

SENATE THIRD READING

SB 401 (Hurtado)

As Amended June 1, 2026

2/3 vote

SUMMARY

Permits the Fair Political Practices Commission (FPPC) to extend Political Reform Act (PRA) filing deadlines in the event of an emergency.

Major Provisions

- 1) Permits the FPPC to extend the filing deadline established by the PRA for individuals that live in an area impacted by an emergency situation that is reasonably likely to affect the individual's ability to timely file the required report or statement. Prohibits the FPPC from granting an extension of more than 60 days, or for a campaign statement or report due during the 90 days before an election.
- 2) Defines "emergency situation," for the purpose of this bill, as an emergency proclaimed by the Governor or a local governing body pursuant to the California Emergency Services Act (CESA).

COMMENTS

The PRA requires candidates, elected officers, political committees, lobbyists, and other individuals to file various reports and statements. In limited circumstances, the FPPC has extended filing deadlines when emergency conditions interfered with a person's ability to comply with applicable filing requirements. For example, at the outset of the COVID-19 pandemic, the FPPC adopted an emergency regulation extending the deadline by 60 days for certain public officials to file their annual statement of economic interests (SEI). More recently, the FPPC adopted a similar emergency regulation for individuals affected by wildfires in Los Angeles County.

Despite these actions, the FPPC generally lacks authority under existing law to extend PRA filing deadlines. In the examples above, the FPPC was able to grant filing extensions because the affected deadlines were established by regulation rather than by statute. Most PRA filing deadlines, however, are prescribed in the Government Code, leaving the FPPC without authority to modify or extend those deadlines to account for extenuating circumstances. Nevertheless, in its enforcement proceedings, the FPPC generally considers individual circumstances, including whether a respondent was affected by a declared emergency.

The CESA authorizes the Governor to proclaim a state of emergency when conditions of disaster or extreme peril to the safety of persons or property exist within the state. During a declared state of emergency, CESA grants the Governor broad authority to suspend regulatory statutes and the orders, rules, and regulations of state agencies when strict compliance would prevent, hinder, or delay efforts to mitigate the effects of the emergency. Accordingly, gubernatorial emergency proclamations have occasionally provided relief from PRA filing deadlines. For example, in February 2025, Governor Newsom issued Executive Order N-17-25 in response to fire and windstorm conditions in Los Angeles and Ventura Counties. Among other provisions, the order extended by 60 days the deadlines for public officials in Los Angeles County to file behested payment reports and SEIs.

This bill authorizes the FPPC to extend PRA filing deadlines for individuals affected by a declared state of emergency. The bill limits any such extension to no more than 60 days, consistent with filing extensions provided during prior emergencies, and prohibits extensions for disclosure reports due during the 90-day period preceding an election.

California voters passed an initiative, Proposition 9, in 1974 that created the FPPC and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the PRA. Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

According to the Author

"Public officials who are victims of natural disasters and other emergency situations like the Palisades and Eaton fires in 2025 and during the COVID-19 Pandemic should not be overburdened when it may be difficult or downright impossible to file various statements of interest required under the Political Reform Act on time. This bill removes bureaucratic barriers so the FPPC may extend deadlines when appropriate, so the state does not unfairly penalize families for failing to meet filing deadlines outside of their control. SB 401 would allow families to focus on rebuilding more quickly, access essential services, and not be overburdened at a time when they should be focused on making sure their family is safe and secure."

Arguments in Support

In support of this bill, California Common Cause writes, "California Common Cause supports the bill's goal of ensuring that filers are not penalized when emergencies disrupt their ability to comply with PRA reporting requirements. Providing reasonable flexibility during genuine emergencies helps promote fairness while recognizing that circumstances beyond a filer's control may make compliance temporarily impossible. We are particularly appreciative that the bill now includes important safeguards to ensure that flexibility does not come at the expense of transparency."

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Minor and absorbable costs to the FPPC.
- 2) One-time costs ranging between approximately \$275,000 to \$375,000 to the Secretary of State (SOS) to update the CAL-ACCESS Replacement System (CARS) to be able to reflect the correct filing due date for the specific subset of filers for which the FPPC extends a PRA filing deadline (General Fund). The SOS anticipates being able to manually waive late filing penalties for impacted filers, but notes that that without the system enhancement, the filings would continue to display as "late" in CARS and on the public-facing website, despite the filer having an approved extension.

VOTES

SENATE FLOOR: 40-0-0

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

ASM ELECTIONS: 7-0-0

YES: Pellerin, Bennett, Berman, Elhawary, Lackey, Solache, Stefani

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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