

From: Christi Grab [REDACTED]
Subject: Re: Attn: Andy (Follow up to a previous request that you fulfilled - need some clarification on missing oaths)
Date: June 1, 2025 at 6:06 PM
To: NotaryMail NotaryMail@sos.ca.gov

CG

Hi Andy,

I'm sorry that it has taken me so long to get back to you. I think I'd mentioned that I was traveling internationally, so working on this stuff was challenging while I was on the road. I have just arrived back home and am picking this back up.

First of all, thank you for the information. You have been amazingly helpful.

In your letter to me below, you had stated "There is no statutory or regulatory authority prescribing the filing process or penalties for failure to file an oath of office with the Secretary of State pursuant to Government Code section 1363." However, Government code section 1367 states: "No compensation nor reimbursement for expenses incurred shall be paid to any officer by any public agency unless he has taken and subscribed to the oath or affirmation required by this chapter."

Since it is illegal for these people without current oaths on file to receive pay, I am in the process of preparing a certified letter to send to State Controller Malia Cohen directing her to stop the pay of the people working unlawfully, as well as to claw back all funds paid to these people during the points in times they were working unlawfully without a current oath on file with the SOS. I just need a couple of pieces of information from you before I send it off.

Issue 1: Elected Officials

1A. There were a couple of people that I had requested oaths for that you didn't send over, nor did you mention them in the list of people that you had confirmed that did not have current oaths on file. I wanted to clarify that you didn't send those two oaths because they are not on file — just making sure that you didn't accidentally overlook those name: **Joaquin Arambula and Corey Jackson.**

1B. Speaking of overlooking — I saw Dahle had the seat for district 1 and I did not register that it was Megan, not Brian. I also realized that I forgot to request an oath on Kelly Seyarto. Would it be possible to ask you to check the oaths for **Megan Dahle and Kelly Seyarto**, or do I need to send a separate request? If I need to send a separate request, that is fine. :)

Issue 2: Appointed Officials

In the letter below, you had stated "It is of my belief that the remaining individuals, unless they hold an elected or constitutional role, likely do not file their oaths with the Secretary of State." California Government Code Section 18151 says: "The oath required by this chapter shall be taken and subscribed by: (a) **Every person who is appointed to a State position** not in the State civil service and not otherwise so required by law, within 30 days of the date of appointment;" Therefore people appointed by elected officials are also required to file the oath.

2A. **Erika Contreras** (Secretary of the State Senate) and **Cara Jenkins** (Head Legal Counsel for the Office of the Legislative Counsel) were both appointed by the governor. As such, they are both required to file an oath with the SOS. There is no grey area on that. I just wanted to verify that you did check to see if Ms. Jenkins and Ms. Contreras do have current oaths on file, and neither one has a current oath filed? If you did not check them previously, could you please check them now?

2B. All 99 people that I'd listed in my request either were elected officials, appointed by the governor, worked for an elected person (and thus "appointed") or works for someone appointed by the governor. In my interpretation of the statutes (see below), I believe that it means all of them were required to file oaths with the SOS. I realize that this may be a grey area. So, while I work on the greyness, **I just wanted to clarify: Did you look for an oath for everyone on the list and none for them have a current oath filed?** Or did you only looked for people who were elected? If you only looked for elected people that is fine. I don't want to waste your time on a grey area. I'm fine with setting the rest of the people aside until we get clarification on the gray area. I just need to know where the situation stands in regards to having checked on the oaths for them.

I do want you to know that, prior to making the request from the SOS, I had made a LORA request for all pages of the State Senate's internal policy and procedure manuals for their protocols regarding oaths. I had hoped that the manuals would provide clarification of who takes an oath of allegiance vs oath of office. The State Senate claimed they had no policy and procedures regarding oaths in their manuals. Had the State Senate responded to my request, I may not have needed to bother the SOS about the non-elected officials. Since I believe the State Senate lied about not having policies and procedures re: oaths, I plan on making a LORA request for all pages of all manuals so I can dig through the manuals and find them for myself.

My interpretation of the laws:

2. Per 5 U.S. Code § 3331, every elected or appointed government official must sign an Oath of Office. Per 5 U.S.C. 3333: "...an individual who accepts office or employment in the government of the United States...shall execute an affidavit within 60 days after accepting the office or employment."

3. California has similar laws, which are found in California Government Code Sections 1027, 1360, 1362-1369, 18150 -18158, and Section 3 of Article XX of the Constitution of California, which require all State of California employees to sign an Oath of Office (if elected or appointed) or an Oath of Allegiance (everyone else) within 30-days of beginning employment.

4. California Government Code Section 18151 says: "The oath required by this chapter shall be taken and subscribed by: (a) **Every person who is appointed to a State position** not in the State civil service and not otherwise so required by law, within 30 days of the date of appointment; and (b) Every person who has not previously taken and subscribed the oath and who is employed in a permanent position in the State civil service where the employment continues for 30 days or more, within the first 30 days of his employment."

5. Subscribed means a witness writes their name, signs and dates the form confirming that they watched the oath be taken by the employee.

6. **Section (a) of 18151 refers to Oaths of Office, which are taken by people who are elected or have been appointed to their jobs by someone who has been elected.** These positions are not intended to be permanent; they only last as long as the current administration lasts. If someone is elected, the oath expires at the end of their elected term. If someone is appointed, the oath expires when the term of the person who appointed them expires.

7. California Gov't Code Section 1363(a) and (a)(1) says:

"(a)Unless otherwise provided, every oath of office certified by the officer before whom it was taken shall be filed within the time required as follows:
(a)(1) says: "The oath of all officers whose authority is not limited to any particular county, in the office of the Secretary of State."

8. California Gov't Code Section 1363(c) says: "Every oath of office filed pursuant to this section with the Secretary of State shall include the expiration date of the

officer's term of office, if any."

9. Section (b) of 18151 refers to permanent employees, who take Oaths of Allegiance. Oaths of Allegiance do not expire and are filed with the State Personnel Board.

10. Per California Government Code Section 18154: "Any person who is appointed to a State position not in the State civil service and who fails to take the oath required by this chapter within the time provided forthwith forfeits his right to his position, and the position shall be considered vacant."

11. Anyone who is working unlawfully without said executed oath is considered to be a *foreign agent posing as a government agent* and subject to prosecution under US Criminal Code Title 18 U.S.C. § 912.

12. Government code section 1367 states: "No compensation nor reimbursement for expenses incurred shall be paid to any officer by any public agency unless he has taken and subscribed to the oath or affirmation required by this chapter.

Thank you again for all your help. I genuinely appreciate all that you have done for me.

Regards,

Christine Grab

On May 6, 2025, at 1:55 PM, NotaryMail <NotaryMail@sos.ca.gov> wrote:

Christi,

In California, the requirement to file an oath of office with the Secretary of State depends on the scope of the official's authority. Pursuant to California Government Code section 1363, officials whose authority is not limited to a particular county must file their oaths with the Secretary of State. This includes statewide officers, members of the State Senate, and members of the State Assembly.

Based on what I was able to find, it is of my belief that the remaining individuals, unless they hold an elected or constitutional role, likely do not file their oaths with the Secretary of State. Many appear to be legislative or administrative staff, for whom the oath of office may be filed with internal HR departments or their appointing authorities.

As such, the only remaining individuals from your list who are required to file their oaths of office with the California Secretary of State are:

State Senators:

- Angelique V. Ashby – District not up for election in 2024
- Catherine Blakespear – District not up for election in 2024
- Brian Dahle – No longer the Senator for the 1st District. Seat is now held by wife Megan Dahle.
- Brian W. Jones – District not up for election in 2024
- Mike McGuire – District not up for election in 2024
- Thomas J. Umberg – District not up for election in 2024
- Anna Caballero – District not up for election in 2024
- Maria Elena Durazo – District not up for election in 2024
- Shannon Grove – District not up for election in 2024
- Caroline Menjivar – District not up for election in 2024
- Steve Padilla – District not up for election in 2024
- Susan Rubio – District not up for election in 2024
- Aisha Wahab – District not up for election in 2024

*Unable to locate oaths for 2025-26 Session for Senators whose district was not part of the 2024 election cycle.

Statewide Officers:

- Eleni Kounalakis (Lieutenant Governor) – *Unable to locate oath from 2022.

*Failure to locate an oath of office for an individual does not indicate that the individual is required to file an oath of office pursuant to Government Code section 1363 or that the individual is in violation of the law for failure to file. There is no statutory or regulatory authority prescribing the filing process or penalties for failure to file an oath of office with the Secretary of State pursuant to Government Code section 1363. Therefore, the Secretary of State does not issue certificates of no record for oaths of office.

Let me know if you need anything else.

Andy F

Services Analyst

Business Programs Division

California Secretary of State

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<image001.png>

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From: Christi Grab [REDACTED]

Sent: Wednesday, April 30, 2025 1:31 PM