

ASSEMBLY THIRD READING

AJR 29 (Berman)

As Introduced April 7, 2026

Majority vote

SUMMARY

States the Legislature's opposition to a recent Presidential executive order that seeks to impose new restrictions on vote by mail (VBM) voting, and calls on the United States (US) Congress to protect the constitutional authority of states to administer their own elections.

Major Provisions

- 1) States the Legislature's opposition to Executive Order No. 14399 and any other federal executive action that restricts, burdens, or interferes with California's VBM system, that seeks to improperly deputize the United States Postal Service (USPS) as an administrator of state elections, or that seeks to disenfranchise California voters who cast their ballots by mail in accordance with state law.
- 2) Specifies that the Legislature affirms the safety, security, and integrity of California's VBM system and reaffirms the right of every eligible California voter to vote by mail.
- 3) Calls upon the US Congress to reject any federal legislation that would restrict or eliminate VBM options currently available to voters in California and other states, and to protect the constitutional authority of states to administer their own elections.

COMMENTS

On March 31, 2026, President Trump issued an executive order titled "Ensuring Citizenship Verification and Integrity in Federal Elections" (Executive Order No. 14399). The order purports to restrict voting by mail to individuals included on federally created lists of US citizens.

Specifically, the order directs the Department of Homeland Security and the Social Security Administration (SSA) to compile and provide each state's election official with a "State Citizenship List" of confirmed US citizens. This list would be generated using federal citizenship and naturalization records, SSA records, and other federal databases, and is intended to identify individuals who are eligible to vote in federal elections in each state.

The order also requires states to notify the USPS at least 90 days before a federal election if they intend to allow mail-in voting. In addition, states would be required to provide the USPS, at least 60 days before the election, with a list of voters to whom ballots will be sent. The order further directs the USPS not to transmit VBM ballots from any individual who is not included on such a state-submitted list.

Finally, the order directs states and localities to preserve all records and materials related to voter participation in federal elections, including ballot envelopes but excluding cast ballots, for a period of five years.

The order has faced immediate legal challenges. On April 3, 2026, California Attorney General Rob Bonta announced that he was co-leading a coalition of 23 attorneys general and the Governor of Pennsylvania in filing a lawsuit challenging the executive order. The lawsuit, which

was filed in the US District Court for the District of Massachusetts, alleges that the executive order violates provisions of the US Constitution granting states the authority to determine the times, places, and manner for holding elections for US Senators and Representatives (subject to preemption by Congress).

The lawsuit seeks declaratory and injunctive relief against several provisions of the order, including those that: 1) direct federal agencies to create and distribute State Citizenship Lists to state elections officials, 2) require the USPS to adopt new policies for mail voting, including prohibiting the transmission of VBM ballots from individuals not included on state-submitted lists of VBM voters, and 3) mandate states to maintain certain election records for a 5-year period.

Please see the policy committee analysis for a full discussion of this resolution.

According to the Author

"Free and fair elections are the foundation of our democracy, and when the federal government oversteps its constitutional authority to undermine them, California must push back. Every Californian deserves the right to have their vote counted, and President Trump's Executive Order 14399 is a direct attack on that fundamental right. California has built one of the most secure, accessible, and trusted vote-by-mail systems in the nation, and our voters — Republicans, Democrats, and independents alike — use it in ever increasing numbers. The Constitution is clear that states run elections, not the White House or the Postal Service. And let's not forget — the same president attacking mail-in voting used it himself just last month in Florida. I am proud to author this resolution, and I will always fight to protect every Californian's access to the ballot box."

Arguments in Support

None received.

Arguments in Opposition

None received.

FISCAL COMMENTS

None. This resolution is keyed non-fiscal by the Legislative Counsel.

VOTES

ASM ELECTIONS: 6-0-2

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

ABS, ABST OR NV: Gallagher, Johnson

UPDATED

VERSION: April 7, 2026

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FN: 0002365