

## SENATE THIRD READING

SB 852 (Committee on Elections and Constitutional Amendments)

As Amended August 27, 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. Expands an existing law that prohibits a person from receiving or delivering a campaign contribution at the State Capitol or state government office building such that it applies to local government offices and legislative district offices.

**Major Provisions**

- 1) Expands an existing law that prohibits a person from receiving or personally delivering or attempting to deliver a campaign contribution in the State Capitol or any state office building, or any office for which the state pays the majority of the rent, such that the law also applies to any local government office building or any office for which a local government pays rent. Deletes provisions of law that exempt legislative district offices from the existing prohibition, thereby making this prohibition applicable to legislative district offices.
- 2) Eliminates a requirement for the Fair Political Practices Commission (FPPC) to distribute copies of bills that propose to amend the Political Reform Act (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.
- 3) Requires a public official who manages public investments to file their statement of economic interests (SEI) using the FPPC's electronic filing system.
- 4) 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**

In the aftermath of the Watergate scandal, California was the first state to pass a comprehensive political reform package. California voters passed an initiative, Proposition 9, also commonly known as the PRA, in 1974 that codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists and created the FPPC to implement, administer, and enforce the PRA.

The voters adopted Proposition 9 partly in reaction to scandals involving campaign finance, including the delivery of campaign contributions in the offices of elected officials, particularly in the State Capitol. However, the PRA did not originally include prohibitions on receiving campaign contributions in the office of elected officials or the State Capitol. AB 3502 (Agnos), Chapter 920, Statutes of 1982, was signed into law and prohibited a person from receiving, delivering, or attempting to deliver a campaign contribution in the State Capitol, any state office building, or any office for which the state pays the majority of the rent other than a legislative district office. It is unclear why AB 3502 exempted legislative district offices.

This bill expands this prohibition to apply to any local government office building, any office which local government pays rent, and legislative district office buildings (which were previously exempt). These provisions previously were contained in the April 10, 2025, version of SB 280, which was heard in and approved by the Assembly Elections Committee by a 7-0 vote. After SB 280 was amended and used for another purpose, the provisions of the April 10, 2025, version of that bill were amended into this bill.

To prevent conflicts of interest by public officials, the PRA 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, 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 three 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; include local government offices and legislative district offices among the locations where a person cannot receive nor deliver a campaign contribution; 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 a prior version of this bill, the California Citizens Redistricting Commission wrote, "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 analysis of the June 17, 2025, version of this bill:

- 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.

Subsequent to that Appropriations Committee analysis, this bill was amended to add the contents of the April 10, 2025, version of SB 280. According to the Assembly Appropriations Committee analysis of that version of SB 280, that bill had minor and absorbable costs to the FPPC.

## 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

VERSION: August 27, 2025

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