

Date of Hearing: August 25, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
SB 259 (Wahab) – As Amended August 20, 2026

SENATE VOTE: [not relevant]

SUBJECT: Elections: vote by mail ballots.

SUMMARY: Makes it a felony for a person with authority to direct a person subject to their supervision or authority to interfere with the delivery of a vote by mail (VBM) ballot. Makes it a misdemeanor for a person who has charge of a VBM ballot to interfere with its delivery to a voter. Specifically, **this bill:**

- 1) Makes it a misdemeanor, punishable by imprisonment in county jail for up to six months, a fine of up to \$10,000, or both, for a person who has charge of a VBM ballot to willfully interfere or cause interference with its delivery to a voter.
- 2) Makes it a felony, punishable by imprisonment for two, three, or four years, for a person with authority to direct one or more other persons subject to their supervision or authority to interfere with the delivery of a VBM ballot to a voter or to interfere with the return of a voter's completed VBM ballot to the elections official.
- 3) Provides, for the purpose of this bill, that "interference" includes providing unauthorized access to, breaking the chain of custody for, or tampering with a VBM ballot, or failing to return it to the applicable election official after being designated by the voter to return the ballot.
- 4) Contains an urgency clause, allowing this bill to take effect immediately upon enactment. Specifies that the need for the urgency clause is so that the bill will apply to the November 3, 2026, statewide general election.

EXISTING LAW:

- 1) Requires an elections official to mail a ballot to every active registered voter for every election in which the voter is eligible to participate. Requires the elections official to begin mailing VBM ballots not later than 29 days before the election, as specified. (Elections Code §§3000.5, 3001, 3010)
- 2) Makes it a misdemeanor, punishable by imprisonment in the county jail for up to six months, a fine of up to \$10,000, or both, for a person who has charge of a completed VBM ballot to willfully interfere or cause interference with its return to the local elections official having jurisdiction over the election. (Elections Code §18577)
- 3) Makes it a felony, punishable by imprisonment for 16 months or two or three years, a fine of up to \$1,000, or both, for a person to apply for, or to vote or attempt to vote, a VBM ballot by

fraudulently signing the name of a fictitious person, or of a regularly qualified voter, or of a person who is not qualified to vote. (Elections Code §18578)

FISCAL EFFECT: Unknown. State-mandated local program; contains a crimes and infractions disclaimer.

COMMENTS:

- 1) **New Bill:** This bill recently was amended at the request of the author to delete its prior contents and add the current provisions. As a result, prior votes and analyses are not relevant. The current version of this bill proposes policy changes that have not been heard in an Assembly or Senate policy committee during this legislative session.

- 2) **Purpose of the Bill:** According to the author:

SB 259 protects and strengthens California’s commitment to accessible, secure, and trustworthy elections by ensuring that vote-by-mail (VBM) ballots are protected from tampering. For millions of Californians, voting by mail provides the flexibility they need to make their voices heard. Whether a voter is working long hours, caring for family, living with a disability, serving in the military, or attending school, voting by mail removes unnecessary barriers to participation.

Our democracy is strongest when every eligible voter can cast a ballot freely, securely, and with confidence that it will be counted. SB 259 comes at a critical moment, as the federal administration continues to sow doubt about the integrity of our election system. We must vigorously protect the security of our elections without allowing false claims of voter fraud to be used as a pretext to restrict lawful access to the ballot.

Election security and voting access are not competing values—we can and must protect both. SB 259 does exactly that. To ensure these safeguards are in place before the November 2026 General Election, it is essential that SB 259 take effect immediately.

- 3) **March 2026 Executive Order on Elections:** On March 31, 2026, President Trump issued an executive order titled “Ensuring Citizenship Verification and Integrity in Federal Elections” (Executive Order No. 14399). The order purports to restrict voting by mail to individuals included on federally created lists of United States (US) citizens.

Specifically, the order directs the Department of Homeland Security (DHS) and the Social Security Administration (SSA) to compile and provide each state’s election official with a “State Citizenship List” of confirmed US 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 order also requires states to notify the United States Postal Service (USPS) at least 90 days before a federal election if they intend to allow mail-in voting. In addition, states would be required to provide the USPS, at least 60 days before the election, with a list of voters to

whom ballots will be sent. The order further directs the USPS not to transmit VBM ballots from any individual who is not included on such a state-submitted list. Additionally, the order instructs the USPS to propose rules for mail-in ballots.

In April, 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 executive order. The lawsuit, which was filed in the US District Court for the District of Massachusetts, alleges that the executive order violates provisions of the US Constitution granting states the authority to determine the times, places, and manner for holding elections for US Senators and Representatives (subject to preemption by Congress).

The lawsuit seeks declaratory and injunctive relief against several provisions of the order, including those that: (1) direct federal agencies to create and distribute State Citizenship Lists to state elections officials, (2) require the USPS to adopt new policies for mail voting, including prohibiting the transmission of VBM ballots from individuals not included on state-submitted lists of VBM voters, and (3) mandate states to maintain certain election records for a 5-year period.

On June 25, 2016, US District Court for the District of Massachusetts granted the coalition's motion for summary judgment and permanently blocked key provisions of executive order from taking effect in the 24 plaintiff states through the November 3, 2026 general election. Specifically, the court struck down the provision ordering the DHS to create "State Citizenship Lists" of eligible voters and threatening prosecution of state officials who mail ballots to ineligible voters, as well as the provision directing the USPS to initiate rulemaking to create its own voter eligibility lists and limit the mailing of absentee ballots to voters not included on those lists.

The ruling was appealed and on July 26, 2026, the US Court of Appeals for the First Circuit denied requests by the US Department of Justice and intervenor states to pause a district court order blocking key provisions of the executive order in the plaintiff states for the upcoming fall midterm elections while the appeal proceeds. On August 24, 2026, the US Supreme Court stayed the District Court's injunction, finding that the lower court was wrong to block provisions of the executive order before the DHS and the USPS issued rules consistent with that order, and concluding that the appropriate time for states to challenge those rules is once they were finalized. In its opinion, the Supreme Court noted that its decision "does not mean that any measure taken by the Government to implement the Order will necessarily be lawful."

- 4) **Voting by Mail and Previous Legislation:** As an accommodation to facilitate voting at the 2020 general election during the height of the COVID-19 pandemic, the Legislature approved and Governor Newsom signed AB 860 (Berman), Chapter 4, Statutes of 2020, which required county elections officials to mail a ballot to every active registered voter for the November 3, 2020, statewide general election, among other provisions. AB 37 (Berman), Chapter 312, Statutes of 2021, made this policy of requiring county elections officials to mail a ballot to all active registered voters permanent. At every statewide election held since California began mailing a ballot to every active registered voter, more than 80% of Californians who voted did so using a VBM ballot.

- 5) **Increases Penalties:** Existing law makes it a crime for any person having charge of a VBM ballot to interfere with its return to the local elections official. This bill expands existing law and makes it a crime for any person who has charge of a VBM ballot to interfere with its *delivery* to a voter.

Additionally, this bill creates a new crime and makes it a felony for a person *with authority* to direct one or more persons subject to their supervision or authority to interfere with the delivery of a VBM ballot to a voter or to interfere with the return of a voter's completed VBM ballot to the elections official.

- 6) **Current Protections in California:** California law has long included robust protections against election interference, and the Legislature has strengthened these protections in recent years in response to escalating hostility and contentious discourse surrounding elections.

This bill seeks to add further safeguards against potential interference by the federal government or other actors. According to the author, this bill will provide additional protections for California's VBM process before the November 2026 general election.

- 7) **Related Legislation:** AJR 29 (Berman), Resolution Chapter 195, Statutes of 2026, states the Legislature's opposition to a recent Presidential executive order that seeks to impose new restrictions on VBM voting, and calls on the US Congress to protect the constitutional authority of states to administer their own elections. AJR 29 was adopted by the Legislature on August 20, 2026.

- 8) **Double Referral:** This bill has also been referred to the Assembly Public Safety Committee. It was scheduled to be heard in that committee on the morning of August 25, 2026. If this bill is approved by the Assembly Public Safety Committee, it subsequently is scheduled to be heard by this committee.

This analysis focuses on policy issues within the jurisdiction of the Assembly Elections Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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