

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
SB 1418 (Cervantes) – As Amended June 11, 2026

SENATE VOTE: (vote not relevant)

SUBJECT: Preservation of election materials.

SUMMARY: Makes it a crime to take specified election materials or voting technology from the custody of elections officials. Requires the preservation of election materials and voting technology if an election contest or criminal proceeding is ongoing. Specifically, **this bill:**

- 1) Prohibits specified election materials that are required to be retained after an election, or certified voting technology, from being taken from the custody of the elections official. Permits the Secretary of State (SOS), the Attorney General (AG), or a county elections official to bring a civil action against any person who takes such materials from the custody of the elections official. 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 such materials from the custody of the elections official.
- 2) Prohibits the destruction of specified materials or certified voting technology from an election while a contest, criminal investigation, or criminal prosecution related to that election is pending.
- 3) Requires the provisions of this bill to be construed in a manner that is consistent with the United States (US) and California Constitutions.
- 4) Contains a severability clause.
- 5) Makes conforming changes.

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. Prohibits packages of voted ballots from an election from being taken from the custody of the elections official. (Elections Code §§15550-15551)
- 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. Permits the elections official to destroy those materials after that five-year period. (Elections Code §17300)
- 3) Requires the elections official to keep the ballots, paper cast vote records, and ballot identification envelopes from an election in packages that remain unopened and unaltered for 22 months from the date of the election in case of a federal election (any election that includes candidates for one or more of the following offices: President, Vice President, US Senator, or US Representative), and for six months for any other election. Requires the

elections official to destroy or recycle these items at the end of the retention period unless an election contest or criminal prosecution, as specified, is commenced during that period. Requires the packages to otherwise remain unopened until the items are destroyed or recycled. (Elections Code §§17301, 17302)

- 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 election that is not a federal election. Permits the elections official to destroy or recycle the packages at the end of the retention period unless an election contest or criminal prosecution is commenced during that period. Permits voters to inspect the contents of the packages, as specified. (Elections Code §§17303, 17304)
- 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, as specified. (Elections Code §§15553, 19230)
- 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 to certified voting technology without authorization. (Elections Code §18564)
- 7) Permits the SOS, the AG, or a county elections official to bring a civil action against any person who tampers with voting technology, as specified. (Elections Code §18564.5)

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) **New Bill:** This bill recently was amended at the request of the author to delete its prior contents and add the current provisions. As a result, prior votes and analyses are not relevant. The current version of this bill proposes policy changes that have not been heard in an Assembly or Senate policy committee during this legislative session.
- 2) **Purpose of the Bill:** According to the author:

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, my Senate Bill 73 provided additional guardrails against the seizure of ballots from the custody of county registrars. However, 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. Senate Bill 1418 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.

- 3) **Seizure of Ballots in Riverside County:** In February, the Riverside County Sheriff's Department applied to the Superior Court for a search warrant authorizing a search of the Riverside County Registrar of Voters' office and the seizure of all ballots from the November 2025 statewide special election.

The affidavit supporting the warrant stated that a local election watchdog group had conducted an audit and concluded that the number of ballots cast differed from the official total reported by the Registrar of Voters by nearly 46,000 ballots. However, the affidavit does not indicate that the Sheriff's Department contacted the Registrar's office to seek a response or took any other steps to attempt to substantiate these allegations. It also does not identify any specific individual suspected of wrongdoing or any particular crime believed to have been committed.

Instead, just three days after receiving an email from the watchdog group alleging discrepancies, the Sheriff's Department sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." This request was made even though the department acknowledged that the Registrar of Voters was scheduled to present information addressing the alleged discrepancies to the Board of Supervisors the following day. At that presentation, the Registrar disputed the watchdog group's figures, stating that the difference between ballots cast and ballots counted, based on official results, was 103 ballots.

The Sheriff's Department later obtained two additional search warrants: one to seize additional election materials (beyond ballots) and another to appoint a special master to oversee the department's counting of ballots. By the time the third warrant was requested, the department had already opened boxes of ballots and had begun counting them, despite state laws generally requiring ballots to remain sealed and in the custody of the elections official during the retention period.

In March, Attorney General Rob Bonta filed a petition in Appellate Court seeking an immediate stay of the Sheriff's investigation and the warrant appointing a special master. The AG's office expressed "grave concerns about the legal sufficiency" of the search warrants and stated that it had directed the Sheriff's Department to pause its investigation while the state reviewed the matter and determined next steps. According to the petition, the Sheriff indicated he would comply. That, however, did not occur and the Sheriff continued to take actions related to the investigation, including obtaining the third warrant without notifying the AG.

The Appellate Court denied the requested relief, concluding that the AG should have first sought relief in the Riverside County Superior Court. The AG subsequently petitioned the California Supreme Court for relief. In April, the Supreme Court granted review, ordered a pause in the investigation into the November 2025 statewide special election, and directed that all seized materials be preserved. Proceedings remain ongoing, and the Court has

indicated it will consider the matter on an expedited basis.

Regardless of the current procedural posture, the fact that the Sheriff's Department obtained a warrant and seized ballots and other election materials without identifying a specific crime or suspect raises significant concerns about the security and chain of custody of election materials. Ballots and other materials from the 2025 statewide special election are no longer in the county elections official's custody but instead are held by the Sheriff's Department.

- 4) **Federal Demands for Election Records and Access to Equipment:** There have been various reports that the US Department of Justice (DOJ) has requested election records or access to voting equipment in various states. According to the Brennan Center for Justice, last year, the federal administration sought access to voting equipment in Colorado, Missouri, and Minnesota.

In January, the Federal Bureau of Investigation (FBI) raided election offices in Fulton County, Georgia and seized more than 600 boxes of ballots and other election materials from the 2020 election pursuant to a search warrant. In addition to physical ballots from the 2020 general election, the warrant sought tabulator tapes for every voting machine and ballot images that were created from ballot scanning from the 2020 General Election in Fulton County. Additionally, the warrant targeted voter rolls from the 2020 General Election including lists of voters who were issued and returned absentee ballots or who participated in advanced voting or election day voting. In February, Fulton County officials filed an emergency motion in federal court seeking the return of the election records seized by the FBI, and in April, a federal judge ordered the US DOJ to turn over key details behind its seizure of 2020 election records in Fulton County, Georgia. The case is pending.

Additionally, in April, the New York Times reported that the US DOJ sent a letter to the chief elections officer in Wayne County, Michigan requesting election records—including ballots—from the November 2024 federal election.

- 5) **Related and Previous Legislation:** Earlier this year, the Legislature enacted and Governor Newsom signed SB 73 (Cervantes), Chapter 10, Statutes of 2026, which was urgency legislation to restrict law enforcement agencies and officers from engaging in specified conduct related to elections. Among other provisions, SB 73 made it a crime for a person to knowingly take a package containing voted ballots from the custody of the elections official, and prohibited a person to permit a law enforcement agency to take possession of specified election materials or certified voting technology unless authorized by a court order or to investigate a violation of state law prohibiting fraudulent voting. SB 73 was enacted partly in response to the seizure of election materials described above.

SB 851 (Cervantes), Chapter 238, Statutes of 2025, requires a state or local agency or political subdivision to provide written notice to the SOS and AG after it files or is served a court action relating to elections which contains a claim arising under federal law, and makes it a crime for a person to hire or arrange for an officer or agent of a federal law enforcement agency to be stationed at or near a voting location without authorization from the elections official, among other provisions.

AB 1664 (Jackson) of the current Legislative session, which is pending in the Senate Public Safety Committee, requires local agencies and elections officials to notify the SOS and AG immediately after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to election records or voting systems. AB 1664, which contains an urgency clause and will take effect immediately upon enactment, was approved by this committee on a 6-2 vote, and was approved on the Assembly Floor by a 56-15 vote.

- 6) **Technical Amendment:** To ensure that the provisions of this bill do not conflict with provisions of SB 73 that ensure that elections officials can enter into agreements with law enforcement agencies to have those agencies provide logistical, transportation, or security support related to elections, committee staff recommends a technical amendment to clarify that such agreements do not violate the provisions of this bill that prohibit certified voting technology from being taken from the custody of the elections official.
- 7) **Arguments in Support:** The sponsor of this bill, Attorney General Rob Bonta, writes in support:

California law currently provides protections for voted ballots by narrowly limiting their use to election contests and certain criminal prosecutions subject to court order, and by requiring that elections official always maintain physical custody over the voted ballots. However, 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.

SB 1418 would address these concerns by expanding an existing prohibition in state law (Elections Code section 15551, subdivision (d)) on removing voted ballots from the custody of local elections officials. SB 1418 would expand that prohibition to any record or document that must be preserved by elections officials under law, certified voting technologies and electronic data, and any other election material or equipment necessary to conduct an election.

With state and federal law enforcement actors becoming more emboldened to meddle in election administration, SB 1418 seeks to protect our most important election materials by keeping them in the custody of elections officials, even when subject to a search warrant.

- 8) **Double Referral:** This bill has also been referred to the Assembly Public Safety Committee. It was scheduled to be heard in that committee on June 30, 2026—the day before its scheduled hearing in this committee. It will be heard in this committee on July 1 contingent upon this committee’s receipt of the bill from the Public Safety Committee.

This analysis focuses on policy issues within the jurisdiction of the Assembly Elections Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Attorney General Rob Bonta (Sponsor)

Opposition

None on file.

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