

Date of Hearing: August 27, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 259 (Wahab) – As Amended August 20, 2026

Policy Committee:	Privacy and Consumer Protection	Vote:	Vote not relevant
	Public Safety		7 - 2
	Elections		6 - 2

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

SUMMARY:

This bill makes it a crime to interfere with a ballot's delivery to a voter or return to the local elections official.

More specifically, this bill:

- 1) Makes it a misdemeanor for a person having charge of a vote by mail (VBM) ballot to willfully interfere or cause interference with the ballot's delivery to a voter.
- 2) Makes it a felony for a person with authority to direct another person to willfully interfere or cause interference with a ballot's delivery to a voter or return to the local elections official.
- 3) Defines "interference" to include providing unauthorized access to, breaking the chain of custody for, or tampering with a VBM ballot, as well as failing to return a VBM ballot to the local elections official after having been designated to return the ballot pursuant to certain rules prescribed under existing law.

FISCAL EFFECT:

- 1) Ongoing cost pressures of an unknown amount to the courts in additional workload by creating a new misdemeanor and 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 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 crimes created 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.

COMMENTS:

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

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.

This bill is supported by labor organizations.

2) **Background. *Federal VBM Restrictions.*** On March 31, 2026, President Trump issued Executive Order (EO) 14399 to restrict voting by mail to individuals included on federally created lists of U.S. citizens. The EO directs the Department of Homeland Security and Social Security Administration to compile and provide each state's elections official with a "State Citizenship List" that identifies individuals eligible to vote in federal elections in each state. The EO also requires each state to provide the United States Postal Service (USPS) a list of voters to whom ballots will be sent and directs the USPS not to transmit VBM ballots from an individual not included on the state-submitted list. California and other states have filed legal challenges against the EO. On August 24, 2026, the U.S. Supreme Court stayed a district court's injunction blocking key provisions of the EO from taking effect, concluding that the appropriate time for states to challenge the rules is once they are finalized.

State VBM Protections. AB 860 (Berman), Chapter 4, Statutes of 2020, required a county elections official to mail a ballot to every active registered voter for the November 3, 2020, statewide general election to facilitate voting during the COVID-19 pandemic. Since then, the practice has continued and more than 80% of Californians at each statewide election have voted using a VBM ballot. Existing law makes it a misdemeanor for a person having charge of a completed VBM ballot to willfully interfere or cause interference with the ballot's return to the local elections official. This bill makes it a misdemeanor to interfere with a VBM ballot's delivery to a voter and makes it a felony for a person with authority to direct another person to interfere with the return or delivery of a VBM ballot.

3) **Related Legislation.** SB 73 (Cervantes), Chapter 10, Statutes of 2026, makes it a crime for a person to knowingly take a package containing voted ballots from the custody of the elections official, among other provisions.

SB 1418 (Cervantes) expands the list of elections-related items protected from destruction or seizure by SB 73 and other existing laws. SB 1418 is pending concurrence in Assembly amendments.

AB 282 (Pellerin) makes it a felony to seize or direct another person to seize ballots, election records, or certified voting technology before election results are certified by the elections official. AB 282 is pending hearing by the Senate Appropriations Committee.

Analysis Prepared by: Irene Ho / APPR. / (916) 319-2081