

Date of Hearing: June 7, 2023

ASSEMBLY COMMITTEE ON ACCOUNTABILITY AND ADMINISTRATIVE REVIEW

Cottie Petrie-Norris, Chair

SB 702 (Limón) – As Amended March 20, 2023

SENATE VOTE: 38-0

SUBJECT: Gubernatorial appointments: report

SUMMARY: Requires the Governor’s office to make an annual public report of aggregate demographic information about the members of each board and commission appointed by the Governor. Specifically, **this bill:**

- 1) Requires the office of the Governor, commencing on January 1, 2025, 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.
- 2) Requires the office of the Governor, on or before December 1, 2025, 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.
- 3) Defines “demographic information” for the first annual report as the voluntarily self-reported age, ethnicity, gender, region, and party affiliation of the appointed individual. Defines “demographic information” for any subsequent annual report as the voluntarily self-reported age, ethnicity, gender, gender identity, disability status, race, region, party affiliation, veteran status, and sexual orientation of the appointed individual.

EXISTING LAW:

- 1) Authorizes the Governor to appoint members to a wide range of state boards and commissions, as specified in numerous individual statutes.
- 2) Requires the Governor to appoint every office whose mode of appointment is not prescribed by law. (Gov. Code Sec. 1300.)
- 3) 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 Sec. 11141.)
- 4) Provides that it is the policy of the state that the composition of state boards and commissions shall be broadly reflective of the general public including ethnic minorities and women. (Gov. Code Sec. 11140.)
- 5) Specifies that it is not the intent of the Legislature that formulas or specific ratios be utilized in complying with (3) and (4), above. (Gov. Code Sec. 11141.)

- 6) Requires the Governor, California State Bar, and Administrative Office of the Courts to collect and annually report aggregate demographic data provided by all applicants for judicial appointments by the Governor, including data relative to ethnicity, race, disability, veteran status, gender, gender identity, and sexual orientation.

FISCAL EFFECT: The Legislative Counsel has keyed this bill as Fiscal.

COMMENTS:

- 1) *Author's Purpose.* This bill is sponsored by Hispanas Organized for Political Equality. According to the author:

“To ensure California’s leadership reflects its greater population, the collection of gubernatorial appointee demographic data is a critical step to achieving gender, racial, and ethnic equity on boards and commissions. The annual report will serve as a tool to show where gaps in representation exist, encourage outreach to communities of interest, and address any barriers. Increasing the diversity of California's board and commission members will ensure we reflect the rich diversity of California's population, creating a stronger state, and more equitable communities.”

- 2) *Thousands of Appointments.* The Governor has authority to make appointments to thousands of positions in state government, from full-time salaried executives of regulatory agencies to members of advisory panels who are paid \$100 per diem to attend quarterly meetings, and many other variations. For the Governor, appointments are a way to shape the makeup of state government leadership. For appointees, the positions can mean paid employment and career advancement or an opportunity to offer technical expertise, stay engaged in public service on a part-time basis, and influence state policy. Thus, there is great public interest in who gets appointed and what demographic groups are represented in the Governor’s appointees.
- 3) *Detailed Information About Boards and Commissions.* The Governor’s “Appointments” web page identifies the list of all appointed positions, current openings, and instructions to apply, among other information.¹ This bill requires the Governor’s internet website to include 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. It is likely that greater detail about each appointment opportunity could help a greater universe of potential applicants identify and seek an appointment.
- 4) *Data on Judicial Appointments.* Pursuant to current law related to the Governor’s authority to make judicial appointments, annual reports starting in 2007 with aggregate demographic data about California state judges and justices are available on the Judicial Council’s web site. 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 seeks to require the same type of data and public reports for California’s states boards and commissions.

¹ [Appointments | California Governor.](#)

5) *Some Data on Governor's Appointments.* The author cites to a 2022 report by the UCLA Latino Policy and Politics Institute as an example of the data that this bill would require and how it can help track progress towards more diverse appointments.² For example, the report 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.

6) *Veto of Similar Legislation.* The Governor has twice vetoed legislation substantially similar to this bill. In his veto message for SB 1387 (Limón, 2022) the Governor wrote:

“I am deeply committed to making appointments at every level of government that reflect California's diversity. My office makes an intentional, transparent effort to build a diverse and qualified pool of candidates for these positions.

However, implementing this bill is estimated to cost millions of dollars not accounted for in the budget to update the appointments application system to track and report additional data points. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending.”

The Governor wrote in his veto message for SB 702 (Limón, 2021):

“I applaud the author and stakeholders' desire to ensure diversity in California's board and commission members. I too am deeply committed to making appointments that reflect California's diversity at every level of government. My office already makes an intentional, transparent effort to engage with the Legislature, community partners, nonprofits, and a variety of stakeholders to build a diverse and qualified pool of candidates for appointed positions, and will continue to strengthen and build these partnerships. Further, the demographic information specified for reporting under this bill is optional and self-reported by candidates. For these reasons, such a report required by SB 702 would not accurately reflect the diversity of appointees.”

7) *Self-Reported Demographic Data.* The annual report of aggregate demographic data that this bill requires would be based on “voluntarily self-reported” age, ethnicity, gender, gender identity, disability status, race, region, party affiliation, veteran status, and sexual orientation. This data would be captured on the appointment application form, which currently asks for applicants to identify gender and ethnicity.³ As stated in the Governor’s veto message on SB 702 (Limón, 2021), self-reported data may not accurately reflect the diversity of appointees.

² [From Disparity to Parity | Latino Policy & Politics Institute \(ucla.edu\).](#)

³ [Application for Appointment | California Governor.](#)

8) *Arguments in Support.* Hispanas Organized for Political Equality (HOPE), the bill's sponsor, states:

“HOPE strongly believes that democracy and governance are more robust when everyone has a seat at the table, and SB 702 is an essential step toward that goal. Supporting the diversity of all Californians in government will ensure more communities have a role in the policy-making process at the state and local levels. California is committed to providing diverse state boards and commissions that reflect the state. Yet, no formal mechanisms exist to evaluate this commitment or progress toward it. []

Regardless of the state's leadership, this bill establishes long-overdue guidance, transparency, and accountability in the gubernatorial appointment review process. Collecting gubernatorial appointee demographic data is a critical step to achieving gender, racial, and ethnic equity on boards and commissions. Ultimately, the report would serve as a tool to highlight progress and where more outreach and resources are needed to ensure that boards and commissions reflect California's diversity.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Commission on The Status of Women and Girls
Campaign for College Opportunity
Courage California
Hispanas Organized for Political Equality (HOPE)
Inland Coalition for Immigrant Justice
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
The Coalition
The Unity Council

Opposition

No opposition on file.

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