

SENATE THIRD READING
SB 1418 (Cervantes)
As Amended August 13, 2026
2/3 vote. Urgency

SUMMARY

Makes it a crime to take specified election materials or voting technology from the custody of elections officials. Requires the preservation of election materials and voting technology if an election contest or criminal proceeding is ongoing.

Major Provisions

- 1) Prohibits specified election materials that are required to be retained after an election, or certified voting technology, from being taken from the custody of the elections official. Permits the Secretary of State (SOS), the Attorney General (AG), or a county elections official to bring a civil action against any person who takes such materials from the custody of the elections official. Makes it a crime, punishable by a \$1,000 fine, imprisonment for up to three years, or by both, for a person to knowingly take such materials from the custody of the elections official.
- 2) Prohibits the destruction of specified materials or certified voting technology from an election while a contest, criminal investigation, or criminal prosecution related to that election is pending.
- 3) Requires electronic media that contains election data to be secured during the retention period for that data, as specified.
- 4) Contains an urgency clause, allowing this bill to take effect immediately upon enactment.

COMMENTS

In February, the Riverside County Sheriff's Department applied to the 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.

The affidavit supporting the warrant stated that a local election watchdog group had conducted an audit and concluded that the number of ballots cast differed from the official total reported by the Registrar of Voters by nearly 46,000 ballots. However, the affidavit does not indicate that the Sheriff's Department contacted the Registrar's office to seek a response or took any other steps to attempt to substantiate these allegations. It also does not identify any specific individual suspected of wrongdoing or any particular crime believed to have been committed.

Instead, just three days after receiving an email from the watchdog group alleging discrepancies, the Sheriff's Department sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." This request was made even though the department acknowledged that the Registrar of Voters was scheduled to present information addressing the alleged discrepancies to the Board of Supervisors the following day. At that presentation, the Registrar disputed the watchdog group's figures, stating that the difference between ballots cast and ballots counted, based on official results, was 103 ballots.

The Sheriff's Department later obtained two additional search warrants: one to seize additional election materials (beyond ballots) and another to appoint a special master to oversee the department's counting of ballots. By the time the third warrant was requested, the department had already opened boxes of ballots and had begun counting them, despite state laws generally requiring ballots to remain sealed and in the custody of the elections official during the retention period.

In March, Attorney General Rob Bonta filed a petition in Appellate Court seeking an immediate stay of the Sheriff's investigation and the warrant appointing a special master. The AG's office expressed "grave concerns about the legal sufficiency" of the search warrants and stated that it had directed the Sheriff's Department to pause its investigation while the state reviewed the matter and determined next steps. According to the petition, the Sheriff indicated he would comply. That, however, did not occur and the Sheriff continued to take actions related to the investigation, including obtaining the third warrant without notifying the AG.

The Appellate Court 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. In April, the Supreme Court granted review, ordered a pause in the investigation into the November 2025 statewide special election, and directed that all seized materials be preserved. Proceedings remain ongoing, and the Court has indicated it will consider the matter on an expedited basis.

Regardless of the current procedural posture, the fact that the Sheriff's Department obtained a warrant and seized ballots and other election materials without identifying a specific crime or suspect raises significant concerns about the security and chain of custody of election materials. Ballots and other materials from the 2025 statewide special election are no longer in the county elections official's custody but instead are held by the Sheriff's Department.

There have been various reports that the United States Department of Justice (US DOJ) has requested election records or access to voting equipment in various states. According to the Brennan Center for Justice, last year, the federal administration sought access to voting equipment in Colorado, Missouri, and Minnesota.

In January, the Federal Bureau of Investigation (FBI) raided election offices in Fulton County, Georgia and seized more than 600 boxes of ballots and other election materials from the 2020 election pursuant to a search warrant. In addition to physical ballots from the 2020 general election, the warrant sought tabulator tapes for every voting machine and ballot images that were created from ballot scanning from the 2020 General Election in Fulton County. Additionally, the warrant targeted voter rolls from the 2020 General Election including lists of voters who were issued and returned absentee ballots or who participated in advanced voting or election day voting. In February, Fulton County officials filed an emergency motion in federal court seeking the return of the election records seized by the FBI, and in April, a federal judge ordered the US DOJ to turn over key details behind its seizure of 2020 election records in Fulton County, Georgia. The case is pending.

Additionally, in April, the New York Times reported that the US DOJ sent a letter to the chief elections officer in Wayne County, Michigan requesting election records—including ballots—from the November 2024 federal election.

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.”

Arguments in Support

The sponsor of this bill, Attorney General Rob Bonta, writes in support, “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.”

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

SENATE FLOOR: Vote Not Relevant

YES:

ABS, ABST OR NV:

ASM PUBLIC SAFETY: 8-1-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

NO: Lackey

ASM ELECTIONS: 6-2-0

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

NO: Johnson, Ellis

ASM APPROPRIATIONS: 11-2-2

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Tangipa

ABS, ABST OR NV: Hoover, Ta

UPDATED

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