
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 282 (Pellerin) - Elections: seizure of election materials

Version: August 21, 2026

Urgency: Yes

Hearing Date: August 27, 2026

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

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: AB 282 would make it a felony (1) for any person to seize ballots, election records, or voting technology from the custody of elections officials before the certification of an election, and (2) for any person with authority who directs other people under their supervision to seize ballots, election records, or voting technology.

Fiscal Impact:

- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes created by this bill. The average annual cost to incarcerate one person in jail varies by county. Actual incarceration costs to counties would depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).
- Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. While most individuals incarcerated under this bill will serve their sentences in county jail, this bill specifies that violations are punishable “pursuant to subdivision (h) of Section 1170.” Under subdivision (h) of Section 1170 of the Penal Code, if the defendant has specified prior felony convictions, the sentence for a felony shall be served in the state prison. The Legislative Analyst’s Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000.

Background: In early 2026, a local election watchdog organization raised questions regarding a reported discrepancy between the number of ballots cast in the November 2025 statewide special election and the total reported by the Riverside County Registrar of Voters (ROV). The organization estimated a difference of nearly 46,000 ballots. The ROV subsequently disputed those figures, reporting that the difference between ballots cast and ballots counted, based on official election results, was 103 ballots.

Following the concerns raised, the Riverside County Sheriff’s Department sought and obtained a Superior Court warrant on February 9, 2026, authorizing the seizure of ballots for purposes of investigating whether criminal conduct had occurred. On February 26, the Sheriff’s Department seized approximately 1,000 boxes of ballots and related election materials. The department subsequently obtained two additional warrants, including one authorizing the seizure of additional election materials and another providing for the appointment of a special master to oversee the counting of the ballots.

During the investigation, the Attorney General (AG) issued multiple directives to the Riverside County Sheriff to preserve the seized ballots and pause further investigative activity. The Attorney General also raised legal questions regarding whether the warrants were supported by probable cause and whether the magistrate had been provided with all material evidence required by law.

On April 8, 2026, the California Supreme Court ordered the Riverside County Sheriff to halt the investigation into alleged fraud related to the November 2025 special election and to preserve all seized materials. The Supreme Court indicated that it would consider the matter on an expedited basis. Proceedings remain ongoing.

Proposed Law: This bill, among other things, would do the following:

- Provide that any person who seizes or causes or assists in the seizure of ballots (as defined), election records (as defined), or certified voting technology (as defined) or any portion thereof, before election results are certified, is guilty of a felony and subject to specified penalties.
- Provide that any person with authority who directs one or more other people subject to their supervision or authority to engage in the seizure of ballots, election records, or certified voting technology or any portion thereof, before election results are certified is guilty of a felony and subject to specified penalties.

Related Legislation:

- SB 73 (Cervantes, Chapter 10, Statutes of 2026), which took effect on May 27, 2026, restricted law enforcement agencies and officers from interfering or engaging in specific conduct related to elections. The measure required the AG to provide guidance for county election officials 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 259 (Wahab) would make it a misdemeanor for any person in charge of a vote by mail ballot to interfere with its delivery to a voter. The bill also would make it a felony for any person with authority to direct other people under their supervision to interfere in either the delivery or return of a vote by mail ballot. The bill is currently pending on the Assembly Floor.
- AB 1664 (Jackson) would require a local agency, political subdivision, or elections official to provide written notice to the Secretary of State 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. The bill is currently pending on the Senate Floor.

Staff Comments: Any local government costs resulting from the mandate in this measure are not state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

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