

THIRD READING

Bill No: SB 1159
Author: Cabaldon (D), et al.
Amended: 3/25/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 3/24/26
AYES: Umberg, Niello, Allen, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Ashby

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 9-0, 4/6/26
AYES: Cabaldon, Jones, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes,
Umberg, Wiener

SUBJECT: Artificial intelligence: transparency and governance

SOURCE: Author

DIGEST: This bill provides that for the purposes of the California Public Records Act, the Bagley-Keene Open Meeting Act, the Ralph M. Brown Act, the California Environmental Quality Act, the Administrative Procedure Act, and the Political Reform Act of 1974, the terms “person,” “interested person,” “participant,” “member of the public,” as applicable, and any other similar terms under each act referring to those who may engage with governmental agencies, do not include artificial intelligence (AI) systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital.

ANALYSIS: Existing law:

- 1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (California Constitution, Article I, § 3(b)(1).)

- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Government (Gov.) Code §§ 7920.000 et seq.)
- 3) Establishes the Bagley-Keene Open Meeting Act (Bagley-Keene), which requires state bodies to conduct their business in open public meetings, except as provided by the Act, and establishes requirements and procedures for such meetings. (Gov. Code § 11120 et seq.)¹
- 4) Establishes the Ralph M. Brown Act (Brown Act), which secures public access to the meetings of public commissions, boards, councils, and agencies in the state. (Gov. Code §§ 54950 et seq.)
- 5) Requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration, mitigated declaration, or environmental impact report (EIR) for this action, unless the project is exempt from the California Environmental Quality Act (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines). (Public Resources Code §§ 21100 et seq.)²
- 6) The Administrative Procedure Act (APA) governs the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. (Gov. Code §§ 11340 et seq.)
- 7) Establishes the Political Reform Act of 1974 (PRA), which creates the Fair Political Practices Commission and makes it responsible for the impartial, effective administration and implementation of the PRA. (Gov. Code §§ 81000 et seq.)

This bill:

- 1) Provides that for the purposes of the CPRA, Bagley-Keene, Brown Act, CEQA, APA, and the PRA, the terms “person,” “interested person,” “participant,” “member of the public,” as applicable, and any other similar terms under each act referring to those who may engage with governmental agencies, do not include artificial intelligence systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital.

² All further references are to the Public Resources Code unless otherwise indicated.

- 2) Defines “artificial intelligence” to mean an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.
- 3) Makes various legislative findings and declarations.

Comments

The author points to a recent situation that necessitates the need for this bill. In 2025, the South Coast Air Quality Management District Board (SCAQMDB) voted on proposed regulations to place fees on natural gas-powered water heaters and furnaces with the goal of encouraging a shift toward electric appliances. SCAQMDB received tens of thousands of emails regarding the pending air quality rules, with at least 20,000 of them being generated by an AI-powered platform CiviClick. According to an L.A. Times story, “[w]hen staffers at the air district reached out to a small sample of people to verify their comments, at least three said they had not written to the agency and were not aware of any such messages, records show[.]” Some commenters allege that these AI-generated comments led to the SCAQMDB voting down the proposed regulations.

This bill seeks to ensure that state and local governments can continue to meet their obligations to the public under California’s transparency laws and public participation statutes by not being overwhelmed by AI-generated requests, comments, petitions, or other communications. The author argues this will ensure that limited public resources are not diverted from serving the people of California. The bill states that AI systems lack the essential attributes of personhood. To bolster this conclusion, the author points to the fact that the Federal Circuit has found that only natural persons can be named as inventors on patent applications and that that AI systems are not natural persons. In this vein, the Patent and Trademark Office has issued guidance that states: “AI systems, including generative AI and other computational models, are instruments used by human inventors. They are analogous to laboratory equipment, computer software, research databases, or any other tool that assists in the inventive process.”

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

SUPPORT: (Verified 4/8/26)

ACT Now Bay Area
Active San Gabriel Valley

Building Decarbonization Action Fund
California Association of Nonprofits
California Municipal Clerks Association
California Special Districts Association
California State Association of Counties
California YIMBY
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
Chamber of Progress
Circulate Planning & Policy
City of Newport Beach
City of Placentia
City of San Jose
City of Stanton
City of Westminster
Climate Action Campaign
Contra Costa County
County of Napa
County of Sacramento
County of Yolo
League of California Cities
Natural Resources Defense Council
Physicians for Social Responsibility - San Francisco Bay
Rural County Representatives of California
Sierra Club California
Streets for All
TechEquity Action
U.S. Green Building Council California
Urban Counties of California

OPPOSITION: (Verified 4/8/26)

Oakland Privacy
1 individual

ARGUMENTS IN SUPPORT: The author writes:

AI slop drowns out the voices of genuine human citizens trying to make their voices heard. SB 1159 puts an end to the intentional corruption of public engagement guarantees by those using AI agents to overwhelm public agencies, divert attention from real constituents, and strip public discourse of any meaning at all.

AI swarming has emerged as a real problem. Recently, the Los Angeles Times reported at least 20,000 public comments generated by AI may have convinced Southern California's top air pollution authority to scrap a plan to phase out gas-powered appliances. The Times confirmed a public affairs consultant used a company that bills itself as an "AI-powered grassroots advocacy platform" to send the messages. The same playbook is being used to target the Bay Area air district, where a Chronicle investigation found that the residents who had comments submitted under their names never submitted anything. "This was forged," one San Pablo resident told the Chronicle. "I never wrote the letter." In the United Kingdom, an AI service called Objector.ai is generating similar concerns about swarming government with infinite objections ("AI-powered nimbyism could grind UK planning system to a halt, experts warn", The Guardian).

The Rural County Representatives of California, California State Association of Counties, Urban Counties of California, and the League of California Cities write in support stating:

[...] California's open meeting and open governance laws are intended to not only allow the public to observe deliberations about issues that will affect their communities, but to participate as well. Local agencies accept public comment on matters both on the agenda and off. Technology has been a powerful tool to make public participation more accessible than ever, as agendas and the time and location of public meetings are posted online. Those unable to comment or observe in person are able to follow along online or submit written comments via email or web portal.

However, emerging AI and Large Language Model (LLM) tools have now made it easier than ever for bad actors to misrepresent public opinion in governance decisions. According to reporting from multiple outlets, in June 2025 a political consultant used AI tools to generate twenty thousand emails to the South Coast Air Quality Management District regarding a regulatory proposal before the board. The AI generated emails purported to be from members of the public in South Coast AQMD's jurisdiction, but during an audit by air district staffers many said that they were not aware of signing onto any such messages. In an interview with a trade publication, the political consultant behind the advocacy effort bragged about how the volume "left the South Coast AQMD staff reeling."

Automated engagement tools have the capacity to overwhelm government agencies, crowd out the voices of actual members of the public, and undermine the intent of California’s transparent governance laws. Clarifying how these laws apply in the context of emerging technologies, particularly distinguishing between authentic public input and activity generated at scale by artificial intelligence systems, represents an important step toward protecting meaningful public participation, open governance, and critical staff resources for local agencies. With thoughtful refinement, SB 1159 will help address these challenges in a way that is both effective and implementable as technology continues to evolve quickly. [...]

ARGUMENTS IN OPPOSITION: Oakland Privacy writes in opposition stating:

[...]The current language in the bill sweeps extremely broadly beyond the particular situation described – that of a large volume of automated comments in an administrative proceeding, but we will discuss our concerns in that context before turning to the other components of the bill.

One of the hallmarks of California’s venerable open government law is that individuals who give public comment at public meetings do not have to vet themselves in any way. They do not have to identify themselves, they do not have to live in the jurisdiction in question, and they do not need to verify their identity in any fashion or form if they choose not to do so. [...]

In short, we don’t think that the advent of artificial intelligence renders California’s governmental transparency legal structure moot and in need of serious revision. The problems potentially presented by AI, including fraudulent bulk emails, lengthy Zoom public comment sessions, and high volume public records requests all have their analog equivalents and existing tools to address them. They are not, like most things, perfect, and the author knows as well as anyone that it can be exhausting to be a public servant, but they have on the whole served California well for the past 70+ years.

We do not think Californians should have to worry that the newest response to speech that the government doesn’t like is “you’re not human, you’re an AI”.

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Prepared by: Amanda Mattson / JUD. / (916) 651-4113

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**** END ****