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

Bill No:	ACA 6	**Hearing Date:**	6/11/24
Author:	Haney		
Version:	8/31/23		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Evan Goldberg		

Subject: University of California: basic state labor standards

DIGEST

This measure, if it is placed on the ballot and approved by the voters, requires the University of California (UC) to conform to certain labor, employment, and occupational health and safety standards that apply to other public agencies.

ANALYSIS

Existing Constitutional provisions that relate to the UC:

1) Establishes the UC as a public trust under the administration of a board known as The Regents of the University of California (Regents).

2) Grants the Regents powers necessary or convenient for the effective administration of the UC – and only subjects the UC to legislative control that may be necessary to ensure the security of UC funds and compliance with the terms of the endowments of UC.

3) Subjects the UC to competitive bidding procedures that are applied to it by statute related to construction contracts, the sale of real property, and the purchase of materials, goods, and services.

4) Provides the 26-member Board of Regents is comprised of 7 ex-officio members, 18 members appointed by the Governor and confirmed by the Senate, and 1 student representative appointed by the Regents.

Existing labor-related laws relevant to this measure:

1) Preclude anyone from entering into a contract for construction, farm labor, garment, janitorial, security guard, or warehouse services where the contract does not provide enough money to allow the contractor to comply with all applicable local, state, and federal laws or regulations governing the labor or services to be provided.

2) Prohibit employers from paying employees wages that differ by gender unless the employer demonstrates a seniority system, merit system, quality or quantity of production, or a bona fide factor other than gender as a reason for any wage difference.

3) Provide all employees must be paid at least the minimum wage set by the Industrial Wage Commission (IWC). Any employer who pays less than the minimum wage is subject to a civil penalty, restitution of wages, liquidated damages payable to the employee, and other penalties.

4) Require entities awarding public works contracts to pay the general prevailing wage rate where the work will be performed.

5) Provide 8 hours of labor constitutes a day's work and requires an employer to pay workers time-and-a-half for any work beyond 8 hours in a day, 40 hours in any single workweek, and the first 8 hours worked on the 7th day of work in any single workweek.

6) Provide an employee shall be entitled to 1 unpaid 30-minute meal period on shifts over 5 hours and a 2nd unpaid 30-minute meal period on shifts over 10 hours. The employee may waive a meal period.

7) Provide an employee shall be entitled to a rest period at the rate of 10 minutes for every 4 hours worked.

8) Provide an employee not covered by a cooperative bargaining agreement shall accrue paid sick days at the rate of at least 1 hour for every 30 hours worked.

9) Prohibit public agencies from contracting for services if approval of the contract is based solely on savings resulting from lower pay rates or benefits or the contract causes civil service employees to be displaced.

Existing laws related to the California Constitution:

1) Provide every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the Legislature adopts the proposal.

2) Provide a proposed amendment or revision to the California Constitution approved by the voters takes effect on the fifth day after the Secretary of State officially certifies the votes. A measure can, in the text provided to the voters, set a later effective date.

This measure:

1) If approved by voters, applies the following California labor standards to all UC employees after January 1, 2025:

   - Equal pay standards, including those established under the California Equal Pay Act and California Fair Pay Act of 2015;
   - The payment of a minimum wage;
   - The timely payment of wages;
   - The payment of overtime wages;

- Occupational safety and health standards;
- Meal and rest breaks;
- Paid leave, including paid sick leave; and
- Standards related to the displacement and contracting out of work.

2) Requires UC employees to be paid the prevailing wage if that work would be considered public works under California's prevailing wage laws.

3) Allows the Legislature to create and apply other labor standards to UC employees.

4) Specifies the measure does not apply retroactively to any contract entered into before January 1, 2025, if doing so would impair the obligations of that contract.

BACKGROUND

The Legislature & The University of California. In 1868, the Legislature passed and Governor Henry H. Haight signed the Organic Act, which laid the foundation for and created the University of California. In 1879, California voters adopted the modern-day California Constitution (sometimes referred as the "second constitution"), which among its provisions enshrined the Organic Act into it, making the UC a "public trust" being "subject only to such legislative control as may be necessary to ensure compliance with the terms of its endowments, and the proper investment and security of its funds…"

In 1917, the Legislature passed SCA 20 (Breed), which the voters approved in 1918. The measure updated the Organic Act and it modified the legislative control provisions to state the UC is "subject only to such legislative control as may be necessary to ensure compliance with the terms of its endowments and security of its funds."

While there have been other modifications to the provisions related to legislative control over the UC (competitive bidding procedures were added in 1976), the concept that the UC Regents have autonomy over the UC has remained relatively consistent since 1868.

Employment at the University of California. As of 2022, the UC employed 73,012 academic employees and 143,188 non-academic employees with both full-time and part-time status. As a result, there are 216,200 workers employed by the UC – meaning because of UC's constitutional protections, nearly a quarter of a million Californians are not covered by what some would consider to be the state's most basic labor protection laws.

Recent Court Actions. Courts have held the Regents are exempt from statutes regulating the wages and benefits of workers, finding wages and benefits are internal affairs of the UC that do not come within any of the exceptions to the Regents' constitutional immunity.

Most recently in *Gomez v. Regent*s *(2021) 63 Cal.App.5th 386*, the plaintiff challenged the Regents' policy and practice of rounding time punches and automatically deducting 30 minutes for meal periods regardless of whether the employees actually took them. The issue before the court was whether the Regents were subject to California's minimum wage laws. The superior court held the Regents were not subject to those

laws and dismissed the case. The court of appeal affirmed this decision by the lower court.

Contracting Out & UC Regents Policy 5402. In 2019, the UC Regents adopted Regents Policy 5402, which generally prohibits the UC from contracting out for services and functions the UC staff could perform just as well except under "exigent and limited circumstances." This policy set standards for contracts related to:

- Cleaning;
- Custodial;
- Janitorial and housekeeping services;
- Food services;
- Laundry services;
- Groundskeeping;
- Building maintenance;
- Transportation and parking services;
- Security services;
- Billing and coding services;
- Sterile processing;
- Hospital or nursing assistant services; and
- Medical imaging or other medical technician services.

This policy also noted UC will utilize its employees to perform these services to the greatest extent possible before using private contractors to provide such services.

Regents Policy 5402 provides contracting out for the services noted above is only permitted where doing so is required by law, federal requirements, contract or grant requirements, court decisions or orders, or when:

1) The services are needed to address an emergency, which includes, but is not limited to, the need to prevent the stoppage of UC operations or to ensure the continuous operations of the UC's medical centers;

2) The employees capable of providing the required services are not available or do not possess the necessary level of expertise or cannot perform the services satisfactorily or because the services are of a specialized or technical nature and the expertise, knowledge, ability and/or equipment required is not available internally;

3) The services are incidental to a contract for the purchase or lease of real or personal property, which includes services to be provided on property the UC has leased to or from a third party or through public private partnerships;

4) The services are of such an urgent, temporary, or occasional nature that the delay in hiring UC employees or would frustrate the UC's goals that gave rise to the need for the services in the first place;

5) The contractor will provide equipment, materials, facilities, or support services that UC employees could not feasibly provide at facilities within a 10-mile radius of a UC campus, medical center, or UC Laboratory; or

6) The services are performed by registry personnel in clinical operations to address short-term staffing needs, including circumstances where the UC's reasonable recruitment efforts to hire employees cannot satisfy ongoing staffing needs.

Policy 5402 also mandates any outside contracts adhere to an "Equal Pay for Equal Work" standard. .

COMMENTS

1) According to the Author: "150 years ago, women couldn't vote. That's when a section was added to the State Constitution that made the UC exempt from basic labor standards, exempt from minimum wage orders, and exempt from equal pay for women. The courts have ruled that this remains the case. Californians will change this.

   "Neither the Governor nor the Legislature have the executive or legislative authority to ensure basic labor standards apply to or are enforced at UC due to an outdated provision of the State Constitution. Article IX, Section 9 of the State Constitution was adopted nearly 150 years ago, before basic labor standards were in place. As a result, courts have held that Article IX, Section 9 excludes hundreds of thousands of Californians performing work for the University of California from labor standards adopted by the state legislature for virtually all other Californians since then."

2) Do We Actually Need A Constitutional Amendment To Do This? Can't We Just Pass A Bill? The short answers to these questions are yes and no.

   Because courts have consistently ruled the UC Regents and its employees are constitutionally exempt from the state's labor laws, the only way to change that is by asking the voters to amend the California Constitution.

   Passing a bill to amend the statutes may serve as a statement of the Legislature's intent that the state's labor laws apply to the UC system, but it won't actually ensure the laws do apply to the system.

3) Proposition 4 of 1976. It was 48 years ago when the voters last amended the California Constitution to give the Legislature the opportunity to apply certain statutes to the UC Regents. SCA 14 (Stull) was approved by the Legislature on 74-0 (Assembly) and 30-3 (Senate) votes to put Proposition 4 on the ballot. Unlike the proposal contained in ACA 6, SCA 14/Proposition 4 did not automatically apply any state laws to the UC Regents. Rather, it required the UC Regents to comply with "such competitive bidding procedures as may be made applicable to the university by statute …" It also added race, religion, ethnic heritage, and sex as reasons why the UC could not deny admission to any applicant.

   Proposition 4 was approved by the voters on a 54.49%-45.51% margin.

4) A Detailed Approach. Unlike SCA 14/Proposition 4, ACA 6 applies nine specific labor standards to UC and its employees, states the Legislature may apply other labor standards to the UC and its employees, and does not preclude these labor standards from being superseded by more favorable terms in a collective bargaining agreement.

   This level of detail runs contrary not just to SCA 14/Proposition 4 but also to many other provisions of the California Constitution, which lay out a much more basic framework or goal and rely on the Legislature to fill in the details via statute.

   For example, Article I, Section 1 provides "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." However, "safety," "happiness," and "privacy" are not defined in the Constitution – it is left up to the Legislature to, by statute, define those terms and decide how, when, and where they should apply

   Similarly, Article 1, Section 29 provides "In a criminal case, the people of the State of California have the right to due process of law and to a speedy and public trial." How "due process" and "speedy" are defined is left up to the Legislature, not detailed in the Constitution.

5) Prior Senate Committee Actions. Prior to being considered by this committee, ACA 6 was heard and approved by the Senate Committee on Labor, Public Employment and Retirement on June 28, 2023, on a 5-0 vote. The measure was defeated in this committee on September 11, 2023, on a 3-1 vote (4 votes were needed for passage).

RELATED/PRIOR LEGISLATION

ACA 14 (Ortega) is substantively identical to ACA 6. ACA 14 is pending in the Senate Committee on Rules.

SCA 8 (Durazo) is substantively identical to ACA 6. SCA 8 is pending in the Senate Committee on Rules.

SB 27 (Durazo) was signed into law in 2023. Among other provisions, it prohibits a vendor from accepting payment from the UC if the vendor is performing services or supplying the UC with employees to perform services who are paid less than the compensation rate specified in the vendor's contract with the UC or as required by university policy.

SB 1334 (Bradford) was signed into law in 2022. It extended meal and rest period rights and remedies to employees who provide direct patient care or support in general acute care hospitals, clinics, or public health settings who are directly employed by specific employers, including the UC.

ACA 14 (Gonzalez) of 2019 would have required the UC Regents to ensure all contract workers paid to perform support services for the UC are given the same equal

employment opportunity standards as university employees performing similar services. ACA 14 died on the Senate's inactive file.

SCA 14 (Hernandez) of 2017 would have (1) required the UC President to submit detailed budget reports to the Legislature; (2) required the UC President's office to be funded by an item in the annual Budget Bill related solely to that purpose; (3) added the Chancellor of the California Community Colleges to the Board of Regents as a voting ex officio member; (4) made the UC President a nonvoting ex officio member; (5) restructured the terms of the Board of Regents members; and (6) banned the current Regents from being re-appointed after June 6, 2018. SCA died in the Senate Education Committee without a hearing.

SCA 13 (Galgiani) of 2017 would have prevented the UC Regents from increasing tuition or entering contracts with companies paying substandard wages in any year when the UC provides more than 600 managerial employees with annual salaries higher than the Governor's salary. SCA 13 died in the Senate Education Committee without a hearing.

SCA 1 (Lara) of 2016 would have reduced a UC Regent's term from 12 years to 4 years and set an overall term limit of 16 years. SCA 1 died on the Senate's inactive file.

SCA 21 (Yee) of 2009 would have given the Legislature control over the UC system and have the Legislature the power to enact measures to implement the constitutional provision. SCA 21 died in the Senate Committee on Rules without a hearing.
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PRIOR ACTION

Senate Elections & Constitutional Amendments:	3 - 1 (4 votes were needed)
Senate Labor, Public Employment and Retirement:	5 – 0
Assembly Floor:	67 - 7
Assembly Appropriations Committee:	11 - 3
Assembly Labor and Employment Committee:	6 - 0

POSITIONS

Sponsor: AFSCME Local 3299
California Labor Federation
Tony Thurmond, State Superintendent of Public Instruction

Support: Alameda County Democratic Party
Alliance of Californians for Community Empowerment Action
American Federation of State, County, and Municipal Employees, AFL-CIO
California Conference of Machinists
California Conference of the Amalgamated Transit Union
California Employment Lawyers Association
California Faculty Association
California Nurses Association/National Nurses United
California Professional Firefighters

California Teachers Association
Central Coast Labor Council, AFL-CIO
Chispa
Contra Costa Labor Council, AFL-CIO
Council of University of California Faculty Associations
Courage California
Engineers and Scientists of CA, IFPTE Local 20, AFL-CIO
Federated University Police Officers' Association
Garment Worker Center
Healthy California Now
Inlandboatmen's Union of the Pacific Southern California Region, Marine Division
Los Angeles Alliance for a New Economy
North Valley Labor Federation
Northern California District Council – ILWU
Sacramento Central Labor Council, AFL-CIO
San Mateo Labor Council
SEIU California
South Bay Labor Council
State Building and Construction Trades Council of California, AFL-CIO
Teamsters
UAW Local 2865
UAW Local 5810
UDW/AFSCME Local 3930
Union of American Physicians and Dentists, AFSCME Local 206
Union of Educator and Classified Professionals
UNITE HERE, AFL-CIO
United Food and Commercial Workers Western States Council
United Nurses Associations of California/Union of Health Care Professionals
United Teachers of Los Angles
University Council-AFT
University of California Student Association
UPTE-CWA 9119
Utility Workers Union of America

Oppose: American Cargoservice Inc.
American Staffing Association
Anaheim Chamber of Commerce
Appvise Inc.
Aptos Chamber of Commerce
Assist Consulting Catalysts for Social Transformation, LLC
Bay Area Council
Berkeley Chamber of Commerce
Blackstone Talent Group LLC
Bogard Construction, Inc.
California Association of Public Hospitals and Health Systems
California Chamber of Commerce
California Hospital Association
California Staffing Professionals

Central City Association
Central Coast Construction Company
Data Principles Consulting, Inc.
Davis Chamber of Commerce
D&S Communications Inc.
Edios Media
Editcetera
Greater Irvine Chamber
Greater Riverside Chambers of Commerce
Health Data Movers
Honsha.ORG
Kelly Services
Los Angeles Area Chamber of Commerce
Los Angeles Business Council
Los Angeles County Business Federation
Newport Beach Chamber of Commerce
Orange County Business Council
Orange County Hispanic Chamber of Commerce
Orbees Inc.
Quest Diagnostics
Rahul Investments LLC
Rolling Orange, Inc.
San Diego Regional Chamber of Commerce
San Francisco Chamber of Commerce
Santa Ana Chamber of Commerce
Santa Cruz County Chamber of Commerce
Santa Monica Chamber of Commerce
SC2 Strategic Communications, LLC
Shirley Hollywood and Associates, Inc.
South Orange County Economic Coalition
Tri-County Chamber Alliance
University of California
University of California Academic Health Centers
University of California Academic Senate
University of California Chancellors
University of California Directors of Disabled Student Support Services
Valley Industry & Commerce Association
Wight Vineyard Management, Inc.
25 Individuals

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SENATE COMMITTEE ON ELECTIONS AND CONSTITUTIONAL AMENDMENTS

Senator Catherine Blakespear, Chair

2023 - 2024 Regular

Bill No:	SCR 157	**Hearing Date:**	6/11/24
Author:	Allen		
Version:	5/30/24		
Urgency:		**Fiscal:**	No
Consultant:	Scott Matsumoto		

Subject: Withdrawal of Senate Constitutional Amendment No. 2 of the 2021-22 Regular Session.

DIGEST

This measure removes SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, from the November 5, 2024, statewide presidential general election.

ANALYSIS

Existing law:

1) Permits the Legislature to propose an amendment or revision of the Constitution. It must be approved by a two-thirds vote in each house in order to be placed before the voters.

2) Provides that every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after being adopted by the Legislature.

This measure:

1) Directs the Secretary of State (SOS) to remove SCA 2 from the November 5, 2024, statewide presidential general election.

BACKGROUND

SCA 2. During the 2021-22 Legislative Session, the Legislature adopted SCA 2 to repeal Article 34 of the California Constitution. If the voters approve the measure, it would eliminate the Constitutional requirement for city or county voters to approve any development, construction, or acquisition of a publicly funded affordable housing project.

Since this is an amendment to the California Constitution, the measure requires voter approval and was originally scheduled to be voted upon at the March 5, 2024, statewide presidential primary election.

Subsequently, prior to the March 2024 election, the Legislature passed and the Governor signed SB 789 and moved SCA 2 from the March 5, 2024, statewide presidential primary election to the November 5, 2024, statewide presidential general election.

COMMENTS

1) According to the Author: Getting more affordable housing built quickly is a priority. While SCA 2 was one of many efforts to help address the housing crisis, the November ballot will be very crowded and reaching voters will be difficult and expensive. In addition, the Legislature recently passed SB 469, which substantially addresses some of the most significant concerns about how Article 34 might be impacting housing production. The timing for SCA 2 seems sub-optimal and the focus must now be in determining if recent efforts to boost housing production, including SB 469, is making a significant dent in addressing the problem.

2) Be Quick But Don't Hurry. Under state law, the deadline to remove a measure from the ballot this year is June 27, 2024. As such, SCR 157 should be passed by that date in order to ensure SCA 2 is removed from the November 5, 2024, election and before ballots are finalized.

RELATED/PRIOR LEGISLATION

SCA 2 (Allen), Resolution Chapter 182, Statutes of 2022, repeals Article 34 of the California Constitution which requires city or county voters to approve the development, construction, or acquisition of a publicly funded affordable housing project.

SB 789 (Allen), Chapter 787, Statutes of 2023, among other provisions, moved SCA 2 from the March 5, 2024, statewide presidential primary election to the November 5, 2024, statewide presidential general election.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

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

Bill No:	AB 2001	**Hearing Date:**	6/11/24
Author:	Gallagher		
Version:	3/6/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Evan Goldberg		

Subject: Political Reform Act of 1974

DIGEST

AB 2001 makes a number of technical and clarifying changes to the Political Reform Act (PRA).

ANALYSIS

Current law:

1) Requires candidates running for local office to submit campaign finance documents to the local agency, which in turn must publish those documents online within 72 hours of the filing deadline.

2) Defines the term "statewide election" for the purposes of the PRA as an election for statewide elective.

3) Has two Government Code section 84504.2s related to the disclosures campaigns are required to make in print advertisements. One section is in effect today and one will replace the existing section when the Secretary of State creates a new online campaign finance system.

4) Defines “campaign expenditures” with respect to candidate-based elections to include, but not be limited to:

   a) Communications that advocate for or against a candidate;

   b) Communications that refer to a candidate’s candidacy, their election campaign, or the candidate’s or their opponent’s qualifications for elective office;

   c) Solicitation of contributions to the candidate or to a third person for use in support of the candidate or to oppose the candidate’s opponent;

   d) Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in subdivisions (a), (b) and (c);

   e) Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate;

f) Preparing a campaign budget;

g) Preparing campaign finance disclosure statements; and

h) Certain communications directed at voters.

5) Sets limits on the amount of money candidates for certain offices who accept voluntary expenditure limits can spend on "campaign expenditures."

6) Requires ads on social media platforms to comply with certain disclosure requirements.

7) Makes violations of the PRA subject to administrative, civil, and criminal penalties. Civil actions alleging a violation in connection with specified reports or statements required by the PRA must be filed within four years after an audit could begin or more than one year after the Franchise Tax Board forwards its audit report to the Fair Political Practices Commission (FPPC), whichever period is less.

This bill:

1) Clarifies:

a) When campaign finance document filings are made late, the local agency must post them online within 72 hours of receiving them;

b) If an agency receives a filing it wasn't supposed to get (e.g., the candidate filed the document with the wrong agency), that agency is not required to post the filing but must notify the filer of the error.

c) The online posting requirements apply regardless of whether the filing was made electronically, on paper, by email, or via fax.

2) Deletes the definition of "statewide election" in the PRA.

3) Ensures the two Government Code section 84504.2s are identical relative to the type face used in the print ads and the prohibition on using text and images not required by law.

4) Removes "preparing campaign finance disclosure statements" from the definition of "campaign expenditures" as it relates to the limits on what candidates for certain offices who accept voluntary expenditure limits can spend money on.

5) Corrects an erroneous code reference by stating certain social media ads are not required to comply with certain disclosure requirements in two specific circumstances.

6) Clarifies the deadline for bringing civil enforcement actions for alleged violations of the PRA under certain circumstances.

BACKGROUND

The FPPC is tasked with impartially implementing and administering the PRA.

This bill, sponsored by the FPPC, contains a number of technical corrections and clarifications to the PRA.

COMMENTS

1) According to the Author: "AB 2001 would ensure accuracy and consistency throughout the Political Reform Act, creating a clearer and more effective regulatory framework. The bill is also crucial to enhance public transparency in local elections by ensuring timely and accurate online posting of filings."

2) Not Counting Something as a Campaign Expenditure. AB 867 (Cooley) of 2017 recast various provisions of the PRA related to behested payment reporting and in the process, the bill included "preparing campaign finance disclosure statements" in the definition of "campaign expenditures."

   While the legislative history indicates this change was made in error, the practical effect was that by including "preparing campaign finance disclosure statements" in the definition of "campaign expenditures," candidates accepting the voluntary spending limits would have less money to spend in the other approved campaign expenditure categories.

   Conversely, by pulling "preparing campaign finance disclosure statements" out of the definition of "campaign expenditures" as this bill proposes to do, it will free up money for candidates to spend in those other approved categories.

3) Audit Statute of Limitations Clarification. AB 800 (Gordon) of 2014 dealt with when certain audits or investigations of campaign disclosure filings could be undertaken. The statute of limitations for bringing a civil enforcement action alleging certain violations of the PRA is tied to a provision of law that was repealed by AB 800 – meaning the deadline for bringing a civil enforcement action alleging certain violations of the PRA is unclear. AB 2001 clarifies the statute of limitations for bringing a civil enforcement action is based on the law as it existed before AB 800 was enacted, thereby maintaining the statute of limitations that existed prior to AB 800.

4) Social Media. Electronic media ads that let users engage in online discussion and post content, or any other type of social media paid for by a political party or a candidate controlled committee must include a number of disclosures.

   Generally, if a political party or a candidate posts a campaign ad on social media that supports or opposes a candidate, those ads must include an "Ad paid for by," disclosure in a contrasting color that is easily readable by the average viewer in no less than 10-point font on each individual post that is an ad.

An exception to that requirement is disclosures are not required on social media ads where the only expense or cost of the communication is compensated staff time – unless the social media account where the content is posted was created only for the purpose of advertisements.

A related bill in 2022, SB 1360 (Umberg), re-numbered and re-lettered an (h) to a (g) in this section of law, meaning another section of law that refers to the (h) now refers to something that is effectively nonsensical. This bill changes the reference to the new (g), so the statute can operate as envisioned.

5) Statewide Election. The term "statewide election" is defined in statute as "an election for statewide office" and was added to the codes as part of the PRA, which the voters approved in the form of Proposition 9 in 1974. The only place the term is used in the PRA is in this definition, so the author is proposing to remove it in an effort to clean up the PRA.

   Elections Code section 357 defines a statewide election as "an election held throughout the state." That is the definition that is used today for all non-PRA purposes, which will not change should this bill be approved and be signed into law.

PRIOR ACTIONS

Assembly Floor:	72 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	8 - 0

POSITIONS

Sponsor: Fair Political Practices Commission (FPPC)

Support: None received

Oppose: None received

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

Bill No:	AB 2041	**Hearing Date:**	6/11/24
Author:	Bonta		
Version:	3/13/24		
Urgency:	Yes	**Fiscal:**	Yes
Consultant:	Evan Goldberg		

Subject: Political Reform Act of 1974: campaign funds: security expenses

DIGEST

Authorizes an unlimited amount of campaign funds to be used for costs related to security expenses to protect a candidate, elected official, or a member of their immediate family or their staff.

ANALYSIS

Current law:

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

2) Requires campaign expenses to be reasonably related to a political, legislative, or governmental purpose.

3) Allows campaign funds to be used for security purposes as long as:

- The money is spent to install and/or monitor an electronic security system;
- The money is spent on a system to protect a candidate or elected official;
- The need for the system is based on threats made against a candidate or an elected official and the threats arise from their activities, duties, or status as a candidate or elected official;
- Those threats have been reported to and verified by law enforcement;
- The spending is capped at $5,000 (a figure set by SB 771 (Rosenthal) in 1993);
- The spending is reported to the FPPC and the report includes:
    - The date the candidate or elected official informed the law enforcement agency of the threat;
    - The name and phone number of the law enforcement agency; and
    - A brief description of the threat.
- If/When the security system is sold and/or the house or office where the security system is located is sold, the pro-rata share of the sale of the security system is paid back to the campaign.

This bill:

1) Expands the ability to spend campaign funds for security purposes by changing current law in the following fashion:

   - The money, aside from being spent to install and/or monitor an electronic security system, can also be spent on the "reasonable costs of providing personal security";
   - The money, aside from being spent to protect a candidate or an elected official, can also be spent to protect the immediate family or staff of an elected official or candidate;
   - The need for the system is based on threats made against a candidate or an elected official and the threats arise from their activities, duties, or status as a candidate or elected official or from their position as a staffer to the candidate or elected official;
   - The current law requirement for the threats to be reported to and verified by law enforcement is deleted by this bill.
   - The current law capping spending at $5,000 is deleted by this bill.
   - The current law requirement to report to the FPPC when the threat was reported to law enforcement, the name and number of the agency it was reported to, and a brief description of the threat is deleted by this bill. However, the spending would still have to be reported to the FPPC as part of a candidate's or an elected official's annual reporting requirement and the candidate or elected official would have to maintain records of evidence of the threat.
   - Instead of requiring the campaign to be reimbursed if and when the electronic security system is sold, the bill requires a security system or any security-related tangible item to be returned or reimbursed to the committee that paid for it.

     The return or reimbursement must occur within one year of the elected official leaving office or when a candidate is no longer a candidate for the office for which the security system was purchased. Alternatively, if the property where any security system was installed is sold prior to that one-year deadline, the reimbursement must occur at that time. These deadlines can be extended if there is a continuing threat to the physical safety of the candidate or elected official that relates to their activities, duties, or status as a candidate or elected official and the threat has been reported to and verified by an appropriate law enforcement agency. In this case, return or reimbursement is due within one year of when the threat verified by the law enforcement agency ceases.

2) Specifies "security expenses" do not include payments to a relative, within the third degree of consanguinity of a candidate or elected official, unless the relative owns or operates a professional personal security business and the cost of the service is no greater than the relative would otherwise charge.

3) Specifies "security expenses" do not include payments for a firearm.

4) Requires candidates or elected officials to pay for the reimbursement themselves if the security system was installed for their protection. In cases where the system was installed for the protection of an immediate family member or staff member of

the candidate or elected official, the reimbursement can be made by the immediate family member, the staff member, the candidate, or the elected official.

5) States the immediate family or staff of the candidate or elected official are not personally liable for the reimbursement of any expenses incurred for security expenses.

6) Requires a candidate or elected official, as part of recordkeeping requirements, to maintain detailed accounts, records, bills, and receipts related to any spending or reimbursement for expenses related to security, including records containing evidence of the threat or potential threat to safety that gave rise to the need for the security.

7) Contains an urgency clause, allowing this bill to take effect immediately if it is signed into law.

BACKGROUND

Growing Threats to Candidates and Elected Officials. According to a 2022 "Time" magazine article, there has been a surge of harassment, attacks, and violent threats targeting public officials and their families in the United States. Some episodes of violence have made national headlines, including the insurrection in the United States Capitol on January 6, 2021, and the October 2022 break-in at the San Francisco home of then-Speaker of the U.S. House of Representatives Nancy Pelosi.

While these episodes are dramatic examples of the threats public officials and their families and staff can face, the article notes many episodes of harassment of public officials are actually constitutionally protected free speech. As a result, public officials and candidates are left to comb through angry threats to try to determine which ones are true threats to their safety or to the safety of their families and staff.

The "Time" article reported the spike in violent threats has strained state and local budgets, leading many public entities to take steps such as hiring armed guards, installing bulletproof glass, and investing in trauma counseling. Furthermore, time and resources are being devoted to items such as active-shooter trainings along with monitoring emails and phone calls for threatening messages that might have to be reported to law enforcement.

National Database. In April 2024, Princeton University's Bridging Divides Initiative (BDI) released its threats and harassment dataset (THD), a first-of-its-kind dataset capturing hostility towards local officials in the United States. The longitudinal event-based data tracks the rate, frequency, types, and targets of threats and harassment faced by a wide range of local officials around the country, from elected officials at the municipal, county, and township level to appointed officials and election workers.

The dataset contains more than 750 unique observations of threats or harassment from January 2022 to March 2024, based on information gathered from traditional media, open-source monitoring, and a network of data contributors. Among the key trends identified by the BDI:

- A threat or harassment event targeting a local official has been reported in nearly every state since 2022;
- Reported events are on the rise overall, with an increase in threats and harassment from 2022 to 2023;
- Threats and harassment are becoming increasingly normalized. While elections and a person's level of education are primary motivating factors in targeting, other issues like hyper-local and individual grievances drive significant rates of hostility towards officials; and
- In 2023, 56% of events were related to grievances other than elections and education issues – such as LGBTQ+ issues; hyper-local grievances such as public infrastructure; rulings in individual legal cases (e.g. family court cases) or parking ticket disputes; and public safety – up from approximately 36% in 2022.

COMMENTS

1) According to the Author: "As public servants, we sacrifice so much to serve, including time with our families and our privacy. However, one thing we should never be willing or expected to give up is our sense of safety. Unfortunately, we have seen an increase in threats against public officials, especially women, and harassment against legislative staff who serve the constituents who elected us to office. This is the premise for why I am authoring AB 2041.

   "Ensuring the safety of candidates and elected officials is essential to protecting our democracy. Political violence is never the answer. When reactionary elements fan the flames of violence, they are putting candidates and elected officials squarely in their sights. It is an honor to hold a public office and serve our community. But this honor should never be overshadowed by the harassment and threats against ourselves, our families and our children."

2) Expanding the Use of Campaign Funds While Reducing Verification. This bill expands the ability of candidates and elected officials to spend campaign funds for security purposes by allowing them to:

   - Provide security to staff and immediate family members, not just to themselves;
   - Purchase not just electronic security and/or monitoring systems, but also to hire personal security; and
   - Spend an unlimited amount of campaign funds on these items by eliminating the $5,000 cap in current law.

   At the same time, the bill eliminates the requirements in current law designed to help determine if the spending on security is tied to threats made against a candidate or elected official based on their actions as a candidate or elected official. AB 2041 does this by eliminating current law requirements to:

   - Report any threats to and have those threats verified by law enforcement; and
   - Report to the FPPC the date the threats were reported to law enforcement, the name and number of the official they were reported to, and a brief description of the threat.

The Committee may wish to consider, if it determines the expanded spending proposed by this bill is appropriate, whether the reporting and accountability requirements in current law noted above should be retained.

The Committee also may wish to consider whether the $5,000 cap in current law – which was set 31 years ago – should be eliminated, as this bill proposes to do, or simply be lifted, for example, to $10,000. Using the standard rate of inflation, something that cost $5,000 in 1993 would cost approximately $10,800 in 2024.

3) Returning vs. Reimbursing. Under current law, a candidate or elected official is required to reimburse the campaign for the cost of the electronic security system when the system is sold or the property containing the system is sold.

   This bill allows the candidate to choose to return the security system – or other tangible item related to security – to the campaign committee instead of reimbursing the committee for the cost of the items.

   There is no definition for "tangible item related to security" in the bill (though the bill does state a firearm is not a covered security expense). As such, it is certainly possible to envision a scenario where a candidate or elected official could return used locks, tasers, pepper spray, doorbell cameras, and other items to a campaign committee instead of reimbursing the committee for the costs of those items.

   The Committee may wish to consider whether allowing items to be returned to a campaign committee is appropriate or whether reimbursement should be required.

4) "Tangible Item Related to Security". As noted above, the bill allows a "tangible item related to security" to be returned to a campaign committee. However, in the bill's definition of "security expenses," there is no ability to purchase such an item.

   As such, the Committee may wish to consider including "tangible item related to security" in the bill's definition of "security expenses" on Page 2, Lines 5-9.

5) You Look Very Familiar. This bill is virtually identical to AB 37 (Bonta) of 2023, which was vetoed by Governor Newsom. The veto message stated in relevant part:

   > "While I support the author's intention, the bill as drafted does not clearly define 'security expenses.' Without more guidance on what would or would not be allowed as a legitimate use of campaign funds, this bill could have unintended consequences and could lead to use of political donations for expenditures far beyond what any reasonable donor would expect. We must ensure political donations are utilized in a manner consistent with their intended purpose."

   The only change between AB 37's definition of "security expenses" and AB 2041's definition of security expenses is the addition of the phrase "'Security expenses' do not include payments for a firearm."

RELATED/PRIOR LEGISLATION

AB 37 (Bonta) of 2023 was virtually identical to this measure. It was vetoed by Governor Newsom.

PRIOR ACTIONS

Assembly Floor:	72 - 0
Assembly Appropriations Committee:	13 - 0
Assembly Elections Committee:	7 - 0

POSITIONS

Sponsor: Author

Support: City of Norwalk
Courage California
Fair Political Fair Practices Commission
Hispanic Organization for Political Equality
League of California Cities
Thousand Oaks City Council

Oppose: None received

-- END --

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

Bill No:	AB 2582	**Hearing Date:**	6/11/24
Author:	Pellerin		
Version:	3/21/24		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Evan Goldberg		

Subject: Elections omnibus bill

DIGEST

Makes several changes to the voter registration and candidate paperwork filing processes.

ANALYSIS

Current law:

1) Provides a specific process for new citizens (those who become new U.S. citizens within 15 days of an election) and new residents (those who move to a new voting jurisdiction and establish residency within 15 days of an election) to register to vote and cast a ballot in that upcoming election.

2) Requires the list of new resident voters to be kept by the elections official for 22 months.

3) Has a process known as “conditional voter registration” (CVR) whereby any person can – within 14 days of an election – register to vote and cast a ballot in that election. The elections official will determine if the person is eligible to vote and will, if the person is deemed eligible to vote, count the person’s ballot.

4) Requires candidates for state and county elected office to file a declaration of candidacy with the appropriate elections official, but on a city level, municipal candidates must file a similar document called an affidavit of nominee.

5) Requires municipal nomination papers and affidavits to adhere substantially to the form specified in state law, but for state candidates, they must use uniform candidacy and nomination papers the Secretary of State (SOS) is required by law to develop.

This bill:

1) Repeals the provisions of law that contain specific voter registration procedures for new citizens and new residents who want to vote in an election 15 or fewer days after registering to vote.

2) Repeals, as of January 1, 2027, a requirement for an elections official to preserve the list of new resident voters for 22 months.

3) Deletes the requirement that a candidate for municipal office file an affidavit of nominee form and replaces it with a requirement to file a declaration of candidacy form substantially similar to the declaration of candidacy forms used for state and county candidates.

4) Requires the SOS to establish uniform forms for candidates for municipal office to use when filing their nomination and declaration of candidacy documents – and requires candidates to use those new forms.

BACKGROUND

Conditional Voter Registration (CVR). AB 1436 (Feuer) of 2012 created CVR, also known as same day voter registration, to allow anyone who is legally eligible to register to vote to register and vote up to and on Election Day. A person who registers via CVR is permitted to cast a ballot, but that ballot won't be counted until the county elections official determines the voter is indeed legally eligible to register to vote.

Candidate Filing Documents. A candidate for elective office must file a number of different documents before they can appear on the ballot, many of which are filed with a county elections official, though for some offices, candidates must also file documents with the SOS.

While current law requires declarations of candidacy and nomination papers to be in "substantially" the form specified in the Elections Code, there may be variations in the format of these documents among local jurisdictions. Also, because county elections officials coordinate and administer municipal elections on behalf of the cities in their county, the lack of uniformity in the nomination documents can make the process cumbersome.

COMMENTS

1) According to the Author: "County elections officials are often tasked with coordinating and conducting municipal elections on behalf of the cities within their jurisdictions.

   "County elections officials report that the signature verification process can be onerous and require significant staff time and resources because local nomination documents are not required to be uniform. Furthermore, the lack of uniformity results in a more manual, less streamlined verification process. This bill helps to streamline this process by requiring the Secretary of State to establish uniform candidate filing forms to be used by all elections officials, including those administering municipal elections.

   "California previously established procedures to allow an individual to vote in an election if that person became a citizen or a California resident after the voter registration deadline. With the implementation and expansion of conditional voter registration (CVR), all Californians now have the ability to register or re-register to

vote through the close of polls on election day. As a result, the specified procedures in existing law for new residents and new citizens to register and vote are outdated, confusing, and no longer necessary. Accordingly, this bill repeals those obsolete provisions of law."

2) Nesting Dolls, Elections Administration Style. Prior to the enactment of CVR in 2012, only new citizens and new residents had the ability to register to vote and cast a ballot fewer than 15 days before an election and have their vote counted once the elections official verified the new citizen or new resident was legally eligible to vote.

   CVR effectively subsumed the process previously available only to new citizens and new residents and applied it to all people who are legally eligible to register to vote. As a result, the separate process in place for new citizens and new residents is no longer necessary and would be repealed by this bill. Also repealed – after January 1, 2027 -- would be the requirement for an elections official to keep for 22 months a list of new residents who registered less than 15 days before an election.

3) My Kingdom for a Single Uniform Form, Norm. This bill streamlines the local candidate filing process for elections officials by requiring the SOS to establish uniform candidate filing forms that all elections officials would be required to use.

   In a similar vein, the bill eliminates the requirement for municipal candidates to file an affidavit of nominee form and instead directs them to file a declaration of candidacy form that is substantially similar to the declaration of candidacy forms used by state and county candidates.

PRIOR ACTIONS

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Elections Committee:	8 - 0

POSITIONS

Sponsor: California Association of Clerks & Elections Officials (CACEO)

Support: City Clerks Association of California

Oppose: None received

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

Bill No:	AB 3197	**Hearing Date:**	6/11/24
Author:	Lackey		
Version:	6/3/24 Amended		
Urgency:	No	**Fiscal:**	No
Consultant:	Evan Goldberg		

Subject: Elections

DIGEST

AB 3197 allows county elections officials to mandate the use of standardized petition forms and, when conducting an election for another local agency, to permit candidates in that election to submit candidate's statements for electronic distribution.

ANALYSIS

Current law:

1) Requires elections petitions to be formatted in a similar, though not identical, manner.

2) Allows candidates for local nonpartisan elective offices to submit a candidate's statement to appear in the county voter information guide as long as the statement:

   a) Includes the candidate's name, age, and occupation, along with a brief description (200 words, or up to 400 words if the local agency raises the cap) of their education and qualifications; and
   b) Does not include the party affiliation of the candidate, or membership or activity in any partisan political organizations.

3) Allows candidates for local nonpartisan elective office to also submit a candidate's statement that can be posted on the elections official's website, and may be included in a voter information guide that is electronically distributed by the elections official. However, this can only be used when the governing body of the office the person is running for permits it to be done – even when the another entity (not the governing body) is conducting the election

This bill:

1) Permits a county elections official who verifies signatures on petitions to require signature gatherers to use a standardized petition form. This would not apply to petitions or papers that are circulated in more than one county, however an exception to that ban would allow the requirement to apply in cases involving local districts that span multiple counties.

2) Repeals the requirement that the governing body of the office the person is running for must permit electronic candidate statements to be filed as long as the entity running the election permits such statements to be filed.

BACKGROUND

Making a List and Checking it Twice. When, for example, candidates running for office need to collect signatures on their nomination papers or supporters of an initiative need to collect signatures on their petition, those signatures need to be verified by the elections official to ensure they are from people who are registered to vote in the appropriate jurisdiction.

While petitions related to city elections are submitted to the city elections official, county elections officials generally verify those signatures since the county elections officials hold the voter registration records needed for the verification process. Allowing, for example, 10 cities in a county to use 10 different types of signature forms slows the county's ability to verify signatures and, according to the sponsor of this bill, requires counties to use a more costly, labor-intensive, manual process to verify those signatures.

Hey There, Why Don't You Tell Us a Little About Yourself? Candidates for office are generally allowed to prepare a statement and submit it to the elections official. Those statements are included with other materials and distributed to voters as part of the local voter information guide (VIG) – always on paper and generally electronically.

To defray the taxpayer cost of producing and distributing these statements as part of the paper VIG, local agencies are allowed to charge candidates for certain costs related to preparing and distributing candidate statements to voters. While there is no uniform method used to calculate the cost, it is generally tied to the number of voters who are eligible to vote for the office that a candidate is seeking. So, while the cost of a candidate's statement might be less than $200 for a city council candidate in a small city, the estimated cost for a candidate for countywide office in Los Angeles is almost $140,000. The cost would grow if, for example, the candidate chose to have the statement printed in Spanish as well as English, and if the statement extended into a second column in the VIG.

Not surprisingly, in cases where candidates are charged to submit a statement to the VIG, fewer candidates submit a statement. To create an incentive for candidates to submit statements and provide voters with more information, AB 2010 (Ridley-Thomas) was enacted in 2016 to allow candidates for local, nonpartisan elective offices to submit statements that are electronically distributed, but are not included in the paper VIGs mailed to voters. Jurisdictions can still charge candidates for these statements, but the cost is significantly – in some cases 98% -- lower than the cost for placing these statements in the paper VIG.

However, AB 2010 only allows for the electronic candidate statement option if the elections official conducting the election (generally the county) and the governing body of the local agency (e.g., a health district) agree to permit such distribution.

COMMENTS

1) According to the Author: "Providing elections officials the opportunity to standardize the petition forms used in their counties will allow them to create petition review processes that are efficient and cost-effective. Standardizing petitions will also enable counties to utilize available scanning technology to count and verify petition signatures ultimately saving staff resources, reducing review time, and maintaining, if not improving, accuracy.

   "AB 3197 will [also] permit a county elections official who makes online candidate statements available for county elections to permit online candidate statements for all local jurisdictions within the county for which the county conducts the local elections without requiring independent affirmative authorization by each local governing body. This includes any local election that is consolidated with a statewide or countywide election, and permits candidates to prepare online candidate statements for electronic distribution."

2) Standardization, Sort Of. Where a person stands on standardization likely depends on whether they are an elections official or a person collecting signatures on a petition. Right now, election jurisdictions, signature gathering entities, initiative supporters, referendum backers, and others are permitted to design their own petitions and papers, provided they comply with the parameters set out in the Elections Code. This is convenient for those gathering signatures, but not convenient for elections officials who may have to manually wrestle with a number of different formats of submitted petitions.

This bill addresses three different scenarios:

   a) In a county and in cities, school districts, and special districts contained solely within a county, AB 3197 allows the county elections official to require the use of a standardized petition;

   b) Regarding petitions and papers circulated in more than one county on a state or federal matter or race, (e.g., a statewide initiative, a congressional race involving three counties, etc.), this bill would not apply; and

   c) Despite the prohibition in (b), the bill would apply in a multi-county scenario involving a local district (e.g., health district, community college district, mosquito abatement district, etc.).

3) One, Not Two, Decision Makers. When it comes to accepting, publishing (online) and distributing (by email or other means) electronic candidate statements for local, nonpartisan offices, the law requires two entities to approve – (1) the governing body of the entity the person is running for (e.g., city council, health district, etc.), and (2) the official running the election (generally the county).

   This bill takes the governing body out of the equation, leaving it up to the elections official running the election to decide if he or she will accept electronic candidate statements, as well as how to post and distribute them and how much to charge for them.

PRIOR ACTIONS

Assembly Floor:	72-0
Assembly Elections Committee:	8-0

POSITIONS

Sponsor: Los Angeles County

Support: None received

Oppose: None received

-- END --