

CONCURRENCE IN SENATE AMENDMENTS

AB 1853 (Pellerin and Berman)

As Amended August 21, 2026

Majority vote

SUMMARY

Original Committee of Reference: ELECTIONS

Establishes uniform content rules for what may be included in a candidate statement in a state or local voter information guide (VIG) and establishes how a noncompliant statement may be kept out of a VIG.

Senate Amendments

Current Committee Recommendation: Concur

The Senate Amendments delete the Assembly-approved version of this bill, and instead:

- 1) Require a candidate statement included in either the state VIG or county VIG to be limited to a recitation of the candidate's own:
 - a) Education.
 - b) Professional experience.
 - c) Public service.
 - d) Community involvement.
 - e) Qualifications for the office sought.
- 2) Prohibit a candidate statement from including any of the following:
 - a) References to other candidates for the same or any other office.
 - b) With the exception of the candidate's campaign website, a link or Uniform Resource Locator (URL) to an internet website, a quick response (QR) code, or any other reference directing voters to external content.
 - c) Content that is profane or vulgar, or that threatens or incites violence.
 - d) Content unrelated to the candidate's qualifications for office.
- 3) False statements or misleading claims.

Require an elections official to omit the noncompliant portion of a candidate statement from the VIG if the official determines, after the candidate statement filing deadline, that the statement contains any of the content described in a) through d) in 2) above. Require the remainder of the candidate statement to be printed in the VIG if it can stand independently and does not mislead voters when the noncompliant portion is removed.

- 4) Require an elections official to omit the entire candidate statement from the VIG if the official determines that candidate statement cannot reasonably be printed without the noncompliant portion.
- 5) Require any fee paid by a candidate for the printing or inclusion of a candidate statement in the state or county VIG to be nonrefundable if the statement or a portion of the statement appears in the VIG. Require the fee paid by the candidate to be refunded if a candidate statement is omitted from the VIG.
- 6) Provide that the submission of payment constitutes acknowledgment and acceptance of the requirements of this bill, including the finality of the candidate statement after the filing deadline and the possibility that noncompliant content will be omitted. Provide that a candidate shall not be entitled to a refund, credit, or reimbursement under any circumstances arising from enforcement of the requirements of this bill.
- 7) Require an 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 bill. Prohibit the notification process from delaying the printing or distribution of the VIG.
- 8) Permit a candidate to submit a revised statement prior to the filing deadline. Provide that a candidate statement is deemed final upon the close of the applicable filing period and prohibit a candidate from revising, supplementing, or otherwise modifying a candidate statement after the filing deadline. Allow a candidate to withdraw the candidate statement until 5 p.m. on the next working day after the submission deadline.
- 9) Require a candidate statement to be accompanied by a declaration, attested to and signed by the candidate, stating the statement submitted is true and correct.
- 10) Permit any registered voter to seek appropriate judicial relief to enforce the requirements of this bill, 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. Provide the writ or injunction shall be issued 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 distribution of 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. Provide that the writ or injunction shall be issued 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 distribution of official election materials.
- 11) Require a court to give priority to actions brought to enforce the requirements of this bill due to the time-sensitive nature of the preparation and distribution of election materials.

- 12) Provide that the Secretary of State (SOS) or a county elections official shall not be liable for taking or failing to take the actions described in this bill.
- 13) Add a severability clause.

COMMENTS

As approved by the Assembly, this bill would have made clarifying changes to the content of the condensed ballot title and summary for a state referendum measure and updated the summaries of the meanings of a "yes" and a "no" vote on a statewide referendum that are printed in the state VIG. Subsequent to the Assembly's approval, this bill was amended in the Senate to delete the Assembly-approved provisions and to add the current provisions. In light of the substantive Senate amendments, this bill was re-referred to the Assembly Elections Committee for further consideration pursuant to Assembly Rule 77.2. On August 28, 2026, the Assembly Elections Committee recommended, by a 6-0 vote, that the Senate amendments be concurred in.

Candidate statements are limited to a recitation of the candidate's own personal background and qualifications, and are prohibited from making reference to any other candidates for office or to another candidate's qualifications, character, or activities. According to the author, despite state law the state VIG for the June statewide primary election included a gubernatorial candidate statement that did not describe the candidate's background or qualifications, but instead consisted of inflammatory, conspiratorial, controversial, and vitriolic content and links to external websites unrelated to the candidate. The author contends that the inclusion of such content in an official government publication relied upon by millions of Californians to make informed voting decisions undermines voter trust and the integrity of the electoral process.

The process for handling a noncompliant candidate statement is inconsistent. For instance, current law explicitly restricts a candidate statement for local office to the candidate's own personal background and qualifications and prohibits referring to other candidates for the same office. However, a statewide, federal, and State Senate and Assembly candidate statement is only expressly prohibited from referring to any opponent of the candidate. In addition, a county elections official is expressly authorized to reject a noncompliant statement submitted for a local office without approval from the courts. However, for other statements appearing in a VIG, a voter must seek a writ of mandate from the courts to prohibit publication of a noncompliant statement.

To ensure consistent application, this bill establishes a uniform set of guidelines and standards that apply to all state and local candidate statements. In addition, this bill explicitly authorizes the SOS and local election officials to reject any or all of a candidate statement that does not comply with the requirements of this bill, permits a candidate to correct problems with a submitted statement, and clarifies that any voter may seek judicial relief to enforce the requirements of this bill.

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 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."

Arguments in Support

In support of a prior version of this bill, a coalition of organizations, wrote, "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..."

"The candidate statement in question made no distinction: it targeted Jewish people, people of color, LGBTQ+ Californians, and others in a single document... 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... links to external content, false or misleading claims... 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."

Arguments in Opposition

With an oppose unless amended position to a prior version of this bill, the Peace and Freedom Party of California, wrote, "Candidates running on slates or with the support of their party should be able to include links to the websites of the slates on which they are running and of their parties (when not running for nonpartisan office). Any restriction on including links must allow such links, in addition to the candidates' campaign websites included as contact information..."

"Most candidate statements include some of the candidates positions on political issues, especially those relevant to the office for which they are running, and their plans for what they would do if elected. Though this is arguably related to the candidates' qualifications for the office sought, it is not clearly so and may be excluded as 'unrelated' if election officials are narrowing what is allowed in statements. The language should be clarified to clearly allow such positions and plans, perhaps just qualifying 'qualifications' using the phrase based on a court decision, 'including viewpoints, ideas, or ideology', so long as they don't violate other restrictions, in candidate statements."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) This bill would not result in a fiscal impact to the SOS.
- 2) 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).

- 3) 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

VOTES

ASM ELECTIONS: 8-0-0

YES: Pellerin, Gallagher, Addis, Berman, Elhawary, Johnson, Solache, Stefani

ASSEMBLY FLOOR: 64-0-16

YES: 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

ABS, ABST OR NV: Addis, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Bonta, Bryan, Flora, Gallagher, Jeff Gonzalez, Haney, Kalra, Ortega, Celeste Rodriguez, Schultz, Zbur

SENATE FLOOR: 32-0-8

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNeerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Strickland, Umberg, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Valladares

ASM ELECTIONS: 6-0-2

YES: Pellerin, Bennett, Berman, Elhawary, Solache, Stefani

ABS, ABST OR NV: Johnson, Ellis

UPDATED

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