

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 702 (Limón)
Version: April 8, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Legislative and gubernatorial appointments: report

DIGEST

The bill requires the office of the Governor to maintain a list of each state board or commission, as well as the board or commission's membership list, stated purpose, duties, meeting frequency, internet website, and any vacancies in its membership on its website. The bill also requires the office of the Governor, the Secretary of the Senate, and the Chief Clerk of the Assembly to publish on their respective websites a report containing aggregate demographic information, to the extent available, of appointments made from January 1 to December 31, inclusive, of the previous year, as provided.

EXECUTIVE SUMMARY

Existing law makes it state policy that the composition of state boards and commissions should broadly reflect the general public, including ethnic minorities and women; however, the state does not currently collect data to determine whether this policy is being achieved. This bill requires the office of the Governor to post certain information about each state board or commission and data regarding the demographic makeup of gubernatorial appointees. This bill is substantially similar to last year's SB 782 (Limón, 2024), SB 702 (Limón, 2023), SB 1387 (Limón, 2022), and SB 702 (Limón, 2021), all of which passed this Committee but were ultimately vetoed by the Governor. In the Governor's veto message of SB 782, he wrote that he is "committed to legislation next year that includes" the same reporting requirements for both the Administration and the Legislature regarding appointments. Seeking to be responsive to the Governor's veto message, this bill also requires the Secretary of the Senate and the Chief Clerk of the Assembly to publish a similar report on their websites regarding demographic data of appointees made in the previous year. The bill is sponsored by Hispanas Organized for Political Equity and supported by the California Like Me Coalition. No timely opposition was received by the Committee. The bill passed out of the Senate Governmental Organization Committee by a vote of 13 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that no State shall deny any person within its jurisdiction the equal protection of the laws. (U.S. Const., Amend. XIV, § 1.).
- 2) Provides that a person may not be denied equal protection of the laws. (Cal. Const., Art. 1, § 7(a).)
- 3) Requires the Governor to appoint every office whose mode of appointment is not prescribed by law. (Gov. Code § 1300.)
- 4) Provides that in making appointments to state boards and commissions, the Governor and every other appointing authority shall be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions. (Gov. Code § 11141.)
- 5) Existing law provides that it is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public including ethnic minorities and women. (Gov. Code § 11140.)
- 6) Specifies that it is not the intent of the Legislature that formulas or specific ratios be utilized in complying with (4) and (5), above. (Gov. Code § 11141.)

This bill:

- 1) Requires the office of the Governor, commencing on January 1, 2027, to maintain on its website a list of each state board or commission, as well as the board or commission's membership list, stated purpose, duties, meeting frequency, internet website, and any vacancies in its membership.
 - a) Requires the office of the Governor, on or before December 1, 2028 and each January 1 thereafter, to create and publish on its internet website a report that contains aggregate demographic information, to the extent available, of appointments by the office of the Governor from January 1 to December 31, inclusive, of the previous year.
 - b) Requires the aggregate demographic information to be published in a manner that does not disclose any personal information and ensures the anonymity of the appointed individuals.
 - c) Provides that "demographic information" includes, but is not limited to, the voluntarily self-reported ethnicity, gender, gender identity, sexual orientation, disability status, region, party affiliation, and military service of the appointed individuals.

- 2) Requires, on or before January 31, 2028, and annually thereafter, the Secretary of the Senate and the Chief Clerk of the Assembly to publish on their respective websites aggregate demographic information, to the extent available, on the respective legislative appointments of each house, made from January 1 to December 31, inclusive, of the previous calendar year.
 - a) Requires the aggregate demographic information to only include legislative appointments created by statute, but prohibits it from including ex officio appointments of members of the Legislature.
 - b) Requires the aggregate demographic information to be published in a manner that does not disclose any personal information and ensures the anonymity of the appointed individuals.
 - c) Requires the aggregate demographic information to include the following disclaimer: “Reporting of demographic information by appointed individuals is not required. Therefore, this information only includes voluntarily reported data and does not accurately reflect the demographics of all legislative appointments.”
 - d) Encourages any organization or individual that utilizes or republishes the aggregate demographic information to include the disclaimer in c), above.
 - e) Provides that “demographic information” includes, but is not limited to, he voluntarily self-reported ethnicity, gender, gender identity, sexual orientation, disability status, county of residence, and military service of the appointed individuals.

COMMENTS

1. Stated need for the bill

The author writes:

SB 702 makes available demographic data of statewide boards and commissions. Collection and reporting of demographic information of gubernatorial and legislative appointees is a crucial step towards ensuring transparency and embedding good governance principles within our statewide appointment process. The annual reports will provide public transparency, informing Californians about who is appointed and the composition of these governmental bodies. The reports will help foster trust in the appointment process and demonstrate that opportunities to serve on boards and commissions are available to everyone.

2. The issue the bill is intended to address

Existing law makes it the policy of the State of California for the composition of state boards and commissions to broadly reflect the general public, including ethnic minorities and women. (Gov. Code § 11140.) However, the demographic composition of state boards and commissions is not compiled and is therefore largely unknown. This

bill seeks to address this lack of data by requiring the Governor to gather information regarding the demographic composition of boards and commissions in the State of California and report the results to the Legislature and to the public through publication on the internet.

A report by the UCLA Latino Policy and Politics Institute from 2022 found that Latinos make up 39.1% of the state population but only 18.4% of executive appointees. The report notes that Latinas remain the most underrepresented in executive branch appointees among all women. The report also found a lack of Central and Southern California voices on executive boards and commissions noting that “the absence of their voice in developing strategy, regulations, and policy priorities for the future of California’s environment, education, economy, and criminal justice systems perpetuates historical regional inequities across our state.” The report noted that Latinos who do serve on these bodies tend to be more recent appointments: 70.7% of Latino appointees were appointed in the last four years, while non-Hispanic white appointees are more likely to be legacy appointments carried over from a previous administration. Additionally, Latinas make up 19% of female appointees but only 8.5% of total executive appointees. This report can be found here.¹

3. Existing models for this bill

Since 2006, California has required its Judicial Council to collect and release aggregate demographic data about the ethnicity and gender of California state court justices and judges, by jurisdiction, each calendar year. In more recent years, the report has been expanded to include aggregate information about how many of Californians judges are people with disabilities or veterans, as well as how they identify in terms of gender identity and sexual orientation. The most recent report can be found here.²

These reports have enabled the Legislature and the public to track California’s progress toward a bench that is more reflective of the state’s overall diversity. This bill intends to do for California’s state boards and commissions the same thing that these Judicial Council reports have done for the California judiciary.

The author also points to the State of Illinois as another source of inspiration for this bill. In 2014, Illinois enacted the Gubernatorial Boards and Commissions Act with the goal of increasing transparency about the demographic makeup of that state’s

¹Gabriella Carmona & Paul Barragan-Monge, UCLA, *From Disparity to Parity: Latino Representation in Appointed Positions Within California’s Gubernatorial Cabinet, State Boards, and Commissions* (Aug. 11, 2022), available at <https://latino.ucla.edu/research/ca-appointments-report/#:~:text=As%20of%20March%202022%2C%20presiding,other%20state%20and%20local%20officials.>

²Blaine Corren, Jud. Council, *2025 Judicial Demographics Report: California Bench Continues to Grow More Diverse*, (Mar. 3, 2025), available at [https://newsroom.courts.ca.gov/news/2025-judicial-demographics-report-california-bench-continues-grow-more-diverse.](https://newsroom.courts.ca.gov/news/2025-judicial-demographics-report-california-bench-continues-grow-more-diverse)

gubernatorial appointments. (15 Ill. Comp. Stat. Ann. 50/25.) The Illinois statute requires Illinois' governor to publish aggregate, self-reported data regarding the ethnicity, gender, sexual orientation, and disability status of gubernatorial appointees statewide. The report for 2024 can be found here.³

The reports offer the people of Illinois an opportunity to examine and comment on the current demographic composition of their state boards and commissions as well as to get a sense of whether openings on those boards and commissions are drawing applications from across the full spectrum of the state's demographic makeup. For example, in response to publication of the 2022 report, Equality Illinois noted that "Illinois now has the highest number of out LGBTQ+ people serving on State Boards and Commissions in the state's history."⁴ They further states that "Governor Pritzker and his team [have] placed a broad diversity of talent" on boards and commissions by more than doubling the number of Black and Latino board members and commissioners, with women now making up 46% of people serving on state boards and commissions.⁵

This bill shares the basic intent and framework of the Illinois statute.

4. Equal Protection and Proposition 209 considerations

Both the U.S. and California Constitutions contain an Equal Protection Clause. The federal Constitution says: "[n]o State shall... deny to any person within its jurisdiction the equal protection of the laws." (U.S. Const., Amend. XIV, § 1.) Very similarly, the state Constitution states that: "[a] person may not be... denied equal protection of the laws." (Cal. Const., art. 1, § 7(a).) Courts applying the constitutional concept of equal protection have ruled that laws drawing suspect classifications between people and treating them differently on that basis are subject to heightened judicial scrutiny.

Section 31 of Article I of the California Constitution is frequently known by the ballot initiative from which it came: Proposition 209, passed by the California voters in 1996. The relevant part of Proposition 209 reads as follows:

The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or

³ Off. of the Governor of Ill., *Gubernatorial Boards and Commissions Act Report*, (Oct. 1, 2024), available at <https://govappointments.illinois.gov/2024-boards-and-commissions-act-report-10-01-2024.pdf?emci=5ee1080b-b281-ef11-8474-6045bda8aae9&emdi=ea000000-0000-0000-0000-000000000001&ceid={{ContactsEmailID}}>.

⁴ *Equality Illinois celebrates Governor JB Pritzker for the diversity of leaders appointed to state Boards and Commissions in FY2022*, (Oct. 5, 2022), Equality Illinois, available at <https://www.equalityillinois.us/17387-2/>.

⁵ *Ibid.*

national origin in the operation of public employment, public education, or public contracting.

In contrast to an equal protection analysis, which permits classifications based on race or gender provided they can meet heightened scrutiny, Proposition 209 is a nearly absolute bar on the use of such classifications. Unless the federal Constitution *requires* the implementation of a remedial program that takes race or gender into account, Proposition 209 forbids it. (*Hi-Voltage Wire Works, Inc. v. City of San Jose* (2000) 24 Cal.4th 537, 567.)

At least some of the demographic data that would be reported under this bill, such as gender, race, and ethnicity, are constitutionally suspect classifications. However, the courts have been clear that the mere collection and reporting of data regarding otherwise suspect classifications such as race and gender is perfectly constitutional:

Respondents contend that monitoring programs which collect and report data concerning the participation of women and minorities in governmental programs do not violate equal protection principles. We agree. [...] Accurate and up-to-date information is the sine qua non of intelligent, appropriate legislative and administrative action. Assuming that strict scrutiny is required, a monitoring program designed to collect and report accurate and up-to-date information is justified by the compelling governmental need for such information. So long as such a program does not discriminate against or grant a preference to an individual or group, Proposition 209 is not implicated. (*Connerly v. State Personnel Bd.* (2001) 92 Cal.App.4th 16, 46-47.)

Here, the data collection and reporting program does not discriminate and merely provides the Governor, the Legislature, and the public with accurate up-to-date information about the demographic composition of gubernatorial appointees.

5. Privacy considerations

Anytime demographic data is collected and reported, there is a risk of publicizing private, personal information about individuals without their consent. This bill specifies that demographic data about gubernatorial appointments shall only be included in the annual report to the extent the information is self-reported. Accordingly, the bill does not raise significant privacy concerns.

6. Prior related bills vetoed by the Governor

This bill is substantially similar to several other bills introduced by the author on this issue: SB 782 (Limón, 2024); SB 702 (Limón, 2023); SB 1387 (Limón, 2022); and SB 702 (Limón, 2021). All of these bills passed this Committee, but ultimately were vetoed by

the Governor. The Governor's veto messages of these bills has remained consistent stating that he is committed to making appointments at every level of government that reflect California's diversity, but highlighting that the demographic information in the bills is optional and self-reported by candidates and therefore would not necessarily accurately reflect the diversity of appointees.

In the Governor's veto message of SB 782 from last year, he noted the same concerns as mentioned above; however, he said he is "committed to legislation next year that includes the same transparency requirements for appointments by the Administration as well as the Legislature. This parity will ensure a complete picture of appointments throughout the state so we can continue to appoint a diverse group of Californians that reflect the makeup of the state."

This bill seeks to be responsive to the Governor's veto message by also requiring the Secretary of the Senate and the Chief Clerk of the Assembly, on or before January 31, 2028 and annually thereafter, to publish on their respective websites aggregate demographic information, to the extent available, on the legislative appointments of each house that were made from January 1 to December 31, inclusive, of the previous calendar year.

The bill requires the demographic data published by the Legislature to include a disclaimer that reads: "Reporting of demographic information by appointed individuals is not required. Therefore, this information only includes voluntarily reported data and does not accurately reflect the demographics of all legislative appointments." The bill also encourages any organization or individual that utilizes or republishes the aggregate demographic information published by the Legislature to include this disclaimer.

This disclaimer language addresses an issue noted in the Governor's veto messages over the years that the demographic information in the bills is optional and self-reported by candidates and therefore would not necessarily accurately reflect the diversity of appointees. As this disclaimer is also true for the demographic information reported by the Governor, the author may wish to consider including the same language in the statute related to the Governor.

7. Statements in support

The California Like Me Coalition, which includes Hispanas Organized for Political Equity (HOPE), the sponsor of the bill, writes in support stating:

On behalf of the California Like Me Coalition, we write in strong support of SB 702 (Limón), a measure that reflects a multiyear commitment to advancing transparency in our appointments process. This critical legislation requires the Governor's Office

and Legislature to annually report the demographic information of individuals they appoint.[...]

Our coalition understands that California is one of the most diverse states in our nation, with no racial or ethnic group constituting a majority of California's population. According to the 2020 census, 39% of Californians are Latino, 35% are white, 15% are Asian American or Pacific Islander, 5% are Black, 4% are multiracial, and fewer than 1% are Native American or Alaska Natives. We know that boards and commissions provide critical pathways for leaders across our communities to contribute to decisions that shape their communities. Yet, there is no existing process for the public to know who is being appointed to these positions and there is limited visibility on the appointment process and entities. This lack of transparency is why we have been proud to support Senator Limón's bills on this critical issue for the past five years, including most recently in the form of SB 782 last year. We do this work because we know that transparency is a core tenant of good governance and is critical to instill faith in our communities that California's government is accountable to the people it serves.

SB 702 expands on past efforts by also including legislative appointments, further strengthening transparency. The Governor and Legislature collectively appoint leaders to more than 580 boards and commissions, filling thousands of seats that influence resource allocation, infrastructure, and oversight of critical programs. Without clear public reporting on these appointments, communities cannot assess whether they are equitably represented in these powerful decision-making bodies. By requiring demographic reporting of these statewide boards and commissions by all appointing entities, we are providing visibility not only to the makeup of these boards but to the appointment entities that create them. It also allows us to see who is missing from the table so we can do meaningful outreach to communities and regions that are missing for the benefit of strengthening our democratic institutions.[...]

SUPPORT

Hispanas Organized for Political Equity (sponsor)

50/50 Women on Boards

AAAPI Equity Alliance

Alliance for a Better Community

API Equality-LA

Asian Americans Advancing Justice

Asian Law Alliance

Asociacion De Emprendedor@s

Black Women Organized for Political Action

CA Now

California Community Builders

California Latinas for Reproductive Justice
Campaign for College Opportunity
Center for Asian Americans United for Self Empowerment
Close the Gap California
Coalition for Humane Immigrant Rights
Courage California
Dolores Huerta Foundation
El/La Para Trans Latinas
Equality California
Flux
GLSEN San Diego County
Greenfield Walking Group
Hispanic Foundation of Silicon Valley
Inland Coalition for Immigrant Justice
Latino Donor Collaborative, INC.
LEAP
Long Beach Forward
Mana De San Diego
National Women's Political Caucus of California
Proyecto Trans Latinas
PUENTE Learning Center
Riverside LGBTQ+ Pride
The San Diego LGBT Community Center
Uaspire
UCLA Latino Policy and Politics Institute
United for Justice
Ventures
Wonderstone

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 782 (Limón, 2024) was substantially similar to this bill. This bill was vetoed by the Governor. *See* Comment 6 above for Governor’s veto message.

SB 702 (Limón, 2023) was substantially similar to this bill. This bill was vetoed by the Governor. *See* Comment 6 above for Governor’s veto message.

SB 1387 (Limón, 2022) was substantially similar to this bill. This bill was vetoed by the Governor. *See* Comment 6 above for Governor’s veto message.

SB 655 (Bradford, Ch. 390, Stats. 2021) decreased the reporting threshold for required participation in the California Department of Insurance’s governing board diversity surveys, specifically lowering the threshold from \$100 million in California written premiums to \$75 million, and required submission of a board diversity policy statement, as defined.

SB 702 (Limón, 2021) was substantially similar to this bill. This bill was vetoed by the Governor. *See* Comment 6 above for Governor’s veto message.

AB 1005 (Alejo, Ch. 113, Stats. 2013) expanded the collection and release of demographic information about California state court justices and judges to include disability and veteran status.

SB 128 (Corbett, Ch. 720, Stats. 2011) expanded the collection and release of demographic information about California state court justices and judges to include gender identity and sexual orientation.

SB 56 (Dunn, Ch. 390, Stats. 2006) required the Judicial Council to collect and release aggregate demographic data relative to the ethnicity and gender of California state court justices and judges, by specific jurisdiction each calendar year.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 13, Noes 0)
