

**ORAL TESTIMONY OF
DEBRA PERLIN, VICE PRESIDENT FOR POLICY AT CITIZENS FOR
RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW)**

**BEFORE THE CALIFORNIA SENATE ELECTIONS AND CONSTITUTIONAL
AMENDMENTS COMMITTEE AND THE CALIFORNIA SENATE JUDICIARY
COMMITTEE**

JANUARY 13, 2026

Chair Umberg/Cervantes, Vice-Chair Niello/Choi, and other esteemed members of the Committee, thank you for the opportunity to appear at this hearing in support of pending legislation to make a technical change to the California elections code to give the California Secretary of State authority to remove, constitutionally ineligible candidates from the ballot. This removal would only occur following an investigation and in accordance with due process, similar to how the process works in other states like Colorado,¹ Ohio,² Wisconsin³ and Rhode Island⁴ among others.

My name is Debra Perlin, and I am the Vice President for Policy at Citizens for Responsibility and Ethics in Washington, or CREW, a nonpartisan nonprofit organization dedicated to ethics, transparency and accountability in government.

Secretaries of State play an integral role in our electoral system, often administering both state and federal elections. This can include certifying election results,⁵ testing elections equipment⁶ and overseeing campaign finance reporting requirements.⁷ In addition, Secretaries of State play a crucial role regulating ballot access to maintain the integrity of their electoral system by barring individuals who are not constitutionally eligible to run for or hold office.⁸ In every state plus the District of Columbia, the Secretary of State or relevant elections official has exercised this

¹ Colo. Rev. Stat. § 1-5-412.

(<https://law.justia.com/codes/colorado/title-1/general-primary-recall-and-congressional-vacancy-elections/article-5/part-4/section-1-5-412/>)

² Ohio Rev. Code § 3501.39. (<https://codes.ohio.gov/ohio-revised-code/section-3501.39>)

³ Wis. Stat. § 8.30. (<https://docs.legis.wisconsin.gov/statutes/statutes/8/30>)

⁴ R.I. Gen. Laws § 17-14-13. (<https://webserver.rilegislature.gov/Statutes/TITLE17/17-14/17-14-13.htm>)

⁵ See Nat'l Conference State Legislatures, *Election Certification Deadlines* (Jan. 20, 2025), <https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines>.

⁶ See Nat'l Conference State Legislatures, *Voting System Standards, Testing and Certification* (Aug. 21, 2025), <https://www.ncsl.org/elections-and-campaigns/voting-system-standards-testing-and-certification>.

⁷ See Nat'l Conference State Legislatures, *Campaign Finance Enforcement* (Oct. 15, 2020), <https://www.ncsl.org/elections-and-campaigns/campaign-finance-enforcement>.

⁸ See POGO & CREW, *Routine Disqualification: Every State Has Kept Ineligible Candidates Off the Ballot, and Trump Could Be Next* (Sept. 5, 2023), https://www.citizensforethics.org/wp-content/uploads/2023/09/POGO-CREW_Routine-Disqualification-Report_2023-09-05_v2.pdf.

responsibility by removing ineligible candidates from the ballot, including presidential candidates who do not meet constitutional qualifications.⁹

However, in California this authority is in question because of a 2010 California Court of Appeal decision in *Keyes v. Bowen* where the court held that the Secretary of State “does not have a duty to investigate and determine whether a presidential candidate meets eligibility requirements of the United States Constitution.”¹⁰ This conclusion is inconsistent with the California Secretary of State's oath to “support and defend the Constitution of the United States” and could lead to absurd results.¹¹ For instance, a major party candidate for president could be an 18 year old or an individual born overseas, like former California Governor Arnold Schwarzenegger, leaving voters without a meaningful electoral choice because their party's candidate could never constitutionally take office.

This doesn't have to be the case in California. This body - through a technical change to the state's electoral laws - can overturn *Keyes v. Bowen* and guarantee that the Secretary of State has the power to ensure that the state's presidential ballot is consistent with the law and the Constitution of the United States.¹² This way, when California voters cast their ballots, they can be confident that their votes will count.

⁹ *Id.* at 8, 21-26.

(https://www.citizensforethics.org/wp-content/uploads/2023/09/POGO-CREW_Routine-Disqualification-Report_2023-09-05_v2.pdf)

¹⁰ *Keyes v. Bowen*, 189 Cal. App. 4th 647, 651-52 (Cal. Ct. App. 2010).

¹¹ CaliforniaSOS, *Dr. Shirley N. Weber takes the Oath of Office as California's Secretary of State*, at 0:58 (YouTube, Feb. 10, 2021), <https://www.youtube.com/watch?v=HuhezdjNF1g&t=91s>; Cal. Const. Art. XX, § 3. (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS§ionNum=SEC.%203.&article=XX)

¹² *See Keyes*, 189 Cal. App. 4th 647.