

THIRD READING

Bill No: AB 1853
Author: Pellerin (D) and Berman (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 3-1, 6/16/26

AYES: Wiener, Allen, Cervantes

NOES: Choi

NO VOTE RECORDED: Umberg

SENATE JUDICIARY COMMITTEE: 11-0, 6/30/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener

NO VOTE RECORDED: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 64-0, 4/9/26 (Consent) - See last page for vote

SUBJECT: Voter information guide: candidate statements

SOURCE: Author

DIGEST: This bill limits what a candidate can include in their statement in the voter information guide (VIG).

ANALYSIS:

Existing law:

- 1) Requires the Secretary of State (SOS) to mail a state VIG to all households in which voters are registered prior to each statewide election, except as specified.

The guide must contain information including, among other items, candidate statements.

- 2) Allows any candidate for statewide elective office, the State Senate, or the State Assembly, who accepts voluntary campaign expenditure limits, to purchase space to place a candidate statement in the VIG that does not exceed 250 words. The statement may not refer to an opponent of the candidate. Statewide candidates' statements are published in the state VIG and those of legislative candidates in the relevant county VIGs.
- 3) Requires the SOS, at least 20 days prior to submitting the state VIG to the printer, to make the state VIG available for public examination. Any person eligible to vote may seek a writ of mandate or an injunction requiring any or all of the material in the candidate statement to be amended or deleted. The writ or injunction issues only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of state law and that issuance of the writ or injunction will not substantially interfere with the printing and distributing of official election materials.
- 4) Requires a county elections official to mail a county VIG to each voter in the jurisdiction prior to each election, except as specified. The county VIG must contain, among other things, candidate statements.
- 5) Allows candidates for local nonpartisan elective offices to submit a candidate's statement to appear in the county VIG guide provided. The statement:
 - a) May include the candidate's name, age, and occupation, along with a brief description of 200 words (or up to 400 words if the local agency raises the cap) of their education and qualifications;
 - b) May not include the party affiliation of the candidate, or membership or activity in any partisan political organizations; and
 - c) May not in any way refer to other candidates for that office or any other candidate's qualifications, character, or activities. A county elections official may refuse to print a candidate statement that refers to another candidate.
- 6) Requires the local elections official to make each candidate statement available for public review for 10 days during which time the elections official or any voter in the jurisdiction where the election will be held may seek a writ of mandate or an injunction requiring any or all of the material in the candidate statement to be amended or deleted. The writ or injunction shall issue only

upon clear and convincing proof that the material in question is false, misleading or inconsistent with 5) above and that issuance of the writ or injunction will not substantially interfere with the printing and distributing official election materials.

This bill:

- 1) States the intent of the Legislature to establish clear, enforceable standards to ensure that the candidate statements in a VIG remain factual, relevant, and appropriate for an official state publication, while respecting the constitutional right to free speech.
- 2) Specifies that a candidate statement included in either the state VIG or a county VIG must be limited to a recitation of the candidate's own:
 - a) Education;
 - b) Professional experience;
 - c) Public service;
 - d) Community Involvement; and
 - e) Qualifications for the office sought.
- 3) Prohibits a candidate statement from including:
 - a) References to other candidates;
 - b) Any reference, such as a link to an internet website, directing voters to external content;
 - c) Content that is profane or vulgar, or that incites violence;
 - d) Content unrelated to the candidate's qualifications for office; and
 - e) False statements or misleading claims.
- 4) Directs the SOS and county election officials, after the filing deadline, to omit from the VIG any portion of a candidate statement the SOS or elections official deems to not comply with a) through d), but not e), of 3) of this bill. The remainder of the candidate statement must be included if it can stand alone and does not mislead voters. If that is not possible, the entire candidate statement may be omitted from the VIG.

- 5) Makes any fee paid by a candidate for the printing or inclusion of the candidate's statement in a VIG nonrefundable, if any portion of the statement is printed in the VIG, and deems payment of the fee as acknowledgement and acceptance of the requirements of this bill. If a candidate statement is entirely omitted from the VIG, then the SOS or elections official shall refund the fee.
- 6) Requires the SOS or local elections official to make reasonable efforts to notify a candidate of the omission of content and to allow a candidate, once notified, to revise the statement to comply with the requirements of this bill. The candidate may make revisions up until the filing deadline at which time the candidate statement will be deemed final. A candidate may, however, withdraw their statement until 5 PM on the next working day after the submission deadline.
- 7) Precludes the notification of candidates in 6) of this bill from delaying the printing or distribution of the VIG.
- 8) Requires a declaration that the candidate statement is true and correct, attested to and signed by the candidate, to accompany a submitted candidate statement.
- 9) Allows any registered voter to seek judicial relief to enforce the bill's provisions, as follows:
 - a) For the state VIG, during the 20-day public examination period, a voter may seek a writ of mandate or an injunction requiring that some or all of the material in the candidate statement be amended or deleted. The writ or injunction shall issue only upon clear and convincing proof that the material in question is false, misleading or inconsistent with this bill and that issuance of the writ or injunction will not substantially interfere with the printing and distributing official election materials.
 - b) For a local VIG, during the 10-day public examination period, the elections official or any voter in the jurisdiction where the election will be held may seek a writ of mandate or an injunction requiring any or all of the material in the candidate statement to be amended or deleted. The writ or injunction shall issue only upon clear and convincing proof that the material in question is false, misleading or inconsistent with this bill and that issuance of the writ or injunction will not substantially interfere with the printing and distributing official election materials.

- c) A court must give priority to actions brought to enforce the bill's provisions due to the time-sensitive nature of the preparation and distribution of the VIG.
- 10) Absolves the SOS and local election officials from liability for taking or failing to take the actions described in this bill.
- 11) Makes its provisions severable.

Background

Voter Information Guides. 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 VIG. It also included a public examination process for the state ballot pamphlet similar to the one in existing law today for the VIG.

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.

Comments

- 1) *Author's Statement.* This bill 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. This bill strengthens standards governing candidate statements 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) *History of One Candidate's VIG Submissions.* The candidate the author references in comment 1) has had candidate statements in half a dozen

California state VIGs dating back to the 2010 statewide primary election. None of which have provided information about this candidate's qualifications, have often provided links to websites, and certainly violate the provisions of this bill in terms of profane and misleading content. The past two times the candidate has appeared in the VIG, 2024 and 2026, the SOS included a disclaimer that the views expressed are the candidate's and not those of the SOS.

All VIGs containing the candidate's statements have been subject to the 20-day public examination period during which any person eligible to vote may ask a court to amend or delete a candidate statement upon clear and convincing proof that the statement is false, misleading, or inconsistent with the requirements of state law. The SOS reports that during the 20-day public examination period this year no challenge to the statement occurred.

Other candidates' statements in the state VIGs over the years have violated the requirements of this bill in many ways. These include comments extraneous to the person's qualifications, links to websites, and profanity.

- 3) *One Set of Rules.* Existing law restricts what candidates for local office may include in their candidate statements for candidates for local office, while the only limit it places on statewide, federal, and State Senate and Assembly candidate statements is that they not refer to any opposing candidate. Local election 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. This bill creates a uniform set of guidelines and restrictions for candidates' statements for all state and local offices, provides the SOS and local election officials with the same authority to reject some or all of a statement that violates its provisions, and prescribes the same judicial process to challenge a candidate statement whether it appears in the state VIG or a local VIG.

Related/Prior Legislation

SB 409 (Newman) of 2023 would have created an SOS county pilot program that would allow a candidate to include in the VIG a QR code link to a video statement. The bill also would have required, subject to the Americans with Disabilities Act, a candidate who is submitting a statement for a VIG to physically write the statement without reference to any outside materials at specified locations. SB 409 bill died on the Assembly Committee on Appropriations' suspense file.

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

According to the Senate Committee on Appropriations:

- This bill would not result in a fiscal impact to the SOS.
- By imposing specified duties on local elections officials, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but could exceed \$50,000 per year (General Fund).
- This bill could result in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). The specific number of new actions that could be filed under the bill also is unknown; however, it generally costs about \$10,500 per day to operate a courtroom. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund. The enacted 2026-27 budget includes \$70 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.

SUPPORT: (Verified 8/13/26)

30 Years After

Adat Shalom – West Los Angeles

ADL

Agudath Israel of California

AJC - Los Angeles

AJC - San Diego

AJC Northern California

Bay Area Jewish Coalition Education and 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

JCC-Federation of San Luis Obispo

JCRC Bay Area

JCRC, Jewish Long Beach

JCRC Santa Barbara County

Jewish California (formerly JPAC)

Jewish Center for Justice

Jewish Community Action Network
Jewish Community Relations Council of Sacramento
Jewish Family and Children's Center of San Francisco, the Peninsula, Marin and Sonoma Counties
Jewish Family Service LA
Jewish Family Services of 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
Los Angeles County District Attorney's Office
Mosaic Law Congregation
Northern California Council of Jewish Democratic Clubs
Northern California Jewish Labor Committee
Oakland Jewish Alliance
Simon Wiesenthal Center, INC.
StandWithUs
Tam Union Together
Valley Beth Shalom
Young Israel of Century City

OPPOSITION: (Verified 8/13/26)

Peace and Freedom Party of California

ARGUMENTS IN SUPPORT:

A large coalition of Jewish organizations write in support of the bill because it ensures that hate speech, antisemitism, and targeted attacks against any community have no place in California's official VIGs. They specifically note that, in this time when hate targeting vulnerable communities is surging, that content

distributed under the authority of the State of California to 23 million households should not spread hateful ideas or amplify their reach in ways that have real consequences for real communities. These organizations support this bill because “the official publications California sends into millions of homes [should] inform voters and strengthen democracy rather than undermine it.”

ARGUMENTS IN OPPOSITION:

The Peace and Freedom Party, which opposes this bill unless it is amended, submitted a letter stating the bill appears to ban two types of content many candidates include in their statements that are clearly not profane, hateful, untrue or misleading. One is all links to websites; the other is candidates’ positions on political issues of the day and plans for what they would do if elected.

The Peace and Freedom Party notes specifically that candidates who are running on a slate or with party support should be allowed to include links to those slate or party websites. Further, the party notes most candidate statements include some of the candidates’ positions on political issues and how the candidate proposes to address those if elected. While this content is arguably related to the candidates’ qualifications, it is not clearly so and may be excluded as “unrelated” if election officials are narrowing what is allowed in statements. The party states, “The language should be clarified to clearly allow such positions and plans, so long as they don't violate other restrictions, in candidate statements.”

ASSEMBLY FLOOR: 64-0, 4/9/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Bains, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

NO VOTE RECORDED: Addis, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Bonta, Bryan, Flora, Gallagher, Jeff Gonzalez, Haney, Kalra, Ortega, Celeste Rodriguez, Schultz, Zbur

Prepared by: Carrie Cornwell / E. & C.A. / (916) 651-4106
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