ANTONIO VAZQUEZ
MEMBER, THIRD DISTRICT
CALIFORNIA STATE BOARD OF EQUALIZATION

MEMORANDUM

Date: November 5, 2025

To: Ted Gaines, Chairman
Sally J. Lieber, Vice Chair
Mike Schaefer, Board Member, Fourth District
Malia M. Cohen, State Controller

From: Antonio Vazquez, Board Member, Third District

Re: **November 19, 2025 – 2025 Assessor and Assessment Appeals Board Issues Board Work Group Follow-Up.**

Honorable Members, on September 17, 2025, the Board convened the second meeting of the 2026 Assessor and Assessment Appeals Board (AAB) Issues Board Work Group (the Work Group), receiving testimony from nearly a dozen different stakeholders, including assessors, county counsel, county clerks, taxpayer advocates, and more. Participants provided insightful and supportive testimony and recommendations on the issues of best practices regarding 1) AAB Member Recruitment and Training; 2) AAB Applications and Applicant Resources; 3) AAB Scheduling, Exchange of Information, and Other Procedures; and 4) AB 1879 E-Signature Implementation and Expansion to the AAB Process. Through the perspectives of the various participants, the Work Group received valuable testimony, both orally and in writing, which reflected a great deal of consensus regarding persistent issues and recommended solutions.

Pursuant to the Governance Policy, as the Chair of the Work Group, I am presenting the Work Group Minutes and Report for the September 17, 2025 Work Group for your review, consideration, and acceptance. The Work Group Minutes (Attachment 1) include a comprehensive list of speakers and recommendations received at the Meeting. The Work Group Report (Attachment 2) consists of a written summary of the testimony with a focus on detailed recommendations that the Board can act on immediately, issues requiring further discussion and stakeholder input at a future Work Group meeting proposed for February 2026, and identification of recommendations which may require legislative or regulatory action.

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Ultimately, this item requests Board discussion and possible action on the following:

- Acceptance of the Minutes and Report to be made publicly available as records of the Work Group.
- Approval of each of the three detailed recommendations in the Report.
- Approval of a third Work Group meeting for February 2026 to focus on the specific issues identified in the Report.

Finally, I want to reiterate my appreciation for your time and collaboration, as well as that of all of the participants, for your contributions to the Work Group as we seek to address the issues we have heard about. I look forward to your comments and consideration on the attached Minutes and Report at the November 19, 2025, Board meeting.

Sincerely,

ANTONIO VAZQUEZ, Member
Board of Equalization, 3rd District

cc: Mr. Juan Flores, Chief Deputy, Office of Member Antonio Vazquez
Mr. Matt Cox, Chief Deputy, Office of Chairman Ted Gaines
Mr. Douglas Winslow, Chief Deputy, Office of Vice Chair Sally J. Lieber
Mr. Cody Petterson, Chief Deputy, Office of Member Mike Schaefer
Mr. Hasib Emran, Deputy State Controller
Ms. Yvette Stowers, Executive Director

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MINUTES OF THE SEPTEMBER 17, 2025, STATE BOARD OF EQUALIZATION 2025 COUNTY ASSESSOR AND ASSESSMENT APPEALS BOARD (AAB) ISSUES BOARD WORK GROUP MEETING, PART II

Convening: Board Member Vazquez convened the Board of Equalization (the Board) Work Group Meeting on 2025 County Assessor and Assessment Appeals Board (AAB) Issues on September 17, 2025, at approximately 10:00 a.m., with Mr. Vazquez presiding, Mr. Gaines, Ms. Lieber, and Mr. Schaefer present, and Mr. Emran present on behalf of Ms. Cohen.

Purpose: Member Vazquez presided, summarizing the overall purpose of the Work Group as determining where the Board can act to develop guidance and assist county assessors, AABs, and taxpayers with the assessment appeals process. This included four primary issues: 1) developing best practices for AAB Member recruitment and retention; 2) developing best practices for AAB applications and applicant resources; 3) best practices for AAB scheduling, exchange of information, and other procedures; and 4) AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process.

Speakers: Hon. Antonio Vazquez, Presiding, Third District Member; **Hon. Ted Gaines**, First District Member and Chair; **Hon. Sally Lieber**, Second District Member and Vice-Chair; **Hon. Mike Schaefer**, Fourth District Member; **Hasib Emran**, Deputy State Controller on behalf of Malia Cohen, State Controller; **Thomas Parker**, AAB Deputy County Counsel, Assessment Appeals Board, Los Angeles County Board of Supervisors; **Jennifer Tran**, Assistant Executive Officer, Los Angeles County Executive Office of the Board of Supervisors; **Ann Moore**, Assistant Clerk of the Board of Supervisors, San Diego County; **Bhavit Madhvani**, Deputy County Counsel, Assessment Appeals Board, Santa Clara County; **Brenden Vlahakis**, Chair, Assessment Appeals Subcommittee, California Clerk of the Board of Supervisors Association (CCBSA), and Assistant Chief Deputy Clerk of the Board, Ventura County; **Melissa Kitts**, Assistant Clerk of the Board, Butte County; **Lawrence Liu**, Special Assistant, Public Affairs, **Matthew Herrera**, Chief Appraiser, **Lizzett Cornejo**, Chief Appraiser, **Alenoosh Sarkissian**, Principal Appraiser, and **Andrew Yim**, Information Technology Manager II, Los Angeles County Assessor's Office; **Hon. Greg Monteverde**, Acting Assessor, Santa Clara County; **Hon. John Tuteur**, Member, California County Assessor Information Technology Authority (CCAITA), and Assessor-Recorder-County Clerk, Napa County; **James DePasquale**, Board Chair and President, California Alliance of Taxpayer Advocates (CATA); **Cris O'Neall**, Shareholder, Greenberg Traurig LLC; and **Paul Waldman**, Director, Ryan LLC. **Jenny Ostroth**, representing the organization Digital Foundry, provided public comment.

Materials: Written comments and submissions were provided by several participants at the Work Group meeting, including but not limited to the California Clerks of the Board of Supervisors Association and the San Diego County Clerk of the Board of Supervisors which may be found in full on the BOE's website at https://boe.ca.gov/meetings/board-work-group.htm as of the date of this Report.

<u>Summary</u>: All items on the agenda were addressed, including recommendations provided by speakers on the following issues:

<u>Jennifer Tran, Assistant Executive Officer, Los Angeles County Executive Office of the Board of Supervisors</u>

Ms. Tran testified regarding the progress of Los Angeles County regarding several of the issues of the Work Group, and provided the following recommendations:

<u>AAB Member Recruitment and Retention</u>

1) The Board should sponsor an annual conference for networking and training purposes, which may include virtual workshops or panels with subject-matter experts, AAB Members, or County Counsels from various counties.
2) The Board should establish an AAB registry for interested AAB Members who can temporarily assist other counties.

<u>AAB Applications and Applicant Resources</u>

1) The Board should develop video tutorials accessible to the public that are non-county specific.
2) The Board should revise the assessment appeals application form to simplify the application process for some circumstances, such as single-family residences.
3) The Board should encourage county tax agencies to communicate with AABs and stakeholders to discuss key issues identified with the appeal and refund processes.

<u>AAB Scheduling, Exchange of Information, and Other Procedures</u>

1) The Board should conduct a study on how to further expedite the resolution of assessment appeals.
2) The Board should support the development of a statewide appeals portal, with state funding, to cover the costs of system development, implementation, upgrades, and enhancements.

<u>Thomas Parker, AAB Deputy County Counsel, Assessment Appeals Board, Los Angeles County Board of Supervisors</u>

Mr. Parker presented on the first Work Group issue, and provided the following recommendations:

<u>AAB Member Recruitment and Retention</u>

1) The Board should support the expansion of provisions, policies, or legislation allowing for expanded AAB Member recruitment statewide.
2) The Board should issue a Letter to Assessors on cross-county AAB appointment authority.
3) The Board should support the establishment of an annual AAB training conference.

<u>Ann Moore, Assistant Clerk of the Board of Supervisors, San Diego County</u>

Ms. Moore presented on the first Work Group issue, and provided the following recommendations:

<u>AAB Member Recruitment and Retention</u>

1) The Board should develop statewide training modules for AAB Members that are accessible to both attorney and non-attorney members.
2) The Board should supplement Letters to Assessors with accessible tools such as checklists, plain-language explanations, and practical examples to help AAB Members apply complex rules.
3) The Board should support the establishment of an annual AAB statewide training conference.
4) The Board should issue a Letter to Assessors on cross-county AAB appointment authority.

<u>Bhavit Madhvani, Deputy County Counsel for Assessment Appeals Board, Santa Clara County</u>

Mr. Madhvani testified regarding the practices of the Santa Clara County AAB regarding several of the issues of the Work Group, and provided the following recommendations:

<u>AAB Member Recruitment and Retention</u>

1) The Board should encourage counties to maintain a pool of AAB Members that reflects a composition of the communities they serve.
2) The Board should develop additional training resources specifically for AAB Members.
3) The Board should develop statewide training modules for AAB Members that are accessible to both attorney and non-attorney members.

<u>AAB Applications and Applicant Resources</u>

1) The Board should amend/simplify the assessment appeal application, particularly for self-represented applicants to communicate the reason for their appeal.
2) The Board should develop additional applicant resources in languages other than English and ensure that publications are updated in other languages.

<u>AAB Scheduling, Exchange of Information, and Other Procedures</u>

1) The Board should issue guidance to provide the county clerk with scheduling flexibility to consider the needs of the Assessor's office.

<u>Brenden Vlahakis, Chair, Assessment Appeals Subcommittee, California Clerk of the Board of Supervisors Association (CCBSA), and Assistant Chief Deputy Clerk of the Board, Ventura County</u>

Mr. Vlahakis presented detailed information on the first Work Group issue, and provided the following recommendations:

<u>AAB Member Recruitment and Retention</u>

1) The Board should support the development and distribution of statewide training modules for AAB Members, tailored to non-attorney members.
2) The Board should support the issuance of plain-language guidance to supplement Letters to Assessors.
3) The Board should support the establishment of an annual statewide AAB training conference.
4) The Board should issue a Letter to Assessors on cross-county appointment authority.
5) The Board should support the broadening of categories of qualified professions for AAB Membership either by legislation or rule.

<u>James DePasquale, Board Chair and President, California Alliance of Taxpayer Advocates (CATA)</u>

Mr. DePasquale provided testimony regarding several of the issues of the Work Group, and provided the following recommendations:

<u>AAB Member Recruitment and Retention</u>

1) The Board should support the practice of bifurcating assessment appeal cases based on legal or valuation issues, to allow for the recruitment, training, and retention of specialized AAB Members.

<u>AAB Applications and Applicant Resources</u>

1) The Board should support or consider the development of a separate application form for specified types of appeals, such as single-family residences or those that would qualify for hearing officer cases in the County of Los Angeles.
2) The Board should encourage the use of virtual hearings for administrative processes, such as postponements, and validity hearings.

<u>Hon. Greg Monteverde, Acting Assessor, Santa Clara County</u>

Assessor Monteverde provided testimony regarding several of the issues of the Work Group, and provided the following recommendations:

AAB Applications and Applicant Resources

1) The Board should require additional information from taxpayers on the appeals application, such as an informed opinion of value, as a starting point for a productive exchange of information between parties.

AAB Scheduling, Exchange of Information, and Other Procedures

1) The Board should revise Letter to Assessors 2013/039 to strengthen the ability of county assessors and county clerks to coordinate on scheduling appeals, so long as there is no prejudicial or problematic pattern to the assessor's scheduling appeals.
2) The Board should revise Letter to Assessors 2020/033 to incorporate a set of factors to be considered by AAB Members when evaluating requests for postponements or continuances.

Lawrence Liu, Special Assistant, Public Affairs; Matthew Herrera, Chief Appraiser; Lizzett Cornejo, Chief Appraiser; Alenoosh Sarkissian, Principal Appraiser; and Andrew Yim, Information Technology Manager II – Los Angeles County Assessor's Office

The representatives of the Los Angeles County Assessor's Office described the county's use of digital signatures for their assessment and AAB processes with examples, and also described their practices regarding the exchange of information during the AAB process, providing the following recommendations:

AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process

1) The Board should support the adoption of a digital signature standard for BOE forms due to the ubiquity of the technology and the elevated standard for security and authentication.

AAB Scheduling, Exchange of Information, and Other Procedures

1) The Board should encourage an early exchange of information, or the basis for the agent or applicant's opinion of value, particularly for commercial or industrial properties.

Hon. John Tuteur, Member, California County Assessor Information Technology Authority (CCAITA), and Assessor-Recorder-County Clerk, Napa County

Assessor Tuteur testified regarding the assessment appeals practices of Napa County from the perspective of the Assessor's office, in addition to his description of the progress of the CCAITA in developing a statewide portal on Proposition 19 and exemptions. The recommendations he provided included:

AAB Member Recruitment and Retention

1) The Board should consider the development of pool of AAB Members who can sit on boards throughout the state to support the needs of local AABs.

AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process

1) The Board should issue guidance regarding the acceptability of e-signatures for assessors which includes a pre-approved list of firms or platforms that satisfy the relevant security and authentication requirements.
2) The Board should explore collaboration with the CCBSA to apply for legislative funding to develop a statewide assessment appeals portal.

Thomas Parker, AAB Deputy County Counsel, Assessment Appeals Board, Los Angeles County Board of Supervisors

Mr. Parker returned to present additional testimony on the second Work Group issue, providing the following recommendations:

AAB Applications and Applicant Resources

1) The Board should require taxpayers and/or their agents to certify that they have reviewed the opinion of value or issue with the applicant.
2) The Board should not develop a separate application form for specified types of appeals.
3) The Board should support and consider ways in which the current application form can be simplified.

Ann Moore, Assistant Clerk of the Board of Supervisors, San Diego County

Ms. Moore returned to present additional testimony on the second Work Group issue, providing the following recommendations:

AAB Applications and Applicant Resources

1) The Board should simplify the existing application form and develop plain-language self-help resources for taxpayers.
2) The Board should provide guidance on the application instructions.
3) The Board should work with counties to identify strategies and practices to reduce speculative or unsupported filings, including the issuance of BOE guidance on minimum application requirements.

Brenden Vlahakis, Chair, Assessment Appeals Subcommittee, California Clerk of the Board of Supervisors Association (CCBSA), and Assistant Chief Deputy Clerk of the Board, Ventura County

Mr. Vlahakis returned to present additional testimony on the second Work Group issue, providing the following recommendations:

AAB Applications and Applicant Resources

1) The Board should host a work group session to discuss revision of the assessment appeals application form.
2) The Board should develop plain-language self-help resources for taxpayers.
3) The Board should clarify and re-state in plain language the guidance on the application instructions.
4) The Board should cooperate and collaborate with counties in identifying strategies to reduce speculative or unsupported filings.
5) The Board should oppose the imposition of a bifurcated appeals process as a one-size-fits-all approach for counties where such a process would not make sense.

Melissa Kitts, Assistant Clerk of the Board, Butte County

Ms. Kitts provided testimony regarding the AAB process in Butte County, and expressed support for several recommendations stated previously, including

AAB Applications and Applicant Resources

1) The Board should support and help develop the simplification of the existing appeals application form.
2) The Board should support the development of plain-language self-help resources for taxpayers.

AAB Member Recruitment and Retention

1) The Board should issue a Letter to Assessors on cross-county appointment authority as soon as possible.

Thomas Parker, AAB Deputy County Counsel, Assessment Appeals Board, Los Angeles County Board of Supervisors

Mr. Parker returned to present additional testimony on the third Work Group issue, providing the following recommendations:

AAB Scheduling, Exchange of Information, and Other Procedures

1) Despite limited enforcement authority for AABs regarding the exchange of information rules, the Board should encourage the exchange of information as early in the process as possible to increase the resolution of appeals prior to the hearing.
2) The Board should oppose the development of guidance establishing bright line rules about good cause determinations for postponements and continuances.

<u>Ann Moore, Assistant Clerk of the Board of Supervisors, San Diego County</u>

Ms. Moore returned to present additional testimony on the third Work Group issue, providing the following recommendations:

<u>AAB Scheduling, Exchange of Information, and Other Procedures</u>

2) The Board should issue updated and consolidated guidance statewide on scheduling, including on how counties can reasonably coordinate with assessors to manage calendars while safeguarding against the appearance of conflict of interest or the potential for forum-shopping in multi-board counties.
3) The Board should expand guidance on the timely exchange of information, including how the failure to exchange information should be considered in good cause determinations.
4) The Board should provide additional guidance to clarify good cause standards.
5) The Board should work with counties to address excessive or problematic filings.

<u>Brenden Vlahakis, Chair, Assessment Appeals Subcommittee, California Clerk of the Board of Supervisors Association (CCBSA), and Assistant Chief Deputy Clerk of the Board, Ventura County</u>

Mr. Vlahakis returned to present additional testimony on the third Work Group issue, providing the following recommendations:

<u>AAB Scheduling, Exchange of Information, and Other Procedures</u>

1) The Board should support the recommendations put forward by Mr. Parker and Ms. Moore on scheduling coordination, encouragement of the timely exchange of information, guidance on good cause standards, and practices to address excessive or problematic filings.
2) The Board should use caution in encouraging the bifurcation of assessment appeals based on level of complexity as a one-size-fits-all practice, due to existing issues with counties which only have a single AAB.

<u>Cris O'Neall, Shareholder, Greenberg Traurig LLC</u>

Mr. O'Neall provided several recommendations for this issue, including:

<u>AAB Scheduling, Exchange of Information, and Other Procedures</u>

1) The Board should encourage the use of virtual hearings for administrative processes, such as pre-hearing conferences, postponements, and validity hearings.
2) The Board should consider options for differentiating appeals schedules to account for simple and complex cases.
3) The Board should ensure that written findings are properly drafted with sufficient specificity to allow for a determination in possible appeals to Superior Court.

<u>Public Comment: Jenny Ostroth, Digital Foundry</u>

Ms. Ostroth provided a written public comment on the third Work Group issue, highlighting Digital Foundry's engagement with the assessment appeals process and its ideas for collaborating with the CCBSA to explore possible avenues for the development of a statewide assessment appeals system.

<u>Thomas Parker, AAB Deputy County Counsel, Assessment Appeals Board, Los Angeles County Board of Supervisors</u>

Mr. Parker returned to present additional testimony on the fourth Work Group issue, providing the following recommendations:

<u>AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process</u>

1) The Board should explore collaboration with the CCBSA to sponsor legislation for funding to develop a statewide assessment appeals portal.
2) The Board should issue guidance clarifying the authority of county clerks to accept electronic signatures on AAB filings.
3) The Board should oppose the imposition of mandated e-signature or digital signature acceptance for all counties.

<u>Ann Moore, Assistant Clerk of the Board of Supervisors, San Diego County</u>

Ms. Moore returned to present additional testimony on the fourth Work Group issue, providing the following recommendations:

<u>AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process</u>

1) The Board should commence collaboration between the BOE and the CCBSA to assess the feasibility of a statewide AAB portal.
2) The Board should issue guidance to clarify the authority of county clerks to accept electronic signatures on AAB filings.
3) The Board should revise Letter to Assessors 2007/059 to ensure consistency in the use of terminology in existing guidance.
4) The Board should establish baseline authentication standards that minimize barriers.
5) The Board should provide additional guidance to clarify good cause standards.
6) The Board should work with counties to address excessive or problematic filings.

<u>Brenden Vlahakis, Chair, Assessment Appeals Subcommittee, California Clerk of the Board of Supervisors Association (CCBSA), and Assistant Chief Deputy Clerk of the Board, Ventura County</u>

Mr. Vlahakis returned to present additional testimony on the fourth Work Group issue, providing the following recommendations

<u>*AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process*</u>

2) The Board should support the six recommendations put forward by Ms. Moore regarding this matter.

3) The Board should issue guidance about the authentication of agent authorization signatures, which are currently regulated by the Business and Professions Code.

4) The Board should create a consolidated list of counties which accept electronically filed assessment appeal applications by requesting the information as an additional indicator on the annual assessment appeal filing period certification.

<u>Paul Waldman, Director, Ryan LLC</u>

Mr. Waldman provided several recommendations for this issue, including:

<u>*AB 1879 implementation, e-signatures, and expansion of technology to the assessment appeals process*</u>

1) The Board should issue guidance clarifying that any electronic signature can be considered a signature if it signifies an intent to sign, subject to a potential validation hearing if there are concerns.

2) The Board should issue a consolidated list of counties which accept electronically filed assessment appeal applications by requesting the information as an additional indicator on the annual assessment appeal filing period certification.

Following the presentation of testimony, each Board Member provided comments summarizing the testimony and issues of interest which were raised by the Work Group participants.

<u>Adjournment:</u> The 2025 County Assessor and Assessment Appeals Board (AAB) Issues Board Work Group Meeting, Part II was adjourned at 4:32 p.m.

REPORT OF THE SEPTEMBER 17, 2025, STATE BOARD OF EQUALIZATION 2025 COUNTY ASSESSOR AND ASSESSMENT APPEALS BOARD ISSUES BOARD WORK GROUP MEETING, PART II

Executive Summary

The Board of Equalization (BOE) 2025 Assessor and Assessment Appeals Board (AAB) Issues Board Work Group convened its second meeting on September 17, 2025. The participants included county assessors, county clerks, county counsels, and taxpayer organizations from nearly a dozen offices and organizations across California. The participants provided significant oral and written testimony regarding updating or revising best practices for the assessment appeals process, with a focus on four primary items: AAB Member recruitment and retention, the assessment appeals application and applicant resources, scheduling and other procedural matters, and the incorporation of technology such as electronic signatures. The meeting minutes submitted for approval by the Board coterminously with this report contain a full list of the input and recommendations received by each of the participants at the Work Group.

This report includes a breakdown of several key recommendations with the goal of taking concrete action on testimony received and laying out the next steps for the Work Group. As such, the key recommendations below are divided into three categories: 1) recommendations to be considered for discussion and adoption at the November 19, 2025 Board meeting, 2) recommendations to be considered at a third Work Group meeting in February 2026, and 3) recommendations most likely requiring regulatory or legislative change.

Key Recommendations

Immediate Action Recommendations for Consideration at November 19, 2025 Board meeting

Based on the testimony received, the following three recommendations are presented for the Board for discussion and possible adoption at the November 19, 2025 meeting. Each of these recommendations is described in detail in the report below, including an analysis of the Board's legal authority, existing Board guidance on the issue, how the issue is germane to the Work Group testimony, and a basic funding estimate.

1. **Urgent Request for Board Guidance on the Permissibility and Legal Limitations of Cross-County AAB Appointment Authority (Report, pp. 5-8).**

   Counties testified that there is an urgent need for definitive Board guidance, as to whether, and to what extent, AAB Members can be appointed from out-of-county. Though many agree that there does not seem to be an express residency requirement – thereby allowing AAB Members to be nominated or appointed from outside the forum county – this opinion is not uniform. In addition, there is a lack of clarity on the parameters or conditions of when this practice would be permissible – whether on a permanent basis or temporary, and under what circumstances.

2. **Board to Establish and Host an Assessment Appeals Update Meeting or Educational Hearing in August 2026, and thereafter annually. The format and procedures would follow the Informational Hearing format (Report, pp. 9-13).**

   Counties testified that administrative burdens on the assessment appeals process could be alleviated in part by Board efforts to increase training on procedural and substantive issues for the members of AABs, local boards of equalization and related staff. Both appointed and elected local boards are mandated to comply with and carry out statutory law and BOE regulations when conducting assessment appeals. Current education practices, however, vary by county, and depend in large part on local resources, leading to knowledge gaps statewide. Counties with AABs are statutorily required to successfully complete one training course upon appointment; counties where the board of supervisors serves as the local board of equalization are not so required. There is no statutory continuing education requirement for either. Participants requested additional training hosted by the Board, in the form of 1) establishing an Annual Assessment Appeals Update Meeting or Educational Hearing to receive updates, 2) in the development of training modules in the conference, and 3) by providing updates to and augmenting existing training materials. Offered annually, it would help provide greater consistency and confidence in the assessment appeals system, identify gaps, and promote statewide uniformity. Approval of this recommendation would request a second day for the Board Meeting in August 2026 for the first Annual Assessment Appeals Meeting or Educational Hearing.

3. **Update/Revise Board Guidance on the Authority of Clerks to Accept or Reject Electronic Filings for Assessment Appeals and Consistency in Terminology and in Guidance on Authentication (Report, pp. 14-17)**.

   (a) Authority/Methods for Processing Assessment Appeals Applications. Testimony from the counties and participants indicated that inconsistencies between county practices on the acceptance of e-signatures can create administrative burdens or hurdles for assessors, clerks, and stakeholders involved in the assessment appeals process. Participants testified that some current BOE guidance uses the terms "electronic signature" and "digital signature" interchangeably, though statutes now define digital signatures more stringently than electronic signatures – with the result that counties may interpret the guidance as requiring a digital signature standard, when this is not required. Clerks and stakeholders further testified that there is a lack of clear guidance and resultant lack of uniformity regarding authentication methods based on actual and/or perceived risks. AB 1879 requires authentication methods specified by the assessor and approved by the BOE without statewide baseline guidance. Paper applications with wet signatures require no authentication, while electronic filings risk being held to stricter requirements, undermining the efficiency benefits of modernization. Participants request the Board to update and clarify existing guidance and establish consistent standards for county clerks to accept e-signatures and any required authentication on assessment appeal applications – including a reference to the definition of electronic signature as provided in Civil Code Section 1633.2.

(b) **Authority/Methods for Processing Electronic Agent Authorization Filings**. Testimony from county clerks indicated that signatures on Agent Authorization forms are additionally regulated by California Business and Professions Code (BPC) Section 17537.9, requiring an original signature authorization. Participants requested that the Board provide legal and procedural guidance on the following:

(1) Whether the Clerk of the Board in the context of Assessment Appeals applications is permitted to accept electronic signatures on assessment appeal agent application filings under the statutory definition and provisions for "electronic signatures" in AB 1879 and in California Civil Code § 1633.2(h);

(2) Whether BPC Section 17537.9 requirements for original signature authorization originally intended for wet signatures are applicable to "electronic signatures" as defined; and

(3) Suggest statewide baseline authentication standards on acceptable authorization methods for electronic agent authorization filings that meet legal requirements but are not more burdensome than those for wet signatures.

Recommendation for Approval of a February 2026 Work Group Meeting

The following three issues discussed at the September 17, 2025 Work Group, resulted in testimony and a variety of recommendations indicating that further discussion is warranted before concrete action can be recommended. First, testimony and recommendations on specific changes to be made to the assessment appeals application form and to existing guidance and educational materials were significant and worthy of further consideration. Second, numerous well-written recommendations were received for updating and/or revising Board guidance on factors to be considered when making a determination on whether "good cause" exists for a postponement or continuance of an assessment appeal. Third, a plethora of recommendations were proposed and discussed for updating and/or revising existing Board guidance on language concerning scheduling appeals, coordination between county assessors and county clerks on assessment appeals, and related procedural matters.

Consequently, adoption of the following recommendations requires additional discussion and input, whether oral or written, from Work Group participants for the Board Members to fully consider the recommended actions:

1. Amendments and/or revisions to simplify the assessment appeals application form, update and simplify instructions, and revise/update educational materials using "plain language";

2. Updates and/or revisions to Board guidance on factors to be considered when making a determination on whether "good cause" exists for a postponement or continuance of an assessment appeal; and

3. Updates and/or revisions to Board guidance on language concerning scheduling, coordination between county assessors and county clerks on assessment appeals, and related procedural matters.

Recommendations Requiring Regulatory or Legislative Changes

The following non-exhaustive list of recommendations which were provided at the September 15, 2025, Work Group meeting will likely require regulatory or legislative change. As the next legislative season begins, my office will be requesting their further input in a "legislative think tank" session during the Board's first Annual Assessment Appeals Meeting or Educational Hearing to be held in August 2026.

1. Expansion of provisions allowing for broader categories and professions for AAB Member recruitment.

2. Collaboration with the California Clerks of the Board of Supervisors Association for funding for the development of a possible statewide assessment appeals portal.

3. Additional *mandatory* training and/or continuing education for AAB Members by the Board and funding requests to allow the Board to develop targeted training materials, tutorials and videos.

4. Development of a pool of AAB Members qualified at the state level to support the needs of local AABs.

5. Amendments to the existing statutory structure which governs the exchange of information between parties to improve compliance.

<u>Recommendation 1: Urgent Request for Board Legal Guidance on the Permissibility and Limitations of Cross-County AAB Appointment Authority.</u>

<u>Summary of Recommendation and Urgent Request:</u>

Testimony from participants at the 2025 Assessors and Assessment Appeals Board (AAB) Issues Board Work Group indicated that there is at least one county which, despite its best efforts, has been unable to fill a vacancy on its AAB with qualified applicants from within its own county although the appeals season is approaching, a significant case is pending, and the remaining two members have indicated that the vacancy must be filled. Other counties testified that existing currently specified procedures and Board guidance, including special alternate AABs or the establishment of a multijurisdictional AAB, do not address these and other circumstances they face.

Absent clear Board guidance, the determination as to whether, and to what extent, AAB Members can be appointed from out-of-county are determined by individual county counsels, resulting in a lack of uniformity. Most presenting counties agreed that there does not seem to be an express residency requirement in the statutory scheme – so, to that extent, it appears possible for AAB Members to be nominated or appointed from outside the forum county. However, this opinion is not uniform among all counties, and there is a lack of clarity or agreement on the parameters or conditions of when this practice would be permissible.

Thus, counties currently experiencing these and other circumstances have an urgent and serious need for Board legal guidance as to whether, and to what extent, a county may be able to either appoint out-of-county AAB Members (on a permanent basis) or "borrow" AAB Members from another county (on a temporary basis), in the event of a vacancy.

Consequently, the Board is requested to provide updated and timely legal guidance on the questions outlined below.

<u>Purpose of Request:</u>

At the September 17, 2025 meeting of the Board Work Group, participants testified that recruitment and retention of qualified AAB Members contribute to administrative delays and related challenges in the assessment appeals process.

The testimony indicated that a critical problem related to recruitment and retention for some counties, particularly smaller rural counties, is an insufficient pool of qualified applicants who are able to take on the responsibility of AAB Membership and thus fill vacancies.

Participants requested Board guidance on the legal limits of the permissibility of using out-of-county AAB members to fill vacancies on another county's assessment appeals board on a temporary or a permanent basis and to specify the terms and conditions of what is permissible and what is prohibited.

<u>Background & Legal Authority:</u>

Government Code Section 15606(c) requires the BOE to "[prescribe] rules and regulations to govern local boards of equalization when equalizing, and assessors when assessing, including uniform procedures for the consideration and adoption of written findings of fact by local boards of equalization as required by Section 1611.5 of the Revenue and Taxation Code."

Article XIII, Section 16 of the California State Constitution provides that the county board of supervisors, or one or more AABs created by the county board of supervisors, shall constitute the county board of equalization for a county. It also authorizes two or more county boards of supervisors to jointly create one or more AABs which shall constitute the county board of equalization for each of the participating counties. Consequently, the BOE is within its authority to issue guidance on this question.

Revenue and Taxation Code Sections 1620-1630 establish the statutory framework for the nomination and appointment of AAB Members.[1] As a default procedure, AAB Members are nominated or selected by the members of a county board of supervisors.[2] Existing alternatives to the default procedure are described in Sections 1622.5 and 1622.6.

<u>Alternate AAB Members</u>

Section 1622.5 lays out the process for temporary assignments of AAB Members to other boards as well as for the appointment of alternate AAB Members. This section states:

> In any county in which two or more boards have been created and are functioning:
>
> (a) The clerk of the assessment appeals board may assign one or more members from one board to serve temporarily as members of another board, and
>
> (b) The board of supervisors may appoint alternate members for each board. Whenever any regular member of a board is temporarily unable to act as a member of the board, an alternate member may sit on the board and shall have the same authority to act as a regular member. Where such alternate member is likewise temporarily unable to act the clerk may assign an alternate member of the same board or of any other board to act as a member of the board and such alternate member may sit on the board and shall have the same authority to act as a regular member.
>
> In any county in which one board has been created and is functioning the board of supervisors may appoint alternate members for the board. Whenever any regular member of the board is temporarily unable to act as a member of the board, an alternate member may sit on the board and shall have the same authority to act as a regular member.

[1] Unless otherwise noted, all statutory references are to the Revenue and Taxation Code.
[2] R&T Section 1622-1622.1.

Section 1622.6 explains another alternative to the default AAB setup, for circumstances where the applicant is a person for whom a hearing before the regular AAB would be problematic, such as when the applicant is an employee by the AAB itself.

Section 1622.6(a) provides for the appointment of a special alternative AAB by order of the presiding judge of the superior court in the county in which the application is filed and clarifies that the special alternate AAB Member "may hear only the application for equalization set forth in the superior court order appointing the member."

Section 1622.6(b) provides the clerk of the board with discretion to allow the application to be heard before a special alternate board in another county, stating:

> (b)(1) [A]t the discretion of the clerk of the board, the applications may be heard before a special alternate board formed pursuant to this subdivision consisting of three special alternate assessment appeals board members who are qualified and in good standing in another county in California.
>
> (2) The special alternate board may hear only the application for equalization set forth in the transmittal document prepared by the clerk of the board of the county in which the application is filed.
>
> (3) Each appeals board member on the special alternate board shall be in good standing in his or her county. A board member is in good standing if he or she is actively serving as an assessment appeals board member in his or her county.

Sections 1623-1624.4 lay out general eligibility requirements for AAB Members, including experience and qualifications, completion of training, and limitations on appointments. These sections do not appear to include a requirement that AAB Members reside in the county in which they will serve.

These statutes on AAB membership and eligibility are further defined in regulations and guidance developed by the BOE, including ***Property Tax Rule 308.6***, which largely mirrors the statutory language and which does not contain a residency requirement. Additionally, the ***Assessment Appeals Manual*** discusses eligibility for AAB Members, and it does not express that there is a residency requirement.[3] My office was unable to locate further guidance on the question of whether residency is a requirement for AAB membership.

Multijurisdictional AABs

Pursuant to its authority granted in ***Article XIII, Section 16 of the Constitution***, the Legislature established procedures for counties to jointly create one or more AABs to serve as the county board of equalization for each of the participating counties. These procedures are laid out in ***Sections 1750-1765***.

[3] Assessment Appeals Manual, pp. 5-6.

Multijurisdictional AABs were established in part to assist counties with creating AABs to allow property tax appeals to be heard by a panel of AAB Members with specialized knowledge. However, as described in the statutes, there are a number of administrative and procedural steps required to create the multijurisdictional AAB which make it impractical as a solution to the circumstance at issue in the testimony provided at the Work Group Meeting, where a county is seeking guidance on the permissibility of appointing AAB Members from out-of-county.

As stated in the written submission to the Work Group from the California Clerk of the Board of Supervisors' Association, rather than pursuing the possibility of multijurisdictional AABs, BOE guidance on the permissibility and legal limitations on cross-county appointment authority would "*give counties the necessary authority and flexibility to collaborate across county lines to address recruitment and training challenges, without imposing the structural and fiscal burdens that a formal multijurisdictional AAB would entail*."[4]

Proposed Request for Guidance

Approval of this recommendation would formally direct the Executive Director to provide a timely legal opinion or Letter to Assessors (LTA) to address the following questions:

1. Does current law require AAB Members to reside in the county in which they serve?
2. If there is no residency requirement:
    a. Does current law contain any restrictions on how a County Board of Supervisors may nominate or appoint AAB Members who reside outside of the forum county **on a permanent basis?**
    b. Does current law allow County Boards of Supervisors to appoint **on a temporary basis**, or in effect "borrow", an AAB Member, or Alternate AAB Member, in good standing in another county in the event of an urgent need? And if so, are there any existing statutory or regulatory restraints on a county's ability to do so?
3. If there is a residency requirement or other limitations:
    a. Are there legal options for county boards of supervisors to nominate or appoint out-of-county AAB Members **in the event of an urgent need**?

Funding Impact:

There is no estimated funding impact to provide this guidance because agency staff responds to, and may assign a level of priority to, requests for legal opinions and guidance from the county officials it oversees and regulates through applicable statutes and property tax rules. This would add to the existing workload but would not generate any new duties or responsibilities which would require additional funding.

[4] Memorandum, 2025 County Assessor and Assessment Appeals Issues, Part 2 – CCBSA Response, p. 5.

Recommendation 2: Establish and host an Assessment Appeals Annual Update Meeting or Educational Hearing in August or September 2026, and thereafter annually. The meeting would follow the Informational Hearing format, and agency staff are not mandatory presenters.

Summary of Issue and Recommendation:

Issue. Participants at the 2025 Assessors and Assessment Appeals Board (AAB) Issues Board Work Group testified that administrative burdens on the assessment appeals process could be alleviated in part by increasing training on procedural and substantive issues for the members of AABs and local boards of equalization and related staff.

Though both appointed and elected local boards and clerks are mandated to comply with and carry out statutory law and BOE regulations when conducting assessment appeals, current education practices vary by county and depend in large part on local resources, leading to knowledge gaps statewide. Counties with AABs are statutorily required to successfully complete one training course upon appointment; counties where the board of supervisors serves as the local board of equalization are not so required. There is no statutory continuing education requirement for either. Counties testified, however, that a voluntary statewide training opportunity established/hosted annually by the Board would be an important step forward.

Recommendation. Testimony from multiple Work Group participants indicated that additional training is needed, in the form of 1) establishing an Annual Training Conference/Meeting, 2) in the development of training modules, and 3) by providing updates to and augmenting existing training materials, to help provide greater consistency and confidence in the assessment appeals system. Approval of this recommendation would request a second day for the Board Meeting in August 2026 for an Assessment Appeals Annual Update Meeting or Educational Hearing.

Annual AAB Update Meeting or Educational Hearing. The Board Members were urged to host a training meeting that would be repeated annually and become a forum where all attendees can benefit from up-to-date comprehensive content in a supportive atmosphere and the exchange of practical ideas and solutions – and engage in discussions of best practices for addressing the variety of challenges inherent in implementing the laws, rules, court decisions, and accompanying procedures for assessment appeals.

> Topics and Speakers. Similar to an informational hearing, the BOE Member(s) hosting the meeting or hearing would work with the CCBSA to determine topics for which there are needed updates, emerging issues, review of hot topics, and gather and/or generate relevant and updated materials. Members and the CCBSA will collaborate to invite knowledgeable and appropriate experts to serve on "panels" to address each selected topic, and invite /encourage all parties, participants and the public to attend, engage, and augment their knowledge on key issues of major impact on assessment appeals.
>
> Costs / Benefits. Given that this meeting would be hosted by the Board Members on a day previously approved for a Board Meeting, there would be no significant extra cost to the agency. The educational benefits of this annual update meeting to county clerks, AAB

members and staff, and local boards of supervisors and staff will be statewide, providing the critical information to all, including, but not limited to:

(a) Speaker Panel Presentations as Training Modules. Training modules are typically self-contained units that focus on a specific topic or objective offered in formats like videos that allow viewers to gain specific knowledge or competencies. Therefore, the recordings of each of the expert panels or sessions at the meeting or hearing will create subject matter modules as readily available viewable resources for subsequent, continuing education training for all.

(b) Updated and additional statewide training materials. The Board Members were urged to update and disseminate or make available additional statewide training materials, including annual case law updates, links to BOE approved materials and/or tutorials, and an inventory of current and emerging resources from various counties or other entities to fill this resource gap. As stated above, the recordings and supporting materials submitted for the meeting or hearing would serve as some of these resources. Moreover, since the BOE maintains records of the materials submitted for Board meetings, those could be made available on the agency's website for viewing on demand.

Background & Legal Authority:

Article XIII, Section 16 of the California State Constitution provides that the county board of supervisors, or one or more AABs created by the county board of supervisors, shall constitute the county board of equalization for a county.

Government Code Section 15606(c) requires the BOE to "[prescribe] rules and regulations to govern local boards of equalization when equalizing, and assessors when assessing, including uniform procedures for the consideration and adoption of written findings of fact by local boards of equalization as required by Section 1611.5 of the Revenue and Taxation Code."

Government Code Section 15606(f) clarifies that this duty includes, but is not limited to, the issuance of "rules, regulations, ***instructions*** and forms relating to classifications of kinds of property and evaluation procedures" (emphasis added). Under its duty to provide instruction and to carry out its oversight responsibilities, the BOE provides a detailed manual and other materials to train AAB members and members of local boards of equalization.

Revenue and Taxation Code Section 1624.02(a) explicitly requires the BOE to provide training to newly appointed AAB members. Specifically, this statute requires newly selected or appointed AAB members to "successfully complete a course of training conducted by either the State Board of Equalization or by the county at county option…" Additionally, under its duty to provide *instructions* to county boards of equalization, the BOE regularly issues guidance and training to AAB Members, including through the ***Assessment Appeals Manual***, ***Letters to Assessors***, and ***Self-Study Sessions***.

Government Code Section 1624.01 – imposes the following training oversight duties on county clerks in counties that have an assessment appeals board:

1. **Notification:** Inform/notify new AAB members about their mandatory training requirements.

2. **Tracking compliance:** Keep records of which members have successfully completed their training and make them available to the BOE.

3. **Enforcement of non-compliance:** Issue a formal notice of non-compliance to any AAB member who fails to meet the training deadline and inform the BOE. This triggers the legal mechanism for their automatic resignation from the board.

Under current law, there is no statutory requirement for continuing education for assessment appeals board members or for local boards of equalization. As testimony from the hearing indicated, a few counties with sufficient resources, such as Los Angeles County, have established a continuing education program for their AAB Members. However, this solution is resource dependent and does not inherently result in statewide uniformity as the programs can vary widely in scope based on local rules.

<u>Proposal & Justification</u>:

Proposal. Approval of this recommendation would request a second day for the Board Meeting in August 2026 for the first Annual Assessment Appeals Update Meeting or Educational Hearing, hosted by the current Chair of the Board or a Member selected by the Board to lead the meeting and/or a second Board Member who would like to assist.

Justification. At the September 17, 2025 meeting, the Board received testimony indicating that training is a critically important avenue to reduce many of the administrative burdens on AAB Clerks, Members, County Counsels, and often the parties involved in the assessment appeals process. Many Work Group participants requested that additional BOE training resources should be provided in the form of "training modules" tailored to address the specific needs and challenges, including, but not limited to, an annual case law update.

The establishment by the Board of an annual Assessment Appeals Update Meeting or Educational Hearing would potentially address several components of these training concerns. The meeting should be hosted by the Board Members with the Host Member of the first meeting being Member Vazquez, and thereafter being either the current Chair of the Board or a Member selected by the Board to lead the meeting. The Host Member would be responsible for working with the CCBSA to determine the topics for which there is a training need, gathering and/or generating training materials, inviting knowledgeable and appropriate experts to serve on panels to address selected topics, and encouraging all stakeholders, including Assessors, Assessment Appeals Board Members, County Clerks, County Counsels members of Boards of Supervisors, and Taxpayer Representatives, to attend, engage, and increase their knowledge base on key assessment appeals issues. The meeting or hearing would also provide a forum for the mutual exchange of ideas with the Board Members and BOE on current issues in assessment appeals, training presentations on specific topics of need, and updates on changes in relevant law.

An Annual Meeting or Educational Hearing for assessment appeals issues and procedures is an appropriate and effective solution for several reasons. First, the BOE is able to host such a meeting because it would essentially be a specific informational hearing targeted at providing relevant information to listeners. Accordingly, the workload would be managed by the Board Member hosting the event. Therefore, the meeting would require no more work from agency staff than is regularly required for the preparation for an informational hearing, with the possible exception of department heads who may wish to participate in panels during the meeting. Similar to Board Work Group and Informational Hearing, agency staff will not be required to be a panel member.

Second, the BOE is the appropriate forum for this conference because it can provide for the needs of smaller counties which lack the resources to develop their own continuing education programs for AAB Members. Many of these counties have limited personnel resources in the office of the county clerk and may only have one or two employees who manage the assessment appeals schedule. In a dozen or so counties, the board of supervisors sits as the county board of equalization. Due to their many responsibilities and/or lack of adequate funding, these and other counties have difficulty developing their own training sessions, and the training needs of those counties may differ from those of larger counties. As noted in the September 16, 2025 letter by the CCBSA, "[*w*]*hile some counties have developed recorded training, these programs often include materials specific to local rules and practices and may not be applicable or well-suited for broader statewide use*." A state-level training meeting or hearing can address these disparities and provide training resources applicable to all.

Third, an annual assessment appeals meeting is preferable to legislation imposing mandatory training or continuing education. A meeting would provide attendees and the public with an opportunity to listen to expert panel presentations, review/take away accompanying training materials, and submit questions and receive answers on other relevant topics. The fact that it would be recorded means it would simultaneously serve as a resource for the training modules requested by the Work Group participants, as additional reviewable materials for continuing education, which AAB Members, county counsels, or county clerks could view at their convenience. While all such training discussed in this recommendation is voluntary, Work Group participants agreed that legislating mandatory training or continuing education could exacerbate concerns about AAB Member recruitment and retention.

<u>Conference Structure and Process:</u>

Similar to an informational hearing, the Board Member hosting the meeting would, in coordination with the CCBSA and other stakeholders, establish the meeting plan, agenda, list of speakers and participants. To minimize cost, the meeting will take place at the May Lee State Office Complex. Invited speakers and participants would be responsible for developing and submitting their own supporting materials.

Subject to technical review and approval by the Chair of the Board and Executive Director, the Host Member would be responsible for conducting the meeting and conforming with all notice requirements, including the Public Agenda Notice (PAN) process and the Bagley-Keene Open Meetings Act.

While the meeting would likely vary in length and substance from year to year, it should consist of discussions and presentations on several topics, including, for example, an update on relevant case law, expert presentations on important current issues in assessment appeals, and an open session for discussion and engagement between participants and Board Members.

Funding Impact:

Because the Annual Assessment Appeals Update Meeting could be put on by the staff of one of the Board Members, there is no estimated funding impact or change necessary to achieve this goal. To the extent that agency staff attend the meeting, there could be minimal costs, but no more than would otherwise be spent on the second day of a Board Meeting. In the event that the counties were to request a more robust training program beyond the annual meeting, the Board in partnership with the Board of Supervisors could pursue legislation requiring mandatory continue educational training for AAB Members. If such legislation is enacted, BOE could pursue funding through a budget augmentation.

Recommendation 3: Update/ revise Board guidance on the authority of assessment appeals boards to accept or reject electronic filings and ensure consistency in terminology and in guidance on authentication.

Summary of Issue and Recommendation:

Issue. Testimony from participants at the 2025 Assessors and Assessment Appeals Board (AAB) Issues Board Work Group indicated that inconsistencies between county practices on the acceptance of e-signatures can create administrative burdens or hurdles for assessors, clerks, and stakeholders involved in the assessment appeals process.

First, participants testified that some current BOE guidance uses the terms “electronic signature” and “digital signature” interchangeably. California’s statutes define digital signatures more stringently than electronic signatures, so the distinction is material, and counties may interpret the guidance as requiring a digital signature standard, when this is not required.

Secondly, clerks and stakeholders also testified that there is a lack of uniformity and clear guidance regarding authentication methods based on actual and/or perceived risks.

Recommendation. Consequently, this recommendation has two components.

(a) First – Participants request the Board to update and clarify existing guidance (***Letter to Assessors 2007/059 (E-Filing of Assessment Appeal Applications)*** and establish consistent standards for county clerks to accept e-signatures and any required authentication on assessment appeal applications – including a reference to the definition of electronic signature as provided in Civil Code Section 1633.2.

(b) Second – Participants requested that the Board provide legal and procedural guidance on the following:

(1) Whether the Clerk of the Board in the context of Assessment Appeals applications is permitted to accept electronic signatures on assessment appeal agent application filings under the statutory definition and provisions for “electronic signatures” in AB 1879 and in California Civil Code § 1633.2(h);

(2) Whether BPC Section 17537.9 requirements for original signature authorization originally intended for wet signatures are applicable to “electronic signatures” as defined; and

(3) Whether the Board would recommend statewide baseline authentication standards on acceptable authorization methods for electronic agent authorization filings that meet legal requirements but are not more burdensome than those for wet signatures.

<u>Background & Legal Authority:</u>

Definitions for electronic signatures and digital signatures are contained in multiple codes across California's statutes, and a separate statute may govern the authentication requirements for the agent authorization forms that taxpayers use to permit a tax representative to file an application on their behalf:

Civil Code Section 1633.2(h) defines an "electronic signature" as:

> [A]n electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. For purposes of this title, a "digital signature" as defined in subdivision (d) of Section 16.5 of the Government Code is a type of electronic signature.

As indicated in the language above, a "digital signature" is defined in ***Government Code Section 16.5(d)*** as "an electronic identifier, created by computer, intended by the party using it to have the same force and effect as a manual signature." Subsection (a) requires digital signatures to have the following attributes:

(1) It is unique to the person using it.
(2) It is capable of verification.
(3) It is under the sole control of the person using it.
(4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
(5) It conforms to [regulations adopted by the Secretary of State].

The language above makes clear that a digital signature is just one type of electronic signature, which has been specifically defined by the Legislature. Consequently, the term "electronic signature" provides for a wider range of acceptable forms of signatures that would qualify, whereas the term "digital signature" connotes a narrower range of signature forms which meet the higher standard expressed in Government Code Section 16.5.

As applied to the assessment appeals process, ***Revenue and Taxation Code Section 1603*** establishes the framework for submitting an assessment appeal application. The provisions of this section include the time period for filing, stipulations regarding errors, and the allowance of electronic filing, among others. Regarding electronic signatures, the section states:

> (g) The clerk of a county board of equalization may accept an electronically filed application for changed assessment containing an electronic signature if all of the following criteria are met:
>
> (1) The application complies with all other requirements for filing the application.
>
> (2) The electronic signature is accompanied by the certification described in subdivision (f).

(3) The electronic signature is authenticated in a manner that is approved by the county board of supervisors, which manner may include, but is not limited to, the use of personal identification numbers the clerk has assigned to applicants.

Subsection (g) was added to Section 1603 effective January 1, 2008. In December 2007, the Board issued ***Letter to Assessors 2007/059*** regarding E-Filing of Assessment Appeal Applications.

This letter highlights the addition of subsection (g), which expressly codifies the authority of the county clerks to accept electronic signatures in the assessment appeals process. The language grants the county board of supervisors discretion over what manner of signature authentication is to be considered acceptable. The letter then provides the language from Government Code Section 16.5 regarding digital signatures.

While the language in LTA 2007/059 does not necessarily conflate the two terms, it does provide the statutory language from Section 1603(g), which uses the term "electronic signature," and also provides the definition of "digital signature" from Government Code section 16.5.

Testimony from the Work Group Meeting was that this guidance as currently constituted does not expressly state the procedures/standards required for best practices, and as a result, some county boards of supervisors which would otherwise be amenable to accepting the less stringent electronic signature standard may be wary of adopting that standard, in part because they also believe that the BOE guidance indicates that the digital signature standard should be used. Updated and clarified BOE guidance would serve the best interests of all parties involved, as the incorporation of technology is part of the modernization of governmental processes, and in this case is intended to lower administrative barriers and increase the efficiency of the assessment appeals application process.

Business and Professions Code (BPC) Section 17537.9. The Clerks testified that signatures on Agent Authorization forms are additionally regulated by California Business and Professions Code (BPC) Section 17537.9. Among other requirements, this law requires that "*A true and correct copy of the written authorization shall be submitted with any request or application for reduction in assessment. The offeror shall maintain the original written authorization for a period of three years and shall make it available for inspection and copying within 24 hours of a request without a warrant to law enforcement, the Attorney General, district attorney, or city attorney*." As this requires that an original written authorization be on file with the Applicant's representative, guidance is needed for transitioning to an E-signed format.

Proposal:

Approval of this recommendation would formally direct the Executive Director to provide guidance on the following two components related to e-signatures and authentication:

(a) **For Assessment Appeal Applications**. Update and clarify existing guidance (***Letter to Assessors 2007/059 (E-Filing of Assessment Appeal Applications)*** and suggest consistent standards for county clerks to accept e-signatures and any required authentication on assessment appeal applications – including a reference to the definition of electronic signature as provided in Civil Code Section 1633.2.

(b) **For Agent Authorization Forms accompanying Assessment Appeal Applications**. Provide legal and procedural guidance on the following:

(1) Whether the Clerk of the Board in the context of Assessment Appeals applications is permitted to accept electronic signatures on assessment appeal agent application filings under the statutory definition and provisions for "electronic signatures" in AB 1879 and in California Civil Code § 1633.2(h);

(2) Whether BPC Section 17537.9 requirements for original signature authorization originally intended for wet signatures are applicable to "electronic signatures" as defined; and

(3) Suggested statewide baseline authentication standards on acceptable authorization methods for electronic agent authorization filings that meet legal requirements but are not more burdensome than those for wet signatures.

This guidance would not require county boards of supervisors to use the Civil Code definition nor invalidate their choice to accept the digital signature standard, but it would clarify that they are not required to do so; and would provide some additional clarity to address inconsistencies and potential administrative confusion or concern for county clerks and AAB staff.

Funding Impact:

There is no estimated funding impact because agency staff issues Letters to Assessors as part of its regular duties and may be prioritized as such. This would add to the existing workload but would not generate any new duties or responsibilities which would require funding.