

SENATE THIRD READING
SB 259 (Wahab)
As Amended August 20, 2026
2/3 vote

SUMMARY

Makes it a misdemeanor for any person having charge of a vote by mail (VBM) ballot to interfere, as defined, with a ballot's delivery to a voter, 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 a ballot's return to the local elections official or delivery to a voter.

Major Provisions

- 1) States that any person having charge of a VBM ballot who willfully interferes or causes interference with its delivery to a voter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding \$10,000, or by both the fine and imprisonment.
- 2) Provides that any person with authority who directs one or more other persons subject to their supervision or authority to engage in the specified conduct prohibited is guilty of a felony punishable by imprisonment for two, three, or four years.
- 3) Defines "interference" to include, but is not limited to, providing unauthorized access to, breaking the chain of custody for, or tampering with a vote by mail ballot, or, having been designated to return a ballot, as specified, failing to return that ballot to the applicable elections official.
- 4) Contains an urgency clause.

COMMENTS

Effect of this Bill: SB 259 would punish any person having charge of a VBM ballot who willfully interferes or causes interference with its delivery to a voter with a misdemeanor, including imprisonment in the county jail not exceeding six months, by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment. This bill also would punish with a felony any person with authority who directs one or more other persons subject to their supervision or authority to engage in certain prohibited conduct with a felony, punishable by imprisonment for two, three, or four years. Interference under this bill would be defined to include "providing unauthorized access to, breaking the chain of custody for, or tampering with a vote by mail ballot, or, having been designated to return a ballot, as specified, failing to return that ballot to the applicable elections official," but not limit the definition to such conduct.

The need to create these new crimes is somewhat unclear. Existing law establishes numerous crimes that may already encompass the type of conduct these new crimes seek to address. It is also a felony to threaten or make use of any force, violence, tactic, coercion, or intimidation, or to induce or compel another person to vote or refrain from voting. (Elec. Code, § 18540, subd. (a); see also 52 U.S.C. § 10307(b).) Additionally, it is a felony, punishable by imprisonment for up to 4 years to knowingly take a package containing voted ballots or their contents from the

custody of an election official in violation of the prohibition that “in no event shall a package containing the voted ballots or its contents be taken from the custody of the election official.” (Elec. Code, §§ 18568; 15551, subd. (d)). Furthermore it is a felony punishable by imprisonment for up to 3 years to carry away or destroy, or knowingly allow another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled or to willfully detain, mutilate, or destroy any election returns, or to remove any unvoted ballots from the polling place before the completion of the ballot count. (Elec. Code, § 18568, subd. (e).) Finally, it is a felony, also punishable by imprisonment for up to 4 years to tamper with or interfere with the correct operation of, or willfully damage to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source code. (Elec. Code, § 18564).

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.”

Arguments in Support

According to the *United Domestic Workers/American Federation of State, County, and Municipal Workers Local 3930*, “This bill would establish a new felony for a person in a position of authority who directs another person subject to their supervision or authority to interfere with a ballot’s delivery to a voter or return to a local elections official.

Additionally, this bill adds a misdemeanor punishing anyone who interferes with the delivery of a vote by mail (VBM) ballot to a voter.

Recent federal actions have significantly undermined our elections process. Our nation’s highest office holders, including the Trump Administration and their allies, also seek to further falsehoods to sow doubt in our nation’s elections, discourage voting, and encourage interference in the certification of election results. While we would hope our nation would never be home to such brazen activities to undermine democracy, just this year, in California and Georgia, conspiracy theorists seeking to undermine long-ago certified election results seized and attempted to seize ballots and election records. These growing threats highlight why California must act now to strengthen California law ahead of this year's elections.

We stand with the legislature in creating new protections against illegal federal interference with ballots and safeguards to block any efforts to undermine confidence in free and fair elections — whether they stem from the Trump Administration, local offices, or other bad actors. Building on prior election safeguarding bills, SB 259 (Wahab), and AB 282 (Pelerin), an “Election Protection” legislative package builds on lessons learned from recent actions and threats to interfere with election administration — ensuring California has the strongest legal protections and the greatest confidence in our election systems. Through actions of this Legislature, California can lead the nation in responding to threats to our democracy and ensure that all lawful votes are counted.

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

SENATE FLOOR: 30-9-1

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Reyes

ASM PRIVACY AND CONSUMER PROTECTION: 10-4-1

YES: Bennett, Bryan, Irwin, Lowenthal, McKinnor, Ortega, Pellerin, Ward, Wicks, Wilson

NO: Dixon, DeMaio, Hoover, Patterson

ABS, ABST OR NV: Petrie-Norris

ASM JUDICIARY: 8-3-1

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Papan, Stefani, Zbur

NO: Dixon, Macedo, Sanchez

ABS, ABST OR NV: Pacheco

ASM ELECTIONS: 6-2-0

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

NO: Johnson, Ellis

ASM PUBLIC SAFETY: 7-2-0

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

NO: Alanis, Lackey

ASM APPROPRIATIONS: 9-3-3

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

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Hoover, Arambula, Pacheco

UPDATED

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