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SB-225 Citizens of the state. (2019-2020)

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Senate Bill No. 225

CHAPTER 790

An act to amend Sections 241 and 1020 of the Government Code, relating to citizens of the state.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 225, Durazo. Citizens of the state.

Existing law provides that citizens of the state are all persons born in the state and residing in it, except the children of transient aliens and of alien public ministers and consuls, and all persons born out of the state who are citizens of the United States and residing within the state.

This bill would instead provide that citizens of the state are all persons born in the state and residing in it, except the children of alien public ministers and consuls, and all persons born out of the state who are citizens of the United States and residing within the state.

Existing law prohibits a person from holding a civil office if, at the time of election or appointment, the person is not 18 years of age and a citizen of the state, as defined.

This bill would instead provide that a person is eligible to hold an elective civil office if, at the time of election, the person is 18 years of age and a citizen of the state. The bill would also provide that a person, regardless of citizenship or immigration status, is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state. The bill would provide that a person appointed to civil office, regardless of citizenship or immigration status, may receive any form of compensation that the person is not otherwise prohibited from receiving pursuant to federal law, including, but not limited to, any stipend, grant, or reimbursement of personal expenses that is associated with carrying out the duties of that office.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The State of California is the largest and most diverse state in the nation, with a total population of almost 40 million people, and a total immigrant population of about 10 million people from over 60 different countries.

(b) California prides itself on its great racial, ethnic, and cultural diversity, and acknowledges that diverse backgrounds benefit the state through providing a diversity of experiences and expertise, and this diversity is especially beneficial in creating public policy that supports and protects all people.

(c) California has made great strides in integrating our immigrant population in all aspects, including passing laws that authorize health care for all children, professional licenses, driver's licenses, college grants, loans, and in-state tuition for eligible residents, regardless of their immigration status.

(d) Californians are served by numerous local and state boards and commissions that, together, cover a broad range of issues and policy topics and oversee many of the programs and services provided by the state, and these boards and commissions are comprised of highly experienced, qualified individuals with a desire to uphold the values and advance the work of the institutions they serve.

(e) California's democratic values of equal representation are upheld when our local and state government is diverse and representative of the people who reside in the state, and access to positions on governmental boards and commissions creates an avenue for people from multiple backgrounds and different experiences to serve the communities in which they live and beyond.

(f) It is the intent of the Legislature to remove barriers to service and authorize all California residents, including those without lawful immigration status, to serve on California's diverse local and state boards and commissions so that their perspectives and voices are heard.

SEC. 2. Section 241 of the Government Code is amended to read:

241. The citizens of the state are:

(a) All persons born in the state and residing within it, except the children of alien public ministers and consuls.

(b) All persons born out of the state who are citizens of the United States and residing within the state.

SEC. 3. Section 1020 of the Government Code is amended to read:

1020. (a) A person is eligible to hold an elective civil office if, at the time of election, the person is 18 years of age and a citizen of the state.

(b) Notwithstanding any other law, a person, regardless of citizenship or immigration status, is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state.

(c) Notwithstanding any other law, a person appointed to civil office, regardless of citizenship or immigration status, may receive any form of compensation that the person is not otherwise prohibited from receiving pursuant to federal law, including, but not limited to, any stipend, grant, or reimbursement of personal expenses that is associated with carrying out the duties of that office.