

ITEM 3
TEST CLAIM
PROPOSED DECISION

Government Code Sections 50034(a)(1)-(2) & (b)

Statutes 2023, Chapter 586 (AB 1637)

Internet Websites and Email Addresses

24-TC-04

County of Santa Clara, Claimant

EXECUTIVE SUMMARY

Overview

The Test Claim alleges new state mandated activities and costs resulting from Government Code section 50034(a)(1)-(2) and (b), as added by Statutes 2023, chapter 586 (the test claim statute) effective January 1, 2024. The test claim statute requires that cities and counties ensure that their web pages and email addresses use either “.gov” or “.ca.gov” domain names by January 1, 2029.¹

For reasons stated in the analysis, staff finds that the test claim statute imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 and recommends the Commission approve this Test Claim.

Procedural History

The claimant filed the Test Claim on December 16, 2024.² The County of Inyo filed comments on the Test Claim on April 2, 2025.³ County of Monterey filed comments on the Test Claim on April 8, 2025.⁴ County of Santa Barbara and the Town of Truckee each filed comments on the Test Claim on April 10, 2025.⁵ The Department of Finance

¹ Exhibit A, Test Claim, page 12 (Written Narrative).

² Exhibit A, Test Claim.

³ Exhibit B, County of Inyo’s Comments on the Test Claim.

⁴ Exhibit C, County of Monterey’s Comments on the Test Claim.

⁵ Exhibit D, County of Santa Barbara’s Comments on the Test Claim; Exhibit E, Town of Truckee’s Comments on the Test Claim.

(Finance) filed comments on the Test Claim on May 23, 2025.⁶ The claimant filed rebuttal comments on June 13, 2025.⁷

Commission staff issued the Draft Proposed Decision on September 19, 2025.⁸

On October 9, 2025, the claimant filed comments on the Draft Proposed Decision.⁹

On October 10, 2025, the California State Association of Counties (CSAC) filed comments on the Draft Proposed Decision.¹⁰

Commission Responsibilities

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. “Test claim” means the first claim filed with the Commission alleging that a particular statute or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”¹¹

Claims

The following chart provides a brief summary of the claims and issues raised and staff’s recommendation.

Issue	Description	Staff Recommendation
Was the Test Claim timely filed?	Government Code section 17551(c) requires test claims “be filed not later than 12 months following the effective date of a statute or executive order, or within 12	<i>Yes, timely filed –</i> The test claim statute became effective on January 1, 2024.

⁶ Exhibit F, Finance’s Comments on the Test Claim.

⁷ Exhibit G, Claimant’s Rebuttal Comments.

⁸ Exhibit H, Draft Proposed Decision.

⁹ Exhibit I, Claimant’s Comments on the Draft Proposed Decision.

¹⁰ Exhibit J, CSAC’s Comments on the Draft Proposed Decision.

¹¹ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

Issue	Description	Staff Recommendation
	<p>months of incurring increased costs as a result of a statute or executive order, whichever is later.” Section 1183.1(c) of the Commission’s regulations defines “12 months” as 365 days.</p> <p>Government Code section 17557(e) requires: “A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that year.”</p>	<p>The test claim was filed on December 16, 2024, within 365 days of the test claim statute’s effective date.¹²</p> <p>The test claim is therefore timely filed.</p> <p>Because the test claim was filed on December 16, 2024, it establishes reimbursement eligibility for the 2023-2024 fiscal year, however because the test claim statute became effective on January 1, 2024, the potential period of reimbursement begins on January 1, 2024.</p>
Does Government Code section 50034(a)(1)-(2) and (b), as added by Statutes 2023, chapter 586, impose a reimbursable, state-mandated program?	Government Code section 50034, as added by the test claim statute, requires that a local agency - here defined to mean “a city, county, or city and county” ¹³ - that maintains an internet website for use by the public or provides public email addresses for its employees ensure that the public websites and employee email addresses utilize either a “.gov” top-level domain or a “.ca.gov” second-level domain by January 1, 2029 ¹⁴ , and ensure that any non-compliant websites the city or county continues to maintain after	<i>Approve</i> – The test claim statute imposes a one-time reimbursable state-mandated program, beginning January 1, 2024. The program requires a city, county, or city and county, to ensure that their public websites (including webpages, web applications, and other related resources within the website) and employee email addresses utilize a domain name that contains either the “.gov” top-level domain or the “.ca.gov” second-level domain.

¹² Exhibit A, Test Claim, page 1.

¹³ Government Code section 50034(c).

¹⁴ Government Code section 50034(a)(1) and (b)

Issue	Description	Staff Recommendation
	January 1, 2029 redirects users to a compliant website. ¹⁵	

Staff Analysis

This Test Claim alleges new state-mandated activities and costs arising from Government Code section 50034(a)(1)-(2) and (b), as added by the test claim statute which require that cities and counties ensure that their web pages and email addresses use either “.gov” or “.ca.gov” domain names by January 1, 2029.¹⁶ The Legislature found that because “adding Section 50034 to the Government Code addresses a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of article XI of the California Constitution,” this applies to all counties and cities, including charter cities.¹⁷ The purpose of the test claim statute is to provide assurance to the public that cities’ and counties’ websites and email addresses belong to the government agencies they claim to belong to. Under prior law many cities and counties used more commonly available top-level domains such as “.com” or “.org” for their website and email domain names, which made it easy for malicious actors to create fake websites or email addresses pretending to belong to a government agency.¹⁸ These would then be used to spread misinformation, or trick members of the public into making payments or disclosing personal information.¹⁹ The “.gov” top-level domain is only available to government agencies within the United States, and the “.ca.gov” second-level domain is only available to government agencies within the state of California.²⁰ When members of the public visit a city or county’s website with an internet address ending with “.gov” or “.ca.gov,” or email a governmental employee at such an address, they can feel confident they are not falling victim to a scam or hacker.²¹

¹⁵ Government Code section 50034(a)(2).

¹⁶ Exhibit A, Test Claim, page 12 (Written Narrative).

¹⁷ See Statutes 2023, chapter 586, section 3. Government Code section 20 defines “city” to include incorporated towns.

¹⁸ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 2-3.

¹⁹ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

²⁰ Exhibit K (2), CISA, *Eligibility for .gov Domains*, <https://get.gov/domains/eligibility/> (accessed on July 23, 2025) page 2; Exhibit K (3), CDT, *Domain Name Requirements*, <https://domainnamerequest.cdt.ca.gov/Home/Requirements> (accessed on July 23, 2025), page 2.

²¹ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

The claimant has over 79 websites with over 10,000 individual webpages, 40 web applications, and 32,690 employee email addresses that used its previous “.org” domain name, which must all be migrated over to a new compliant “.gov” domain name.²² The claimant alleges this has so far cost \$20,017 in fiscal year 2023-2024 for 199 hours of employee and third-party professional labor to begin this migration process, which it estimates will cost approximately \$918,868 in total.²³

Staff finds that the Test Claim was timely filed, as it was filed within one year of the test claim statute’s effective date.²⁴ The test claim statute became effective on January 1, 2024, and the test claim was filed on December 16, 2024, within 365 days following the effective date of the test claim statute.²⁵ The December 16, 2024 filing date establishes reimbursement eligibility for the 2023-2024 fiscal year, but because the test claim statute became effective on January 1, 2024, the potential period of reimbursement begins on January 1, 2024.²⁶

In addition, staff finds that the test claim statute imposes state mandated requirements, under both legal and practical compulsion, requiring cities and counties ensure their internet websites for use by the public (including webpages, web applications, and other related resources within the website) and public email address for their employees utilize either a “.gov” top-level domain name or a “.ca.gov” second-level domain name by January 1, 2029, and that any websites with a non-compliant domain name they continue to maintain after January 1, 2024 redirects users to a website with a compliant domain name. Standard definitions of the word “website” as well as consideration of the rules of statutory construction support the conclusion that the test claim statute’s requirements for “internet websites for use by the public” naturally extends to the component files that make up a website, including webpages, web applications, or other related resources.²⁷ These requirements are new, and they constitute a new program or higher level of service, as these requirements are both unique to cities and counties and provide a service to the public. In addition, evidence supports that there are costs

²² Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

²³ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo), page 38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

²⁴ Government Code 17551(c).

²⁵ Exhibit A, Test Claim, page 1.

²⁶ Government Code section 17557(e).

²⁷ Merriam-Webster, *Website* <https://www.merriam-webster.com/dictionary/website> (accessed on July 10, 2025); Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* <https://www.britannica.com/technology/website> (accessed on October 30, 2025), pages 1-2; *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 566. See also, *Merced Irrigation Dist. v. Superior Court* (2017) 7 Cal.App.5th 916, 924; *People v. Ruiz* (2024) 104 Cal.App.5th 1027, 1032; *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 239.

mandated by the state, as the claimant has submitted substantial evidence of costs incurred exceeding \$1,000 and there are no exceptions under Government Code section 17556 that would apply to this test claim statute.

Conclusion

Based on the forgoing analysis, staff concludes that Government Code section 50034(a)(1)-(2) and (b), as added by the test claim statute, imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution, beginning January 1, 2024, requiring a city, county, or city and county which maintains an internet website used by the public or provides public email addresses for its employees perform the following new, one-time, state-mandated activities:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a “.gov” top-level domain name or a “.ca.gov” second-level domain name by January 1, 2029.²⁸
2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.²⁹
3. Ensure that each public email address provided for the city’s or county’s employees utilizes a “.gov” or “.ca.gov” domain name by January 1, 2029.³⁰

All other activities or costs requested in the Test Claim are not mandated by the state, but may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are “reasonably necessary for the performance of the state-mandated program” in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

Staff Recommendation

Staff recommends that the Commission adopt the Proposed Decision to approve the Test Claim and authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

²⁸ Government Code section 50034(a)(1).

²⁹ Government Code section 50034(a)(2).

³⁰ Government Code section 50034(b).

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM

Government Code sections 50034(a)(1)-(2) & (b)

Statutes 2023, Chapter 586 (AB 1637)

Filed on December 16, 2024

County of Santa Clara, Claimant

Case No.: 24-TC-04

Internet Websites and Email Addresses

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted December 5, 2025)

DECISION

The Commission on State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing December 5, 2025. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to approve the Test Claim by a vote of [vote will be included in the adopted Decision], as follows:

Member	Vote
Lee Adams, County Supervisor	
Deborah Gallegos, Representative of the State Controller, Vice Chairperson	
Karen Greene Ross, Public Member	
Renee Nash, School District Board Member	
William Pahland, Representative of the State Treasurer	
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	
Alexander Powell, Representative of the Director of the Governor's Office of Land Use and Climate Innovation	

Summary of the Findings

This Test Claim alleges new state-mandated activities and costs arising from Government Code section 50034(a)(1)-(2) and (b), as added by the test claim statute which require that cities and counties ensure that their web pages and email addresses

use either “.gov” or “.ca.gov” domain names by January 1, 2029.³¹ The Legislature found that because “adding Section 50034 to the Government Code addresses a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of article XI of the California Constitution,” this applies to all counties and cities, including charter cities.³² The purpose of the test claim statute is to provide assurance to the public that cities’ and counties’ websites and email addresses belong to the government agencies they claim to belong to. Under prior law many cities and counties used more commonly available top-level domains such as “.com” or “.org” for their website and email domain names, which made it easy for malicious actors to create fake websites or email addresses pretending to belong to a government agency.³³ These would then be used to spread misinformation, or trick members of the public into making payments or disclosing personal information.³⁴ The “.gov” top-level domain is only available to government agencies within the United States, and the “.ca.gov” second-level domain is only available to government agencies within the state of California.³⁵ When members of the public visit a city or counties’ website with an internet address ending with “.gov” or “.ca.gov,” or email a governmental employee at such an address, they can feel confident they are not falling victim to a scam or hacker.³⁶

The claimant has over 79 websites with over 10,000 individual webpages, 40 web applications, and 32,690 employee email addresses that used its previous “.org” domain name, which must all be migrated over to a new compliant “.gov” domain name.³⁷ The claimant alleges this has so far cost \$20,017 in fiscal year 2023-2024 for 199 hours of employee and third-party professional labor to begin this migration process, which it estimates will cost approximately \$918,868 in total.³⁸

³¹ Exhibit A, Test Claim, page 12 (Written Narrative).

³² See Statutes 2023, chapter 586, section 3. Government Code section 20 defines “city” to include incorporated towns.

³³ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 2-3.

³⁴ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

³⁵ Exhibit K (2), CISA, *Eligibility for .gov Domains*, <https://get.gov/domains/eligibility/> (accessed on July 23, 2025) page 2; Exhibit K (3), CDT, *Domain Name Requirements*, <https://domainnamerequest.cdt.ca.gov/Home/Requirements> (accessed on July 23, 2025), page 2.

³⁶ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

³⁷ Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

³⁸ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo), page 38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

The Commission finds that the Test Claim was timely filed, as it was filed within one year of the test claim statute's effective date.³⁹ The test claim statute became effective on January 1, 2024, and the test claim was filed on December 16, 2024, within 365 days following the effective date of the test claim statute.⁴⁰ The December 16, 2024 filing date establishes reimbursement eligibility for the 2023-2024 fiscal year, but because the test claim statute became effective on January 1, 2024, the potential period of reimbursement begins on January 1, 2024.⁴¹

In addition, the Commission finds that the test claim statute imposes state mandated requirements, under both legal and practical compulsion, requiring cities and counties ensure their internet websites for use by the public (including webpages, web applications, and other related resources within the website) and public email address for their employees utilize either a ".gov" top-level domain name or a ".ca.gov" second-level domain name by January 1, 2029, and that any websites with a non-compliant domain name they continue to maintain after January 1, 2029 redirects users to a website with a compliant domain name. Standard definitions of the word "website" as well as consideration of the rules of statutory construction support the conclusion that the test claim statute's requirements for "internet websites for use by the public" naturally extends to the component files that make up a website, including webpages, web applications, or other related resources.⁴² These requirements are new, and they constitute a new program or higher level of service, as these requirements are both unique to cities and counties and provide a service to the public. In addition, evidence supports that there are costs mandated by the state, as the claimant has submitted substantial evidence of costs incurred exceeding \$1,000 and there are no exceptions under Government Code section 17556 that would apply to this test claim statute.

Thus, the Commission finds that Government Code section 50034(a)(1)-(2) and (b), as added by the test claim statute, imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution, beginning January 1, 2024, requiring a city, county, or city and county, that maintains an internet website for use by the public or public email addresses for its employees to perform the following new, one-time state mandated activities:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the

³⁹ Government Code 17551(c).

⁴⁰ Exhibit A, Test Claim, page 1.

⁴¹ Government Code section 17557(e).

⁴² Merriam-Webster, *Website* <https://www.merriam-webster.com/dictionary/website> (accessed on July 10, 2025); Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* <https://www.britannica.com/technology/website> (accessed on October 30, 2025), pages 1-2; *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 566. See also, *Merced Irrigation Dist. v. Superior Court* (2017) 7 Cal.App.5th 916, 924; *People v. Ruiz* (2024) 104 Cal.App.5th 1027, 1032; *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 239.

website) utilizes either a “.gov” top-level domain name or a “.ca.gov” second-level domain name by January 1, 2029.⁴³

2. Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.⁴⁴
3. Ensure that each public email address provided for the city’s or county’s employees utilizes a “.gov” or “.ca.gov” domain name by January 1, 2029.⁴⁵

All other activities or costs requested in the Test Claim are not mandated by the state, but may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are “reasonably necessary for the performance of the state-mandated program” in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

The Commission therefore approves this Test Claim.

COMMISSION FINDINGS

I. Chronology

01/01/2024	Government Code Sections 50034(a)(1)-(2) and (b) were added by Statutes 2023, chapter 586 (AB 1637)
12/16/2024	The claimant filed the Test Claim. ⁴⁶
04/02/2025	County of Inyo filed comments on the Test Claim. ⁴⁷
04/08/2025	County of Monterey filed comments on the Test Claim. ⁴⁸
04/10/2025	County of Santa Barbara and the Town of Truckee each filed comments on the Test Claim. ⁴⁹
05/23/2025	The Department of Finance (Finance) filed comments on the Test Claim. ⁵⁰

⁴³ Government Code section 50034(a)(1).

⁴⁴ Government Code section 50034(a)(2).

⁴⁵ Government Code section 50034(b).

⁴⁶ Exhibit A, Test Claim.

⁴⁷ Exhibit B, County of Inyo’s Comments on the Test Claim.

⁴⁸ Exhibit C, County of Monterey’s Comments on the Test Claim.

⁴⁹ Exhibit D, County of Santa Barbara’s Comments on the Test Claim; Exhibit E, Town of Truckee’s Comments on the Test Claim.

⁵⁰ Exhibit F, Finance’s Comments on the Test Claim.

06/13/2025 The claimant filed rebuttal comments.⁵¹
09/19/2025 Commission staff issued the Draft Proposed Decision.⁵²
10/09/2025 The claimant filed comments on the Draft Proposed Decision.⁵³
10/10/2025 The California State Association of Counties (CSAC) filed comments on the Draft Proposed Decision.⁵⁴

II. Background

A. The Domain Name System

Every computer connected to the Internet has a unique Internet Protocol (IP) address, which consists of a complicated string of seemingly random numbers. Navigating the Internet using these complicated strings would be difficult from a user perspective, so the Domain Name System (DNS) was created to help users find their way around the Internet. The DNS is like an address book where IP addresses are registered as associated with a unique (and often easier to read and remember) string of characters called a domain name.⁵⁵

Domain names are read by breaking the domain name into sections which are each separated by a dot character. Each domain name contains at least two sections: the top-level domain and the second-level domain.⁵⁶ Some domain names also use an optional subdomain, or even multiple subdomains (sometimes also called third-level domain, fourth-level domain, etc.). The sections in a domain name are always arranged in a hierarchical order, starting with the lowest level (the second-level domain or the lowest subdomain if subdomains are used) and ending with the highest level (the top-level domain). No two domain names can use the exact same combination of subdomains, second-level domain, and top-level domain, though it is easy to create functionally infinite similar-looking domain names through variations on the different sections (i.e., “example.com,” “thisisanexample.com,” “example.org,” “doyouneedan.example.com,” “thisisan.example.com,” “example.thisisan.com,” and “thisisan.eggssample.com” would all be valid unique domain names using different combinations of subdomains, second-level domains, and top-level domains).

⁵¹ Exhibit G, Claimant’s Rebuttal Comments.

⁵² Exhibit H, Draft Proposed Decision.

⁵³ Exhibit I, Claimant’s Comments on the Draft Proposed Decision.

⁵⁴ Exhibit J, CSAC’s Comments on the Draft Proposed Decision.

⁵⁵ Exhibit K (4), ICANN, *The Domain Name System*, <https://www.icann.org/resources/pages/dns-2022-09-13-en> (accessed on July 22, 2025) page 1.

⁵⁶ Exhibit K (5), ICANN, *Acronyms and Terms – D*, <https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1> (accessed on July 22, 2025), page 8.

The Internet Corporation for Assigned Names and Numbers (ICANN) is an international organization responsible for coordinating the maintenance and procedures of the servers and databases that allow the DNS to function, mostly by delegating authority over specific functions to other organizations. One such group is the Internet Assigned Numbers Authority (IANA), which maintains the database of all the top-level domains recognized by the DNS.⁵⁷ When the DNS was originally created, there were only a few available top-level domains, such as “.com,” “.org,” “.edu,” or “.gov.” Since then, ICANN has introduced procedures to allow additional top-level domains to be proposed and added to the system.⁵⁸ There are now over 1,250 top-level domains.⁵⁹

Each top-level domain is managed in turn by an administrator that maintains a database listing all second-level domains registered under it. To create a second-level domain so they can register domain names under it, an applicant contacts the administrator, often through a registrar, with the proposed second-level domain. These administrators each have their own rules for registering a second-level domain under their top-level domain, such as restricting who may apply for a second-level domain or for what purposes the domain name may be used. Once a second-level domain has been approved, the applicant can then register the domain name created from that unique combination of top- and second-level domain in the DNS so that it directs users to the intended IP address, which is on a server maintained by either the domain name owner or a domain name hosting service. The owner of that second-level domain can also in turn create its own database of subdomains and register domain names using those subdomains.

The “.gov” top-level domain is one of the original top-level domains from when the DNS was first implemented. Originally it was intended exclusively for U.S. federal government agencies, however in 2003 it was made available to government entities from all levels of U.S. government, including states, territories, tribes, counties, cities, special districts, and school districts.⁶⁰ The administrator for the “.gov” top-level domain is the Cybersecurity and Infrastructure Security Agency (CISA), an agency under the United States Department of Homeland Security. To apply for a second-level domain under the “.gov” top-level domain, the person applying for the domain on behalf of their organization must verify their identity by providing their state-issued ID, social security number, and phone number, and during the application process must provide information about the type of government organization they represent, the organization’s name and mailing address, the name and contact information of a senior

⁵⁷ Exhibit K (6), IANA, *Root Zone Database*, <https://www.iana.org/domains/root/db> (accessed on July 22, 2025).

⁵⁸ Exhibit K (7), ICANN, *Briefing Note – Overall Summary of the Paris Meeting*, June 2008, <https://archive.icann.org/en/meetings/paris2008/briefing-note.html> (accessed on July 22, 2025) pages 1-2.

⁵⁹ Exhibit K (6), IANA, *Root Zone Database*, <https://www.iana.org/domains/root/db> (accessed on July 22, 2025).

⁶⁰ Exhibit K (2), CISA, *Eligibility for .gov Domains*, <https://get.gov/domains/eligibility/> (accessed on July 23, 2025) page 2.

official within the organization with authority to authorize the request, the organization's current website, the preferred domain, the intended purpose of the domain, the applicant's contact information, and the names and contact information of other employees from the organization; they must also annually reaffirm that they are still actively using the domain name, they are following CISA's requirements, and to update contact information, as needed.⁶¹ Although there is no fee for applying for a ".gov" domain, CISA does not provide DNS hosting services, or host ".gov" websites or email; and applicants are responsible for acquiring those services themselves.⁶² Besides ".gov" domains reducing public uncertainty because only verified U.S. government organizations can register ".gov" domains, CISA ensures that ".gov" domains are secure by requiring multifactor authentication, requiring secure HTTPS connections, enforcing its rules for allowed use of the domain, publishing a complete list of all ".gov" domains, and making recommendations for security best practices.⁶³

The California Department of Technology (CDT) administers the ".ca.gov" second-level domain for the state of California. The CDT allows California state entities, counties, cities, state-recognized tribal governments, Joint Powers Authorities, and independent local districts within the state of California to register subdomains under the ".ca.gov" second-level domain.⁶⁴ To apply for a proposed subdomain, the person submitting the application on behalf of their organization provides their name, email address and phone number; the name of the organization they are applying for; the proposed domain name and its intended purpose; and the contact information for their CIO or CIO equivalent, Administrative, and Technical contacts. They must also annually file documents certifying the domain is still current and compliant with policies and guidelines.⁶⁵ There is no fee for applying for a subdomain, although CDT offers a DNS hosting service for state and other government entities for a fee.⁶⁶

⁶¹ Exhibit K (8), CISA, *Before You Request a .gov Domain*, <https://get.gov/domains/before/> (accessed on July 23, 2025), pages 2-3.

⁶² Exhibit K (8), CISA, *Before You Request a .gov Domain*, <https://get.gov/domains/before/> (accessed on July 23, 2025), page 6.

⁶³ Exhibit K (9) CISA, *Benefits of .gov Domains*, <https://get.gov/domains/benefits/> (accessed on July 23, 2025) page 2.

⁶⁴ Exhibit K (3), CDT, *Domain Name Requirements*, <https://domainnamerequest.cdt.ca.gov/Home/Requirements> (accessed on July 23, 2025), page 2.

⁶⁵ Exhibit K (10), CDT, *SIMM Section 40A – Internet Domain Name Taxonomy Instructions*, May 2023, pages 7-8.

⁶⁶ Exhibit K (11), CDT, *Website and Application Hosting – Windows IIS*, <https://cdt.ca.gov/services/website-hosting/> (accessed on July 23, 2025), pages 2, 17-20.

B. The Test Claim Statute

In 2023, the Legislature passed the test claim statute, Statutes 2023, chapter 586 (AB 1637). The test claim statute added Government Code section 50034, which states the following:

- (a) (1) No later than January 1, 2029, a local agency that maintains an internet website for use by the public shall ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain.

(2) If a local agency that is subject to paragraph (1) maintains an internet website for use by the public that is noncompliant with paragraph (1) by January 1, 2029, that local agency shall redirect that internet website to a domain name that does comply with paragraph (1).
- (b) No later than January 1, 2029, a local agency that maintains public email addresses for its employees shall ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name.
- (c) For purposes of this section, “local agency” means a city, county, or city and county.⁶⁷

The test claim statute noted the addition of Government Code section 50034 addresses a matter of statewide concern, and as such applies to all cities, including charter cities.⁶⁸ The Legislature made the following findings explaining its reasoning behind this statute:

- a) The Cybersecurity and Infrastructure Security Agency (CISA), within the Department of Homeland Security, sponsors the “.gov” top-level domain and makes it available solely to United States-based government organizations and publicly controlled entities, including California’s local agencies.
- b) California’s local agencies qualify for a “.gov” domain name without paying any fee.
- c) Using “.gov” increases security by enforcing multifactor authentication on all accounts in the “.gov” registrar, requiring browsers to only use a Hypertext Transfer Protocol Secure (HTTPS) connection with “.gov” domains, and enabling the addition of a security contact, making it easier for the public to alert the agency about potential security issues with the agency’s online services.
- d) The Government Operations Agency oversees the “.ca.gov” second-level domain, the Department of Technology manages the registration, change, and renewal process for “.ca.gov” domain names. Agencies are not required to pay any fee for a “.ca.gov” domain.
- e) To administer the “.ca.gov” second-level domain, the Department of Technology has established policies and protocols consistent with federal policy, including, but not limited to, the federal Interagency Committee on Government

⁶⁷ Government Code section 50034, as added by statutes 2023, chapter 586, section 2.

⁶⁸ Statutes 2023, chapter 586 (AB 1637), section 3.

Information's Recommended Policies and Guidelines for Federal Public Websites and the federal .gov Registrar administered by CISA.

- f) Users of websites or other internet services with a “.ca.gov” domain can be assured they are accessing an official California governmental resource.⁶⁹

Legislative analysis explained that a major concern this statute was intended to address was reducing the risk of members of the public being fooled by fake government websites, and ensuring the public's confidence that a city's or county's websites are legitimate. The original top-level domains were intended to be exclusively used by particular groups, and while some such as “.edu,” and “.mil” have retained their exclusivity, others such as “.com,” and “.org” have not and can be easily obtained by just about anyone, not to mention the numerous other top-level domains that were added over the years.⁷⁰ Because cities and counties were not previously required to use “.gov” domain names, and because the application process for receiving a “.gov” domain name can be a bit time-consuming, many cities and counties chose to use easier to obtain top-level domains such as “.com,” “.net,” or “.org.”⁷¹ Because so many cities and counties use domain names with these commonly available top-level domains, it is very easy for a malicious actor to register their own similar-looking domain name and create a fake website or email addresses pretending to belong to that government agency.⁷² These fake websites can even be made convincing enough that search engines mistakenly present them as legitimate search results, and as the use of these top-level domains is so widespread among cities and counties, members of the public have no reason to be suspicious and there is no quick, convenient way to verify the authenticity of the website.⁷³ The fake websites can then be used to spread misinformation or trick members of the public into making payments or revealing private information to these malicious actors.⁷⁴ “The main benefit of this measure will be to ensure that members of the public know that when they access a California local governmental website with an internet address ending with “.gov,” or “.ca.gov,” or email

⁶⁹ Statutes 2023, chapter 586 (AB 1637), section 1.

⁷⁰ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 2.

⁷¹ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 2-3.

⁷² Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

⁷³ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

⁷⁴ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

a government employee at such an address, that they are not going to be the victim of a hacker's fake website.”⁷⁵

The Legislature acknowledged that there would be vast discrepancies in what would be required for local agencies to transition to a “.gov” or “.ca.gov” domain. On one end of the spectrum, Ventura County’s Chief Information Officer summarized the migration process in seven steps: 1) clone the site; 2) mass change all ventura.org references to the new “.gov” name; 3) internal testing for some weeks; 4) add domain to DNS (local and outside); 5) redirect “.org” to “.gov” while keeping both sides in synch and active; 6) press release; 7) decommission old “.org” site.⁷⁶ He estimated this could be done in a matter of days plus about a week of miscellaneous technical support, would largely be done by the county’s hosting service plus one full-time employee, and could be done within their existing budget.⁷⁷ In contrast, the County of Sacramento had recently gone through the process of voluntarily migrating to a “.gov” domain, which involved changing all websites, web applications, emails, and active directory accounts for over 12,000 employees and contractors, as well as updating applications and systems access rights to accommodate the change.⁷⁸ This took 15 full-time IT professionals over 14 months to complete.⁷⁹ One large urban local government asserted it would need to contract outside labor to complete the project because its current IT staff had a high number of other high-priority projects.⁸⁰ The Assembly Committee on Appropriations acknowledged that “Local agency costs to migrate their systems include IT costs, often for vendors, as well as labor costs and indirect costs, such as changes to outreach and promotional materials. Some agencies may also have costs for media campaigns to alert the public to the changes.”⁸¹ A coalition of local agency organizations against the bill identified additional activities that would be required and would incur costs, stating that:

⁷⁵ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

⁷⁶ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 5.

⁷⁷ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 5.

⁷⁸ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

⁷⁹ Exhibit K (12) Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

⁸⁰ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 6. This statement was from when the Legislature was considering a deadline for compliance of January 1, 2025, as opposed to January 1, 2029.

⁸¹ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3

...While applying for and obtaining a .gov domain has no fees, there are significant costs that an agency must budget for to recode, establish corresponding e-mails, network login changes, single sign-on/multi-factors authentication, encryption keys, revising and redesign website/url links, updating social media and external entities. All of these costs are increased to co-exist both the previous site to auto-direct to the newly acquired .gov domain. Also, the cost and time it would take to migrate may disproportionately impact small-to-mid cities and counties adversely who may have insufficient IT staff or any dedicated IT staff, thus requiring them to contract out to outside vendors. Furthermore, the number and size of the departments will dramatically impact the costs as all fire, police, sheriff, libraries, utilities and municipal energy departments would be required, per AB 1637, to migrate to the new .gov domain.⁸²

As originally proposed, AB 1637 defined “local agency” as used in the test claim statute to mean “a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.”⁸³ Local agencies objected to the time, effort, and expense that would be required to transition to a “.gov,” or “.ca.gov” domain. As originally proposed, the bill claimed that reimbursement pursuant to article XIII B, section 6 of the California Constitution would not be required because the local agencies have fee authority sufficient to pay for the mandated program within the meaning of Government Code Section 17556.⁸⁴ The Assembly Committee on Appropriations disagreed with this reasoning, noting “it is unclear on what basis a local agency may charge a fee or other assessment to recover the costs of migrating to a .gov or .ca.gov domain,” and that charging a fee for access to a local agency’s website would likely conflict with Proposition 26.⁸⁵ This led to a closer examination of the fiscal costs of this potential mandate, which the Assembly Committee on Appropriations acknowledged would likely be in the millions of dollars statewide.⁸⁶ These costs would vary wildly between local agencies, with estimates for small or medium single-focused special districts ranging between \$6,000 to \$100,000, while larger special districts would

⁸² Exhibit K (13), Assembly Floor Analysis of AB 1637, as amended June 29, 2023, page 3.

⁸³ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 2. This is the same definition used in Government Code section 54951.

⁸⁴ Exhibit K (13), AB 1637, as amended March 16, 2023, section 4.

⁸⁵ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 1.

⁸⁶ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 1.

have costs between \$500,000 and \$1,000,000.⁸⁷ Estimates for larger counties were also in the low millions of dollars.⁸⁸ One suburban local government estimated its costs would be between \$750,000 and \$1 million, while a large urban local government estimated its costs to be \$6.3 million.⁸⁹ A coalition of local agencies that opposed the test claim statute alleged the statewide costs were likely to be in the hundreds of millions of dollars.⁹⁰ The high anticipated costs to local agencies caused the Legislature to amend the test claim statute, limiting its definition of “local agency” to only mean “a city, county, or city and county,” and to remove the claim that cities and counties have sufficient fee authority and replace it with the generic affirmation that if the Commission found it to contain costs mandated by the state, reimbursement would be made pursuant to Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code.⁹¹ Even with this change costs would still vary greatly, as they are largely dependent upon the size of the entity, the number of websites an entity manages, the number of employees, and the overall size and complexity of an entity’s internet presence.⁹² Some cities and counties estimated their costs between \$900,000 and several million dollars.⁹³ With 58 counties and over 480 cities subject to the test claim statute, that could result in total statewide costs upwards of \$484 million.⁹⁴ Estimates included a broad range of potential financial impacts, ranging from minor for cities and counties that had already largely completed this transition, to the low hundreds of thousands of dollars for smaller cities and counties with relatively small internet presences, to millions of dollars for larger and more sophisticated cities and

⁸⁷ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

⁸⁸ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

⁸⁹ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 6.

⁹⁰ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 4.

⁹¹ See Statutes 2023, chapter 586 (AB 1637), sections 2 and 4.

⁹² Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 2.

⁹³ Exhibit K (15), Senate Committee on Governance and Finance, Analysis of AB 1637, as amended May 18, 2023, page 3.

⁹⁴ Exhibit K (15), Senate Committee on Governance and Finance, Analysis of AB 1637, as amended May 18, 2023, page 3.

counties.⁹⁵ The Senate Appropriations Committee estimated aggregate costs somewhere in the tens of millions.⁹⁶

The Legislature identified a federal grant that could potentially be used to at least partially fund the costs of the test claim statute. The State and Local Cybersecurity Grant Program allocated \$1 billion over four years to states for cybersecurity initiatives with a requirement that 80% pass through to local governments.⁹⁷ This grant program requires states to develop a cybersecurity plan which addresses 16 elements, two of which – following best cybersecurity practices and promoting recognizable online services – both call for transitioning to “.gov” domain names to achieve.⁹⁸ Applying this grant money towards the costs of the test claim statute would thus be an appropriate use of program funds. On December 27, 2022, the California Office of Emergency Services accepted \$8 million for the first year of funding from this grant.⁹⁹ Estimates show the state is likely to receive \$50 million in total over the four years of the grant program.¹⁰⁰ The Senate Committee on Appropriations noted however that this would likely only partially offset the statewide costs of the test claim statute.¹⁰¹ As of the time of writing, there have been no statutes specifically allocating this funding towards costs incurred to implement the test claim statute.

III. Positions of the Parties and Interested Parties

A. County of Santa Clara

The County of Santa Clara (claimant) filed the Test Claim on December 16, 2024, alleging that the test claim statute mandates cities and counties to ensure their web pages and email addresses use “.ca.gov” or “.gov” domain names by January 1, 2029, which is a new state-mandated program.¹⁰² Compliance is a complex and costly endeavor for the claimant, as at the time the test claim statute took effect, the claimant had approximately 79 websites with over 10,000 individual web pages that cumulatively

⁹⁵ Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 2.

⁹⁶ Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 1.

⁹⁷ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 6.

⁹⁸ Exhibit K (15), Senate Committee on Governance and Finance, Analysis of AB 1637, as amended May 18, 2023, page 2.

⁹⁹ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

¹⁰⁰ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

¹⁰¹ Exhibit K (14), Senate Committee on Appropriations, Analysis of AB 1637, as amended June 29, 2023, page 2.

¹⁰² Exhibit A, Test Claim, page 1.

receive an average of approximately 59,000 views per day, as well as 40 public facing web applications that provide essential services to the public and 32,690 public email addresses, all of which were located on the claimant's "sccgov.org" domain name, which the claimant had been using since 2002.¹⁰³

The claimant identifies the following activities it alleges it must undertake to comply with the test claim statute. To migrate 79 websites to its new "santaclaracounty.gov" domain name, staff and third-party professionals must do the following:

- Complete the application process to obtain permission to use a .gov domain name.
- Establish teams with expertise to undertake the tasks needed for the domain transition and develop change management processes and oversight.
- Configure the entry-point of the County's web system infrastructure that allows the public to access the County's websites to work with the .gov domain.
- Register the County's new websites in the Domain Name System, the system that translates web addresses (domain names) into the numerical strings (IP addresses) that allow computers to connect to each other. This ensures that users are directed to the County's websites from their web browsers and includes reconfiguring the County's web security layer and cloud software.
- Enable single sign-on -a security process that allows the County's web infrastructure to authenticate valid internal users attempting to log into the system- to accept employees' new .gov email usernames.
- Redesign and replace the logo showing the County's legacy .org address that appears on many County websites.
- Configure the County's cloud computing systems with domain name aliases -the likely variants of the new .gov domains that users might enter into browsers when attempting to access County services- to ensure that users are directed to the County's websites when typing in the legacy .org domains.
- Conduct comprehensive testing of the website system to ensure the functionality of all newly implemented processes.
- Update the County's website analytics and auditing software -the program used to analyze users' interactions with County web pages and check for potential security, accessibility, and other vulnerabilities- to work with the new websites.
- Undertake search engine optimization, the processes that ensure that common internet search engines and web browsers direct users to the new .gov websites.
- Conduct security audits of the websites to locate and shore up potential vulnerabilities before they become publicly accessible.¹⁰⁴

¹⁰³ Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

¹⁰⁴ Exhibit A, Test Claim, pages 31-32 (Declaration of Matt Woo).

The claimant also asserts it is required to do the following activities to redirect its 40 public-facing web applications in compliance with the test claim statute:

- Reconfigure web applications hosted on-premises and on the cloud to work with the County's new .gov domain.
- Revise the source code underlying all on-premises and cloud-based web applications to use the new domain and conduct subsequent quality assurance and testing.
- Configure the Domain Name System to direct users attempting to access County services using web browsers to on-premises and cloud-based web applications using the new .gov domain.
- Conduct comprehensive testing of all on-premises and cloud-based applications to ensure they are operable and secure.
- Reconfigure the infrastructure entry-point allowing the public to access the County's web applications to use the new .gov domain.
- Update all email notification services built into the web applications to ensure emails sent automatically to users by the web applications are delivered from addresses using .gov.
- Redesign and replace the logo showing the County's legacy .org address that appears on many County web applications.¹⁰⁵

Migrating the claimant's email addresses also requires the following:

- Assemble teams to undertake discovery and assess requirements, risks, and workflows, with consultation of third-party specialists.
- Review workflows, dependencies, and risks in the County's identity management software that stores identifying details about individuals who are provided access to the County's IT systems.
- Add mail exchange records to ensure emails sent to the new email addresses are delivered properly using the County's Domain Name System.
- Update the messaging hygiene infrastructure that scrubs external and internal emails for spam, malware, and other risks to accept the new .gov domain.
- Add the new email domain to the County's software to ensure emails sent from County and external users can be successfully received by County employees.
- Update the Domain Name System to enable it to process County and external emails using the new .gov domain.
- Update the County employee computing authentication system to permit employees to log into County computers and software systems using the new .gov addresses.

¹⁰⁵ Exhibit A, Test Claim, pages 32-33 (Declaration of Matt Woo).

- Establish system processes to ensure that outgoing emails sent by County employees show the new .gov domain.
- Develop, test, and deploy new systems of identity management to ensure that existing employees' legacy email addresses are replaced with addresses using .gov and future employees are issued addresses using .gov.
- Conduct final testing of the County's IT infrastructure and applications to ensure they properly accept and process new email addresses using the .gov domain.¹⁰⁶

Additionally, the claimant says that it is required to communicate the changes it made to its websites, web applications, and email systems internally to county employees and vendors and to the public, to ensure users know where to find essential services, how to communicate with county employees, and how to identify fraudulent information on other domains purporting to come from the county. It asserts this requires: internal communications informing county employees about the transition to the new email, website, and web application addresses; training employees on how to communicate these changes to the public and access web editing and management services to update and modify content; designing and initiating a public relations campaign; replacing references and links to legacy websites, web applications, and email addresses in the County's internet resources; and reprinting all paper documents containing the legacy websites and email addresses, including election materials, brochures, public signage, billing statements, business cards, and letterheads.¹⁰⁷

The claimant estimates it will cost approximately \$918,868 in total for it to complete all of the required activities.¹⁰⁸ Thus far, it has incurred \$20,017 in fiscal year 2023-2024 to begin the transition of its websites to the new domain name, consisting of 199 hours of employee and third-party professional labor.¹⁰⁹ It estimates it will take an additional \$24,641 in fiscal year 2024-2025 to finish migrating its websites, taking approximately 245 hours of employee and third-party professional labor.¹¹⁰ Migrating the claimants web applications will take 2,080 hours of labor from employees and third-party

¹⁰⁶ Exhibit A, Test Claim, page 33 (Declaration of Matt Woo).

¹⁰⁷ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

¹⁰⁸ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

¹⁰⁹ Exhibit A, Test Claim, pages 37-38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

¹¹⁰ Exhibit A, Test Claim, pages 37-38 (Exhibit 1, Estimated Actual and Anticipated Costs of New Activities to Migrate County Websites to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

professionals, costing \$27,890.¹¹¹ Lastly it will take 2,772 hours of labor to migrate email addresses to the new domain name, costing \$656,320.¹¹²

The claimant's statewide cost estimate asserts the aggregate cost of implementing this test claim statute is \$90,900,000 in the 2024-2025 fiscal year.¹¹³ This is based on taking the estimated average cost for a city or county to migrate to a new domain name that was given in the test claim statute's legislative analysis (\$900,000), multiplying it by the number of cities and counties believed to have noncompliant websites and email addresses that would need to perform new activities to comply with the test claim statute (49 counties and 456 cities), and dividing that by the number of years between when the test claim statute went into effect on January 1, 2024 and the deadline for compliance of January 1, 2029 (five years).¹¹⁴

In its response to comments on the test claim, the claimant agreed with Finance's comment that migrating websites and email addresses to a new domain name is a one-time activity that does not include ongoing costs, and asserted that all incurred costs found in the test claim narrative and supporting Declaration of Matt Woo are for one-time activities the claimant must undertake to comply with the test claim statute, and "[t]hese activities are not intended to incur ongoing costs for compliance after they have been completed."¹¹⁵

On October 9, 2025, the claimant filed comments on the Draft Proposed Decision.¹¹⁶ While not disputing the Draft Proposed Decision's finding that many of the specific activities identified in the Test Claim are not mandated by the plain language of the test claim statute, and would be more appropriately addressed as reasonably necessary activities during the Parameters and Guidelines stage, it requests the Commission make a specific finding that the state's mandate that public websites use a ".gov" or ".ca.gov" domain name applies equally to public-facing web applications.¹¹⁷ "It is both reasonable and necessary to infer from the plain language and statutory history of Section 50034 that the Legislature intended to mandate that cities and counties ensure

¹¹¹ Exhibit A, Test Claim, pages 39-40 (Exhibit 2, Estimated Anticipated Costs of New Activities to Migrate County Web Applications to the .gov Domain Name in Compliance with Sections 50034(a)(1) and (2)).

¹¹² Exhibit A, Test Claim, pages 41-42 (Exhibit 3, Estimated Anticipated Costs of New Activities to Migrate County Email Systems to the .gov Domain Name in Compliance with Section 50034(b)).

¹¹³ Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

¹¹⁴ Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

¹¹⁵ Exhibit G, Claimant's Rebuttal Comments, page 3.

¹¹⁶ Exhibit I, Claimant's Comments on the Draft Proposed Decision.

¹¹⁷ Exhibit I, Claimant's Comments on the Draft Proposed Decision, pages 1-2, footnote 1.

that the web applications they make available to the public use either a .gov top-level domain name or a .ca.gov second-level domain name by January 1, 2029.”¹¹⁸

In addition to citing an analysis by the Department of Finance (Finance) that found the test claim statute likely creates “a significant state-reimbursable mandate for cities and counties to change their websites, *web applications*, email addresses, and active directory accounts,” the claimant presents four arguments for why the test claim statute applies to web applications.¹¹⁹ First, web applications appear to the public the same as websites, as both are accessed via a web browser on a computing device with an internet connection by entering a URL into the browser.¹²⁰ Second, Encyclopedia Britannica’s definition of “web application,” is not meaningfully distinct from the definition of “website” used in the Draft Proposed Decision, as “websites and web applications are both digital resources that are stored remotely and made accessible to users online via a web browser connected to the internet.”¹²¹ Third, many of the essential services the Draft Proposed Decision found supported that the claimant is practically compelled to comply with the test claim statute for websites it is not legally compelled to maintain are provided via web applications, not static websites.¹²² The claimant listed several of these services and the respective web applications they provide the services through.¹²³ Lastly, many of the Legislature’s reasons for enacting the test claim statute — the concerns about fake websites and the security benefits provided by “.gov” domain names — apply equally to websites as to web applications.¹²⁴ Arguably the heightened security benefits that come with “.gov” domain names are even more important for web applications, as the services they provide can involve the user inputting personal identifying information, or provide individualized tax or voter data, and so there would be greater concern to ensure this information is secure.¹²⁵ “It seems inconceivable that the Legislature would have intended local jurisdictions not to apply the mandates Section

¹¹⁸ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 2.

¹¹⁹ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 2, footnote 2 (emphasis added by claimant).

¹²⁰ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, 2-3.

¹²¹ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, pages 3-4. See also Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* <https://www.britannica.com/technology/website> (accessed on October 30, 2025), pages 4-5.

¹²² Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 4.

¹²³ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, pages 13-15 (Declaration of Nhan La).

¹²⁴ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, pages 8-10.

¹²⁵ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 10.

50034(a)(1) and (2) imposes on public-facing websites to public-facing web applications.”¹²⁶

B. Department of Finance

Finance filed comments on the Test Claim on May 23, 2025.¹²⁷ In its comments, Finance acknowledged that the test claim statute “requires local agencies to complete a migration of their websites and email addresses to “.gov” or “.ca.gov” by January 1, 2029,” which was not required prior to passing the test claim statute, and that the claimant has alleged increased costs to comply with this requirement.¹²⁸ Finance’s only critique of the Test Claim was that the act of migrating to the new websites and email addresses is a one-time activity, and therefore there should be no ongoing costs once migration is complete. Finance advised that should the Commission find the test claim statute imposes a reimbursable state-mandated program on local agencies, the Commission should examine the estimated costs the claimant alleged to ensure they only include one-time costs related to migrating websites and email addresses to “.gov” or “.ca.gov.”¹²⁹ Finance did not file comments on the Draft Proposed Decision.

C. Interested Parties

Several cities and counties (“interested parties” according to the Commission’s regulations¹³⁰) filed comments on the Test Claim, expressing their support and making statements on the costs they have either incurred or anticipate will incur while complying with the test claim statute.

The County of Inyo reports spending \$2,794 so far for 40 hours of staff time and to purchase SSL certificates and DNS management for its new website, and anticipates an additional \$13,900 for staff time to migrate the current website and all email addresses and for additional SSL certificates.¹³¹ The County of Monterey asserts it needs to reprint public materials, signage, brochures, and letterheads, and that it will experience increased costs for staff time and labor for implementing, testing, and maintaining a new domain, a public awareness campaign, and email migration and IT system updates; but could not estimate experienced or anticipated costs.¹³² The County of Santa Barbara anticipates costs somewhere between \$750,000 and \$1,000,000 for changing official domain names, redesigning and reconfiguring county websites, obtaining new security certificates, and transferring its Microsoft 365 environment to align with the new email

¹²⁶ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 9.

¹²⁷ Exhibit F, Finance’s Comments on the Test Claim.

¹²⁸ Exhibit F, Finance’s Comments on the Test Claim, page 1.

¹²⁹ Exhibit F, Finance’s Comments on the Test Claim, page 2.

¹³⁰ See California Code of Regulations, Title 2, section 1181.2(i).

¹³¹ Exhibit B, County of Inyo’s Comments on the Test Claim, page 1.

¹³² Exhibit C, County of Monterey’s Comments on the Test Claim, page 1.

addresses.¹³³ Lastly, the Town of Truckee reported estimated costs of \$20,673.15, for several hundred hours of staff time, both that of IT staff and time spent by other members of its staff adjusting to the new website and email accounts.¹³⁴

D. Interested Persons

On October 10, 2025, the California State Association of Counties (CSAC) filed comments on the Draft Proposed Decision.¹³⁵ CSAC supports the Draft Proposed Decision but objects to characterizing the broad diversity in local agencies' costs found in the Background section's discussion of the test claim statute's legislative history as "discrepancies."¹³⁶ "The variables that cause wide differences in the most efficient means of compliance are copious, including the size of population that the local agency serves, their budgetary constraints, the infrastructure and complexity of their existing information technology systems, the size and skill level of existing information technology staff, and more."¹³⁷

CSAC also requests an amendment to the Proposed Decision acknowledging that web applications share the same ubiquity as websites and email addresses. Web applications allow local agencies to provide a modern and efficient level of service, and from the perspective of a typical user, appear to be a sophisticated website.¹³⁸ The CDT provides standard templates for web applications, and describe their need and importance because "digitally connecting Californians to government services they need has become increasingly more critical."¹³⁹ Some of the critical government services referenced in the Draft Proposed Decision are better deployed as web applications.¹⁴⁰ Lastly, CSAC argues it is inconsistent to find that the test claim statute's plain language makes no mention of web applications, but accept webpages — which are also not in the plain language — as subcomponents to a website that are similarly affected by the test claim statute.¹⁴¹ Web applications are indistinguishable from websites to the average user, and they exist to provide modern and efficient delivery of government services, just like websites, and should therefore be considered similar to the websites

¹³³ Exhibit D, County of Santa Barbara's Comments on the Test Claim, page 1.

¹³⁴ Exhibit E, Town of Truckee's Comments on the Test Claim, pages 1-2.

¹³⁵ Exhibit J, CSAC's Comments on the Draft Proposed Decision.

¹³⁶ Exhibit J, CSAC's Comments on the Draft Proposed Decision, pages 1-2. This comes from the legislative analysis, stating that "local governments report vast discrepancies as to the time, effort, and expense required to transition to using '.gov' and '.ca.gov' domains." See Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 5.

¹³⁷ Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 1.

¹³⁸ Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 2.

¹³⁹ Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 2.

¹⁴⁰ Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 2.

¹⁴¹ Exhibit J, CSAC's Comments on the Draft Proposed Decision, page 3.

local agencies are not legally required to maintain, but the Draft Proposed Decision found practically compelled local agencies to comply with the test claim statute.¹⁴²

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service...

The purpose of article XIII B, section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.”¹⁴³ Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”¹⁴⁴

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.¹⁴⁵
2. The mandated activity constitutes a “program” that either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.¹⁴⁶
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.¹⁴⁷

¹⁴² Exhibit J, CSAC’s Comments on the Draft Proposed Decision, page 3.

¹⁴³ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

¹⁴⁴ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

¹⁴⁵ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

¹⁴⁶ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875 (reaffirming the test set out in *County of Los Angeles* (1987) 43 Cal.3d 46, 56).

¹⁴⁷ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal3d 830, 835.

4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.¹⁴⁸

The Commission is vested with the exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.¹⁴⁹ The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.¹⁵⁰ In making its decisions, the Commission must strictly construe article XIII B, section 6 of the California Constitution, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”¹⁵¹

A. The Test Claim Was Timely Filed, with a Period of Reimbursement Beginning January 1, 2024.

Government Code section 17551(c) provides that test claims “shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later.”¹⁵² Section 1183.1(c) of the Commission’s regulations, in turn, defines “12 months” as 365 days.¹⁵³ The test claim statute became effective on January 1, 2024, and the test claim was filed on December 16, 2024, within 365 days following the effective date of the test claim statute.¹⁵⁴ The test claim was therefore timely filed.

Government Code section 17557(e) requires a test claim to be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year.¹⁵⁵ The December 16, 2024 filing date establishes reimbursement eligibility for the 2023-2024 fiscal year, but because the test claim statute became effective on January 1, 2024, the potential period of reimbursement begins on January 1, 2024.

¹⁴⁸ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

¹⁴⁹ *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 335.

¹⁵⁰ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

¹⁵¹ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1280 citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

¹⁵² Government Code section 17551(c).

¹⁵³ California Code of Regulations, title 2, section 1183.1(c).

¹⁵⁴ Exhibit A, Test Claim, page 1.

¹⁵⁵ Government Code section 17557(e)

B. The Test Claim Statute Imposes a Reimbursable State-Mandated Program on Cities, Counties, and Cities and Counties.

As described below, the Commission finds that sections (a)(1), (a)(2), and (b) of Government Code section 50034, added by the test claim statute (Stats. 2023, ch. 586) imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

1. The Test Claim Statute Imposes State-Mandated Requirements That a City, County, or City and County's Public Websites and Employee Email Addresses Use Either a ".gov" Top-Level Domain Name or ".ca.gov" Second-Level Domain Name.

The plain language of Government Code section 50034 requires a local agency, meaning a "city, county, or city and county," that maintains an internet website for use by the public or public email addresses for its employees, ensure that its internet website and each email address utilizes either a ".gov" top-level domain name or ".ca.gov" second-level domain name by January 1, 2029. In addition, the statute requires that if the city or county continues to maintain a noncompliant website for use by the public after the January 1, 2029 deadline, the noncompliant website shall redirect users to a website using a ".gov" or ".ca.gov" domain name. Section 50034 states the following:

- (a) (1) No later than January 1, 2029, a local agency that maintains an internet website for use by the public *shall ensure that the internet website utilizes a ".gov" top-level domain name or a ".ca.gov" second-level domain.*
- (2) If a local agency that is subject to paragraph (1) maintains an internet website for use by the public that is noncompliant with paragraph (1) by January 1, 2029, that local agency *shall redirect that internet website to a website that does comply with paragraph (1).*
- (b) No later than January 1, 2029, a local agency that maintains public email addresses for its employees *shall ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name.*
- (c) For purposes of this section, "local agency" means a city, county, or city and county.
 - a. The test claim statute requires a city, county, or city and county, that maintains an internet website for use by the public or public email addresses for its employees to ensure the website and email addresses utilize either a ".gov" or ".ca.gov" domain name by January 1, 2029, and based on the rules of statutory construction, the Legislature's use of the word "website" includes all webpages, web applications, or related resources within the website.

Based on the plain language of the test claim statute, the activities of ensuring internet websites and email addresses utilize a ".gov" top-level domain name or ".ca.gov" second-level domain name, and ensuring that any noncompliant websites redirect to a website with a compliant domain name, by January 1, 2029, are required for a city,

county, or city and county that maintains a public facing website or public email addresses for its employees.

State law does not have any codified definitions for “website,” “email address,” or “domain name;” as used in the test claim statute and, thus we must follow the definitions generally accepted by the public.¹⁵⁶

Merriam-Webster’s definition of “website” is “a group of World Wide Web pages, usually containing hyperlinks to each other and made available online by an individual, company, educational institution, government, or organization.”¹⁵⁷ Encyclopedia Britannica similarly defines a website as “a collection of files and related resources accessible through the World Wide Web and the Internet via a domain name,” and notes that “typical files found at a website are HTML documents with their associated graphic image files (GIF, JPEG, etc.), scripted programs (in Perl, PHP, Java, etc.), and similar resources.”¹⁵⁸ Combining those two definitions, a website is a group or collection of files, such as webpages, scripted programs, and related resources, that have been made accessible online through the World Wide Web and the Internet via a domain name by an individual, company, educational institution, government, or organization.

“Email” is “a communication exchanged between people by computer, through either a local area network or the internet,” and “address” is “the place where mail or other communication is sent;” the combination of the two for “email address” means the place to send email to communicate with a person.¹⁵⁹

The Domain Name System allows users to navigate the Internet by associating complex IP addresses with easier to remember domain names.¹⁶⁰ According to ICANN, the organization responsible for managing the Domain Name System, a domain name is:

A unique name that forms the basis of the uniform resource locators (URLs) that people use to find resources on the Internet (e.g., web pages, email servers, images, and videos). The domain name itself identifies a specific address on the Internet that belongs to an entity such as a company, organization, institution, or individual. For example, in the URL

¹⁵⁶ See *Turo Inc. v. City of San Francisco* (2022) 80 Cal.App.5th 517, 521 (Words in a statute are construed to give them “a plain and commonsense meaning,” unless a statute specifically defines the word to give it a special meaning).

¹⁵⁷ Merriam-Webster, *Website* <https://www.merriam-webster.com/dictionary/website> (accessed on July 10, 2025).

¹⁵⁸ Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* <https://www.britannica.com/technology/website> (accessed on October 30, 2025), pages 1-2.

¹⁵⁹ See Black’s Law Dictionary (12th ed. 2024).

¹⁶⁰ Exhibit K (4), ICANN, *The Domain Name System*, <https://www.icann.org/resources/pages/dns-2022-09-13-en> (accessed on July 22, 2025) page 1.

<https://www.icann.org/public-comments>, the domain name [icann.org](https://www.icann.org) directs a browser to the ICANN organization's domain. The rest of the URL directs the browser to a specific resource on the www server within ICANN's domain (in this case, the Public Comments page on the ICANN org website).¹⁶¹

A domain name is thus the address used to locate a group of Internet resources, such as a website, while a URL directs users to a specific resource within that group, such as a webpage or email address. Domain names are structured by breaking the domain name down into sections, arranged in hierarchal order from lowest to highest level, with dots separating the sections. Domain names contain at least two sections: a top-level domain and second-level domain.¹⁶² Some domain names also include optional subdomains.¹⁶³ Each top-level domain maintains a database of all second-level domains registered under it, and the owner of a second-level domain can in turn maintain a database of subdomains registered under it. CISA maintains the ".gov" top-level domain, while CDT maintains the ".ca.gov" second-level domain.¹⁶⁴

The test claim statute therefore requires cities' and counties' websites and email addresses to use a domain name registered under the ".gov" top-level domain, with the explicit option this can be as subdomain under the ".ca.gov" second-level domain.

The claimant and CSAC argue that the test claim statute also applies to web applications and web pages and is not limited to "websites." The Commission agrees. The rules of statutory construction support the conclusion that the Legislature's use of the word "website" includes "web applications" and "web pages" within it. A recent mandates case explained the basic rules of statutory construction as follows:

[O]ur fundamental task ... is to determine the Legislature's intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute's purpose, legislative

¹⁶¹ Exhibit K (5), ICANN, *Acronyms and Terms – D*, <https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1> (accessed on July 22, 2025), page 8.

¹⁶² Exhibit K (5), ICANN, *Acronyms and Terms – D*, <https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1> (accessed on July 22, 2025), page 8.

¹⁶³ Exhibit K (5), ICANN, *Acronyms and Terms – D*, <https://www.icann.org/en/icann-acronyms-and-terms?nav-letter=d&page=1> (accessed on July 22, 2025), page 8.

¹⁶⁴ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, pages 3-4.

history, and public policy.” [Citation.] “Furthermore, we consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose.”¹⁶⁵

Absent ‘a specific statutory definition of a term, the courts look to the plain meaning as understood by the ordinary person, which would typically be a dictionary definition.’¹⁶⁶

“[W]hen the statutory language is ambiguous a court’s primary goal is to adopt the interpretation that best effectuates the legislative intent or purpose. To identify a statute’s purpose and underlying legislative intent, courts may look to such aids as legislative history, maxims of statutory construction, and consequences of particular interpretation, including its impact on public policy.”¹⁶⁷

Here, the dictionary definition of “website” and the Legislature’s use of the word “website,” both in its analysis of the test claim statute and how it is frequently used in other statutes, supports a conclusion that the Legislature intended its use of the word “website” broadly to include programs such as “web applications” and “web pages,” which are part of the website.

As indicated above, “website” is defined as a group or collection of files accessed via the Internet. Encyclopedia Britannica’s definition specifically notes that the types of files that can make up a website include “HTML documents with their associated graphic image files (GIF, JPEG, etc.), scripted programs (in Perl, PHP, Java, etc.), and similar resources.”¹⁶⁸ This collection of files can include HTML documents like web pages, computer programs like web applications, or any other related resources. Merriam-Webster provides “the block of information found at a single World Wide Web Address,” as a variant definition of the word “page.”¹⁶⁹ Encyclopedia Britannica’s entry for HTML, which it defines as “a formatting system for displaying material retrieved over the Internet,” notes that each “retrieval unit” is known as a webpage, and HTML is the markup language used to encode webpages.¹⁷⁰ Encyclopedia Britannica’s definition for “web application” says it is a “computer program stored on a remote server and run by its users via a web browser,” and “[a]ny service offered over the Internet, by definition, is

¹⁶⁵ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 566. See also, *Merced Irrigation Dist. v. Superior Court* (2017) 7 Cal.App.5th 916, 924.

¹⁶⁶ *People v. Ruiz* (2024) 104 Cal.App.5th 1027, 1032.

¹⁶⁷ *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 239.

¹⁶⁸ Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* <https://www.britannica.com/technology/website> (accessed on October 30, 2025), pages 1-2.

¹⁶⁹ Merriam-Webster, *Page*, entry 1 sense 2a <https://www.merriam-webster.com/dictionary/page#h1> (accessed on October 15, 2025).

¹⁷⁰ Exhibit K (17), Encyclopedia Britannica, *HTML Definition & Facts* <https://www.britannica.com/technology/HTML> (accessed on October 15, 2025).

a form of web application.”¹⁷¹ Thus, any files that are part of a website would be subject to the legal requirements imposed on the website itself.

In addition, interpreting the test claim statute’s use of the word “website” to not include “web applications” or “web pages” creates a glaring omission that undermines the statute’s intended purpose. The test claim statute’s plain language only specifically requires cities and counties to ensure their websites and email addresses use a “.gov” or “.ca.gov” domain name, despite oft-repeated evidence in the legislative history that migrating to a new domain name involved “changing all websites, web applications, emails and active directory accounts.”¹⁷² The legislative purpose behind the test claim statute is to ensure the public can discern real government websites from fake, because only legitimate government entities may use “.gov” and “.ca.gov” domain names. As the claimant pointed out, if cities and counties were required to migrate their websites to a “.gov” or “.ca.gov” domain name but could continue to use their old domain name for web applications, it creates confusion, and risks not only sustaining, but exacerbating the risks of the public falling for fraudulent imitators or losing trust in government services.¹⁷³ Thus, it can be reasonably concluded that the Legislature intended “web application” and “web pages” to be covered by and included within the definition of “website”.

Interpreting web applications and web pages to be part of websites is also consistent with how the Legislature talks about how websites are used in the test claim statute’s legislative history. “A fake website that lures in real users who believe they are visiting a legitimate government website could then lure those users into sharing personal information, making payments, and conducting other compromising activities.”¹⁷⁴ These examples of compromising activities users can perform on websites depend on interactivity; on users inputting personal information into the website, which, as the claimant suggests, is a typical feature of web applications.¹⁷⁵

Furthermore, the Legislature’s use of “website” in other statutes supports that it interprets website to mean a broader, general term that includes web applications. There are only a handful of statutes that discuss “web applications.” The few examples that do are either talking about the use of a specific web application,¹⁷⁶ or use it as part

¹⁷¹ Exhibit K (16), Encyclopedia Britannica, *Website Definition & Facts* <https://www.britannica.com/technology/website> (accessed on October 30, 2025), pages 4-5.

¹⁷² Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 6.

¹⁷³ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 9.

¹⁷⁴ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis on AB 1637, as amended March 16, 2023, page 1.

¹⁷⁵ Exhibit I, Claimant’s Comments on the Draft Proposed Decision, pages 3-4.

¹⁷⁶ See Welfare and Institutions Code section 4641.5(b) and Government Code section 95020.5(b) (requiring regional centers for persons with developmental disabilities to use

of a standard definition of online platforms as “any public-facing Internet website, web application, or digital application.”¹⁷⁷ “Website,” on the other hand, is much more commonly used, and comes up in hundreds of statutes. Often, these statutes require a state or local agency to post certain information on their websites.¹⁷⁸ An interpretation of “website” that does not include “web applications” would mean that this information can only be published as a static document on a website, not an interactive web application. Yet frequently, government agencies will use web applications to publish legally required information.¹⁷⁹ Thus, the Legislature considers web applications to be an acceptable method of performing this legal obligation, because it understands web applications to be part of the government agency’s website.

Thus, the Legislature’s use of “website” is meant to include interactive components provided via web applications.

Accordingly, the plain language of the test claim statute requires a city, county, or city and county, that maintains an internet website for use by the public or public email addresses for its employees, to ensure their websites and email addresses utilize either a “.gov” or “.ca.gov” domain name by January 1, 2029. The rules of statutory construction support the Legislature’s use of “website” is meant to be as a collection of remotely-accessible files such as web pages, web applications, and other related resources within the website.

a specific web application created by the state for their billing); Penal Code section 13370(b)(2)(F) (requiring the Department of Justice make prosecutorial data accessible using modern web application program interfaces).

¹⁷⁷ See Business and Professions Code section 17940(c); Family Code sections 6650(e) and 6750(c)(2); Elections Code section 20512(h); and Government Code sections 84504.6(a)(1) and 84513(a)(1).

¹⁷⁸ See Government Code section 8548.9 (State Auditor’s website shall display the status of recommendations the State Auditor made in its audits and investigations); Government Code section 100502 (California Health Exchange Board’s website provides standardized comparative information about health plans for health care plan enrollees and prospective enrollees); Government Code section 6270.5(a), as amended by Statute 2015, Chapter 795, section 2 (Local agencies shall post their catalog of enterprise systems on their internet website, if they have a website).

¹⁷⁹ For example, the claimant provided evidence that it publishes the catalog of enterprise systems required by Government Code section 6270.5(a) (as added by Statutes 2015, chapter 795, later moved to Government Code section 7922.715 by the California Public Records Act, Statutes 2021, chapter 614), on its Open Data Portal web application. Exhibit I, Claimant’s Comments on the Draft Proposed Decision, page 15 (Declaration of Nhan La).

- b. Cities and Counties are mandated by the state to comply with the requirements in Government Code section 50034(a)(1), (2), and (b), based on both legal and practical compulsion theories.

For the required activities in a statute or executive order to be mandated by the state, the claimant must be either legally or practically compelled to perform the activity.

Legal compulsion occurs when a statute or executive action uses mandatory language that “‘require[s]’ or ‘command[s]’” a local entity to participate in a program or service. [citations omitted] [construing the term “mandates” in art. XIII B, § 6 to mean “‘orders’ or ‘commands’”].) Stated differently, legal compulsion is present when the local entity has a mandatory, legally enforceable duty to obey.¹⁸⁰

In *Coast Community College District v. Commission on State Mandates*, claimants alleged that several regulations imposed state mandated costs on community college districts. Although complying with the regulations entitled districts to state funding, the Commission found they were not legally compelled to comply with the regulations, as they had the option of not complying with the regulations, and not complying only resulted in the Chancellor having the option to take several possible actions in response to encourage compliance, including withholding funding.¹⁸¹ The Appellate Court found that these funding regulations were legally compelled because the regulations related to community colleges’ core functions, however the State Supreme Court reversed this decision, finding that something is only legally compelled if there is a mandatory legal obligation that they obey, and the proper focus in a legal compulsion inquiry is upon the nature of the claimants’ participation in the underlying programs themselves.¹⁸² “If a community college district is willing to risk the possibility of losing some or all of its state aid, there does not appear to be any mechanism (or at least none the parties have identified) that would allow the Chancellor or any other state entity to compel compliance as a matter of law.”¹⁸³

The court also recognized there may be a state-mandated program with practical compulsion. Practical compulsion occurs when the consequences for not complying with a technically optional requirement are so onerous they result in “certain and severe penalties such as double taxation and other draconian consequences,” such that a local

¹⁸⁰ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815. See also *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

¹⁸¹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 811.

¹⁸² *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815.

¹⁸³ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 817.

government has no reasonable alternative but to comply.¹⁸⁴ For there to be no reasonable alternative, any alternative options that may exist must be “so far beyond the realm of practical reality” that it leaves the local government “without discretion” not to comply with the state’s conditions, such that the alternative amounts to “no alternative at all.”¹⁸⁵ In such cases, the state “does not command a local entity to engage in conduct, but rather induces compliance through the imposition of severe consequences that leave the local entity no reasonable alternative but to comply.”¹⁸⁶

The claimant argues that it is legally compelled to comply with the test claim statute because of the statute’s use of the mandatory language “shall.”¹⁸⁷ In the alternative, it also argues it is practically compelled because the only alternative available is not to have a public website, which amounts to “no alternative at all,” as use of the web is integral to local governments’ functioning.¹⁸⁸ The claimant contends cities and counties use their websites to disseminate important information and allow citizens to request public records, file essential paperwork, register to vote, and access public hearings. Providing these services via the internet is especially important for people with disabilities, or those who live far from their local government buildings or are reliant on public benefits. City and county websites provide all residents with a key tool for engaging with their elected government, by allowing them to access the agendas of the meetings of the Board of Supervisors, watch streaming or archived videos of these meetings, and participate by video conference to exercise their right to provide public comment.¹⁸⁹ Additionally, the claimant alleges there are multiple other State laws that mandate local governments create websites or dictate how they are used, specifically noting the requirements that special districts maintain a website (Government Code section 53087.8); that local governments post certain types of at-risk contracts on their websites for public inspection (Public Contracts Code section 20146(e)); that public agencies post notices on their websites under the California Environmental Quality Act (Public Resources Code sections 21092(b)(3), 21092.3, and 21152(c)); that health care districts and hospital districts maintain a website containing information about their budget, membership, and public meetings (Government Code section 7926.500 and Health and Safety Code section 32139(b)); and that local governments disclose all

¹⁸⁴ *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1360, 1364.

¹⁸⁵ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558 (finding that urbanized cities and counties were practically compelled to obtain a permit for their stormwater drainage systems).

¹⁸⁶ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 816.

¹⁸⁷ Exhibit A, Test Claim, pages 22-23 (Written Narrative).

¹⁸⁸ Exhibit A, Test Claim, page 23 (Written Narrative).

¹⁸⁹ Exhibit A, Test Claim, page 24 (Written Narrative).

offers and counteroffers for certain high cost contracts on their websites (Public Contracts Code section 22178).¹⁹⁰

As explained below, the Commission finds that the required activities in the test claim statute are mandated by the state, based on both legal and practical compulsion theories.

- i. Cities and counties are legally required to publish certain notices and documents on their websites, which requires maintaining a public internet website to publish this information; thus cities and counties are legally compelled to maintain a public internet website, which makes the test claim statute's requirements mandated by the state.*

The claimant asserts the test claim statute's use of the word "shall" makes the activities in the test claim statute mandatory requirements, and thus legally compelled state mandates. It is true that the use of the word "shall" in the Government Code means something is mandatory, while "may" is merely permissive.¹⁹¹ However, as a general matter, a local entity's voluntary or discretionary decision to undertake an activity cannot be said to be legally compelled, even if that decision results in certain mandatory actions.¹⁹² The proper focus in a legal compulsion inquiry is upon the nature of the claimants' participation in the underlying programs themselves.¹⁹³ In other words, mandatory language like "shall" does not automatically mean something is a legally compelled state mandate, if it is in the context of imposing requirements on an activity the local agency chose to undertake voluntarily. In context, the requirement that cities and counties shall ensure their public websites use either a ".gov" top-level domain or a ".ca.gov" second-level domain is imposed on "a local agency that maintains an internet website for use by the public."¹⁹⁴ Thus, the question of whether this requirement is a legally compelled mandate depends on whether cities and counties are legally compelled to have a public website in the first place.

There are no statutes that explicitly say all cities and counties shall maintain a public internet website. The Legislature can and has in the past used its authority to legally compel government agencies to maintain a website. Government Code section 8548.9 says that the State Auditor shall "maintain a publicly accessible internet website that displays the status of recommendations the State Auditor made in its audits and investigations." The California Health Benefit Exchange Board shall "maintain an internet website through which enrollees and prospective enrollees of qualified health

¹⁹⁰ Exhibit A, Test Claim, page 24 (Written Narrative).

¹⁹¹ Government Code section 14.

¹⁹² *Coast Community College District v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815.

¹⁹³ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815.

¹⁹⁴ Government Code section 50034(a)(1).

plans may obtain standardized comparative information on those plans.”¹⁹⁵ State law requires independent special districts, health care districts, and hospital districts to each maintain a website.¹⁹⁶ However the test claim statute explicitly says that “local agency” as used here only means a “city, county, or city and county,” purposefully limiting it from the definition used in earlier drafts which included a “county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.”¹⁹⁷ These are examples of the Legislature creating a clear legal compulsion for other state or local agencies to maintain a public website. Because there is no statute that imposes a similar legal compulsion for cities and counties, we’ll instead consider whether there are any instances of legal compulsion caused by the Legislature legally compelling cities and counties to make certain information available on a public website they maintain, thereby requiring them to maintain a website.

The claimant cited several State laws it alleges require local governments to post certain information on their public websites, and therefore to have a public website.¹⁹⁸ Many of the cited examples are themselves dependent on a local agency first choosing to take a discretionary action. The Public Contract Code requires that a county or public entity that “elects to...[use] a construction manager at-risk contract for a building project shall make a copy of the contract available for public inspection on its internet website,” and that any city, county, city and county, or special district that chooses to enter into a contract valued at \$250,000 or more disclose all offers and counteroffers to the public on its internet website.¹⁹⁹ It is a discretionary decision for a local agency to enter into these types of contracts, thus the state does not mandate them to have an internet website in order to perform the resulting mandatory actions.²⁰⁰ Legislative analysis for the test claim statute also acknowledged several prior laws that require local agencies to post certain information on their internet websites *if they have one*.²⁰¹ This condition

¹⁹⁵ Government Code section 100502(c).

¹⁹⁶ Government Code sections 7926.500 and 53087.8; Health and Safety Code section 32139(b).

¹⁹⁷ Government Code section 50034(c); see also Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 2.

¹⁹⁸ Exhibit A, Test Claim, page 24 (Written Narrative).

¹⁹⁹ Public Contract Code sections 20146(e) and 22178(c)

²⁰⁰ See *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 743 (School districts’ choice to participate in voluntary state-funded programs did not create a legally compelled state mandate to comply with the programs’ requirements).

²⁰¹ Exhibit K (13) Assembly Floor Analysis of AB 1637, as amended June 29, 2023, page 2. See also Government Code sections 6270.5(a), as amended by Statute 2015, Chapter 795, section 2 (Local agencies shall post their catalog of enterprise systems on their internet website, if they have a website); 53908(a), as amended by Statutes 2014,

excuses any local agencies that do not have a website from performing the mandatory actions, thus the Legislature is not legally compelling local agencies to have a website here either. None of these examples establish a legal obligation or duty for a city or county to have a public website.

However, there are at least some laws that do impose a legal obligation to post certain information on a local agency's website, thus requiring cities and counties to have a website. The California Environmental Quality Act requires lead agencies to provide notices during the process of preparing an environmental impact report or negative declaration for a project and after approving a project subject to these provisions.²⁰² These notices shall be posted on the lead agency's website as well as the website of the county clerk.²⁰³ A "lead agency" is the public agency which has the principal responsibility for carrying out or approving a project which may have a significant impact on the environment.²⁰⁴ Projects under the California Environmental Quality Act do not just mean those undertaken by or on behalf of a public agency, but also any other activities that require a public agency to issue a person a lease, permit, license, certificate or other entitlement for use.²⁰⁵ A city or county that serves as the lead agency for a project often did not make a choice to take on that role, as many projects are instigated by members of the public seeking approval from the city or county. Regardless of whether the project is ultimately approved, the public agency with principal responsibility for approving a project is the project's lead agency, and is legally required to post notices on its website as part of its responsibilities as lead agency.

For another example, Government Code section 84616 requires local government agencies to post on their websites a copy of any statement, report or other documents candidates file with them that is required by campaign finance disclosure law.²⁰⁶ Candidates are legally required to file these documents to be allowed to run for office, and local governments are obligated to hold elections for these positions as part of the democratic process. Unlike other disclosures required by the Government Code, the phrasing used to impose this requirement to post candidates' financial disclosure documents does not condition it as only being required if the local government has a

Chapter 894, section 3 (If a local agency that is required to make certain annual reports to the Controller maintains an internet website, it shall post information about the annual compensation of it elected officials, officers, and employees in a conspicuous location on its website); 54954(a)(1), as amended by Statutes 2011, Chapter 692, section 8 (Meeting agendas for the legislative body of a local agency or its designee shall be posted at least 72 hours before the meeting on the local agency's internet website, if it has one).

²⁰² Public Resources Code sections 21092, 21152.

²⁰³ Public Resources Code sections 21092(b)(3), 21092.3, and 21152(c)(1).

²⁰⁴ Public Resources Code section 21067.

²⁰⁵ Public Resources Code section 21065.

²⁰⁶ Government Code section 84616.

website in the first place. Thus, cities and counties are legally required to post these documents on their websites, and in turn, have a public website.

Cities and counties are legally required to publish certain notices and documents on their public internet website, which necessarily requires them to maintain a public internet website. Because they are legally required to maintain a public internet website, they are in turn legally compelled to ensure that that website complies with the requirements in the test claim statute that their websites use a domain name with either a “.gov” top-level domain or a “.ca.gov” second-level domain.

Additionally, Government Code section 50034(a)(2) requires cities and counties to ensure that any websites they continue to maintain after the January 1, 2029 deadline with domain names that do not comply with the above requirement to use either the “.gov” top-level domain or “.ca.gov” second-level domain redirect users to a compliant website. It would be irrational to claim cities and counties are legally compelled to maintain a website that does not comply with the law. However, the state mandate compelling compliance with Government Code section 50034(a)(1) itself creates a legal obligation to comply with Government Code section 50034(a)(2) for all noncompliant websites. Cities and counties are mandated by the state to maintain public websites, and thus they have a legal obligation to ensure their websites are compliant with all laws applicable to their websites, including this requirement that non-compliant websites redirect users to a website with a compliant domain. Cities and counties are therefore legally compelled to also ensure that any website with a non-compliant domain name they continue to maintain after January 1, 2029 redirects users to a website with a compliant domain name.

- ii. *For websites and webpages cities and counties are not legally compelled to maintain, there is substantial evidence that cities and counties are practically compelled to comply with the test claim statute by migrating their websites to compliant domain names.*

Though cities and counties may be legally compelled to have a public internet website, that finding does not account for all of the websites and webpages a city or county may have elected to create voluntarily before the test claim statute went into effect. For example, the claimant certifies it has 79 websites with over 10,000 individual webpages, many of which presumably serve functions other than being the place where it publishes legally required information. However, there is substantial evidence that local agencies are practically compelled to comply with the test claim statute by migrating their websites to a domain name using either “.gov” or “.ca.gov” by January 1, 2029, even for websites they are not legally compelled to maintain.

As indicated earlier, practical compulsion occurs when the consequences for not complying with a technically optional requirement are so onerous they result in “certain and severe penalties such as double taxation and other draconian consequences,” such that a local government has no reasonable alternative but to comply.²⁰⁷ For there to be

²⁰⁷ *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1360, 1364.

no reasonable alternative, any alternative options that may exist must be “so far beyond the realm of practical reality” that it leaves the local government “without discretion” not to comply with the state’s conditions, such that the alternative amounts to “no alternative at all.”²⁰⁸ In such cases, the state “does not command a local entity to engage in conduct, but rather induces compliance through the imposition of severe consequences that leave the local entity no reasonable alternative but to comply.”²⁰⁹

Prior law did not dictate what types of domain names cities and counties may use for their public websites, and many cities and counties chose to create websites with top-level domains such as “.com,” “.net,” or “.org.”²¹⁰ Now, the only options available to cities and counties whose public website domain names use one of these top-level domains that do not comply with the test claim statute is to either migrate their websites to a new compliant domain name in accordance with the test claim statute or stop having the website altogether. As the claimant points out, this would have severe consequences for the people who utilize the services provided through these websites. Cities and counties use their public websites to easily disseminate information and provide other government services, and members of the public have become reliant on using these websites. Examples of such services include accessing public information, corresponding with local officials, paying fines, registering to vote, filing taxes, obtaining up-to-date health and safety resources, requesting copies of vital records, accessing mass transit schedules, and many other tasks.²¹¹ These are some of the most common and important ways in which members of the public interact with their local government. Having easy access to these services via the internet is especially important for people with disabilities.²¹² Removing a city or county’s public website, and with it, denying access to these services to anyone that detrimentally relied on these websites as a reliable means of accessing these services, would disenfranchise members of the

²⁰⁸ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558 (finding that urbanized cities and counties were practically compelled to obtain a permit for their stormwater drainage systems).

²⁰⁹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 816.

²¹⁰ In the claimant’s case, it created its “sccgov.org” domain name in 2002, before local governments were allowed to use the “.gov” top-level domain. See Exhibit A, Test Claim, page 30 (Declaration of Matt Woo).

²¹¹ Exhibit A, Test Claim, page 325 (Federal Register, Volume 89, Number 80, page 31320, April 24, 2024) (Citing these examples of government services provided via the internet while explaining the need for regulations requiring public entities’ websites and mobile applications to be accessible).

²¹² See generally, 28 CFR section 35.200 (requiring public entities ensure their web content and mobile applications are readily accessible and usable to people with disabilities, complying with WCAG 2.1 levels A and AA beginning April 24, 2026 for entities with populations greater than 50,000, and by April 26, 2026, for entities with populations less than 50,000).

public from their local government, a severe consequence cities and counties would feel practically compelled to avoid. The Legislature also understood the public benefit of allowing people to access this important information through a city or county's websites, as noted in its discussion of several laws which require local agencies to post certain information on their websites:

As technology advances, the Legislature often amends statutes to capture these advancements and take advantage of any potential public benefits. For example, the Brown Act requires all local agencies to post the agenda for any regular meeting 72 hours in advance in a location that is freely accessible to the public. The agenda must clearly specify the meeting's time, location, and the topics that will be deliberated. Despite this requirement, a local agency's constituents still have to know when the agency plans to meet, where the agenda is posted, and physically travel to the location where the agenda is posted or contact the agency directly to discover what topics the agency is planning to discuss. With the proliferation of Internet access and local agencies utilizing this tool to communicate with their constituents, AB 1344 (Feuer), Chapter 692, Statutes of 2011, required all local agencies that have a website to post their meeting agendas on the website 72 hours in advance, effectively making the agenda more accessible to the public by taking advantage of advancements in technology. Additionally, SB 272 (Hertzberg), Chapter 795, Statutes of 2015, and AB 2040 (Garcia), Chapter 894, Statutes of 2014, required local agencies to post on their websites a list of the agency's enterprise systems and the agency's employee compensation report, respectively.²¹³

This discussion demonstrates how important it is to the Legislature that local agencies are able to use the Internet to provide information to their constituents. At this point, expecting a city or county to stop providing a public website through which the public can access government services to avoid the costs of complying with the test claim statute is an unreasonable alternative, and is similar to an expectation that an urban city or county stop providing its citizens with a stormwater drainage system to avoid complying with a stormwater discharge permit.²¹⁴

It is worth noting the Legislature certainly seemed to intend compliance with the test claim statute to be the only option available to cities and counties and did not consider the possibility of a city or county removing its public website to be a reasonable alternative. The Legislature lamented this was something that all public agencies should have been legally required to do decades ago, implying it believed the test claim

²¹³ Exhibit K (13) Assembly Floor Analysis of AB 1637, as amended June 29, 2023, page 2.

²¹⁴ See *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558

statute created a legally required mandate.²¹⁵ A city or county choosing the alternative of not having a public website may also result in the exact harm the Legislature was trying to prevent with the test claim statute; to prevent the public from falling for fake government websites, and ensure confidence in legitimate government sources.²¹⁶ The widespread usage of top-level domains other than “.gov” among local government agencies made it easy for malicious actors to create domain names for fake government websites that could be used to spread misinformation or trick members of the public into making payments or revealing personal information.²¹⁷ By requiring all cities and counties to use either the “.gov” top-level domain or “.ca.gov” second-level domain, which are only available to verified government agencies, it makes it easier on the public to discern a real domain name from a fake one and ensures confidence in a real government website’s legitimacy. The idea of a city or county having no online presence whatsoever is so unthinkable to modern society that members of the public may conclude a fake website to be real, despite not using a “.gov” top-level domain. This is the exact harm the Legislature was trying to prevent, further demonstrating that choosing to stop having a public website to avoid complying with the test claim statute is an unreasonable alternative.

Cities and counties are thus practically compelled to comply with the test claim statute’s requirement that their public websites use either the “.gov” top-level domain, or “.ca.gov” second level domain, as the only alternative would be to simply not have a website at all, which would result in denying citizens access to important government services and may cause people to be more likely to fall for fake websites pretending to belong to that city or county. The harm to citizens caused by these consequences is so severe that cities and counties have no reasonable alternative but to comply.

- iii. *Cities and counties are both legally and practically compelled to ensure their employees public email addresses utilize a “.gov” or “.ca.gov” domain name.*

Although the claimant alleges that both section (a) of Government Code section 50034 (regarding public websites) and section (b) (regarding employee email addresses) impose state mandates through both legal and practical compulsion theories, the claimant’s arguments only address Government Code section 50034(a). The claimant does not explain how they are legally or practically compelled to comply with the requirement to ensure the public email addresses provided to a city’s or county’s employees utilize a “.gov” or “.ca.gov” domain name by January 1, 2029. Nevertheless, the Commission finds that there is both legal and practical compulsion to comply with this requirement.

²¹⁵ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 1.

²¹⁶ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 1.

²¹⁷ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

The reasoning for why cities and counties are compelled to have email addresses for their employees is fairly similar to the reasoning for public websites. Many laws require local agencies to communicate with the public via email, whether when sending out notices or other information to members of the public that request to be contacted that way or by allowing members of the public to file documents via email.²¹⁸ Under these circumstances, the requirement to ensure public email addresses utilize a “.gov” or “.ca.gov” domain name is legally compelled by state law.

Moreover, counties and cities are practically compelled to maintain email addresses. Email, text messaging, and other electronic platforms, permit writings to be prepared, exchanged, and stored more quickly and easily.²¹⁹ Email is an essential means of communication in our modern society, and most, if not all, employees would need a public facing email address in order to do business on behalf of the city or county. Under the California Public Records Act, the public has a right to access written public records regarding government business, including employee emails.²²⁰ As discussed, the purpose of the test claim statute requiring cities and counties to transition to using a “.gov” or “.ca.gov” domain name for their employee email addresses is to instill confidence in the public that when they email government employees, they are conversing with a real government employee and not falling victim to a scam or hacker.²²¹ This supports that public employee email addresses serve as an official means for accessing public records. And like the issue with fake websites, a malicious actor could easily create a fake email address to pose as a city’s or county’s employees if there isn’t a real public address by which to contact them. The alternative of cities and

²¹⁸ See Government Code sections 6103.3(a)(1) (abuse victims can request to be notified via email when an order or injunction has been served on their abuser), 26666.5(a) (marshals and sheriffs shall accept a standardized form used in civil actions or proceedings than can be served via email, fax, or in-person delivery), 65585(b)(1)(A) (a city or county shall email a link to any draft revisions of the housing element to all individuals and organizations that previously requested notifications regarding the housing element); 84616(a) (documents that must be filed for the creation of an organization can be submitted in paper format or by fax or email and shall be posted on the local government’s website); Public Resources Code section 21091(d)(3)(A) (lead agencies shall accept comments on a draft environmental impact report, proposed negative declaration, proposed mitigated negative declaration, or notice under Section 21080.4 via email and treat email comments as equivalent to written comments).

²¹⁹ *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 618.

²²⁰ Government Code section 7920 et seq. See also *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 625 (finding that the CPRA’s definition of “public record” as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics,” includes emails and text messages, regardless of whether it was sent or received on an employee’s personal account).

²²¹ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

counties not providing public email addresses for their employees is so far beyond the realm of practical reality that it amounts to no alternative at all, and they are left without discretion not to comply with the test claim statute. The claimant and other cities and counties are therefore both legally compelled to have public email addresses for their employees in order to make legally required communications, and practically compelled because employees need public email addresses in order to do business on behalf of the city or county.

As Finance pointed out, the act of migrating an existing website or email address to a new domain name is a one-time requirement and should not include ongoing costs once migration is complete.²²² The claimant agrees with this, asserting that all claimed costs were for one-time activities and it does not anticipate any ongoing costs after compliance is completed.²²³

Accordingly, the test claim statute imposes a state-mandated program requiring a city, county, or city and county that maintains an Internet website for use by the public, or public email addresses for its employees, to do the following one-time activities:

- Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a “.gov” top-level domain name or a “.ca.gov” second-level domain name by January 1, 2029.²²⁴
- Ensure any websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name the city or county continues to maintain after January 1, 2029 redirects users to a website with a compliant domain name.²²⁵
- Ensure that each public email address provided for the city’s or county’s employees utilizes a “.gov” or “.ca.gov” domain name by January 1, 2029.²²⁶
 - c. The claimant requests reimbursement for several activities that are not required or mandated by the plain language of the test claim statute. These activities and costs may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are “reasonably necessary for the performance of the state-mandated program” in accordance with the Government Code and Commission regulations.

The claimant identifies a long list of tasks it alleges are required for its process to migrate its websites, web applications, and email addresses to the new domain name, such as search engine optimization or organizing the teams that will be assigned to the

²²² Exhibit F, Finance’s Comments on the Test Claim, page 2.

²²³ Exhibit G, Claimant’s Rebuttal Comments, page 3.

²²⁴ Government Code section 50034(a)(1)

²²⁵ Government Code section 50034(a)(2)

²²⁶ Government Code section 50034(b).

different tasks allegedly needed in the transition, which were not specifically identified in the plain language of the test claim statute.²²⁷ The claimant also asserts it is required to communicate the changes it made to its websites, web applications, and email systems internally to county employees and vendors and to the public, which requires internal communications and training for employees, a public relations campaign, replacing all references and links to legacy websites, web applications, and email addresses on online resources, and reprinting all paper documents that include the legacy websites and email addresses.²²⁸ The Assembly Committee on Appropriations noted that the costs to migrate a local agency's systems included "indirect costs, such as changes to outreach and promotional materials, business cards, letter heads, and election materials. Some agencies may also have costs for media campaigns to alert the public to the change."²²⁹ Although the legislative history of the test claim statute acknowledged that the mandate would result in some local agencies incurring costs for printing new materials and for a public relations campaign, these activities are not required or mandated by the plain language of the test claim statute. Nevertheless, all of these activities and costs may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

2. The State-Mandated Requirements Are New and Impose a New Program or Higher Level of Service, Which Is Both Uniquely Imposed on Local Governments and Provides a Governmental Service to the Public.

Article XIII B, section 6 requires reimbursement when "the Legislature or any state agency mandates a new program or higher level of service on any local government." A new program or higher level of service has been defined as those "that carry out the governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state."²³⁰ Just one of these conditions need be met.²³¹ The purpose of article XIII B, section 6 is to prevent the state from forcing extra programs on local government each year in a manner that negates their careful budgeting of increased expenditures counted against the local government's annual

²²⁷ Exhibit A, Test Claim, pages 31-33 (Declaration of Matt Woo).

²²⁸ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

²²⁹ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 3.

²³⁰ *Carmel Valley Fire Protection District v. State of California* (1987) 190 Cal. App. 3d 521, 537, citing *County of Los Angeles v. State of California* (1987) 43 Cal. 3d 46, 56, emphasis in original.

²³¹ *Carmel Valley Fire Protection District v. State of California* (1987) 190 Cal. App. 3d 521, 537; *Department of Finance v. Commission on State Mandates* (2021) 59 Cal. App. 5th 546, 557.

spending limit and thus, article XIII B, section 6 requires a showing that the test claim statute mandates new activities compared to prior law.²³²

The Commission finds that the activities mandated by the test claim statute are new compared to prior law. Prior law did not impose any requirements that cities and counties use the “.gov” top-level domain or “.ca.gov” second-level domain, or any other restrictions on the domain names available to them. The Legislature lamented this fact in its analysis of the test claim statute, noting that “[i]t would have been helpful for internet cybersecurity if government entities had been legally required to take this step decades ago.”²³³ Government Code section 50034 is a new law added by the test claim statute, imposing what the Legislature acknowledged to be completely new requirements. Thus the requirements that cities and counties use either the “.gov” top-level domain or “.ca.gov” second-level domain in the domain name for their public facing internet websites and employee email addresses, and that any non-compliant website they continue to maintain after the January 1, 2029 deadline redirect users to a compliant website, are new compared to prior law.

The Commission also finds that the requirements are uniquely imposed on cities and counties and provide a service to the public.²³⁴ The test claim statute provides a beneficial public service by providing assurance to the public that when they access a website or other internet resource that uses a “.gov” or “.ca.gov” domain name, it belongs to a legitimate government agency. The test claim statute was created to ensure that “when Californians look for government information or services, they can know with confidence they are receiving official information.”²³⁵ “The main benefit of this measure will be to ensure that members of the public know that when they access a California local governmental website with an internet address ending with “.gov” or

²³² California Constitution, articles XIII B, sections 1, 8(a) and (b); *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 835; *Hayes v. Commission on State Mandates* (1992) 11 Cal.App.4th 1564, 1595; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1283; *Department of Finance v. Commission on State Mandates* (2016) 1 Cal.5th 749, 763.

²³³ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 1.

²³⁴ See *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 555 (a stormwater permit requiring local governments to perform pollution abatement services in addition to stormwater drainage services); *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835 (“the education of handicapped children is clearly a governmental function providing a service to the public”); *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4th 859, 879 (Providing public school constitutes a governmental function and enhancing the safety of public schools constitutes a service to the public).

²³⁵ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 3.

“.ca.gov,” or email a government employee at such an address, that they are not going to be the victim of a hacker’s fake website.”²³⁶ Providing information and access to governmental services are key governmental functions, and ensuring members of the public can feel confident in the safety and reliability of the method in which they access these services and information provides a service to the public. The test claim statute therefore meets the first definition for a new program or higher level of service.

The test claim statute also implements state policy by imposing unique requirements on local governments that do not apply generally to all residents in the state. The test claim statute imposes its requirements on “a city, county, or city and county.”²³⁷ This is a specific subset of local government, and it does not apply to all residents of the state. The “.gov” top-level domain is only available for government agencies within the United States at either the federal, state, county, city, tribal, territorial, special district, or school district levels.²³⁸ Likewise, the “.ca.gov” second-level domain is only available to state entities, counties, cities, State recognized tribal governments, Joint Power Authorities, and independent special districts within the state of California.²³⁹ An individual who is not authorized to request a “.gov” or “.ca.gov” domain on behalf of one of these government agencies would be denied if they tried to obtain a domain name that complies with the test claim statute, and would thus be unable to ensure their public websites or email addresses comply with the test claim statute. The test claim statute therefore imposes unique requirements on local governments that do not apply to all residents of the state, further demonstrating the test claim statute’s requirements to be a new program or higher level of service.

3. The Test Claim Statute Results in Costs Mandated by the State Within the Meaning of Government Code Section 17514 and Exceptions in Government Code 17556 Do Not Apply.

Finally, Government Code section 17514 defines “costs mandated by the state” as any increased costs which a local agency or school district is required to incur as a result of any statute or executive order that mandates a new program or higher level of service. Government Code section 17564(a) specifically requires that no claim or payment shall be made unless the claim exceeds \$1,000. A finding of such costs mandated by the state also means that no exception in Government Code section 17556 applies.

The claimant has filed declarations signed under penalty of perjury identifying the following increased costs exceeding \$1,000 to comply with the test claim statute:

²³⁶ Exhibit K (1), Assembly Committee on Privacy and Consumer Protection, Analysis of AB 1637, as amended March 16, 2023, page 4.

²³⁷ Government Code section 50034(c).

²³⁸ Exhibit K (2), CISA, *Eligibility for .gov Domains*, <https://get.gov/domains/eligibility/> (accessed on July 23, 2025) page 2.

²³⁹ Exhibit K (3), CDT, *Domain Name Requirements*, <https://domainnamerequest.cdt.ca.gov/Home/Requirements> (accessed on July 23, 2025), page 2.

- \$20,017 in FY 2023-2024 to begin migrating its existing websites to a new “.gov” domain name in accordance with Government Code section 50034(a)(1)-(2), consisting of 199 hours of staff and third-party professional labor.²⁴⁰
- The claimant estimates it will require an additional \$24,641 to finish the activities required to migrate its websites in accordance with Government Code section 50034(a)(1)-(2), consisting of an additional 245 hours of staff and third-party professional labor.²⁴¹
- Estimated anticipated costs of \$217,890 in some future fiscal year to migrate its web applications in accordance with Government Code section 50034(a)(1)-(2), consisting of 2040 hours of staff and third-party professional labor.²⁴²
- Estimated anticipated costs of \$656,320 in some future fiscal year to migrate employee email addresses in accordance with Government Code section 50034(b) consisting of approximately 2,772 hours of staff and third-party professional labor.²⁴³
- Estimated statewide costs consisting of \$90,900,000 in FY 2024-2025 and for each year until the compliance deadline of January 1, 2029.²⁴⁴

No evidence rebuts these declarations.

Furthermore, none of the exceptions to costs mandated by the state in Government Code section 17556 apply to this test claim statute. As noted, the original draft of the test claim statute included a declaration that claimants had fee authority sufficient as a matter of law, however the Assembly Committee on Appropriations dismissed this as incorrect, stating that “it is unclear on what basis a local agency may charge a fee or other assessment to recover the costs of migrating to a .gov or .ca.gov domain,” and that charging a fee for access to a local agency’s website would likely conflict with Proposition 26.²⁴⁵ There are no statutes that grant cities and counties authority to charge a fee that could be used to cover the costs of the mandated activities. Government Code section 17556(d) therefore does not apply.

Although the legislative analysis identifies a federal grant that could potentially be used to fund the test claim statute’s required activities, there is no law declaring that this grant shall first be used to offset the costs this test claim statute, or evidence that the grant is sufficient to completely offset the costs. Government Code section 17556(e) thus also does not apply. No other exceptions under Government Code section 17556 are

²⁴⁰ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

²⁴¹ Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

²⁴² Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

²⁴³ Exhibit A, Test Claim, page 34 (Declaration of Matt Woo).

²⁴⁴ Exhibit A, Test Claim, page 35 (Declaration of Matt Woo).

²⁴⁵ Exhibit K (12), Assembly Committee on Appropriations, Analysis of AB 1637, as amended April 27, 2023, page 1.

applicable, as the test claim statute is not the result of the claimant requesting authority to implement this program; was not declared existing law by the courts; was not imposed by federal law; is not the result of a ballot measure approved by voters; and does not create, eliminate, or change the definition of a crime.

Therefore, the Commission finds that the test claim statute imposes increased costs mandated by the state under article XIII B, section 6 and Government Code section 17514.

V. Conclusion

Based on the foregoing analysis, the Commission approves this Test Claim and finds that Government Code section 50034, as added by Statutes 2023, chapter 586 imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution on a city, county, or city and county to comply with following one-time activities beginning January 1, 2024:

1. Ensure that the Internet website used by the public (including any webpages, web applications, or other related resources within the website) utilizes either a “.gov” top-level domain name or a “.ca.gov” second-level domain name by January 1, 2029.²⁴⁶
2. Ensure that any public internet websites (including any webpages, web applications, or other related resources within the website) with a non-compliant domain name that the city or county continues to maintain after January 1, 2029 redirects users to a compliant website.²⁴⁷
3. Ensure that each public email address provided for the city’s or county’s employees utilizes a “.gov” or “.ca.gov” domain name by January 1, 2029.²⁴⁸

All other activities or costs requested in the Test Claim are not mandated by the state, but may be proposed for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are “reasonably necessary for the performance of the state-mandated program” in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

²⁴⁶ Government Code section 50034(a)(1).

²⁴⁷ Government Code section 50034(a)(2).

²⁴⁸ Government Code section 50034(b).