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# California State Senate

## ELECTIONS AND CONSTITUTIONAL AMENDMENTS



**SABRINA CERVANTES**  
CHAIR  
**AGENDA**

Tuesday, January 13, 2026  
9:30 a.m. -- State Capitol, Room 112

**Staff Director**  
Carrie Cornwell

**Principal Consultant**  
Scott Matsumoto

**Committee Assistant**  
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### **MEASURES HEARD IN FILE ORDER**

- |    |        |           |   |
|----|--------|-----------|---|
| 1. | SB 401 | Hurtado   | Political Reform Act of 1974: filing deadlines: emergency situations. |
| 2. | SB 46  | Umberg    | Presidential elections: qualifications for office.                    |
| 3. | SB 73  | Cervantes | Elections: inspection of voting systems.(Urgency)                     |

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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular

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<b>Bill No:</b>	SB 401	<b>Hearing Date:</b>	1/13/26
<b>Author:</b>	Hurtado		
<b>Version:</b>	1/5/26		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Carrie Cornwell		

**Subject:** Political Reform Act of 1974: state employees: financial interests

**DIGEST**

This bill allows the Fair Political Practices Commission (FPPC) to extend any filing deadline under the Political Reform Act (PRA) for any individual who lives in an area of a declared emergency.

**ANALYSIS**

Existing law:

- 1) Creates the PRA, which regulates lobbyists and sets campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures. The PRA establishes the FPPC to implement, administer, and enforce the PRA.
- 2) Requires, pursuant to the PRA, that:
  - a) Candidates for elective office, committees formed to support or oppose candidates for public office or ballot measures, slate mailer organizations, and other specified entities, file periodic and activity-based campaign statements and reports disclosing contributions, expenditures, and other related matters.
  - b) An elected officer or member of the Public Utilities Commission file reports of specified payments in excess of \$5,000 annually made at the behest of that officer or member.
  - c) Public officials and candidates periodically file statements of economic interests to disclose to the public their financial interests. These are filed on the Form 700.
  - d) Lobbyists and their employers file registrations and periodic activity reports to identify those lobbying, for whom they are lobbying, and the financial arrangements of that lobbying, as well as a recounting of campaign contributions delivered by each lobbyist.
- 3) Prescribes, pursuant to the California Emergency Services Act, the process for the governor to declare a state of emergency and local governing bodies to declare a

local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist.

This bill allows the FPPC to extend any filing deadline set in the PRA for any individuals living in an area impacted by an emergency the governor or a local governing body has proclaimed.

### COMMENTS

- 1) Author's Statement. Victims of natural disaster and other emergency situations like the Palisades and Eaton fires should not be overburdened when it may be difficult or downright impossible to file statements of economic interest on time. This bill removes bureaucratic barriers so that the FPPC may extend deadlines when appropriate, so the state does not unfairly penalize families for failing to meet program deadlines out of a filer's control. This bill would allow families to focus on rebuilding more quickly, access essential services, and not be overburdened at a time when they should be focused on making sure their family is safe and secure.
- 2) Previous Executive Orders. In past instances, governors through executive orders have extended deadlines for filings under the PRA, but these have typically been restricted to those related to the Form 700 or behested payments. Most recently, this occurred due to the fires in Los Angeles and Ventura counties in January of 2025.
- 3) Broad grant of authority. The bill grants the FPPC very broad authority to extend **any filing deadline** in the PRA, whether it be for candidates, lobbyists, non-elected Form 700 filers, or elected officials. The qualification for this extension is simply that "individuals ...live in an area impacted by an emergency situation." The bill does not define "an area" or require the individual to be actually impacted.

The FPPC does not currently have explicit statutory or regulatory authority to issue filing extensions under the PRA, but during the enforcement process, the FPPC considers individual circumstances, potentially including that the respondent was affected by a declared emergency.

FPPC staff presented something very similar to this bill to the FPPC in November so that the FPPC could consider sponsoring a bill like this in 2026. The FPPC staff memo on the sponsored-bill proposals notes this proposal would give the FPPC "authority to respond with appropriate consideration when filing is delayed due to extreme circumstances out of the filer's control." The author cites the FPPC as the source of the idea for the bill.

- 4) Double referral. Should this bill pass this committee, it will next move to the Committee on Labor, Public Employment and Retirement, where it will be withdrawn due to the recent amendments.

### POSITIONS

**Sponsor:** Author

**Support:** None received

**Oppose:** None received

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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular

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**Bill No:** SB 46 **Hearing Date:** 1/13/26  
**Author:** Umberg  
**Version:** 1/5/26  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Carrie Cornwell, Scott Matsumoto

**Subject:** Presidential elections: qualifications for office

**DIGEST**

This bill prohibits the California Secretary of State (SOS) from placing the name of a candidate for U.S. President or Vice President on a ballot, unless the candidate affirms, under oath, that the candidate meets the requirements for one of the aforementioned offices and the SOS does not have a reasonable suspicion the candidate is lying.

**ANALYSIS**

Existing law:

- 1) States, pursuant to the U.S. Constitution, that “[n]o person except a natural born citizen, or a citizen of the United States, at the time of adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.”
- 2) States, pursuant to the U.S. Constitution, that “[n]o person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.”
- 3) States, pursuant to the U.S. Constitution, that “[n]o person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.”
- 4) States, pursuant to the U.S. Constitution, that when electors of a state meet and vote “for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves...”

- 5) States, pursuant to the U.S. Constitution, that “[t]he executive power shall be vested in a President of the United States of America. He shall... be elected, as follows... Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress...”
- 6) Permits, pursuant to the California Constitution, the Legislature to provide for partisan elections for presidential candidates, including a “presidential primary whereby the candidates on the ballot are those found by the SOS to be recognized candidates throughout the nation or throughout California for the office of President of the U.S., and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.”
- 7) Provides specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, the Peace and Freedom Party, and the Green Party to participate in a presidential primary election.
- 8) Requires the SOS to place the name of a candidate seeking the nomination of the Democratic Party, the Republican Party, the American Independent Party, the Peace and Freedom Party, or the Green Party for the office of President on the presidential primary ballot when the SOS determines that the candidate is generally advocated for or recognized, as defined, throughout the U.S. as actively seeking the nomination of the party.
- 9) Requires a candidate to submit a form to the SOS proving a candidate meets the criteria defining a “general advocated for or recognized candidate” or “recognized candidate.”
- 10) Requires the SOS to announce and distribute to the news media a list of candidates the SOS intends to place on the ballot on or before the 88th day preceding a presidential primary. The SOS may add names to this list but not delete any.
- 11) Requires the SOS to place on the general election ballot the names of the candidates for President and Vice President that the political parties have selected.
- 12) Permits an elector to seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter information guide, state voter information guide, or other official matter, or that any neglect of duty has occurred, or is about to occur. A peremptory writ of mandate shall issue only upon proof of both of the following:
  - a) That the error, omission, or neglect is in violation of the Elections Code or the California Constitution.
  - b) That issuance of the writ will not substantially interfere with the conduct of the election.

This bill:

- 1) Reiterates the qualifications contained in the U.S. Constitution for serving as President and further notes that these apply to the Vice President.
- 2) Prohibits the SOS from certifying and placing the name of any candidate for President or Vice President on a primary or general election ballot, if the candidate does not affirm, under oath, that the candidate will fully meet the qualifications to be elected to and hold the office of President or Vice President.
- 3) Directs the SOS to investigate whether a candidate meets the qualifications, if the SOS has reasonable suspicion based on articulable fact that a candidate for President or Vice President does not meet the constitutional qualifications for the office. The SOS may request the candidate provide proof of constitutional eligibility.
- 4) Allows a candidate, who the SOS does not certify and therefore does not announce to include on a ballot for President or Vice President, to petition the Sacramento Superior Court to challenge the SOS's determination. The SOS has the burden to sustain the candidate's exclusion from the ballot by a preponderance of the evidence. (A preponderance of the evidence means that the claim is more likely true than not based on the evidence presented to the court.)
- 5) Permits an elector, which is any person qualified to be a California voter, to challenge the qualifications of a candidate for President or Vice President by filing a petition in the Sacramento County Superior Court. The elector has the burden to sustain the challenge by a preponderance of the evidence.
- 6) Requires the petitions in 4) and 5) must be filed no later than five days after the SOS certifies the list of candidates. The court shall hold a hearing on the qualifications of the candidate not less than five days nor more than ten days after the SOS certifies candidates. At the hearing, the court shall hear testimony and other evidence and then within 48 hours of the close of the hearing determine whether the candidates has the required qualifications.
- 7) Provides the SOS not placing the name of a candidate on the ballot for failure to meet the constitutional eligibility requirements to be elected to or hold office will not substantially interfere with the conduct of the election when a peremptory writ of mandate is under consideration following an elector's allegation that an error or omission has occurred, or will occur, on the ballot or in specified election materials.

### **BACKGROUND**

Presidential Elections in California. The process of electing the President and Vice President in California is different than electing individuals to other federal and state offices. For the most part, the process is partisan with each political party holding a primary to provide direction for the state party's delegation at, typically, a national convention.

As previously mentioned, candidates need to be recognized by the SOS to be on a political party's presidential primary ballot. Voters, at the statewide primary election,

receive a ballot based on their political party preference. Some, but not all, political parties in California allow “crossover” voting, which allow voters who are not affiliated with their political party preference to vote in their primary election.

Following the statewide presidential primary and after every state has their presidential primary or caucus, the delegations from each state convene at their national conventions to select their party’s nominee for President and Vice President. When these conventions conclude and by a specified deadline, each political party in California notifies the SOS of their nominees and submit a slate of electors for that political party’s nominee. The SOS publishes a certified list of candidates.

Interestingly, voters do not directly elect the President and Vice President. Instead, the U.S. Constitution requires each state to appoint electors who have the responsibility of choosing the President and Vice President. Each state is allocated a number of electors equal to the number of Senators and Representatives the state is entitled to in Congress. The electors from all the states are referred to as the “Electoral College.”

When Californians mark their ballots for President and Vice President, they actually are casting their votes for a slate of presidential elector candidates selected by the political party that nominated that presidential ticket (or, in the case of an independent presidential ticket not affiliated with a political party, for a slate of elector candidates that has pledged to vote for that ticket).

Following the statewide presidential general election, the winning slate of electors meet at the California State Capitol to officially vote for President and Vice President. The results are then submitted to Congress for certification.

### **COMMENTS**

- 1) Author’s Statement. Having our political candidates meet basic constitutional requirements should be an obvious prerequisite for placing them on the ballot. Sadly, rhetoric advocating the dismissal of these requirements continues to permeate national news discussions as the 2028 presidential election approaches. For more than five years, President Trump has maintained that a third term or third presidential run is possible. This is a clear violation of the 22nd Amendment, which has existed for 75 years, and illustrates one of the most clear and unambiguous Article Two requirements. If President Trump cannot condone such obviously unconstitutional actions, states must be able to disqualify candidates who seek to be placed on the ballot who don’t meet basic constitutional requirements, such as age, place of birth, and number of previous terms served.
- 2) Faith in Democracy. Democracy depends on voters having faith in the system used to elect their representatives. Political parties nominate candidates and each state holds an election to decide how to assign its Electoral College votes. This decides who is selected as the next President and Vice President and Congress must affirm this selection.

In recent years, many have lost faith in this process, believing the political parties are not to be trusted and the Electoral College system is unrepresentative of the wishes of the American people. This bill reflects that loss of faith, and so provides



an administrative and legal path to remove from the ballot candidates nominated by political parties, so those candidates cannot receive California's Electoral College votes.

- 3) Keyes v. Bowen. In 2008, former presidential candidate Alan Keyes sued California SOS Debra Bowen and others. Keyes challenged Barack Obama's qualifications to be President based on where he was born. The case argued the SOS must investigate whether a presidential candidate meets the qualifications to be President, before listing the candidate on the ballot. Ultimately, the California Court of Appeals decided this case, ruling that if a qualified party certifies a presidential nominee, the SOS must list the person on the November ballot. The court wrote in its decision:

Among other things, we conclude that the Secretary of State does not have a duty to investigate and determine whether a presidential candidate meets eligibility requirements of the United State Constitution. As we will explain, the presidential nominating process is not subject to each of the 50 states' election officials independently deciding whether a presidential nominee is qualified, as this could lead to chaotic results. Were the courts of 50 states at liberty to issue injunctions restricting certification of duly-elected presidential electors, the result could be conflicting rulings and delayed transition of power in derogation of statutory and constitutional deadlines. Any investigation of eligibility is best left to each party, which presumably will conduct the appropriate background check or risk that its nominee's election will be derailed by an objection in Congress, which is authorized to entertain and resolve the validity of objections following the submission of the electoral votes.

- 4) Critical for Democrats and Meaningless for Republicans. California has not voted through the Electoral College for a Republican for President since George H. W. Bush won the presidency in 1988. Thus, an exercise of the powers in this bill to remove a Republican nominee for President from California's ballot would be meaningless in terms of the national selection of a President. A Democrat, however, would very likely depend on California's Electoral College votes in order to become President. Thus, a removal of Democratic nominee for President under this bill could easily result in a change in the outcome of a national election for President.
- 5) Timing. In order to successfully administer an election, there are a number of steps and deadlines that need to be met in order to provide the necessary information to election officials and voters. This results in a relatively fast-paced schedule where if a deadline is not met, it could have a ripple effect later in the election administrative process. This bill provides a process for an elector to challenge the lack of a listing of a presidential candidate from the SOS' list of certified candidates in a 12-day process where the matter is litigated. For example, for the presidential general election, this process could begin as late as the 68th day before the election. If all 12 days are used, then the matter should be resolved in Superior Court by the 56th day prior to Election Day. The bill's contents do not contemplate an appeal to a Superior Court's ruling.

This issue has the ability to delay the printing of ballots and election materials. For instance, election officials begin to process applications for military and overseas voter ballots 60 days before Election Day. Federal law stipulates that military and

overseas voter ballots must be sent to voters by the 45th day before Election Day. If any delay occurs as a result of who is or is not listed on the ballot due to litigation, it may become difficult for voters to receive accurate election information, candidate information, and ballots in a timely manner. The committee should consider the effect this bill may have on election administrators as they prepare for a high voter turnout election and any potential effect on voter confusion.

- 6) Under Oath. This bill stipulates the SOS cannot certify the name of any candidate for President and Vice President or place that person on a ballot unless the candidate affirms, under oath, that the candidate meets the qualifications for the office upon which they seek. Moving forward, the author should consider how the oath should be administered and whether the oath needs to be taken in person. It may be difficult to have candidates, for the primary and the general election, travel to California to take this oath.
- 7) SOS Investigates. The bill requires the SOS with reasonable suspicion to investigate a candidate's eligibility for President or Vice President. It is unknown how that process would unfold and there may be different approaches based on who is SOS. For example, if someone questions whether a candidate is a U.S. citizen, the SOS could request a birth certificate. If it's provided by the candidate, would that satisfy the concerns of the SOS? This investigative authority may also create an impression the SOS is taking a partisan position on the eligibility of candidates because the SOS' role in placing candidates on the ballot for President and Vice President is largely administrative and ministerial.
- 8) Who Decides. Generally, it is not explicit on who determines the candidate's eligibility and at what point during the electoral process the determination is made. This bill creates a larger role for the SOS in the presidential primary and general election by having them decide whether a candidate for President and Vice President meets the qualifications in the U.S. Constitution. The committee should consider whether the SOS should have this role and, if not, who should have this role and the ability to make this judgement. The SOS, the political parties, the voters, the Electoral College, Congress, and the courts may each have an argument that they are the appropriate entity to decide a candidate's qualifications.
- 9) Arguments in Support. In support of this bill, Citizens for Responsibility and Ethics in Washington state, in part, the following:

The amendment to the California Elections Code proposed by Senator Umberg — which is modeled on the statute in force in Colorado — would add a new section to the code, Section 6901.7, which sets forth both the duties of the Secretary of State and the protections that candidates have to prevent erroneous removal from the ballot. The proposed statute carefully balances the SOS' oath to the Constitution to give them the ability to remove constitutionally ineligible candidates from the ballot and the candidate's due process rights by setting out expedited procedures to adjudicate any disputes. This type of statutory scheme—where the SOS or relevant elections official has the statutory authority to police its ballot either unilaterally or through a challenge process—exists and has worked effectively in other states including Colorado, Ohio, Rhode Island, and Wisconsin, among others.

- 10) Double referral. Should this bill pass this committee, it will next be heard in the Committee on Judiciary.

### **RELATED/PRIOR LEGISLATION**

AB 1539 (Addis) requires, before the SOS may place candidates on the ballot, that a representative of each political party to certify, under penalty of perjury, that the party's nominees for President and Vice President are qualified under the 22nd Amendment to the U.S. Constitution to be President.

SB 929 (Min) of 2024 would have required the SOS, before placing the name of a candidate for President or Vice President on the ballot for the general election, to determine whether the candidate satisfies the qualifications for the office described in the U.S. Constitution. The bill also would have prohibited the SOS from placing on the ballot the name of any candidate who the SOS determines is not eligible in accordance with these provisions. The bill was referred to this committee, but was not heard.

SB 637 (Min) of 2023 stated it was the intent of the Legislature to enact legislation authorizing the SOS to disqualify a candidate from the ballot if the candidate is prohibited from holding office under Section 3 of the 14th Amendment of the U.S. Constitution. The bill died in the Senate Committee on Rules without referral.

SB 505 (Umberg), Chapter 149, Statutes of 2019, made changes to the filing requirements for presidential candidates seeking to compete in California's primary election.

SCA 3 (Alquist), Resolution Chapter 274, Statutes of 1971, among other provisions, placed on the 1972 primary ballot the question whether California should have a Presidential primary that requires the SOS to place all publicly recognized candidates for President on the primary ballot. This appeared as Proposition 4 where it was approved by California voters.

### **POSITIONS**

**Sponsor:** Author

**Support:** Citizens for Responsibility and Ethics in Washington

**Oppose:** None received

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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular

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<b>Bill No:</b>	SB 73	<b>Hearing Date:</b>	1/13/26
<b>Author:</b>	Cervantes		
<b>Version:</b>	1/5/26		
<b>Urgency:</b>	Yes	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** Elections: inspection of voting systems

**DIGEST**

This bill prohibits local election officials from permitting a federal government agency or its employees from inspecting a voting system machine or device, unless authorized by a federal court order.

**ANALYSIS**

Existing federal law:

- 1) States, pursuant to the Article I, Section 4 of the U.S. Constitution, "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."
- 2) Provides the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Help America Vote Act of 2002 (HAVA), and the Civil Rights Act of 1960.
- 3) Establishes, in general and pursuant to HAVA, minimum standards and requirements for voting equipment used in federal elections, including, but not limited to, accessibility, voter verification, paper records, error rate, and audit capacity.

Existing state law:

- 1) Defines a voting system as a mechanical, electromechanical, or electronic system and its software, or any combination of these used for casting a ballot, tabulating votes, or both. A voting system does not include a remote accessible vote by mail system.
- 2) Requires the Secretary of State (SOS) to adopt and publish voting system standards and regulations governing the use of voting systems that meet the minimum requirements of HAVA and incorporates best practices in election technology.
- 3) Authorizes the SOS to require additional testing of voting systems to ensure it meets the requirements in law. A voting system, in whole or in part, cannot be bought or

used unless the SOS has certified it or conditionally approved it prior to any election at which it is to be used.

- 4) Requires a vendor, jurisdiction, or applicant, if the SOS has certified or conditionally approved a voting system or a part of a voting system, to notify the SOS and all local election officials who use the system in writing of any defect, fault, or failure of the hardware, software, or firmware of the voting system or a part of the voting system.
- 5) Requires the elections official of any county or city using a voting system to inspect the machines or devices at least once every two years to determine its accuracy. This inspection must follow the regulations adopted and promulgated by the SOS. The elections official must also certify the results of the inspection to the SOS.

This bill:

- 1) Prohibits a local elections official from permitting a federal government agency or its employees from inspecting a voting system machine or device, unless authorized by a federal court order.
- 2) Defines “federal government agency” to mean, but is not limited to, the U.S. Department of Justice, the Department of Homeland Security, and the Department of Defense.
- 3) Includes a severability clause and an urgency clause.

### **BACKGROUND**

Help America Vote Act. In 2002, Congress passed and President Bush signed HAVA into law to address, among other provisions, issues with voting systems arising from the 2000 presidential election. HAVA mandated the replacement of all punch card and lever voting machines in the country, required every polling place to deploy at least one accessible voting machine to allow voters with disabilities to mark, cast, and verify their ballots privately and independently, and required all voting systems to meet a set of minimum standards to be used in federal elections.

HAVA also established the U.S. Election Assistance Commission (EAC) to serve as an independent and bipartisan commission responsible for developing and adopting guidelines to meet HAVA requirements and serving as a national clearinghouse of information on election administration. The EAC also accredits testing laboratories, certifies voting systems, and audits the use of HAVA funds. Using the EAC’s testing and certification program is not mandatory, but many states require their use through statute or rule. Since states have different requirements for what voting systems need to do, the EAC’s program is not necessarily a substitute for state-based requirements and testing.

Other States and Voting System Testing. According to the National Conference of State Legislatures, 38 states (Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South

Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming) and the District of Columbia have statutes or rules requiring some aspect of the federal testing and certification program. Some of these require full EAC certification, while others require testing to federal standards or testing by a federally accredited laboratory.

Some states, including California, do not use the federal program but have robust state-based standards, testing, and certification programs. In California, the Office of Voting Systems Technology Assessment (OVSTA) within the SOS is charged with the examination, testing, and certification of voting systems for use in California elections. OVSTA also oversees the approval of ballot printers and authorizes as well as monitors the manufacture and distribution of ballots for elections.

Voting Technology in California. The Legislature has approved various bills to ensure California has rigorous and stringent voting systems, voting equipment standards, and approval procedures. In 2014, California established its own standards for electronic components of voting systems which were derived from the EAC's guidelines. California's standards provide a set of specifications and requirements for the testing of voting systems to determine if it provides all the basic functionality, accessibility, and security capabilities required of voting systems.

Executive Order. On March 25, 2025, President Trump issued an Executive Order (EO), "Preserving and Protecting the Integrity of American Elections," containing a number of directives on policies that the U.S. Constitution assigns to states. The EO directs federal agencies to conduct specific activities related to election integrity, including (1) updating the federal voter registration form to include a requirement for "documentary proof of U.S. citizenship," (2) withholding funding from states that do not comply with federal law, including the EO's documentary proof of U.S. citizenship requirements, (3) prohibiting the use of certain voting systems, and (4) rescinding all previous certifications of certain systems.

Other major directives contained in the EO include requiring the Department of Homeland Security to review each state's publicly available voter lists and available records, require all ballots to be received on Election Day, and mandate all electors be selected on Election Day. Several lawsuits have been filed challenging aspects of the EO. The lawsuits ask courts to block many of its provisions, arguing it unconstitutionally preempts state authority and amounts to executive overreach. In at least two cases, including one case brought by the State of California with 18 other states, courts issued preliminary injunctions blocking implementation of key provisions of the EO.

Senate Bill 851. SB 851 (Cervantes), Chapter 238, Statutes of 2025, made various changes to protect California's elections from federal interference. SB 851 repealed requirements that standards adopted by the SOS for testing of voting equipment must meet or exceed voluntary federal standards set by the EAC. Instead, SB 851 requires the state standards to meet the minimum requirements of HAVA and to incorporate best practices in election technology. The bill also repealed the requirement for the SOS to notify the EAC or its successor agency of the problem after receiving written notification from a vendor, jurisdiction, or applicant, of a defect, fault, or failure of a voting system, part of a voting system, or a remote accessible vote by mail system.

Federal Monitors in California's Elections. For the November 4, 2025, statewide special election, the U.S. Department of Justice sent election monitors to five California counties. The five counties were Fresno, Kern, Los Angeles, Orange, and Riverside. The goal of the election observers was to "ensure transparency, ballot security, and compliance with federal law." Following the election, U.S. Assistant Attorney General for the Civil Rights Division Harmeet K. Dhillon stated, "in the counties we monitored, there were no major headlines out of that work."

It should be noted for the November 5, 2024, presidential general election, the U.S. Department of Justice planned to monitor 86 jurisdictions nationwide, including San Joaquin County. For the November 8, 2022, gubernatorial general election, the U.S. Department of Justice planned to monitor 64 jurisdictions nationwide, including Los Angeles County and Sonoma County.

### **COMMENTS**

Author's Statement. President Donald Trump is waging war against elections in California. This includes in August 2025, when he made false statements declaring that voting machines used in states like California are inaccurate. In response, last year, the Legislature approved SB 851 to provide our state's elections systems with more protections against federal interference. Among other provisions, SB 851 prevented our voting system standards from attack by the federal government, ensuring that voting machines in California continue to meet the highest industry standards, not the warped demands of the President. However, during the November 4, 2025, statewide special election, the U.S. Department of Justice deployed election monitors to five California counties with large populations of Latino voters, including my home county of Riverside. That is why I intend to follow up and build on the protections against federal interference in our elections that were established in SB 851 with SB 73. This bill will prohibit county registrars from allowing federal government agencies to inspect their county's voting machines unless required to do so by a federal court order.

### **RELATED/PRIOR LEGISLATION**

SB 851 (Cervantes), Chapter 238, Statutes of 2025, among other provisions, repealed provisions requiring the SOS to adopt and publish voting system standards that meet or exceed federal voluntary voting system guidelines prescribed by the EAC, and instead required the SOS to adopt and publish voting standards that meet the minimum requirements of HAVA and incorporate best practices in election technology.

### **POSITIONS**

**Sponsor:** Author

**Support:** None received

**Oppose:** None received