

Assembly California Legislature

January 19, 2021

Honorable Shirley N. Weber
California State Assembly
State Capitol
Sacramento, California 95814

Subject: Special Committee on the Office of the Secretary of State

Dear Assemblymember Weber:

Congratulations on Governor Newsom's nomination of you to serve as the next Secretary of State, succeeding Alex Padilla, who will become our next United States Senator. We have been honored to serve with you on the Assembly Elections Committee, where we have seen firsthand your passion for voting rights and expanding access to the ballot. Speaker Rendon appointed us to chair the Special Committee on the Office of the Secretary of State to consider the Governor's nomination and make a recommendation to the Assembly. We plan to convene a Committee hearing on January 26 to review your nomination and hear your perspectives on the critical issues facing the next Secretary of State.

In order to facilitate the Special Committee's deliberation, we request your assistance in providing information about your record and perspective on some of the critical issues confronting the next Secretary of State. We have identified, in the attached document, several issue areas and questions that likely will require the next Secretary's attention. These issues relate to both elections as well as the Secretary's other responsibilities

Our state and nation stand at a crossroads in our elections. In response to the COVID pandemic, California took monumental steps in making it easier for voters to vote, by mail, at vote centers, and in an extended voting period. We achieved record voter turnout. Still, some allege – without any evidence whatsoever – that state election officials committed fraud and “stole” the election. Social media is filled with misinformation aimed at undermining Californians' faith in our electoral system. In the next two years, California will hold several special elections and prepare for the next gubernatorial election. The next Secretary of State will play a critical role in shaping our evolving elections process.

We request that you submit a written response to our inquiry by Friday, January 22, 2021, so that we and committee members may review the information you provide before our committee hearing. We look forward to hearing from you and discussing these critical issues in the weeks ahead. If you have any questions, please contact us or our Special Committee staff.

Sincerely,



Assemblymember Marc Berman, Co-Chair



Assemblymember Evan Low, Co-Chair

**Assembly Special Committee on the
Office of the Secretary of State**
Issues for Consideration – January 19, 2021

Elections: Expanding Voter Confidence and Participation

- **How will you build voter confidence and expand voter participation, in light of recent challenges to California’s election system and allegations of elections fraud?**

Background: In recent decades, California has made strides to expand voter registration, lower barriers to voting, and increase voter participation, including policies such as “motor voter” registration, proposals to lower the voting age, same-day voter registration, Voter’s Choice Act, and expanded mail-in ballot programs. The 2020 elections achieved record levels of voter participation, after state law changed to expand voter options in light of the COVID pandemic. Some suggest making these changes permanent, while others challenge California’s election practices, alleging that lowering barriers to voting increases the chances of voter fraud. Misinformation campaigns, particularly on social media, have amplified some of those challenges to the state’s practices.

Elections: Relationship Between Secretary of State and County Registrars

- **How will you exercise state leadership in overseeing elections in an elections system dependent on 58 county registrars of voters, with increasing responsibilities for election officials and limited financial resources?**

Background: The California election system relies on county registrars in all 58 counties organizing elections pursuant to the requirements of state law. The Secretary of State leads the State’s elections efforts, but does not have legal authority to direct county registrars, beyond requirements of state law. Some county registrars of voters may disagree with the desirability of policies that the State adopted in an effort to expand voter participation. Others may lack the resources to implement the State’s increasingly sophisticated election infrastructure requirements. The Secretary remains at the center of California’s elections efforts, such as the Voter’s Choice Act, but has limits on authority and financial resources to exercise that leadership.

Business Services: Facilitating Secretary of State Services to California Businesses

- **How will you improve and streamline the services to California businesses that are required to file documents with the Secretary of State?**

Background: In recent years, the Secretary of State has streamlined and modernized corporate filing processes, increasing availability of online corporate registrations. The online system will be fully implemented later this year. The Secretary nevertheless has limits on its staff and resources to complete the registration process. Californians’ confidence in these online systems and their certainty in system efficiency and effectiveness remain critical challenges for the Secretary’s online business services.

Cybersecurity: Balancing Access, Data Protection and Small Businesses

- **How will you balance calls for increasing online access to Secretary of State services, protecting Californians' data, and promoting California's small businesses?**

Background: Cybersecurity of the Secretary of State's data systems remains a critical concern. Cyberattacks of government computer systems around the world have become more sophisticated. A recent state law provided for better coordination between federal, state, and local officials to address and respond to cyber incidents affecting elections. Social media activists have spread misinformation regarding voting and have sought to disenfranchise some voters. Still, California has promoted greater online access to its data systems, particularly in response to the COVID pandemic.

In 2020, some suggested that parties should be allowed to obtain online notarization, given public health requirements for notary businesses to close or limit public access. In the past, opponents raised concerns regarding the security of online notarizations and big, national online notaries forcing out small businesses providing notarization in local communities. The tides seem to have shifted with COVID and the public health crisis that has ensued. Those who were once opposed to remote online notarization have spoken out that the difficulties with in-person notarization have posed a bigger threat to the industry than adding the option to have notarization to be remote.

Oversight: Secretary of State Contracting

- **How will you ensure effective legislative oversight of the Secretary of State's contracting practices?**

Background: In recent months, reports as to Secretary Padilla contracting with SKDKnickerbocker for voter outreach have raised questions as to the Secretary of State's contracting practices. You recently identified increasing diversity among those with whom the Secretary contracts as one of your priorities.