

ASSEMBLY THIRD READING
AB 1664 (Jackson and Berman)
As Amended May 07, 2026
Majority vote

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.

Major Provisions

- 1) 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.
- 2) Permits the AG to intervene in any court proceedings connected with a matter described in 1) 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.
- 3) 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.
- 4) 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.
- 5) Contains an urgency clause, allowing this bill to take effect immediately upon enactment, and contains a January 1, 2030, sunset date.

COMMENTS

In February, the Riverside County Sheriff's Department obtained a search warrant to search the Registrar of Voters' office and seize all ballots from the November 2025 statewide special election.

The supporting affidavit relied on a local watchdog group's audit claiming a discrepancy of nearly 46,000 ballots between the number of ballots cast and the official total reported by the Registrar of Voters. The affidavit did not indicate that the Sheriff's Department contacted the Registrar or independently verified the claim. It also fails to identify any specific individual suspected of wrongdoing or any particular crime believed to have been committed.

Just three days after receiving the allegation, the Sheriff's Department sought the warrant to seize ballots "to prove or disprove any criminal conduct," despite knowing the Registrar would present clarifying information to the Board of Supervisors the next day. At that presentation, the Registrar disputed the claim, stating the actual discrepancy was 103 ballots.

The Department later obtained two additional warrants—one for more election materials and another to appoint a special master to oversee ballot counting. By then, deputies had already opened ballot boxes and begun counting, despite state laws requiring such materials to remain sealed and in the custody of election officials.

In March, Attorney General Rob Bonta petitioned the Appellate Court to halt the investigation, citing "grave concerns" about the warrants' legal sufficiency, and directed the Sheriff to pause its investigation. 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 relief on procedural grounds, after which the AG petitioned the California Supreme Court. Last month, the Court granted review, ordered a pause in the investigation, and directed preservation of all seized materials. Proceedings are ongoing on an expedited basis.

Regardless of the outcome, the seizure of ballots without identifying a specific crime or suspect raises serious concerns about election security and chain of custody, as the ballots are no longer in the Registrar's possession but remain with the Sheriff's Department.

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.

Please see the policy committee analysis for a full discussion of this 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."

Arguments in Support

None received.

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) By requiring certain local entities to notify the SOS and AG of certain elections-related investigations, this bill may create a state-mandated local program. If the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service for which the state must reimburse local costs, the local entity could seek reimbursement from the state (General Fund). However, any such notification costs are likely minor and absorbable.
- 2) Likely minor and absorbable costs to the SOS to receive the written notification.
- 3) Cost pressures of an unknown, but potentially significant amount, in excess of \$150,000, to the AG to intervene in elections-related legal investigations (General Fund or special fund). The Department of Justice (DOJ) reports no significant impact from this bill. However, actual costs will depend on the frequency of such notices, how often the AG pursues such intervention, and the level of additional staffing DOJ may need to handle the related workload. In light of heightened political distrust and hostility in our nation and state, such legal investigations may become increasingly common. If DOJ hires staff to handle interventions authorized by this bill, DOJ would incur significant costs, likely in the low hundreds of thousands of dollars annually at a minimum. If DOJ does not pursue interventions as authorized by this bill, DOJ would likely not incur any costs.
- 4) Ongoing cost pressures of an unknown amount to the courts in additional workload if this bill makes it more likely the AG will intervene in elections-related legal investigations that also receive precedence when filed in court (GF or Trial Court Trust Fund (TCTF)). It is unclear how many interventions may occur statewide and how much court time may be needed to resolve each case, but it generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in fiscal year 2025-26.

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES**ASM ELECTIONS: 6-2-0**

YES: Pellerin, Bennett, Berman, Elhawary, Solache, Stefani

NO: Gallagher, Johnson

ASM APPROPRIATIONS: 10-4-1

YES: Wicks, Aguiar-Curry, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

ABS, ABST OR NV: Arambula

UPDATED

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