

Date of Hearing: August 28, 2026

ASSEMBLY COMMITTEE ON ELECTIONS  
Gail Pellerin, Chair  
AB 282 (Pellerin) – As Amended August 21, 2026

**CONCURRENCE IN SENATE AMENDMENTS**

**SUBJECT:** Elections: seizure of election materials.

**SUMMARY:** Makes it a felony to seize ballots, election records, or voting technology before election results are certified, or to order someone under one's authority to do so.

**The Senate amendments** delete the Assembly-approved version of the bill, and instead:

- 1) Make it a felony, punishable by imprisonment for 16 months or 2 or 3 years, for a person to seize or cause or assist in the seizure of ballots, election records, or certified voting technology or any portion thereof.
- 2) Make it a felony, punishable by imprisonment for two, three, or four years, for a person with authority to direct one or more other persons subject to their supervision or authority to engage in the conduct described in 1) above.
- 3) Define “seize” and “seizure,” for the purpose of this bill, as removal from the custody and control of authorized elections officials, except as specified.
- 4) Define “election record,” for the purpose of this bill, as any document or record subject to specified preservation requirements in the Elections Code.
- 5) Add findings and declarations and a severability clause. Add an urgency clause, allowing this bill to take effect immediately.

**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, United States (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, commences 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) Defines “certified voting technology” for the purpose of specified provisions of the Elections Code, to mean any certified voting technologies certified by the Secretary of State (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. (Elections Code §17600)
- 6) 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)
- 7) 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)
- 8) Permits the SOS, the Attorney General (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:** According to the Senate Appropriations Committee:

- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes created by this bill. The average annual cost to incarcerate one person in jail varies by county. Actual incarceration costs to counties would depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).
- Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. While most individuals incarcerated under this bill will serve their sentences in county jail, this bill specifies that violations are punishable “pursuant to subdivision (h) of Section 1170.” Under subdivision (h) of Section 1170 of the Penal Code, if the defendant has specified prior felony convictions, the sentence for a felony shall be served in the state prison. The Legislative Analyst’s Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000.

**COMMENTS:**

- 1) **Prior Assembly Consideration of This Bill:** As approved by the Assembly last year, this bill would have created an exemption in source of income discrimination law to allow a housing owner or landlord to establish policies or preferences in favor of an applicant or tenant who qualifies for or participates in federal, state, or local housing subsidy programs. Subsequent to the Assembly's approval, this bill was amended in the Senate to delete the Assembly-approved provisions and to add the current provisions, which were approved by the Senate by a vote of 29-10 on August 28, 2026. Accordingly, this bill has been re-referred to this committee for further consideration pursuant to Assembly Rule 77.2.

- 2) **Purpose of the Bill:** According to the author:

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. AB 282 makes clear that interfering with those materials before an election is certified is a serious offense with serious consequences. This bill will make 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.

- 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.

Separately, in March, four registered voters in Riverside County petitioned the California Supreme Court seeking an order directing the Sheriff to return all seized election materials and ballots to the Registrar of Voters and to prohibit any tallying, counting, or handling of ballots by personnel other than elections staff and under procedures not provided for in the Election Code. The Supreme Court also took that case, and indicated that it would consider both cases on an expedited basis. On August 24, 2026, the Supreme Court heard oral argument in both cases. Decisions are expected in those cases in the coming weeks.

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) **Protections Against Election Interference and Related Legislation:** California law has long included robust protections against election interference, and the Legislature has strengthened these protections in recent years in response to escalating hostility and contentious discourse surrounding elections.

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, and to enact protections against the seizure of election materials. 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.

AB 1664 (Jackson) of the current Legislative session, which was approved by the Legislature and is awaiting action by the Governor, 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 contains an urgency clause and will take effect immediately upon enactment.

SB 1418 (Cervantes) of the current Legislative session, which was approved by the Legislature and is awaiting action by the Governor, makes it a crime to take specified election materials or voting technology from the custody of elections officials.

All three of these bills were developed, in part, in response to the seizure of ballots and other election materials in Riverside County described above. While those three bills collectively provide important protections against the seizure of ballots, election materials, and voting equipment, they are drafted largely in the context of state laws related to the preservation of election materials and equipment after election results have been certified. This bill seeks to further strengthen these protections by ensuring that there are no gaps in existing law that would allow ballots, election materials, and voting equipment to be seized while votes are being cast or counted.

SB 259 (Wahab) of the current Legislative session, which was approved by this committee by a 6-2 vote on August 25, 2026, makes it a felony for a person with authority to direct a person subject to their supervision or authority to interfere with the delivery of a vote by mail (VBM) ballot, and makes it a misdemeanor for a person who has charge of a VBM ballot to interfere with its delivery to a voter.

6) **Arguments in Support:** In support of this bill, SEIU California writes:

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.

7) **Arguments in Opposition:** In opposition to this bill, the Riverside County Sheriff's Office writes:

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. AB 282, as currently written, removes that safeguard and replaces it with a categorical felony prohibition.

8) **Double Referral:** This bill has also been referred to the Assembly Public Safety Committee. If approved by this committee, it will be re-referred to the Public Safety Committee.

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

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Federation of Labor Unions, AFL-CIO  
California School Employees Association  
SEIU California  
United Domestic Workers/AFSCME Local 3930

**Opposition**

Riverside County Sheriff's Office

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