
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 73 (Cervantes) - Elections: inspection of voting systems

Version: January 5, 2026

Urgency: Yes

Hearing Date: January 20, 2026

Policy Vote: E. & C.A. 4 - 1

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: SB 73 would prohibit local election officials from permitting a federal government agency or its employees from inspecting a voting system machine or device, unless authorized by a federal court order.

Fiscal Impact: By modifying the duties of local elections officials as specified, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown but could exceed \$50,000 per year (General Fund).

Background: In 2002, the federal government enacted the Help America Vote Act (HAVA) to address, among other provisions, issues with voting systems arising from the 2000 presidential election. HAVA (1) mandated the replacement of all punch card and lever voting machines in the country, (2) required every polling place to deploy at least one accessible voting machine to allow voters with disabilities to mark, cast, and verify their ballots privately and independently, and (3) required all voting systems to meet a set of minimum standards to be used in federal elections.

Additionally, HAVA established the U.S. Election Assistance Commission (EAC) to serve as an independent and bipartisan commission responsible for developing and adopting guidelines to meet HAVA requirements and serving as a national clearinghouse of information on election administration. EAC also accredits testing laboratories, certifies voting systems, and audits the use of HAVA funds. Using the EAC's testing and certification program is not mandatory; however, many states require their use through statute or rule. Since states have different requirements for what voting systems need to do, the EAC's program is not necessarily a substitute for state-based requirements and testing. Data from the National Conference of State Legislatures indicates that 38 states currently have statutes or rules requiring some aspect of the federal testing and certification program. Some of these require full EAC certification, while others require testing to federal standards or testing by a federally accredited laboratory.

In contrast, other states, including California, do not use the federal program but have robust state-based standards, testing, and certification programs. In California, the Office of Voting Systems Technology Assessment (OVSTA) within SOS is charged with the examination, testing, and certification of voting systems for use in California elections. OVSTA also oversees the approval of ballot printers and authorizes as well as monitors the manufacture and distribution of ballots for elections. In 2014, California established its own standards for electronic components of voting systems which were

derived from EAC's guidelines. California's standards provide a set of specifications and requirements for the testing of voting systems to determine if it provides all the basic functionality, accessibility, and security capabilities required of voting systems.

In March 2025, President Trump issued an Executive Order containing a number of directives on policies that the U.S. Constitution assigns to states. The EO directs federal agencies to conduct specific activities related to election integrity, including (1) updating the federal voter registration form to include a requirement for "documentary proof of U.S. citizenship," (2) withholding funding from states that do not comply with federal law, including the EO's documentary proof of U.S. citizenship requirements, (3) prohibiting the use of certain voting systems, and (4) rescinding all previous certifications of certain systems.

Other major directives contained in the EO include requiring the Department of Homeland Security to review each state's publicly available voter lists and available records, require all ballots to be received on Election Day, and mandate all electors be selected on Election Day. Several lawsuits have been filed challenging aspects of the EO. The lawsuits ask courts to block many of its provisions, arguing it unconstitutionally preempts state authority and amounts to executive overreach. In at least two cases, including one case brought by the State of California with 18 other states, courts issued preliminary injunctions blocking implementation of key provisions of the EO.

Proposed Law: This bill, among other things, would prohibit a local elections official from permitting a federal government agency (as defined) or its employees from inspecting a voting system machine or device, unless authorized by a federal court order.

Related Legislation: SB 851 (Cervantes, Chapter 238, Statutes of 2025), among other provisions, repealed requirements that standards adopted by SOS for testing of voting equipment must meet or exceed voluntary federal standards set by the EAC. Instead, SB 851 requires the state standards to meet the minimum requirements of HAVA and to incorporate best practices in election technology. The bill also repealed the requirement for SOS to notify the EAC or its successor agency of the problem after receiving written notification from a vendor, jurisdiction, or applicant, of a defect, fault, or failure of a voting system, part of a voting system, or a remote accessible vote by mail system.

Staff Comments: The fiscal impact of this bill would be driven by how broadly the term "inspect" is defined. If the definition of the term "inspect" includes seizing or opening voting equipment, local elections officials indicate that counties could experience significant costs.

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