
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1664 (Jackson) - Elections: law enforcement investigations of election records or voting technology

Version: June 17, 2026

Urgency: Yes

Hearing Date: August 3, 2026

Policy Vote: E. & C.A. 4 - 1, PUB. S. 5 - 1

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: AB 1664 would require a local agency, political subdivision, or elections official to provide written notice to the Secretary of State (SOS) and the Attorney General (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.

Fiscal Impact:

- By requiring certain local entities to notify the SOS and AG as specified, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but probably minor (General Fund).
- SOS and the AG would incur minor and absorbable administrative costs
- To the extent that the AG intervenes in elections-related legal investigations that also receive precedence when filed in court, this bill could result in increased court workload, resulting in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). It generally costs about \$10,500 per day to operate a courtroom. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund. The enacted 2026-27 budget includes \$70 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.

Background: In early 2026, questions were raised regarding the reported ballot totals from the November 2025 statewide special election in Riverside County. A local election watchdog organization asserted that the number of ballots cast differed from the official results reported by the Riverside County Registrar of Voters (ROV) by approximately 46,000 ballots. Based on these allegations, the Riverside County Sheriff's Department sought and obtained a search warrant from the Superior Court to seize election materials as part of a criminal investigation into whether election-related misconduct had occurred.

Following issuance of the warrant, the ROV publicly disputed the allegations, stating that the discrepancy identified by the watchdog group resulted from comparing different categories of election data and that the official difference between ballots cast and

ballots counted was 103 ballots. On February 26, 2026, the Sheriff's Department executed the warrant and seized approximately 1,000 boxes of ballots and related election materials. The department subsequently obtained additional search warrants to collect further election records and to appoint a special master to oversee a recount of the seized ballots.

During the course of the investigation, the California AG issued multiple directives instructing the Sheriff's Department to preserve all seized election materials and suspend further investigative activity. The AG also questioned whether the search warrants were supported by probable cause and whether the warrant applications complied with applicable legal requirements. On April 8, 2026, the California Supreme Court ordered the Sheriff's Department to halt its investigation, preserve all seized materials, and maintain the status quo while the Court considers the matter on an expedited basis. The litigation remains pending.

In recent years, the U.S. Department of Justice has sought election-related records from a number of states and local election jurisdictions. According to publicly available reports, the U.S. Department of Justice has initiated litigation against numerous states, including California, seeking access to statewide voter registration records containing specified voter information. Several federal courts have dismissed these actions, while other cases remain pending.

The U.S. Department of Justice has also requested voter registration records from local election officials. For example, following a complaint involving a voter registration matter in Orange County, California, it requested voter registration records related to canceled registrations dating back to 2020. The Orange County Registrar of Voters provided responsive records but redacted confidential voter information, including driver's license numbers, identification numbers, Social Security numbers, language preferences, and voter signatures. The U.S. Department of Justice subsequently sought production of the unredacted records through litigation. Proceedings were later stayed pending related litigation involving the California SOS, which was subsequently dismissed.

Federal investigative activity involving election records has also occurred in other states. In January 2026, pursuant to a federal search warrant, the Federal Bureau of Investigation seized ballots, voting records, and other election materials from Fulton County, Georgia, relating to the 2020 General Election. The warrant encompassed ballots, tabulator records, ballot images, and voter participation records. Fulton County officials subsequently sought the return of the seized materials, and litigation remains ongoing. Separately, in April 2026, news reports indicated that the DOJ requested election records from Wayne County, Michigan, relating to the November 2024 federal election.

Proposed Law: This bill, among other things, until January 1, 2030, would do the following:

- Require a local agency, political subdivision, or elections official to provide written notice to 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 (as defined), or any portion thereof, under their custody or control.

- Provide SOS and the 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.

Related 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.

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