

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 910 (Wilson) – As Amended April 10, 2023

SUBJECT: County officers: auditors: qualifications.

SUMMARY: Revises the qualifications for the office of county auditor, and makes changes to elections law regarding documents required to be considered a legally qualified candidate for specified offices, and documents required for a candidate's name to be printed on the ballot for a direct primary. Specifically, **this bill:**

- 1) Revises the following language in existing law that sets forth the criteria that must be met for a person to be elected or appointed to the office of county auditor:
 - a) Deletes language allowing a person to be a public accountant.
 - b) Deletes language allowing a person to possess a baccalaureate degree from an accredited university, college, or other four-year institution with a major that is equivalent to a major in accounting.
 - c) Adds language allowing a person to possess a baccalaureate degree from an accredited university, college, or other four-year institution with a major in a business-related degree that includes at least 24 semester units, or equivalent quarter units, in accounting-related subjects, including, but not limited to, accounting, financial reporting, auditing, and taxation.
 - d) Deletes language allowing a person to have served within the last five years in a senior fiscal management position in a private firm.
 - e) Specifies that fiscal responsibilities include, but are not limited to, public accounting or auditing responsibilities.
 - f) Deletes language allowing a person to possess a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional internal auditor, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
- 2) Changes existing law that specifies the documentation that must be submitted in order for a person to be considered a legally qualified candidate for the offices of county auditor, county district attorney, county sheriff, county superintendent of schools, judge of the superior court, county treasurer, county tax collector, or county treasurer-tax collector by deleting "diplomas or official correspondence" and replacing it with "college transcripts that include training courses taken, degrees, diplomas, official correspondence or other supporting documents."
- 3) Adds to the list of documents that must be delivered for filing to the county elections official before a candidate's name is printed on the ballot to be used at a direct primary, to include the proper qualification documentation that must be submitted in order for a person to be considered a legally qualified candidate for the offices of county auditor, county district

attorney, county sheriff, county superintendent of schools, judge of the superior court, county treasurer, county tax collector, or county treasurer-tax collector

- 4) Makes additional technical and clarifying changes.
- 5) 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 no person shall be elected or appointed to the office of county auditor of any county unless the person meets at least one of the following criteria:
 - a) The person possesses a valid certificate issued by the California Board of Accountancy under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code showing the person to be, and a permit authorizing the person to practice as, a certified public accountant or as a public accountant.
 - b) The person possesses a baccalaureate degree from an accredited university, college, or other four-year institution, with a major in accounting or its equivalent, as described in subdivision (a) of Section 5081.1 of the Business and Professions Code, as that section read on December 31, 2009, and has served within the last five years in a senior fiscal management position in a county, city, or other public agency, a private firm, or a nonprofit organization, dealing with similar fiscal responsibilities, for a continuous period of not less than three years.
 - c) The person possesses a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional internal auditor, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
 - d) The person has served as county auditor, chief deputy county auditor, or chief assistant county auditor for a continuous period of not less than three years (Government Code § 26945).
- 2) Specifies the documentation that must be submitted in order for a person to be considered a legally qualified candidate for the offices of county auditor, county district attorney, county sheriff, county superintendent of schools, judge of the superior court, county treasurer, county tax collector, or county treasurer-tax collector (Elections Code §13.5).
- 3) Provides that a candidate's name shall not be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official:
 - a) Declaration of candidacy, as specified.
 - b) Nomination papers, as specified (Elections Code § 8020).

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill makes a number of changes to law setting forth the criteria that must be met for a person to be elected or appointed to the office of county auditor, and makes related changes to elections law regarding documents required to be considered a legally qualified candidate for specified offices, including the county auditor, and documents required for a candidate's name to be printed on the ballot for a direct primary.

According to the author, "AB 910 will set clear requirements for individuals who want to run for County Auditor-Controller by providing more information to the experience and educational requirements in Government Code Section 26945. Elections Code 13.5 will also be amended to where registrars have more guidance on verifying the background and claims of the candidates prior to placing their name on the ballot. It is important that individuals who are interested in running are prepared to fulfil the duties of a County-Auditor Controller."

This bill is sponsored by the State Association of County Auditors.

- 2) **Background.** State law creates and specifies the duties of more than 20 county officers, including a county auditor. The auditor is the chief county fiscal officer and, among other duties, prepares the county budget, examines the books of the county treasurer and various departments, and authorizes expenditures by warrants. County auditors can be elected or appointed, and may be consolidated with other offices. Existing law establishes the professional and educational qualifications for county auditors, which the Legislature last updated in 1995.
- 3) **Previous Legislation.** SB 1489 (Governance and Finance), Chapter 427, Statutes of 2022, corrected an outdated cross reference to the qualifications for county auditors.

SB 210 (Ayala), Chapter 381, Statutes of 1997, updated county auditor qualifications.

AB 1087 (Boland), Chapter 107, Statutes of 1995, updated county auditor qualifications.

- 4) **Arguments in Support.** The State Association of County Auditors, sponsors of this bill, write, "The Auditor-Controller is an independent, nonpartisan elected office established to provide various accounting and property tax administration services to the county government, special districts, schools and cities. The Auditor-Controller is the chief accounting officer of the county responsible for budget control, disbursements and receipts, and financial reporting. In addition, this office is responsible for audits of certain agencies within the county. The Auditor-Controller establishes the accounting policies and procedures for county government. In addition, this position may serve as the chief accounting officer for some or all of the special districts located within the county. Specifically, this position is responsible for budget control, issuing warrants (checks) for payments, recording receipts of revenues, payroll, accounting for assets and liabilities such as fixed assets, accounts receivable/payable, long-term debt, and preparation of the county's financial statements. Lastly, the Auditor-Controller is also responsible for property taxation administration. The specific duties include: controlling the tax roll, calculating the tax and general obligation

bond rates, accounting for property tax receipts, allocating property tax revenues to all taxing agencies, and reconciling with the tax collector.

“The vast majority of county auditor controllers are elected by their constituents to serve in this critical role. Currently, in order to run for the office, the candidate must meet all of the requirements detailed in Government Code Section 26945. However, there are some portions of the Section that are subjective and overly broad that have led to disagreements regarding the qualifications, or lack thereof, for individuals appearing on the ballot.

“AB 910 would address the subjective nature of the Section by adding more specificity to the experience and educational requirements, as well as amending Elections Code 13.5 to provide more direction to registrars to verify the background and claims of the candidates prior to placing their name on the ballot. Considering the immense responsibility that comes along with the office of auditor controller, it is critical that the individuals seeking the office are prepared and capable to fulfil the duties. I respectfully request your support for this good-government measure.”

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

REGISTERED SUPPORT / OPPOSITION:

Support

State Association of County Auditors [SPONSOR]
Solano County Board of Supervisors

Opposition

None on file

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