

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 1664 (Jackson) – As Amended April 13, 2026

SUBJECT: Elections: law enforcement investigations of election records or voting systems.

SUMMARY: Requires local agencies and elections officials to notify the Secretary of State (SOS) and Attorney General (AG) within one business day of becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to election records or voting systems. Specifically, **this bill**:

- 1) Defines the following terms, for the purpose of this bill:
 - a) “Election records” to include, but not be limited to, any records that must be kept, retained, or preserved by elections officials under the Elections Code.
 - b) “Law enforcement investigation” to mean any investigation undertaken by a federal, state, or local law enforcement agency.
- 2) Requires a local agency, political subdivision, or elections official to provide written notice to the SOS and the AG no later than one business day after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to any election records or voting systems under their custody or control.
- 3) Permits the AG to intervene in any court proceedings connected with a matter described in 2) above, or to initiate proceedings in any court to challenge such a warrant or subpoena on any valid grounds or seek any other appropriate relief. Entitles an action brought pursuant to this provision to calendar preference in court.
- 4) Specifies that this bill does not require the SOS or the AG to take any action regarding any warrant, subpoena, or active law enforcement investigation of which they receive written notice.
- 5) Declares that this bill addresses a matter of statewide concern rather than a municipal affair, and therefore that this bill applies to all cities and counties, including charter cities and charter counties.
- 6) Makes various findings and declarations, including the following:
 - a) California has a sovereign interest in creating and enforcing laws for the administration of elections, which it has exercised by adopting a comprehensive scheme for the conduct of elections.
 - b) The SOS, the AG, and the state are injured and aggrieved by law enforcement’s improper search, seizure, and retention of election materials, including election records and voting systems, which can frustrate election administration and undermine public confidence in

election integrity.

- 7) Contains a November 1, 2030, sunset date.

EXISTING LAW:

- 1) Provides that the SOS is the chief elections officer of the state and shall administer the provisions of the Elections Code. Requires the SOS to see that elections are efficiently conducted and that state election laws are enforced. Requires the SOS, if the SOS concludes that state election laws are not being enforced, to call the violation to the attention of the district attorney of the county or to the AG. (Government Code §12172.5)
- 2) Provides that the AG is the chief law officer of the state, subject to the powers and duties of the Governor. Makes it the duty of the AG to see that the laws of the State are uniformly and adequately enforced. Gives the AG direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices. (California Constitution, Article V, Section 13)
- 3) Provides that court proceedings in cases involving the registration or denial of registration of voters, the certification or denial of certification of candidates, the certification or denial of certification of ballot measures, election contests, actions related to specified laws prohibiting deceptive election and campaign communications, and actions related to specified laws governing local redistricting shall be placed on the calendar in the order of their date of filing and shall be given precedence. (Code of Civil Procedure §35)
- 4) Requires a state or local agency or political subdivision, within three court days after filing or being served with a court action relating to elections that contains a claim arising under federal law, to provide a written notice to the SOS and the AG. Requires a state or local agency or political subdivision, at least 14 court days before entering into a settlement, consent decree, or other court-approved agreement in a court action relating to elections that contains a claim arising under federal law, to provide a draft copy of the settlement, consent decree, or agreement to the SOS and the AG in order to provide them an opportunity to deliver guidance to the state or local agency or political subdivision to ensure that the settlement, consent decree, or agreement is consistent with state law, including regulations. Declares that these provisions address a matter of statewide concern, and therefore apply to all cities and counties, including charter cities, charter counties, and charter cities and counties. (Elections Code §22)
- 5) Requires an elections official, upon the completion of the official canvass of results for an election, to seal the ballots and other specified election materials in packages, and to preserve those packages unopened and unaltered for either six months from the date of the election (in the case of an election that did not include a candidate for federal office) or 22 months from the date of the election (in the case of an election that included a candidate for federal office). Prohibits an elections official, after counting and sealing the ballots, from opening the sealed packages or allowing them to be opened, except as expressly specified. Permits sealed election materials to be opened during the retention period only in the case of an election

contest, or a criminal prosecution involving fraudulent use, marking or falsification of ballots, or forgery of vote by mail voters' signatures. (Elections Code §§15370, 17300-17306)

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

COMMENTS:

1) **Purpose of the Bill:** According to the author:

California's elections are foundational to our democracy and cannot be left vulnerable to unchecked interference. When law enforcement agencies search, seize, or retain election records and voting systems without proper oversight, they risk disrupting the very machinery of democratic participation and eroding the public's trust in election outcomes. California has long been a leader in establishing robust, transparent election administration, and it is our responsibility as legislators to ensure that the Secretary of State and the Attorney General, the state's chief elections, and law officers, are empowered to respond swiftly when that system comes under scrutiny. By requiring local agencies and elections officials to notify state authorities within one business day of any warrant, subpoena, or active investigation touching election materials, this bill ensures that the state can intervene, protect critical records, and uphold the rule of law. Free and fair elections are not simply a procedural matter, they are the mechanism through which every Californian's voice is heard, and we have an obligation to defend that process with every tool available to us.

2) **Seizure of Ballots in Riverside County:** In February, the Riverside County Sheriff's Department applied to the Superior Court in Riverside County for a search warrant authorizing a search of the office of the Riverside County Registrar of Voters 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 of ballots cast in the election 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 to these allegations. It also fails to 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 between its audit and the certified election results, the Sheriff's Department sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." This application 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 requested—and obtained—two additional search warrants related to the investigation: one authorizing the seizure of additional election materials (beyond ballots) from the Registrar's office, and another seeking the appointment of 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 from the 2025 statewide special election and had begun counting them, notwithstanding state laws that generally require election materials to remain sealed during the retention period.

In late March, Attorney General Rob Bonta filed a petition in the California Court of Appeal, Fourth Appellate District, Division Two, seeking an immediate stay of the Sheriff's investigation and of 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 a third warrant without notifying the AG.

The Court of Appeal 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. Last week, 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 was able to obtain a warrant and seize election ballots without identifying a specific crime or suspect raises significant concerns about the security and chain of custody of election materials. The ballots from the 2025 statewide special election are no longer in the custody of the county elections official but instead are held by the Sheriff's Department. The conditions under which those ballots are being stored, and the steps taken—if any—to preserve their chain of custody, are unclear.

Ensuring that the SOS (as the state's chief elections officer) and the AG (as the state's chief law officer) are promptly notified of any warrant, subpoena, or active law enforcement investigation involving election records or voting systems would help provide appropriate oversight. Such coordination may reduce the risk of compromising election integrity and prevent disruptions to the chain of custody of election materials.

- 3) **Suggested Amendment:** This bill currently includes a November 1, 2030, sunset date. While not unprecedented, sunset dates that fall outside of January 1 are uncommon, in part because legislation without an urgency clause typically takes effect on January 1. In addition, a November 1, 2030, sunset date would cause the bill to expire just four days before a statewide general election. Because the bill addresses the protection of election records and equipment, allowing it to sunset immediately prior to a major election is not ideal.

To ensure these provisions remain in effect for upcoming elections—while still allowing the Legislature to consider whether the policy should be made permanent—committee staff recommends amending the bill to change the sunset date to January 1, 2030.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

Analysis Prepared by: Ethan Jones / ELECTIONS / (916) 319-2094