

THIRD READING

Bill No: AJR 29
Author: Berman (D), et al.
Introduced: 4/7/26
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 6/9/26
AYES: Wiener, Allen, Cervantes, Umberg
NOES: Choi

ASSEMBLY FLOOR: 56-14, 5/11/26 - See last page for vote

SUBJECT: Voting by mail

SOURCE: Author

DIGEST: This joint resolution states the Legislature's opposition to presidential Executive Order #14399 (EO) relating to vote by mail (VBM) voting and calls on the U.S. Congress to protect the constitutional authority of states to administer their own elections.

ANALYSIS:

Existing law:

- 1) Provides, pursuant to the U.S. Constitution, that state legislatures prescribes the times, places, and manner of holding elections for U.S. Senators and Members of the House of Representatives. Congress may, at any time, make law or alter regulations, except as to the places of choosing U.S. Senators.
- 2) Requires every active registered voter to receive a VBM ballot for any election. Election officials must begin mailing VBM ballots not later than 29 days before the election.
- 3) Requires a county elections official, upon receiving a VBM ballot, to compare the signature on the VBM ballot identification envelope with a signature appearing on any affidavit of registration of the voter, or on any form issued by

an elections official that contains the voter's signature and is part of the voter's registration record. If a signature on a VBM ballot identification envelope is missing or does not compare with the signature(s) on file, a voter is permitted to cure their signature and have their VBM ballot counted.

- 4) Requires, pursuant to federal law, election officers to retain and preserve, for a period of 22 months from the date of any election that included a candidate for federal office, all records and papers relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.
- 5) Requires, pursuant to state law, specified materials from an election that included a candidate for federal office to be preserved for 22 months from the date of the election, including all of the following: voted ballots, VBM voter identification envelopes, provisional ballot voter identification envelopes, spoiled ballots, canceled ballots, and unused VBM ballots surrendered by the voter. These records must be unopened and unaltered during the preservation period, unless an election contest or criminal prosecution commences during that period. These materials must be destroyed or recycled at the end of the preservation period.

This joint resolution:

- 1) States the Legislature's opposition to the EO and calls on the U.S. Congress to protect the constitutional authority of states to administer their own elections.
- 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 U.S. 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.

Background

Executive Order #14399 on Elections. On March 31, 2026, President Trump issued Executive Order #14399, *Ensuring Citizenship Verification and Integrity in Federal Elections*.

The EO 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 U.S. 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 EO also requires states to notify the USPS at least 90 days before a federal election if they intend to allow mail-in voting and provides for specific design requirements for VBM ballot envelopes. States would also be required to provide the USPS, at least 60 days before the election, with a list of voters to whom ballots will be sent. It further directs the USPS not to transmit VBM ballots from any individual who is not included on such a state-submitted list.

Finally, the EO 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 EO 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 EO. The lawsuit, which was filed in the U.S. District Court for the District of Massachusetts, alleges that the EO violates provisions of the U.S. Constitution granting states the authority to determine the times, places, and manner for holding elections for U.S. Senators and Representatives, subject to preemption only by Congress.

Advocate organizations, political entities, and government officials also challenged the EO. The plaintiffs argued the EO will disrupt established election procedures and causes harm to voters. In a separate ruling, a federal judge determined it was premature for the court to intervene and decided not to block the EO because the federal government has not yet acted on the EO in a way that would harm the plaintiffs.

Comments

Author's Statement. Free and fair elections are the foundation of our democracy. 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 EO is a direct attack on that fundamental right. California has built one of the most secure, accessible, and trusted VBM 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 USPS. 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.

Related/Prior Legislation

AB 37 (Berman, Chapter 312, Statutes of 2021) among other provisions, required the mailing of a VBM ballot to every active registered voter, required VBM ballot drop-off locations, and established a seven-day deadline for VBM ballots to be returned if postmarked on or before Election Day.

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

SUPPORT: (Verified 6/9/26)

None received

OPPOSITION: (Verified 6/9/26)

None received

ASSEMBLY FLOOR: 56-14, 5/11/26

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

NOES: Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Arambula, Castillo, Jeff Gonzalez, Hoover, Lowenthal, Quirk-Silva, Celeste Rodriguez, Michelle Rodriguez, Solache, Soria

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
6/10/26 16:52:24

**** **END** ****