

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1159 (Cabaldon) – As Amended June 25, 2026

SENATE VOTE: 38-0

SUBJECT: ARTIFICIAL INTELLIGENCE: TRANSPARENCY AND GOVERNANCE

SYNOPSIS

With significant advancements in generative artificial intelligence (GenAI) technology, distinguishing between human-generated and machine-generated content has become increasingly challenging. GenAI technologies, which can produce highly realistic synthetic media and documents, pose substantial risks related to misinformation, fraud, and privacy violations. The unchecked spread of AI-generated content and documents can have serious implications for society and democracy. GenAI has recently been used to flood local governments with public comments and requests, creating a backlog that can grind the gears of government to a halt. This bill would clarify, for the purposes of California’s transparency and governance laws, that a “person,” “interested person,” “member of the public,” and any other similar terms referring to those who may engage with governmental agencies, refer to natural persons.

This bill is supported by numerous cities, counties, and local government association groups, as well as technology-reform organizations. The bill is opposed by the First Amendment Coalition and Oakland Privacy. The Assembly Committee on Privacy and Consumer Protection voted unanimously to pass the bill out of committee.

SUMMARY: Provides that for the purposes of specified governance and transparency acts, 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. Specifically, **this bill:**

- 1) In each of the following code sections, clarifies that “person,” “interested person,” “member of the public,” and any other similar terms referring to those who may engage with governmental agencies do not include artificial intelligence systems, autonomous agents, or robots, whether physical or digital:
 - a) The Administrative Procedures Act;
 - b) The California Public Records Act;
 - c) The Legislative Open Records Act;
 - d) The Bagley-Keene Open Meeting Act;
 - e) The Ralph M. Brown Act;

- f) The California Environmental Quality Act;
 - g) The California Coastal Act.
- 2) In each of the code sections listed above:
- a) Defines the terms:
 - i) “Artificial intelligence” as 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.
 - ii) “Assistive technology” as an item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities and any service that directly assists an individual with a disability in the selection, acquisition, or use of the item, equipment, or product system.
 - b) Provides that an agency may use a disclosure verification tool that meets the criteria described in Section 22757.2 of the Business and Professions Code to determine if artificial intelligence is present.
 - c) Clarifies that a natural person is not prohibited from using artificial intelligence, autonomous agents, or robots to facilitate the person’s own engagement with a governmental agency, including through the use of assistive technologies, provided the volume and frequency of the engagement are reasonably consistent with ordinary participation by a natural person.
- 3) Prohibits a person from knowingly using artificial intelligence to falsely represent that a natural person appeared before, submitted information to, or otherwise engaged with a governmental agency.
- 4) Makes various findings and declarations.

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. (Cal. const. art. I, sec. 3(b)(1).)
- 2) Provides that it is unlawful for any person to use a bot to communicate or interact with another person in California online, with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. (Business and Professions Code Section 17941.)

- 3) Requires, under the AI Transparency Act, beginning August 2, 2026, a creator of a GenAI system to additionally create and make freely available an AI detection tool that can be used to assess whether digital content was created or altered by a creator's GenAI system. (Business and Professions Code Section 22757.1 *et seq.*)
- 4) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Government Code Section 7920.000 *et seq.*)
- 5) Establishes the Administrative Procedure Act (APA), which 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. (Government Code Section 11340 *et seq.*)
- 6) 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. (Government Code Section 11120 *et seq.*)
- 7) 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. (Government Code Section 54950 *et seq.*)
- 8) 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. (Government Code Section 81000 *et seq.*)
- 9) 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 Section 21100 *et seq.*)
- 10) Establishes the California Coastal Act of 1976, which protects the ecological balance of the coastal zone and prevents its deterioration and destruction. (Public Resources Code Section 30000 *et seq.*)
- 11) Defines "assistive technology" to mean any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, and any service that directly assists an individual with a disability in the selection, acquisition, or use of the item, equipment, or product system. (Welfare & Institutions Code Section 19461.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: With significant advancements in generative artificial intelligence (GenAI) technology, distinguishing between human-generated and machine-generated content has become increasingly challenging. GenAI technologies, which can produce highly realistic synthetic media and documents, pose substantial risks related to misinformation, fraud, and privacy violations. The unchecked spread of AI-generated content and documents can have serious implications for society and democracy. GenAI has recently been used to flood local

governments with public comments and requests, creating a backlog that can grind the gears of government to a halt. According to the author:

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.

Generative Artificial Intelligence vs. Predictive Artificial Intelligence. The development of GenAI offers significant potential to enhance California’s economy and improve residents’ lives by rapidly generating text, images, and audio. However, these advancements come with new concerns. Artificial intelligence, broadly speaking, involves computers mimicking human intelligence through algorithms that process various inputs into outputs, such as text or video. Predictive AI uses specific datasets to make recommendations, while GenAI utilizes vast datasets to produce detailed content. For instance, when a streaming service suggests a TV show to a viewer, the recommendation is produced by *predictive* AI that has been trained on the viewing habits of the service’s users. Conversely, when a service like ChatGPT generates text in clear, concise paragraphs, it uses *generative* AI that has been trained on the written contents of the internet. ChatGPT is an example of an open-sourced tool, meaning it is accessible to the public. Researchers and developers can also access its code and parameters. This accessibility increases transparency, but it has downsides: when a tool’s code and parameters can be easily accessed, they can be easily altered, and open-source tools have the potential to be used for nefarious purposes. The author writes:

AI systems can now autonomously engage in governmental processes at scales and speeds that far exceed human capacity, submitting infinite automated records requests, generating mass public comments, filing automated petitions, or using real-time video to impersonate participants on platforms like Zoom. This overwhelms agencies, diverts public resources, crowds out genuine human voices, and undermines deliberative processes.

In June 2025, the South Coast Air Quality Management District (AQMD) was flooded with more than 20,000 AI-generated public comments opposing proposed air quality rules that would have phased out gas-powered appliances. [(Hayley Smith, *Southern California air board rejected pollution rules after flood of comments from AI-powered platform*, L.A. Times (Feb. 17, 2026) available at: <https://www.latimes.com/environment/story/2026-02-17/ai-powered-campaign-may-have-killed-key-vote-on-air-quality>.)] Agency insiders confirmed the volume of comments almost certainly influenced the Board’s decision to scrap the rules. When the AQMD’s cybersecurity team investigated, at least three of the contacted commenters said they had no knowledge of any messages submitted in their name. Similar AI-powered campaigns have been used to support a gas pipeline in North Carolina and are currently targeting air quality rules in the Bay Area. [...] In the United Kingdom, an AI service called Objector.ai is generating similar concerns about swarming government with infinite objections. [(Aisha Down & Robert Booth, *AI-powered nimbyism could grind UK planning system to a halt, experts warn*, The Guardian (Nov. 9, 2025) available at: <https://www.theguardian.com/politics/2025/nov/09/ai-powered-nimbyism-could-grind-uk-planning-system-to-a-halt-experts-warn>.)]

This bill would clarify, for the purposes of California’s transparency and governance laws, that a “person,” “interested person,” “member of the public,” and any other similar terms referring to

those who may engage with governmental agencies, refer to natural persons. The bill clarifies that none of the aforementioned terms should be construed to include artificial intelligence systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital. Additionally, the bill makes it explicitly unlawful for a person to knowingly use artificial intelligence to falsely represent that a natural person engaged with a government agency. If a public agency believes artificial intelligence is being used in this manner, they may use an AI detection tool, as referenced in the AI Transparency Act, to determine if AI is present.

The author amended the bill in the Assembly Committee on Privacy and Consumer Protection to provide clarification regarding the use of AI by a natural person. The bill, as in print, now includes language that affirms the ability of an individual to use artificial intelligence, autonomous agents, or robots to facilitate their own engagement with a government agency, including using assistive technologies. Therefore, if a person, whether due to a medical condition or any other reason, needs assistance to draft a public comment, for example, they would be allowed to do so under this bill. However, the bill specifies the volume and frequency of the engagement must be reasonably consistent with the ordinary participation of a natural person.

ARGUMENTS IN SUPPORT: This bill is supported by numerous cities, counties, and local government associations, as well as technology-reform groups. A coalition of Rural County Representatives of California (RCRC), California State Association of Counties (CSAC), Urban Counties of California (UCC), California Municipal Clerks Association (CMCA), California Association of Councils of Governments (CALCOG), and the League of California Cities (Cal Cities) write in support:

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." This is just one example of an emerging trend that poses real concerns for the quality of civic discourse

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.

The Chamber of Progress writes in support:

SB 1159 establishes a clear and targeted safeguard to ensure that automated systems are not treated as “members of the public” in civic processes such as public comment, public records requests, and open meetings. As AI tools become more capable, this clarification helps prevent the risk of large-scale, automated submissions that could overwhelm government processes and crowd out genuine public input. By reinforcing that civic participation is fundamentally human, the bill protects the integrity of democratic engagement.

At the same time, SB 1159 appropriately supports continued innovation. It does not restrict the development or use of AI technologies, nor does it limit individuals from using these tools to inform or enhance their participation. Instead, it sets a reasonable boundary to prevent misuse while ensuring that AI remains a tool that amplifies, rather than replaces, human voices in government.

ARGUMENTS IN OPPOSITION: The bill is opposed by the First Amendment Coalition and Oakland Privacy. The First Amendment Coalition writes in opposition:

According to the author’s statements, the problem giving rise to this bill to address recent events, including in 2025 South Coast Air Quality Management District was apparently “flooded more than 20,000 AI-generated public comments opposing proposed air quality rules that would have phased out gas-powered appliances,” according to the author fact sheet. “Agency insiders confirmed the volume of comments almost certainly influenced the Board’s decision to scrap the rules. When the AQMD’s cybersecurity team investigated, at least three of the contacted commenters said they had no knowledge of any messages submitted in their name.”

While no one condones fraudulent behavior, if that’s what occurred, we don’t understand why SB 1159 is needed to solve that stated problem. Our transparency laws mandate openness and a chance to provide comments on important government decisionmaking, but these laws don’t mandate agencies listen or act on these views. Our elected and appointed officials who sit on boards and the professional staff who work for our public institutions are, as demonstrated by the example, well equipped to assess the veracity and provenance of any public comment and act accordingly. Also, as we understand this example, the fraudulent activity would still be initiated by humans using the non-human tech tool.

It is not clear how an elected or appointed body would make a determination about whether AI was used and in order to do so accurately they would likely need to interrogate records requesters and members of the public, which raises serious chilling concerns. Under the Brown Act, for example, individuals are not compelled to disclose their names or addresses to make a public comment and can do so under an alias if they so desire. Similarly, people, including those who fear retaliation of different kinds, often feel the need to submit records requests anonymously. We are concerned that a municipality or other public agency can declare a person or entity is an AI and therefore it is unnecessary to fulfill a records request or list a public comment in the record.

Oakland Privacy writes in opposition:

So if it is problematic for privacy and anonymity rights for public bodies to “verify the humanness” of public comments, and it is, then we are left merely with public officials opinionating without any specific criteria, besides possibly the volume, that public comments are machine-generated in order to not pay attention to materials that they are not, in fact, required to pay attention to in the first place. Or invading people’s privacy and anonymity in unpermitted ways to make the determination required by this bill.

Senate Bill 1159 is not limited to written and oral public comments issued in administrative rule-making proceedings and to legislators debating various legislative proposals. The bill also proposes to amend the California Public Records Act, CEQA and the Political Reform Act with regard to more extensive rights granted to members of the public in the interest of governmental transparency.

While we can’t say exactly what the author’s intentions are in changing the language in CEQA and the Political Reform Act, we would not want to see CEQA appeals rejected for “being an AI”. We can speak authoritatively to the California Public Records Act as we are frequent users of the Act. **The CPRA is not a mere right to be “heard”. It is a fundamental right to access documents and to inquire about the details of “the people’s business” as carried out by local and state governments.**

Frequent (human) filers of public records requests in California will universally share the troubles they’ve had getting records they are clearly entitled to under the law and the ridiculous reasons often proffered for denials. Assembly Bill 1159 creates a new one. The municipality can declare that you are an AI and therefore it is unnecessary to fulfill your request. An entreaty as to why they think you are an AI can, and likely will, go unanswered and even if it is not unanswered, the bill provides no standards for how and why this opinion is issued. This leaves the only remedy available to be a writ of mandate in superior court. This is an option the majority of requesters can only exercise at significant time and expense, if at all. In practice, this is a reduction of rights Californians have had for 58 years.

REGISTERED SUPPORT / OPPOSITION:

Support

ACT Now Bay Area
Active San Gabriel Valley
Bay Area Air Quality Management District
Brea; City of
Building Decarbonization Action Fund
California Acupuncture Board
California Association of Councils of Governments
California Association of Nonprofits
California Association of Recreation & Park Districts
California Big City Mayors Coalition
California Municipal Clerks Association (CMCA)
California Police Chiefs Association

California Special Districts Association
California State Association of Counties (CSAC)
California YIMBY
Center for Ai and Digital Policy (CAIDP)
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
Chamber of Progress
Chino Hills; City of
Circulate Planning & Policy
Cities Association of Santa Clara County
City of Bakersfield
City of Beaumont
City of Belmont
City of Carlsbad
City of Corona
City of Desert Hot Springs
City of El Cerrito
City of Glendora
City of Merced
City of Rancho Cucamonga
City of Redwood City
City of San Jose
City of San Mateo
City of Thousand Oaks
Climate Action Campaign
Contra Costa County
County of Napa
County of Yolo
Dental Board of California
Fresno County Board of Supervisors
Greenbelt Alliance
League of California Cities
Marin County Council of Mayors and Councilmembers
Mariposa; County of
Newport Beach; City of
NRDC
Orange County Employees Association
Physicians for Social Responsibility - San Francisco Bay
Placentia; City of
Riverside; City of
Rural County Representatives of California (RCRC)
Sacramento; County of
Shasta County Board of Supervisors
Sierra Club California
Sonoma County Mayors' and Councilmembers' Association
Stanton; City of
Streets for All
Techequity Action
Urban Counties of California (UCC)
Usgbc California

Western Riverside Council of Governments (WRCOG)
Westminster; City of

Opposition

First Amendment Coalition
Oakland Privacy

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