California Draws a Line: SB 1159 Bars AI From Acting as "Member of the Public"

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As artificial intelligence (AI) tools become increasingly capable of mimicking human participation in public processes, the California legislature has moved to clarify how AI may interact with the State's transparency and governance laws. Senate Bill (SB) 1159 provides that AI systems are excluded from the definition of "persons," "participants," or "members of the public" for purposes of engaging with governmental agencies in a variety of public forums. The law aims to preserve the integrity of democratic processes by preventing automated systems from overwhelming agencies with AI-generated submissions that simulate human input. Governor Gavin Newsom signed SB 1159 into law on September 30, 2026, and the new law goes into effect January 1, 2027.

Background: Legislative Concerns About Automated Engagement

Within SB 1159, the Legislature made findings that modern AI systems can generate mass public comments, automated petitions, and high-volume public records requests at scales far beyond human capacity. These submissions may appear to come from natural persons but lack genuine deliberation or judgment. The Legislature concluded that automated mass engagement could divert limited public resources, drown out authentic public input, and undermine the purpose of California's transparency laws, which presuppose participation by individuals with consciousness, moral agency, and membership in the political community.

Overview of SB 1159

SB 1159 makes targeted amendments across multiple areas of law to clarify that AI systems, autonomous agents, and robots are excluded from statutory terms referring to individuals who may engage with governmental agencies. These changes apply to the California Public Records Act (CPRA), the Bagley-Keene Open Meeting Act, the Brown Act, the Administrative Procedure Act, the California Environmental Quality Act (CEQA), the California Coastal Act, and the Legislative Open Records Act.

The bill also establishes parameters for the use of AI in public engagement, including authorizing agencies to use certain verification tools and preserving the ability of natural persons to use AI to facilitate their own participation. In addition, SB 1159 prohibits any person from knowingly using AI to falsely

represent that a natural person appeared before, submitted information to, or otherwise engaged with a governmental agency.

Implications for CPRA, Public Meetings, and Administrative Processes

Under SB 1159, AI systems cannot *independently* submit CPRA requests. Agencies may use verification tools to identify automated submissions and may decline to process requests generated by autonomous AI systems. Natural persons may still use AI tools to prepare or submit CPRA requests, and agencies must continue to process valid requests from natural persons and legally recognized entities, provided the volume and frequency of the engagement are reasonably consistent with ordinary participation by a natural person. Thus, a CPRA request is not invalid simply because a member of the public used an AI tool to prepare it. Instead, SB 1159 targets automated, high-volume activity that no natural person could accomplish without these AI tools. Agencies may need to update intake procedures to distinguish between human and automated submissions, particularly where online portals or email-based systems are susceptible to automated high-volume activity.

SB 1159 also clarifies that AI systems are not "members of the public" for purposes of public meeting participation under the Bagley-Keene and Brown Acts. This clarification may allow agencies to remove or deny access to autonomous AI bots attempting to join virtual meetings or submit automated comments. However, SB 1159 does not authorize agencies to restrict human access to public meetings, and enforcement may be challenging where AI tools mimic human behavior or where verification tools are not yet widely available or integrated into commonly used platforms. Agencies may need to evaluate whether their virtual meeting systems can reliably distinguish between human and automated participation.

The law further affects administrative processes, including rulemaking processes and public comment periods under the Administrative Procedure Act, CEQA, and the California Coastal Act. AI systems cannot independently submit public comments on proposed regulations, environmental impact reports and similar public filings, file petitions for rulemaking, or participate in administrative hearings. Agencies may use verification tools to identify automated submissions, which currently are only required to evaluate image, video, or audio content. Such verification tools are not currently required to be capable of identifying text.

Takeaways

SB 1159 represents a significant development in California's approach to AI governance, particularly in the context of public participation, and raises several practical considerations. Agencies should carefully evaluate how SB 1159 interacts with existing procedures under CPRA, public meeting laws, administrative rulemaking and public comment processes under CEQA and similar laws. While the statute clarifies that AI systems are not "persons," it does not provide detailed operational guidance on how agencies should detect or manage automated submissions. Verification tools may not yet be widely available or integrated into commonly used platforms, and agencies will need to assess whether their current systems can reliably identify AI-generated interactions.

Agencies may benefit from reviewing their CPRA intake procedures, virtual meeting platforms, public comment submission systems, rulemaking workflows, and petition processes to determine whether

additional safeguards are appropriate. Agencies may also consider reviewing vendor contracts to ensure compliance with verification tool requirements and confirm that technology providers can support the agency's options under SB 1159. Early planning will help agencies navigate the practical challenges of implementing SB 1159 while maintaining compliance with transparency laws.

If you have any questions about SB 1159, or any issues regarding California's sunshine laws, please contact the authors of this Client News Brief or an attorney at one of our nine offices located statewide. You can also subscribe to our podcast, follow us on Facebook and LinkedIn, or download our mobile app.

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