

This bill:

- 1) 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, or any portion thereof, under their custody or control.
- 2) Provides the SOS and AG may intervene, and must be entitled to calendar preference, in any court proceedings connected therewith, or initiate proceedings in any court to challenge a warrant or subpoena described in this section on any valid grounds or seek any other appropriate relief.
- 3) Defines “certified voting technology” to mean any 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.
- 4) Provides a sunset date of January 1, 2030.
- 5) Contains an urgency clause to take effect in time for the November 3, 2026, statewide general election.

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.

Requesting State Voter Rolls. There have been various reports that the U.S. Department of Justice (DOJ) has requested election records or access to voting equipment in various states. According to the State Democracy Research Initiative with the University of Wisconsin Law School, the DOJ has filed federal lawsuits against the District of Columbia and 30 states, including California. These lawsuits seek orders to compel jurisdictions to submit copies of complete voter registration lists, including dates of birth, driver's license numbers, and the last four digits of Social Security numbers. While many of these suits are being litigated, six federal district courts have dismissed the DOJ's suits. This includes suits against Arizona, California, Massachusetts, Michigan, Oregon, and Rhode Island. The DOJ also reached a settlement with Oklahoma where the state agreed to provide its sensitive voter data in exchange for the DOJ dismissing the lawsuit.

Requesting Local Voter Rolls. In 2025, the DOJ received a complaint of a non-citizen in Orange County, California, receiving a vote by mail ballot. The DOJ requested various voter registration records from Orange County relating to the number and information of cancelled voter registrations since 2020. The Orange County Registrar of Voters provided data, but redacted sensitive information, such as driver's license numbers, identification numbers, Social Security numbers, language preferences, and signatures. The DOJ went to court for the requested materials. The matter was subsequently stayed while the case between the DOJ and the California SOS was pending. The case between the DOJ and the California SOS was dismissed.

In January 2026, 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. The warrant also sought tabulator tapes for every voting machine and ballot images that were created from ballot scanning from the 2020 General Election in Fulton County. 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 U.S. DOJ to turn over key details behind its seizure of the 2020 election records. The case is pending.

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

Related and Prior Legislation. SB 73 (Cervantes), Chapter 10, Statutes of 2026, which took effect on May 27, 2026, restricts law enforcement agencies and officers from engaging in specified conduct related to elections. Among the provisions of the

measure, the bill 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.

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.

COMMENTS

- 1) Author's Statement. 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 AG and the SOS 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) Suggested Amendment – Notices. This bill provides that notification of any warrant, subpoena, or active law enforcement investigation be written. If notification needs to be mailed, it may take a few days, or potentially even longer, for the written notice to arrive at an office of the AG and SOS. Committee staff recommends the bill be amended to include additional flexibility in what type of notification is required by removing the word "written." This would allow for faster notification, such as a phone call, to the AG and SOS.
- 3) Suggested Amendment – Timing. This bill provides written notice to the AG and SOS occur no later than one calendar day after becoming aware of any warrant, subpoena, or active law enforcement investigation. While it is a short timeframe to submit notice to the AG and SOS, if an entity is served with some kind of notice, an action might occur within a day. The committee recommends the bill be amended to require immediate notice, but no later than one calendar day.
- 4) Sunset Date. This bill currently has a sunset date of January 1, 2030. This bill is similar to SB 73, which does not have a sunset date. The committee should consider whether a sunset date is needed for this bill or if the contents of the bill should be made permanent.

5) Argument in Support. This bill’s sponsor, Attorney General Rob Bonta states the following:

California has a compelling interest in safeguarding the integrity, security, and continuity of election administration. Recent incidents locally and nationwide have demonstrated that improper seizure, retention, or handling of election records and voting equipment can compromise chain-of-custody protections and undermine public confidence in democratic institutions.

6) Argument in Opposition. In a letter opposing this bill, the Riverside County Sheriff’s Office states the following:

Regardless of the circumstances that prompted its introduction, [this bill] establishes a framework that threatens judicial independence, undermines the separation of powers, incites executive branch intrusion into active criminal investigations, and fails to adequately protect sensitive investigative information.

7) Double Referral. If approved by this committee, this bill will be referred to the Committee on Public Safety for additional consideration.

RELATED/PRIOR LEGISLATION

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

SB 884 (Umberg) of 2026, among other provisions, requires a law enforcement officer to notify the AG or SOS of any suspected, planned, or violation of electioneering or arrests of specified crimes near a polling location and the disruption of the operation of a polling location. The bill is pending in the Assembly.

SB 851 (Cervantes), Chapter 238, Statutes of 2025, sought to address potential interference in California’s elections. Among other provisions, the bill required state agencies and local governments to provide written notice to the SOS and the AG 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:	56 - 15
Assembly Appropriations Committee:	10 - 4
Assembly Elections Committee:	6 - 2

POSITIONS

Sponsor: Attorney General Rob Bonta

Support: League of Women Voters of California

Oppose: California State Sheriffs' Association
Riverside County Sheriff's Office

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