



CITY CLERKS ASSOCIATION OF CALIFORNIA

2022 LEGISLATIVE REFERENCE
GUIDE TO CALIFORNIA ELECTION
LAWS

Introduction

This Legislative Reference Guide to Election Laws has been prepared to provide you with a topline summary of measures chaptered in 2022 that effect the profession of California election officials. This guide will outline information in the following format:

- Legislation will be divided by subject matter, then ascending order from lowest number to highest (e.g., Subject, AB X, SB X)
- The bill number, author, and title of legislation (e.g., AB 1 (Doe) *The Example of Elections Guide Act*.
 - **Note:** A direct link to the full text of each bill is embedded in each bill number
 - **Note:** AB refers to a measure that was authored by an Assemblymember (e.g., AB XXX) and SB refers to a measure that was authored by a Senator (e.g., SB XXX)
- The chapter number refers to the order of which the bill was signed by the Governor and in the year that the newly enacted law was signed (e.g., Chapter XXX, statues 2022).
- If the measure has a sunset date—meaning the program or law has a predetermined date to expire.
- If the measure has an urgency clause—meaning that the law or program went into effect immediately upon the Governor’s signature.
- If the measure has a delayed implementation date—meaning that the bill becomes operative after January 1, 2023.
- Brief summary of measure including which code sections are modified or added
- If applicable, there may be a “considerations” section for certain bills to provide additional information.

Legal Disclaimer

This guide in its entirety is intended solely as a reference guide and is not intended to serve as a legal analysis, opinion, or technical guidance. Please note that anyone using this guide bears full responsibility to make their own determinations as to all legal standards, duties and factual materials contained therein.

Table of Contents

Elections, Polling, and Ballots1

AB 972 (Berman) Elections: deceptive audio or visual media. 1

AB 1416 (Santiago) Elections: ballot label. 1

AB 1619 (Cervantes) Elections: voter registration and signature comparison..... 2

AB 2037 (Flora) Polling places: alcoholic beverages. 2

AB 2582 (Bennett) Recall elections: local offices..... 2

AB 2584 (Berman) Recall elections. 3

AB 2608 (Berman) Elections: vote by mail ballots. 4

AB 2815 (Berman) Elections: vote by mail ballot drop-off locations..... 4

AB 2967 (Assembly Committee on Elections) Elections: petition records and requests: vote-by-mail ballot. 5

SB 1360 (Umberg) Elections: disclosure of contributors. 6

AB 1631 (Cervantes) Elections: elections officials. 6

AB 2577 (Bigelow) Elections: uniform filing forms. 7

AB 2841 (Low) Disqualification from voting. 7

SB 504 (Becker) Elections: voter registration. 7

SB 1131 (Newman) Address confidentiality: public entity employees and contractors. 8

Ralph M. Brown Act8

AB 2449 (Rubio) Open meetings: local agencies: teleconferences. 8

AB 2647 (Levine) Local government: open meetings. 10

SB 1100 (Cortese) Open meetings: orderly conduct. 10

Political Reform Act of 197411

AB 775 (Berman) Contribution requirements: recurring contributions. 11

AB 1783 (Levine) Lobbying: administrative actions..... 12

AB 1798 (Bryan) Campaign disclosure: advertisements. 13

AB 2172 (Cervantes) Political Reform Act of 1974: electronic filings..... 13

AB 2528 (Bigelow) Political Reform Act of 1974: campaign statements. 14

SB 459 (Allen) Political Reform Act of 1974: lobbying. 15

SB 746 (Skinner) Political Reform Act of 1974: business entities: online advocacy and advertisements. 15

SB 794 (Glazer) Political Reform Act of 1974: contribution limits. 16

SB 1439 (Glazer) Campaign contributions: agency officers. 17

Governmental Bodies, Elected/Appointed Officials and Candidates	19
AB 759 (McCarty) Elections: county officers.....	19
AB 1925 (Santiago) County and district offices: qualifications.....	20
AB 2324 (Irwin) Oath of office: health officers.....	21
Redistricting	22
AB 1307 (Cervantes) County of Riverside Citizens Redistricting Commission.....	22
AB 1848 (Bryan) Redistricting.....	23
AB 2030 (Arambula) County of Fresno Citizens Redistricting Commission.....	24
AB 2494 (Salas) County of Kern Citizens Redistricting Commission.....	24
Miscellaneous Measures	25
SB 955 (Leyva) Pupil attendance: excused absences: civic or political events.....	25
Appendix	26
SB 1131 (Newman) Address confidentiality: public entity employees and contractors.....	26
SB 1439 (Glazer) Campaign contributions: agency officers.....	27
State Legislative Platform.....	31

Elections, Polling, and Ballots

[AB 972 \(Berman\) Elections: deceptive audio or visual media.](#)

Chapter 745, Statutes of 2022

Sunset Date, January 1, 2027

Relevant Code Sections: An act to amend Section 35 of the Code of Civil Procedure, and to amend Section 20010 of the Elections Code, relating to elections.

Description: This bill extends the sunset date, from January 1, 2023, to January 1, 2027, on a provision of law that prohibits the distribution of materially deceptive audio or visual media with actual malice with the intent to injure a candidate's reputation or to deceive a voter into voting for or against a candidate, unless the materially deceptive audio or visual media includes a disclosure that it has been manipulated.

[AB 1416 \(Santiago\) Elections: ballot label.](#)

Chapter 751, Statutes of 2022

Relevant Code Sections: An act to amend Sections 303, 9050, 9051, 9053, and 13282 of, and to add Section 9170 to, the Elections Code, relating to elections.

Description: This measure requires the ballot label for a statewide ballot measure. Permits the ballot label or similar description of a county, city, district, or school measure on a county ballot to include a listing of the names of the signers of the ballot arguments printed in the voter information guide in support of and in opposition to the measure. Permits a county board of supervisors, at least 30 days before the deadline for submitting arguments for or against county measures, to elect not to list supporters and opponents for county, city, district, and school measures on the county ballot and future county ballots. Prohibits a county from including a list of supporters or opponents for any county, city, district, or school measure if the county does not include a list of supporters or opponents for all measures for which the county receives a list that meets the requirements of this bill. Requires the ballot label for a statewide ballot measure, and the ballot label for a local ballot measure if the county chooses, to include "Supporters" and "Opponents" after the condensed ballot title and summary and not exceed 125 characters in length.

Considerations:

- **Ballot Design Advisory Committee.** *In 2019, the Legislature passed, and Governor Newsom signed, AB 623 (Berman, Chapter 863, Statutes of 2019). AB 623, among other provisions, required the SOS to establish a BDAC to assist the SOS in promulgating regulations that prescribe ballot design and format. While the BDAC did not take a formal position on this measure, there was a lengthy discussion about issues related to spacing on the ballot, when supporters/opponents' lists are delivered to an elections official, ballot measures for multi-county districts, multilingual ballots, and ballot readability concerns.*
- **Longer Ballots.** *Under current law, the ballot label is capped at 75 words. This bill requires the names of persons and organizations supporting and opposing a state ballot measure to be added onto the ballot and could significantly increase the length of the ballot, especially if a county chooses to include this information on the ballot for local ballot measures. Additionally, many county elections*

officials are required to translate ballot materials into multiple languages under state and federal law. To comply with these requirements, some counties include English and other languages on a single ballot, further lengthening ballots (other counties print separate ballots in languages other than English).

- **Local Ballot Inconsistencies.** The requirements of this bill are only mandated for statewide measures and may be adopted in some counties but not others. Voters in counties that have the supporters and opponents listed on their ballots may not have supporters and opponents listed in multi-county districts. This may lead to confusion for voters in some counties who will not see the support and opposition listed for all ballot measures on their ballot.
- **Politicizing the Ballot.** Historically, other than the listing of a party preference for specific offices, the ballot has remained largely neutral, in terms of the ballot being politicized. The ballot itself is sometimes considered “sacred.” After all the debate, endorsements, and advertisements, the ballot is where the voter makes the final decision to approve, reject, or skip a ballot measure and that decision is made on one of the most neutral ways possible (i.e. a ballot with brief information about the measure, an option for “Yes,” and an option for “No”).
- **Potential for Chicanery.** This bill implements certain criteria for eligibility for inclusion on the ballot. For example, for a local measure, an association, nonprofit organization, or business must have existed for four years to be listed. However, even though there are protections for the types of organizations that can be listed, this could be gamed as newly established entities become more established over time. The short-term effects may have long-term ramifications and could actually create more confusion among voters if the names of organizations, or even individuals, are similar.

[AB 1619 \(Cervantes\) Elections: voter registration and signature comparison.](#)

Chapter 102, Statutes of 2022

Relevant Code Sections: An act to amend Sections 2157 and 2196 of the Elections Code, relating to voting.

Description: This bill requires a voter registration application to include a statement that a person’s signature on an identification envelope for the return of a vote by mail (VBM) ballot will be compared against signatures in the voter’s registration record.

[AB 2037 \(Flora\) Polling places: alcoholic beverages.](#)

Chapter 155, Statues 2022

Relevant Code Sections: An act to amend Section 12288 of the Elections Code, relating to elections.

Description: This measure allows an election official to establish a vote center or a polling place in a location where the primary purpose is the sale or dispensation of alcoholic beverages.

[AB 2582 \(Bennett\) Recall elections: local offices.](#)

Chapter 790, Statutes of 2022

Relevant Code Sections: An act to amend Sections 11041, 11322, 11381, 11384, 11385, and 11386 of, and to add Section 11382 to, the Elections Code, relating to elections.

Description: Current law requires that during a local recall election to include two questions for voters’ consideration.

- 1) Should the elected official be removed from office?
- 2) Who should replace the recalled official in the event that the elected official is removed from office.

Instead, AB 2582 bill requires a local recall election to include only the question of whether the elected officer sought to be recalled shall be removed from office. Furthermore, this bill prohibits an election for a successor in a recall of a local elected officer, and requires the office, if a local officer is recalled, to become vacant until the position is filled according to existing law.

Considerations:

- **Application.** *Note that this bill's revisions to the Elections Code apply only to local general law jurisdictions. State-level offices will keep the two-question recall election, while charter cities can adopt their own procedures.*
- **Taming the Wild West of Recall Elections.** *The existing dual recall ballot question sometimes enables special interests to accomplish in a recall effort what they could not in a regularly held election, since replacement officials can be chosen by a minority of voters in a multi-candidate field — potentially with fewer votes than the official who is ousted. Narrowing the recall ballot question helps preempt this possibility. It may also help focus voters on the core question at issue by neutralizing the distraction of a potential replacement candidate.*
- **Nothing New Under the Sun.** *Some states and local jurisdictions in California already follow this process for recalls, sometimes called the “automatic replacement” model (e.g., Oregon, San Francisco). The new ballot question format also mirrors the format already used statewide for judicial retention elections.*

[AB 2584 \(Berman\) Recall elections.](#)

Chapter 791, Statutes of 2022

Relevant Code Sections: An act to amend Sections 11020, 11022, 11024, 11041, and 11242 of, and to add Section 11042.5 to, the Elections Code, relating to elections.

Description: This bill increases the total number of proponent signatures required to be included on a notice of intention to recall a state or local elected officer, establishes a public display period for local recall petitions, and authorizes a voter to seek an order requiring the proponents' statement of reasons for the recall or the officer's answer to that statement to be amended or deleted on the recall petition. Additionally, this measure requires a petition for the recall of a school board member to contain a fiscal estimate of the cost for conducting the recall election and lengthens the timeframe for holding a local recall election that has qualified for the ballot in order to allow that election to be consolidated with a regularly scheduled election.

Considerations:

- **Calling in the Courts.** *The California Constitution establishes that the sufficiency of the reason for recalling a state official is not reviewable by a court. But providing a mechanism to petition a court to review recall materials for accuracy holds proponents of recalls and elected officials accountable by helping ensure that recall materials are trustworthy. Previously, there was no*

process in place to review a recall proponent's statement and the elected official's answer for accuracy before the petition was circulated to the public for signatures.

- **Reigning in Recall Costs.** *Two elements of this bill set out to accomplish recall cost transparency and mitigation. Requiring recall elections to be consolidated with regular elections scheduled within 180 days of the recall petition qualifying for the ballot widens the existing window for consolidating recalls with regular elections, potentially slashing recall election costs (and likely increasing voter participation). Furthermore, requiring recall petitions against school board members to include the estimated cost of holding a special election for the recall forces voters to confront the financial impact of recalls on student programs.*
- **On Brand.** *This bill is part of a trend statewide toward uniform and consistent election dates to help drive voter turnout (see, e.g., SB 202, AB 1344, SB 311, SB 415 (California Voters Participation Rights Act), AB 765, and AB 759).*

[AB 2608 \(Berman\) Elections: vote by mail ballots.](#)

Chapter 161, Statutes of 2022

Urgency Clause

Relevant Code Sections: An act to amend Sections 3001, 3002, 3004, 3005, 3011, 3013, 3014, 3021.5, 3025.5, 3101, 3102, 3106, 3110, 3111, 8002.5, 10704, 10734, 13305, 13502, 15105, 15377, and 18403 of, to amend and repeal Sections 17504 and 17505 of, to repeal Sections 3006, 3007, 3007.5, 3007.7, 3007.8, 3008, 3009, 3021, 18107.5, 18402, and 18576 of, and to repeal Chapter 3 (commencing with Section 3200) of Division 3 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Description: This bill repeals various provisions of the Elections Code related to vote by mail (VBM) ballot applications and makes various conforming changes to reflect the state law requirement that every active registered voter be mailed a ballot for all elections in which the voter is eligible to vote.

- Repeals provisions of law that specify the process for applying for a VBM ballot or for returning completed VBM ballot applications; the format, contents, and processing of VBM ballot applications; and the preservation of VBM ballot applications after an election. Makes corresponding changes by repealing provisions of law that establish fines and criminal penalties for misconduct related to VBM ballot applications.
- Repeals provisions of law that govern the application for permanent VBM status and the processing and maintenance of the list of permanent VBM voters.
- Repeals a requirement that a VBM ballot identification envelope contain a space for the relationship to the voter of a person who is authorized to return that voter's VBM ballot; requires an elections official to provide a second VBM ballot to a voter's representative upon receipt of a written request, on a form prescribed by the Secretary of State (SOS), signed by the voter under penalty of perjury, requesting that a ballot be provided to the representative.
- Specifies that for the purpose of determining the number of VBM ballot drop-off locations that are required in counties that do not conduct elections pursuant to the California Voter's Choice Act (CVCA), the determination shall be made based on the number of registered voters in the jurisdiction as determined on the 88th day before the election.

[AB 2815 \(Berman\) Elections: vote by mail ballot drop-off locations.](#)

Chapter 553, Statutes of 2022

Relevant Code Sections: An act to add Section 3025.7 to the Elections Code, relating to elections.

Description: This bill requires county elections officials to make efforts to locate vote by mail (VBM) ballot drop-off locations on public college and university campuses.

- Requires a county elections official to designate one location on the main campus of each California State University (CSU) within the official's jurisdiction as a VBM ballot drop-off location for each statewide primary and general election.
- Requires a county elections official to request the governing body having jurisdiction over any University of California (UC) campus within the official's jurisdiction to authorize the use of one location on that campus as a VBM ballot drop-off location for each statewide primary and general election. Encourages the UC to comply with such a request.
- Requires an elections official, when selecting VBM ballot drop-off locations required pursuant to specified provisions of existing law for a statewide primary or general election, to give preference to locations on California community college campuses with an annual enrollment of at least 10,000 students.
- Requires ballot drop-off locations established pursuant to this bill to be accessible to voters with disabilities and to comply with other specified accessibility requirements.

Considerations:

- **Taking Location Requirements One Step Further.** *While existing law contained certain standards for determining VBM ballot drop-off locations, this bill is the state's strictest requirement for drop-off locations so far.*
- **Continuing to Establish VBM Standards.** *Over the past decade, California has leaned increasingly heavily on VBM. Since at least 2015, the Legislature has endeavored to establish clear standards for conducting VBM elections (see, e.g., SB 365, SB 450, AB 37, AB 59, etc.). This bill represents another effort to do just that.*
- **Young Voter Turnout.** *At least six of 10 UC campuses and 16 of the 23 CSU main campuses had a ballot drop-off location, in-person voting location, or both for the November 2020 presidential general election. This bill reaffirms the importance of siting drop-off locations on college grounds, not only because colleges are culturally significant public forums, but also because young voter turnout remains low despite rising voter turnout overall. Convenience is one major factor in driving young voter turnout.*
- **Old Bills Revisited.** *Two 2014 bills, SB 240 (Yee) and SB 267 (Pavley), would have established similar requirements. Both were amended and lost the relevant provisions.*

[AB 2967 \(Assembly Committee on Elections\) Elections: petition records and requests: vote-by-mail ballot.](#)

Chapter 166, Statutes of 2022

Relevant Code Sections: An act to amend Sections 103, 3019, 9602, 11303, and 17400 of the Elections Code, relating to elections.

Description: This bill was an Assembly Elections Committee omnibus bill, containing various minor and technical changes to the Elections Code. Specifically, requires a written request that a voter submits to an elections official to have the voter's signature withdrawn from a state or local initiative, referendum, or recall petition to include the name or title of the petition; deletes provisions of law that require the

Secretary of State (SOS) to preserve state recall petitions, and instead requires local elections officials to preserve those petitions; replaces the term “unsigned ballot statement” with the term “unsigned identification envelope statement;” makes conforming changes.

[SB 1360 \(Umberg\) Elections: disclosure of contributors.](#)

Chapter 887, Statutes of 2022

Relevant Code Sections: An act to amend Sections 101, 107, 9008, 9020, 9105, 9203, and 11043 of the Elections Code, to amend Sections 84502, 84503, 84504.1, 84504.2, 84504.3, and 84505 of, and to add Section 84504.8 to, the Government Code, relating to elections.

Description: This bill changes the text and formatting of required disclosures on petitions and electronic media and video campaign advertisements, as specified, and additionally requires disclosures on electronic media advertisements about top contributors funding the advertisement, as specified.

Election Officials and Voter Registration

[AB 1631 \(Cervantes\) Elections: elections officials.](#)

Chapter 552, Statutes of 2022

Relevant Code Sections: An act to amend Section 12303 of the Elections Code, relating to elections.

Description: This bill requires a county elections official to post the public list of all polling places where multilingual poll workers will be present and the language or languages other than English in which they will provide assistance on the official’s internet website. Additionally, this bill requires county elections officials to use television and the internet in their efforts to recruit multilingual poll workers.

Considerations:

- **A Modest Addition to Existing State Law.** Elections Code section 12303 already required county elections officials to (1) make a good faith effort to recruit bilingual poll workers for any precinct in which 3% or more of the voting-age residents are members of a single language minority and (2) publish a list of the precincts to which officials were appointed pursuant to that effort. This bill simply adds the internet as a required channel for recruitment and publishing that list.
- **Meeting Federal Legal Obligations.** Pursuant to Voting Rights Act section 203, 28 California counties are required to provide bilingual voting assistance.
- **California Counties Step Up.** Counties are already working to support minority language-speaking voters. According to the SoS’s May 2019 Bilingual Poll Worker Recruitment Report, 54 of California’s 58 counties provided support for 30 different languages through their bilingual poll worker programs during the November 2018 general election. Bilingual poll worker recruitment efforts included recruitment of county workers from various departments, targeting college campuses, and paying extra help workers to serve as bilingual support.
- **Taking the Hint.** A 2003 law, SB 610 (Escutia), required the SoS to appoint a task force to study and recommend uniform guidelines for the training of election poll workers. The task force revised standards this year to reflect lessons learned and changes in state law. The guidelines now recommend that county elections officials have a diverse poll worker workforce and

broaden and/or continue their poll worker recruitment efforts to ensure a representative group diverse in, among other characteristics, language fluency.

- **More Than Just Mail.** *The mail voting model can be more difficult for minority language-speaking voters. While facsimile ballots and other translated materials are critical resources, there's little match for live language assistance. Bilingual poll workers remain central to keeping the franchise open to the less English proficient.*
- **Poll Worker Recruitment.** *Poll worker recruitment and retention is historically low. Dependable, well-trained poll workers are rare. Bilingual ones are even rarer. Mandating online recruitment is a bid to turn out new bilingual workers – and especially younger workers likely to serve for years to come.*

[AB 2577 \(Bigelow\) Elections: uniform filing forms.](#)

Chapter 148, Statutes of 2022

Relevant Code Sections: An act to add Section 8042 to the Elections Code, relating to elections.

Description: This bill requires the Secretary of State (SOS) to establish uniform filing forms for a candidate to use when filing a declaration of candidacy and nomination papers.

[AB 2841 \(Low\) Disqualification from voting.](#)

Chapter 807, Statutes of 2022

Delayed implementation of January 1, 2024.

Relevant Code Sections: An act to amend, repeal, and add Sections 2201, 2208, 2209, 2210, and 2211 of, and to add Sections 2211.5 and 2214 to, the Elections Code, and to amend, repeal, and add Sections 5358.3 and 5364 of the Welfare and Institutions Code, relating to elections.

Description: This bill requires the Secretary of State (SOS) to post data showing the number of conservatorship voting rights disqualifications and restorations by county, and to provide training to court and county staff related to conservatorship voting rights to ensure compliance with existing law. Additionally, this bill requires a county elections official, before canceling a voter's registration, to notify the voter and provide the voter with an opportunity to correct an erroneous cancellation, as specified. This bill has a delayed implementation of January 1, 2024.

[SB 504 \(Becker\) Elections: voter registration.](#)

Chapter 14, Statutes of 2022

Urgency Clause

Relevant Code Sections: An act to amend Sections 2150 and 2170 of, to repeal Sections 3022 and 13315 of, and to repeal and add Section 2212 of, the Elections Code, relating to elections.

Description: This bill makes changes to the voter registration affidavit and the information provided in the county voter information guide as it pertains to vote by mail (VBM) and VBM ballot applications, as specified. Additionally, this bill permits the Secretary of State (SOS) to adopt emergency regulations to implement provisions of law pertaining to conditional voter registration (CVR). This bill also requires the SOS to provide county elections officials with identifying information for persons imprisoned for the conviction of a felony and persons on parole or otherwise released from that imprisonment, as specified. The following definitions apply:

- “Conviction” has the same meaning as set forth in Section 2101.
- “Department” means the Department of Corrections and Rehabilitation.
- “Imprisoned” has the same meaning as set forth in Section 2101.
- “Parole” means a term of supervision by the department.
- “Statewide voter database” means the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

This bill has an urgency clause and takes effect immediately.

[SB 1131 \(Newman\) Address confidentiality: public entity employees and contractors.](#)

Chapter 554, Statutes of 2022

Urgency Clause

Relevant Code Sections: An act to amend Sections 2166.5, 12105.5, and 12108 of, and to add Section 2166.8 to, the Elections Code, to amend Sections 6215 and 6215.2 of, and to amend the heading of Chapter 3.2 (commencing with Section 6215) of Division 7 of Title 1 of, the Government Code, relating to address confidentiality, and declaring the urgency thereof, to take effect immediately.

Description: This bill Expands the Safe at Home program to public entity employees and contractors by permitting an adult person, who is domiciled in California, to have an address designated by the SOS to serve as the person’s address, as specified and if certain conditions are met. Provides, among other requirements, that the basis for the application to the Safe at Home program is that the applicant is a public entity employee or contractor who faces threats of violence or violence or harassment from the public because of their work for the public entity and is fearful for their safety or the safety of their family because of their work for the public entity.

- Defines “harassment” as repeated, unreasonable, and unwelcome conduct directed at a targeted individual that would cause a reasonable person to fear for their own safety or for the safety of an immediate family member, domestic partner, or a household member. Harassing conduct may include, but is not limited to, following, stalking, phone calls, or written correspondence.
- Defines “public entity” as a federal, state, or local government agency.
- Defines “work for a public entity” as work performed by an employee of a public entity, or work performed for a public entity by a person pursuant to a contract with the public entity.

Considerations:

- *Please see supporting materials specific to this measure located in the appendix.*

Ralph M. Brown Act

[AB 2449 \(Rubio\) Open meetings: local agencies: teleconferences.](#)

Chapter 285, Statutes of 2022

Sunset date of January 1, 2026

Relevant Code Sections: An act to amend, repeal, and add Sections 54953 and 54954.2 of the Government Code, relating to local government.

Description: Provides that until January 1, 2026, under certain circumstances (just cause, as defined or emergency circumstances, as defined) and on a limited basis, a non-majority number of members of a Brown Act body may utilize virtual teleconferencing without publicly noticing their location and making that location accessible to the public.

The bill authorizes a member of a Brown Act legislative body utilize the provisions of this measure if one of the following circumstances applies:

- a) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. **Note:** These provisions of cannot be used by any member of the legislative body for more than two meetings per calendar year.
- b) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request.
 - The legislative body is required to request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act.
 - The legislative body may take action on the member’s request to participate remotely under b) at the earliest opportunity, including the beginning of the meeting at which the member has requested the ability to participate remotely.
 - The member is required to make such a request at each meeting they desire to participate remotely pursuant to b).
 - The member is required to participate through both audio and visual technology.

Restrictions on the amount this provision can be used:

The provisions above cannot serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

Defines “just cause” as any of the following:

- childcare or caregiving need that requires them to participate remotely.
- a contagious illness that prevents a member from attending in person.
- a need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by the ADA
- travel while on official business of the legislative body or another state or local agency.

Defines “emergency circumstances” as a physical or family medical emergency that prevents a member from attending in person.

Considerations:

- **Limited Application.** *This bill does not change long-standing teleconferencing laws (e.g., participating remotely while posting your location and making it accessible to the public). Only if members of a legislative body wish to participate without posting of their location would the members of the legislative body be subject to these provisions.*
- **Limited Use?** *Because this measure is not a new mandate and would only be used if a local agency chooses to use it, the broader local government community went from opposing the measure, to taking no position. Given the significant caveats and limited duration of this bill, it is unlikely that a local legislative body will use this measure.*

[AB 2647 \(Levine\) Local government: open meetings.](#)

Chapter 971, Statutes of 2022.

Relevant Code Sections: An act to amend Section 54957.5 of the Government Code, relating to local government.

Description: Current law makes agendas of Ralph M. Brown Act Meetings public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. AB 2647 requires a local agency to make said writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posting the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Considerations:

- **Responding to the Court.** *A recent California Court of Appeal case, Sierra Watch v. Placer County, 69 Cal.App.5th 1 (2021), found that failing to place documents in an accessible public office or posting them online at the same time members of a legislative body receive them violates the Brown Act's requirements. But keeping local agency offices open after hours or on weekends would cost the public a significant amount, as would simply withholding late-breaking information until an office is open, causing delays and insufficient time for proper analysis. This bill clarifies that any writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online to satisfy the requirements of the Brown Act, but also requires that the documents be made available in-person the next time an office is open*
- **Public Messaging.** *Local agencies should consider adding language to its agenda that documents related to an agenda item that are not available 72 hours in advance of the meeting will be available at agency headquarters (e.g., city hall) and will be posted on the agency's website as soon as possible.*

[SB 1100 \(Cortese\) Open meetings: orderly conduct.](#)

Chapter 171, Statutes of 2022

Relevant Code Sections: An act to add Section 54957.95 to the Government Code, relating to local government.

Description: SB 1100 permits the presiding member of a Brown Act legislative body or their designee to remove or cause the removal of an individual for disrupting a meeting under certain circumstances. “Disrupting” means “[e]ngaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to [existing] law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) ‘True threat of force’ means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.”

The presiding member or their designee must issue a warning to the disruptive person(s) prior to their removal unless they have used physical force or threatened to do so. Removal can only commence if the party does not promptly cease their disruptive behavior.

Considerations:

- **Managing the Political Climate.** *Public agencies are confronting an uptick in disruptions of public meetings. While California Penal Code section 403 makes disrupting a public meeting a misdemeanor, there are no clear standards in state law for removing disruptive participants.*
- **Necessary?** *The California Constitution vests cities and counties with the police power, and the Brown Act allows local agencies to adopt reasonable regulations to carry out public comment provided they do not prohibit public criticism. The Brown Act also allows local agencies to order the meeting room cleared and continue the meeting when attendees willfully interrupt a meeting in a manner that makes the orderly conduct of the meeting unfeasible, and the legislative body cannot restore order by removing individuals causing the interruption. If local agencies can already regulate public conduct at their meetings (provided these regulations do not violate the public’s constitutional rights or other state laws) does SB 1100 provide enough useful new authority to warrant the costs for local agencies to revise their existing procedures?*
- **Codifying Case Law.** *SB 1100 codifies the authority and standards for governing public meetings set forth in Acosta v. City of Costa Mesa, 718 F.3d 800 (9th Cir. 2013). In that case, the Ninth Circuit held that an ordinance governing the decorum of a city council meeting could empower a presiding officer to eject an attendee for actually disturbing or impeding a meeting.*
- **Updating Regulations.** *Local agencies should review existing policies and procedures to ensure that they align with these new statewide standards.*
- **Policy in Practice.** *Before ordering a person removed for violating its regulations, the presiding officer or their designee should consider whether the person’s conduct is actually disrupting, disturbing, impeding, or rendering infeasible the orderly conduct of the meeting. Often there are measures short of removing a person to maintain order, such as issuing a warning, turning off the microphone, or calling a brief recess.*

Political Reform Act of 1974

[AB 775 \(Berman\) Contribution requirements: recurring contributions.](#)

Chapter 942, Statutes of 2022

Relevant Code Sections: An act to add Section 85701.5 to the Government Code, relating to the Political Reform Act of 1974.

Description: The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including contribution limitations and requirements.

AB 775 requires a candidate or committee to obtain affirmative consent from a person making a recurring contribution at the time of the initial contribution and will require any solicitation for a recurring contribution to be in a form that requires affirmative consent from the person making the contribution. The bill also makes violations of these provisions subject to a fine of up to three times the aggregate amount of the subsequent recurring contributions received if certain specified conditions are met. Specified conditions include:

- The candidate or committee knew or should have known that the solicitation required affirmative consent.
- The candidate or committee knew or should have known that the contributor did not give affirmative consent for making the recurring contributions.
- The recurring contributions, in the aggregate, exceed one thousand dollars (\$1,000).

A candidate or committee that accepts a recurring contribution to provide a receipt for each contribution will be required to provide information necessary to cancel the recurring contribution, and to immediately cancel a recurring contribution upon request. Also required is a report on recurring contribution accepted in response to a solicitation that did not require affirmative consent or accepted after a contributor requested to cancel a recurring contribution to be returned within 14 days.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor. By creating a new crime, this bill imposes a state-mandated local program.

Considerations:

- **Consumer Protection.** *This bill is fundamentally about protecting political donors by forbidding a potentially misleading solicitation tactic. In the recent past, numerous political campaigns, including campaigns involving candidates for federal office and California state office, have used pre-checked boxes in online solicitations for contributions to automatically enroll contributors into making recurring contributions. Contributors who did not want to make recurring contributions had to affirmatively opt out of doing so by unchecking the pre-checked box. In some cases, this has misled contributors into giving recurring contributions when they did not intend to do so – as many as six campaign contributions in a month. Some contributors had their bank accounts drained and frozen, or their credit cards maxed out. Others ended up making campaign donations well in excess of the maximum allowable under federal law.*
- **Financial Thresholds.** *While this bill contains sweeping prohibitions, it is tailored to punish only relatively egregious examples by administrative fine. Only recurring contributions that in the aggregate exceed one thousand dollars can trigger a fine. Once triggered, however, the fine may be non-trivial – up to three times the aggregate amount of all contributions received after the initial contribution.*

[AB 1783 \(Levine\) Lobbying: administrative actions.](#)

Chapter 456, Statutes of 2022

Relevant Code Sections: An act to amend Section 82002 of the Government Code, relating to the Political Reform Act of 1974.

Description: Existing provisions of the Political Reform Act of 1974 impose requirements on lobbyists and lobbyist employers involved in administrative actions, and generally defines “administrative action” to mean, among other things, the proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking or quasi-legislative proceeding. A violation of the act is a crime.

AB 1783 expands the definition of “administrative action” to include any decision or approval by the Insurance Commissioner or the Director of the Department of Managed Health Care under these provisions. By expanding the scope of requirements imposed on lobbyists and lobbyist employers, the violation of which is subject to criminal penalties, the bill will impose a state-mandated local program.

[AB 1798 \(Bryan\) Campaign disclosure: advertisements.](#)

Chapter 862, Statutes of 2022

Relevant Code Sections: An act to amend Sections 84504.3, 84504.4, and 84504.6 of the Government Code, relating to the Political Reform Act of 1974.

Description: Existing law requires an advertisement to contain prescribed disclosure statements regarding the entity or entities that paid for the advertisement. For example, an electronic media advertisement that is a graphic, image, animated graphic, or animated image must include certain text that links to an internet website that contains the prescribed disclosures.

AB 1798 allows an electronic media advertisement to include the prescribed disclosures directly on the advertisement itself as an alternative to linking to an internet website that contains the disclosures. This bill applies to an electronic media advertisement if any of the following are true:

- The advertisement is paid for by a committee other than a political party committee or a candidate-controlled committee established for an elective office of the controlling candidate.
- The advertisement is paid for by a political party committee or a candidate-controlled committee established for an elective office of the controlling candidate, and is either of the following:
 - Paid for by an independent expenditure.
 - An advertisement supporting or opposing a ballot measure

Note that this bill will not become operative if Senate Bill 1360 of the 2021–22 Regular Session is enacted by the Legislature during the 2022 calendar year, takes effect on or before January 1, 2023, and amends Section 84504.3 of the Government Code.

[AB 2172 \(Cervantes\) Political Reform Act of 1974: electronic filings.](#)

Chapter 328, Statutes of 2022

Relevant Code Sections: An act to amend Sections 81004, 84215, and 86100 of the Government Code, relating to the Political Reform Act of 1974.

Description: The Political Reform Act of 1974 requires statewide elected officials, elected members of specified entities, candidates for elected office, and others, to file periodic campaign statements and reports regarding campaign finances. In response to the COVID-19 pandemic, AB 2172 allows these required reports to be submitted electronically.

AB 2172 authorizes a person required to file a report or statement with the Secretary of State in a paper format to file the report or statement by email or other digital means prescribed by the Secretary of State instead, subject to specified requirements. Specified requirements include:

- A report or statement filed by email shall be signed using a digital signature that conforms with the requirements of Section 16.5.
- A report or statement filed with the Secretary of State by email is the original report or statement for audit and other legal purposes.

This bill also eliminates the requirement that a person file a copy of the report or statement with the original when filing on paper.

[AB 2528 \(Bigelow\) Political Reform Act of 1974: campaign statements.](#)

Chapter 500, Statutes of 2022

Delayed Implementation (see description for details)

Relevant Code Sections: An act to amend Section 84605 of, and to add Section 84226 to, the Government Code, relating to the Political Reform Act of 1974.

Description: Current law requires elected officers, candidates, and committees to periodically file campaign statements and related documents containing specified information, including the number of contributions received and expenditures made. Generally, local elected officers are required to file such statements with local filing officers. This bill would require elected local government officers and candidates for elective local government office whose campaign contributions for an upcoming election equal or exceed \$15,000 and who are not currently required to file a campaign statement or related document with the Secretary of State to file specified campaign statements and related documents with the Secretary of State, along with any other officers with whom they are otherwise required to file.

These requirements become operative on the first January 1st after the Secretary of State certifies that necessary changes to the online filing and disclosure system have been made to accommodate filings by elected local government officers and candidates for elective local government office.

Considerations:

- **Not All Documents.** *This bill effectively treats high-grossing local elected officers, candidates, and committees as if they are state officers/candidates for purposes of campaign statements. It only requires filing documents that current law also requires state officers and candidates to file with the SoS.*
- **All in One Place.** *Currently, campaign statements for local elections must be filed with and requested from each local jurisdiction for purposes of audits, public transparency, etc. This bill would help collect many campaign statements in one place.*
- **Waiting on CARS.** *The project of revamping the SoS's online filing and disclosure system – referred to as the Cal-Access Replacement System (or "CARS") – has hit several speedbumps.*

CARS is now projected to be ready for rollout sometime in 2025 at the earliest, meaning this bill may become operative as early as January 1, 2026.

[SB 459 \(Allen\) Political Reform Act of 1974: lobbying.](#)

Chapter 459, Statutes of 2022

Relevant Code Sections: An act to amend Sections 86114, 86116, 86117, and 86118 of, and to add Section 86119 to, the Government Code, relating to the Political Reform Act of 1974.

Description: This measure requires lobbying disclosure reports to include additional information about the state legislative and administrative actions that the filers sought to influence and about the issue lobbying advertisements that they funded. Requires an issue lobbying advertisement to include a disclosure of the person who authorized and paid for the advertisement.

[SB 746 \(Skinner\) Political Reform Act of 1974: business entities: online advocacy and advertisements.](#)

Chapter 876, Statutes of 2022

Delayed Implementation until January 1, 2024

Relevant Code Sections: An act to add Section 84512 to the Government Code, relating to the Political Reform Act of 1974.

Description: This bill requires a business entity that uses its online products or services to target information to its users, for political purposes, to disclose that targeting on a public report that is filed with the Secretary of State (SOS) beginning on January 1, 2024.

More specifically:

- 1) Requires a business entity to submit a report to the SOS following any calendar year in which the business entity does either of the following:
 - a) Uses its products or services to alter the online search results its products or services generate in order to emphasize or deemphasize materials containing express advocacy, as specified. Provides, for these purposes, that a communication contains express advocacy if it contains express words of advocacy such as “vote for,” “elect,” “support,” “cast your ballot,” “vote against,” “defeat,” “reject,” “sign petitions for,” or, within 60 days before an election in which a candidate or measure appears on the ballot, the communication otherwise refers to the clearly identified candidate or measure so that the communication, taken as a whole, unambiguously urges a particular result in an election.
 - b) Uses its products or services to target online advertisements to individuals or groups, or generally to users or members of the public, without full and adequate consideration and for political purposes, as specified. Provides that a use is for political purposes if it is for influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any measure.
- 2) Requires the report to contain all of the following information:
 - a) The name of each candidate or measure with regard to which search results were altered, as described above in 1) a), or that were the subject of an advertisement targeted as described above in 1) b).

- b) For each candidate or measure, whether the search results or advertisements were to support or oppose the nomination or election of the candidate or the qualification or passage of the measure.
 - c) The full name, title, and business street address and telephone number of each person with final decision-making authority as to which candidates or measures will be supported or opposed by the business entity's search results or advertisements.
 - d) The date or range of dates in which the search results were altered, or the advertisements were targeted.
- 3) Requires a report to be filed by January 31 for activity occurring during the previous calendar year.
- 4) Requires the report to be filed on paper or by email with the SOS and requires the SOS to make each report publicly available in a conspicuous location on the SOS's website. Permits the report to be included in an online filing and disclosure system if the SOS certifies that the system is able to incorporate that report.
- 5) Requires a business entity that is subject to this bill to maintain detailed accounts and records necessary to prepare the report required by this bill and to retain those accounts and records for four years following the date the report is filed.
- 6) Provides that this bill does not apply to either of the following activities:
- a) A business entity's use of its products or services exclusively to carry out its commercial activities, including, but not limited to, delivering user-generated content or a paid advertisement on behalf of another person.
 - b) Communications that are internal to a business entity or entities.
- 7) Specifies that this bill is not intended to expand or limit the definition of contribution or expenditure under the PRA.

[SB 794 \(Glazer\) Political Reform Act of 1974: contribution limits.](#)

Chapter 816, Statutes of 2022

Relevant Code Sections: An act to amend Section 85319.5 of the Government Code, relating to the Political Reform Act of 1974.

Description: This bill allows a political committee that receives a contribution that exceeds a contribution limit to accept the contribution without violating the contribution limit by returning the amount in excess of the limit or by attributing the excess amount to a different election

More specifically:

- 1) Codifies a regulation that permits a committee that receives a contribution that exceeds the contribution limit to return that contribution, or a portion thereof, without violating the applicable contribution limit if the following conditions are met:
 - a) The amount in excess of the limit is returned within 14 days of receiving the contribution.
 - b) The committee does not deposit or allow deposit of the contribution with actual knowledge that it exceeds the applicable limit.
 - c) The committee does not make use of the contribution prior to returning it.

- 2) Permits a committee, notwithstanding 1), above, to deposit or allow deposit of a contribution with actual knowledge that it exceeds the applicable limit without violating the limit if the following conditions are met:
 - a) The amount in excess of the contribution limit is returned within 72 hours of receiving the contribution or before the day of the election, whichever is sooner.
 - b) The committee does not deposit or allow deposit of the contribution with actual knowledge that the contribution is more than two times the applicable limit.
 - c) The committee does not make use of the contribution prior to returning it.
- 3) Permits a committee, instead of returning the amount of a contribution that exceeds the contribution limit as described above, to attribute the portion of the contribution that exceeds the limit to another election in accordance with regulations adopted by the FPPC.
- 4) Requires a committee that receives a contribution that exceeds the relevant contribution limit to inform the contributor that their contribution was in excess of the applicable limit, as specified. Requires a committee, if it attributes a contribution to a different election in accordance with this bill, to inform the contributor that the contribution was attributed, and that the contributor may request a refund.
- 5) Provides, for the purposes of this bill, that a committee makes use of a monetary contribution if, after receiving the contribution, it makes expenditures exceeding what the committee's available cash balance would have been if the committee had not received the contribution and any other contributions that exceed the applicable limit.

[SB 1439 \(Glazer\) Campaign contributions: agency officers.](#)

Chapter 848, Statutes of 2022

Relevant Code Sections: An act to amend Section 84308 of the Government Code, relating to the Political Reform Act of 1974.

Description: This measure makes all local government agencies subject to existing provisions of state law that restrict contributions to public officials from entities with business before the agency involving a license, permit, or other entitlement for use and expands the timeframe prohibiting specific contributions following an official's action from three months to 12 months.

More specifically:

- 1) Provides that local government agencies whose members are directly elected by the voters are subject to the following provisions of the Levine Act of 1982 (Levine Act):
 - a) A prohibition against accepting, soliciting or directing a contribution of more than \$250 from a party or participant with a matter pending before the agency involving a license, permit, or other entitlement for use during the time the matter is pending before the agency and for a specified period of time following the date a final decision is rendered in the matter.
 - b) A requirement to disclose on the record of a proceeding the receipt of any contribution of more than \$250 from a party to or participant in the proceeding in the 12 previous months if the proceeding involves a license, permit, or other entitlement for use.

- c) A prohibition against making, participating in making, or attempting to influence the decision in any proceeding involving a license, permit, or other entitlement for use if the officer received a contribution of more than \$250 from a party or participant in the proceeding in the 12 months before the proceeding and the officer did not return that contribution within 30 days of knowing, or the time the officer should have known, of the contribution and the proceeding.
- 2) Extends, from three months to 12 months, the period of time following the date that an agency renders a final decision in a matter involving a license, permit, or other entitlement for use during which an officer subject to the Levine Act is prohibited from accepting, soliciting or directing a contribution of more than \$250 from a party or participant in the matter, and during which a party or participant in the matter is prohibited from making a contribution of more than \$250 to an officer of the agency.
- 3) Permits an officer who is subject to the Levine Act, and who accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date a final decision is rendered in a proceeding involving a license, permit, or other entitlement for use, to cure the violation by returning the contribution or the portion exceeding \$250 within 14 days of accepting, soliciting, or directing the contribution, whichever comes latest. Provides that an officer is permitted to cure such a violation only if the officer did not knowingly and willfully accept, solicit, or direct the prohibited contribution, and requires the officer or the officer's-controlled committee to maintain records of curing the violation.

Defines the following terms for purposes of this section:

- **“Party”** to mean any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.
- **“Participant”** to mean any person who is not a party (see above) but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as specified. Provides that a person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.
- **“Agency”** to mean an agency as defined in the PRA except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. Provides that “agency” applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.
- **“Officer”** to mean any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.
- **“License, permit, or other entitlement for use”** to mean all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.
- **“Contribution”** includes contributions to candidates and committees in federal, state, or local elections.

Considerations:

- **No 2022 Retroactivity.** *On November 17, 2022, the FPPC voted 5-0 to issue an opinion that the disqualification obligations in this bill do not apply retroactively to campaign donations received in 2022.*
- *Please see supporting materials specific to this measure located in the appendix.*

Governmental Bodies, Elected/Appointed Officials and Candidates

[AB 759 \(McCarty\) Elections: county officers.](#)

Chapter 743, Statutes of 2022

Relevant Code Sections: An act to repeal and add Section 1300 of the Elections Code, and to amend Section 24200 of the Government Code, relating to elections.

Description: Existing law requires the Legislature to provide for an elected county sheriff, elected district attorney, and elected assessor in each county. Generally, the election to select county officers is required to be held with the statewide gubernatorial primary election, and if no candidate for a county office receives a majority of the votes cast for that office at the primary election, the 2 candidates who received the most votes advance to the statewide gubernatorial general election.

AB 759 requires the election to select district attorney, sheriff, and assessor to be held with the presidential primary and would require, if no candidate receives a majority of the votes cast for the office at the presidential primary, the 2 candidates who received the most votes to advance to a general election held with the presidential general election. The bill will provide for a 6-year term for a district attorney or sheriff elected in 2022, with some exceptions.

This bill also authorizes a county board of supervisors to adopt an ordinance to also hold the election for other county officers with the presidential primary. Other county offices include:

- Treasurer
- Clerk
- Auditor
- Tax collector
- Recorder
- Public administrator
- Coroner

To the extent changing the date for election of district attorney, sheriff, or assessor would impose additional duties on local elections officials, this bill will impose a state-mandated local program.

Considerations:

- **Fixing Term Issues.** *Because this bill shifts elections for some countywide officers by two years, it provides that a district attorney, sheriff, or assessor elected in 2022 serves a six-year term. It also provides that a county may instead establish by ordinance that the 2022 elections be for a two-*

year term, and that the county hold another election during the 2024 presidential primary for a four-year term.

- **Not All Charter Counties.** This bill carves out charter counties that, on or before January 1, 2021, expressly specified in their charter when an election for district attorney, sheriff, or assessor would occur. Four counties qualify for this exception because they previously adopted charters that expressly require that the district attorney, sheriff, and assessor (San Bernardino, San Francisco, and Santa Clara) or just the sheriff and assessor (Los Angeles) be elected on a date other than the presidential primary.
- **On Brand.** This bill is part of a trend statewide toward uniform and consistent election dates to help drive voter turnout (see discussion of AB 2584 above).
- **Scrutinizing Voter Turnout.** Generally, voter participation in presidential elections in California exceeds voter participation in gubernatorial elections (elections in the early 1980s and early 2010s are the only recent exceptions). There is also some evidence that presidential elections are more representative of California's diverse electorate than gubernatorial elections. However, these percentages show overall turnout changes between gubernatorial and presidential elections, which may differ from the turnout for county offices held at the same election, since many voters will vote in higher-profile contests like governor or president but leave other contests on their ballot blank. In other words, the data is complicated.
- **Hard Questions.** Is it always better for democracy to stack statewide ballots in this way? Candidates for district attorney, sheriff, and assessor will have to compete for attention with presidential candidates, and the presidential election ballot can only become so crowded. Even if stacking the presidential election ballot drives voter turnout, does it foster careful examination of candidates? Does it drive voter fatigue, reducing votes in down-ticket races? Does it contribute to partisanship in countywide races? These questions may become more salient if this bill prompts similar proposals to move elections for other offices (e.g., special district governing board members) to the presidential election cycle.

[AB 1925 \(Santiago\) County and district offices: qualifications.](#)

Chapter 864, Statutes of 2022

Relevant Code Sections: An act to amend Section 24001 of the Government Code, relating to local government.

Description: Currently, a person is not eligible to hold a county or district office, unless the person is a registered voter of the county or district in which the duties of the office are to be exercised at the time nomination papers are issued to the person or at the time of the appointment of the person. The board of supervisors or any other legally constituted appointing authority in a county or district is authorized, if it finds that the best interests of the county or district will be served, to waive the registered voter requirement for an appointed county or district office.

AB 1925 removes that waiver authority and, instead, applies the registered voter requirement only to elective county or district offices.

Considerations:

- **Boosting Size and Diversity of County Applicant Pools.** The impetus for this bill was an effort on the part of the Los Angeles County Board of Supervisors to explore waiving citizenship requirements for Los Angeles County employment, which this bill permits statewide. Expanding

the potential pool of county officers in this way will help ensure that county workforces are more representative of local demographics and will open new possibilities for county officers in rural jurisdictions with smaller pools of candidates for county positions.

[AB 2324 \(Irwin\) Oath of office: health officers.](#)

Chapter 124, Statutes of 2022

Relevant Code Sections: An act to amend Section 1363 of the Government Code, relating to public employment.

Description: The California Constitution requires members of the Legislature, and all public officers and employees, to take and subscribe a specified oath of office or affirmation. Inferior officers and employees are permitted to be exempted by law from this requirement. Existing law, in the case of particular officers, requires the oath, after being administered, to be filed in designated offices.

This bill will require a health officer, as specified, in addition to their existing filing duties, to file their oath in the office of the Secretary of State. Because this bill will impose new duties on local officials, this bill imposes a state-mandated local program. A health officer is defined as an individual appointed pursuant to Section 101000 or 101460 of the Health and Safety Code.

AB 2324 attempts to solve some of the bureaucratic dilemmas surrounding Apostilles. An Apostille is an authentication of public official signatures on documents to be used outside the United States of America. An Apostille certifies the following:

- The authenticity of the signature of the public official who signed the document.
- The capacity in which that public official acted.
- When appropriate, the identity of the seal or stamp which the document bears, e.g. a notary public seal.

Currently, Californians must receive an Apostille certification that authenticates the signature of a public official on government documents, such as birth, death, and marriage certificates, prior to using these documents abroad. The Secretary of State can only authenticate documents signed by officials whose oaths are filed with their office. AB 2324 will streamline the Apostille certification process by requiring health officers to file their oaths in the office of the Secretary of State.

Considerations:

- ***In the Hands of the State.*** *This bill allows requests for birth and death certificates that come from out of the country to be reviewed at the state level, rather than at a local health department. Not only is this arguably the appropriate level of review for these requests, but it should also help lighten the administrative load on local health departments, which have been especially under-resourced during the last few years.*
- ***Few Local Changes.*** *This bill does not change the office in which oaths must be filed at the local level – it simply adds the requirement that oaths be filed with the SoS. So, for health officers with local duties elected or appointed for any county, their oaths must be filed with the relevant county clerk and the SoS. Similarly, the oaths of all health officers for any independent special districts must be filed in the office of the clerk or secretary of that district and with the SoS.*

Redistricting

[AB 1307 \(Cervantes\) County of Riverside Citizens Redistricting Commission.](#)

Chapter 403, Statutes of 2022

Relevant Code Sections: An act to add Chapter 6.4 (commencing with Section 21540) to Division 21 of the Elections Code, relating to elections.

Description: Existing law requires the board of supervisors of each county, following each decennial federal census, and using that census as a basis, to adjust the boundaries of any or all of the supervisorial districts of the county so that the districts are as nearly equal in population as possible and comply with applicable federal law.

The Independent Redistricting Commission in the County of San Diego and the Citizens Redistricting Commission in the County of Los Angeles are established under this law. These entities are charged with adjusting the supervisorial district boundaries for those counties.

AB 1307 establishes the Citizens Redistricting Commission in the County of Riverside (CRCRC), which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Riverside. The commission will consist of 14 members. The commission will be required to adjust the boundaries of the supervisorial districts in accordance with specified criteria and adopt a redistricting plan in accordance with existing deadlines for the adoption of county supervisorial district boundaries. Specified criteria includes, among other things:

- Require the CRCRC to consist of 14 members who meet specified requirements.
- Require at least one CRCRC member to reside in each of the five existing county supervisorial districts.
- Require the political party preferences of the CRCRC members to be as proportional as possible to the total number of voters who are registered with each political party in Riverside County.
- Establish a process for interested individuals to submit an application to become a CRCRC member.
- Require the board of supervisors to provide for reasonable funding and staffing for the CRCRC.
- Require each CRCRC member to be a designated employee for purposes of the conflict-of-interest code adopted by Riverside County.
- Require the CRCRC to establish single-member supervisorial districts for the board of supervisors pursuant to a mapping process using a specified criteria and requirements.
- Require the CRCRC to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan with the county elections official by the map adoption deadline set forth in existing law for county supervisorial maps, as specified.
- Require the CRCRC to issue, with the final map, a report that explains the basis on which the CRCRC made its decisions in achieving compliance with the specified criteria and requirements provided by this bill.
- Require the CRCRC, prior to drawing a draft map, to conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

The CRCRC must be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

[AB 1848 \(Bryan\) Redistricting.](#)
Chapter 763, Statutes of 2022

Relevant Code Sections: An act to amend Sections 21001 and 21003 of the Elections Code, relating to elections.

Description: Under existing law, the Citizens Redistricting Commission is required to draw district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization. The commission is required to approve final maps and certify them to the Secretary of State by August 15 in each year ending in the number one.

The Secretary of State is then required to provide each Member of the Senate, Assembly, and the State Board of Equalization, and each Member of Congress from California, with one copy of a map of the Member's district.

AB 1848 instead requires the Secretary of State, upon receipt of certified final maps from the Citizens Redistricting Commission, to provide electronic copies of the maps to county elections officials, the Chief Clerk of the Assembly, the Senate Committee on Rules, the California congressional delegation, and the State Board of Equalization.

Existing law also requires the Department of Corrections and Rehabilitation to furnish to the Legislature and the Citizens Redistricting Commission certain information regarding each inmate incarcerated in a state prison on the decennial Census Day, including the residential address at which the inmate was domiciled before the inmate's current term of incarceration. The Citizens Redistricting Commission may consider deeming each incarcerated person as residing at that person's last known place of residence rather than at the institution of that person's incarceration.

Instead of *considering* using the incarcerated person's last known place of residence, AB 1848 *requires* the Citizens Redistricting Commission to deem each incarcerated person as residing at that person's last known place of residence. "Last known place of residence" means the most recent residential address of an inmate before the inmate's most current term of incarceration that is sufficiently specific to be assigned to a census block. AB 1848 was introduced to combat artificially inflating the political influence of districts where prisons are located, at the expense of other voters.

The Citizens Redistricting Commission will do all of the following when it uses information regarding inmates that is furnished:

- Deem an inmate incarcerated in a state correctional facility for whom the last known place of residence is either outside California or cannot be determined, or an inmate in federal custody in a facility within California, to reside at an unknown geographical location in the state and exclude the inmate from the population count for any district, ward, or precinct.
- Adjust race and ethnicity data in districts, wards, and precincts that contain prisons in a manner that reflects reductions in the local population as inmates are included in the population count of the district, ward, or precinct of their last known place of residence and, to the extent practicable, those deemed to reside at an unknown geographic location.

[AB 2030 \(Arambula\) County of Fresno Citizens Redistricting Commission.](#)

Chapter 407, Statutes of 2022

Relevant Code Sections: An act to add Chapter 6.7 (commencing with Section 21560) to Division 21 of the Elections Code, relating to elections.

Description: Existing law requires the board of supervisors by ordinance or resolution to adjust the boundaries of all of the supervisorial districts of the county so that the districts are as nearly equal in population as possible and comply with applicable federal law, and specifies the procedures the board of supervisors must follow in adjusting those boundaries.

AB 2030 instead establishes the Citizens Redistricting Commission in the County of Fresno (CFCRC), which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Fresno. AB 2030 requires the CFCRC to, among other things:

- To consist of 14 members, with at least one member residing in each of the five existing county supervisorial districts.
- Political party preferences of the CFCRC members must be as proportional as possible to the total number of voters who are registered with each political party in Fresno County, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election
- Establish a process for interested individuals to submit an application to become a CFCRC member
- Require the board of supervisors to provide for reasonable funding and staffing for the CFCRC.
- Require each CFCRC member to be a designated employee for purposes of the conflict-of-interest code adopted by Fresno County
- Establish single-member supervisorial districts for the board of supervisors pursuant to a mapping process using a specified criteria and requirements.
- Adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan with the county elections official by the map adoption deadline.
- Issue, with the final map, a report that explains the basis on which the CFCRC made its decisions in achieving compliance with the specified criteria and requirements provided by this bill.

The CFCRC must be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

[AB 2494 \(Salas\) County of Kern Citizens Redistricting Commission.](#)

Chapter 411, Statutes of 2022

Relevant Code Sections: An act to add Chapter 6.8 (commencing with Section 21570) to Division 21 of the Elections Code, relating to elections.

Description: Existing law requires the board of supervisors of each county, following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial districts of the county so that the districts are substantially equal in population and comply with applicable federal law.

AB 2494 establishes the Citizens Redistricting Commission in the County of Kern (CKCRC), which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Kern. The commission would consist of 14 members who meet specified qualifications. The bill would require the commission to adjust the boundaries of the supervisorial districts in accordance with specified criteria and adopt a redistricting plan. Specified criteria includes, among other things:

- Require at least one CKCRC member to reside in each of the five existing county supervisorial districts.
- Require the political party preferences of the CKCRC members to be as proportional as possible to the total number of voters who are registered with each political party in Kern County.
- Establish a process for interested individuals to submit an application to become a CKCRC member.
- Require the board of supervisors to provide for reasonable funding and staffing for the CKCRC.
- Require each CKCRC member to be a designated employee for purposes of the conflict-of-interest code adopted by Kern County.
- Require the CKCRC to establish single-member supervisorial districts for the board of supervisors pursuant to a mapping process using a specified criteria and requirements.
- Require the CKCRC to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan with the county elections official by the map adoption deadline set forth in existing law for county supervisorial maps, as specified.
- Require the CKCRC to issue, with the final map, a report that explains the basis on which the CKCRC made its decisions in achieving compliance with the specified criteria and requirements provided by this bill.
- Require the CKCRC, prior to drawing a draft map, to conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

The CKCRC must be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

Miscellaneous Measures

[SB 955 \(Leyva\) Pupil attendance: excused absences: civic or political events.](#)

Chapter 921, Statutes of 2022

Relevant Code Sections: An act to amend Section 48205 of the Education Code, relating to pupil attendance.

Description: This bill allows students in middle through high school to have one excused absence per year to participate in a civic or political event provided that the pupil notifies the school ahead of the absence but authorizes a school administrator to permit additional excused absences for these purposes at their discretion. A “civic or political event” includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

Appendix

Supporting Materials For:

[SB 1131 \(Newman\) Address confidentiality: public entity employees and contractors.](#)

Chapter 554, Statutes of 2022

California Adopts New Protections for Election Workers and Other Public Servants

The increasingly hostile and polarized political environment has taken a toll on election workers and other public servants, and the California Legislature has noticed. On September 26, 2022, Governor Newsom signed SB 1131 into law, establishing new protections for public officials from harassment, threats, and acts of violence. As an urgency statute, SB 1311 went into effect that day.

Now codified in the Elections and Government Code, SB 1131 prohibits election officials in most counties from posting the names of precinct board members at polling locations. It also allows qualified election workers to enroll in two of the state’s existing address protection programs — the Secretary of State’s Safe at Home program and the state’s contact information confidentiality program for certain public officials. (See Gov. Code, tit. 1, div. 7, chs. 3.1 & 3.2; Elec. Code §§ 2166.5, 2166.7.) SB 1131 also extends the Safe at Home Program to all workers who work for public entities who face threats of violence, violence, or harassment. (Gov. Code § 6215.2(b).)

The Safe at Home program was designed to protect survivors of domestic violence and people who work at reproductive healthcare facilities, among others. It functions by providing participants with a substitute mailing address, with automatic mail forwarding to a true address. Applicants for the Safe at Home program, be they election workers or public health officials, must apply through an agency designated by the Secretary of State, or “enrolling agency.” (Gov. Code § 6215.2(a).) Most participants must renew their enrollment every four years. (Gov. Code § 6215.2(f).)

Alternatively, election workers may enroll in a contact information confidentiality program with their local county election official, adapted from a program already available to public safety officers. (Elec. Code § 2166.8.) Almost anyone who is employed by or contracts with the Secretary of State or a local election office and who performs election-related work involving interaction with the public or public visibility is eligible for this protection, regardless of whether they perform duties other than direct election-related work.¹ (Elec. Code § 2166.8(f).) Applicants for this program must submit an application to their county elections official consisting of a signed statement that the applicant is qualified to apply and that a life-threatening circumstance exists as to the worker or a member of their family. (Elec. Code § 2166.8(b).) Note that the application itself is a public record. (*Ibid.*) Accepted applicants must re-apply for these protections at least every two years. (Elec. Code § 2166.8(c).) Participants who move to a new county must also re-apply with the new county within 60 days of moving. (Elec. Code § 2166.8(d)(2).)

Participants in either program have their voter registration information—including address, telephone number, and email—deemed confidential. (Elec. Code §§ 2166.5(a), 2166.8(a).) State and local agencies are required to withhold that information when responding to public records requests. (Elec. Code §§ 2166.5(b)(2); 2166.8(d)(1); Gov. Code §§ 6215(c), 6215.5(a).)

¹ Precinct board members who do not otherwise perform election-related work are not eligible for this protection. (Elec. Code § 2166.8(f).)

California’s public agencies, and especially counties, must prepare to implement SB 1131’s protections. Some election officials must modify protocols and erect administrative infrastructure to accommodate the new safeguards. Officials should also anticipate a significant influx of applications to take advantage of the new protections as the November 2022 midterm elections conclude. Note that SB 1131 includes some legal insulation for government entities or officials who disclose information covered by the bill’s protections, but a failure to effectuate those protections or safeguard confidential information could lead to liability.

Supporting Materials For:

[SB 1439 \(Glazer\) Campaign contributions: agency officers.](#)

Chapter 848, Statutes of 2022

SB 1439 – New Campaign Contribution Restriction for Local Elected Officials

The Legislature recently approved an amendment to the Political Reform Act that significantly expands campaign contribution-related restrictions on local officials – particularly with respect to local *elected* officials such as members of city councils and boards of supervisors. The Governor approved SB 1439 on September 29, 2022, and these new rules will be operative on January 1, 2023.

SB 1439 expands pre-existing campaign contribution restrictions in two important ways.

1. For the first time, State law places limits on local *elected* officials’ solicitation of campaign contributions. And for the first time, State law provides that certain campaign contributors would be a “conflict” for local *elected* officials requiring recusal. Previously, only *appointed* local officials – e.g., commissioners – faced these restrictions.
2. The pre-existing three-month restriction on the solicitation of campaign contribution will become a 12-month restriction – for both *appointed* and *elected* officials.

California Government Code Section 84308

SB 1439 amended California Government Code Section 84308 (“Section 84308”), a pre-existing provision of the Political Reform Act.

Section 84308 establishes two types of restrictions relating to campaign contributions:

1. Limitation on Solicitation of Campaign Contributions: Section 84308 prohibits officials from soliciting campaign contributions of more than \$250—for any candidate or campaign—from any party or participant (or a party’s or participant’s agent) in a proceeding pending before the appointed official or from anyone with a pending contract subject to the appointed official’s approval.
2. Recusals Stemming from Past Solicitation of Campaign Contributions: Section 84308 also disqualifies officials from participating in decisions that involve persons who have contributed \$250 or more directly to them within the past 12 months.

“Use entitlement proceedings”

Section 84308’s restrictions apply to certain types of matters and specific persons involved in those proceedings. Section 84308 applies to “use entitlement proceedings,” which are actions to grant, deny, revoke, restrict or modify certain contracts or business, professional, trade or land use licenses, permits,

or other entitlements to use property or engage in business. Examples of the types of decisions covered by the law include decisions on professional license revocations, conditional use permits, rezoning of property parcels, zoning variances, tentative subdivision and parcel maps, cable television franchises, building and development permits and private development plans.

“Use entitlement proceeding” also includes all contracts that are not awarded through a competitive process. “Use entitlement proceeding” does not include labor or personal employment contracts and competitively bid contracts where the City is required to select the highest or lowest qualified bidder.

But Section 84308 does not apply to proceedings where general policy decisions or rules are made or where the interests affected are many and diverse, such as general building or development standards and other rules of general application.

Scope of the New Limitations

With respect to these “use entitlement proceedings,” local appointed and elected officials have campaign contribution limits from certain persons – parties, participants, and agents (of parties and participants).

A “party” is a person, including a business entity, who files an application for, or is the subject of a use entitlement proceeding. A “participant” is any person who is not a party to a proceeding but who: (1) actively supports or opposes a particular decision (e.g., lobbies the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence the decision of the officers of the agency); and (2) has a financial interest in the decision. An “agent” is an individual or entity that represents a party or participant in a proceeding.

Prohibition on Solicitation

Under SB 1439, local appointed and elected officials may not solicit, accept or direct campaign contributions of more than \$250 from any party to or participant (or the party’s or participant’s agent) in use entitlement proceedings pending before the official. This prohibition applies during the proceeding itself and for *12 months* after the final decision is rendered in the proceeding. *This restriction on solicitation applies if the official is soliciting for the official’s own campaign or for someone else’s campaign.*

An official who solicited a prohibited contribution can cure the violation, if the official returns the contribution within 14 days. But this cure is only effective if the official did not knowingly and willfully solicit the contribution.

Recusal for Past Contributions

Under the recent amendments, local appointed and elected officials are also disqualified from any “use entitlement proceeding” involving a party or participant (or the party’s or participant’s agent) from whom the official received contributions totaling more than \$250 in the 12 months before the proceeding. *Disqualification is required only if the official received a contribution to the official’s own campaign.*

An official may avoid disqualification if the official returns the contribution (or the portion exceeding \$250) within 30 days of learning of the contribution and the proceeding involving the contributor. Whether the official is disqualified as a result of the contribution, the official always must disclose on the record all campaign contributions totaling more than \$250 received in the preceding 12 months from parties to or participants in the proceeding.

Fictitious Examples of SB 1439 in Practice for Consideration Purposes

Example 1: A city council member hears and votes on a conditional use permit at a city council meeting. Company A is the permit applicant, and Lawyer B represents Company A at the city council meeting – e.g., Lawyer B submitted materials in advance of the meeting and answers questions posed by the city council. Nine months later, the city council member is one of the hosts at a fundraiser for the city’s mayor and Lawyer B is in attendance. Can the city council member ask Lawyer B for a contribution to the mayor’s campaign?

Answer 1: No, the city council member cannot ask for such a campaign contribution. A hearing regarding a conditional use permit would qualify as a “use entitlement proceeding” under Section 84308. Because Lawyer B represented Company A at the city council meeting, Lawyer B would be the party’s agent for the purpose of this restriction. And even though nine months had elapsed since the city council meeting, Section 84308 now restricts the solicitation for up to 12 months from the city council’s final decision on the proceeding. It is also immaterial that the city council member is asking for a campaign contribution for another local elected official.

Example 2: At an upcoming meeting, the county board of supervisors will consider a contract with one of the county’s software vendors – Software Company X – and the company’s CEO will make a brief presentation to the board. Because a change to a new software platform would be costly and result in service delays, the county did not competitively bid the contract and decided to extend the existing service through a new contract. In preparation for the meeting, one of the supervisors realizes that Software Company X’s CEO made a campaign contribution to the supervisor’s campaign six months ago. Can the supervisor vote on the prospective contract with Software Company X?

Answer 2: No, under SB 1439, Software Company X’s CEO now presents a “conflict” for the supervisor that requires the supervisor to recuse from voting on the contract due to the receipt of a contribution six months ago. The company’s CEO is a “participant” in this proceeding because the CEO will be participating in the board’s meeting and has a “financial interest” in the matter (because the company is the CEO’s source of income). The supervisor would also need to publicly disclose the campaign contribution at the board of supervisors meeting.

Example 3: A member of a board of supervisors participates in and casts a vote regarding a zoning variance for a small property owner. The property owner meets with the supervisor in advance of the hearing, and the supervisor casts a vote in favor of granting the variance. Eight months later, the supervisor’s campaign invites the property owner to a fundraiser, the property owner held by the supervisor’s campaign and makes a \$500 campaign contribution at the event. The supervisor and the supervisor’s campaign are unaware of the Section 84308 violation that has occurred until a month later, after a local reporter calls the supervisor to ask questions about the issue. What consequences may the supervisor face for this apparent Section 84308 violation?

Answer 3: While Section 84308 provides an opportunity to “cure” violations of its ban on solicitation of campaign contributions, that remedy is only available for 14 days following the acceptance or solicitation of a contribution. But because the campaign contribution was a month ago, the supervisor may no longer “cure” the violation. The Fair Political Practices Commission may pursue an administrative enforcement action, in which it may impose a fine of up to \$5,000 per violation. The local district attorney may also prosecute this violation, as a potential misdemeanor, if the district attorney believes that the supervisor knowingly or willfully violated Section 84308.



State Legislative Platform

Organizational Background and Clerk Profession: At a Glance

Founded in 1977, the mission of the City Clerks Association of California (CCAC) is to promote the municipal clerk profession through education, support, and communication. Government Code Section 36501 sets forth the governing officers of a municipality, one of which is a City Clerk. A City Clerk may be elected by residents or appointed by the City Council or City Manager.

Before and after the legislative body takes action, the City Clerk ensures that actions are in compliance with local, state and federal statutes and regulations. The City Clerk ensures all actions are properly executed, recorded, and archived. The laws of the State of California, including the Elections Code and Government Code, prescribe the basic functions and duties of the City Clerk.

As the Elections Official, the City Clerk administers local, state, and federal procedures through which local government representatives are elected. The City Clerk assists candidates in meeting their technical and legal responsibilities before, during, and after an election. From election pre-planning to the certification of election results, the City Clerk manages the process which forms the foundation of our democratic system of government.

As the Legislative Administrator, the City Clerk plays a critical role in the decision-making process of the legislative body. As key staff for City Council meetings, the City Clerk prepares the legislative agenda, verifies legal notices have been posted and published, and completes the necessary arrangements to ensure an effective meeting. The City Clerk is entrusted with the responsibility of recording the decisions which constitute the building blocks of our representative government.

As the Records Manager and Historian, the City Clerk oversees the preservation and protection of the public record pursuant to law and ensures that municipal records are readily accessible to the public. The public record under the conservatorship of the City Clerk provides fundamental integrity to the structure of our democracy.

The City Clerk acts as a compliance officer for local, state and federal laws including the Ralph M. Brown Act, Political Reform Act, and Public Records Act. The City Clerk also manages public inquiries and relationships. The Office of the City Clerk is a service department within the municipal government upon which the City Council, City departments, and the public rely on for information and connectivity. The City Clerk serves as the liaison between the public and City Council ensuring access to municipal services and transparency in municipal processes.

Advocacy Positions

Support: A “Support” position indicates to the legislature, regulatory agency, and other stakeholders that CCAC is in favor of both the spirit of the proposed law and the technical approach in which the proposed law seeks to address the issue.

Oppose: An “Oppose” position indicates to the legislature, regulatory agency, and other stakeholders CCAC is strongly against the proposed legislative policy proposal. Barring an amendment that would exempt the organizations members from its provisions, it is unlikely the proposal could be feasibly amended to remove all concerns.

Oppose Unless Amended: An “Oppose Unless Amended” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC has concerns about either the spirit of the law and/or the specific approach being taken unless all or a significant number of the substantive concerns with the proposal are addressed. This position is often used to ensure polices can be modified to better suit organizational goals through the negotiation and amendment process.

Neutral: A “Neutral” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC is impartial on the legislative proposal in question. Typically, this position is adopted, after amendments have been taken to address policy concerns on a particular piece of legislation.

Sponsor/Co-Sponsor: A “Sponsor or Co-Sponsor” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC is not only in strong support of the legislative proposal but is publicly leading the advocacy effort. This position is only used when a state lawmaker has agreed to carry a specific proposal on behalf of the organization.

Monitor/Watch: A “Monitor/Watch” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC is dedicating resources to review, evaluate and monitor the proposal. If the organization is undecided on how to proceed on the measure in print, staff will continue to watch for amendments that may cause concern or provide tools/resources for CCAC—taking the appropriate (formal) position at that time.

Principles

Municipal Clerks shoulder a tremendous responsibility in preserving and promoting democracy, the very backbone of our society. The more we invite public participation, the more democracy will thrive, and citizens will take pride in shaping the community’s future. The balance of power in local government is crucial to a democracy. Power ultimately resides with the governed, but only when the laws and actions are clearly set forth and information is accessible can people exercise their right of oversight. When people exercise their rights, democracy thrives, and communities take shape and prosper.

CCAC’s goal is to effectively engage in the legislative process by providing education and technical expertise on real-world implementation of an array of polices that impact the municipal clerk profession.

The key principles for CCAC’s legislative platform are aligned with the organizational purpose, which is to promote the municipal clerk profession through education, support, and communication. The policy statements outlined below do not reflect the specific policy positions or objectives from any single municipality. Rather, these statements look at specific polices from a statewide lens. While CCAC is not

rooted in partisanship, legislation that creates operational limitations, does not recognize the real-world fiscal limitations and generally removes local discretion will be a major factor when considering how CCAC will position on legislation.

Elections

The municipal Clerk is the Elections Official who works in collaboration with the County Registrar of Voters in conducting local elections. This duty is one of the most important aspects of the municipal clerk profession. Recently, local elections officials across the nation have been asked to rise above the vitriol, misinformation, and intimidation tactics to do what needs to be done to ensure smooth, transparent, and fair local elections. It is critical that the State legislature, Governor and other Constitutional officers support the health and safety of our local election officials along with the overall right to vote of our residents.

Local Elections Officials

- CCAC supports legislative efforts and funding for voter outreach, education, and resources to instill confidence in our electoral process.
- CCAC supports legislation that enhances the protections of local elections officials and poll workers—including enhanced penalties that create necessary deterrents from harassing, threatening, or committing acts of aggression towards local election officials and poll workers.
- CCAC supports legislative efforts aimed at combatting tactics that promote voter misinformation or intimidation and call into question the integrity of our elections.

Local Candidates and Measures

- CCAC supports the option for elections officials to distribute voter information electronically.
- CCAC supports accessibility of all documents provided to the legislative body to be accessible to the public during normal business hours. pursuant to law.
- CCAC opposes legislative or constitutional reform efforts that would make local offices partisan or require party preference be listed for non-partisan local offices.

District Conversion and Redistricting

- CCAC supports the ability of local jurisdictions to voluntarily move from an at-large system of voting to district-based elections without the threat of pending litigation.
- CCAC supports modifications to the California Voting Rights Act to remedy potential challenges prior to litigation being filed.

Recall

- CCAC supports legislation that limits abuse of recall elections while maintaining the integrity of the recall process.

Electoral Systems

- CCAC supports vote-by-mail elections.

- On the principal of local-control, CCAC supports the ability for both general law and charter agencies to utilize Rank Choice Voting (RCV) should the local agency determine it is in the best interest of the community.

Political Reform

The Political Reform Act of 1974 addresses the need for transparency in campaign funding and financial conflicts of interest for public officials through various forms of disclosure. As the compliance officer for the agency, it is imperative that the municipal clerk be kept apprised of new requirements and regulations, including those associated with the Fair Political Practices Commission (FPPC).

Campaign Finance

- CCAC supports the ability of an agency to establish its own contributions limits through resolution or ordinance.
- CCAC supports legislation that permits a local agency to voluntarily work with the FPPC to provide campaign finance guidance, training, oversight and review.

Conflicts of Interests

- CCAC supports legislation that permits FPPC with the authority to issue opinions to guide local officials in understanding conflicts of interest.

Lobbying and Reporting

- CCAC supports the ability of an agency to establish its own lobbying and reporting requirements consistent with state and federal law through resolution or ordinance.

California Public Records Act and Records Retention

CCAC firmly stands behind the spirit and intent of the California Public Records Act. Ensuring timely access to government information and records is a fundamental and necessary right of every member of the community. As the Custodian of Records, the municipal clerk is responsible for ensuring compliance with the Public Records Act.

Requests

- CCAC supports legislation that enhances the public's right to access records while considering the real-world fiscal and operational constraints of the municipal clerk's office.
- CCAC opposes legislation that claims to enhance access and transparency by permitting data mining by private companies through voluminous public records requests.
- CCAC supports an adjustment in the per-page fees currently allowed under law for actual cost recovery.
- CCAC opposes legislative proposals that create new, unnecessary mandates under the California Public Records Act without financial reimbursement.

Records Retention

- CCAC supports the ability of an agency to adopt appropriate local records retention policies and procedures while promoting access to the public's records based on available resources.
- CCAC opposes efforts that place burdensome financial pressure on the municipal clerk's office through unnecessary records retention mandates.
- CCAC supports the option for a local agency to retain and produce records electronically where feasible based on available resources.
- CCAC supports accessibility of all documents provided to the legislative body to be accessible to the public during normal business hours.
- CCAC supports working collaboratively with the State to ensure requirements for Trusted Systems account for changes in technology.

Ralph M. Brown Act

CCAC supports legislation that recognizes the critical need to conduct the people's business openly and with complete transparency. The Ralph M. Brown Act (Brown Act) was passed in 1953 to ensure that local government was held to the highest levels of transparency and ethics. However, since that time, there have been few modifications to the Act that take into account among other things, technological advancements that further enhance the public's access to its local government. CCAC supports modernizing the Brown Act in a way that balances increased public trust, confidence and access to public meetings with fiscal and operational constraints of local government.

Open Meetings

- CCAC supports legislation providing local agencies with the ability to conduct public meetings using a hybrid approach of remote and in-person options. Such options should allow for equitable access and participation of elected officials and the public while considering the privacy, health, and safety of all stakeholders.
- In an effort to increase diversity and civic participation in government, CCAC supports legislation that would permanently codify provisions permitted under AB 361 (Rivas) [Chapter 165, Statutes of 2021] with respect to remote participation for legislative subcommittees, advisory boards, and commissions.
- CCAC supports the right of residents to petition their local elected official in an open respectful and transparent manner at a public meeting while retaining the ability of the legislative body to efficiently conduct the business of the people.

Posting Requirements

- CCAC supports alternative methods of meeting public noticing requirements while enhancing public outreach and awareness through cost-effective, innovative and technological methods of communication.

- CCAC supports a change in the definition of “newspaper of general circulation” due to the realities of both consolidated traditional newspaper publications and the increased presence of on-line publications readily available to the public.
- CCAC supports accessibility of all documents provided to the legislative body to be accessible to the public during normal business hours.

Technology

Webpages and Postings

- CCAC supports efforts to ensure the timely, thorough and transparent posting of critical public resources and information on local agency websites without creating undue burdens and redundancy in the availability of content.

Electronic Signatures

- CCAC supports the use of electronic signatures by an agency where resources are available to maximize efficiencies in government processes.

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