

CONCURRENCE IN SENATE AMENDMENTS

AB 282 (Pellerin)

As Amended August 21, 2026

2/3 vote. Urgency

SUMMARY

Original Committee of Reference: Assembly Housing and Community Development

Makes it a felony 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 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.

Senate Amendments

Current Committee Recommendation: Concur in Senate Amendments

- 1) 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, two years, or three years.
- 2) States 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.
- 3) Defines "seize" and "seizure" to mean the removal from the custody and control of authorized elections officials, as specified.
- 4) Define "certified voting technology" has the same definition as in existing law, as provided above.
- 5) Define "election record" means any document or record that is or will be subject to specified preservation requirements in existing law.
- 6) Includes a severability clause.
- 7) Includes an urgency clause.
- 8) Includes legislative findings and declarations.

COMMENTS*Effect of This Bill*

In addition to addressing actions by governmental actors within California, AB 282 seeks to preemptively 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." Federal interference in state administration of elections is growing more common and extensive.¹ The federal government's network of election protection divisions across various agencies has been significantly dismantled.² States are confronting the reality of administering a midterm election where the federal government is no longer a partner and ally of states to ensure free and fair elections, but an adversary and antagonist that amplifies the purveyors of online conspiracy theories in favor of retaining career specialists in election security.³

AB 282 creates two felonies related to the seizure of ballots and election materials. The first 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 period of 16 months, two years, or three 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 two, three, or four 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.

Our Elections Code already prohibits a broad array of conduct. However, while the Elections Code contains 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. 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, Sections 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. While those statutes appear focused on altering or damaging 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 engage in the proscribed conduct, whereas existing penalties do not generally make this supervisor/subordinate distinction.

According to the Author

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.

¹ Clark, D.B. & Fifield, J. *Inside Trump's Effort to "Take Over" the Midterm Elections* (Apr. 13, 2026) ProPublica <<https://www.propublica.org/article/trump-midterm-elections-takeover>> [as of Aug. 26, 2026].

² *Ibid.*

³ *Ibid.*

"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."

Arguments in Support

According to the *United Domestic Workers/American Federation of State, County, and Municipal Workers Local 3930*, "This bill would prevent any attempt to seize ballots, election records, and certified voting technology before our election results are certified.

"Recent federal actions have significantly undermined our elections process. Our nation's highest office holders, including the Trump Administration and their allies, also 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 federal 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), of the current legislative session, 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. 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.

"For these reasons, we support SB 282 (Pellerin) and respectfully request your 'Aye' vote."

Arguments in Opposition

According to *Riverside County Sheriff Chad Bianco*, "As amended, AB 282 would add Elections Code section 18579 and, 'notwithstanding any other law,' make it a felony for any person to seize, cause, or assist in the seizure of specified election materials before certification of the election. A person with authority who directs a subordinate to conduct such a seizure could face two, three, or four years of imprisonment. While the bill incorporates limited exceptions for certain records and certified voting technology under Elections Code sections 15553 and 19230, it contains no comparable general exception allowing law enforcement to seize ballots or other covered election records pursuant to a search warrant issued upon probable cause.

"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.

"AB 282 also comes only months after the Legislature enacted SB 73 (Cervantes) Chapter 10, which became law on May 27, 2026. SB 73 substantially revised the statutory framework governing law-enforcement interaction with election materials.

"AB 282 now adds a felony provision, applies it before certification to a broader category of materials, increases punishment for supervisory personnel, and begins with the sweeping phrase 'Notwithstanding any other law.'"

"Rather than allowing SB 73 to be interpreted and implemented, AB 282 creates another overlapping criminal statute while substantial questions concerning the interaction between the Elections Code, the Penal Code search-warrant statutes, and judicial authority are already before the California Supreme Court.

"The nonspecific language of AB 282 also raises a separate *mens rea* concern. The bill does not expressly require that the prohibited seizure be committed 'knowingly,' 'willfully,' or with any

corrupt purpose. California law generally requires a culpable mental state even where a criminal statute is silent, but officers and supervisors should not be forced to litigate after the fact what mental state applies to a newly created felony carrying a potential four-year prison term. At a minimum, any such statute should expressly protect good-faith reliance on a facially valid judicial warrant.

"AB 282 is premature because the California Supreme Court is presently considering the underlying legal issues in two cases arising from Riverside County."

FISCAL COMMENTS

According to the Senate Appropriations Committee, "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."

VOTES

ASM HOUSING AND COMMUNITY DEVELOPMENT: 8-2-1

YES: Haney, Ávila Farías, Caloza, Kalra, Lee, Quirk-Silva, Wicks, Wilson

NO: Patterson, Ta

ABS, ABST OR NV: Gallagher

ASM JUDICIARY: 9-3-0

YES: Kalra, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Dixon, Sanchez, Tangipa

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 53-13-13

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

NO: Castillo, Davies, DeMaio, Dixon, Gallagher, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Tangipa, Wallis

ABS, ABST OR NV: Alanis, Arambula, Bains, Boerner, Chen, Ellis, Flora, Jeff Gonzalez, Irwin, Petrie-Norris, Celeste Rodriguez, Blanca Rubio, Ta

ASM ELECTIONS: 6-2-0

YES: Pellerin, Bennett, Berman, Elhawary, Solache, Stefani

NO: Johnson, Ellis

SENATE FLOOR: 29-10-1

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Rubio

ASM APPROPRIATIONS: 9-1-5

YES: Wicks, Arambula, Calderon, Caloza, Mark González, Krell, Pacheco, Pellerin, Solache

NO: Ta

ABS, ABST OR NV: Hoover, Dixon, Fong, Sharp-Collins, Tangipa

ASM PUBLIC SAFETY: 6-2-1

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos

NO: Alanis, Lackey

ABS, ABST OR NV: Sharp-Collins

UPDATED

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