

SENATE THIRD READING  
SB 1159 (Cabaldon)  
As Amended June 25, 2026  
Majority vote

## SUMMARY

Seeks to address artificial intelligence (AI)-facilitated government fraud by prohibiting individuals from knowingly using AI to falsely represent that a natural person engaged with a government agency, and by clarifying that "person" does not include artificial intelligence systems, automated agents, or robots for purposes of public engagement with government.

### Major Provisions

- 1) Clarifies that, for purposes of various forms of public engagement with government agencies, "person" does not include an AI system, autonomous agent, or robot. Provides that this clarification does not prohibit a natural person 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.
- 2) 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.

## COMMENTS

*Background.* California law guarantees broad public access to government through public records laws, open meeting laws, and agency rulemaking procedures. These laws generally allow a "person" to request records, submit comments, appear at hearings, or otherwise participate in governmental decision making. Over the past few years, the development of artificial intelligence (AI) – and especially generative AI – has facilitated public participation by helping individuals draft comments, prepare testimony, and request information from government agencies. These tools are especially valuable for Californians who face barriers to participation, including individuals with disabilities. At the same time, AI can also be used to generate public engagement at a scale and speed far beyond ordinary human participation. Recent reports have raised concerns that AI-generated comments, objections, or records requests could be used to overwhelm agencies, misrepresent the views of real people, and distort the public record.

*What this bill would do.* This bill prohibits individuals from using AI to falsely represent that a natural person has engaged with a government agency, and clarifies that for purposes of public engagement with government, "person" does not include artificial intelligence systems, automated agents, or robots. In doing so, the bill seeks to grant government agencies a tool to combat fraudulent participation.

*Analysis.* The development of GenAI is creating exciting opportunities to grow California's economy and improve the lives of its residents. GenAI can generate compelling text, images and audio in an instant – but with novel technologies come novel safety concerns. In 2025, California's South Coast Air Quality Management District was flooded with what appeared to be more than 20,000 AI-generated public comments opposing proposed air quality rules that would have phased out gas-powered appliances. In the United Kingdom, an AI service called

Objector.ai is driving similar concerns about overwhelming AI-generated objections to new housing development.

This bill would clarify that, for purposes of various forms of public engagement with government agencies, "person" does not include an AI system, autonomous agent, or robot. Recognizing that agencies may find it difficult to distinguish between genuine and artificial participation, the bill explicitly allows agencies to use AI detection tools developed pursuant to the AI Transparency Act.

No government agencies currently treat AI, autonomous agents, or robots as people, and as a result, it is not immediately obvious that changing the definition of "person" to exclude AI will empower government agencies to combat fraud. To the extent this bill does affect Californians' ability to request information and participate in government proceedings, it is important to distinguish between "good" uses of AI – for example, to facilitate participation by individuals with disabilities – and fraudulent uses. To make this distinction, this bill clarifies that excluding AI from the definition of "person" does not "prohibit a natural person 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."

### **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."

"AI swarming has emerged as a real problem. Recently, the Los Angeles Times reported that 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)."

### **Arguments in Support**

A coalition of associations representing cities and counties, including CalCities and the California State Association of Counties, writes:

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. Recent amendments, like allowing a disclosure verification tool, helped refine

SB 1159 to address these challenges in a way that is both effective and implementable as technology continues to evolve quickly.

### **Arguments in Opposition**

First Amendment Coalition writes:

When it comes to public records requests, especially if one is filing them with multiple agencies to track how many agencies in California are doing a particular thing in order to assemble the necessary facts to advocate for policy change, a person or group may wish to use an AI tool to draft a request or to file the request, just as public agencies have been investing in AI tools to streamline their work. SB 1159 runs the risk of deterring important statewide research using public records by reporters, advocates, think tanks or academic researchers who may find value in an AI tool. SB 1159 is unnecessary especially as to the California Public Records Act, which already allows governmental agencies to deem requests over broad or too burdensome, and to work with requesters to target or narrow a request. The problems potentially presented by AI, including fraudulent bulk emails and high volume public records requests, all have their analog equivalents and existing tools to address them.

### **FISCAL COMMENTS**

As currently in print, this bill is keyed nonfiscal.

### **VOTES**

#### **SENATE FLOOR: 38-0-2**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Dahle, Seyarto

#### **ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0**

**YES:** Bauer-Kahan, Macedo, Bryan, DeMaio, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

#### **ASM JUDICIARY: 12-0-0**

**YES:** Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

### **UPDATED**

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