

Date of Hearing: March 25, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 1736 (Pellerin) – As Introduced February 5, 2026

SUBJECT: Political Reform Act of 1974: lobbyist employers: fictitious appearances.

SUMMARY: Prohibits a lobbyist employer from creating a false impression of public support or opposition for a legislative or administrative action, or from sending communications to state officials using a fake identity or using a person's name without their permission. Specifically, **this bill:**

- 1) Expands existing law that prohibits a lobbyist or lobbying firm from attempting to create a fictitious appearance of public support or opposition to a proposed legislative or administrative action, and that prohibits a lobbyist or lobbying firm from causing any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person, such that those prohibitions also apply to lobbyist employers.
- 2) Makes a conforming change.

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 (PRA). (Government Code §§83100, 83111)
- 2) Prohibits a lobbyist or a lobbying firm from doing any of the following:
 - a) Doing anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or firm's employer.
 - b) Deceiving or attempting to deceive any elected state officer, legislative official, agency official, or state candidate regarding any material fact pertinent to any pending or proposed legislative or administrative action.
 - c) Causing or influencing the introduction of any bill or amendment thereto for the purpose of being employed to secure its passage or defeat.
 - d) Attempting to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

- e) Representing falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of any elected state officer, legislative official, or agency official.
 - f) Accepting or agreeing to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action. (Government Code §86205)
- 3) Defines the term “lobbyist employer,” for the purposes of the PRA, as any person other than a lobbying firm that does either of the following:
- a) Employs one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action.
 - b) Contracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action. (Government Code §82039.5)
- 4) Makes violations of the PRA subject to administrative, civil, and criminal penalties. (Government Code §§83116, 91000-91005.5)

FISCAL EFFECT: Unknown. State-mandated local program; contains a crimes and infractions disclaimer.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

In 2017, during the [Federal Communications Commission (FCC)] Net Neutrality Hearing, the FCC received over 22 million comments from bots. These comments were so well written, that they weren't immediately flagged as AI generated because they appeared to have been drafted by real, concerned individuals. Nine years later, the ability for bots to mimic human dialogue, writing, and punctuation have only frightfully improved. As AI becomes increasingly more sophisticated, the line between AI generated and real-human comments is blurring and becoming more indistinguishable and penetrating most aspects of our lives. As public officials, we often make decisions based on the outreach from constituents. But what if the hundreds of comments that we were receiving weren't from constituents, but from AI generated fictitious people? This is what AB 1736 is looking to fix. AB 1736 will extend already existing law from the Political Reform Act, where lobbyists and lobbying firms cannot create fictitious characters to generate favor or disfavor of any proposed legislative, and apply that to organizations that employ lobbyists or lobbying firms as well.

- 2) **Political Reform Act Regulation of Lobbying:** In the aftermath of the Watergate scandal, California was the first state to adopt a comprehensive political reform package through the enactment of the PRA. Voters approved the measure as Proposition 9 at the June 1974

statewide primary election. One of the PRA's stated purposes is that "[t]he activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials."

The PRA regulates lobbying activities related to legislative bills and state agency regulations. It does not apply to lobbying of the federal government or of city, county, or other local government agencies.

As originally enacted, the PRA required lobbyists to register with the Secretary of State (SOS), and prohibited lobbyists from engaging in certain types of conduct. Those prohibitions included attempting to create a false appearance of public support or opposition to legislative or administrative actions, as well as sending communications to state officials under a fictitious name or in the name of a real person without that person's consent.

To improve disclosure and streamline lobbying reports, SB 659 (Bergeson), Chapter 1183, Statutes of 1985, established a new category known as a "lobbying firm" and required such firms to register with the SOS. The bill also extended the PRA's restrictions on lobbyist conduct to lobbying firms, including the prohibition on deceptive lobbying practices described above.

According to FPPC records, only one enforcement action has been brought for a violation of these rules restricting deceptive lobbying techniques. In 2012, a lobbying firm and an individual lobbyist were fined \$2,000 for causing a communication to be sent to the California Legislature in 2011 on behalf of a nonexistent coalition.

- 3) **Federal Rulemaking Comments:** Committee staff are not aware of evidence suggesting a widespread problem in California involving comments on legislation or agency actions submitted by nonexistent individuals or in the name of individuals without those people's consent. Media reports, however, indicate that large numbers of inauthentic comments have been submitted in connection with certain federal rulemaking proceedings.

In 2017, for instance, the FCC received a record 22 million public comments on a proposal to modify rules governing internet service providers. According to *Wired* magazine, multiple researchers found that over one million of those comments were generated by bots using natural language algorithms. An investigation by the New York Attorney General's Office later determined that more than 8.5 million comments were submitted by contractors hired by the broadband industry to influence the proceeding. The investigation concluded that "nearly every comment and message the broadband industry submitted to the FCC and Congress was fake," and that the identities attached to those comments had been used without the individuals' knowledge or consent. Although the investigation found no direct evidence that broadband companies were aware of the fraud, it did find that campaign organizers largely ignored clear warning signs about the comments' authenticity.

The Attorney General's report also identified other large-scale abuses: a 19-year-old California college student used software to fabricate names and addresses for more than 7.7 million submissions, and an additional 1.6 million comments were filed under fictitious

identities by an unknown party. Altogether, the investigation found that nearly 18 million of the 22 million comments received by the FCC were fake.

Under the PRA, this type of fraudulent activity is already prohibited if committed by a registered lobbyist or lobbying firm. However, the PRA does not explicitly bar a lobbyist employer from engaging in such conduct, provided that no lobbyist or lobbying firm is directly involved. Such conduct may violate other state or federal laws, however, including statutes prohibiting the submission of false documents to public agencies.

- 4) **Arguments in Support:** The sponsor of this bill, the Fair Political Practices Commission, writes in support:

[The PRA] prohibits lobbyists and lobbying firms from engaging in a practice known as “astroturfing.” Specifically, the PRA prohibits lobbyists and lobbying firms from creating a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action, or causing a communication to be sent to an elected state officer, legislative official, agency official, or state candidate in the name of a fictitious person, or in the name of a real person without their consent.

The increased proliferation and accessibility of artificial intelligence tools exacerbates the threat this deceptive practice poses to legislative and governmental processes and decision making.

AB 1736 would further protect governmental institutions and campaigns from the potential influence of artificial opinion by extending the above prohibition to apply to lobbyist employers.

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

REGISTERED SUPPORT / OPPOSITION:

Support

Fair Political Practices Commission (Sponsor)

CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO

Opposition

None on file.

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