

UNFINISHED BUSINESS

Bill No: SB 259
Author: Wahab (D)
Amended: 8/20/26
Vote: 27 - Urgency

SENATE JUDICIARY COMMITTEE: 11-1, 4/22/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello

NO VOTE RECORDED: Valladares

ASSEMBLY FLOOR: 59-16, 8/28/26 - See last page for vote

SUBJECT: Elections: vote by mail ballots

SOURCE: Author

DIGEST: This bill makes it a felony for a person with authority to direct a person subject to their supervision or authority to interfere with the delivery or return of a vote by mail (VBM) ballot. This bill also makes it a misdemeanor for a person who has charge of a VBM ballot to interfere with its delivery to a voter.

Assembly Amendments replaced the contents of the bill with this bill's current language pertaining to interference and VBM ballots.

ANALYSIS:

Existing law:

- 1) Requires an elections official to mail a ballot to every active registered voter at least 29 days before the election for every election in which the voter is eligible to participate.
- 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.

- 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.

This bill:

- 1) Makes any person with authority who directs one or more other persons subject to their supervision or authority to willfully interfere or cause interference with a VBM ballot's delivery to a voter or a VBM ballot's return from a voter guilty of a felony punishable by imprisonment for two, three, or four years.
- 2) Makes any person having charge of a VBM ballot who willfully interferes or causes interference with its delivery to a voter 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.
- 3) Provides that "interference" includes, but is not limited to the following:
 - a) Providing unauthorized access to a VBM ballot.
 - b) Breaking the chain of custody for a VBM ballot.
 - c) Tampering with a VBM ballot.
 - d) Failing to return a VBM ballot to the appropriate elections official after being designated by the voter to return the ballot.
- 4) Contains an urgency clause to take immediate effect.

Background

Vote by Mail Statistics. For the November 4, 2025, statewide special election, the Secretary of State indicated that approximately 10.3 million of the 11.6 million total voters voted by mail. This equates to 88.89%.

For the June 2, 2026, statewide primary election, the Secretary of State indicated that approximately 8.4 million of the 9.5 million total voters voted by mail. This equates to 89.17%.

Executive Order #14399 on Elections. On March 31, 2026, President Trump issued Executive Order #14399 (EO), *Ensuring Citizenship Verification and Integrity in Federal Elections*.

The EO directs the Department of Homeland Security and the Social Security Administration (SSA) to compile and provide each state's election official with a "State Citizenship List" of confirmed U.S. 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 EO 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 and provides for specific design requirements for VBM ballot envelopes. States would also be required to provide the USPS, at least 60 days before the election, with a list of voters to whom ballots will be sent. It further directs the USPS not to transmit VBM ballots from any individual who is not included on such a state-submitted list.

Finally, the EO directs states and localities to preserve all records and materials related to voter participation in federal elections, including ballot envelopes but excluding cast ballots, for a period of five years.

The EO faced immediate legal challenges. On April 3, 2026, 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 EO. The lawsuit, which was filed in the U.S. District Court for the District of Massachusetts, alleges that the EO violates provisions of the U.S. Constitution granting states the authority to determine the times, places, and manner for holding elections for U.S. Senators and Representatives, subject to preemption only by Congress.

On August 21, 2026, USPS issued regulations clarifying how the Postal Service will implement the EO. This includes, among other procedural steps, that the USPS will not deliver VBM ballots in states that do not share their voter data with USPS.

On August 24, 2026, the U.S. Supreme Court stayed the District Court’s injunction, finding that the lower court was wrong to block provisions of the EO before the Department of Homeland Security and the USPS issued rules consistent with the EO. The Supreme Court concluded the appropriate time for states to challenge those rules is once they are finalized. In its opinion, the U.S. Supreme Court noted that its decision “does not mean that any measure taken by the Government to implement the Order will necessarily be lawful.” Litigation concerning the EO is ongoing.

Comments

Author’s Statement. This bill protects and strengthens California’s commitment to accessible, secure, and trustworthy elections by ensuring that 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. This bill 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. This bill does exactly that. To ensure these safeguards are in place before the November 2026 General Election, it is essential that this bill take effect immediately.

Related/Prior Legislation

AJR 29 (Berman, Resolution Chapter 195, Statutes of 2026) stated the Legislature’s opposition to the EO that seeks to impose new restrictions on VBM voting, and calls on the Congress to protect the constitutional authority of states to administer their own elections.

SB 460 (McCorquodale, Chapter 466, Statutes of 1987), among other provisions, made it a misdemeanor 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.

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

According to the Assembly Committee on Appropriations:

- 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.

SUPPORT: (Verified 8/30/26)

AFSCME
California Federation of Labor Unions, AFL-CIO
SEIU California
UDW/AFSCME Local 3930

OPPOSITION: (Verified 8/30/26)

None received

ASSEMBLY FLOOR: 59-16, 8/28/26

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, 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: Alanis, Castillo, Chen, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Davies, Hoover, McKinnor, Wallis

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