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# California State Senate

## ELECTIONS AND CONSTITUTIONAL AMENDMENTS



**SCOTT WIENER**  
CHAIR  
**AGENDA**

Tuesday, June 9, 2026  
9:30 a.m. -- State Capitol, Room 113

**Staff Director**  
Carrie Cornwell

**Principal Consultant**  
Scott Matsumoto

**Committee Assistant**  
Rida Shaikh

1020 N Street, Room 533  
(916) 651-4106  
FAX: (916) 266-9289

### **MEASURES HEARD IN FILE ORDER**

- |    |          |          |  |
|----|----------|----------|--|
| 1. | SCA 5    | Cortese  | Education finance: Education Equalization Act: Equalization Reserve Account. |
| 2. | SJR 18   | McNerney | Campaign finance reform.   |
| 3. | AB 1736* | Pellerin | Political Reform Act of 1974: lobbyist employers: fictitious appearances.    |
| 4. | AB 2421* | Valencia | Political Reform Act of 1974: committee termination.                         |
| 5. | ACA 7    | Jackson  | Government preferences.  |
| 6. | ACA 9    | Boerner  | Public Utilities Commission.   |
| 7. | ACA 18   | Caloza   | University of California: regents: student members.                          |
| 8. | AJR 29   | Berman   | Voting by mail.  |

\*Consent



- 4) Requires that if the constitutional provisions governing the PSSSA are amended after January 1, 2026, ERA transfers instead be calculated based on what the PSSSA transfer would have been under the January 1, 2026, version of the Constitution.
- 5) Prohibits expenditure of principal deposited into the ERA.
- 6) Specifies that only interest earned on funds in the ERA may be appropriated and be used solely to increase per-pupil funding for non-basic aid school districts. The Legislature must allocate at least 80% of ERA interest earnings annually to increase per-pupil funding in non-basic aid school districts.
- 7) Defines “non-basic aid school district” as a district that received LCFF state aid in any of the preceding three fiscal years.
- 8) Defines “basic aid school district” as a district that did not receive LCFF state aid in any of the preceding three fiscal years.
- 9) Authorizes the Legislature to suspend required ERA transfers in years when average per-pupil funding in non-basic aid school districts equals or exceeds average per-pupil funding in basic aid school districts.
- 10) Excludes ERA transfers and allocations from Proposition 98 minimum funding calculations.
- 11) Excludes ERA transfers and allocations from state appropriations subject to the Gann Limit.

### **BACKGROUND**

Proposition 98. In November 1988, California voters approved Proposition 98, a constitutional amendment establishing an annual minimum funding level for K-14 education. This funding derives from a combination of local property taxes and General Fund revenue. These funds are spent to fund K-12 schools, community colleges, county offices of education, the state preschool program, and state agencies that provide direct K-14 instructional programs.

Public School System Stabilization Account. In November 2004, California voters approved Proposition 58 and, among other provisions relating to state budget, created state’s Budget Stabilization Account (BSA). The BSA is a rainy-day fund to address future financial issues. In November 2014, California voters approved Proposition 2, a constitutional amendment that revised the parameters of the BSA and created the PSSSA.

The PSSSA is a budget reserve fund for K-12 schools and community colleges. If specified conditions are met, the state deposits a portion of General Fund revenues owed to K-12 schools and community colleges under California’s Proposition 98 into the PSSSA. These conditions include when capital gains revenues exceed a specified threshold, when specified Proposition 98 tests apply, and when maintenance factor obligations have been retired.

Local Control Funding Formula. According to a 2023 report from the Legislative Analyst's Office, the LCFF was intended to simplify school funding and distribute funding based on student demographics. School districts and charter schools receive most of their LCFF apportionment through a per-student formula, based on ADA, that provides a base amount of funding by different grade spans.

Non-Basic Aid Districts. Non-basic aid school districts are districts whose LCFF entitlement exceeds the amount of local property tax revenue generated within the district, requiring state funding to fill the gap. Non-basic aid districts do not retain property tax revenues in excess of their LCFF entitlement because their local revenues are insufficient to fully fund that entitlement.

Basic Aid Districts. School districts with local property tax revenue above their LCFF target are known as basic aid districts. The term is derived from a section of the California Constitution that guarantees all school districts at least \$120 per student from the state. Additionally, property tax revenue in excess of their LCFF allotments is known as excess property tax revenue and can be used for local education priorities. Changes in LCFF allotments for basic aid school districts usually have no effect on funding, but changes in funding are driven by changes in local property tax revenue.

### **COMMENTS**

- 1) Author's Statement. This measure, the Education Equalization Act, is intended to help California move toward statewide equalization of per-pupil funding so that every student has a fair opportunity to succeed, thrive, and access the school resources they need. California has attempted to make progress toward school funding equity through the LCFF, but that progress remains incomplete while students in different districts continue to experience growing differences in per-pupil support. Over the last 40-plus years, California's school finance structure has allowed these per-pupil funding disparities to persist and grow, even as the state has adopted reforms intended to make school funding more equitable. A student's access to opportunity should not depend on where they live.

This measure establishes the ERA in the General Fund to provide supplemental funding to non-basic-aid school districts over time to narrow per-pupil funding gaps statewide. The measure does not reduce, redirect, or alter existing Proposition 98 funding. The goal is to build a constitutionally-guaranteed, stable, and protected structure that helps bring California closer to equalized per-pupil funding while preserving existing school funding guarantees.

- 2) Related Legislation. SB 743 (Cortese) of 2025 provided the foundation for the current contents of this constitutional amendment, but is not an explicit companion bill to this measure. The bill sought to equalize per-pupil funding for non-basic aid school districts by creating the Equalization Reserve Account and contained many similarities to this measure, but it relied on a future constitutional amendment. The bill passed the Senate but was held on the held on the Assembly Committee on Appropriations' Suspense File.

This measure is slightly different than SB 743 and seeks to protect existing education funding sources, such as Proposition 98 funding and funding under other reserve accounts.

- 3) What's on the Ballot? The author intends for this measure to be placed for the November 3, 2026, statewide general election. If adopted by the Legislature, the measure would need to pass by June 25, 2026.

As of June 1, 2026, there are three legislature ballot measures and five initiatives eligible for the November 3, 2026, statewide general election.

- 4) Double Referral. Prior to being heard by this committee, this measure was adopted by the Committee on Education with a vote of 6-0.

### **RELATED/PRIOR LEGISLATION**

SB 743 (Cortese) of 2025 would have established the Equalization Reserve Account in the General Fund to, upon appropriation, provide additional per-pupil funding for non-basic aid school districts, as defined. The bill also required funding for this Equalization Reserve Account to be transferred from the General Fund in years when Proposition 98 increases from the prior year, subject to voter approval of an unspecified constitutional amendment. The bill passed the Senate but was held on the held on the Assembly Committee on Appropriations' Suspense File.

### **POSITIONS**

**Sponsor:** Silicon Valley Education Foundation

**Support:** Association of California School Administrators  
 Bay Area Tutoring Association  
 California School Employees Association, AFL-CIO  
 DJM Capital Partners  
 East Side Education Foundation  
 East Side Union High School District  
 Hispanic Foundation of Silicon Valley  
 Latino Education Advancement Foundation  
 Legislative Action Committee of the Santa Clara County School Boards Association  
 Silicon Valley Leadership Group  
 SOMOS Mayfair

**Oppose:** Charter Schools Development Center

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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Scott Wiener, Chair  
2025 - 2026 Regular

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**Bill No:** SJR 18 **Hearing Date:** 6/9/26  
**Author:** McNerney  
**Version:** 6/2/26 Amended  
**Urgency:** No **Fiscal:** No  
**Consultant:** Carrie Cornwell

**Subject:** Campaign finance reform.

**DIGEST**

This resolution memorializes the California Legislature's strong disagreement with the majority opinion of the United States Supreme Court in *Citizens United v. Federal Election Commission* and encourages states to limit the powers of corporations to contribute to political campaigns.

**ANALYSIS**

Existing law pursuant to Amendment I of the United States Constitution, and as applied to the states by Amendment XIV of the United States Constitution, provides neither Congress nor the states may enact any law abridging the freedom of speech.

Existing law, pursuant to rulings by the United States Supreme Court, provides:

- Pursuant to *Buckley v. Valeo* (1976) laws limiting election expenditures are unconstitutional, as such limits contravene the First Amendment's guarantee of freedom of speech. The court opined that such a restriction on spending for political communication necessarily reduces the quantity of expression.
- Pursuant to *Citizens United v. Federal Election Commission* (2010) the government may not, under the Amendment I, suppress political speech based on the speaker's corporate identity. This decision allows unlimited spending by corporations on election-related matters.

This resolution:

- 1) Memorializes the California Legislature's strong disagreement with the majority opinion of the United States Supreme Court in *Citizens United*.
- 2) Encourages states to adopt policies to limit the powers of corporations to contribute to political campaigns in a manner consistent with the United States Constitution.

**BACKGROUND**

Citizens United. Citizens United is a nonprofit corporation that during the 2008 primary election campaign made a documentary critical of then U.S. Presidential Candidate

Hillary Clinton. When planning to run commercials advertising the documentary, which was to be made available via on-demand television, Citizens United filed in federal court to make sure that the Federal Election Commission could not rule that ads and airing the documentary were illegal under federal campaign finance law. The law, known as the McCain-Feingold Act, forbade specified expenditures by corporations, including nonprofit corporations, to influence elections within certain timeframes.

As a result of this filing, the U.S. Supreme Court ultimately ruled in *Citizens United v. Federal Election Commission* that restricting spending on election-related matters violated the First Amendment's freedom of speech that all persons, including corporations, possess. This decision sparked an enduring controversy over corporate personhood and its attendant rights. Some viewed the ruling as a defense of the right of free speech with many others criticizing the decision as giving corporations outsized political power by allowing corporations to spend unlimited sums for or against political candidates so long as those expenditures were made independently of the campaigns.

### **COMMENTS**

- 1) Author's Statement. This year marks the 50-year anniversary of the landmark *Buckley v. Valeo* decision, where the Supreme Court decided that campaign expenditure limits are unconstitutional. This decision, paired with the *Citizens United* decision in 2010, has led to the proliferation of corporate money in our political system. The amount of dark money spent on elections continues to grow every election cycle. This broken campaign finance system has prevented us from addressing some of the biggest issues facing our state and our country.

Dark money has also made government more responsive to corporate interests than the public, increased cynicism among voters, and corroded the very institutions we are meant to protect. This resolution sends a message that the California Legislature stands against the *Citizens United* decision and encourages states to limit the power of corporations to contribute to political campaigns.

- 2) Montana. Proponents of a statutory initiative in Montana, which is called "The Montana Plan," are currently collecting signatures to qualify the initiative for a ballot this year. The initiative would create a new Montana law prohibiting corporations from spending money on political candidates or ballot issues. Rather than addressing the issues raised by the Supreme Court in its *Citizens United* decision, in which the court opined that the power to spend money in elections is tantamount to free speech, this initiative limits what a corporate charter can include in Montana.

In short, the Montana initiative amends the State Constitution of Montana to define corporations as "artificial persons" and then declares:

Any language in articles of incorporation, organization, association, or other organizational documents purporting to directly or indirectly confer Election-Activity authority or Ballot-Issue-Activity authority to Artificial Persons is void.

The initiative thus works through the state's authority to regulate corporations through the charter process, rather than taking on a corporation's free speech rights and likely running afoul of the *Citizen's United* decision.

- 3) Hawaii. Last month, the State of Hawaii enacted a law that redefines corporations in such a manner as to preclude them from spending on elections. This new law will take effect on July 1, 2027. The initiative in Montana inspired the legislation in Hawaii, which states in its text:

...the purpose of this Act is to: ...[r]eaffirm that artificial persons created under state law possess only those powers that are necessary or convenient to carry out lawful business and organizational purposes, and that those powers do not include the power to spend money or contribute anything of value to influence elections or ballot measures....

- 4) Powers of States. In general, it is unclear what power states would have in the current legal environment to reduce the power of corporations to influence elections, given that the courts have conferred full First Amendment rights onto corporations. The Montana approach, which should the initiative become law, will take effect on January 1, 2027, could provide a first test of the ability of states to limit the powers of corporations to contribute to political campaigns, as this resolution encourages states to do.
- 5) Double referral. Should this resolution pass this committee, it will next be heard in the Committee on Judiciary.

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

SJR 1 (Wiener), Resolution Chapter 174, Statutes of 2025, rescinds all applications by the Legislature for the United States Congress to call a convention for proposing amendments to the United States Constitution, including the application resulting from AJR 1 (Gatto) of 2014.

AJR 1 (Gatto), Resolution Chapter 77, Statutes of 2014, submitted California's application to Congress to call for a constitutional convention for the sole purpose of proposing an amendment to the U.S. Constitution that: (1) limits corporate personhood for purposes of campaign finance and political speech; and (2) declares that money does not constitute speech and may be legislatively limited.

AJR 22 (Wieckowski), Resolution Chapter 69, Statutes of 2012, memorializes the Legislature's disagreement with the decision of the United States Supreme Court in *Citizens United v. Federal Election Commission*, and called upon the United States Congress to propose and send to the states for ratification a constitutional amendment to overturn *Citizens United v. Federal Election Commission* and to restore constitutional rights and fair elections to the people.

AJR 32 (Allen) of 2012 would have petitioned Congress to call a federal convention for the purpose of amending the U.S. Constitution hopefully solely to limit corporate personhood and declare that money does not constitute speech. This measure failed passage in the Assembly Committee on Judiciary.

**POSITIONS**

**Sponsor:** Author

**Support:** CASS Democracy Reform Working Group  
Consumer Watchdog  
Indivisible CA: StateStrong

**Oppose:** None received

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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Scott Wiener, Chair  
2025 - 2026 Regular

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**Bill No:** AB 1736 **Hearing Date:** 6/9/26  
**Author:** Pellerin  
**Version:** 2/5/26  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Political Reform Act of 1974: lobbyist employers: fictitious appearances

**DIGEST**

This bill prohibits a lobbyist employer from creating a fictitious appearance of public favor or disfavor for a legislative or administrative action.

**ANALYSIS**

Existing law prohibits a lobbyist or a lobbying firm from:

- 1) Doing anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, lobbying firm, or the firm's employer.
- 2) Deceiving or attempting to deceive any elected state officer, legislative official, agency official, or state candidate about any material fact pertinent to pending or proposed legislation or administrative action.
- 3) Causing or influencing the introduction of a bill or amendment to a bill with the purpose of the lobbyist or firm getting hired to secure passage or defeat of the bill or its amendment.
- 4) Accepting payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.
- 5) Representing falsely that the lobbyist or lobbying firm can control the official action of an elected state officer, legislative official, or agency official.
- 6) Attempting to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action, including causing any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of a fictitious person or in the name of a real person who has not given consent.

This bill adds lobbyist employer to those prohibited from taking the action in 6) of existing law and clarifies that the prohibition applies to both attempting to create and to creating a false appearance of public favor or disfavor for legislative or administrative action.

## **BACKGROUND**

Proposition 9, which appeared on the June 1974 ballot, created the California Political Reform Act (PRA) and established California's system of regulating lobbying activity, campaign finance, and conflicts of interest for public officials. Proposition 9 created the Fair Political Practices Commission (FPPC) to implement, administer, and enforce the PRA. The PRA regulates lobbyists, including requiring lobbyists, lobbying firms, and lobbyist employers to register with the Secretary of State and to file periodic reports disclosing their activities.

## **COMMENTS**

- 1) Author's Statement. Public officials often make decisions based on the outreach from constituents. But what if the hundreds of comments that we are receiving are not from constituents, but are AI-generated? This is what this bill aims to fix. This bill expands existing provisions in the PRA in which lobbyists and lobbying firms cannot create fictitious characters to generate favor or disfavor of any proposed legislative action to organizations that employ lobbyists or lobbying firms as well.

In 2017, during the Federal Communications Commission (FCC) Net Neutrality Hearing, the FCC received over 22 million comments from bots. These comments were not immediately flagged as AI generated because they appeared to have been drafted by real, concerned individuals. Nine years later, the ability for bots to mimic human dialogue, writing, and punctuation have only frightfully improved. As AI becomes increasingly more sophisticated, the line between AI generated and real-human comments has been blurring and becoming more indistinguishable, penetrating most aspects of our lives.

- 2) Arguments in Support. Writing in support, the bill's sponsor, the FPPC, notes that the PRA prohibits lobbyists and lobbying firms from engaging in a practice known as "astroturfing." The increased proliferation and accessibility of AI tools exacerbate the threat this deceptive practice poses to legislative and governmental decision making. This bill further protects governmental institutions from the potential influence of artificial opinion by extending the above prohibition to apply to lobbyist employers.

CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO writes in support that "[t]he bill's provisions will ensure that all entities employing lobbyists adhere to the highest standards of integrity by prohibiting efforts to create deceptive public perceptions, such as the use of bots, or generative AI to create the perception of additional supporters [or] opponents regarding legislative or administrative actions." CFT says that the bill builds trust in the legislative process, holds all parties accountable, aligns with the principles of transparency and honesty in political discourse, and supports the ongoing efforts to create a fairer and more transparent governmental process.

**PRIOR ACTION**

Assembly Floor:	74 - 0
Assembly Appropriations Committee:	13 - 0
Assembly Elections Committee:	8 - 0

**POSITIONS**

**Sponsor:** California Fair Political Practices Commission

**Support:** CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO  
League of Women Voters of California

**Oppose:** None received

**-- END --**



ending cash balance of \$5,000 or less while \$2,000 or more is owed to the controlling candidate.

- b) Filed a statement of organization in error.
- 2) Permits the committee, its representative, or the FPPC to file a written objection to the termination within the 180 days, which stops the termination. If the SOS receives no objection, then the committee terminates and within 30 days of that termination, the SOS shall send a notice to the filing officer with whom the committee was required to file its last campaign statement.

### COMMENTS

- 1) Author's Statement. This bill would improve the accuracy and integrity of our campaign finance disclosure system. By creating a process for the SOS to terminate inactive campaign committees, while still allowing committees the opportunity to object, this bill would ensure our database is up to date and reduces administrative burdens for regulators. This would allow the FPPC to focus its resources on compliance issues and investigations, creating stronger enforcement and oversight.
- 2) Cal-Access and CARS. In 2000, the SOS deployed, pursuant to SB 49 (Karnette), Chapter 866, Statutes of 1997, the California Automated Lobby Activity and Campaign Contribution and Expenditure Search System, or Cal-Access. Cal-Access replaced the paper-based system and provides on-line filing of reports and statements required by the PRA. It also provides online access to these statements and reports for the public.

SB 1349 (Hertzberg), Chapter 845, Statutes of 2016, directed the SOS, in consultation with the FPPC, to replace Cal-Access with a new disclosure system, the Cal-Access Replacement System or CARS. The SOS expects to fully deploy CARS by the end of 2026 at which time all filing of campaign reports will be made online.

In the lead up to that deployment, the SOS and FPPC have sponsored a number of bills, including this one, to ensure that statute facilitates the effective operation of CARS.

- 3) Arguments in Support. The FPPC, the bill's sponsor, writes in support:

...many committees that should have terminated retain active status in the state's campaign finance database, CAL-ACCESS. With the new CAL-ACCESS Replacement System (CARS) in development, it is important that the Secretary of State have a mechanism to clear out defunct committees, so that CARS will include the most accurate and up-to-date information about committees possible.

To effectuate this purpose, [this bill] would authorize the Secretary of State to automatically terminate committees under specified circumstances, after a notice period and if no objection is made by the committee or the FPPC.

**RELATED/PRIOR LEGISLATION**

AB 808 (Addis), Chapter 278, Statutes of 2025, among other things, updates terms used in state law to reflect the electronic filing of required campaign-related reports that will occur when the SOS certifies the new online reporting system.

**PRIOR ACTION**

Assembly Floor:	77 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	8 - 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 Scott Wiener, Chair  
2025 - 2026 Regular

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**Bill No:** ACA 7 **Hearing Date:** 6/9/26  
**Author:** Jackson  
**Version:** 5/26/26 Amended  
**Urgency:** **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Government preferences.

**DIGEST**

This proposed constitutional amendment would, if approved by the voters, amend the California Constitution to narrow the scope of the State’s prohibition in granting preferential treatment on the basis of race, sex, color, ethnicity, or national origin as to exempt public education, except for higher education admissions and enrollment.

**ANALYSIS**

Existing law, contained in Section 31 of Article I of the California Constitution prohibits the State of California from discriminating against, or granting preferential treatment to, “any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”

This measure asks the people of the State of California at the November 7, 2028, statewide general election ballot to amend Section 31 of Article I of the California Constitution to replace “public education” with “higher education admissions and enrollment.” The measure would also make other conforming and technical changes.

**BACKGROUND**

Proposition 209. Growing out of the backlash to affirmative action policies, Proposition 209 of 1996, an initiative, added Section 31 of Article I to the California Constitution. It was the first electoral test of affirmative action policies in the United States, and its passage inspired similar measures in other states.

The language of Proposition 209 prohibits the State of California from discriminating against, or granting preferential treatment to, “any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”

In the years since its passage, there have been several attempts to amend it or repeal it from the California Constitution. In 2013-14 session, SCA 5 (Hernández) would have removed “public education” entirely from Section 31 of Article I, so it only would have applied to public employment and public contracting. SCA 5 passed off the Senate Floor but was held at the Assembly Desk before it was eventually ordered to return to the Senate.

In 2020, ACA 5 (Weber) would have repealed Proposition 209 in its entirety. ACA 5 passed in both houses by large majorities and became Proposition 16 on the November 2020 ballot. The voters rejected Proposition 16 with 43 percent voting for it and 57 percent voting against it.

### COMMENTS

- 1) Author's Statement. This proposed constitutional amendment seeks to provide clarity to existing legislation concerning Proposition 209, also known as Article I, Section 31 of the California Constitution. For too long, the provisions of this law have been subject to broad interpretation, leaving Californians without a clear understanding of its intended application. This measure introduces clarifying language and makes an adjustment to focus specifically on "higher education admissions and enrollment." These changes will help ensure a more accurate interpretation of the state constitution, allowing its provisions to be implemented as originally intended.
- 2) Proposed for the 2028 Ballot. This measure includes language placing the proposed constitutional amendment on the November 2028 statewide general election ballot. Currently no ballot measures are set to appear on that ballot. The author has indicated that placing the measure on the statewide general election ballot in 2028 will provide greater time to educate voters on this measure than if it were rushed on to this November's ballot.
- 3) Not Exactly Relevant Court Cases. Parallel to the legislative efforts relating to affirmative action policies, a number of well-known judicial decisions occurred. The latest of which constitutes the current law in the U.S. These court decisions relate to the admissions process at highly selective elite universities, including those in the Ivy League and the University of California and include:
  - a) *University of California v. Bakke*. In 1978, the Supreme Court ruled that a state may constitutionally consider race as a factor in its university admissions to promote educational diversity, but only if considered alongside other factors and on a case-by-case basis. The Court ruled, however, that California's use of racial quotas in this case, did not meet those requirements
  - b) *Students for Fair Admissions, Inc, v, President and Fellows of Harvard College*. The U.S., Supreme Court revisited the issue of race conscious admissions in 2023, when the court held that the consideration of an applicant's race as one factor in making an admission decision is unconstitutional.
- 4) The Achievement Gap. Proponents of the measure argue that it is needed to ensure the availability of educational programs aimed at populations delineated by race, national origin, or other classes and intended to reduce the achievement gap between those groups and white or higher income students. They contend that school districts and public entities are reluctant to offer such targeted programs because of the belief that these programs will run afoul of Proposition 209's prohibitions. Their intent is to make such programs clearly legal under the California Constitution in an effort to close the achievement gap. Opponents, however, assert

the changes to Proposition 209 the measure makes would increase ambiguity about what would constitute legally allowed programmatic offerings.

- 5) Arguments in Support. A broad coalition of justice, equity, and educational organizations write in support of the measure:

The inability to target the needs of students of color due to Prop 209's restrictions on race-conscious policymaking has prevented California from closing racial equity gaps in educational outcomes. These gaps carry real consequences for graduation rates, college access, economic mobility, and long-term outcomes. [This measure] directly responds to this longstanding barrier by allowing policy-makers to craft targeted, evidence-based interventions to address documented inequities that race-neutral policies alone have failed to address.

Without [this measure], the state will continue to rely on ineffective proxies for race, limiting its ability to design effective educational interventions and allocate resources in ways that meaningfully advance equity.

- 6) Arguments in Opposition. In its letter urging the Legislature not to advance this measure to the ballot, the San Diego Asian Americans for Equality state, "Racial preferences enacted by the government are deeply unpopular among your electorate and among all Californians." Other opponents share similar sentiments and further note that they opposed previous efforts to repeal or amend Proposition 209 and will do so again, including this measure if it appears on the ballot.

Noting that adoption of this measure would mean "K-12 policy, grant programs, state benefits, scholarship programs, and other government actions would no longer be constitutionally barred from race- or sex-based preferences," the California Family Council states in its letter of opposition:

By narrowing the scope of Proposition 209's protections, the amendment creates ambiguity and potential litigation over which programs may now incorporate race- or sex-based considerations. Rather than providing clarity, it weakens the constitutional guardrails that voters deliberately put in place.

- 7) Double referral. This measure was referred to both the Committee on Education and this committee. The Committee on Education passed the measure by a vote of 5 -2 on June 3, 2026.

### **RELATED/PRIOR LEGISLATION**

SCA 5 (Hernández), of the 2013-14 Legislative Session, would have removed "public education" entirely from Section 31 of Article I, so that it only would have applied to public employment and public contracting. SCA 5 passed off the Senate Floor but the Assembly Desk eventually ordered its return to the Senate, where it died.

ACA 5 (Weber), Resolution Chapter 23, Statutes of 2020, asked the voters of California to vote to repeal Section 31 of Article I of the California Constitution and thus permit the use of race, gender, and ethnic diversity as factors in college admissions, government

hiring, and government contracting. The measure became Proposition 16 on the November 2020 statewide general election ballot, which failed passage.

**PRIOR ACTION**

Assembly Floor:	54 - 14
Assembly Appropriations Committee:	11 - 4
Assembly Judiciary:	9 - 3
Assembly Higher Education Committee:	6 - 3

**POSITIONS**

**Sponsor:** Author

- Support:** A2MEND  
Advanced Consulting, LLC  
Berkeley Reparations Coalition  
Black Educator Advocates Network  
Black Parallel School Board  
Black Students of California United  
BLU Educational Foundation  
Bulletproof Group  
Californians for Justice  
Californians Together  
Canal Alliance  
Center for Black Educator Development  
Central Valley Movement Building Organizing Institute  
Children Now  
Chinese for Affirmative Action  
Community Schools Learning Exchange  
Congregations Organized for Prophetic Engagement  
EdTrust-West  
EdVoice  
Grand Performances  
Innecity Struggle  
Island Grad and SBCUSD Pasifika Program  
Los Angeles Urban Foundation  
National Equity Project  
Northern California College Promise Coalition  
Parent Engagement Academy  
Partnership for Los Angeles Schools  
Prismatic Research & Strategy  
Public Advocates  
Southeast Asia Resource Action Center  
Southern California Pacific Islander Community Response Team  
Students Rising Above  
Teach Plus California  
The Village Method  
United Parents and Students

United Way of Greater Los Angeles  
Watts of Power Foundation  
Young Invincibles

**Oppose:** California Family Council  
Californians for Equal Rights Foundation  
Center for Equal Opportunity  
Elk Grove Chinese Association  
Equal Rights for All Pac  
San Diego Asian Americans for Equality  
The American Civil Rights Project  
Seven individuals

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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Scott Wiener, Chair  
2025 - 2026 Regular

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**Bill No:** ACA 9 **Hearing Date:** 6/9/26  
**Author:** Boerner  
**Version:** 5/28/26 Amended  
**Urgency:** **Fiscal:** Yes  
**Consultant:** Carrie Cornwell

**Subject:** Public Utilities Commission.

**DIGEST**

This proposed constitutional amendment would, if approved by the voters, change the size and composition of the membership of the California Public Utilities Commission (CPUC) and delete telephone corporations from those public utilities regulated by the CPUC.

**ANALYSIS**

Existing law contained in Article XII of the California Constitution:

- 1) Establishes the CPUC as a five-member body, each member appointed by the Governor and approved by the Senate for staggered six-year terms.
- 2) Allows the CPUC to establish its own procedures, subject to statute and due process.
- 3) Defines public utilities as private corporations and persons that own, operate, control, or manage a line, plant, or system for the transportation of people or property, the transmission of telephone and telegraph messages, or the production, generation, transmission, or furnishing of heat, light, water, power, storage, or wharfage directly or indirectly to or for the public, and common carriers. The Legislature may prescribe additional classes of private corporations or persons as public utilities.
- 4) Charges the CPUC to, among other things, fix rates, establish rules, examine records, issue subpoenas, administer oaths, take testimony, punish for contempt and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction.

This measure:

- 1) Asks the people of the State of California to amend Article XII of the California Constitution to:
  - a) Expand the CPUC to nine members by adding two members each appointed by the California State Senate and the California State Assembly.

- b) Deletes the authority of the CPUC to establish its own procedures. The measure, as it would be before the people, would also declare the intent of the Legislature to recodify this authority in state statute.
  - c) Deletes “telephone and telegraph messages” from the list of public utilities subject to CPUC regulation.
  - d) Permits the Legislature to reassign the CPUC’s duties, functions, and jurisdiction relating to telephone corporations, telecommunications service, and broadband service, including by reassigning these duties to another state entity.
  - e) Requires the CUPC to consider affordability when fixing rates for public utilities.
- 2) States that by adopting this measure the voters:
- a) Express that it is not the intent of the Legislature through this measure to limit its own authority to prescribe additional classes of private corporations or other persons as public utilities.
  - b) Declares the intent of the people to establish, on or before January 1, 2028, an entity within state government separate from the CPUC, to promote ubiquitous and universal broadband infrastructure to support broadband adoption and competitive broadband service throughout the state.

### **COMMENTS**

- 1) Author’s Statement. Californians are paying the highest, and continually rising, utility rates compared to the rest of the nation. Decisions on rate hikes take place at the CPUC, an agency whose influence and decisions have reverberating effects on our daily lives. We see the impacts through ever increasing electric bills and mismanagement of our state’s public utilities that have resulted in dangerous wildfires, record profits for utility executives, and inefficient programs that cost ratepayers billions. Unfortunately, the Legislature has limited authority to implement structural reforms that our constituents want without amendments to the California Constitution.

This measure would return the power back to the people’s directly elected representatives, instead of only five unelected political appointees. The changes in this constitutional amendment open the door for the structural reforms that are needed to get the CPUC focused on the most pressing issues Californians care about like energy affordability, meeting our climate goals, and safer utilities.

- 2) The CPUC: A Very Short History. The CPUC, which regulates public utilities and the rates they may charge, has its roots in the Progressive Era. The predecessor agency was set up in the late 19<sup>th</sup> Century to regulate transportation companies’ fares as well as their treatment of passengers and freight. In the early 20<sup>th</sup> Century, Governor Hiram Johnson led a successful effort to include the Railroad Commission and its powers in the California Constitution. A 1946 constitutional amendment resulted in the renaming of that commission as the CPUC with authority to regulate not just transportation companies, but also other utilities. The current Article XII of

the California Constitution dates from ACA 36 (Cory), Resolution Chapter 88, Statutes of 1974, which became Proposition 12 on the November 4, 1974, statewide general election ballot.

The CPUC operates today under the 1974 constitutional framework that sets its membership at five commissioners, all appointed by the governor, and delineates its duties as well as the Legislature's authority over it. In the decades since the commission's establishment in the early 1900s and its recasting via Prop. 12 in 1974, the entities the CPUC regulates have changed substantially. Throughout this time, the commission has remained a five-member body. This measure would address those changes by increasing the size of the CPUC and decreasing the types of utilities it regulates. It would also give the Legislature greater authority to establish CPUC procedures.

- 3) What's on the Ballot? The author intends for this proposed constitutional amendment to appear on the November 3, 2026 statewide general election ballot. The Legislature would need to pass this measure by June 25, 2026, for this measure to appear on that ballot.

As of June 1, 2026, three legislative ballot measures and five initiative measures will appear on the ballot for the November 3<sup>rd</sup> statewide general election.

- 4) Arguments in Support. The Los Angeles County Office of Education supports this measure due to its promotion of greater transparency, accountability, and oversight of the CPUC. The office believes that broadening the CPUC's membership and creating a focus on affordability will benefit schools, students, and others who depend on affordable utility services and stable broadband infrastructure.

The associations representing broadband and wireless industries note that the measure updates outdated constitutional language and provides the Legislature with greater flexibility to consider a more modern framework for administering broadband programs. This change would create an opportunity for California to establish a dedicated broadband office singularly focused on overseeing publicly funded broadband deployment efforts.

- 5) Arguments in Opposition. Opposition to the bill comes from regulated utilities, labor unions, consumer organizations, and media watchdog organizations, among others.

The consumer groups express concern about removing telecommunications companies from CPUC regulation, noting the importance of reliable telecommunications services to ensuring health and safety, especially during emergencies. In a coalition letter, consumer groups and other opponents assert:

[The measure] offers no substance and merely pays lip service to affordability to distract from its real goal, which is to remove the constitutional authority to regulate telecommunications and to eliminate the CPUC's constitutional authority to adopt policies and procedures that may actually hold industry accountable.

[This measure] is AT&T's attempt to begin deregulation in California. This is happening at the same time that AT&T is fighting at the CPUC to end its Carrier

of Last Resort (COLR) responsibilities, has filed applications at the [Federal Communications Commission] to end its residential and business services, and is actively suing the state of California to end COLR because the legislature rightly refused to do it. When looking at the full picture, AT&T is trying to bully California from all sides to achieve their goal of abandoning all low-profit geographies to increase profits regardless of the public safety implications.

The California Farm Bureau opposes this measure because it would “institute significant changes to the operations of the CPUC disrupting many processes and procedures that the public has relied upon for fair treatment in the oversight of energy, telecommunications, and water matters.”

The investor-owned utilities oppose this measure because:

[t]he CPUC’s structure and procedural authority are established in the California Constitution and are designed to withstand political dynamics, ensuring regulated utility services remain stable and consistent for ratepayers. [This measure] removes these protections and introduces unnecessary regulatory risk subject to the prevailing political climate.

The water utilities express deep concern that the proposed language of this measure directing the CPUC to “consider the affordability of rates” in fixing water rates would, if applied as a primary or singular standard, fundamentally undermine the health, safety, and reliability obligations that must remain paramount in the regulation of drinking water utilities.

- 6) Double referral. This measure was referred to both the Committee on Energy, Utilities, and Communications and this committee. The Committee on Energy, Utilities, and Communications is scheduled to hear it on June 8, 2026.

**RELATED/PRIOR LEGISLATION**

AB 2289 (Boerner) would have established the Office of Broadband and Digital Equity within the Government Operations Agency and transferred responsibility for several existing broadband and telecommunications programs, currently administered by the CPUC or the California Department of Technology, to this new office. The bill was held on the suspense file in the Assembly Committee on Appropriations last month.

**PRIOR ACTION**

Assembly Floor:	67 - 1
Assembly Appropriations Committee:	14 - 0
Assembly Utilities and Energy Committee:	18 - 0

**POSITIONS**

**Sponsor:** Author

**Support:** CTIA (The Wireless Association)

Los Angeles County Office of Education  
USTelecom – The Broadband Association

**Oppose:** Hugo Soto-Martinez, Councilmember of City of Los Angeles  
Marqueece Harris-Dawson, Los Angeles City Council President, Council District 8  
AARP  
Alliance for a Better Community  
Black in Environment  
California Alliance for Community Energy  
California Alliance for Digital Equity  
California Alliance for Retired Americans  
California Building Industry Association  
California Community Foundation  
California Democratic Party Rural Caucus  
California Farm Bureau Federation  
California Federation of Labor Unions  
California Partnership to End Domestic Violence  
California State Association of Electrical Workers  
California Water Association  
Center for Accessible Technology  
Center for Community Energy  
Central California Asthma Collaborative  
Climate Action Campaign  
Coalition of California Utility Employees  
Communities in Schools  
Community Legal Services in East Palo Alto  
Connect the Valley (CTV)  
Conservatorship Reform Project  
Courage California  
CVIIC  
Debt Free Justice California  
Destination Crenshaw  
Digital Equity Los Angeles (DELA)  
East Bay Broadband Consortium  
Electronic Frontier Foundation  
EMF Safety Network  
Everyone on  
Families in Schools  
Free Press Action  
Glide Foundation  
Hack the Hood  
Haven Hills  
Hispanic Federation  
Hoopa Valley Public Utilities District  
Human Response Network  
Institute for Local Self Reliance (ILSR)  
Jesse's Place Organization  
Justice2jobs Coalition

LA Defensa  
Latino Equality Alliance  
Media Alliance  
MediaJustice  
Michelson Center for Public Policy  
Nextgen California  
Pacific Gas and Electric Company  
Pacoima Beautiful  
Parent Institute for Quality Education  
Project Sanctuary  
Prosecutors Alliance Action  
Restoring Hope California  
Rubicon Programs  
San Diego Gas & Electric  
San Francisco Economic Justice Center  
SaveLandlines.org  
Southern California Edison  
Southern California Gas Company  
The Change Parallel Project  
Unite LA  
Victims Empowerment Support Team (VEST)  
Wireless Radiation Alert Network  
YWCA of Glendale and Pasadena  
14 individuals

-- END --



appoint to the board either or both of the following persons as members with all rights of participation:

- a) A member of the faculty at a campus of the UC or of another institution of higher education.
- b) A student enrolled at a UC campus for each regular academic term during their service as a UC Regent.
- c) Any person so appointed under 3) serves for not less than one year commencing on July 1.

This measure, if approved by voters:

- 1) Requires the UC Regents to appoint four students (two voting and two non-voting) to the UC Regents. Beginning on July 1, 2027, and every July 1 thereafter, the students are to be appointed as follows:
  - a) One undergraduate student appointed in an odd-numbered year and one undergraduate student appointed in an even-numbered year. Both students will serve a two-year term. During the first year, the undergraduate students serve as the student Regent-designee with nonvoting authority, and in the second year, the undergraduate students is to serve as student Regent with full voting authority.
  - b) One graduate student appointed in an odd-numbered year and one graduate student appointed in an even-numbered year is to serve a term of two years. During the first year, the graduate students serve as the student Regent-designee with nonvoting authority, and in the second year, the graduate students serve as the student Regent with full voting authority.
  - c) The UC Regents must consult with representatives of students of the UC, including the UC Student Association (UCSA) and the UC Graduate and Professional Council, or their successor organizations.
  - d) The appointed students who graduate from the UC on or after January 1 of the second year of the student's two-year term of office may serve the remainder of the student's term.
- 2) Makes technical changes.

### **COMMENTS**

- 1) Author's Statement. Sixteen years ago, I came to the State Capitol as a UC San Diego student to protest tuition hikes by the UC Regents. Today, students are facing those same challenges: rising tuition, unaffordable housing, and growing uncertainty that impacts their ability to succeed. Yet on the 26-member UC Board of Regents, only one student has a vote.

Students deserve more than a seat in the room. They deserve a vote that counts. This measure is about fairness, accountability, and meaningful representation. By expanding student voting power on the UC Regents, this constitutional amendment ensures that the voices of those most impacted by decisions on tuition, housing, and student life are heard loud and clear.

Now more than ever, it's time to put students first and give them a real say in the decisions that shape their education and future.

- 2) Student Consultation. Under this measure, student-regent appointments are to be made in consultation with student representatives, including UCSA and the UC Graduate and Professional Council.

UCSA is a systemwide organization composed of representatives from UC student governments and participates in student engagement, policy discussions, and shared governance matters affecting UC students. Nine of the ten UC campuses are represented in UCSA, with the exception being UC San Francisco.

The Graduate and Professional Council is the equivalent organization for graduate and professional students. According to their website, there are nine board directors who represent each active Graduate Student Association on each UC campus. UC Santa Cruz is currently not recognized.

It should be noted that the Regents are permitted to consult with student organizations beyond UCSA and the UC Graduate and Professional Council.

- 3) What's on the Ballot? The author intends for this measure to be placed for the November 3, 2026, statewide general election. The measure would need to be adopted by the Legislature by June 25, 2026.

As of June 1, 2026, there are three legislature ballot measures and five initiatives eligible for the November 3, 2026, statewide general election.

- 4) Double Referral. Prior to being heard by this committee, this measure was heard and approved by the Senate Committee on Education with a vote of 6-0.

**RELATED/PRIOR LEGISLATION**

SCA 5 (Glazer) of 2021 would have required, rather than authorized, the members of the UC Regents to appoint two students enrolled at a UC campus. The measure was held on the Assembly Committee on Appropriations' Suspense File.

**PRIOR ACTION**

Assembly Floor:	76 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Higher Education Committee:	9 - 0

**POSITIONS**

**Sponsor:** University of California Students Association

**Support:** John Burton Advocates for Youth  
United Food and Commercial Workers Western States Council

**Oppose:** None received

**-- END --**



unopened and unaltered during the preservation period, unless an election contest or criminal prosecution commences during that period. These materials must be destroyed or recycled at the end of the preservation period.

This measure:

- 1) States the Legislature's opposition to the EO and calls on the U.S. Congress to protect the constitutional authority of states to administer their own elections.
- 2) Specifies that the Legislature affirms the safety, security, and integrity of California's VBM system and reaffirms the right of every eligible California voter to vote by mail.
- 3) Calls upon the U.S. Congress to reject any federal legislation that would restrict or eliminate VBM options currently available to voters in California and other states, and to protect the constitutional authority of states to administer their own elections.

### **BACKGROUND**

Executive Order #14399 on Elections. On March 31, 2026, President Trump issued Executive Order #14399, *Ensuring Citizenship Verification and Integrity in Federal Elections*.

The EO directs the Department of Homeland Security and the Social Security Administration (SSA) to compile and provide each state's election official with a "State Citizenship List" of confirmed U.S. citizens. This list would be generated using federal citizenship and naturalization records, SSA records, and other federal databases, and is intended to identify individuals who are eligible to vote in federal elections in each state.

The EO also requires states to notify the USPS at least 90 days before a federal election if they intend to allow mail-in voting and provides for specific design requirements for VBM ballot envelopes. States would also be required to provide the USPS, at least 60 days before the election, with a list of voters to whom ballots will be sent. It further directs the USPS not to transmit VBM ballots from any individual who is not included on such a state-submitted list.

Finally, the EO directs states and localities to preserve all records and materials related to voter participation in federal elections, including ballot envelopes but excluding cast ballots, for a period of five years.

The EO faced immediate legal challenges. On April 3, 2026, California Attorney General Rob Bonta announced that he was co-leading a coalition of 23 attorneys general and the Governor of Pennsylvania in filing a lawsuit challenging the EO. The lawsuit, which was filed in the U.S. District Court for the District of Massachusetts, alleges that the EO violates provisions of the U.S. Constitution granting states the authority to determine the times, places, and manner for holding elections for U.S. Senators and Representatives, subject to preemption only by Congress.

Advocate organizations, political entities, and government officials also challenged the EO. The plaintiffs argued the EO will disrupt established election procedures and causes harm to voters. In a separate ruling, a federal judge determined it was

premature for the court to intervene and decided not to block the EO because the federal government has not yet acted on the EO in a way that would harm the plaintiffs.

### **COMMENTS**

Author's Statement. Free and fair elections are the foundation of our democracy. When the federal government oversteps its constitutional authority to undermine them, California must push back. Every Californian deserves the right to have their vote counted, and President Trump's EO is a direct attack on that fundamental right. California has built one of the most secure, accessible, and trusted VBM systems in the nation, and our voters — Republicans, Democrats, and independents alike — use it in ever increasing numbers. The Constitution is clear that states run elections, not the White House or USPS. And let's not forget — the same president attacking mail-in voting used it himself just last month in Florida. I am proud to author this resolution, and I will always fight to protect every Californian's access to the ballot box.

### **RELATED/PRIOR LEGISLATION**

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

### **PRIOR ACTION**

Assembly Floor:	56 - 14
Assembly Elections Committee:	6 - 0

### **POSITIONS**

**Sponsor:** Author

**Support:** None received

**Oppose:** None received

-- END --