
THIRD READING

Bill No: AB 1664
Author: Jackson (D) and Berman (D), et al.
Amended: 8/13/26 in Senate
Vote: 27 - Urgency

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 6/16/26
AYES: Wiener, Allen, Cervantes, Umberg
NOES: Choi

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/30/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 4-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson
NOES: Seyarto, Dahle
NO VOTE RECORDED: Wahab

ASSEMBLY FLOOR: 56-15, 5/21/26 - See last page for vote

SUBJECT: Elections: law enforcement investigations of election records or voting technology

SOURCE: Attorney General Rob Bonta

DIGEST: This bill requires a local agency, political subdivision, or elections official to provide notice to the Secretary of State (SOS) and the Attorney General (AG) immediately, but 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.

ANALYSIS:

Existing law:

- 1) Provides, pursuant to the U.S. Constitution, the times, places, and manner of holding elections for U.S. Senators and Members of the House of Representatives be prescribed by a state's legislature. Congress may, at any time, make law or alter regulations related to elections, except as to the places of choosing U.S. Senators.
- 2) Requires a state or local agency or political subdivision to provide notice to the SOS and the AG within three court days of the filing or service of a court action relating to an election-related claim under federal law. This notification must occur at least 14 court days before entering into a settlement, consent decree, or other court-approved agreement in such an action.
- 3) Permits the SOS, the AG, or a county elections official to bring a civil action against any person who tampers with voting technology.
- 4) Requires the AG, in consultation with the SOS, to provide guidance and information to county election officials regarding how election officials, precinct boards, election workers, and election volunteers should respond to requests by an agent of a law enforcement agency to access areas where ballots are cast, handled, processed, counted, tabulated, tallied, audited, or recounted.
- 5) Requires the AG, in consultation with the SOS, to publish and provide guidance to managers of election sites regarding how to respond to requests by an agent of a law enforcement agency to access areas where ballots are cast, handled, processed, counted, tabulated, tallied, audited, or recounted.

This bill:

- 1) Requires a local agency, political subdivision, or elections official to provide notice to the SOS and the AG immediately, but 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 Colombia 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 partial Social Security numbers. Many of these suits are being litigated, 21 federal district courts have dismissed the DOJ's suits. 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.

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 1418 (Cervantes) of 2026 makes it a crime to take specified election materials or voting technology from the custody of elections officials and requires the preservation of election materials and voting technology if an election contest or criminal proceeding is ongoing.

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

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 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.

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 1418 (Cervantes) of 2026 makes it a crime to take specified election materials or voting technology from the custody of elections officials and requires the preservation of election materials and voting technology if an election contest or criminal proceeding is ongoing.

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.

SB 851 (Cervantes, Chapter 238, Statutes of 2025) addressed 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations:

- 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.

SUPPORT: (Verified 8/14/26)

Attorney General Rob Bonta (source)
League of Women Voters of California

OPPOSITION: (Verified 8/14/26)

California State Sheriffs' Association
Riverside County Sheriff's Office

ARGUMENTS 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.

ARGUMENTS 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.

ASSEMBLY FLOOR: 56-15, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Johnson, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Arambula, Chen, Garcia, Hoover, Lackey, Ramos, Celeste Rodriguez, Wallis

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
8/17/26 10:54:39

**** END ****