

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1853 (Pellerin)
Version: June 22, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: Yes
AWM

SUBJECT

Voter information guide: candidate statements

DIGEST

This bill establishes uniform content rules for what may be included in a candidate statement in a statewide or local voter information guide and establishes how a noncompliant statement may be kept out of a voter information guide.

EXECUTIVE SUMMARY

Current law requires the Secretary of State and local elections officials to prepare voter information guides in advance of every election in the jurisdiction. Voter information guides must contain specified information, including what contests and measures are on the ballot and the dates and times that polls are open; additionally, candidates may purchase space in the voter information guide to place a candidate statement relating to their qualifications for office. Current law places a number of restrictions on candidate statements for candidates for local office, while the only limit on statewide, federal, and State Senate and Assembly candidate statements is that they not refer to any opposing candidate. Local elections officials have express authority to reject a noncompliant statement submitted for a local office, but the only avenue for the rejection of other candidates' statements is to seek injunctive relief from a court.

In the statewide voter guide for the June 2, 2026, primary election, one gubernatorial candidate used his "candidate statement" space for a stream-of-consciousness antisemitic rant that included several links to conspiracy theorist websites. Reports indicate that the Secretary of State's office did not believe it had the authority to reject the statement for publication.

This bill is intended to prevent the candidate statement system from being hijacked by bad faith actors who want to use the space to broadcast bigoted tirades. To do so, the bill implements uniform guidelines for what may, and may not, be included in a

candidate statement, and permits the Secretary of State or a local elections official to refuse to publish parts, or all, of a candidate statement that they deem to be noncompliant. The bill also clarifies that the existing mechanism for challenging local elections candidate statements is available for candidate statements in all voter guides. The bill includes an urgency clause, so it could take effect before the November 2026 general election. The author has agreed to a number of amendments to avoid potential First Amendment conflicts and to clarify the process through which voters can challenge a candidate statement before it appears in a voter information guide.

This bill is sponsored by the author and is supported by over 50 organizations. The Committee has not received timely opposition to this bill. The Senate Elections and Constitutional Amendments Committee passed this bill with a vote of 3-1.

PROPOSED CHANGES TO THE LAW

Existing constitutional law:

- 1) Provides that Congress shall make no law abridging the freedom of speech. (U.S. Const., 1st amend. (the First Amendment) & 14th amend.; see *Gitlow v. People of State of New York* (1925) 268 U.S. 652, 666 (First Amendment guarantees apply to the states through the due process clause of the Fourteenth Amendment).)
- 2) Provides that every person may freely speak, write, and publish their sentiments on all subjects, and that a law may not restrain or abridge liberty of speech. (Cal. Const., art. I, § 2.)

Existing state law:

- 1) Requires the Secretary of State to prepare a state voter information guide in connection with each statewide election. (Elec. Code, § 9082.)
- 2) Requires the Secretary of State, if the ballot contains an election for specified offices, to include in the voter information guide candidate statements from candidates for statewide elective office who accept voluntary campaign expenditure limits, or for United States Senate, subject to the following:
 - a) The statement may not exceed 250 words.
 - b) The statement may not make any reference to any opponent of the candidate. (Elec. Code, §§ 9082, 85601, 88001.)
- 3) Requires the Secretary of State, not fewer than 20 days before submitting the copy for the state voter information guide to the State Printer, to make the copy available for public examination.
 - a) Any person eligible to vote may seek a writ of mandate requiring the copy to be amended or deleted from the voter information guide.

- b) A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with other requirements in the Elections Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the state voter information guide as required by law.
 - c) Provides that the venue for such a writ proceeding shall be exclusively in Sacramento County, and that the Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest; if the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent. (Elec. Code, § 9092.)
- 4) Requires a county elections official to prepare a county voter information guide in connection with each election. (Elec. Code, §§ 13303, 13307.)
- 5) Provides that each candidate for nonpartisan elective office in any local agency may prepare a candidate's statement for inclusion in a county voter information guide, as follows:
 - a) The statement may be no more than 200 words, unless the governing body of the local agency authorizes an increase on the word limit to 400 words.
 - b) The statement may include the name, age, and occupation of the candidate and a brief description of the candidate's own education and qualifications expressed by the candidate, but may not include the candidate's party affiliation or activity in partisan political organizations.
 - c) The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 pm of the next working day after the close of the nomination period. (Elec. Code, § 13307.)
- 6) Provides that any statement submitted pursuant to 5), in addition to the requirements in 5), shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way refer to other candidates for that office or to another candidate's qualifications, character, or activities. (Elec. Code, § 13308.)
- 7) Provides that a county elections official shall not cause to be printed, posted online, or circulated any statement that the elections official determines violates 6). (Elec. Code, § 13308.)
- 8) Permits a candidate for the United States House of Representatives to purchase the space to place a statement in a county voter information guide that does not exceed 250 words and does not refer to any opponent of the candidate. (Elec. Code, § 13307.5.)

- 9) Permits a candidate for the State Senate or Assembly who accepts voluntary campaign expenditure limits to purchase space to place a statement in the county voter information guide, provided that the statement does not exceed 250 words and does not refer to any opponent of the candidate. (Elec. Code, § 85601.)
- 10) Requires an elections official to make a copy of the statements in 5) available for public examination in the elections official's office for a period of 10 calendar days immediately following the filing deadline for the submission of those documents.
 - a) Any voter of the jurisdiction in which the election is being held, or the elections official themselves, may seek a writ of mandate or injunction requiring any or all of the material in the candidate statements to be amended or deleted.
 - b) The request shall be filed no later than the end of the 10-day period.
 - c) A writ shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with specified laws, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.
 - d) The elections official shall be named as the respondent and the candidate who authored the statement in question shall be named as the real party in interest; if the elections official brings the action, the board of supervisors for the county shall be named as the respondent and the candidate who authored the material shall be named as the real party in interest. (Elec. Code, § 13313.)
- 11) Provides that it is a misdemeanor for a candidate in an election or an incumbent in a recall election to knowingly make a false statement of material fact in a candidate's statement with intent to mislead the voters in connection with their campaign, punishable by a fine of not more than \$1,000. (Elec. Code, § 18351.)

This bill:

- 1) Finds and declares the following:
 - a) The voter information guide is an official government publication relied upon by millions of Californians to make informed voting decisions.
 - b) Candidate statements of qualifications are intended to provide voters with a concise and accurate description of a candidate's background, education, experience, and qualifications for office.
 - c) The inclusion of misleading, inflammatory, irrelevant, or harmful content in candidate statements undermines voter trust and the integrity of the electoral process.
 - d) It is the intent of the Legislature to establish clear, enforceable standards to ensure that candidate statements remain factual, relevant, and appropriate for official state publication, while respecting constitutional protections of free speech.

- 2) Provides that a candidate's statement of qualifications included in either the state voter information guide or county voter information guide shall be limited to a recitation of the candidate's own:
 - a) Education.
 - b) Professional experience.
 - c) Public service.
 - d) Community involvement.
 - e) Qualifications for office.
- 3) Prohibits a candidate statement from including any of the following:
 - a) References to other candidates for the same office.
 - b) Characterizations of other individuals or groups.
 - c) A link, URL, QR code, or other reference directing voters to external content.
 - d) Content that is profane, vulgar, or that threatens or incites violence.
 - e) False statements or misleading claims.
 - f) Content unrelated to the candidate's qualifications for office.
- 4) Provides that a candidate statement shall be deemed final upon the close of the applicable period, and that a candidate shall not revise, supplement, or otherwise modify a candidate statement after the filing deadline.
- 5) Provides that if, after the candidate statement filing deadline, it is determined that any portion of a candidate statement does not comply with 2) and 3), the noncompliant portion of the candidate statement shall be omitted from the voter information guide.
 - a) The remainder of the candidate statement shall be printed in the voter information guide if it can stand independently and does not mislead voters when the noncompliant portion is removed.
 - b) If the candidate statement cannot reasonably be printed without the noncompliant portion, the entire candidate may be omitted from the voter information guide.
- 6) Provides that any fee paid by a candidate for the printing or inclusion of a candidate statement of qualifications in the state or county voter information guide shall be nonrefundable if the statement or a portion of the statement appears in the voter information guide; but if the statement is wholly omitted, the fee paid by the candidate shall be refunded.
- 7) Provides that the submission of payment for a candidate statement constitutes acknowledgement and acceptance of the requirements enacted by this measure, including the finality of the candidate statement after the filing deadline and the possibility that noncompliant content will be omitted.

- 8) Except as provided in 6), a candidate shall not be entitled to a refund, credit, or reimbursement under any circumstances arising from enforcement of the requirements of this section.
- 9) Requires the elections official to make reasonable attempts to notify a candidate of the omission of content, and allow a candidate, if notified, to revise the statement so that it does not violate the provisions of this measure, provided that the notification process does not delay the printing or distribution of the voter information guide.
- 10) Provides that the Secretary of State or a county elections official may refuse to print any candidate statement that does not comply with this measure.
- 11) Permits any registered voter to seek appropriate judicial relief to enforce the requirements of this measure through the existing process for challenging nonpartisan statements in local voter information guides in the 10-day period following the submission deadline for candidate statements.
- 12) Requires a court to give priority to actions brought to enforce the requirements of this measure due to the time-sensitive nature of the preparation and distribution of election materials.
- 13) Provides that the Secretary of State or a county elections official shall not be liable for taking or failing to take the actions described in this measure.
- 14) Includes a severability clause and an urgency clause.

COMMENTS

1. Author's comment

According to the author:

AB 1853 comes in response to a candidate statement that appeared in the June 2026 Official State Voter Information Guide that contained no information about the candidate's education and qualifications; instead, it used the voter guide as a platform to share hateful and antisemitic rhetoric and links to external inappropriate content. AB 1853 strengthens standards that appear in official state and county voter guides by establishing clear, enforceable standards requiring that candidate statements remain factual, relevant, and appropriate for an official state publication while respecting constitutional free speech protections.

2. Background on candidate statements in state and county voter information guides

As explained by the Senate Elections and Constitutional Amendments Committee's analysis of this bill:

Proposition 9, which appeared on the June 1974 ballot, created the California Political Reform Act (PRA) and established California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures. Proposition 9 created the Fair Political Practices Commission (FPPC) to implement, administer, and enforce the PRA.

Proposition 9 included provisions similar to existing law at that time requiring the preparation of a state ballot pamphlet, now called the state [voter information guide (VIG)]. It also included a public examination process for the state ballot pamphlet similar to the one in existing law today.

State law provides for election officials to prepare VIGs and to distribute them prior to an election to each household with registered voters. VIGs are mailed, unless a voter opts to receive it electronically. For statewide elections, the SOS prepares and distributes the state VIG. County election officials prepare and distribute each county's VIG, which are tailored to each voter based on the contests that will appear on the voter's ballot.

The process for handling a noncompliant candidate statement, somewhat confusingly, varies by statement type. A local elections official is authorized to reject a noncompliant candidate statement for candidates running for nonpartisan offices without approval from the courts.¹ For other statements appearing in the local voter information guide, the local elections official must publish the proposed statements after the submission window is closed, and voters have 10 days in which to seek a writ of mandate from the courts prohibiting the publication of a statement.² For candidate statements in the statewide voter guide, voters have 20 days in which to seek a writ to stop publication of a noncompliant statement.³ In both proceeding types, a petition may be granted only if the court finds, by clear and convincing evidence, both (1) that the material in question is false, misleading, or inconsistent with the statutory limitations on what may be included in a candidate statement, and (2) that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.⁴

3. The existing constitutional framework for candidate statements in a state or local voter guide

The federal and state Constitutions prohibit the government from infringing on the right to speak freely.⁵ In practice, however, that right is not absolute – a number of

¹ Elec. Code, § 13308.

² Elec. Code, § 13313.

³ *Id.*, § 88006.

⁴ *Id.*, §§ 13313, 88006

⁵ U.S. Const., 1st amend; Cal. Const., art. I, § 2.

exceptions and limitations have been recognized by the courts. One such limitation exists when the speech takes place in certain types of government-controlled spaces.

Generally speaking, the United States Supreme Court “recognize[s] three types of government-controlled spaces: traditional public forums, designated public forums, and nonpublic forums.”⁶ “In a traditional public forum – parks, streets, sidewalks, and the like – the government may impose reasonable time, place, and manner restrictions on private speech, but restrictions based on content must satisfy strict scrutiny, and those based on viewpoint are prohibited.”⁷ A designated forum is one which, despite not being traditionally open for speech, the government has elected to open up as a public forum; restrictions on speech are therefore reviewed under the same standards as a public forum.⁸ But, as explained by the Court:

In a nonpublic forum, on the other hand – a space that “is not by tradition or designation a forum for public communication” – the government has much more flexibility to craft rules limiting speech. The government may reserve such a forum “for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s view.”⁹

The California Supreme Court has held that candidate statements in a voter information guide published by an elections official is a nonpublic forum.¹⁰ In that case, a candidate for judicial office challenged the statute requiring a judicial candidate’s statement to be limited to “the candidate’s name, age, occupation, and a brief description of the candidate’s own background and qualifications,” and prohibiting the statement from “refer[ring] to those of the other candidates for the office.”¹¹ Despite these statutory limitations, the candidate’s proffered statement made a number of references to his opponent and the opponent’s supposedly problematic decisions.¹² Rather than reject the statement, the Monterey County Registrar of Voters sought a declaration from the superior court to determine whether the statement violated the statute.¹³ The candidate

⁶ *Minnesota Voters Alliance v. Mansky* (2018) 585 U.S. 1, 11.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Id.* at pp. 11-12 (cleaned up). Other caselaw refers to the “limited public forum,” which refers to a forum that the government has opened up to “a restricted class of users” or a “restricted class of subject matter.” (E.g., *Kaplan v. County of Los Angeles* (9th Cir. 1990) 894 F.2d 1076, 1080.) It appears that the “Court has collapsed nonpublic forums into the same category as limited public forums since the test would be the same: Government regulation is allowed if it is reasonable and viewpoint neutral.” (Chemmerinsky, *Constitutional Law: Principles and Policies* (7th ed. 2023) p. 1235.)

¹⁰ *Clark v. Burleigh* (1992) 4 Cal.4th 474, 488-489; see also *Kaplan, supra*, 894 F2d at p. 1081 (California voter pamphlet is a limited public forum).

¹¹ *Clark, supra*, at p. 478.

¹² *Id.* at p. 480.

¹³ *Ibid.*

filed a cross-claim, arguing that the statutory limitations on what may be included in a judicial candidate's statement violated his right to free speech.¹⁴

The Court held that "the Legislature, by creating the statutory 'candidate's statement,' " had not "intentionally opened a public forum that candidates for judicial office may use for the purpose of attacking their opponents."¹⁵ To the contrary, the express statutory restrictions on what may be included in the statement made it clear "that the Legislature did not intend the statutory candidate's statement to contain any other material."¹⁶ Thus, because the Legislature straightforwardly created a forum that was limited as to speakers (the candidates) and topic (the candidates' own qualifications), the Court analyzed the statute through the nonpublic forum framework, which permits a state to "reserve the forum for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view."¹⁷

4. This bill modifies the requirements for a candidate statement in a state or local voter information guide and the process for rejecting or challenging such statements

This bill makes changes to the candidate statement process in response to a wildly antisemitic "candidate statement" that appeared in the June 2, 2026, statewide voter guide. As the author's comment in Comment 1 of this analysis notes, the statement didn't even come close to addressing the candidate's qualifications or background – it was a just long string of barely coherent vitriol and links to websites unrelated to the candidate. According to the Senate Elections and Constitutional Amendments Committee's analysis of this bill, this was not the first time that this candidate used the voter information guide to blast out hateful rhetoric unrelated to the contest for office.

To ensure that candidate statements serve their actual purpose – informing the voters about a candidate's fitness for office – this bill: (1) establishes uniform criteria for what may, or may not be, included in a candidate statement in a statewide or local voter information guide; (2) authorizes the Secretary of State or a local elections official to decline to publish part or all of a noncompliant candidate statement; and (3) authorizes any voter within the jurisdiction to challenge a noncompliant statement within 10 days following its publication under the existing writ procedure for local candidate statements. The bill includes an urgency clause, so its provisions would take effect this year.

Under the bill, a candidate's statement may include a recitation of the candidate's own education; professional experience; public service; community involvement; and qualifications for the office sought. A candidate's statement may not include references

¹⁴ *Ibid.*

¹⁵ *Id.* at p. 488.

¹⁶ *Id.* at p. 489.

¹⁷ *Id.* at p. 491.

to other candidates for the same or any other office; characterizations of individuals or other groups; links, URLs, QR codes, or other references to external content; content that is profane, vulgar, or that threatens or incites violence; false statements or misleading claims; and content unrelated to the candidate's qualifications for office.

Once the period for submitting candidate statements closes, a submitted statement cannot be offered. If part of a statement appears noncompliant, the elections official must excise the noncompliant portion and print the compliant portion if the compliant portion can stand alone. If the noncompliant portion cannot be excised, or the whole statement is noncompliant, the entire candidate statement may be omitted from the voter information guide. The bill also requires the elections official to make "reasonable attempts" to notify a candidate of an omission and give them an opportunity to revise the statement, provided that it does not delay the printing or distribution of the voter information guide.

5. Constitutional questions

- a. *Are the restrictions on the content that may be addressed in the candidate statement facially reasonable?*

As set forth in Comment 3, a "candidate's statement is not a designated public forum within the meaning of current Supreme Court jurisprudence," but is instead a limited or nonpublic forum.¹⁸ The restrictions on candidates' speech in this bill, therefore, are permissible "as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view."¹⁹ The United States Court of Appeals for the Ninth Circuit's test for determining whether a limitation on speech in a limited or nonpublic forum is:

- (1) whether the policy standard is reasonable in light of the purpose served by the forum; (2) whether the standard is sufficiently definite and objective to prevent arbitrary or discriminatory enforcement by the government officials; (3) and whether an independent review of the record supports the agency's conclusion that the [content] is prohibited by the agency's policy.²⁰

The third question – the as-applied element – is discussed below in part (b) of this comment; this portion addresses elements (1) and (2).

On the first point, the overall policy of imposing limitations on what a candidate may discuss in their candidate statements appears reasonable in light of the purpose of the

¹⁸ Clark, *supra*, at p. 489.

¹⁹ *Id.* at p. 491.

²⁰ *Amalgamated Transit Union Local 1015 v. Spokane Transit Authority* (9th Cir. 2019) 929 F.3d 643, 651 (cleaned up).

candidate statements, i.e., to give voters information about the candidates. As discussed below, however, some of the items on the list of prohibited topics may run afoul of the requirement that the standard be sufficiently definite and objective to prevent arbitrary or discriminatory enforcement.

Current law does not provide guidelines for the content of statewide, State Senate, or Assembly candidate statements, but it does establish guidelines for statements filed with local elections officials.²¹ This bill's list of topics that may be covered in a candidate statement – education, professional experience, public service, community involvement, and qualifications for the office sought – appear reasonable for purposes of providing voters with relevant information about each candidate. To the extent that the question has been raised over whether this bill allows a candidate to discuss their policy positions, the California Court of Appeal has interpreted “qualifications” in the local voter information guide context to include a discussion of the candidate’s “viewpoints, ideas, or ideology.”²²

Some of the items on the bill's list of topics or types of speech that may not be included in a candidate's statement are also unproblematic. All of the existing candidate statement laws prohibit referring to any opposing candidate, so the bill's exclusion of “references to other candidates for the same or any other office” does not appear to meaningfully change the scope of what's prohibited. The prohibition on links, URLs, or QR codes to outside sources seems reasonable to the extent it prohibits a candidate from sending voters to sources unrelated to their campaign; this provision is intended to address only links contained within the candidate's statement, and not the “contact information” that can be provided separately from the statement, so this will not prevent candidates from directing voters to their official campaign websites.

Restrictions on “content that is profane or vulgar, or that threatens or incites violence,” “content unrelated to the candidate's qualifications,” and “false statements or misleading claims” may seem reasonable, but – with the exception of material that threatens or incites violence – give rise to vagueness and disparate application concerns, discussed below.

Finally, the bill's prohibition on “characterizations of other individuals or groups” seems unlikely to meet First Amendment muster, even under the generous nonpublic forum standard. Taken literally, this would refer to literally any description of any other person or group (e.g., “my three great kids,” or “hold these extremists accountable”). This provision is, therefore, likely unconstitutionally vague²³ and therefore unlikely to withstand a reasonableness challenge. The author has agreed to remove this provision.

²¹ Elec. Code, §§ 13307, 13308.

²² *Hammond v. Agran* (1999) 76 Cal.App.4th 1181, 1189.

²³ E.g., *Connally v. General Constr. Co.* (1926) 269 U.S. 385, 391 (a law is unconstitutionally vague when “people of uncommon intelligence must guess at its meaning”).

b. As-applied concerns

This bill gives elections officials substantial discretion over content-based decisions. While the lists of what may and may not be included are mostly reasonable on a line-item basis, there is room for interpretation, which in turn leaves open the possibility of an uneven application of the law that results in a First Amendment violation.²⁴ In particular, the provisions allowing an elections official to reject a statement because it is “profane or vulgar,” “false ... or misleading,” or “unrelated to the candidate’s qualifications for office” appear to leave open the possibility of an elections official censoring speech with which they disagree.²⁵ To address some of these concerns, the author has agreed to amend the bill to prohibit an elections official from rejecting a statement on the basis that it contains false statements or misleading claims; under this amendment, only a court may determine that a statement is so misleading that it cannot be shown to the voters.

6. Amendments

As discussed above, the author has agreed to amendments to remove provisions that may run afoul of the First Amendment, and to clarify the judicial review procedures available to voters. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment 1

At page 3, strike lines 29 and 30.

Amendment 2

On page 4, modify subdivision (d) as follows:

(d) (1) After the candidate statement filing deadline, **if it the elections official determines is determined** that any portion of a candidate statement does not comply with the standards described in this section, the **elections official shall omit the noncompliant portion of the candidate statement** ~~shall be omitted from the voter information guide~~. The remainder of the candidate statement shall be printed in the voter information guide if it can stand independently and does not mislead voters when the noncompliant portion is removed.

(2) If **the elections official determines that** the candidate statement cannot reasonably be printed without the noncompliant portion, the **elections official shall omit the** entire candidate statement ~~may be omitted from the voter information guide~~.

²⁴ *Amalgamated Transit Union Local 1015, supra*, 929 F.3d at p. 654 (“ ‘Absent objective standards, government officials may use their discretion to interpret the policy as a pretext for censorship’ ”).

²⁵ See, e.g., *Loza v. Panish* (1980) 102 Cal.App.3d 821, 824-285.

(3) This subdivision does not apply to noncompliance on the basis of paragraph (5) of subdivision (b).

Amendment 3

On page 5, delete lines 4-9 and insert:

(g) Any registered voter may seek appropriate judicial relief to enforce the requirements of this section as set forth in this subdivision.

(1) (A) For a candidate statement in the state voter information guide, during the 20-calendar-day period provided by Section 9092, any registered voter may seek a writ of mandate or an injunction requiring any or all of the material in a candidate statement to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 20-calendar-day public examination period.

(B) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this section, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(C) The Secretary of State shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest.

(2) (A) For a candidate statement in a county voter information guide, during the 10-calendar-day period provided by Section 13313, any voter of the jurisdiction in which the election is being held, or the county elections official, may seek a writ of mandate or an injunction requiring any or all of the material in a candidate statement to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(B) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(C) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the real party in interest.

7. Arguments in support

According to a coalition of the bill's supporters:

Earlier this year, California's Official Voter Information Guide for the June 2026 Primary was mailed to 23 million registered voters. Tucked inside that state-issued document was a candidate statement containing antisemitic conspiracy theories, white nationalist rhetoric, and links to websites filled with racist, homophobic, and other hateful content. It appeared under the seal of the State of California, indistinguishable in presentation from every legitimate statement that surrounded it.

This occurred at a moment when hate targeting vulnerable communities is surging across California and the country. The Jewish community has not been spared – according to the California Attorney General, Jews are now the second most targeted group in California despite comprising just 3% of the state's population. But hate targeting any community harms all communities. The candidate statement in question made no distinction: it targeted Jewish people, people of color, LGBTQ+ Californians, and others in a single document. It is, in that sense, a vivid illustration of how hate operates – it does not confine itself to a single target, and it spreads when left unchecked. When content of this kind is distributed under the authority of the State of California to 23 million households, it carries with it an implicit imprimatur of the state itself. That is dangerous. It lends legitimacy to hateful ideas and risks amplifying their reach in ways that have real consequences for real communities.

AB 1853 responds directly to this problem. The bill limits candidate statements in official state and county voter guides to information about a candidate's own education, professional experience, public service, community involvement, and qualifications for office. It bars attacks on individuals or groups, links to external content, false or misleading claims, and hateful or discriminatory content – and it gives the Secretary of State and county elections officials clear authority to reject noncompliant statements. Any registered voter may seek judicial enforcement of these standards.

SUPPORT

30 Years After

ADL

Adat Shalom – West Los Angeles

Agudath Israel of California

AJC Los Angeles

AJC Northern California

AJC San Diego

Bay Area Center to Counter Antisemitism
Bay Area Jewish Coalition Education & Advocacy
Beverly Hills Synagogue
Board of Rabbis of Southern California
California Jewish Democrats
California Religious Action Center of Reform Judaism
Contra Costa Jewish Democrats
Democrats for Israel - Los Angeles
Hadassah Central Pacific Coast
Hadassah Southern California
Israeli-American Council
JCC-Federation of San Luis Obispo
JCRC Bay Area
JCRC, Jewish Long Beach
Jewish California
Jewish Center for Justice
Jewish Community Center Action Network
Jewish Community Relations Council, Sacramento
Jewish Democrats of the Greater Sacramento Area
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin, and
Sonoma Counties
Jewish Family Service LA
Jewish Family Service Silicon Valley
Jewish Federation Bay Area
Jewish Federation of Greater Santa Barbara
Jewish Federation of Orange County
Jewish Federation of Palm Springs & the Desert
Jewish Federation of San Diego
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Federation of the Sacramento Region
Jewish Federation of Ventura County
Jewish Free Loan Association
Jewish Partisan Educational Foundation
Jewish Silicon Valley
Jewish War Veterans of the USA, Department of California
JFCS East Bay
JFCS Long Beach and Orange County
LA Voice
Mosaic Law Congregation
Northern California Council of Jewish Democratic Clubs
Northern California Jewish Labor Committee
Oakland Jewish Alliance
Santa Barbara JCRC
Simon Wiesenthal Center

Tam Union Together
Valley Beth Shalom
Young Israel of Century City

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation: None known.

PRIOR VOTES

Senate Elections and Constitutional Amendments Committee (Ayes 3, Noes 1)²⁶

²⁶ This bill was substantially gutted and amended on June 8, 2026, so the prior votes are not relevant to the version of this bill under consideration by the Committee.