

# TOM UMBERG

SENATOR, 34<sup>TH</sup> SENATE DISTRICT

## SB 42 (Umberg-Allen-Lee): California Fair Elections Act

### SUMMARY

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SB 42 will provide voters the opportunity to decide on a measure on the November 2026 ballot to remove the current prohibition of public financing of campaigns in California while establishing basic requirements that public financing systems and candidates using public funding must follow to protect taxpayers and maximize the benefit to voters.

### BACKGROUND

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In 2010, a 5-4 majority of the US Supreme Court ruled in *Citizens United v. FEC* that corporations and outside groups can spend unlimited funds on elections, reversing longstanding federal campaign finance regulations that limited the influence of big money in elections.

Five charter cities have active public financing systems that amplify the voices of everyday voters and provide candidates with an alternative fundraising system to relying on wealthy donors: Berkeley, Long Beach, Los Angeles, Oakland, and San Francisco.

Unfortunately, such programs are prohibited in California jurisdictions other than charter cities by the Political Reform Act of 1974 due to a provision enacted by [Proposition 73](#) in 1988. In 2016, the legislature passed, and Governor Jerry Brown signed, [SB 1107](#) (Allen) that would have removed the ban, but the courts ruled the question must be put before the voters.

### NEED FOR THE BILL

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Voters are increasingly concerned about the problem of money in politics, with only 20% in a [recent poll](#) saying they were satisfied with the nation's campaign finance laws. In a [June 2024 poll](#) conducted by the California Clean Money Campaign, 84% of likely voters said we need to change the way we finance election campaigns, with 56% saying we need to make major changes.

Public campaign financing measures to address such concerns are extremely popular and have been approved overwhelmingly by voters in charter cities. 75% of

voters voted for Los Angeles' Measure H in 2011, 65% voted for Berkeley's Measure X1 in 2016, and 74% voted for Oakland's Measure W in 2022. But voters and candidates in counties, districts, general law cities, and the state currently cannot be given the same opportunity.

Public financing of campaigns would reduce the barriers of entry to run for public office – empowering everyday Californians to represent their communities and diversifying the candidate pool.

### SOLUTION

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SB 42 will give voters the chance to address these issues and restore control to local governments and the state by placing the California Fair Elections Act on the 2026 ballot to repeal the ban on campaign public financing while requiring that no public moneys be used that are earmarked for education, transportation, or public safety.

The measure will require that voluntarily participating public funding candidates must abide by expenditure limits and meet strict criteria to qualify such as requiring that candidates must receive small dollar contributions or vouchers from a specified number of adult residents. It will bar the use of public funds to pay for legal defense, fines, or repayments of personal loans to candidates' campaigns, and will specify that public funding systems shall not discriminate based on party or according to whether a candidate is a challenger or an incumbent.

SB 42 will not create public financing of campaigns or require any government to offer public financing. It will simply remove the ban and allow local governments and the state the option to enact laws that create programs for public financing of campaigns while requiring basic protections for fairness, accountability, and where the money can come from.

### SUPPORT

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California Clean Money Campaign (sponsor)  
California Common Cause (cosponsor)  
League of Women Voters of California (cosponsor)

AFSCME Council 57  
Bay Rising Action  
California Council of Churches IMPACT  
California Democratic Council  
California Donor Table  
California Environmental Voters  
California Nurses Association  
Californians for Disability Rights  
Consumer Watchdog  
Courage California  
Dolores Huerta Foundation  
Ella Baker Center for Human Rights  
End Citizens United  
Endangered Habitats League  
Engage San Diego  
Hmong Innovating Politics  
Indivisible CA Green Team  
Inland Empire United  
Los Angeles for Democracy Vouchers  
Money Out Voters In  
Represent.Us  
Starting Over Strong  
Working Partnerships USA

**FOR MORE INFORMATION**

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