

UNFINISHED BUSINESS

Bill No: SB 1418
Author: Cervantes (D), et al.
Amended: 8/13/26
Vote: 27 - Urgency

PRIOR SENATE VOTES NOT RELEVANT

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 8/26/26
AYES: Wiener, Allen, Cervantes, Umberg
NOES: Choi

ASSEMBLY FLOOR: 60-13, 8/20/26 - See last page for vote

SUBJECT: Preservation of election materials

SOURCE: Attorney General Rob Bonta

DIGEST: This bill makes it a crime to take specified election materials or voting technology from the custody of election officials. This bill also expands the types of materials required for preservation if an election contest or criminal proceeding is ongoing.

Assembly Amendments replaced this bill's original contents with the current language.

ANALYSIS:

Existing law:

- 1) Prohibits packages containing voted ballots from an election from being destroyed if an election contest or criminal prosecution related to those ballots is ongoing. The packages of voted ballots from an election cannot be taken from the custody of the elections official.

- 2) Requires the elections official to preserve all rosters or combined rosters and voter lists from an election until five years after the date of the election. The elections official may destroy those materials after that five-year period.
- 3) Requires the elections official to keep ballots, paper cast vote records, and ballot identification envelopes in packages that remain unopened and unaltered for 22 months from the date of the election where candidates for one or more of the following federal offices are voted upon: President, Vice President, United States Senator, and United States Representative. For any other election, these materials must be retained for six months. The elections official must destroy or recycle these unopened items at the end of the retention period unless an election contest or criminal prosecution commences during that period.
- 4) Requires the elections official to keep any tally sheets used for manually tallying ballots, lists of challenged voters, and lists of assisted voters from an election in packages for 22 months from the date of a federal election and for six months from the date of any other election. The elections official may destroy or recycle the packages at the end of the retention period unless an election contest or criminal prosecution commences during that period. Voters are permitted to inspect the contents of the packages if certain conditions are met.
- 5) Prohibits any person from permitting an agent of a law enforcement agency to access, disrupt, modify, or take possession of rosters, combined rosters, voter lists, or certified voting technology unless authorized by a court order or to investigate a violation of state law prohibiting fraudulent voting.
- 6) Makes it a felony for a person to tamper with voting devices, or to interfere with the secrecy of election equipment source codes, including knowingly breaking the chain of custody for certified voting technology without authorization.
- 7) Permits the Secretary of State (SOS), the Attorney General (AG), or a county elections official to bring a civil action against any person who tampers with voting technology.
- 8) Defines “certified voting technology” as any certified voting technologies certified by the SOS, including voting systems, ballot on demand printing systems, electronic poll book systems, or adjudication systems, and the hardware, firmware, software, proprietary intellectual property they contain,

any components, and any products they generate, including ballots, ballot images, reports, logs, cast vote records, or electronic data.

- 9) Defines “electronic data” to include voting technology software, operating systems, databases, firmware, drivers, and logs.

This bill:

- 1) Prohibits specified election materials required to be retained after an election, certified voting technology, or electronic data from being taken from the custody of the elections official.
- 2) Permits the SOS, the AG, or a county elections official to bring a civil action against any person who takes materials in 1) of this bill from the custody of the elections official.
- 3) 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 materials in 1) of this bill from the custody of the elections official.
- 4) Prohibits the destruction of specified materials, certified voting technology, or electronic data from an election while a contest, criminal investigation, or criminal prosecution related to that election is pending.
- 5) Requires electronic media that contains election data to be secured during the retention period for that data.
- 6) Requires the provisions of this bill be construed and applied in a manner that is consistent with the requirements of the California Constitution and the U.S. Constitution.
- 7) Contains an urgency clause.

Background

Riverside County. In early 2026, a local election watchdog group raised concerns that the number of ballots cast in the November 2025 statewide special election differed from the official total reported by the Riverside County Registrar of Voters (ROV) by nearly 46,000 ballots. Taking these concerns into consideration, the Riverside County Sheriff’s Department applied to the Superior Court and

sought a warrant to seize the ballots “in order to prove or disprove any criminal conduct.” The court issued a judicial warrant on February 9, 2026.

At a presentation to the Riverside County Board of Supervisors on February 10, 2026, the ROV addressed the alleged discrepancies and disputed the watchdog group’s figures. The ROV noted the difference between ballots cast and ballots counted, based on official results, was 103 ballots.

On February 26, 2026, the Sheriff’s Department seized about 1,000 boxes of ballots and ballot materials.

The Sheriff’s Department also obtained two additional search warrants: one to seize additional election materials (beyond ballots) and another to appoint a special master to oversee the Sheriff Department’s counting of ballots.

As this process unfolded, the AG issued multiple letters directing the Riverside County Sheriff to preserve all seized ballots and pause further action. The AG further questioned whether the warrants were supported by probable cause and whether the Riverside County Sheriff’s Department presented the magistrate with all the material evidence required by law.

On April 8, 2026, the California Supreme Court ordered the Riverside County Sheriff to halt his investigation into alleged fraud in the November 2025 special election and preserve all seized items. Proceedings remain ongoing, and the California Supreme Court indicated that this matter will be considered on an expedited basis.

Connecting SB 73, AB 1664, and SB 851. SB 73 (Cervantes, Chapter 10, Statutes of 2026), which took effect on May 27, 2026, restricted law enforcement agencies and officers from interfering or engaging in specific conduct related to elections. Among other provisions, the measure required the AG to provide guidance for county election officials and managers of election sites regarding how to respond to requests for access by law enforcement agencies for election-related materials and locations. The bill also prohibited a peace officer from interfering in any manner with the administration of any election in this state, including the seizure of specified voter data and voting technology, unless certain conditions are met.

AB 1664 (Jackson) of 2026 is related to SB 73 and would require a local agency, political subdivision, or elections official to provide notice to the SOS and the AG immediately, but no later than one calendar day, after becoming aware of any

warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology.

Both these bills stem from SB 851 (Cervantes, Chapter 238, Statutes of 2025) which, among other provisions, expanded the prohibition for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling location to include an officer or agent of a federal law enforcement agency, unless certain conditions are met. The author sought to “ensure that federal agents are treated the same way as state and local law enforcement so that it is a crime to hire or arrange for law enforcement to be posted at or near a voting location or county registrar’s office without authorization.”

Comments

- 1) *Author’s Statement.* 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, SB 73 provided additional guardrails against the seizure of ballots from the custody of county registrars. Then, 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. This bill 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.

Related/Prior Legislation

SB 73 (Cervantes, Chapter 10, Statutes of 2026) restricts law enforcement agencies and officers from engaging in specified conduct related to elections.

SB 259 (Wahab) of 2026 makes it a misdemeanor for any person in charge of a vote by mail ballot to interfere with its delivery to a voter. The bill also makes it a

felony for any person with authority to direct other people under their supervision to interfere in either the delivery or return of a vote by mail ballot.

SB 884 (Umberg) of 2026 extends the time vote by mail drop off locations are open and modifies the type and range of prohibited activities near a polling location for elections held or proclaimed in 2026, 2027, 2028, and 2029.

AB 282 (Pellerin) of 2026 makes it a felony for any person to seize ballots, election records, or voting technology before the certification of an election from the custody of the elections official. The bill also makes it a felony for any person with authority who directs other people under their supervision to seize ballots, election records, or voting technology.

AB 1664 (Jackson) of 2026 requires a local agency, political subdivision, or elections official to provide written notice to the SOS and the AG no later than one calendar day after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology.

SB 851 (Cervantes, Chapter 238, Statutes of 2025) among other provisions, required state agencies and local governments to provide written notice to the AG and the SOS within three court days after the agency or jurisdiction files or is served with a court action that contains a claim relating to elections arising under federal law.

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

According to the Assembly Committee on Appropriations:

- 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.

SUPPORT: (Verified 8/26/26)

Attorney General Rob Bonta (source)

OPPOSITION: (Verified 8/26/26)

None received

ARGUMENTS IN SUPPORT: In a letter sponsoring this bill, Attorney General Rob Bonta states the following:

[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.

[...]

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

ASSEMBLY FLOOR: 60-13, 8/20/26

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

NOES: Castillo, Davies, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Johnson, Lackey, Macedo, Patterson, Tangipa

NO VOTE RECORDED: Alanis, Chen, Hoover, Sanchez, Ta, Wallis

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106

8/26/26 18:53:38

**** END ****