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California State Senate

ELECTIONS AND CONSTITUTIONAL AMENDMENTS



SCOTT WIENER
CHAIR
AGENDA

Wednesday, August 26, 2026
Upon Call of the Chair -- State Capitol, Room 113
(Please note room change)

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MEASURES HEARD IN FILE ORDER

1. AB 282 Pellerin Elections: seizure of election materials.(Urgency)

PURSUANT TO SENATE RULE 29.10 (D)

2. SB 1418 Cervantes Preservation of election materials.(Urgency)

**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Scott Wiener, Chair
2025 - 2026 Regular

Bill No:	AB 282	Hearing Date:	8/26/26
Author:	Pellerin		
Version:	8/21/26		
Urgency:	Yes	Fiscal:	Yes
Consultant:	Scott Matsumoto		

Subject: Elections: seizure of election materials

DIGEST

This bill makes it a felony for any person to seize ballots, election records, or voting technology before the certification of an election from the custody of the elections official. The bill also makes it a felony for any person with authority who directs other people under their supervision to seize ballots, election records, or voting technology.

ANALYSIS

Existing law:

- 1) Provides for the certification of voting systems as well as the chain of custody and preservation of ballots and other election-related materials.
- 2) Requires the package containing the voted ballots be subject to the order of the court in which the contest or criminal prosecution is pending and must not be destroyed until after final determination of the contest or criminal prosecution if a contest or any such criminal prosecution has been commenced before the date fixed for the ballot's destruction.
 - a) In the case of a congressional election contest, the elections official must hold the ballots of that congressional district in custody subject to the inspection of any committee of the House of Representatives in charge of the investigation of the contest, until the final determination of the contest by the House of Representatives.
 - b) In the case of a contest in the State Legislature, the elections official must hold the ballots of the Senate or Assembly district in custody subject to the inspection of any committee of the Senate or Assembly in charge of the investigation of the contest until the final determination of the contest or the final adjournment of the session of the Legislature in which the contest is filed, whichever is the later.
 - c) In no event shall the package or its contents be taken from the custody of the elections official.
- 3) Provides that in no event shall any individual permit an agent of a law enforcement agency to access, disrupt, modify, or take possession of rosters, combined rosters,

or voter lists, unless authorized by a court order or to investigate a specific violation of voter fraud. This provision does not prohibit an individual, in accordance with a written agreement between the elections official conducting the election and a law enforcement agency, to permit agents of that agency to provide logistical, transportation, or security support during the voting period, on election day, or during the canvass of the vote.

- 4) Provides that any person is guilty of a felony, punishable by imprisonment for two, three, or four years who, before or during an election for:
 - a) Tampering with, interfering with, or attempting to interfere with, the correct operation of, or willfully damaging in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source codes.
 - b) Interfering or attempting to interfere with the secrecy of voting or ballot tally software program source codes.
 - c) Knowingly, and without authorization, making or having in the person's possession credentials, passwords, or access keys to a voting machine that has been adopted and will be used in elections in this state.
 - d) Willfully substituting or attempting to substitute forged or counterfeit ballot tally software program source codes.
- 5) Permits the Secretary of State (SOS), Attorney General (AG), and any local elections official in the county in which the act occurs, to bring a civil action against an individual, business, or other legal entity that commits any of the following acts before, during, or after an election:
 - a) Tampering, interfering, or attempting to interfere with the correct operation of, or willfully damaging in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software.
 - b) Interfering or attempting to interfere with the secrecy of voting or interfering or attempting to interfere with ballot tally software program source codes.
 - c) Knowingly, and without authorization, gaining access to or providing another person or persons with access to a voting machine, as specified.
 - d) Willfully substituting or attempting to substitute forged, counterfeit, or malicious ballot tally software program source codes.
 - e) Knowingly, and without authorization, inserting or causing the insertion of uncertified hardware, software, or firmware, for whatever purpose, into any voting machine, voting device, voting system, vote tabulating device, or ballot tally software.

- f) Failing to notify the SOS prior to any change in hardware, software, or firmware to a voting machine, voting device, voting system, or vote tabulating device, certified or conditionally certified for use in this state.
 - g) Taking a package containing the voted ballots or its contents from the custody of the elections official.
- 6) Provides that any person having charge of a completed vote by mail ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding \$10,000, or by both the fine and imprisonment.
- 7) Makes every person guilty of a felony, and on conviction and punishable by imprisonment for two, three, or four years, who acts as an election officer without first having been appointed and qualified. A person is also guilty of a felony if they perform or discharge any of the duties of an election officer in regard to the handling, counting, or canvassing of any ballots.

This bill:

- 1) Provides, notwithstanding any other law, any person who seizes, causes, or assists in the seizure of ballots, election records, or certified voting technology or any portion thereof, before election results are certified is guilty of a felony and subject to specified penalties.
- 2) Provides that any person with authority who directs one or more other people subject to their supervision or authority to engage in the seizure of ballots, election records, or certified voting technology or any portion thereof, before election results are certified is guilty of a felony and subject to specified penalties.
- 3) Defines "seize" and "seizure" as the removal from the custody and control of authorized election officials unless certain conditions are met.
- 4) Defines "certified voting technology" as any voting technologies certified by the SOS. This includes voting systems, ballot on demand printing systems, electronic poll book systems, or adjudication systems, and the hardware, firmware, software, proprietary intellectual property they contain, any components, and any products they generate, including ballots, ballot images, reports, logs, cast vote records, or electronic data.
- 5) Defines "election record" as any document or record subject to the preservation requirements of the Elections Code.
- 6) Contains legislative findings and declarations, a severability clause, and an urgency clause to take immediate effect.

BACKGROUND

Riverside County. In early 2026, a local election watchdog group raised concerns that the number of ballots cast in the November 2025 statewide special election differed from the official total reported by the Riverside County Registrar of Voters (ROV) by nearly 46,000 ballots. Taking these concerns into consideration, the Riverside County Sheriff's Department applied to the Superior Court and sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." The court issued a judicial warrant on February 9, 2026.

At a presentation to the Riverside County Board of Supervisors on February 10, 2026, the ROV addressed the alleged discrepancies and disputed the watchdog group's figures. The ROV noted the difference between ballots cast and ballots counted, based on official results, was 103 ballots.

On February 26, 2026, the Sheriff's Department seized about 1,000 boxes of ballots and ballot materials.

The Sheriff's Department also obtained two additional search warrants: one to seize additional election materials (beyond ballots) and another to appoint a special master to oversee the Sheriff Department's counting of ballots.

As this process unfolded, the AG issued multiple letters directing the Riverside County Sheriff to preserve all seized ballots and pause further action. The AG further questioned whether the warrants were supported by probable cause and whether the Riverside County Sheriff's Department presented the magistrate with all the material evidence required by law.

On April 8, 2026, the California Supreme Court ordered the Riverside County Sheriff to halt his investigation into alleged fraud in the November 2025 special election and preserve all seized items. Proceedings remain ongoing, and the California Supreme Court indicated that this matter will be considered on an expedited basis.

Related Legislation. SB 73 (Cervantes), Chapter 10, Statutes of 2026, which took effect on May 27, 2026, restricted law enforcement agencies and officers from interfering or engaging in specific conduct related to elections. Among other provisions, the measure required the AG to provide guidance for county election officials and managers of election sites regarding how to respond to requests for access by law enforcement agencies for election-related materials and locations. The bill also prohibited a peace officer from interfering in any manner with the administration of any election in this state, including the seizure of specified voter data and voting technology, unless certain conditions are met.

AB 1664 (Jackson) of 2026 is related to SB 73 and would require a local agency, political subdivision, or elections official to provide notice to the SOS and the AG immediately, but no later than one calendar day, after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology.

Both these bills stem from SB 851 (Cervantes), Chapter 238, Statutes of 2025, which, among other provisions, expanded the prohibition for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling location to include an officer or agent of a federal law enforcement agency, unless certain conditions are met. The author sought to “ensure that federal agents are treated the same way as state and local law enforcement so that it is a crime to hire or arrange for law enforcement to be posted at or near a voting location or county registrar’s office without authorization.”

COMMENTS

- 1) Author’s Statement. Earlier this year, the Riverside County Sheriff seized ballots and other election materials from the Riverside County Registrar of Voters, raising serious concerns about the security of election materials and the integrity of California’s election processes.

Our elections depend on the security and integrity of ballots and election materials throughout the entire election process. This bill makes clear that interfering with those materials before an election is certified is a serious offense with serious consequences. This bill also makes it a felony to seize, cause, or assist in the seizure of ballots, election records, or certified voting technology before election results are certified by the elections official.

With increasing threats to the integrity of our state-administered elections, California must ensure that every lawfully cast vote can be counted and that the will of the voters is respected.

- 2) Need for the Bill. This bill builds upon legislation from this legislative session to address interference in California’s elections. According to the author, this legislation seeks to prevent future improper handling of ballots by unauthorized individuals, or seizure of ballots from the custody of elections officials, prior to the certification of the vote. According to a news release from the bill’s sponsor, Governor Newsom noted that this bill and SB 259 (Wahab) of 2026 “builds on lessons learned from recent actions and threats to interfere with election administration” and ensures “California has the strongest legal protections in the nation to safeguard every lawful vote.”

- 3) Argument in Support. In a letter supporting this bill, SEIU CA states the following:

SEIU CA is committed to safeguarding elections. Sadly, our nation’s highest office holders, including the Trump Administration and their allies, seek to further falsehoods to sow doubt in our nation’s elections, discourage voting, and encourage interference in the certification of election results. While we would hope our nation would never be home to such brazen activities to undermine democracy, just this year, in California and Georgia, conspiracy theorists seeking to undermine long-ago certified election results seized and attempted to seize ballots and election records. These growing threats highlight why California must act now to strengthen California law ahead of this year’s elections.

- 4) Argument in Opposition. In a letter opposing this bill, Riverside County Sheriff Chad Bianco states the following:

...AB 282 goes substantially beyond protecting election materials from unlawful interference. It creates felony criminal liability that may prevent law enforcement from securing evidence of a crime even after an independent judicial officer has found probable cause and issued a lawful search warrant.

[...]

Protecting ballots from unlawful interference and preserving the ability to investigate criminal conduct are not mutually exclusive objectives. A neutral magistrate and the search-warrant process provide the appropriate mechanism for balancing those interests. [This bill], as currently written, removes that safeguard and replaces it with a categorical felony prohibition.

- 5) Double Referral. In addition to being heard by this committee, this bill is being heard by the Committee on Public Safety.

RELATED/PRIOR LEGISLATION

SB 73 (Cervantes), Chapter 10, Statutes of 2026, restricts law enforcement agencies and officers from engaging in specified conduct related to elections.

SB 259 (Wahab) of 2026 makes it a misdemeanor for any person in charge of a vote by mail ballot to interfere with its delivery to a voter. The bill also makes it a felony for any person with authority to direct other people under their supervision to interfere in either the delivery or return of a vote by mail ballot.

SB 884 (Umberg) of 2026 extends the time vote by mail drop off locations are open and modifies the type and range of prohibited activities near a polling location for elections held or proclaimed in 2026, 2027, 2028, and 2029.

SB 1418 (Cervantes) of 2026 makes it a crime to take specified election materials or voting technology from the custody of election officials and expands the types of materials required for preservation if an election contest or criminal proceeding is ongoing.

AB 1664 (Jackson) of 2026 requires a local agency, political subdivision, or elections official to provide written notice to the SOS and the AG no later than one calendar day after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology.

SB 851 (Cervantes), Chapter 238, Statutes of 2025, among other provisions, required state agencies and local governments to provide written notice to the AG and the SOS within three court days after the agency or jurisdiction files or is served with a court action that contains a claim relating to elections arising under federal law.

PRIOR ACTION

Prior voters are not relevant.

POSITIONS

Sponsor: Governor Gavin Newsom

Support: SEIU California

Oppose: Sheriff Chad Bianco, Riverside County

-- END --

**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Scott Wiener, Chair
2025 - 2026 Regular

Bill No:	SB 1418	Hearing Date:	8/26/26
Author:	Cervantes		
Version:	8/13/26		
Urgency:	Yes	Fiscal:	Yes
Consultant:	Scott Matsumoto		

Subject: Preservation of election materials

DIGEST

This bill makes it a crime to take specified election materials or voting technology from the custody of election officials. This bill also expands the types of materials required for preservation if an election contest or criminal proceeding is ongoing.

ANALYSIS

Existing law:

- 1) Prohibits packages containing voted ballots from an election from being destroyed if an election contest or criminal prosecution related to those ballots is ongoing. The packages of voted ballots from an election cannot be taken from the custody of the elections official.
- 2) Requires the elections official to preserve all rosters or combined rosters and voter lists from an election until five years after the date of the election. The elections official may destroy those materials after that five-year period.
- 3) Requires the elections official to keep ballots, paper cast vote records, and ballot identification envelopes in packages that remain unopened and unaltered for 22 months from the date of the election where candidates for one or more of the following federal offices are voted upon: President, Vice President, United States Senator, and United States Representative. For any other election, these materials must be retained for six months. The elections official must destroy or recycle these unopened items at the end of the retention period unless an election contest or criminal prosecution commences during that period.
- 4) Requires the elections official to keep any tally sheets used for manually tallying ballots, lists of challenged voters, and lists of assisted voters from an election in packages for 22 months from the date of a federal election and for six months from the date of any other election. The elections official may destroy or recycle the packages at the end of the retention period unless an election contest or criminal prosecution commences during that period. Voters are permitted to inspect the contents of the packages if certain conditions are met.

- 5) Prohibits any person from permitting an agent of a law enforcement agency to access, disrupt, modify, or take possession of rosters, combined rosters, voter lists, or certified voting technology unless authorized by a court order or to investigate a violation of state law prohibiting fraudulent voting.
- 6) Makes it a felony for a person to tamper with voting devices, or to interfere with the secrecy of election equipment source codes, including knowingly breaking the chain of custody for certified voting technology without authorization.
- 7) Permits the Secretary of State (SOS), the Attorney General (AG), or a county elections official to bring a civil action against any person who tampers with voting technology.
- 8) Defines “certified voting technology” as any certified voting technologies certified by the SOS, including voting systems, ballot on demand printing systems, electronic poll book systems, or adjudication systems, and the hardware, firmware, software, proprietary intellectual property they contain, any components, and any products they generate, including ballots, ballot images, reports, logs, cast vote records, or electronic data.
- 9) Defines “electronic data” to include voting technology software, operating systems, databases, firmware, drivers, and logs.

This bill:

- 1) Prohibits specified election materials required to be retained after an election, certified voting technology, or electronic data from being taken from the custody of the elections official.
- 2) Permits the SOS, the AG, or a county elections official to bring a civil action against any person who takes materials in 1) of this bill from the custody of the elections official.
- 3) Makes it a crime, punishable by a \$1,000 fine, imprisonment for up to three years, or by both, for a person to knowingly take materials in 1) of this bill from the custody of the elections official.
- 4) Prohibits the destruction of specified materials, certified voting technology, or electronic data from an election while a contest, criminal investigation, or criminal prosecution related to that election is pending.
- 5) Requires electronic media that contains election data to be secured during the retention period for that data.
- 6) Requires the provisions of this bill be construed and applied in a manner that is consistent with the requirements of the California Constitution and the U.S. Constitution.
- 7) Contains an urgency clause.

BACKGROUND

Riverside County. In early 2026, a local election watchdog group raised concerns that the number of ballots cast in the November 2025 statewide special election differed from the official total reported by the Riverside County Registrar of Voters (ROV) by nearly 46,000 ballots. Taking these concerns into consideration, the Riverside County Sheriff's Department applied to the Superior Court and sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." The court issued a judicial warrant on February 9, 2026.

At a presentation to the Riverside County Board of Supervisors on February 10, 2026, the ROV addressed the alleged discrepancies and disputed the watchdog group's figures. The ROV noted the difference between ballots cast and ballots counted, based on official results, was 103 ballots.

On February 26, 2026, the Sheriff's Department seized about 1,000 boxes of ballots and ballot materials.

The Sheriff's Department also obtained two additional search warrants: one to seize additional election materials (beyond ballots) and another to appoint a special master to oversee the Sheriff Department's counting of ballots.

As this process unfolded, the AG issued multiple letters directing the Riverside County Sheriff to preserve all seized ballots and pause further action. The AG further questioned whether the warrants were supported by probable cause and whether the Riverside County Sheriff's Department presented the magistrate with all the material evidence required by law.

On April 8, 2026, the California Supreme Court ordered the Riverside County Sheriff to halt his investigation into alleged fraud in the November 2025 special election and preserve all seized items. Proceedings remain ongoing, and the California Supreme Court indicated that this matter will be considered on an expedited basis.

Connecting SB 73, AB 1664, and SB 851. SB 73 (Cervantes), Chapter 10, Statutes of 2026, which took effect on May 27, 2026, restricted law enforcement agencies and officers from interfering or engaging in specific conduct related to elections. Among other provisions, the measure required the AG to provide guidance for county election officials and managers of election sites regarding how to respond to requests for access by law enforcement agencies for election-related materials and locations. The bill also prohibited a peace officer from interfering in any manner with the administration of any election in this state, including the seizure of specified voter data and voting technology, unless certain conditions are met.

AB 1664 (Jackson) of 2026 is related to SB 73 and would require a local agency, political subdivision, or elections official to provide notice to the SOS and the AG immediately, but no later than one calendar day, after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology.

Both these bills stem from SB 851 (Cervantes), Chapter 238, Statutes of 2025, which, among other provisions, expanded the prohibition for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling location to include an officer or agent of a federal law enforcement agency, unless certain conditions are met. The author sought to “ensure that federal agents are treated the same way as state and local law enforcement so that it is a crime to hire or arrange for law enforcement to be posted at or near a voting location or county registrar’s office without authorization.”

COMMENTS

- 1) Author’s Statement. Democracy in California is under attack, not only by the Trump Administration but also by some officials in our state, including Riverside County Sheriff Chad Bianco. In March, Sheriff Bianco seized more than 600,000 voted ballots from the 2025 statewide special election on Proposition 50 from the Riverside County Registrar of Voters as part of a sham investigation driven by conservative extremist groups. This seizure was in violation of state law, which required that voted ballots remain in the custody of county registrars. In response, SB 73 provided additional guardrails against the seizure of ballots from the custody of county registrars. Then, in April, a group of press organizations including *CalMatters* successfully petitioned a court to unseal the warrants Bianco obtained. They found that, in addition to voted ballots, those warrants authorized the seizure of other election records from the Riverside County Registrar of Voters. This bill is a follow-up to SB 73 that will extend the protections in that bill to other kinds of election records, including voting machines and voting software, and protect the chain of custody of those materials.
- 2) Argument in Support. In a letter sponsoring this bill, Attorney General Rob Bonta states the following:

[Election] administration increasingly relies on a broader range of records (including electronic records), equipment, and certified voting technologies that may be necessary to investigate allegations of election misconduct, resolve election contests, or preserve evidence during criminal prosecution of an election crime.

[...]

With state and federal law enforcement actors becoming more emboldened to meddle in election administration, [this bill] seeks to protect our most important election materials by keeping them in the custody of elections officials, even when subject to a search warrant.

RELATED/PRIOR LEGISLATION

SB 73 (Cervantes), Chapter 10, Statutes of 2026, restricts law enforcement agencies and officers from engaging in specified conduct related to elections.

SB 259 (Wahab) of 2026 makes it a misdemeanor for any person in charge of a vote by mail ballot to interfere with its delivery to a voter. The bill also makes it a felony for any person with authority to direct other people under their supervision to interfere in either the delivery or return of a vote by mail ballot.

SB 884 (Umberg) of 2026 extends the time vote by mail drop off locations are open and modifies the type and range of prohibited activities near a polling location for elections held or proclaimed in 2026, 2027, 2028, and 2029.

AB 282 (Pellerin) of 2026 makes it a felony for any person to seize ballots, election records, or voting technology before the certification of an election from the custody of the elections official. The bill also makes it a felony for any person with authority who directs other people under their supervision to seize ballots, election records, or voting technology.

AB 1664 (Jackson) of 2026 requires a local agency, political subdivision, or elections official to provide written notice to the SOS and the AG no later than one calendar day after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology.

SB 851 (Cervantes), Chapter 238, Statutes of 2025, among other provisions, required state agencies and local governments to provide written notice to the AG and the SOS within three court days after the agency or jurisdiction files or is served with a court action that contains a claim relating to elections arising under federal law.

PRIOR ACTION

Assembly Floor:	60 - 13
Assembly Appropriations Committee:	11 - 2
Assembly Public Safety Committee:	8 - 1

POSITIONS

Sponsor: Attorney General Rob Bonta

Support: None received

Oppose: None received

-- END --