
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Steven Glazer, Chair
2023 - 2024 Regular

Bill No: SB 248 **Hearing Date:** 4/18/2023
Author: Newman
Version: 4/10/23
Urgency: No **Fiscal:** Yes
Consultant: Karen French

Subject: Political Reform Act of 1974: disclosures: candidate experience

DIGEST

This bill requires, on or after April 1, 2024, a candidate for elective office, to include with a statement of intention to be a candidate for a specific office, a form disclosing the candidate's prior education and work history, and history of military service, if any. Requires the Secretary of State (SOS) to create a form for this purpose, and post on its website a copy of completed forms submitted by candidates.

ANALYSIS

Existing law:

- 1) Creates the Fair Political Practices Commission (FPPC) and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act of 1974 (PRA).
- 2) Requires elected officers, candidates, and committees to file pre-election statements under specified circumstances. Requires candidates to submit specified filings to declare their intent to run for elective office and make various disclosures relating to a campaign for elective office.
- 3) Defines the term "statewide elective office," for the purposes of the PRA, as the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, and member of the State Board of Equalization.
- 4) Defines the term "statewide election," for the purposes of the PRA, as an election for statewide elective office.
- 5) Provides that a violation of the PRA is punishable as a misdemeanor and that reports and statements filed under the act are required to be signed under the penalty of perjury.
- 6) Provides that the Legislature may amend the PRA to further the act's purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill:

- 1) Requires the Secretary of State (SOS), on or before April 1, 2024, to create a form for candidates for elective office to disclose their prior education and work history, and history of military service, if any.
- 2) Requires a candidate for elective office on or after April 1, 2024, to file, when the candidate files a declaration of candidacy, the form disclosing prior education, work history and history of military service, if any.
- 3) Requires a candidate for elective office to file a statement signed under the penalty of perjury that the information contained in the form is accurate to the best of the candidate's knowledge.
- 4) Requires the SOS to post on its internet website a copy of the completed form submitted by a candidate in accordance with the above requirements, and further requires this form to be made available to the public for four years from the date of the election associated with the filing.
- 5) Provides that any candidate who states as true any matter in the candidate experience disclosure that the candidate knows to be false is guilty of a violation of the PRA. Provides the Attorney General is responsible for investigation and enforcement of violations of this paragraph by a candidate for statewide elective office, and the district attorney of the jurisdiction in which the candidate resides is responsible for investigating and enforcing violations of this paragraph by candidates for any other elective office.
- 6) Declares, in addition to the remedies provided under the PRA, the intent of the Legislature that a violation of this section be considered grounds for disqualification from elective office. A governing body with the power to remove an elected officer from office may consider violation of this section as grounds for such removal.
- 7) Makes Legislative findings and declarations that the integrity of candidates for elective office is a matter of statewide concern, and applies this act to all cities including charter cities.

BACKGROUND

California Constitutional Requirements. Every candidate for statewide elective office, State Senator, or Member of the State Assembly shall be a citizen of the United States; be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person; not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes; and shall have during their lifetime served no more that twelve years in the Senate, the Assembly, or both in any combination of terms

PRA Requirements. Any individual who intends to be a candidate for an elective state office is required to file with the SOS Political Reform Division a candidate intention statement (Form 501) for the specific state office which is signed under penalty of

perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds used for campaign purposes. In addition, a candidate is required to file a statement of organization--recipient committee (Form 410) with the SOS within 10 days of qualifying as a committee by receiving contributions totaling \$2,000 or more in a calendar year. A candidate also must establish one campaign contribution account at an office of a financial institution located in California after filing the Form 501.

The DUPE Act and the George Santos Controversy. SB 248 is referred to by the author and supporters as the Disqualifying Unscrupulous and Pathological Electeds (or DUPE) Act. The author has noted that the ongoing drama around the campaign and election of Representative George Santos of New York should be a cautionary tale and illustrates the need for SB 248.

Multiple inquiries have been launched into Santos' history, from federal probes to state reviews, to a criminal investigation in Brazil. In early March the House Ethics Committee said it had opened an investigation into Santos following a complaint by two Democratic Representatives from New York.

Outside of Congress, several federal bodies appear to be examining Santos as well. In late December 2022 prosecutors with the United States Attorney's Office for the Eastern District of New York reportedly began a federal probe into Santos' finances. The office has not confirmed whether it is investigating him.

In January 2023, a D.C. based nonprofit filed a complaint with the Federal Election Commission (FEC) alleging Santos filed false fundraising and spending information and used campaign funds for personal expenses, including rent. The FEC does not comment on ongoing investigations, but could hit Santos with a fine if it finds a violation. The Justice Department asked the FEC to hold off on any enforcement action against Santos as it conducts a criminal probe, according to *The Washington Post*.

COMMENTS

- 1) According to the author: As part of a typical job application, including applying for employment in positions with state and local agencies, candidates are generally required to provide a summary of their prior professional experience. Required information often includes their work history, education, and military service, which warrants the truthfulness of that submission upon penalty of disqualification or dismissal. Running for election is, at its most basic level, another version of applying for a job, one where the hiring decision is made by a majority of the voters in a particular jurisdiction.
- 2) Argument in Support. In a letter supporting SB 248, Indivisible CA 45 stated, in part, the following:

When it comes to running for public office in California, candidates are not currently required to provide any such record or warranty. In the absence of this requirement, the voters of California are vulnerable to a George Santos-like scenario, where if it turns out that a candidate achieving election to a public office has fabricated key elements of their background, the residents of that jurisdiction

are left with no option other than an expensive and unwieldy recall process to right such a blatant wrong.

With public trust in politics already at all-time lows, the DUPE Act will provide voters the assurance of appropriate and effective recourse in the event that a candidate wins an election based on credentials that later turn out to have been falsified.

POSITIONS

Sponsor: Author

Support: Indivisible CA 45

Oppose: None Received

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