

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1925 (Santiago) – As Amended April 18, 2022

SUBJECT: Counties: appointed officers: qualification for office.

SUMMARY: Requires, rather than allows, a waiver of the requirement to be a registered voter in order to be eligible for an appointed county or district office. Specifically, **this bill:**

- 1) Requires a board of supervisors or any other legally constituted appointing authority in a county or district to waive the requirement to be a registered voter for an appointed county or district office, except for an appointed county or district office that is also a peace officer or a probation officer.
- 2) Provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to current law governing state mandated local costs.

EXISTING LAW:

- 1) Provides that a person is not eligible to a county or district office, unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the appointment of the person.
- 2) Allows a board of supervisors or any other legally constituted appointing authority in a county or district, if it finds that the best interests of the county or district will be served, to waive the requirements to be a registered voter for an appointed county or district office.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill requires a board of supervisors or any other legally constituted appointing authority in a county or district to waive the requirement to be a registered voter for an appointed county or district office, except for an appointed county or district office that is also a peace officer or a probation officer.

According to the author, "California is home to 11 million immigrants, the most of any state in the country. We are a diverse state full of intelligent, capable people, some of whom may not have been born in this country. Someone's place of birth should not exclude them from holding public office where they can do meaningful work for their communities. AB 1925 will allow documented noncitizens to hold appointed county positions by waiving an outdated voter registration requirement, which functionally acts as a citizenship requirement, in turn opening opportunities for millions of our immigrant community members to hold public office."

- 2) **Background.** Government Code Section 24001 requires anyone elected or appointed to a county or district office to be a registered voter in the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the appointment of the person. However, this code section also gives a board of supervisors or any other legally constituted appointing authority in a county or district the discretion to waive the voter-registration requirement for people who are appointed to county or district positions (not elected positions).
- 3) **Los Angeles County Motion.** According to the author's office, the impetus for this bill was an effort on the part of the Los Angeles County Board of Supervisors (Board) to explore waiving citizenship requirements for Los Angeles County employment. According to a motion of the Board dated August 10, 2021, the Board directed its county counsel in May of 2021 to issue a report back on "how to become a more inclusive employer by exploring the feasibility and legality of lifting any barriers and obstacles in achieving that goal. Specifically, the motion centered on waiving citizenship requirements as a condition of employment with Los Angeles County.

"The report back shared that the Board, with limited exceptions, has authority to waive citizenship requirements and the voter registration requirements of Government Code Section 24001 for appointed Department Heads, excluding the Chief Probation Officer. The report back also shared that the Board, with limited exceptions, can direct Department Heads to waive any citizenship requirements and the requirements of Government Code Section 24001 hiring within their respective departments, unless State or federal law mandate a citizenship requirement for that position.

"In addition to waiving the citizenship requirements for new hires, the Board can also, with limited exceptions, direct County Department Heads to waive the citizenship requirement for existing employees in their respective departments because those employees fall under the Department Head's appointing authority, per County Charter. By waiving the citizenship requirement, the applicant pool for County positions increases, which ultimately benefits the County's hiring process. Additionally, with broader hiring criteria, the County will be well-positioned to better reflect the community our County workforce serves...

"As we have found with the County's 'Promotores de Salud' program, Angelenos benefit greatly from having people with lived immigration status and diverse language ability in helping vulnerable communities develop trust in local government and accessing services they need to survive and thrive. Vulnerable communities will be more inclined to seek County resources if the workforce is more reflective of their own experiences.

"As the largest employers in the region, our workforce should reflect our values of inclusivity and diversity by not allowing citizenship to be a barrier to employment or disaster service coverage when citizenship is not otherwise required by law.

The Board subsequently passed a motion that the Board:

- a) Find that the best interests of the County will be served by waiving the requirements of Government Code Section 24001 for existing Board-appointed Department Heads and future Board-appointed Department Heads.
 - b) Direct County Counsel, in consultation with the Department of Human Resources, and the Chief Executive Office to implement the removal of the citizenship requirements for Board-appointed positions, excluding the Chief Probation Officer, by removing the citizenship requirement in all job announcements where that requirement is not mandated by State or federal law.
 - c) Direct County Counsel to draft amendments or ordinances, as necessary, to the County Code waiving the requirements of Government Code Section 24001 for particular Board-appointed Department Head positions.
 - d) Direct County Counsel, in consultation with the Chief Executive Office and the Department of Human Resources to remove citizenship as a minimum requirement for a County position, when a citizenship requirement is not mandated by law.
 - e) Direct Department Heads to formulate and implement a departmental policy outlining the conditions under which a citizenship requirement or voter-registration requirement may be waived for positions within their respective departments.
- 4) **Arguments in Support.** The California Immigrant Policy Center, in support, writes, “Under current law, individuals who hold elected or appointed county offices must be a registered voter, which functionally acts as a citizenship requirement given that only U.S. citizens can vote. California is home to 11 million immigrants – the most in the nation. Of the 11 million immigrants, over half of them are documented residents. Someone’s place of birth should not exclude them from holding public office where they can do meaningful work for their communities.

“Los Angeles County is the only county in the state to have addressed this issue by unanimously passing a motion to waive the voter registration requirement for most appointed county positions. It is time for California to act upon this issue as well. AB 1925 will ensure that noncitizens in California are afforded the same opportunities as citizens and allow documented noncitizens to hold appointed county positions by waiving an outdated voter registration requirement. In turn, this bill will open up opportunities for millions of our immigrant community members to hold public office.

“To provide equal opportunities for residents to represent their communities in public office, AB 1925 will waive a voter registration requirement, allowing documented noncitizens to hold an appointed county position.”

- 5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

The California Immigrant Policy Center

Opposition

None on file

Analysis Prepared by: Angela Mapp / L. GOV. / (916) 319-3958