

Date of Hearing: July 5, 2023

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
SB 632 (Caballero) – As Amended June 27, 2023

SENATE VOTE: (vote not relevant)

SUBJECT: Political Reform Act of 1974: Candidate statements.

SUMMARY: Clarifies the information that a candidate for State Senate or Assembly may include in a candidate statement that appears in the voter information guide. Requires an elections office to notify a candidate within 24 hours whether their candidate statement has been approved or rejected, as specified. Specifically, **this bill:**

- 1) Clarifies that a candidate for State Senate or Assembly may include the party affiliation of the candidate, and the candidate's membership or activity in partisan political organizations, in a statement that the candidate pays to place in the voter information guide.
- 2) Requires the office of an elections official to notify a candidate if a candidate statement has been approved or rejected upon filing if the statement is filed in the office of the elections official. Requires the office of an elections official, if the candidate statement is filed electronically, to notify the candidate if the statement has been approved or rejected within 24 hours of the statement being filed. Requires the notification to be made in the same manner by which the statement was submitted to the office of the elections official.

EXISTING LAW:

- 1) Requires the elections official to send each voter a sample ballot and a voter information guide which contains the written statements of each candidate. (Elections Code §§13307, 13307.5; Government Code §85601)
- 2) Creates the Fair Political Practices Commission (FPPC) and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act (PRA). (Government Code §§83100, 83111)
- 3) Establishes, pursuant to the PRA, the following voluntary expenditure limits for candidates for elective state office:
 - a) For a candidate for Assembly, \$727,000 in a primary or special election and \$1,273,000 in a general or special runoff election;
 - b) For a candidate for Senate, \$1,091,000 in a primary or special election and \$1,636,000 in a general or special runoff election;
 - c) For a candidate for Board of Equalization (BOE), \$1,818,000 in a primary or special election and \$2,727,000 in a general or special runoff election;
 - d) For a candidate for Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State (SOS), Superintendent of Public Instruction, or Treasurer,

\$7,272,000 in a primary or special election and \$10,908,000 in a general or special runoff election; and,

- e) For a candidate for Governor, \$10,908,000 in a primary or special election and \$18,181,000 in a general or special runoff election. (Government Code §85400; 2 Code of California Regulations §18545)
- 4) Allows a candidate for elective state office who accepts voluntary expenditure limits detailed above to pay to place a candidate statement in official election materials that are sent to voters, as specified. Prohibits a candidate statement from making any reference to any opponent of the candidate. Requires any such statement to be submitted in accordance with timeframes and procedures set forth by the SOS for the preparation of the state ballot pamphlet. (Government Code §85601)
- 5) Permits each candidate for United States (US) House of Representatives to purchase space to have a candidate statement appear in the county voter information guide, as specified. Prohibits a candidate statement from making any reference to any opponent of the candidate. (Elections Code §13307.5)
- 6) Permits each candidate for US Senate to purchase space to have a candidate statement appear in the state voter information guide, as specified. Prohibits a candidate statement from making any reference to any opponent of the candidate. (Elections Code §9084)
- 7) Permits each candidate for local nonpartisan elective office to submit a candidate statement to appear in the county voter information guide, subject to specified procedures. Prohibits a candidate statement from including the party affiliation of the candidate, or membership or activity in partisan political organizations. (Elections Code §13307)

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) **New Bill:** This bill recently was amended at the request of the author to delete its prior contents and add the current provisions. As a result, prior votes and analyses are not relevant. The current version of this bill proposes policy changes that have not been heard in an Assembly or Senate policy committee during this legislative session.
- 2) **Purpose of the Bill:** According to the author:

California is a geographically large and populous state, which plays a significant role in how the district boundaries for public offices are shaped. As a result, Assembly and Senate Districts races cover large geographic areas, often encompassing multiple counties. Running for an elected office is often a daunting task, especially in districts with multiple county election offices that may have separate rules, guidelines, and procedures for filing the appropriate candidate documents.

Candidate statements are filed with each county election office to be published in county voter information guides and serve as a critical component to inform voters

about a candidate's intentions, details about their past experience that inform their ideas, priorities they wish to accomplish should they be elected, and organizations that support their cause. Current law allows each county election office to determine whether a candidate statement meets the guidelines, and provides them the ability to reject a statement unless changed. While this is an important part of the process, it creates a major hurdle for campaigns that are managing several county elections offices if timely notice is not given to candidates. SB 632 creates a timeline for county election offices to notify candidates if their candidate statements has been rejected or approved. By doing so, candidates can ensure they have sufficient time to modify their statement. SB 632 will allow candidates and elections staff [to] spend more time on what matters – a successful elections cycle.

- 3) **Voluntary Spending Limits and Candidate Statements:** As detailed above, existing law establishes voluntary spending limits for candidates for elective state office (ranging from \$727,000 to \$18.181 million, depending on the office and whether the election is a primary or a general election). As an incentive for candidates to accept the voluntary spending limits, candidates for state office who agree to abide by the voluntary spending limits are allowed to pay to place a candidate statement in the state or county voter information guide. To accept the spending limits, candidates running for statewide office or state Senate or state Assembly, must file a Candidate Statement of Intention (Form 501) with the SOS's office indicating whether they intend to abide by the spending limits prior to submitting a candidate statement.

Because state law does not impose voluntary spending limits for campaigns for local office, or for US Senate or US House of Representatives, candidates for those offices generally have the option of submitting a candidate statement that will appear in the state or local voter information guide without the need to agree to abide by such limits. Candidates for US Senate and US House of Representatives must pay to have their candidate statements included in official election materials, while local jurisdictions have the discretion to decide whether or not to require candidates for local elective office to pay to have their candidate statements included in the local voter information guide.

- 4) **Candidate Statements in Multi-County Races and Previous Legislation:** A majority of Assembly Districts and about a third of Senate Districts include only one county, so candidates in those districts only need to submit a candidate statement to a single county elections official in order to have that statement sent to all the voters in the district. Candidates who are running in districts that include multiple counties, however, must work individually with each county if they want their candidate statement to appear in the voter information guide in every county in the district. Each county elections office has the authority to request changes to a statement before the candidate statement is approved for inclusion in the voter information guide. (A candidate in a multi-county district can choose to submit a candidate statement only in certain counties in the district.)

For instance, if a candidate in Assembly District 1 wanted to have a candidate statement that appeared in the voter information guide for all of the voters in the district, that candidate would need to submit candidate statements (and the required payment) to 11 different counties. Similarly, a candidate in Senate District 4 would need to work with 13 different county elections officials to ensure that their candidate statement was sent to all the voters in the district. Because each county may have its own candidate statement form, and because each county sets its own costs for having a candidate statement included in the voter

information guide, the process for submitting a candidate statement will vary from county to county.

In an effort to address these concerns and provide greater ease in the candidate filing process for candidates that file in multiple counties, the Legislature approved and Governor Brown signed AB 666 (Aguiar-Curry), Chapter 160, Statutes of 2018, which requires a county elections official, if they post a form on the Internet that candidates may use to submit their candidate statement, to accept that form if it is submitted in accordance with timelines and procedures in state law. Additionally, AB 666 requires an elections official to accept an electronic candidate statement form from a candidate's county of residence for candidates who are running in multicounty districts. However, under existing law a candidate is still required to provide a hard copy of the candidate statement form and pay the required fee to each county in-person.

According to the author, because each county election office has discretion to determine whether a candidate statement complies with the applicable laws and guidelines it can be challenging for a candidate to manage several different county elections offices if timely notice is not given to candidates on whether or not their candidate statement has been approved or rejected. To address this challenge, this bill clarifies the information a candidate for state Senate or Assembly may include in their candidate statement, and establishes a specific timeline for when an elections office must notify a candidate that their statement has been approved or rejected. Specifically, this bill requires notification upon filing if the statement is filed in-person in the office of the elections official, and within 24 hours if the statement is filed electronically. According to the author, establishing a uniform timeline will ensure timely notice is provided which is particularly helpful for state Senate and Assembly candidates running in districts that include multiple counties. Additionally, according to the author, streamlining the candidate statement process and clarifying timelines will ensure first-time candidates have a fair opportunity at informing the voters about their priorities.

- 5) **Timeline Concerns:** The provisions of this bill require an elections official to notify a candidate if the candidate statement has been approved or rejected upon filing in-person, and within 24 hours if the statement is filed electronically. Requiring an elections office to review and approve or reject a candidate statement within this short timeframe may be challenging for an elections office to implement. For instance, if a candidate statement was filed electronically on a Saturday, this bill would require the elections official to approve or reject it on Sunday, when elections officials' offices generally are closed.

Unfortunately, as stated above, the current provisions of this bill were recently added giving committee staff limited time to assess and evaluate the policy proposed. Further consultation and collaboration with county elections officials will be essential in determining whether the provisions of this bill can be implemented effectively.

- 6) **Candidate Statement Content and Suggested Amendments:** This bill clarifies that candidates for state Senate or Assembly may include information about their party affiliation and membership in partisan political organizations in their candidate statements. While existing law does not expressly prohibit that type of information from being included in the candidate statements of candidates for those offices, it does prohibit that type of information in the statements of candidates for local nonpartisan office. According to the author's staff, some elections officials have sought to apply those restrictions to all candidate statements.

While this bill provides clarification as it relates to statements from candidates for state Senate and Assembly, it does not clarify the law as it relates to other elective offices. To provide clarity and ensure consistent operation of the law, committee staff recommends that this bill be amended to similarly clarify the information that may be included in a candidate statement submitted by a candidate for statewide elective office and for US Senate and US House of Representatives.

- 7) **Related Legislation:** AB 773 (Pellerin) requires a county elections official to post and accept an electronic submission of a form to be used by a candidate to submit a candidate statement for inclusion in the voter information guide, among other provisions. AB 773 passed out of this committee on an 8-0 vote, was approved by a vote of 70-0 on the Assembly Floor, and is pending on the Senate Floor.

SB 409 (Newman) requires the SOS to establish a pilot program that allows a candidate for elective state office to include in their candidate statement a quick response (QR) code link to a video statement, as specified. SB 409 passed out of this committee on a 7-0 vote, and is pending the Assembly Appropriations Committee.

- 8) **Political Reform Act of 1974:** California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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