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THIRD READING

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Bill No: SB 248  
Author: Newman (D)  
Amended: 5/18/23  
Vote: 27

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SENATE ELECTIONS & C.A. COMMITTEE: 6-0, 4/18/23  
AYES: Glazer, Allen, McGuire, Menjivar, Newman, Umberg  
NO VOTE RECORDED: Nguyen

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/18/23  
AYES: Portantino, Ashby, Bradford, Wahab, Wiener  
NOES: Jones, Seyarto

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**SUBJECT:** Political Reform Act of 1974: disclosures: candidate experience

**SOURCE:** Author

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**DIGEST:** This bill requires, beginning on the January 1 after the Secretary of State (SOS) certifies their CAL-ACCESS Replacement System, a candidate for state elective office to include with a statement of intention to be a candidate for a specific office, a disclosure of the candidate's prior education and work history, and history of military service, if any. This bill also requires the SOS to create a candidate experience form for this purpose, and to post on its website a copy of completed forms submitted by candidates.

**ANALYSIS:**

Existing law:

- 1) Creates the Fair Political Practices Commission (FPPC) and makes it responsible for the impartial, effective administration and implementation of the Political Reform Act of 1974 (PRA).

- 2) Requires candidates to submit specified filings to declare their intent to run for elective office, and requires candidates for elective office to make various disclosures relating to a campaign for elective office.
- 3) Defines the term “elective state office,” for the purposes of the PRA, as the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, and member of the State Board of Equalization. “Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees’ Retirement System, member elected to the Teachers’ Retirement Board, and member of the State Board of Equalization.
- 4) Requires, prior to receipt of any contribution or loan, an individual who intends to be a candidate for elective state office to file an original statement of intention, signed under penalty of perjury, as specified.
- 5) Requires an individual who intends to be a candidate for any other elective office to file the statement of intention with the county elections official, as specified.
- 6) Provides that a violation of the PRA is punishable as a misdemeanor and that reports and statements filed under the act are required to be signed under the penalty of perjury.

This bill:

- 1) Requires the SOS to create a candidate experience form for candidates for elective office to disclose their prior education and work history, and history of military service, if any.
- 2) Requires a candidate for state elective office to include the candidate experience disclosure with the filing of a statement of intention. Authorizes the FPPC, at its discretion, to require the candidate experience disclosure to be included as part of the statement of intention or as an attachment to that statement.
- 3) Requires a candidate for any other elective office to include the candidate experience disclosure with the filing of statement of intention.

- 4) Requires a candidate for elective office to file a statement signed under the penalty of perjury that the information contained in the form is accurate to the best of the candidate's knowledge.
- 5) Requires the 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.
- 6) Provides 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 PRA. Provides 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 by candidates for any other elective office.
- 7) Declares, in addition to the remedies provided under the PRA, the intent of the Legislature that a violation of the provisions in this bill be considered grounds for disqualification from elective office. A governing body with the power to remove an elected officer from office may consider a violation of the provisions of this bill as grounds for such removal.
- 8) Makes Legislative findings and declarations that the integrity of candidates for elective office is a matter of statewide concern, and applies the provisions of this bill to all cities including charter cities.
- 9) Delays implementation until the January 1 following the SOS's certification of their CAL-ACCESS Replacement System.

## **Background**

*California Constitutional Requirements.* Every candidate for statewide elective office, State Senator, or Member of the State Assembly shall be a citizen of the United States; be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person; 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 shall have during their lifetime

served no more that twelve years in the Senate, the Assembly, or both in any combination of terms

*PRA Requirements.* Any individual who intends to be a candidate for an elective state office is required to file with the SOS Political Reform Division 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 the 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.

*The DUPE Act and the George Santos Controversy.* SB 248 is referred to by the author and supporters as the Disqualifying Unscrupulous and Pathological Electeds (or DUPE) Act. The author has noted that the ongoing drama around the campaign and election of United States House Representative George Santos of New York should be a cautionary tale and illustrates the need for SB 248.

Multiple inquiries have been launched into Santos' history, from federal probes to state reviews, to a criminal investigation in Brazil. In early March, the House Ethics Committee said it had opened an investigation into Santos following a complaint by two Democratic Representatives from New York.

Outside of Congress, several federal bodies appear to be examining Santos as well. In late December 2022, prosecutors with the United States Attorney's Office for the Eastern District of New York reportedly began a federal probe into Santos' finances. The office has not confirmed whether it is investigating him.

On May 10, 2023, Representative Santos appeared in a federal court on Long Island and entered a plea of not guilty to 13 federal charges, seven counts of wire fraud, three counts of money laundering, one count of theft of public funds and two counts of making materially false statements to the House of Representatives. Santos was released on a \$500,000 bond, according to the United States Attorney's Office in New York. He was ordered to surrender his passport and will need permission to travel outside of Washington, D.C., New York City, and Long Island.

## Comments

- 1) According to the author, as part of a typical job application, including applying for employment in positions with state and local agencies, candidates are generally required to provide a summary of their prior professional experience. Required information often includes their work history, education, and military service, which warrants the truthfulness of that submission upon penalty of disqualification or dismissal. Running for election is, at its most basic level, another version of applying for a job, one where the hiring decision is made by a majority of the voters in a particular jurisdiction.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Costs to the Fair Political Practices Commission (FPPC) would be minor and absorbable.
- The Secretary of State's Office (SOS) would likely incur costs in the low hundreds of thousands of dollars annually (General Fund).
- Any costs to the Department of Justice have yet to be identified.

**SUPPORT:** (Verified 5/19/23)

Indivisible CA 45

**OPPOSITION:** (Verified 5/19/23)

None received

**ARGUMENT IN SUPPORT:** In a letter supporting SB 248, Indivisible CA 45 states, in part, the following:

When it comes to running for public office in California, we have seen that candidates can easily take advantage of the public's trust and not fully disclose their full educational, military or work history. The sacred act of running for office requires transparency and honesty. And if not, there need to be consequences. At this time, the residents of a jurisdiction are left with no other option but an expensive and unwieldy recall process to right such wrongs.

[... ]

With public trust in politics already at all-time lows, SB 248 as amended will provide voters the assurance of appropriate and effective recourse in the event that a candidate wins an election based on credentials that later turn out to have been falsified.

Prepared by: Karen French / E. & C.A. / (916) 651-4106  
5/23/23 12:00:15

**\*\*\*\* END \*\*\*\***