

UNFINISHED BUSINESS

Bill No: SB 1159
Author: Cabaldon (D), et al.
Amended: 6/25/26
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

SENATE FLOOR: 38-0, 5/4/26

AYES: 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

NO VOTE RECORDED: Dahle, Seyarto

ASSEMBLY FLOOR: 74-0, 8/13/26 - See last page for vote

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, the Legislative Open Records Act, and the California Coastal Act of 1976, 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.

Assembly Amendments of 6/25/26 remove the Political Reform Act from the bill's provisions, include the Legislative Open Records Act and the California Coastal Act of 1976, add additional definitions, and 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.

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. (Cal. const. art. 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 [Pub. Res.] Code §§ 21100 et seq.)²

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

- 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 California Coastal Act of 1976 which provides for the planning and regulation of development within the coastal zone. (Pub. Res. Code §§ 30000 et seq.)
- 8) Establishes the Legislative Open Records Act (LORA) which governs the public disclosure of legislative records. (Gov. Code §§ 9071 et seq.)

This bill:

- 1) Provides that for the purposes of the CPRA, Bagley-Keene, Brown Act, CEQA, APA, LORA, and the California Coastal Act of 1976, 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) Defines various terms for these purposes.
- 3) States it is the intent of the Legislature to clarify that, for purposes of California’s transparency and governance laws [referenced in 1), above], the terms “person,” “interested person,” “member of the public,” and any other similar terms referring to those who may engage with governmental agencies under those laws, refer to natural persons and legally recognized entities capable of genuine participation in democratic governance, not AI systems that could be programmed to simulate participation at scales that would overwhelm governmental processes.
- 4) 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.
- 5) Specifies that these provisions do 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.

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.³ 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.⁴ 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[.]”⁵ 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. This 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.⁶ 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.”⁷

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

SUPPORT: (Verified 8/13/26)

ACT Now Bay Area
Active San Gabriel Valley
Bay Area Air Quality Management District

³ Bill Handel, *20,000 AI-Written Email Stopped A Law*, iHeartRadio, (Feb. 17, 2026), available at <https://kfiam640.iheart.com/content/2026-02-17-bill-handel-20000-ai-written-emails-stopped-a-law/>.

⁴ 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>.

⁵ *Ibid.*

⁶ See *Thaler v. Vidal* 43 F.4th 1207 (Fed. Cir. 2022).

⁷ U.S. Patent and Trademark Off., *Revised Inventorship Guidance for AI-Assisted Inventions*, 90 FR 54636, available at <https://www.federalregister.gov/documents/2025/11/28/2025-21457/revised-inventorship-guidance-for-ai-assisted-inventions>.

Big City Mayors
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 Coastal Commission
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
Circulate Planning & Policy
Cities Association of Santa Clara County
City of Bakersfield
City of Beaumont
City of Belmont
City of Carlsbad
City of Chino Hills
City of Corona
City of Desert Hot Springs
City of El Cerrito
City of Glendora
City of Merced
City of Moorpark
City of Newport Beach
City of Placentia
City of Rancho Cucamonga
City of Redwood City
City of Riverside
City of San Jose
City of San Mateo
City of Stanton
City of Thousand Oaks
Climate Action Campaign

Contra Costa County
County of Mariposa
County of Napa
County of Sacramento
County of Ventura
City of Westminster
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
NRDC
Orange County Employees Association
Physicians for Social Responsibility - San Francisco Bay
Rural County Representatives of California (RCRC)
Shasta County Board of Supervisors
Sierra Club California
Sonoma County Mayors' and Councilmembers' Association
Streets for All
TechEquity Action
Urban Counties of California (UCC)
USGBC California
Western Riverside Council of Governments

OPPOSITION: (Verified 8/13/26)

First Amendment Coalition
Oakland Privacy

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: The First Amendment Coalition writes in opposition stating:

[...] SB 1159 would modify the definition of a person to exclude artificial intelligence in our public records and public meetings laws. As we understand the goal, this legislation is designed to give governmental bodies additional tools to ignore public participation that they believe emanates from AI programs. [...]

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.

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. [...]

ASSEMBLY FLOOR: 74-0 8/13/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian,

Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Alvarez, Berman, Bonta, Petrie-Norris, Schultz

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
8/14/26 17:04:34

**** **END** ****