

Date of Hearing: June 30, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1418 (Cervantes) – As Amended June 11, 2026

SUMMARY: Expands the provision that prohibits the destruction of specified voting related documents, and expands criminal and civil penalties related to wrongfully handling poll documents. Specifically, **this bill:**

- 1) Expands the felony for wrongful acts relating to an election to include knowingly taking any document, record, or certified voting technology from the custody of the elections official in violation of the law.
- 2) Expands the need to keep election related documents that have not been destroyed to not only the finality of a criminal prosecution but also to the final determination of a contest or criminal investigation, and expands the items that must be kept to include certified voting technology.
- 3) Expands the right to bring a civil action against an individual to the taking of any document, record, or certified voting technology from the custody of elections official before, during, or after an election.

EXISTING LAW:

- 1) 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.)
- 2) Provides if a contest for any such criminal prosecution has been commenced prior to the date fixed for its destruction, the package containing the voted ballots shall be subject to the order of the court in which the contest or criminal prosecution is pending and shall not be destroyed until after final determination of the contest or criminal prosecution. (Elec. Code, § 15551.)
- 3) 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.)
- 4) 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.)

- 5) Provides that in no event shall the package or its contents be taken from the custody of the elections official. (Elec. Code, § 15551.)
- 6) Makes it a felony for any person who before or during an election:
 - a) Tamper with, interferes with, or attempts to interfere with, the correct operation of, or willfully damages in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source codes;
 - b) Interferes or attempts to interfere with the secrecy of voting or ballot tally software program source codes;
 - c) Knowingly, and without authorization, makes or has in his or her possession a key to a voting machine that has been adopted and will be used in elections in this state;
 - d) Willfully substitutes or attempts to substitute forged or counterfeit ballot tally software program source codes. (Elec. Code, § 18564.)
- 7) Provides that the Secretary of State, Attorney General and any local election official in the county in which the act occurs may bring a civil action against an individual, business, or other legal entity that commits any of the following acts before, during, or after an election:
 - a) Tamper, interferes, or attempts to interfere with the correct operation of or willfully damages in order to prevent the use of any voting machine, voting device, voting system, vote tabulating device, or ballot tally software;
 - b) Interferes or attempts to interfere with the secrecy of voting or interferes or attempts to interfere with ballot tally software program source codes;
 - c) Knowingly and without authorization, gains access to or provides another person or persons with access to a voting machine for the purpose of committing one of the acts specified in this section.
 - d) Willfully substitutes or attempts to substitute forged, counterfeit, or malicious ballot tally software program source codes.
 - e) Knowingly, and without authorization, inserts or causes the insertion of uncertified hardware, software, or firmware, for whatever purpose into any voting machine, voting device, voting system, vote tabulating device or ballot tally software.
 - f) Fails to notify the Secretary of State prior to any change in hardware, software, or firmware to a voting machine, voting device, voting system or vote tabulating device, certified or conditionally certified for use in this state. (Elec. Code, § 18564.5 (a).)
- 8) Provides that a civil action may be brought for a civil penalty not to exceed \$50,000 for each act and for injunctive relief, if appropriate. (Elec. Code, § 18564.5 (a).)
- 9) Provides that it is a felony for any person to:

- a) Aids in changing or destroying any poll list or official ballot.
 - b) Aids in wrongfully placing any ballots in the ballot container or in taking any therefrom.
 - c) Adds or attempts to add any ballots to those legally polled at any election by fraudulently putting them into the ballot container, either before or after the ballots therein have been counted.
 - d) Adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at any other time, with intent to change the result of the election, or allows another to do so, when in his or her power to prevent it.
 - e) Carries away or destroys, attempts to carry away or destroy, or knowingly allows another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled who willfully detains, mutilates, or destroys any election returns.
 - f) Removes an unvoted ballot from the polling place before the completion. (Elec. Code, § 18568.)
- 10) 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.)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsor:** Office of the Attorney General Rob Bonta
- 2) **Author's Statement:** According to the author, “Democracy in California is under attack, not only by the Trump Administration but also by some officials in our state, including Riverside County Sheriff Chad Bianco. In March, Sheriff Bianco seized more than 600,000 voted ballots from the 2025 statewide special election on Proposition 50 from the Riverside County Registrar of Voters as part of a sham investigation driven by conservative extremist groups. This seizure was in violation of state law, which required that voted ballots remain in the custody of county registrars. In response, my Senate Bill 73 provided additional guardrails against the seizure of ballots from the custody of county registrars. However, in April, a group of press organizations including CalMatters successfully petitioned a court to unseal the warrants Bianco obtained. They found that, in addition to voted ballots, those warrants authorized the seizure of other election records from the Riverside County Registrar of Voters. Senate Bill 1418 is a follow-up to SB 73 that will extend the protections in that bill to other kinds of election records, including voting machines and voting software, and protect the chain of custody of those materials.”
- 3) **Expansion/update of felony:** Existing law makes it a jail felony for any person to do specified acts related to official ballots and other election related materials including “knowingly taking a package containing voted ballots or its contents from the custody of the

elections code official.” (Elec. Code, § 18568, subd. (i).) This bill deletes the reference to a package containing voted ballots or its contents and instead makes it a felony to knowingly take “any document, record, or certified voting technology” from the custody of the elections official.

- 4) **Expansion/update of civil action:** This bill will be heard in Elections Committee after this Committee, and this issue is primarily their jurisdiction. Existing law allows the Secretary of State, Attorney General, and any local election official in the county to bring a civil action for specific election tampering acts. One of those specific acts is the taking of any package containing the voted ballots or its contents from the custody of the elections official. This bill deletes the taking of any package and instead allows a civil action for taking “any document, record, or certified voting technology” from the custody of the elections official.
- 5) **Preservation requirements:** Another section more in the purview of the Elections Committee, this bill also expands which documents must be preserved when there is a criminal prosecution and also makes that requirement applicable to any contest or criminal investigation.
- 6) **Argument in Support:** According to the *Office of the Attorney General Rob Bonta*, “California law currently provides protections for voted ballots by narrowly limiting their use to election contests and certain criminal prosecutions subject to court order, and by requiring that elections official always maintain physical custody over the voted ballots. However, election administration increasingly relies on a broader range of records (including electronic records), equipment, and certified voting technologies that may be necessary to investigate allegations of election misconduct, resolve election contests, or preserve evidence during criminal prosecution of an election crime. “

“SB 1418 would address these concerns by expanding an existing prohibition in state law (Elections Code section 15551, subdivision (d)) on removing voted ballots from the custody of local elections officials. SB 1418 would expand that prohibition to any record or document that must be preserved by elections officials under law, certified voting technologies and electronic data, and any other election material or equipment necessary to conduct an election. “

“With state and federal law enforcement actors becoming more emboldened to meddle in election administration, SB 1418 seeks to protect our most important election materials by keeping them in the custody of elections officials, even when subject to a search warrant.”

- 7) **Argument in Opposition:** None submitted.
- 8) **Related Legislation:** SB 884 (Umberg) makes, for elections through 2029, a number of changes regarding mail in ballots and activities near a polling place including limiting the ability of law enforcement to make arrests during voting hours. SB 884 is scheduled for hearing today in this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Office of The Attorney General Rob Bonta

Opposition

None submitted.

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