

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

SB 1159 (Cabaldon)
Version: February 18, 2026
Hearing Date: March 24, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

Artificial intelligence: transparency and governance

DIGEST

This bill provides that for the purposes of the California Public Records Act, the Bagley-Keene Open Meeting Act, the Ralph M. Brown Act, the California Environmental Quality Act, the Administrative Procedure Act, and the Political Reform Act of 1974, the terms “person,” “interested person,” “participant,” “member of the public,” as applicable, and any other similar terms under each act referring to those who may engage with governmental agencies, do not include artificial intelligence (AI) systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital.

EXECUTIVE SUMMARY

California has various public participation and transparency laws that are designed to ensure that the public can interact with the government and provide comments on pending issues related to the adoption of regulations, planning and zoning decisions, and actions by state agencies and local governments. Additionally, the California Public Records Act governs access to public documents held by government agencies. With the rise of AI-systems that can generate thousands of requests and comments, these public participation laws may be undermined by overwhelming state and local agencies with AI-generated requests and responses that drown out the voices of the actual public. This bill seeks to address this issue. The bill is author sponsored. The bill is supported by local governments, environmental and environmental justice groups, and CalNonprofits. There is one individual in opposition. Should this bill pass out of this Committee, it will next be heard in the Senate Privacy, Digital Technologies, and Consumer Protection Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 7920.000 et seq.)
- 3) Establishes the Bagley-Keene Open Meeting Act (Bagley-Keene), which requires state bodies to conduct their business in open public meetings, except as provided by the Act, and establishes requirements and procedures for such meetings. (Gov. Code § 11120 et seq.)¹
- 4) Establishes the Ralph M. Brown Act (Brown Act), which secures public access to the meetings of public commissions, boards, councils, and agencies in the state. (Gov. Code §§ 54950 et seq.)
- 5) Requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration, mitigated declaration, or environmental impact report (EIR) for this action, unless the project is exempt from the California Environmental Quality Act (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines). (Pub. Res. Code §§ 21100 et seq.)²
- 6) The Administrative Procedure Act (APA) governs the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. (Gov. Code §§ 11340 et seq.)
- 7) Establishes the Political Reform Act of 1974 (PRA), which creates the Fair Political Practices Commission and makes it responsible for the impartial, effective administration and implementation of the PRA. (Gov. Code §§ 81000 et seq.)

This bill:

- 1) Provides that for the purposes of the CPRA, Bagley-Keene, Brown Act, CEQA, APA, and the PRA, the terms "person," "interested person," "participant," "member of

² All further references are to the Public Resources Code unless otherwise indicated.

the public,” as applicable, and any other similar terms under each act referring to those who may engage with governmental agencies, do not include artificial intelligence systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital.

- 2) Defines “artificial intelligence” to mean an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.
- 3) Makes the following findings listed below.
 - a) Artificial intelligence (AI) systems can now be programmed to automatically and continuously engage with governmental processes at scales and speeds that far exceed human capacity. AI systems have the ability to submit thousands or millions of automated public records requests, generate mass public comments on proposed regulations, file automated petitions for rulemaking, or otherwise flood governmental agencies with interactions that simulate human participation but lack genuine human deliberation or judgment.
 - b) Automated mass engagement would overwhelm government agencies, divert limited public resources from serving actual constituents, drown out genuine human participation, and transform deliberative processes into meaningless exchanges with machines. Public comment periods would become ineffective if agencies must process thousands of AI-generated submissions, and the administrative burden would undermine the purpose of California’s transparency laws. This threat is not theoretical. In the United Kingdom, AI-powered platforms have already enabled automated generation of planning objections, prompting warnings from experts that such systems will overwhelm public agencies.
 - c) California’s transparency and governance laws [referenced in 1), above,] presuppose participants who possess consciousness, moral agency, deliberative judgment, and membership in the political community. AI systems, regardless of their sophistication, lack these essential attributes of personhood. Consistent with the United States Patent and Trademark Office’s November 2025 guidance recognizing that AI systems are tools to support human activity rather than independent actors, and with the European Union’s AI Act adopted in 2024 protecting the fundamental rights of natural persons, California law maintains the distinction between human beings and artificial intelligence.
 - d) The bill serves the public interest by preserving the integrity and functionality of California’s democratic institutions, preventing automated systems from displacing genuine human participation, protecting public resources from being consumed by responding to machine-generated

requests, and ensuring that governmental decisions remain responsive to the people of California.

- 4) States it is the intent of the Legislature to clarify that, for purposes of California's transparency and governance laws [referenced in 1), above], the terms "person," "interested person," "member of the public," and any other similar terms referring to those who may engage with governmental agencies under those laws, refer to natural persons and legally recognized entities capable of genuine participation in democratic governance, not AI systems that could be programmed to simulate participation at scales that would overwhelm governmental processes.

COMMENTS

1. Stated need for the bill

The author writes:

AI slop drowns out the voices of genuine human citizens trying to make their voices heard. SB 1159 puts an end to the intentional corruption of public engagement guarantees by those using AI agents to overwhelm public agencies, divert attention from real constituents, and strip public discourse of any meaning at all.

AI swarming has emerged as a real problem. Recently, the Los Angeles Times reported at least 20,000 public comments generated by AI may have convinced Southern California's top air pollution authority to scrap a plan to phase out gas-powered appliances. The Times confirmed a public affairs consultant used a company that bills itself as an "AI-powered grassroots advocacy platform" to send the messages. The same playbook is being used to target the Bay Area air district, where a Chronicle investigation found that the residents who had comments submitted under their names never submitted anything. "This was forged," one San Pablo resident told the Chronicle. "I never wrote the letter." In the United Kingdom, an AI service called Objector.ai is generating similar concerns about swarming government with infinite objections ("AI-powered nimbyism could grind UK planning system to a halt, experts warn", The Guardian).

2. This bill seeks to ensure California's transparency laws continue to provide for public participation

The author points to a recent situation that necessitates the need for this bill. In 2025, the South Coast Air Quality Management District Board (SCAQMDB) voted on proposed regulations to place fees on natural gas-powered water heaters and furnaces with the

goal of encouraging a shift toward electric appliances.³ SCAQMDB received tens of thousands of emails regarding the pending air quality rules, with at least 20,000 of them being generated by an AI-powered platform CiviClick.⁴ According to an L.A. Times story, “[w]hen staffers at the air district reached out to a small sample of people to verify their comments, at least three said they had not written to the agency and were not aware of any such messages, records show[.]”⁵ Some commenters allege that these AI-generated comments led to the SCAQMDB voting down the proposed regulations.

This bill seeks to ensure that state and local governments can continue to meet their obligations to the public under California’s transparency laws and public participation statutes by not being overwhelmed by AI-generated requests, comments, petitions, or other communications. The author argues this will ensure that limited public resources are not diverted from serving the people of California. The bill states that AI systems lack the essential attributes of personhood. To bolster this conclusion, the author points to the fact that the Federal Circuit has found that only natural persons can be named as inventors on patent applications and that AI systems are not natural persons.⁶ In this vein, the Patent and Trademark Office has issued guidance that states: “AI systems, including generative AI and other computational models, are instruments used by human inventors. They are analogous to laboratory equipment, computer software, research databases, or any other tool that assists in the inventive process.”⁷

3. Proposed Amendments⁸

In order to avoid an amendment by reference issue, the author has agreed to amend the bill to amend each separate act (the CPRA, Bagley-Keene, Brown Act, APA, PRA, and CEQA) instead of adding a general section to the Government Code.

Additionally, in order to clarify and avoid any implication that “person” in other statutes does include an AI system, agent, etc., the author has agreed to amend Section 1 of the bill to state:

(c) The changes made by this act are not to be construed to imply that the terms “person,” “interested person,” “participant,” “member of the public,” and any other similar terms as

³ Bill Handel, *20,000 AI-Written Email Stopped A Law*, iHeartRadio, (Feb. 17, 2026), available at <https://kfiam640.iheart.com/content/2026-02-17-bill-handel-20000-ai-written-emails-stopped-a-law/>.

⁴ Hayley Smith, *Southern California air board rejected pollution rules after flood of comments from AI-powered platform*, L.A. Times, (Feb. 17, 2026), available at <https://www.latimes.com/environment/story/2026-02-17/ai-powered-campaign-may-have-killed-key-vote-on-air-quality>.

⁵ *Ibid.*

⁶ See *Thaler v. Vidal* 43 F.4th 1207 (Fed. Cir. 2022).

⁷ U.S. Patent and Trademark Off., *Revised Inventorship Guidance for AI-Assisted Inventions*, 90 FR 54636, available at <https://www.federalregister.gov/documents/2025/11/28/2025-21457/revised-inventorship-guidance-for-ai-assisted-inventions>.

⁸ The amendments may include nonsubstantive changes as identified by Legislative Counsel and the addition of coauthors.

used in any law other than those laws referenced in subdivision (a) include artificial intelligence systems, autonomous agents, robots, or other nonhuman entities, whether physical or digital.

4. Statements in support

The Rural County Representatives of California, California State Association of Counties, Urban Counties of California, and the League of California Cities write in support stating:

[...] California's open meeting and open governance laws are intended to not only allow the public to observe deliberations about issues that will affect their communities, but to participate as well. Local agencies accept public comment on matters both on the agenda and off. Technology has been a powerful tool to make public participation more accessible than ever, as agendas and the time and location of public meetings are posted online. Those unable to comment or observe in person are able to follow along online or submit written comments via email or web portal.

However, emerging AI and Large Language Model (LLM) tools have now made it easier than ever for bad actors to misrepresent public opinion in governance decisions. According to reporting from multiple outlets, in June 2025 a political consultant used AI tools to generate twenty thousand emails to the South Coast Air Quality Management District regarding a regulatory proposal before the board. The AI generated emails purported to be from members of the public in South Coast AQMD's jurisdiction, but during an audit by air district staffers many said that they were not aware of signing onto any such messages. In an interview with a trade publication, the political consultant behind the advocacy effort bragged about how the volume "left the South Coast AQMD staff reeling."

Automated engagement tools have the capacity to overwhelm government agencies, crowd out the voices of actual members of the public, and undermine the intent of California's transparent governance laws. Clarifying how these laws apply in the context of emerging technologies, particularly distinguishing between authentic public input and activity generated at scale by artificial intelligence systems, represents an important step toward protecting meaningful public participation, open governance, and critical staff resources for local agencies. With thoughtful refinement, SB 1159 will help address these challenges in a way that is both effective and implementable as technology continues to evolve quickly. [...]"

SUPPORT

ACT Now Bay Area
Active San Gabriel Valley
Building Decarbonization Coalition
California Association of Nonprofits
California State Association of Counties (CSAC)
California YIMBY
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
City of Placentia
City of San Jose
City of Stanton
Climate Action Campaign
League of California Cities
Live Oak United Church of Christ
NRDC
Physicians for Social Responsibility - San Francisco Bay
Rural County Representatives of California
Sierra Club California
Streets for All
Urban Counties of California
USGBC California

OPPOSITION

One individual

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.
