

SENATE THIRD READING

STR Bill Id:SB 852 Author:(Committee on Elections and Constitutional Amendments)

As Amended Ver:June 17, 2025

2/3 vote

SUMMARY

Makes it discretionary, rather than mandatory, for the California Citizens Redistricting Commission (CRC) to fill a vacancy that occurs after the end of a year ending in the number two. Makes various minor changes to the Political Reform Act (PRA).

Major Provisions

- 1) Eliminates a requirement for the Fair Political Practices Commission (FPPC) to distribute copies of bills that propose to amend the PRA to the news media and to other persons who requested such copies. Requires, instead, that each such bill in its final form be printed, distributed to Members of the Legislature, and published on the internet for a specified number of days before final passage in each house of the Legislature.
- 2) Requires a public official who manages public investments to file their statement of economic interests (SEI) using the FPPC's electronic filing system.
- 3) Repeals a requirement for the CRC to fill any vacancy that occurs on or after December 31 of a year ending in the number two within 90 days, and instead permits the CRC to fill such a vacancy.

COMMENTS

As part of the PRA's comprehensive framework to prevent conflicts of interest by public officials, existing law requires certain high-level state and local officials (87200 filers) to file SEIs (commonly referred to as a Form 700). AB 1170 (Valencia), Chapter 211, Statutes of 2024, required individuals who file their SEIs with the FPPC to do so electronically. However, one group of high-level officials—public officials who manage public investments—was inadvertently excluded. This bill would close that gap by requiring public officials who manage public investments to file their SEIs electronically using the FPPC's system.

When an initiative statute is enacted into law by California voters, that statute can be amended or repealed by another statute that becomes effective when approved by the electors. Alternately, an initiative may allow for it to be amended by the Legislature without voter approval, and may set conditions for any such amendments. When California voters passed Proposition 9 in 1974, which created the PRA and established the FPPC, it allowed the PRA to be amended without voter approval if certain conditions were met. One condition for such amendments was a requirement that the bill in its final form be delivered to the FPPC for distribution to the news media and interested persons by a specified number of days before the final vote. In accordance with that requirement, FPPC staff send manual notifications by email whenever a PRA bill is introduced or amended. According to the FPPC, three individuals are currently signed up for that email list.

Last session, the Legislature enacted and Governor Newsom signed SB 681 (Allen), Chapter 499, Statutes of 2023. Among other provisions, SB 681 required the Legislative Counsel to allow the public to receive email alerts of legislative activity related to bills to amend the PRA. In light

of this new tracking service, this bill eliminates the requirement for the FPPC to manually notify interested persons about bills that propose to amend the PRA without being submitted to the voters.

Proposition 11, which was approved by the voters at the 2008 statewide general election, created the CRC, and gave it the responsibility for establishing district lines for Assembly, Senate, and the Board of Equalization. Proposition 11 also modified the criteria to be used when drawing district lines. Proposition 20, which was approved by the voters at the 2010 statewide general election, gave the CRC the responsibility for establishing lines for California's congressional districts, and made other changes to the procedures and criteria to be used by the CRC.

Proposition 11 included a procedure for filling vacancies on the CRC. Under that procedure (as modified by SB 1096 (Elections & Constitutional Amendments Committee), Chapter 271, Statutes of 2012), the CRC has 30 days to fill a vacancy that occurs before December 31 of a year ending in the number two, and has 90 days to fill a vacancy occurring after that point.

In December 2024, one of the members of the CRC passed away. The CRC subsequently held a public meeting on March 28, 2025, at which the CRC discussed the resulting vacancy. The CRC filled the vacancy at that meeting, and also voted unanimously (with two members absent from the vote) to propose statutory amendments to make it discretionary, rather than mandatory, for the CRC to fill a vacancy that occurs on or after December 31 in the year ending in the number two.

The language included in this bill that proposes to change state law governing CRC vacancies is the exact language that was unanimously approved by the CRC at its March 28, 2025 meeting, and that provision was included in this bill at the request of the CRC.

Proposed statutory changes that are not submitted to the voters for their consideration, and that amend the PRA or state statutes governing the operation of the CRC, must comply with various conditions, including a requirement that the amendments be approved by a two-thirds vote of both houses of the Legislature. Accordingly, this bill has been keyed by the Legislative Counsel as requiring a two-thirds vote of each house of the Legislature for final passage.

According to the Author

"This bill is the Senate Committee on Elections and Constitutional Amendments' Government Code omnibus bill and contains two changes to the PRA that the FPPC requested as well as a change the Citizens' Redistricting Commission (CRC) requested to its own governance. These changes eliminate an obsolete requirement for the FPPC to send a notification to subscribers to inform them of bills that would amend the PRA; fix a drafting error in AB 1170 of 2024 that omitted public officials who manage public investments from those who must file their Form 700s electronically; and permit, rather than require, the CRC to fill a vacancy that occurs on the commission after its work is completed."

Arguments in Support

In support of this bill, the California Citizens Redistricting Commission writes, "Government Code Section 8252.5 notes any vacancy that occurs on or after December 31 of a year ending in the number two shall be filled by the Commission within the 90 days after the vacancy occurs. This timeline would be after the Commission has approved the final maps which is the primary responsibility of the Commission. As such, once the maps are drawn and approved, the

Commission typically does not meet as frequently. Requiring the Commission to fill a vacancy within 90 days puts an unneeded burden on the Commissioners to meet when it may not be necessary to meet or necessary to fill a vacancy. The bill language change would allow the Commission the ability to decide if, and when, to fill a vacancy."

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Potential minor cost savings to the CRC by no longer requiring the CRC to urgently vet potential commissioners and meet to fill a vacancy.
- 2) Minor cost savings to the FPPC by no longer requiring the FPPC to distribute copies of bills amending the PRA, and minor and absorbable costs to the FPPC to receive additional electronic SEIs.

VOTES

SENATE FLOOR: 34-0-6

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

ABS, ABST OR NV: Alvarado-Gil, Cervantes, Grove, Padilla, Reyes, Rubio

ASM ELECTIONS: 7-0-0

YES: Pellerin, Macedo, Bennett, Berman, Solache, Stefani, Tangipa

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Sanchez, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Tangipa

ABS, ABST OR NV: Arambula, Pellerin

UPDATED

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CONSULTANT: Ethan Jones / ELECTIONS / (916) 319-2094

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