
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1664 **Hearing Date:** June 30, 2026
Author: Jackson
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Urgency: Yes **Fiscal:** Yes
Consultant: AB

Subject: *Elections: law enforcement investigations of election records or voting technology*

HISTORY

Source: Attorney General Rob Bonta

Prior Legislation: SB 73 (Cervantes), Ch. 10, Stats. of 2026
SB 851 (Cervantes), Ch. 238, Stats. of 2025

Support: League of Women Voters of California

Opposition: California State Sheriffs Association; Riverside County Sheriff's Office

Assembly Floor Vote: 56 - 15

PURPOSE

The purpose of this bill is to require local officials to provide written notice to the Secretary of State and the Attorney General one day after becoming aware of legal efforts to search or seize specified voting records and technology, as specified.

Existing California law specifies that, subject to the powers and duties of the Governor, the Attorney General (AG) shall be the chief law officer of the State. (Cal. Const., art. V, § 13.)

Existing law states that it shall be the duty of the AG to see that the laws of the State are uniformly and adequately enforced. (Cal. Const., art. V, § 13.)

Existing law provides that the AG shall have 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, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their perspective jurisdictions as to the AG may seem advisable. (Cal. Const., art. V, § 13.)

Existing law specifies, whenever in the opinion of the AG any law of the State is not being adequately enforced in any county, it shall be the duty of the AG to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the AG shall have all the powers of a district attorney. (Cal. Const., art. V, § 13.)

Existing law provides that the Secretary of State (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. (Gov. Code, § 12172.5, Elec. Code, § 10.)

Existing law provides that within 3 court days after a state or local agency or political subdivision files or is served with a court action relating to elections that contains a claim arising under federal law, the state or local agency or political subdivision shall provide written notice to the SOS and the AG, as specified. (Elec. Code, § 21, subd. (a).)

Existing law provides that at least 14 court days before a state or local agency or political subdivision enters 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, the state or local agency or political subdivision shall provide a draft copy of the settlement, consent decree, or other court-approved agreement to the Secretary of State and the Attorney General 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 other court-approved agreement is consistent with California law, as specified. (Elec. Code, § 21, subd. (b).)

Existing law requires elections officials to preserve rosters, ballots and other precinct supplies for specified time periods after an election. (Elec. Code, §§ 17300-17306.)

Existing law requires the following data to be kept by the elections official of a county, on electronic media, stored and unaltered, for 22 months from the date of the election where either the President, Vice President, United States Senator, or United States Representative are voted upon:

- All voting system electronic data.
- All ballot on demand system electronic data, if applicable.
- All adjudication electronic data.
- All remote accessible vote by mail system electronic data, if applicable.
- All electronic poll book electronic data, if applicable.
- HASH values taken from the voting technology devices, if applicable.
- All ballot images. (Elec. Code, § 17601.)

Existing law provides that for all other state or local elections to which the above provision does not apply, the following data shall be kept for 6 months by the county elections official:

- All voting system electronic data.
- All ballot on demand system electronic data, if applicable.
- All adjudication electronic data.
- All remote accessible vote by mail system electronic data, if applicable.
- All electronic poll book electronic data, if applicable.
- HASH values taken from the voting technology devices, if applicable.
- All ballot images, if applicable.

Existing law defines “certified voting technology” as any certified 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. (Elec. Code, § 17600, subd. (b).)

Existing law sets forth certain procedures for the approval of voting systems by the SOS, as specified. (Elec. Code, §§ 19200, et. seq.)

Existing law sets forth a subpoena process by which a witness may be required to appear before a court or magistrate in a criminal action, which may include a subpoena compelling the production of records or other documents. (Pen. Code, § 1326.)

Existing law defines a “search warrant” as a written order in the name of the people, signed by a magistrate, directed to a peace officer, commanding him or her to search for a person or persons, a thing or things, or personal property, and, in the case of a thing or things or personal property, bring the same before the magistrate. (Pen. Code, § 1523.)

Existing law authorizes a search warrant to be issued upon several specified grounds, including when the property or things were used as the means of committing a felony, or consist of any item or constitute any evidence that tends to show a felony has been committed. (Pen. Code, § 1524, subd. (a)(1)-(22).)

This bill requires a local agency, political subdivision, or elections official to provide written notice to the Secretary of State and the Attorney General 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.

This bill authorizes the SOS and the AG to intervene in any court proceedings connected to the legal processes described above, and to initiate proceedings in any court to challenge a warrant or subpoena on any valid grounds or seek any other appropriate relief.

This bill provides that an action pursuant to the above shall be entitled to calendar preference.

This bill specifies that it 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 notice.

This bill defines the following terms as follows:

- “Certified voting technology” means any certified voting technologies certified by the Secretary of State, 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.
- “Election records” include, but are not limited to, any records that must be kept, retained, preserved, or sealed by elections officials under this code.
- “Law enforcement investigation” means an investigation undertaken by a federal, state, or local law enforcement agency.

This bill includes various legislative findings and declarations.

This bill includes a sunset date of January 1, 2030.

COMMENTS

1. Need for 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.

2. Riverside County Sheriff Ballot Seizure

On February 26, 2026, Riverside County Sheriff Chad Bianco executed a search warrant at the offices of the Riverside County Registrar of Voters and seized roughly 1,000 boxes of ballot materials – including over 650,000 ballots – related to the November 2025 special election.¹ Notably, this was just over two months from the date that the election was certified – December 12, 2025. Affidavits on which the search warrant was based alleged 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.² The watchdog group, the Riverside Election Integrity Team (REIT), claims to have conducted their own audit, but some voters rights groups have argued that if such an audit was conducted, it was conducted outside the confines and process set forth by the California Elections Code.³ The Riverside County Registrar of Voters, Art Tinoco, also rejected REIT's claims, telling county supervisors on February 10 that REIT did not understand the data on which they were basing their claims.⁴

Within weeks of the ballot seizure, two legal challenges had been filed, the first by a group of Riverside voters accusing Bianco of violating state election laws that require the ballots to

¹ That election asked voters to weigh in on only a single ballot proposition, Prop 50, which proposed to redraw California's congressional districts.

² Sabalow, Ryan, et. al. "We went to court to unseal the warrants behind Sheriff Chad Bianco's ballot seizures. What they reveal." *Cal Matters*. 9 April 2026. <https://calmatters.org/politics/2026/04/chad-bianco-election-warrants/>

³ "Petition for writ of mandate and/or other extraordinary relief and request for expedited review; memorandum of points and authorities." Filed by UCLA Voting Rights Project on March 26, 2026, in the California Supreme Court. <https://vrp.ucla.edu/wp-content/uploads/2026/03/Cervantes-v.-Bianco-Stamped-Copy.pdf>

⁴ See Sabalow, *supra*.

remain in the custody of elections officials, and the other by Attorney General Rob Bonta, alleging similar statutory violations and that Sheriff Bianco unlawfully disregarded the Attorney General's authority in refusing to halt his seizure operation.⁵ In response, on April 8, the California Supreme Court ordered Sheriff Bianco to halt his investigation into the November special election and ordered all parties to preserve all items seized in the case, "to permit further consideration of this petition for review."⁶ That same day, the search warrants supporting the seizure of ballots were unsealed by the Riverside County Superior Court, and it was revealed that they relied almost exclusively on REIT's shaky claims, and did not identify a specific scenario or person who carried out a specific instance of voter fraud.⁷

In a press release on April 10, 2026, the California Supreme Court summarized the issues presented by the case initiated by the Attorney General:

(1) What is the scope of the Attorney General's constitutional and statutory authority to supervise and direct the activities of a county sheriff? (See Cal. Const., art. V, § 13; Gov. Code, § 12560.) (2) Is the Attorney General entitled to a writ of mandate directing the Riverside County Sheriff to comply with the Attorney General's directives, including the Attorney General's directive to cease the Sheriff's investigation into the November 2025 special election? (3) Is the Attorney General entitled to a writ of mandate directing the superior court to quash or stay execution of a search warrant if the warrant was issued in contravention of the Attorney General's directives or deficient on its face?⁸

Although initial briefing in that case had been completed on May 26, 2026, the Court asked the parties to complete additional briefing in light of SB 73 (Cervantes) Chapter 10, Statutes of 2026 (see comment 4).⁹

3. Effect of This Bill

Article V of the California Constitution states that the Attorney General is the chief law officer of the state, and "shall have direct supervision" over "every [...] sheriff [...] in all matters pertaining" to their duties, and may require any such officer to "make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions."¹⁰ That constitutional power is reinforced by the AG's statutory authority to "direct the activities of

⁵ "Petition for review and emergency stay or equivalent interim relief requested." Filed by Attorney General in the California Supreme Court, 27 March 2026, <https://www.democracymocket.com/wp-content/uploads/2026/03/2026-03-27-Petition-for-review-and-emergency-stay-or-equivalent-interim-relief-requested.pdf>; See petition cited in fn. 3, supra, for lawsuit filed by voter group.

⁶ "California Supreme Court halts GOP sheriff's voter fraud investigation." *NBC News*. 8 April 2026. <https://www.nbcnews.com/politics/elections/california-supreme-court-halts-gop-sheriffs-voter-fraud-investigation-rca267299>

⁷ Court releases secret warrants that Riverside sheriff used to seize over 650,000 ballots." *Los Angeles Times*. 8 April 2026. <https://www.latimes.com/california/story/2026-04-08/court-to-unseal-warrants-riverside-sheriff-used-to-seize-ballots>

⁸ <https://supreme.courts.ca.gov/sites/default/files/supremecourt/default/documents/ws040626.pdf>

⁹ "Supreme Court orders briefing on new election legislation in sheriff ballot seizure cases." *Horvitz & Levy LLP*. 1 June 2026. <https://www.horvitzlevy.com/supreme-court-orders-briefing-on-new-election-legislation-in-sheriff-ballot-seizure-case/>

¹⁰ Cal. Const., art. V, § 13.

any sheriff relative to the investigation or detection of crime.”¹¹ Similarly, existing law provides that the SOS is the chief elections officer of the state, and 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.¹²

Under the auspices of this authority, the author advances this bill, the legislative findings of which assert that “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,” and that 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 certified voting technology or any portion thereof, which can frustrate election administration and undermine public confidence in election integrity.”

Accordingly, the bill provides that a local agency, political subdivision, or elections official must provide immediate notice (but no later than one business day) to both the SOS and the AG after becoming aware of any warrant, subpoena, or active law enforcement (including federal, state or local) investigation pertaining to the search, seizure, or retention of any election records or certified voting technology, under their custody or control. As to any such matter, the bill also authorizes the SOS and AG to intervene in any court proceedings or initiate proceedings to challenge a warrant or subpoena pertaining to the aforementioned records or technology on any valid grounds or seek any other appropriate relief. These provisions sunset on January 1, 2030.

It is worth noting that “intervention” by a third party in an active case generally only occurs in civil cases and is governed by Code of Civil Procedure section 387, which allows nonparties to intervene in the action if one of two conditions is met: 1) a provision of law confers an unconditional right to intervene (mandatory intervention), or 2) in the court’s opinion, the person seeking intervention has a direct, immediate interest in the case that merits intervention (permissive intervention).¹³ The Supreme Court has reiterated the Attorney General’s broad powers to act in the public interest, and has affirmed that “in the absence of any legislative restriction, [he] has the power to file any civil action or proceeding directly involving the rights and interests of the state, or which he deems necessary for the enforcement of the laws of the state, the preservation of order, and the protection of public rights and interest.”¹⁴ Other statutes have granted similar intervention rights and at least one court has upheld the right of the AG to intervene.¹⁵

It should also be noted that the Supremacy Clause of the United States Constitution makes clear that federal laws are supreme over state laws, and that, under the doctrine of intergovernmental immunity, states lack power to impede, burden or control the operations of constitutional federal laws and federal authorities.¹⁶ Moreover, state courts cannot use the state judicial process to interfere with federal custody or override federal authority executed by federal officers.¹⁷ However, because the reference to federal law enforcement officers in this bill seems to simply

¹¹ Gov. Code, § 12560.

¹² Gov. Code, § 12172.5, Elec. Code, § 10.

¹³ Code of Civ. Proc., § 387, subd. (d)(1).

¹⁴ *D’Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 14-15, quoting *Pierce v. Superior Court* (1934) 1 Cal.2d 759.

¹⁵ See, for instance Gov. Code, § 65585.01; *Van de Kamp v. Gumbiner* (1990) 221 Cal.App. 3d 1260

¹⁶ *McCulloch v. Maryland* (1819) 17 U.S. 316, 436.

¹⁷ *Ableman v. Booth* (1859) 62 U.S. 506, 523.

be confined to a requirement that local elections officials notify the AG of certain federal actions, and there is no specific federal law or area of federal law in apparent conflict with this requirement, it is unlikely that intergovernmental immunity or other preemption-related doctrines are implicated here.

4. Related Legislation

On May 27, 2026, Governor Newsom signed SB 73 (Cervantes), Chapter 10, Statutes of 2026, which included several reforms aimed at preventing interference into elections processes by local, state and federal law enforcement. Specifically, SB 73 prohibits any person from providing unauthorized access, disruption, modification or seizure of voter rolls absent a court order or investigation into specific violations; prohibits peace officers from interfering with election administration or disrupt election workers; and establishes criminal penalties for knowingly and unlawfully taking ballots from elections officials. Notably, SB 73 also expressly authorized the AG and SOS, among other persons, to bring a civil action to enforce the prohibitions against peace officer interference with election administration.¹⁸

5. Argument in Support

According to the bill's sponsor, Attorney General Rob Bonta:

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. AB 1664 establishes a process requiring local agencies and election officials to notify the Attorney General and Secretary of State within one business day after becoming aware of a warrant, subpoena, or active law enforcement investigation pertaining to election records or voting systems. This notice requirement helps ensure that state authorities are aware of investigative actions that may affect election administration or implicate statewide election security interests.

Additionally, AB 1664 supplements existing litigation tools by authorizing the Attorney General to intervene in or initiate court proceedings, where appropriate, to challenge warrants or subpoenas on valid legal grounds or seek other relief. This provision helps ensure that disputes involving sensitive election infrastructure receive appropriate statewide oversight and legal review. AB 1664 promotes transparency, coordination, and protection of election systems while preserving the integrity of ongoing investigations and maintaining public trust in California's elections.

¹⁸ Elec. Code, § 15007; SB 73 is generally codified at Elec. Code, §§ 15006, 15007, 15553, 18544, 18545 and 19230, among other provisions.

6. Argument in Opposition

According to the California State Sheriff's Association:

We must respectfully oppose [...] Assembly Bill 1664, which requires an elections official to provide written notice to the Secretary of State and the Attorney General (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. Additionally, the bill would allow the AG to intervene in any court proceedings connected with such a court order or investigation, and initiate proceedings in any court to challenge such a warrant or subpoena on any valid grounds or seek any other appropriate relief. This second provision creates the most concern for CSSA.

The California Constitution gives the AG supervisory authority over sheriffs and district attorneys, but not supervisory authority over the judiciary. If, pursuant to this bill, the AG were effectively asking a court to nullify a magistrate's discretionary probable-cause determination absent a direct state interest, the AG would be expanding supervisory authority into judicial review power the Constitution does not grant.

There is case law to support this analysis. For example, as it relates to the issuance of a search warrant as a judicial act of the magistrate, a prosecutor cannot be vested with authority to foreclose the exercise of a judicial power and doing so violates the doctrine of separation of powers set forth in Article III, Section 1, of the California Constitution (*Esteybar v. Municipal Court for Long Beach Judicial Dist.*, 5 Cal. 3d 119, 122). Similarly, the Attorney General cannot dictate to courts a legal result without violating separation of powers principles (*People ex rel. Internat. Assn. of Firefighters, etc. v. City of Palo Alto*, 102 Cal. App. 5th 602, 624).

Because AB 1664 introduces the potential for political interference into a process already overseen by judges and peace officers and to the extent the bill would inappropriately (and likely constitutionally impermissibly) invite the AG to intervene in a process in a manner that runs afoul of the separation of powers, CSSA must oppose AB 1664.

-- END --