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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2023 - 2024 Regular Session

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### SB 248 (Newman) - Political Reform Act of 1974: disclosures: candidate experience

**Version:** April 10, 2023

**Urgency:** No

**Hearing Date:** May 1, 2023

**Policy Vote:** E. & C.A. 6 - 0

**Mandate:** Yes

**Consultant:** Robert Ingenito

**Bill Summary:** SB 248 would require, on or after April 1, 2024, a candidate for elective office, to include with a statement of intention to be a candidate for a specific office, a form disclosing the candidate's prior education and work history, and history of military service, as specified.

#### **Fiscal Impact:**

- Costs to the Fair Political Practices Commission (FPPC) would be minor and absorbable.
- The Secretary of State's Office (SOS) indicates that it would incur first-year costs of \$287,000, and \$278,000 annually thereafter, to implement the provisions of the bill (General Fund).
- Any costs to the Department of Justice have yet to be identified.

**Background:** Under current law every candidate for statewide elective office, State Senator, or Member of the State Assembly shall (1) be a citizen of the United States, (2) be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person, (3) not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, and (4) have during their lifetime served no more that twelve years in the Senate, the Assembly, or both in any combination of terms.

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

**Proposed Law:** This bill would, among other things, do the following:

- Require SOS, on or before April 1, 2024, to create a form for candidates for elective office to disclose their prior education and work history, and history of military service, if any.
- Require a candidate for elective office on or after April 1, 2024, to file, when the candidate files a declaration of candidacy, the form disclosing prior education, work history and history of military service, if any.
- Require SOS to post on its internet website a copy of the completed form submitted by a candidate in accordance with the above requirements, and further requires this form to be made available to the public for four years from the date of the election associated with the filing.
- Provide that any candidate who states as true any matter in the candidate experience disclosure that the candidate knows to be false is guilty of a violation of the Political Reform Act (PRA).
- Provide that the Attorney General is responsible for investigation and enforcement of violations by a candidate for statewide elective office, and the district attorney of the jurisdiction in which the candidate resides is responsible for investigating and enforcing violations of this paragraph by candidates for any other elective office.

**Staff Comments:** As noted previously, this bill would require SOS to accept, review and file a candidate experience disclosure statement for every candidate that files a Form 501. In 2022, SOS received 847 such forms. SOS indicates that, at a minimum, the bill would impose the following new duties related to processing new candidate qualification statements: (1) intake and review for completeness filings received on paper or by email with a digital signature, (2) uploading and posting copies of filings to its internet site, (3) notifying filers who have failed to file the required report, (4) assessing a fee of \$10 per day for those statements filed late, and (5) collecting and processing payments for late filing fees.

Additionally, SOS notes that this bill would take effect before completion of the CAL-ACCESS Replacement System (CARS) is certified as the new online electronic filing system for SOS state filings required by the PRA. Before CARS is completed, SOS would need to manually upload all these new forms to the CAL-ACCESS website to ensure public disclosure occurs consistent with the goal of the PRA. There would be staff costs to establish a procedure to intake these forms and post them online. In addition, each of these forms would need to be stored for at least four years from the date of the election associated with the filing.

SOS notes that, though funding would be needed to implement this new form into CARS, it is too early to determine the magnitude of this cost.

Any local government costs resulting from the mandate in this measure are not state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.