

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 2691 (Addis) – As Amended March 16, 2026

SUBJECT: Elections: elective office: felony conviction.

SUMMARY: Prohibits a person who has been convicted of a felony involving sexual assault or human trafficking, as defined, from being eligible to be elected to any state or local elective office. Specifically, **this bill:**

- 1) Prohibits a person from being a candidate for, or from being elected to, any state or local elective office if the person has been convicted of a felony involving any crime of sexual assault or human trafficking.
- 2) Defines, for the purposes of this bill, the terms “human trafficking” and “sexual assault” through cross-references to specified crimes identified in the Penal Code.

EXISTING LAW:

- 1) Provides that a person who is convicted of any of the following crimes is disqualified from holding public office in this state:
 - a) Giving or offering a bribe to procure personal election or appointment (Article VII, Section 8, California Constitution).
 - b) Bribery, perjury, forgery, malfeasance in office, or other high crimes (Article VII, Section 8, California Constitution).
 - c) As a public officer, for gratuity or reward, appointing another person to public office, or permitting another person to exercise or discharge the duties of their office (Penal Code § 74).
 - d) While a member of the Legislature, refusing to appear before the Senate, Assembly, or any committee of the Legislature after being summoned to testify, or while appearing before the Senate, Assembly, or any committee, refusing to be sworn or to answer any material and proper question, or refusing to produce, upon reasonable notice, any material and proper books, papers, or documents in their possession and under their control (Government Code §9412).
 - e) While an executive or ministerial officer, employee, or appointee of the state, a county, a city, or another political subdivision of the state, asking for, receiving, or agreeing to receive any bribe to influence any decision made by that person in their official capacity (Penal Code §68).
 - f) While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against

- the Legislative power, including bribery and logrolling (Penal Code §88, Government Code §9055).
- g) While an officer, committing any of various bribery and corruption crimes against the public justice, including bribing or threatening judges or jurors (Penal Code §98).
 - h) Giving or offering a bribe to a member of a city council or a board of supervisors to influence any decision made by that member in their official capacity (Penal Code §165).
 - i) While a public official, aiding the illegal casting of a vote at an election or otherwise facilitating the perpetration of election fraud (Elections Code §18501).
 - j) While a public official, being financially interested in a contract made in their official capacity, or by any body or board of which the official is a member (Government Code §1097).
 - k) Giving or offering a bribe to any executive officer in the state to influence any decision made by that officer in their official capacity (Penal Code §67).
 - l) While an officer of the state or of any county, city, town, or district of the state, or while otherwise charged with the receipt, safekeeping, transfer, or disbursement of public moneys, appropriating such moneys for personal use, or refusing to pay any public moneys as required by law (Penal Code §424).
 - m) Interfering with the work of prisoners employed at a road camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind (Penal Code §2772).
 - n) Interrupting the work of prisoners employed at a public park or camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind (Penal Code §2790).
- 2) Prohibits a person from being considered a candidate for, or from being elected to, any state or local elective office if the person has 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. Provides that “conviction of a felony” includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States (US), or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the US, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction (Elections Code §20).
- 3) Provides a person is disqualified from holding public office upon conviction of designated crimes as specified in the Constitution and laws of the State (Government Code §1021).

- 4) Provides a person who commits certain specified acts is guilty of human trafficking and punishable by imprisonment in state prison and by a fine, as specified (Penal Code §236.1).
- 5) Provides a person who commits certain specified acts is guilty of sexual assault and is punishable by imprisonment in state prison or county jail and by a fine, or both, as specified (Penal Code §§261, 286, 287, 288, 288.5, or 289, or former §§288a or 289.5).

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author: “Elected offices are privileged positions of influence and authority. People who commit the most serious crimes, those involving sexual violence and exploitation, must be barred from holding these powerful positions of public trust.”
- 2) **Public Trust Crimes:** The California Constitution provides that a person convicted of bribery involving an election or appointment cannot hold elected office. It also directs the Legislature to create laws that “exclude persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes from office or serving on juries.” Although that provision is mandatory, it is not self-executing and requires legislation to give it effect. To effectuate the constitutional prohibitions, various state laws were enacted. For example, various code sections listed above enumerate events and actions which cause certain crimes to result in an elected official being disqualified from holding public office in the state. For instance, a person convicted of bribing an executive officer to influence their actions cannot hold elected office in California.

Additionally, AB 2410 (Fuentes), Chapter 160, Statutes of 2012, enacted Elections Code Section 20 which lists various types of felony convictions that prevent a person from being eligible to be elected to office. The disqualifying crimes are ones that are sometimes referred to as “public trust” crimes – that is, illegal acts that involve the breach of the ethical obligation that a public servant is expected to exercise their public responsibilities in a manner that prioritizes the public interest over private gain. Elections Code Section 20 is, to some extent, an implementing statute for Article VII, Section 8 of the California Constitution, which provides in part “Laws shall be made to exclude persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes from office or serving on juries.”

Court cases relating to the interpretation of Article VII, Section 8 of the California Constitution pertaining to public officers and disqualification from holding office illustrate that same sentiment. One such case is *Lubin v. Wilson* (1991) 232 Cal.App.3d 1422, a case involving former state Senator Paul B. Carpenter who unsuccessfully attempted to appeal his disqualification and forfeiture of public office on the Board of Equalization after being convicted of racketeering, extortion, and conspiracy. The court's opinion acknowledged that the “[r]emoval from public office is simply a consequence of a reasonable and sound public policy, and a condition imposed upon a public official in furtherance of the public interest in good government. Public officials are elected for the benefit of the community and can and

should be removed, irrespective of detriment to the individuals involved if the interests of the community so require (State v. Twitchell, supra, 367 P.2d at p. 992.)."

In addition, the court opinion stated that, "[a] person holds office subject to conditions imposed by the state and, where cause for removal is provided by law, the person is deemed to have accepted the office on condition he or she could be removed for cause and in the manner provided (Cline v. Superior Court (1920) 184 Cal. 331, 336)."

This bill expands the existing limitations on candidate eligibility and prohibits a person who has been convicted of a felony involving sexual assault or human trafficking, as defined, from being eligible to be elected to any state or local elective office. The author contends that public trust is about more than ensuring elected officials aren't using their public office to commit crimes for financial gain or power, but also about ensuring that elected officials aren't committing incredibly serious crimes that endanger public safety. Moreover, serious crimes of sexual violence and exploitation involve an imbalance of power, coercion, and harm to vulnerable people. These crimes demonstrate that an individual is willing to abuse their power to violate the rights of others.

If this bill is signed into law, it could set a precedent for extending similar restrictions to individuals convicted of other felonies, thereby narrowing eligibility for public office. For instance, others may contend that a conviction for a serious crime such as murder warrants disqualification from public office. Once the list of disqualifying offenses is expanded to include crimes that do not involve a breach of a public servant's ethical obligations when exercising public responsibilities, it is less clear what standard should be used for determining which types of criminal convictions should disqualify a person from holding elective office.

- 3) **Will of Voters:** As mentioned above, laws exist to prevent misconduct by elected officials. If voters are unsatisfied with the actions of their elected official, they have clear mechanisms to hold that official accountable. For instance, the constitution provides the electorate with the power to recall and remove any state or local elected official before their term has expired. Recent examples of this occurred in 2003, when former Governor Gray Davis was successfully recalled, and in 2018, when former state Senator Josh Newman was successfully recalled. According to the SOS's office, since 1913, there have been 182 recall attempts of state elected officials in California. Eleven recall efforts collected enough signatures to qualify for the ballot and of those, the elected official was recalled in six instances. Moreover, should the electorate believe a candidate has violated the public trust, they maintain the ability to vote against the candidate or vote the elected official out of office.
- 4) **Other States:** According to the National Conference of State Legislatures, two states - Florida and Utah - have statutory and/or constitutional provisions related to candidate disqualification for conviction of a sex offense. In Florida, the right to hold office is revoked upon conviction of a felony, and may be restored when a person is returned to their civil rights. This mirrors the process for voting rights revocation and restoration. Civil rights (including voting rights and office-holding rights) are restored automatically upon completion of sentence unless the person was convicted of a felony sexual offense or of murder, in which case they need to petition the governor for restoration of those rights. The

governor can then choose to grant or deny those petitions for rights restoration on a case-by-case basis.

In Utah, a person convicted of grievous sexual assault against a child is permanently barred from serving as a member on the state board of education or any on any local school board (both are elected boards).

- 5) **Related Bills:** AB 2753 (Soria), also being heard in committee today, prohibits a person who has ever been required to register as a sex offender from being eligible to be elected to any state or local elective office.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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