
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 282 **Hearing Date:** August 26, 2026
Author: Pellerin
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Urgency: Yes **Fiscal:** Yes
Consultant: AB

Subject: *Elections: seizure of election materials*

HISTORY

Source: Governor Gavin Newsom

Prior Legislation: SB 73 (Cervantes), Ch. 10, Stats. of 2026
SB 851 (Cervantes), Ch. 238, Stats. of 2025
AB 2642 (Berman), Ch. 533, Stats. of 2024
SB 485 (Becker), Ch. 611, Stats. of 2023
SB 35 (Umberg), Ch. 318, Stats. of 2021

Support: SEIU California

Opposition: Riverside County Sheriff's Office

Assembly Floor Vote: Not relevant

PURPOSE

The purpose of this bill is to make it a felony: 1) to seize or cause or assist in the seizure of ballots, election records, or certified voting technology before election results are certified by the elections official; and 2) for any person with authority to direct another person subject to their supervision or authority to seize ballots, election records, or certified voting technology before election results are certified.

Existing law requires every active registered voter to receive a vote by mail (VBM) ballot for any election and prescribes procedures to have that vote processed and counted. (Elec. Code, §§ 3000.5, 3017, 3019.)

Existing law provides that after ballots are counted and sealed, the elections official may not open any ballots nor permit any ballots to be opened except as specified, or in the event of a recount. (Elec. Code, § 15370.)

Existing law provides that the elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month, and shall post the

certified statement of the results of the election on the official's internet website, as specified. (Elec. Code, § 15372.)

Existing law provides that the records and supplies of the election when received by the elections official shall be disposed of in the manner set forth in the Elections Code. (Elec. Code, § 15550.)

Existing law requires, if a contest or criminal prosecution has commenced before the date fixed for its destruction, the package containing the voted ballots must be subject to the order of the court in which the contest or criminal prosecution is pending, and prohibits the package from being destroyed until after final determination of the contest or prosecution. (Elec. Code, § 15551.)

Existing law provides in the case of a congressional election contest, the elections official shall hold the ballots of the congressional district in custody subject to the inspection of any committee of the House of Representatives having in charge the investigation of the contest, until the final determination of the contest by the House of Representatives. (Elec. Code, § 15551.)

Existing law provides in the case of a contest in the State Legislature, the elections official shall hold the ballots of the Senate Assembly district in custody subject to the inspection of any committee of the Senate or Assembly having in charge the investigation of the contest until the final determination of the contest of the final adjournment of the session of the Legislature in which the contest is filed, whichever is later. (Elec. Code, § 15551.)

Existing law prohibits the package or its contents from being taken from the custody of the elections official. (Elec. Code, § 15551.)

Existing law prohibits any individual from permitting an agent of a law enforcement agency to access, disrupt, modify, or take possession of rosters, combined rosters, or voter lists unless authorized by a court order or to investigate a specific violation of voter fraud. This provision does not prohibit an individual, in accordance with a written agreement between the elections official conducting the election and a law enforcement agency to permit agents of that agency to provide logistical, transportation, or security support during the voting period, on election day, or during the canvass of the vote. (Elec. Code, § 15553.)

Existing law makes it a felony for a public official to knowingly violate provisions of the Elections Code relating to the corruption of the voting process, and thereby aid in the illegal casting or attempting to cast a vote, or to connive to nullify any provision of the Election Code relating to corruption of the voting process so that fraud may be perpetrated, punishable by imprisonment in state prison for 16 months, or two or three years, and lifelong disqualification from holding office. (Elec. Code, § 18501.)

Existing law prohibits a person from intimidating, threatening, coercing, or attempting to intimidate or coerce any other person for any of the following: 1) voting or attempting to vote; 2) urging or aiding any person to vote or attempt to vote, whether as part of official election administration activity or otherwise; 3) exercising any powers or duties to administer elections, including counting votes, canvassing and certifying an election; or 4) that other person's status as a past or present participant in the administration of elections, enforceable in a suit at law. (Elec. Code, §§ 18581, subd. (a), 18582, subd. (a).)

Existing law makes it a felony, punishable by imprisonment in county jail for two, three or four years for any person, before or during an election, to:

- Tamper with, interfere with, or attempt to interfere with, the correct operation of, or willfully damage in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source codes.
- Interfere or attempt to interfere with the secrecy of voting or ballot tally software program source codes, as specified.
- Knowingly, and without authorization, make or have in the person's possession credentials, passwords, or access keys to a voting machine that has been adopted and will be used in elections in this state
- Willfully substitute or attempt to substitute forged or counterfeit ballot tally software program source codes. (Elec. Code, § 18564.)

Existing law authorizes the Secretary of State, Attorney General, and any local elections official in the county in which the act occurs, to bring a civil action for up to \$50,000 for each act and for injunctive relief, if appropriate, against an individual, business, or other legal entity that commits specified acts, including tampering, interfering, or attempting to interfere with the correction operation of, or willfully damaging to prevent the use of, any voting machine, voting device, voting system, vote tabulation device, or ballot tally software, before, during, or after an election. (Elec. Code, § 18564.5, subd. (a)(1).)

Existing law provides that any person having charge of a completed vote by mail ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment. (Elec. Code, § 18577)

Existing law makes it a felony, punishable as specified, for a person to take specified action with regard to ballots, including aiding in wrongfully placing any ballots in the ballot container or in taking any therefrom, removing any unvoted ballots from the polling place before the completion of the ballot count, and knowingly taking a package containing voted ballots or its contents from the custody of an elections official, as specified. (Elec. Code, § 18658).

Existing law provides that an individual shall not allow an agent of a law enforcement agency to access, disrupt, modify, or take possession of certified voting technology or a portion thereof unless authorized by a court order, as specified. (Elec. Code, § 19230.)

Existing law provides that election officials shall preserve specified documents related to elections such as voting lists, ballots, identification envelopes for specified periods of time. (Elec. Code, §§ 17300-17304.)

Existing law defines "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. (Elec. Code, § 17600, subd. (b).)

Existing law defines “chain of custody” for the purposes of existing law regarding the preservation of electronic data, as a process used to track the movement and control of certified voting technology through its lifecycle by documenting each person and organization who handles certified voting technology, the date and time it was collected or transferred, and the purpose of the transfer. A break in the chain of custody refers to a period during which control of the certified voting technology is uncertain and during which actions taken on the certified voting technology are unaccounted for or unconfirmed. (Elec. Code, § 17600, subd. (c).)

This bill provides that, notwithstanding any other law, any person who seizes or causes or assists in the seizure of ballots, election records, or certified voting technology or any portion thereof, before election results are certified, as specified, is guilty of a felony, punishable by imprisonment in county jail for 16 months, 2 years, or 3 years.

This bill provides that any person with authority who directs one or more other persons subject to their supervision or authority to engage in the conduct prohibited under (1) above shall be guilty of a felony, punishable by imprisonment in county jail for two, three or four years

This bill defines the following terms as follows:

- “Seize” and “seizure” mean the removal from the custody and control of authorized elections officials, as specified.
- “Certified voting technology” has the same definition as in existing law, as provided above.
- “Election record” means any document or record that is or will be subject to specified preservation requirements in existing law.

This bill includes a severability clause.

This bill includes an urgency clause.

This bill includes several legislative findings and declarations.

COMMENTS

1. Need for This Bill

According to the author:

Earlier this year, the Riverside County Sheriff seized ballots and other election materials from the Riverside County Registrar of Voters, raising serious concerns about the security of election materials and the integrity of California’s election processes. Our elections depend on the security and integrity of ballots and election materials throughout the entire election process. AB 282 makes clear that interfering with those materials before an election is certified is a serious offense with serious consequences. This bill will make it a felony to seize, cause, or assist in the seizure of ballots, election records, or certified voting technology before election results are certified by the elections official. With increasing threats to the integrity of our state-administered elections, California must ensure that every lawfully cast vote can be counted and that the will of the voters is respected.

2. Background - Riverside County Ballot Seizure and Federal Action

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 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 The cases were argued before the California Supreme Court on August 24, 2026.

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. In addition to physical ballots from the 2020 general election, the warrant sought tabulator tapes for every voting machine and ballot images that were created from ballot scanning from the 2020 General Election in Fulton County. Additionally, the

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*.

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.democracymatters.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>

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 US DOJ to turn over key details behind its seizure of 2020 election records in Fulton County, Georgia.⁸

On August 24, 2026, the U.S. Supreme Court issued an emergency order stating that President Trump could proceed with implementing an executive order directing the U.S. Postal Service to assist in deciding which voters should receive mail-in ballots, and directing the Department of Homeland Security to create lists of U.S. citizens who are eligible to vote. The majority stated that the states that had challenged the president's order, including California, could not demonstrate that they were sufficiently harmed by voting rules that had not yet taken effect, while the dissent, consisting of the Court's three liberal justices, opined that the decision "needlessly injects chaos and uncertainty into the upcoming midterm elections." Complicating this decision is a separate injunction by the same lower court preventing the postal service from implementing some parts of the executive order.⁹ According to recent reporting by the New York Times:

The quiet attempt to restructure the leadership of the Postal Service comes as the president and his allies are trying to transform the 251-year-old agency into a central player in their quest to overhaul the nation's elections. Last year, Mr. Trump took an unusually active role directing the board of governors to select the current postmaster general, David Steiner. And the president has imposed a highly partisan agenda on a historically apolitical institution: restricting mail voting, a practice more heavily used by Democrats than Republicans, which Mr. Trump has publicly acknowledged would benefit his party.¹⁰

3. Effect of This Bill

In addition to addressing actions by governmental actors within California, as referenced in comment 1, the bill seeks to pre-emptively address potential attempts by federal actors to interfere in California elections. Specifically, the bill's findings and declarations state that "the threats from the current federal Administration to interfere in state-administered elections raise nonspeculative concerns," and "there exists the potential motivation for the federal Administration or others aligned with the Administration to interfere in California's ability to count every lawfully cast ballot and timely certify results."

Accordingly, this bill creates two felonies related to the seizure of ballots and election materials. The first of these prohibits any person from seizing or causing or assisting in the seizure of ballots, election records, or certified voting technology or any portion thereof, before election results are certified, a violation of which is punishable by imprisonment in county jail for a

⁸ "Trump DOJ must reveal details on Fulton County ballot seizure, judge orders." *Democracy Docket*. 30 April, 2026. <https://www.democracymarket.com/news-alerts/trump-doj-must-reveal-details-on-fulton-county-ballot-seizure-judge-orders/>

⁹ "Supreme Court Allows Trump Plan to Restrict Mail-In Voting, for Now." *New York Times*. 24 August, 2026. <https://www.nytimes.com/2026/08/24/us/politics/supreme-court-trump-mail-ballots.html>

¹⁰ "Trump Quietly Asserts Control Over Postal Service Amid Plans to Overhaul Voting." *New York Times*. 24 August 2026. <https://www.nytimes.com/2026/08/24/us/politics/mail-voting-supreme-court-postal-service-trump.html?searchResultPosition=8>

period of 16 months, 2 years, or 3 years. The second felony prohibits any person with authority from directing one or more persons subject to their supervision or authority to engage in the aforementioned conduct, punishable by a higher penalty of 2, 3, or 4 years in county jail. The bill defines “seize” and “seizure” to mean the removal from the custody and control of authorized elections officials, except as specified.

Although the Elections Code sets forth a multitude of crimes related to the administration of and interference with elections and elections materials, there is no existing law that directly proscribes the conduct criminalized by this bill. That is, existing law makes it a felony to tamper or interfere with the correct operation of, or break the chain of custody of certified voting technology, as well as to “carry away” or destroy ballots and other elections materials. (Elec. Code, §§ 18564, 18568.) Depending on the specific conduct at issue, a seizure could technically involve “tampering,” “interference,” “destruction,” or a “carrying away,” as prohibited by those statutes, but not necessarily. While those statutes appear focused on the alteration or damaging of elections materials, the felonies in this bill are more concerned with removal of ballot and election materials from the lawful custody of an elections official, regardless of whether those materials suffer any damage or alteration. Moreover, the crimes proposed by this bill seek to impose a heightened level of supervisory liability for individuals that direct others to engaged in the proscribed conduct, whereas existing penalties do not generally make this supervisor/subordinate distinction.

However, certain provisions of the bill raise certain questions that the Committee may wish to consider. Critically, the bill makes it a felony for any person to “assist in the seizure of ballots,” though it is unclear exactly what the term “assisting” includes. Is a bystander who opens a door for a law enforcement officer entering a polling place or ballot center “assisting” the seizure of ballots? Additionally, as mentioned above, the bill provides that “any person with authority who directs one or more others persons subject to their supervision or authority to engage” in the proscribed seizure of ballots, election records, or certified voting technology is guilty of a felony. In this context, it is unclear what is meant by the term “with authority” – is it a person with the authority to effect a seizure, such as a law enforcement official or prosecutor, or is this intended to apply to anyone who supervises subordinates? If the latter, this provision could apply to conduct that is not intended to be criminal, or even intended to be a serious attempt at seizing election materials. For instance, a grocery store manager joking with a subordinate that the subordinate should run across the street to a polling place and take a box of ballots is conduct that could be covered by the bill. While potentially inappropriate, should such behavior be criminalized?

4. Related Legislation

SB 259 (Wahab) makes it a misdemeanor for any person having charge of a vote by mail ballot to interfere, as defined, with a ballot’s delivery to a voter, and makes it a felony for a person with authority to direct one or more persons subject to their supervision or authority to interfere with a ballot’s return to the local elections official or delivery to a voter. At the time this analysis was finalized, SB 259 was pending on the Assembly Floor. AB 1664 (Jackson) requires 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. AB 1664 was pending on the Senate Floor at the time this analysis was finalized.

SB 884 (Umburg), among other things, would prohibit a federal, state, or local law enforcement officer shall not arresting any person within 200 feet of a polling place on election day during the time in which the polling place is open, except for a crime related to disrupting the operation of the polling place, a violent or serious felony, as defined, or larceny; and provides that this provision does not provide legal amnesty for any crime within the buffer zone on election day. SB 884 has been ordered to third reading in the Assembly.

5. Argument in Support

According to SEIU California:

Sadly, our nation’s highest office holders, including the Trump Administration and their allies, seek to further falsehoods to sow doubt in our nation’s elections, discourage voting, and encourage interference in the certification of election results. While we would hope our nation would never be home to such brazen activities to undermine democracy, just this year, in California and Georgia, conspiracy theorists seeking to undermine long-ago certified election results seized and attempted to seize ballots and election records. These growing threats highlight why California must act now to strengthen California law ahead of this year's elections.

We stand with the legislature in creating new protections against illegal interference with ballots and safeguards to block any efforts to undermine confidence in free and fair elections — whether they stem from the Trump Administration, local offices, or other bad actors. Building on prior election safeguarding bills, SB 259 (Wahab) and AB 282 (Pellerin), an “Election Protection” legislative package builds on lessons learned from recent actions and threats to interfere with election administration — ensuring California has the strongest legal protections and the greatest confidence in our election systems.

Specifically, this bill creates two new felonies to deter the most repulsive acts that threaten our safe and fair elections – that which might prevent the state from certifying our election results. Under AB 282 it is a felony, punishable by imprisonment, to seize, cause, or assist in the seizure of election records, ballots or certified voting technology before election results are certified. It is also a felony for a person of authority to direct another person under their supervision or authority to do these acts too. Through actions of this Legislature, California can lead the nation in responding to threats to our democracy and ensure that all lawful votes are counted.

6. Argument in Opposition

According to Riverside County Sheriff Chad Bianco:

A search warrant is not unilateral action by law enforcement. Before property may be seized pursuant to a warrant, investigators must establish probable cause under oath or affirmation and persuade a neutral and detached judicial officer that the seizure is legally justified. AB 282 would effectively remove that independent judicial safeguard from the equation for significant categories of election evidence during the pre-certification period. Even where investigators present credible

evidence of ballot tampering, unlawful handling of ballots, falsification of election records, destruction or concealment of evidence, or another election-related crime, a magistrate would be unable to authorize removal of covered ballots or records from the elections official's custody without potentially exposing the officers executing the warrant, and supervisors directing its execution, to felony prosecution.

The Legislature should not create felony exposure for a peace officer who acts pursuant to a facially valid warrant issued by an independent court. If there are concerns regarding chain of custody or interference with the canvass, those concerns can be addressed through conditions imposed by the issuing court, including use of a special master, limits on the scope of the seizure, preservation protocols, sealing requirements, forensic imaging, or other procedures tailored to the facts of the investigation. A categorical prohibition eliminates that judicial discretion regardless of the strength of the evidence or the seriousness of the alleged crime.

The period before certification is not necessarily a period in which criminal allegations can simply wait. A credible allegation involving the handling, collection, counting, alteration, concealment, or destruction of election materials may arise while the canvass is occurring. In some circumstances, the allegation itself could involve a person or entity with access to, or responsibility for, the evidence at issue. Under those circumstances, requiring law enforcement to leave potentially critical evidence exclusively within the existing chain of custody until certification can undermine, rather than enhance, the integrity of a criminal investigation.

Probable cause does not disappear merely because an election has not yet been certified. Nor is the date of certification necessarily related to the need to preserve evidence. Courts routinely balance the government's legitimate evidentiary needs against competing privacy, operational, and constitutional interests when deciding whether to issue a warrant and what restrictions should accompany it. AB 282 removes that case-specific judicial determination and replaces it with an absolute legislative rule.

The bill's legislative finding that there is effectively no legitimate law-enforcement reason to seize these materials before certification is particularly concerning. Whether evidence must be seized in a particular investigation should depend upon the facts presented under oath to a neutral magistrate, not a categorical assumption that no legitimate circumstance could ever exist. [...]

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