
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Scott Wiener, Chair
2025 - 2026 Regular

Bill No:	AB 2691	Hearing Date:	6/30/16
Author:	Addis		
Version:	6/24/26		
Urgency:	No	Fiscal:	No
Consultant:	Carrie Cornwell		

Subject: Elections: elective office: felony conviction

DIGEST

This bill prohibits a person convicted of felony sexual assault or human trafficking from running for or being elected to state or local office in California.

ANALYSIS

Existing law prohibits a person from being a candidate for office or serving in elected office in California if the person has been convicted of a felony involving accepting, 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 these crimes.

This bill adds specified felony sexual assault and specified felony human trafficking to those felony convictions that make a person ineligible to be a candidate for or serve in state or local office.

BACKGROUND

The California Constitution states, "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." To effectuate these constitutional prohibitions, the Legislature has enacted various state laws, including various Penal Code and Government Code sections that enumerate events and actions which cause certain crimes to result in an elected official being disqualified from holding public office in the state.

AB 2410 (Fuentes), Chapter 160, Statutes of 2012, expanded this prohibition for persons convicted of crimes of public corruption to include running for office. Before AB 2410 took effect, the prohibition was on holding office. AB 2410 deemed accepting, giving or offering to give any bribe, the embezzlement of public money, extortion or theft of public money, and perjury to be crimes of public corruption and subjected those who had felony convictions for those crimes or conspiracy to any of those crimes ineligible to run for state or local office. This created a prohibition on running for office consistent with the constitutional prohibition on holding office.

COMMENTS

- 1) Author's Statement. Elected office is a privileged position 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) How Do We Know? When a candidate files a declaration of candidacy, they attest they meet the qualifications for the office, they have not been convicted of a crime of public corruption, and they will accept the nomination/election rather than withdraw. In some cases, such as for sheriff, county assessor, or district attorney, a candidate must submit documentation establishing they meet the qualifications for the office. The candidate files this documentation with a declaration, signed under penalty of perjury, certifying the information provided is true and correct. The committee or the author may wish to amend this bill to provide for documentation or attestation under penalty of perjury that the candidate has never been convicted of the crimes enumerated in this bill.
- 3) Other States. According to the National Conference of State Legislatures, 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 a 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 on any local school board (both are elected boards).

- 4) Arguments in Support. Writing in support of the bill, Child USA states:

Crimes of sexual violence and exploitation similarly reflect a profound abuse of power, coercion, and harm against vulnerable individuals. Such conduct demonstrates a willingness to misuse authority in ways that fundamentally undermine public safety and community well-being.

Given the gravity of these offenses, it is essential that individuals convicted of them not be granted access to elected roles where they could again wield power in ways that endanger others. [This bill] provides an important safeguard by ensuring that those who have committed these serious crimes cannot hold positions intended to serve and protect the public.

- 5) Arguments in Opposition. Writing in opposition to this bill, Smart Justice says “the electorate should be responsible for making determinations about when and how a person’s prior convictions should impact their ability to run for and be elected to public office.” Specifically, Smart Justice notes:

California has a demonstrated commitment to providing opportunities for rehabilitation and second chances. This bill is fundamentally inconsistent with those values and fails to allow voters to consider important questions, including: whether a person seeking office has served their sentence, is meaningfully contributing to their community, and could honorably and productively serve in office. We believe it is the job of the voters and the democratic process to weigh these considerations - even if that means, as it frequently has, that the electorate chooses not to advance a candidate who has engaged in the behavior underlying the offenses addressed by this bill.

RELATED/PRIOR LEGISLATION

AB 2753 (Soria), also on today agenda, bars anyone who has ever been required to register as a sex offender from running for or being elected to state or local office in California.

AB 2410 (Fuentes), Chapter 160, Statutes of 2012, prohibits a person from being a candidate for office or serving in elected office in California if the person has been convicted of a felony involving accepting, 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 these crimes.

PRIOR ACTION

Assembly Floor:	67 - 0
Assembly Elections Committee:	7 - 0

POSITIONS

Sponsor: Author

Support: CFT – A Union of Educators and Classified Professionals, AFT, AFL-CIO
CHILD USA
County of Monterey
Peace Officers' Research Association of California
San Luis Obispo County Board of Supervisors
Santa Cruz County Board of Supervisors
Victim Policy Institute

Oppose: League of Women Voters of California
Smart Justice California, a Project of Beyond Impact

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