and receive another ballot if a voter spoils or defaces their previous ballot. A voter is prohibited from receiving more than a total of three ballots, including their original ballot.

This bill requires the SOS, in consultation with county election officials, to develop uniform standards and guidelines for a voter to correct mistakes made on the voter's ballot. The bill also permits the SOS to adopt appropriate regulations for the purpose of ensuring uniform application of these standards and guidelines.

### COMMENTS

- 1) Author's Statement. It is commonplace for a voter to mismark their ballot. When someone is voting in-person at a polling place or vote center, that voter can ask poll workers for advice on how to correct the error, or can easily request a replacement ballot. If a person is marking their mail ballot at home and makes a mistake, then that voter may not intuitively know how to fix that mistake so that the ballot can be counted accurately.

Furthermore, someone who is completing a ballot at home may be less likely to request a replacement ballot when they make a mistake, given the amount of time that it may take to get a replacement ballot mailed to them. When a voter reaches out to their elections official for advice on how to fix a mistake before returning their ballot, election officials generally do a good job of educating voters about the options for correcting that mistake. The advice and instructions on how to fix an error vary from county to county.

Providing and promoting best practices for fixing common ballot errors will help minimize ambiguity and increase voters' confidence that their ballot will be counted correctly.

- 2) Mistakes Happen. Existing law permits a voter to request a replacement ballot if a mistake is made. A replacement ballot also may be requested if the voter did not receive, lost, or destroyed their ballot. In order to receive a replacement ballot, a voter must submit a request or application for a replacement ballot to their county elections office by phone, email, fax, or other electronic means. Once the application is verified and approved, a replacement ballot is mailed to the voter. Most county election officials make the replacement ballot application available on their websites. Others provide interactive applications to request a replacement ballot. If a person is marking their VBM ballot at home and makes a mistake, a voter also has the option to go to a polling location to apply for and obtain a replacement ballot.

If an individual is voting in-person at a polling place or vote center, that voter can ask poll workers for advice on how to correct an error, or can request a replacement ballot.

- 3) Correcting Mistakes in Bay Area Counties. For the 2024 presidential general election, radio station KQED provided information on what do to if a mistake is made and the voter needs a replacement ballot. The article had information from nine counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. While mostly similar, these counties varied in the detail of their advice to voters on how to fix an error on a ballot and the remedy for the issue. This ranged from crossing out the mistake and indicating the correct selection to directly requesting a replacement ballot.



**RELATED/PRIOR LEGISLATION**

AB 1164 (Ransom) of 2025 requires the Voter Bill of Rights to inform voters that they can request a replacement ballot from a polling place worker or the elections official in the county. The bill is pending in this committee.

AB 398 (Pellerin), Chapter 650, Statutes of 2023, among other provisions, allowed an elections official to provide a replacement VBM ballot to a voter without the need for the voter to provide a specified statement under penalty of perjury.

**PRIOR ACTION**

Assembly Floor:	76 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** Asian Law Caucus  
California Teachers Association  
California Voter Foundation

**Oppose:** None received

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

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**Bill No:** AB 359 **Hearing Date:** 7/1/25  
**Author:** Ramos  
**Version:** 1/30/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Fair Political Practices Commission.

**DIGEST**

This bill makes a provision of law permanent that allows the Fair Political Practices Commission (FPPC) to administer, implement, and enforce a local campaign finance or government ethics law upon mutual agreement between the FPPC and a local jurisdiction with a population of less than three million people.

**ANALYSIS**

Existing law:

- 1) Creates the Political Reform Act (PRA), which sets campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures.
- 2) Establishes the FPPC to implement, administer, and enforce the PRA.
- 3) Permits local jurisdictions to adopt campaign reporting requirements that are different from those set forth in the PRA for elections for candidates seeking election in the jurisdiction or ballot measures being voted on only in that jurisdiction.
- 4) Permits the FPPC to administer, implement, and enforce a local campaign finance or government ethics law upon mutual agreement between the FPPC and a local jurisdiction with a population of less than three million people, provided:
  - a) The local campaign finance or government ethics law complies with the PRA.
  - b) The agreement provides for the reimbursement of the FPPC's costs and does not contain a financial disincentive to terminate the agreement.
  - c) The governing body of the local agency consults with the FPPC before adopting or amending any local campaign finance or government ethics law.
  - d) The FPPC submits the proposed agreement to the Department of General Services for review and submits the final signed agreement to the Department of Finance.

- 5) Provides that upon approval of such an agreement, the FPPC shall be the civil prosecutor responsible for the civil enforcement of the local campaign finance or government ethics law of the local government agency. As the civil prosecutor, the FPPC may do all of the following with respect to the local campaign finance or government ethics law:
  - a) Provide advice.
  - b) Investigate possible violations.
  - c) Bring administrative actions in accordance with the PRA.
  - d) Bring civil actions without seeking permission from the local agency.
- 6) Allows an agreement to be terminated 90 days after an FPPC or local ordinance or resolution to do so passes.
- 7) Requires the FPPC to conspicuously post on its website a list of every local jurisdiction it has entered into an agreement with to administer, implement, and enforce campaign finance or government ethics laws.
- 8) Excludes local jurisdictions with a population of three million or more and the County of San Bernardino from these contracting provisions. San Bernardino County has its own provision of law related to the FPPC assuming these duties for that county.
- 9) Sunsets the authority for local jurisdictions to contract with the FPPC on January 1, 2026.

This bill:

- 1) Deletes the January 1, 2026 sunset date in 9) above.
- 2) Removes the provision that the FPPC be acting as the civil prosecutor in order to exercise the powers enumerated in 5) above and adds authority to conduct audits to the list.
- 3) Deletes obsolete language in the PRA related to the cities of Sacramento and Stockton having the FPPC administer, implement, and enforce their local campaign finance and government ethics laws.

### **BACKGROUND**

In 2012, the Legislature passed and the Governor signed AB 2146 (Cook), Chapter 169, Statutes of 2012, which permitted San Bernardino County and the FPPC to enter into an agreement that provides for the FPPC to enforce the county's local campaign finance reform ordinance, until January 1, 2018. Prior to this, the FPPC did not enforce any local campaign finance ordinances.

The County of San Bernardino, which had been the subject of several high-profile corruption cases, was then in the process of developing a campaign finance ordinance.

Rather than appoint an ethics commission, which could present fiscal as well as conflict of interest challenges, the county proposed to contract with the FPPC to enforce its local campaign finance ordinance. The FPPC and San Bernardino County entered into a series of mutual agreements, covering the period from January 1, 2013 through December 31, 2018.

As required by law, the FPPC submitted a report to the Legislature on March 24, 2016. The report concluded by stating the partnership between the FPPC and the San Bernardino County had been successful and both parties supported removing the January 1, 2018 sunset date from the statute. Consequently, the Legislature passed and the Governor signed AB 2558 (Steinorth), Chapter 202, Statutes of 2016, which removed the sunset date. The agreement between San Bernardino County and the FPPC expired at the end of 2022.

AB 1083 (Eggman), Chapter 186, Statutes of 2015, authorized the City Council of the City of Stockton and the FPPC to enter into an agreement that provides for the FPPC to enforce a local campaign finance ordinance passed by the City Council of the City of Stockton, as specified. Stockton and the FPPC never entered into an agreement.

SB 267 (Pan), Chapter 622, Statutes of 2017, authorized a similar agreement between the City Council of the City of Sacramento and the FPPC. The FPPC and City of Sacramento had an agreement that lasted from March 1, 2018 until December 31, 2019.

AB 2880 (Harper), Chapter 394, Statutes of 2018, authorizes, until 2026, the FPPC to administer, implement, and enforce a local campaign finance ordinance or government ethics law upon mutual agreement between the FPPC and the governing body of a local agency with a population of less than three million people. Since 2022, however, only one jurisdiction, the City of San Bernardino, has maintained such an agreement with the FPPC.

### **COMMENTS**

- 1) Author's Statement. The FPPC, since its inception in 1974, has provided Californians with transparency about their government and ensured public officials remain fair and unbiased stewards of their state. The FPPC's work has not only made an impact at the state level, but at the local level as well. It has been responsible for enforcing local campaign finance and ethics law for many local governments throughout the state, including in the author's home district of San Bernardino County. Soon this service will no longer be available to local agencies unless the State of California removes the sunset date that is set to expire next year. It is crucial that local governments are allowed to continue contracting with the FPPC for its services in ensuring that local campaign finance and ethics law are followed and that constituents continue experiencing the same level of governmental transparency they have come to expect.
- 2) A Tale of Two Cities. Only two cities, Sacramento and San Bernardino, have ever had agreements with the FPPC to administer, implement, and enforce their campaign finance laws under the state law that this bill seeks to make permanent. Sacramento was unsatisfied with the FPPC's service, and its agreement with the

FPPC ended in 2019. The City of San Bernardino reports that it is satisfied, and the author of this bill represents the City of San Bernardino. As noted above, the County of San Bernardino has its own statute providing for the FPPC to administer, implement, and enforce campaign finance laws there, but no longer has an agreement with the FPPC to do so.

- 3) Just One City, But That May Change. As noted in the previous comment, just one jurisdiction, the City of San Bernardino, has an agreement with the FPPC under the provision of law this bill seeks to make permanent. The FPPC reports that it would like to keep the option open for other local government agencies to contract with the FPPC in the future, as this bill does. FPPC staff report that several other jurisdictions have reached out to them to express interest in entering an agreement. FPPC staff also reports that a local ethics commission reached out on behalf of itself and other local ethics commissions to inquire about the FPPC performing enforcement-related functions in instances where there is a local ballot measure that involves or affects their agency to avoid the appearance of bias in those prosecutions. These circumstances raise the question as to whether it would be better to extend the sunset date in this bill, rather than delete it.
- 4) Suggested Amendment. This bill makes permanent law that allows the FPPC to administer, implement, and enforce a local campaign finance or government ethics law upon mutual agreement between the FPPC and a local jurisdiction with a population of less than three million people. It mirrors a now unused section of the PRA that applies solely to the County of San Bernardino, which has a population of approximately 2.2 million. The committee may wish to amend this bill to delete the obsolete provision of the PRA that applies only to San Bernardino County.
- 5) Why Three Million? The existing law this bill makes permanent is limited to agreements between the FPPC and local jurisdictions with a population of less than three million. AB 2880 included this population limit to exclude the County of Orange, which had recently created an ethics commission through a ballot measure and in the process explicitly chose not to seek statutory authority for the FPPC to provide enforcement. This population limit also excludes the City of Los Angeles, the County of Los Angeles, and the County of San Diego.
- 6) Arguments in Support. The League of Women Voters writing in support states that effective monitoring and enforcement is essential to ensure full disclosure of campaign contributions and expenditures. The League of Women Voters asserts that the FPPC has the necessary campaign finance expertise to implement local provisions and ensure transparency.

#### **RELATED/PRIOR LEGISLATION**

AB 2880 (Harper), Chapter 394, Statutes of 2018, authorized FPPC to administer, implement, and enforce a local campaign finance ordinance or government ethics law upon mutual agreement between the FPPC and a local agency with a population of less than three million people.

**PRIOR ACTION**

Assembly Floor:	79 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** Fair Political Practices Commission

**Support:** California Common Cause  
California Special Districts Association  
City of San Bernardino  
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

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**Bill No:** AB 775 **Hearing Date:** 7/1/25  
**Author:** Fong  
**Version:** 3/27/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Behested payments: reporting.

**DIGEST**

This bill requires officials to report behested payments on a quarterly basis directly to the Fair Political Practices Commission (FPPC) using its online system or to a local filing officer, under specified circumstances.

**ANALYSIS**

Existing law:

- 1) Defines a behested payment as a payment made at the behest of an elected officer or member of the Public Utilities Commission (PUC), among others, that is neither a campaign contribution nor a gift; that is principally for a legislative, governmental, or charitable purpose; and for which elected officer or PUC member does not provide full and adequate consideration in exchange.
- 2) Requires an elected officer or member of the PUC to report to their agency behested payments made at the behest of that officer or member within 30 days following the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year.
- 3) Requires that a behested payment report include:
  - a) The name and address of the payor;
  - b) The amount of the payment;
  - c) The date or dates that the payment or payments were made;
  - d) The name and address of the payee;
  - e) A brief description of the goods or services provided or purchased, if any; and
  - f) A description of the specific purpose or event for which the payment or payments were made.

- 4) Requires that within 30 days of receiving a behested payment report, the state agency must forward the report to the FPPC and the local agency must forward it to the officer with whom elected officers of that agency file their campaign reports.

This bill:

- 1) Deletes the timelines to report described in 2) of existing law and instead requires that an elected officer or member of the PUC report a payment made at the behest of that officer or member within 30 days following the end of the calendar quarter in which the aggregate amount of payments from the same source in the same calendar year equal or exceed \$5,000.
- 2) Deletes the requirement that behested payment reports be made to the official's agency and instead specifies that elected officers or PUC members making quarterly behested reports file them with:
  - a) The FPPC using its electronic behested payment filing system, which shall provide the filer with immediate confirmation of the date and time the report was received.
  - b) A local filing officer, if an elected official of that local agency makes the report and if the local government posts all behested payment reports filed within 10 days of receipt.
- 3) Expands what is statutorily required in a behested payment report as described in 3) of existing law, when known, to include:
  - a) If the payee is a nonprofit, a brief description of whether the officer, member of the PUC, member of their family, officeholder staff, or political staff is a board member, executive officer, salaried employee, founding member, or on an honorary or advisory board of the nonprofit organization.
  - b) A brief description of any proceeding before the agency of the elected officer or member of the PUC in which the payer of the behest is the named party of subject of a decision and which occurs at the time or in the previous 12 months of the payment.
- 4) Allows in statute an elected officer or PUC member to estimate payment amounts and dates on behested payment reports under specified circumstances, including when despite good faith efforts by the filer the payer has not provided the information.
- 5) Requires that once the \$5,000 aggregate threshold from a single source has been reported for a calendar year, then an official must file another report within 30 days of the end of any subsequent quarter in which behested payments from that same source equal or exceed \$1,000.



## **BACKGROUND**

Proposition 9, which appeared on the June 1974 ballot, created the 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 further created the FPPC to implement, administer, and enforce the PRA.

The PRA seeks to end corruption by eliminating secret or anonymous contributions. The PRA subjects the campaign activities, personal financial affairs, and the solicitation of charitable or governmental contributions of state and local officials to public review and scrutiny.

In 1996, the FPPC amended its regulatory definition of the term "contribution" to include any payment made "at the behest" of a candidate, regardless of whether that payment was for a political purpose. As a result, any payments made by a third party, even for a governmental or charitable purpose, had to be reported as campaign contributions.

The change in the FPPC regulations, along with a number of advice letters issued by the FPPC interpreting the new definition of "contribution," limited the ability of elected officers to co-sponsor governmental and charitable events. In one advice letter, the FPPC concluded that a member of the Legislature would be deemed to have accepted a campaign contribution if, at his behest, a third party paid for the airfare and lodging for witnesses to testify at a legislative hearing.

In response to the FPPC's modified definition of "contribution," the Legislature enacted SB 124 (Karnette), Chapter 450, Statutes of 1997, which provided that a payment made at the behest of a candidate principally for a legislative, governmental, or charitable purpose is not considered a contribution nor a gift. SB 124 also required that such payments made at the behest of a candidate, who is also an elected officer, when aggregating to \$5,000 or more in a calendar year from a single source, be reported to the elected officer's agency. The elected officer must report such a payment within 30 days. Examples of payments made at the behest of an elected officer that have to be reported under this provision of law include charitable donations made in response to a solicitation sent out by an elected officer or donations of supplies and refreshments made by a third party for a health fair that was sponsored by an elected officer.

## **COMMENTS**

- 1) Author's Statement. Behested payments are those made at the request of a public official regardless of whether the payment was for a political purpose. Transparency of and public access to these types of payments are vital to good governance. To increase compliance with reporting requirements, this bill provides more reasonable timeframes, allows direct electronic reporting, and simplifies rules around subsequent payments from the same source. By updating the process and deadline for filing behested payment reports, this bill will provide more flexibility for state and local officials to ensure compliance, while also increasing transparency on both the state and local level.

2) Codification of FPPC Regulations. In 2021, the FPPC adopted regulations that imposed additional disclosure requirements for behested payment reports in two circumstances:

- The official at whose behest the payment was made has a specified relationship with a nonprofit organization that is the recipient of the payment; and
- The entity making the behested payment is involved in a proceeding before the official's agency at the time the behested payment is made or within the past 12 months.

The FPPC at that time also adopted a regulation permitting officials to use a "good faith estimate" on a behested payment report when the official makes reasonable efforts but is unable to obtain the exact payment amounts or dates within the time period for filing the behested payment report. This bill codifies these FPPC regulations.

3) Arguments in Support. According to the sponsor, by altering the deadline for filing behested payment reports, this bill will make behested payment reports significantly easier to find, thus improving transparency. The change to quarterly behested payment removes uncertain deadlines and creates a set schedule for behested payment reports, similar to the semi-annual and pre-election campaign finance reporting schedules. This change will enable watchdogs, the public, the media, and enforcement to proactively review

4) Support if Amended. California Common Cause recognizes that the proposed reforms in this bill, including default electronic filing with the FFPC, codification of important relationship disclosures, and a clear quarterly filing schedule, will likely improve filer efficiency and public accessibility. Common Cause supports these changes to help improve compliance and, subsequently, public trust in the integrity of government fundraising and charitable solicitation practices. It, however, cannot support the bill without an amendment to remove or significantly lower the proposed \$1,000 incremental reporting threshold that applies after the initial \$5,000 threshold is reached.

Common Cause writes that limiting subsequent reporting to only those contributions that exceed \$1,000 from sources that have already met the \$5,000 threshold weakens transparency and accountability. Behested payments can occur at sensitive times, such as when a matter involving the donor is pending before the behesting official, and the public has a legitimate interest in knowing about any payments, regardless of amount, once a donor has reached the \$5,000 threshold.

### **RELATED/PRIOR LEGISLATION**

AB 867(Cooley), Chapter 749, Statutes of 2017, recast the behested payments law.

SB 124 (Karnette), Chapter 450, Statutes of 1997, differentiated behested payments from contributions and established the process by which they are reported.

**PRIOR ACTION**

Assembly Floor:	79 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** California Fair Political Practices Commission

**Support:** City and County of San Francisco

**Oppose:** None received

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

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**Bill No:** AB 930 **Hearing Date:** 7/1/25  
**Author:** Ward  
**Version:** 6/16/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Scott Matsumoto

**Subject:** Elections and voting procedures

**DIGEST**

This bill makes various changes relating to voter-requested recounts of election results and standardizes provisions for the receipt of vote by mail (VBM) ballots.

**ANALYSIS**

Existing law:

- 1) Permits a voter to request a recount of the votes cast for candidates for any office, slates of presidential electors, or ballot measure. The request for the recount needs to be filed within five days following the completion of the official canvass. In the case of a recount of the votes cast for an election held in more than one county (including statewide elections), the request must be made within five days beginning on the 31st day after the election.
- 2) Permits a voter's request for a recount to specify the order in which the precincts will be recounted.
- 3) Requires the voter requesting a recount, or the campaign committee represented by the voter filing the recount request, to deposit a sum as required by the elections official to cover the cost of the recount for that day before the recount is commenced and at the beginning of each day. The money is refunded to the depositor if the recount changes the outcome of the election.
- 4) Requires a voter-requested recount to be conducted under the supervision of the elections official by special recount boards consisting of four voters of the county appointed by the elections official. Each recount board member is required to receive the same compensation as the jurisdiction pays to members of precinct boards, unless certain conditions are met. The local governing body is required to appoint an officer other than the elections official to appoint and supervise the recount boards in any case where the office of the elections official is the subject of the recount.
- 5) Requires a voter-requested recount to begin not more than seven days following the elections official's receipt of the recount request and may not begin until a day after specified individuals are notified.

- 6) Permits the voter requesting a recount to decide whether the recount is conducted manually or by means of the voting system used originally. Only one method of recount may be used for all ballots cast or tabulated by the same type of voting system.
- 7) Requires an elections official to notify all of the following persons about the date and place of a voter-requested recount at least one day before beginning the recount either in-person or by federally regulated overnight mail service:
  - a) All candidates for any office the votes for which are to be recounted.
  - b) Authorized representatives of presidential candidates to whom electors are pledged, if the votes to be recounted were cast for presidential electors.
  - c) Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body for which votes are to be recounted.
  - d) The Secretary of State (SOS) in the case of a recount of the votes cast for candidates for any state office, presidential electors, House of Representatives, United States Senate, delegates to a national convention, or on any state measure.
- 8) Permits all relevant material to be examined as part of any recount, if the voter filing the declaration requesting the recount so requests.
- 9) Provides that the results of a recount are the official election results for a contest, but only if all the votes cast in the contest are recounted.
- 10) Requires a copy of the results of any voter-requested recount to be posted conspicuously in the office of the elections official.
- 11) Provides generally that a VBM ballot is timely cast if it is received by the elections official via the United States Postal Service (USPS) or a bona fide private mail delivery company no later than seven days after Election Day if the ballot was mailed by Election Day. In the case of a mail ballot election, a VBM ballot is timely cast if it is received by the elections official via the USPS or a bona fide private mail delivery company no later than three days after Election Day if the ballot was mailed by Election Day.

This bill:

- 1) Specifies that a voter requesting a recount may specify the order in which batches of ballots are recounted and the order that counties will conduct the recount in a multi-county contest.
- 2) Permits a designee of the voter who requested a recount to make the required payment to cover the costs of the recount.

- 3) Provides for members of a recount board to be individuals eligible to vote, instead of voters, appointed by and at the discretion of the elections official.
- 4) Repeals requirements that the members of a recount board receive the same compensation as poll workers, and instead specifies that the requester of the recount reimburse the county for the cost of each member of a recount board.
- 5) Requires a person who is appointed to oversee a recount in lieu of the elections official, in a situation where the office of the elections official is the subject of the recount, to have experience necessary to conduct the recount.
- 6) Extends, from seven days to seven business days, the latest point after a recount request is received by the elections official before that recount must begin. If the office of the elections official is the subject of the recount, the recount must begin within seven business days following the appointment of an alternative qualified officer to oversee the recount.
- 7) Permits a manual recount to be conducted either by the use of paper ballots or by official ballot images, as determined by the voter requesting the recount.
- 8) Permits election officials to notify affected individuals about the date and place of a recount via email.
- 9) Modifies provisions of law that allow any relevant material to be examined as part of a recount, if the voter requesting the recount so requests, and instead allows for any relevant *public documents* to be examined, provided that the request is made in writing and that it specifies the relevant public documents before the commencement of the recount. A person would be prohibited from accessing any part of the voting system or from photographing or distributing an image of material with voters' personal identifying information during a recount.
- 10) Requires recount results be posted on the election official's website for a period of 30 days following the final day of the recount, in lieu of posting the results in the official's office.
- 11) Standardizes the seven-day deadline for the receipt of VBM ballots and the rules for determining when a VBM ballot was mailed for all elections held in the state.

### **BACKGROUND**

Voter-Requested Recounts. State law allows any voter to request a recount of an election contest once the official canvass of results from the election is complete. Voter-initiated recounts are fairly uncommon in California, in part, because a voter who requests a recount must pay for the recount in advance. The voter's money is refunded only if the recount changes the outcome of the election in favor of the candidate or position of a ballot measure on which the recount was conducted. A voter-requested recount cannot change the outcome of an election, unless every vote cast in the contest is part of the recount. State law also allows the elections official, a superior court, or the governor to order a recount in specified circumstances.

Order of Recounting. Existing law allows the voter who requests the recount to specify the order in which precincts should be recounted. This policy allows a voter to begin a recount in those areas of the jurisdiction that are most favorable to the voter's preferred candidate or ballot measure position, which can then allow the voter to determine whether it makes sense to continue the recount in additional precincts at their expense. In many circumstances, voters end requested recounts relatively quickly after the first few precincts when it becomes apparent that a full recount will not change the outcome of the election.

Due to changes in voting technology and in the way that elections are conducted, ballots are not necessarily tabulated by precinct. Ballots are tabulated in batches, which generally contain ballots from multiple precincts. Recount regulations adopted by the SOS allow the voter who requests a recount to prioritize certain batches of ballots as part of the recount, but the Elections Code does not expressly permit a voter who is requesting a recount to specify the order in which batches of ballots should be recounted.

### COMMENTS

- 1) Author's Statement. This bill ensures every vote counts by streamlining the recount process. This bill improves transparency, increases efficiency, and strengthens trust in our elections, especially for overseas voters, including military personnel, whose ballots are often the last to be counted but deserve just as much protection in close contests.
- 2) Manual Recounts. Existing law allows the voter who is requesting the recount to decide whether the recount is conducted by re-running the ballots through the voting system that originally tabulated the ballots or by manually tallying the ballots. Recounts that involve re-running the ballots through the voting system generally are considerably less expensive than manual recounts.

Some voting systems capture images of ballots as they are counted by the system. It is unclear under existing law whether a voter can request a recount that involves a human review and tabulation of those ballot images, rather than re-running the ballots through the voting system or doing a recount via a manual tally of the actual paper ballots cast in the election. In many circumstances, a manual tally of the ballot images is likely to be less resource- and labor-intensive (and thus, less costly) than a manual tally of the actual paper ballots, though more resource-intensive than re-running the ballots through the voting system. It is also possible that a tally of the ballot images could be less definitive than a manual tally of the paper ballots themselves if the ballot images captured by the voting system are not very high quality representations of the paper ballots.

- 3) Syncing Up VBM Deadlines. Prior to 2015, VBM ballots cast in California had to be received by the elections official by the close of the polls on Election Day in order for those ballots to be counted. Concerns that delays in mail delivery would increase the number of rejected VBM ballots led to the passage and chaptering of SB 29 (Correa), Chapter 618, Statutes of 2014. SB 29 allowed VBM ballots to be counted if they were cast by Election Day and received by mail no later than three days after the election. SB 29 also allowed a VBM ballot to be counted if the return envelope

had no postmark, a postmark with no date, or an illegible postmark. This meant that ballots were accepted if the ballot was (1) received by the elections official no later than three days after the election, (2) received from the USPS or a bona fide private mail delivery company, (3) date stamped by the elections official upon receipt from the USPS or bona fide private mail delivery company, and (4) the VBM ballot envelope was signed and dated by the voter on or before Election Day.

AB 37 (Berman), Chapter 312, Statutes of 2021, extended the deadline for county elections officials to receive VBM ballots in the mail to the seventh day after the election, due in part to concerns that changes in delivery standards by the USPS could slow the delivery of voters' completed VBM ballots.

The Elections Code includes two different code sections that outline rules for the receipt of VBM ballots: one section which applies generally, and a second section that applies only to certain types of mailed ballot elections. While SB 29 made changes to both of those code sections, AB 37 amended the generally-applicable code section only and did not amend the provision that applies only to certain mailed ballot elections. Those omissions appear to be inadvertent. This bill conforms the two code sections to each other.

**RELATED/PRIOR LEGISLATION**

SB 406 (Choi) of 2025 prohibits a VBM ballot from being counted if it was received by the elections official after the close of polls on Election Day. SB 406 was heard by this committee was held without recommendation.

**PRIOR ACTION**

Assembly Floor:	59 - 16
Assembly Appropriations Committee:	11 - 4
Assembly Elections Committee:	5 - 2

**POSITIONS**

**Sponsor:** California Association of Clerks and Election Officials

**Support:** CFT – A Union of Educators and Classified Professionals, AFT, AFL-CIO

**Oppose:** Real Impact  
Four individuals

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

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**Bill No:** AB 953 **Hearing Date:** 7/1/25  
**Author:** Pacheco and Alanis  
**Version:** 5/1/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Political Reform Act of 1974: contributions and expenditures by foreign nationals.

**DIGEST**

This bill prohibits a foreign national, other than a Deferred Action for Childhood Arrivals (DACA) recipient, from making campaign contributions or expenditures in state and local elections.

**ANALYSIS**

Existing law:

- 1) Prohibits a foreign government or foreign principal from making a contribution, expenditure, or independent expenditure in connection with the qualification, support of, or opposition to a state or local ballot measure or the election of a candidate to state or local office.
- 2) Prohibits a person or campaign committee from soliciting or accepting a contribution from a foreign government or foreign principal in connection with the qualification, support of, or opposition to a state or local ballot measure or the election of a candidate to state or local office.
- 3) Defines a foreign principal as:
  - a) A foreign political party.
  - b) A person outside of the United States, unless the person is an individual and a U.S. citizen or the person is not an individual but is organized under U.S. federal or state law and has its principal place of business in the U.S.
  - c) A partnership, association, corporation, organization, or other combination of persons organized under the laws or having its principal place of business outside of the U.S.
  - d) A domestic subsidiary or a foreign corporation, if the decision to contribute or expend is made by an officer, director, or manager of the foreign corporation who is neither a U.S. citizen nor an admitted permanent resident.

- 4) Makes the violations of these prohibitions a misdemeanor punishable by a fine equal to the amount contributed or expended.

This bill:

- 1) Makes legislative findings and declarations that:
  - a) The First Amendment's protections of the freedoms of speech and association are solely reserved for citizens and permanent residents of the United States.
  - b) The First Amendment's protection of political speech does not apply to foreign nationals.
  - c) Individual states must safeguard and bolster federal law's restrictions on foreign influence in state and local elections by prohibiting contributions and expenditures from foreign nationals in connections with federal, state, and local elections.
- 2) Expands the prohibitions on contributions and expenditures in 1) and 2) of existing law above to foreign nationals.
- 3) Defines "foreign national" as a person who is not a citizen of the United States and who is not a lawfully admitted permanent resident.
- 4) Excludes from foreign national a person who has been granted deferred action that has not expired under DACA.

### **BACKGROUND**

California Political Reform Act. 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. Prop 9 created the Fair Political Practices Commission (FPPC) to implement, administer, and enforce the PRA. Among its enforcement authorities, the FPPC in general may impose administrative penalties of up to \$5,000 per violation of the PRA. The PRA also provides for civil penalties through civil actions brought by the FPPC or a district attorney or an elected city attorney.

Federal Law, Foreign Campaign Spending, and Previous Legislation. Federal law prohibits foreign nationals from making contributions in connection with federal, state, and local elections. According to information from the Federal Elections Commission (FEC), Congress first enacted this ban in 1966 as part of a statute intended to minimize foreign intervention in U.S. elections. The federal law included registration requirements for the agents of foreign principals and a general prohibition on political contributions by foreign nationals. In 1974, the FEC was given jurisdiction over its enforcement and interpretation.

Until 2002, the federal restrictions on contributions by foreign nationals specifically applied to contributions made "in connection with an election to any political office." Due to that language, the FEC asserted that federal law did not restrict foreign nationals

from making contributions or expenditures related exclusively to ballot measures. In 2002, the federal government amended the restriction on foreign contributions to make it applicable to any contribution made “in connection with a Federal, State, or local election” and thus, to apply to ballot measures.

California legislation. In 1997, the Legislature passed and Governor Pete Wilson signed SB 109 (Kopp), Chapter 67, to prohibit foreign governments or foreign principals from making contributions, expenditures, or independent expenditures in connection with state or local ballot measures. SB 109 did not seek to regulate foreign contributions made in connection with elections for office because federal law already prohibited such contributions. Instead, SB 109 was limited to foreign spending in connection with ballot measure elections, thereby restricting foreign spending that was not covered by federal law at that time. In 2000, the Legislature passed and Governor Davis signed AB 746 (Papan), Chapter 349, Statutes of 2000, to clarify that the ban on foreign contributions and expenditures did not apply to U.S. citizens living abroad.

In 2021, AB 319 (Valladares), Chapter 313, expanded the PRA to also ban foreign contributions and expenditures in candidate elections, as described in existing law above.

The differences between state and federal law. State and federal law differ, however, in one important respect. While federal law prohibits contributions and expenditures by individuals who are not citizens or nationals of the U.S. and who are not lawfully admitted for permanent residence in the U.S., state law allows contributions or expenditures by individuals who are legally present in the U.S., even if those individuals are not legal permanent residents.

### **COMMENTS**

- 1) Author’s Statement. Our democracy is facing significant challenges, including threats from foreign influence in our elections, undermining our ability to govern ourselves and make independent decisions. Under current law, there are no restrictions prohibiting foreign nationals while in California from making monetary contributions or expenditures to support or oppose ballot measures. State law permits a foreign national to enter the country and make a contribution, expenditure, or independent expenditure in connection with a ballot measure, even though that person would be prohibited from making the contribution or expenditure if they were located outside of the United States. This bill closes this critical gap by prohibiting foreign nationals from making contributions or expenditures related to state and local ballot measures, regardless of their physical location.
- 2) Arguments in Support. The bill’s sponsor, the FPPC, writes in support:

Because the definition of “foreign principal” in state law is centered on the location of the individual (outside the United States), state law permits a foreign national to enter the country and make a contribution, expenditure, or independent expenditure in connection with a ballot measure, even though that person would be prohibited from making the contribution or expenditure if they were located outside of the United States. Ballot measures can add to, significantly change, or repeal the very laws that govern Californians. Foreign

interference in state and local laws poses a threat to our stability and democracy. [This bill] would close this gap in state law to prohibit a foreign national from making a contribution, expenditure, or independent expenditure in connection with a state or local ballot measure, consistent with state and federal law that prohibits foreign nationals from making contributions or expenditures in connection with candidates.

- 3) Suggested Amendment. The findings and declarations in this bill imply that the First Amendment freedoms of speech and association are reserved solely to U.S. citizens and permanent residents. This is not accurate, as those freedoms generally apply to any person in the U.S. When they are applied to political speech and specifically making campaign contributions, those freedoms are, however, limited to U.S. citizens and permanent residents. Therefore, the committee may wish to amend the bill to delete the findings and declarations or to rewrite them to be clear that the rights reserved to citizens and permanent residents of the U.S. are the rights to make campaign contributions.

**RELATED/PRIOR LEGISLATION**

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

AB 746 (Papan), Chapter 349, Statutes of 2000, clarified the definition of “foreign principal” to permit U.S. citizens living abroad to continue to make contributions to ballot measure campaigns.

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

**PRIOR ACTION**

Assembly Floor:	71 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** California Fair Political Practices Commission

**Support:** None received

**Oppose:** None received

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

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**Bill No:** AB 1029 **Hearing Date:** 7/1/25  
**Author:** Valencia  
**Version:** 3/20/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Statements of financial interest: digital financial assets.

**DIGEST**

This bill, beginning in 2027, deems digital finance assets as investments that public officials must disclose in their statements of economic interests.

**ANALYSIS**

Existing law:

- 1) Requires every state and local agency to adopt a conflict of interest code, which shall have the force of law and the violation of which can be punished criminally as a misdemeanor. This conflict of interest code must, among other things, enumerate the specific types of financial interests which specified agency officials must report to the public.
- 2) Requires public officials to file statements of economic interest when assuming office, each year in office, and when leaving office to disclose to the public their financial interests, including investments, interests in real property, and income.
- 3) Defines, for these purposes, investments as any financial interest in or security issued by a business entity worth \$2,000 or more and owned by an official or family member of the official, provided the business entity operates or plans to operate within the jurisdiction of the officer.
- 4) Defines “digital financial assets” as a digital representation of value that is used as a medium of exchange, unit of account, or store of value, and that is not legal tender, whether or not denominated in legal tender.

This bill:

- 1) Requires that conflict of interest codes include digital financial assets among the financial interests that officials must disclose if decisions made by the agency’s officials could materially affect the asset.
- 2) Deems a direct or indirect interest worth \$2,000 or more in a digital financial asset to be an investment for purposes of public official disclosures of economic interests.

- 3) Requires that public officials disclose digital financial interests on their statements of economic interest by the name the asset is commonly known to the public.
- 4) Makes conforming changes.
- 5) Takes effect on January 1, 2027.

### **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 (FPPC) to implement, administer, and enforce the PRA.

The PRA defines conflicts of interest for public officials, requires public agencies to adopt conflict of interest codes, and requires public officials to disclose their financial interests. Disclosure of financial interests occurs through filing of the statement of economic interests, FPPC Form 700.

### **COMMENTS**

- 1) Author's Statement. This bill modernizes the reporting requirements for statements of economic interests, ensuring that public officials cannot leverage their decision-making authority to manipulate cryptocurrency asset values for personal gain. As cryptocurrencies become increasingly integrated into everyday business transactions, it is essential for our state to address this evolving landscape to prevent corruption and uphold public trust in the integrity of our accountability systems.
- 2) What are Digital Financial Assets? This bill, and existing law, use the term "digital financial assets" to describe a range of money-like assets. Sometimes called cryptocurrencies, these assets rarely function as money even though they were designed and are statutorily defined to fulfill at least one of the roles of money: unit of account, medium of exchange, and store of value. These assets, however, are neither issued nor backed by any government or central bank and have no tangible form, as for example the US Dollar does. As with money, these assets are maintained in ledgers, but in the case of cryptocurrencies these are decentralized, public ledgers housed on computers throughout the world through which the asset can be transferred, recorded, and stored.

Because of the decentralization, no single authority serves as a gatekeeper or facilitator of the transactions taking place within a cryptocurrency's network, nor can anyone regulate the value of a cryptocurrency the way a central bank regulates the value of a national currency. Instead, computers participating in the network are tasked with verifying and facilitating each ledger entry, known as a block, within the chain of transactions taking place. Hence the term, "blockchain" technology for how cryptocurrency transactions are accounted for. To ensure the network is secure, this process typically involves many computers verifying each transaction.

Generally, digital financial assets are rarely accepted as a medium of exchange, and so do not actually function as money or currency of any kind, crypto or otherwise. Instead, they are traded as assets, as stock market shares or gold. Trading of digital financial assets all too often serves as a way for people to speculate on and even attempt to manipulate the value of these digital assets. For these reasons, this bill proposes that they should be treated as investments under the PRA, making them reportable financial interests.

- 3) Arguments in Support. Supporters of this bill note that cryptocurrency has become a widely held asset among American adults so it is timely that it be incorporated into public conflict of interest codes to ensure transparency and ethics in governance. California Common Cause, writing in support, states that:

[L]awmakers who personally invest in digital assets should be required to recuse themselves from decisions where they stand to benefit financially. Without clear regulations, there is a risk of undue influence and corruption in policy decisions affecting the cryptocurrency industry. For these reasons, we support AB 1029 to ensure that cryptocurrency is included in the PRA’s conflict of interest code. Strengthening transparency and accountability in government will help maintain public trust and uphold ethical standards in policymaking.

**PRIOR ACTION**

Assembly Floor: 69 - 0  
Assembly Appropriations Committee: 14 - 0  
Assembly Elections Committee: 7 - 0

**POSITIONS**

**Sponsor:** California Fair Political Practices Commission

**Support:** California Blockchain Advocacy Coalition  
California Common Cause  
Consumer Federation of California  
Consumer Watchdog  
Oakland Privacy

**Oppose:** None received

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

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<b>Bill No:</b>	AB 1286	<b>Hearing Date:</b>	7/1/25
<b>Author:</b>	Boerner		
<b>Version:</b>	4/10/25		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Carrie Cornwell		

**Subject:** Political Reform Act of 1974: prospective employment.

**DIGEST**

This bill requires that elected officials and other high ranking state and local officials disclose arrangements for prospective employment in their statements of economic interest.

**ANALYSIS**

Existing law:

- 1) Requires a specified list of high ranking officials to file statements of economic interest when assuming office, each year in office, and when leaving office to disclose to the public their financial interests, including investments, interests in real property, and income.
- 2) Specifies high ranking officials as:
  - a) All elected state officers;
  - b) Judges and court commissioners;
  - c) Members of the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, the Fair Political Practices Commission (FPPC), the California Coastal Commission, and the High-Speed Rail Authority;
  - d) Members of planning commissions, boards of supervisors, and city councils;
  - e) Mayors, city managers, city attorneys, and city treasurers;
  - f) District attorneys, county counsels, county treasurers, and chief administrative officers of counties;
  - g) Other public officials who manage public investments; and
  - h) Candidates for any of these offices at any election.
- 3) Precludes a public official from making, participating in making, or using the public official's official position to influence any governmental decision directly relating to any person with whom the public official is negotiating, or has any arrangement concerning, prospective employment.



This bill:

- 1) Defines “arrangement for prospective employment” as an agreement in which a prospective employee has accepted a prospective employer’s offer of employment.
- 2) Adds arrangements for prospective employment to the items that must be disclosed on an assuming office statement, an annual statement, or a leaving office statement for any of the high ranking officials listed in 2) of existing law above.
- 3) Requires that the disclosure of an arrangement for prospective employment in a statement of economic interest must contain:
  - a) The date the filer accepted the prospective employer’s offer of employment;
  - b) The position offered;
  - c) A general description of the business activity of the prospective employer; and
  - d) Name and street address of the prospective employer.

### **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 FPPC to implement, administer, and enforce the PRA.

The PRA defines conflicts of interest for public officials, requires public agencies to adopt conflict of interest codes, and requires public officials to disclose their financial interests. Disclosure of financial interests occurs through filing of the statement of economic interests, FPPC Form 700.

Since 1991, the PRA has deemed it a conflict of interest for an official to make or influence a governmental decision that relates to someone with whom the official is negotiating or has accepted prospective employment.

### **COMMENTS**

- 1) Author’s Statement. Government transparency is important to maintain the public’s trust, and this bill will close a reporting gap that would require additional disclosure from public officials leaving office.

The PRA currently forbids officials from participating in decisions that affect their future employers, due to the potential to create a conflict of interest, but public officials are not required to disclose *when* they accept a future job offer. This creates an opportunity for those in power to make decisions relating to a future employer without the public’s knowledge.

By adding prospective employment disclosure to Form 700s, this bill closes this gap, creating transparency for the public and allowing for the monitoring and investigating of ethical violations that occur when public officials make decisions that affect their future employers before leaving office.

- 2) Arguments in Support. Supporters state that this bill will close an important gap in disclosure requirements, and thus improve transparency and public accountability in cases where a public official has accepted employment. The League of Women's Voters of California supports the bill because when an official has made arrangements for future employment, a conflict of interest may arise if the official has occasion to act on matters which could impact the employer's interests. This is parallel to the conflicts which can arise from the official's real estate or other investments, which must be disclosed under current law. The League of Women Voters of California strongly supports laws which promote transparency and contends that this bill would help ensure that officials avoid conflicts that put private interests above those of their constituents.
  
- 3) Clarifying Amendments. This bill amends an existing section of law that mandates different reporting deadlines for assuming office statements depending on whether a high ranking official was elected, nominated and confirmed, or appointed to the office. The amendments to existing law make it unclear as to whether elected officials and nominated or appointed officials have to report the same information on their assuming office statements of economic interests. The committee may wish to amend this bill to clarify that all high ranking officials report the same information in assuming office statements.

**PRIOR ACTION**

Assembly Floor:	77 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** California Fair Political Practices Commission

**Support:** 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

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**Bill No:** AB 1392 **Hearing Date:** 7/1/25  
**Author:** Sharp-Collins  
**Version:** 6/23/25  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Scott Matsumoto

**Subject:** Elections: voter registration information: elected officials

**DIGEST**

This bill requires the residence address, telephone number, and email address appearing on an elected state or federal official's affidavit of registration be made confidential.

**ANALYSIS**

Existing law:

- 1) Provides that the home address, telephone number, email address, precinct number, or other information specified by the Secretary of State (SOS) for voter registration purposes, and prior registration information shown on the voter registration affidavit for all registered voters, are confidential, and shall not be disclosed to any person unless certain conditions are met.
- 2) Provides that the information in 1) be provided with respect to any voter to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS.
- 3) Permits any person filing a new registration affidavit of registration or reregistration to have the information relating to their residence address, telephone number, and email address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon order of a superior court upon a showing of good cause that a life-threatening circumstance exists to the voter or a member of the voter's household. An individual is also able to seek confidential voter status and have their residence address, telephone number, and email address declared confidential upon presentation of certification that the person is a participant in the SOS's Safe at Home program, which masks the identifying information of crime victims and other specified individuals.
- 4) Requires a county elections official, upon application of a public safety officer and if authorized by the county board of supervisors, to make confidential an officer's residence address, telephone number, and email address appearing on the affidavit of registration.

- 5) Requires a county elections official, upon application of a qualified elections-related worker, to make confidential that worker's residence address, telephone number, and email address appearing on the affidavit of registration.

This bill:

- 1) Requires the residence address, telephone number, and email address appearing on an elected state or federal official's affidavit of registration be made confidential.
- 2) Defines "elected state or federal official" as a Member of the Legislature, state constitutional officer, Insurance Commissioner, Member of the United States House of Representatives, or United States Senator.
- 3) Requires the SOS to provide each county elections official a list identifying each elected state or federal official residing in each respective county when the SOS certifies the election.
- 4) Requires county election officials to make confidential the information in 1) for elected state or federal officials within five business days of receiving the list elected officials from the SOS.
- 5) Requires elected state or federal officials to contact their county elections official to ensure that their voter registration record has been made confidential. Elected state or federal officials holding office as of the effective date of this bill must also contact their county elections official to ensure the confidentiality of their voter registration record.
- 6) Provides that confidential status of an elected state or federal official remains in place until the official is no longer holding the office to which they were elected.
- 7) Provides that a county or county elections official is not liable for taking or failing to take the actions prescribed by this bill when the county or the county elections official receives erroneous information from the SOS.
- 8) Provides that an action in negligence shall not be maintained against any government entity, officer, or employee as a result of the disclosure of the information that is the subject to the provisions of this bill, except by a showing of gross negligence or willfulness.
- 9) Makes corresponding changes to include the provisions prescribed by this bill to other areas of the Elections Code where the confidentiality of information is prohibited from being shared.

### **BACKGROUND**

Minnesota. On June 14, 2025, two Minnesota legislators were shot in their homes: Senator John Hoffman and Representative Melissa Hortman. Senator Hoffman and his wife survived the attack but were hospitalized following this shooting. Representative Hortman and her husband were both murdered. The suspect was apprehended and

faces federal and state murder charges. Minnesota Governor Tim Walz called the shooting an “act of targeted political violence.”

Other States. According to *The New York Times*, legislators and officials across the country began to reexamine their current practices relating to privacy and security. This includes increased security for lawmakers in Ohio, security briefings for legislators in Michigan, increased patrols around lawmakers’ homes in Fairfax County, Virginia, and the removal of home addresses from biographies of legislators in North Dakota.

Related Legislation. The Legislature passed and the Governor signed SB 1131 (Newman), Chapter 554, Statutes of 2022, which expanded the state’s address confidentiality program, Safe at Home, to elections-related workers. SB 1131 responded to an increase in threats to election workers in recent years. One of the sponsors of the bill, the California Voter Foundation, noted in a letter that:

Over the past two years, those charged with administering California’s elections have been increasingly subjected to targeted threats of violence, harassment, and intimidation. Election workers face the risk of “doxing” and harassment as the result of their names, photographs, and addresses being posted online and on social media platforms, as has happened to numerous election officials already around the country. Since November 2020, more than 15 percent of California’s election officials have left their jobs, some citing increased aggressive and abusive behavior targeted at them.

### COMMENTS

- 1) Author’s Statement. Public service should not come with threats, violence and potential harm to an elected official or their family. Unfortunately, these threats are on the rise. This bill is a common sense measure that requires county officials to make confidential the address and other sensitive information of state and federal elected officials in order to improve safety.
- 2) Suggested Amendment – Who’s Subject to this Bill? This bill defines “elected state or federal official” as a Member of the Legislature, state constitutional officer, Insurance Commissioner, Member of the United States House of Representatives, or United States Senator. It does not include local elected offices, such as mayors, county supervisors, city councilmembers, school board members, etc. It is possible that local officials face similar threats of violence.

Additionally, local officials tend to seek higher office at some point in their careers. As a result, if local elected officials seek an open state or statewide office, the local elected official’s information could be accessible. Also, if local elected officials face federal, state, or statewide elected officials, only the local elected official’s information would be available. The committee should consider whether this bill should only affect elected state or federal officials or if it should include candidates or local elected officials. The committee may also wish to consider whether this creates an unfair advantage or a sense of an unfair advantage for incumbents or officials in higher offices as candidates may be subject to more harassment or threats because their information is more public than an elected state or federal official.

Committee staff recommends the bill be amended to include all local elected officials and all candidates seeking elective office.

- 3) Suggested Amendment – Timing. This bill requires the SOS to provide each county elections official a list identifying each elected state or federal official residing in each respective county when the SOS certifies the election. Within five business days, county election officials would be required to make confidential the residence address, telephone number, and email address appearing on the affidavit of registration of elected state or federal officials.

It is conceivable and likely the information relating to candidates seeking office is already available somewhere in the public realm. While elections are not officially over until the SOS certifies the election, there usually is an apparent winner in the days following Election Day. This creates a gap between when the public sees a candidate leading in votes and when the results become final. A mischievous person with nefarious intentions may take the opportunity to collect the relevant personal information of the apparent winner before the SOS certifies the election. The committee should consider the point in time where an official's information becomes confidential and if that creates a more secure environment for the elected state or federal official.

If the bill includes candidates and local elected officials, committee staff recommends the bill be amended to begin when a person files nomination documents for an elective office. The amendments would also note that the confidentiality protections continue until the conclusion of the election for candidates and until the end of the term of office for elected officials.

- 4) Appointments to a State Office. This bill applies to constitutional and statewide officers. When a statewide office is vacated, the governor appoints and the Legislature confirms a successor. This bill is predicated on a person being elected to an elected state or federal office. It is silent on situations where a person is appointed to a position.
- 5) Additional Steps for Elected State or Federal Officials. In addition to the requirements for the SOS and county election officials, this bill mandates elected state or federal officials to contact their county election officials to ensure that their information was made confidential. It may be useful to include this new requirement in training materials or information provided for incoming state or federal officials.
- 6) Double Referral. If approved by this committee, this bill will be referred to the Committee on Judiciary for further consideration.

### **RELATED/PRIOR LEGISLATION**

SB 1131 (Newman), Chapter 554, Statutes of 2022, among other provisions, expanded the state's address confidentiality program, Safe at Home, to elections-related workers.

### **POSITIONS**

**Sponsor:** California Secretary of State Shirley N. Weber, Ph.D.

**Support:** None received

**Oppose:** None received

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

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<b>Bill No:</b>	AB 1441	<b>Hearing Date:</b>	7/1/25
<b>Author:</b>	Soria		
<b>Version:</b>	6/24/25 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** County of Merced Citizens Redistricting Commission.

**DIGEST**

This bill creates the Citizens Redistricting Commission in the County of Merced (CRCCM) and tasks it with establishing supervisorial districts for Merced County following the federal decennial census.

**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. These district boundaries need to comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965.
- 2) 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.
- 3) Defines “independent redistricting commission,” “advisory redistricting commission,” and “hybrid redistricting commission.”
  - a) An “independent redistricting commission” is a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.
  - b) An “advisory redistricting commission” is a body that recommends to a legislative body placement of the district boundaries for that legislative body.
  - c) A “hybrid redistricting commission” is 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.



- 4) Establishes redistricting commissions in Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Diego, and San Luis Obispo counties, and charges each commission with adjusting districts of supervisorial districts after each decennial federal census.

This bill:

- 1) Establishes an 11-member CRCCM and tasks it with adjusting the boundary lines of the supervisorial districts in Merced County.
- 2) Provides that the political party preferences of the CRCCM 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 Merced County, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. The political party or no party preferences of the CRCCM 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. At least one CRCCM member must reside in each of the five existing supervisorial districts.
- 3) Prescribes specific qualifications to serve on the CRCCM, requirements while serving on the CRCCM, and prohibitions following service on the CRCCM.
- 4) Provides that interested individuals may submit an application to the county elections official to be considered for membership on the CRCCM. The county elections official reviews the applications and eliminates applicants who do not meet the specific qualifications.
- 5) Provides, from the pool of qualified applicants, the county elections official shall select up to 60 qualified applicants. The county elections official is required to publicize the names of the applicants for at least 30 days.
- 6) 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. The Merced County Auditor-Controller is required 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 Merced County Board of Supervisors. The five commissioners selected, at a separate public meeting, reviews the remaining names of applicants, interviews the finalists for appointment, allows public comment, and appoints six additional members to the CRCCM.
- 7) Provides that seven CRCCM members constitutes a quorum and at least seven affirmative votes are required for any official action.
- 8) Requires various outreach and meeting requirements before the drafting of a map and following the creation of a draft map for the supervisorial districts.
- 9) Requires the Merced County Board of Supervisors 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 CRCCM members.

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

### **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. The CCRC consists of 14 registered voters, including five Democrats, five Republicans, and four who have a party preference different than the two largest political parties, 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 governing body of that jurisdiction generally had the authority to establish district boundaries. 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 this authority in the absence of express statutory authorization.

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

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, but established 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. Subsequently, SB 1018 (Allen), Chapter 462, Statutes of 2018, allowed for a third type of redistricting commission: hybrid redistricting commissions. Hybrid redistricting commissions recommend 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.

Political Party Preferences. If chaptered, the CRCCM 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 Merced County, as determined by registration at the most recent statewide election. According to the February 10, 2025 Report of Registration, the Secretary of State reported the following for Merced County:

<b>Party Preference</b>	<b>Registered Voters (Total: 134,924)</b>
Democratic	54,138 (40.12%)
Republican	41,051 (30.43%)
American Independent	5,848 (4.33%)
Green	530 (0.39%)
Libertarian	1,468 (1.09%)
Peace and Freedom	1,107 (0.82%)
Unknown	170 (0.13%)
Other	739 (0.55%)
No Party Preference	29,873 (22.14%)

If the February 10, 2025 Report of Registration is used to calculate the potential party preference composition of the CRCCM, Democrats would have 4 or 5 members, Republicans would have 3 or 4 members, No Party Preference voters would have 2 or 3 members, and each of the remaining party preferences (American Independent, Green, Libertarian, and Peace and Freedom) would have 0 or 1 member.

**COMMENTS**

1) Author’s Statement. Over the last several decades Californians have been moving redistricting away from elected officials and placing that responsibility in the hands of independent citizens to ensure a fairer process. In 2008, California passed Proposition 11, which created a Citizens Redistricting Commission to redraw district lines for state offices to ensure fair elections and increase representation from historically excluded groups. Since then, there have been several successful attempts at creating independent redistricting commissions for counties. Both urban and rural counties, including Fresno, Los Angeles, San Diego, and San Luis Obispo have either already established redistricting commissions or are slated to in after the next U.S. Census in 2030.

As a continuation of these past efforts to improve representation and engagement in local elections, this bill calls for the establishment of the CRCCM. This will be a major step in ensuring that the residents of Merced County live in districts created by a fair and impartial process that promotes transparency, accountability, and public trust in county government.

- 2) Argument in Support. In a letter supporting this bill, the California Federation of Labor Unions, AFL-CIO, stated, in part, the following:

As a continuation of past efforts to improve representation and engagement in local elections, AB 1441 calls for the establishment of a redistricting commission for the County of Merced. This will be a major step in ensuring that the residents in the county live in districts created in a fair and impartial process that promotes transparency, accountability, and public trust in county government.

- 3) Argument in Opposition. In a letter opposing this bill, the Merced County Board of Supervisors stated, in part, the following:

While the bill states its intent to ensure fairly drawn districts as part of the decennial redistricting process, this [Board of Supervisors] finds it to be unnecessary and costly while undermining local control and disregarding Merced County's longstanding commitment to fair and equitable redistricting.

- 4) Double Referral. If approved by this committee, this bill will be referred to the Committee on Local Government for further consideration.

### **RELATED/PRIOR LEGISLATION**

SB 977 (Laird), Chapter 450, Statutes of 2024, created a Citizens Redistricting Commission in San Luis Obispo County.

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. 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. 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.

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

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

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

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

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 who noted that the proposal 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.

**PRIOR ACTION**

Assembly Floor:	60 - 19
Assembly Appropriations Committee:	11 - 3
Assembly Local Government Committee:	7 - 2
Assembly Elections Committee:	5 - 2

**POSITIONS**

**Sponsor:** Communities for a New California

**Support:** American Federation of State, County and Municipal Employees, AFL-CIO  
California Common Cause  
California Federation of Labor Unions, AFL-CIO  
Cultiva Central Valley  
League of Women Voters of California  
PowerCA Action  
SocioEnvironmental and Education Network

**Oppose:** Fresno County Board of Supervisors  
Kings County Board of Supervisors  
Merced County Board of Supervisors  
Rural County Representatives of California  
Tulare County Board of Supervisors

**-- END --**