

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Public Safety	Vote:	8 - 1
	Elections		6 - 2

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill expands the list of elections-related items protected from destruction or seizure under existing laws.

Specifically, this bill:

- 1) Expands existing law prohibiting destruction of voted ballots before the final determination of a contest or criminal prosecution to also: (a) cover certain documents required to be preserved after an election and certified voting technology, and (b) extend to the destruction of all such items prior to the final determination of a criminal investigation.
- 2) Expands existing law prohibiting voted ballots from the custody of an elections official to also apply to certain documents required to be preserved after an election, certified voting technology, or any other election-related material or equipment necessary for the conduct of an election; authorizes the Secretary of State (SOS), Attorney General (AG), or applicable local elections official to enforce the prohibition through a civil action; and makes a knowing violation of the prohibition a crime.

FISCAL EFFECT:

- 1) Ongoing cost pressures of an unknown amount, potentially in excess of \$150,000, to the courts in additional workload by allowing the AG, SOS, or a county elections official to file a civil action against a person who takes certain elections materials from the custody of an elections official, and by making such an act a felony, for which a defendant is entitled to no-cost legal representation and a jury trial (General Fund (GF) or Trial Court Trust Fund (TCTF)). It is unclear how many actions or prosecutions may commence statewide and how much court time may be needed to resolve each case, but it generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in fiscal year 2025-26.
- 2) Potential incarceration costs of an unknown amount, likely to the counties instead of the state, to the extent prosecutions of the crime expanded by this bill result in imprisonment (local funds, GF cost pressures). Actual incarceration costs will depend on the number of convictions and the length and location of each county jail sentence. The average annual cost to incarcerate one person in county jail is approximately \$29,000, with higher costs in larger

counties. Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates GF cost pressures because the state has historically granted new funding to counties to offset overcrowding resulting from 2011 public safety realignment.

- 3) The SOS and DOJ report no significant costs, indicating that neither entity is likely to pursue the civil action allowed by this bill. However, in light of heightened political distrust and speculation about elections security across the nation and state, it is possible that the SOS or DOJ may undertake such an enforcement measure, with actual costs depending on how often the SOS or DOJ pursue an action and the level of additional staffing needed to handle the related workload.

COMMENTS:

- 1) **Purpose.** According to the author:

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...In response, my [SB] 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. [SB] 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.

This bill is sponsored by AG Rob Bonta.

- 2) **Seizure of Ballots in Riverside County.** In February 2026, the Riverside County Sheriff's Department applied to the Riverside County Superior Court for a search warrant authorizing a search of the Riverside County Registrar of Voters office and the seizure of all ballots from the November 2025 statewide special election. In March 2026, AG Rob Bonta filed a petition in the California Court of Appeal, Fourth Appellate District, Division Two, seeking an immediate stay on the sheriff's investigation and warrant. The Court of Appeal denied the requested relief, concluding that the AG should have first sought relief in the Riverside County Superior Court. The AG subsequently petitioned the California Supreme Court for relief, which granted review, ordered a pause in the investigation, and directed all seized materials be preserved. Proceedings remain ongoing, and court has indicated the matter will be considered on an expedited basis.

SB 73 (Cervantes), Chapter 10, Statutes of 2026, was enacted as an urgency measure to prohibit a person from allowing a law enforcement agency to take possession of certain election materials or certified voting technology unless authorized by a court order or to investigate certain violations of related state law. SB 73 also makes it a crime for a person to knowingly take a package containing voted ballots from the custody of the elections official. This bill broadens the crime to instead apply to certain documents required to be preserved after an election, certified voting technology, or any other election-related material or

equipment necessary for the conduct of an election and makes similar expansions to other provisions of existing law providing for civil enforcement against such takings and prohibiting the destruction of voted ballots.

- 3) **Related Legislation.** AB 1664 (Jackson) requires certain local entities to provide written notice to the SOS and AG immediately, but no later than one calendar day, after becoming aware of a legal investigation of the entity's election records or voting systems and authorizes the SOS or AG to intervene in court. AB 1664 is pending hearing by the Senate Appropriations Committee.

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