

Date of Hearing: May 6, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 73 (Cervantes) – As Amended April 27, 2026

SUMMARY: Makes it an alternate-felony misdemeanor (wobbler) for a peace officer to establish the qualification of voters at an election, impose a rule for conducting any election, or interfere with the administration of any election, as specified, and expands the crime of specified uniformed persons being stationed at a polling place to include non-uniformed persons.

Specifically, **this bill:**

- 1) Requires, when a court order is being executed related to the search or seizure of a voting system machine or device, software, or source code, or of rosters, combined rosters, or voter lists, or voted ballots or vote by mail ballot envelopes, or any other elections materials, records, or equipment, the elections official required to comply with the court order to provide immediate notice to the Secretary of State (SOS) and Attorney General (AG).
- 2) Requires the AG to provide guidance and information to county elections officials regarding how elections officials, precinct boards, election workers, and election volunteers should respond to requests by an agent of a law enforcement agency to access areas where ballots are cast, handled, processed, counted, tabulated, tallied, audited, or recounted.
- 3) Requires the AG to publish and provide guidance to building owners and employers regarding how to respond to requests by an agent of a law enforcement agency to access areas where ballots are cast, handled, processed, counted, tabulated, tallied, audited, or recounted.
- 4) Requires the guidance and information described above to be consistent with federal and state law and specifies that this is intended to ensure that all voting locations remain safe and accessible to all voters.
- 5) Prohibits a peace officer from interfering with an election, as follows:
 - a) Prohibits a peace officer from doing any of the following:
 - i) Establishing or attempting to establish the qualifications of voters at any election in the state, contrary to the laws of the state.
 - ii) Imposing or attempting to impose a rule, standard, or practice for conducting any election in this state, contrary to the laws of the state.
 - iii) Interfering in any manner with the administration of any election in this state and in the discharge of duties by the SOS, a county elections official, an election worker, or a volunteer performing required elections-related tasks prescribed by the Elections

- Code or any other provision of state law except as necessary to respond to urgent threats to public health and safety.
- b) Authorizes the AG, SOS, or a county elections official (with respect to violations that occur within the election official's county) to bring a civil action to enforce the above prohibitions.
 - c) Authorizes a court to expedite the scheduling and disposition of any such civil action if the action is filed during the period beginning thirty days before election day and ending with the completion of the canvass.
 - d) Provides that none of the above provisions shall prevent a qualified elector from exercising their right to vote in an election in this state and shall not be construed to authorize an action that would be prohibited by federal law or to limit any federal authority that is validly exercised pursuant to federal law.
 - e) Makes a violation of the above prohibitions a wobbler, punishable by imprisonment in a county jail for up to 12 months, or by imprisonment for 16 months, or two or three years in state prison, and makes a conspiracy to violate these prohibitions a straight felony.
- 6) Prohibits a vote-by-mail (VBM) voter observer from being permitted to challenge a signature on an unsigned identification envelope statement and a signature verification statement, as specified, on the basis that they believe the signature does not compare with the signatures appearing in the voter's registration record.
 - 7) Prohibits an individual from permitting an agent of a law enforcement agency to serve as a VBM voter observer, as follows:
 - a) Prohibits, during the voting period, on Election Day, or during the canvass of the vote, an individual from permitting an agent of a law enforcement agency who is acting in their official capacity to serve as a VBM observer, as specified, unless authorized by a court order.
 - b) Specifies that this shall not be construed to prevent an elections official from authorizing, in writing, agents of a law enforcement agency to provide logistical or security support at a polling place or county elections office, as specified.
 - 8) Prohibits an individual from permitting an agent of a law enforcement agency to access, disrupt, modify, or take possession of rosters, combined rosters, or voter lists unless authorized by a court order or to investigate a person for voting more than once, attempting to vote more than once, or knowingly handing in two or more ballots at an election.
 - 9) Modifies the crime of a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel, or any person who is wearing a uniform of a peace officer, guard, or security personnel, being stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official, as follows:

- a) Removes the requirement that the peace officer, private guard, or security personnel be uniformed.
 - b) Specifies that the written authorization from the appropriate city or county elections official may be overridden by an objection by the SOS or AG after the authorization is granted.
- 10) Modifies the crime of hiring or arranging for any other person in possession of a firearm or any uniformed law enforcement officer (including a peace officer or an officer of a federal law enforcement agency), private guard, or security personnel or any person who is wearing a uniform of such a person, to be stationed in the immediate vicinity of a polling place without written authorization of the appropriate elections official or written authorization by a federal court order, as follows:
- a) Removes the requirement that the law enforcement officer, private guard, or security personnel be uniformed.
 - b) Adds military personnel and any person wearing the uniform of military personnel to the list of people encompassed by this crime.
 - c) Specifies that the written authorization from the appropriate elections official may be overridden by an objection by the SOS or AG after the authorization is granted.
 - d) Removes the requirement that judicial written authorization must be made by a federal court order, instead permitting written authorization to be given by any court order.
- 11) Adds taking a package containing the voted ballots or their contents from the custody of the elections official, as prohibited by existing law, to the list of acts for which the SOS, AG, and a local elections official may bring a civil action for up to \$50,000 for each act, and for injunctive relief, against the individual, business, or other entity that committed the act.
- 12) Makes it a crime to knowingly take a package containing voted ballots or their contents from the custody of the elections official, as prohibited by existing law, punishable by up to a \$1,000 fine or as a jail-eligible felony by imprisonment for 16 months, or two or three years, or by both that fine and imprisonment.
- 13) Prohibits an individual from allowing an agent of a law enforcement agency to access, disrupt, modify, or take possession of a voting system machine or device, software, or source code, unless authorized by a court order.
- 14) Defines “law enforcement agency,” as used in this bill, to mean all of the following:
- a) Any law enforcement agency, department, or other entity of the state or any political subdivision thereof that employs any peace officer, as defined.
 - b) Any law enforcement agency of another state.
 - c) Any federal law enforcement agency.

- 15) Specifies that this bill shall be construed and applied in a manner that is consistent with the requirements of the California Constitution and the United States Constitution.
- 16) Contains an urgency clause.
- 17) Contains a severability clause.
- 18) Makes technical and clarifying changes.

EXISTING STATE LAW:

- 1) Authorizes each qualified political party, and any bona fide association of citizens or a media organization, to employ and have present at the central counting place, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at all phases of the election. (Elec. Code, § 15004, subs. (a) & (b).)
- 2) Requires the processing of VBM ballot return envelopes and the processing and counting of VBM ballots to be open to the public, as specified. (Elec. Code, § 15104, subd. (a).)
- 3) Requires VBM voter observers to be allowed sufficiently close access to enable them to observe the VBM ballot return envelopes and the signatures thereon and challenge whether those individuals handling VBM ballots are following established procedures, as specified. (Elec. Code, § 15104, subd. (d).)
- 4) Prohibits a VBM voter observer from interfering with the orderly processing of VBM ballot return envelopes or the processing and counting of VBM ballots, including the touching or handling of the ballots. (Elec. Code, § 15104, subd. (e).)
- 5) Requires, if a contest or criminal prosecution has commenced before the date fixed for its destruction, the package containing the voted ballots must be subject to the order of the court in which the contest or criminal prosecution is pending, and prohibits the package from being destroyed until after final determination of the contest or prosecution. (Elec. Code, § 15551.)
- 6) Prohibits the package or its contents from being taken from the custody of the elections official. (Elec. Code, § 15551.)
- 7) Authorizes the SOS, AG, and any local elections official in the county in which the act occurs, to bring a civil action for up to \$50,000 for each act and for injunctive relief, if appropriate, against an individual, business, or other legal entity that commits specified acts, including tampering, interfering, or attempting to interfere with the correction operation of, or willfully damaging to prevent the use of, any voting machine, voting device, voting system, vote tabulation device, or ballot tally software, before, during, or after an election. (Elec. Code, § 18564.5, subd. (a)(1).)
- 8) Prohibits a person from intimidating, threatening, coercing, or attempting to intimidate or coerce any other person for any of the following: 1) voting or attempting to vote; 2) urging or aiding any person to vote or attempt to vote, whether as part of official election administration activity or otherwise; 3) exercising any powers or duties to administer

elections, including counting votes, canvassing and certifying an election; or 4) that other person's status as a past or present participant in the administration of elections, enforceable in a suit at law. (Elec. Code, §§ 18581, subd. (a), 18582, subd. (a).)

- 9) Specifies that in any suit to enforce the above prohibition, a person who openly carries a firearm while interacting with or observing an activity or person described in the immediately preceding paragraph shall be presumed to have engaged in specified prohibited intimidation in the absence of an affirmative showing to the contrary by a preponderance of the evidence, although this presumption does not apply to a specified California peace officers acting within the scope of their official duties. (Elec. Code, §§ 18580, subd. (c), 18581.)
- 10) Prohibits a person, other than a member of a precinct board or other official responsible for the conduct of the election, from challenging or questioning any voter concerning the voter's qualifications to vote. (Elec. Code, § 14240, subd. (b).)
- 11) Establishes specified election and voting crimes, as follows:
 - a) Makes it a felony to commit or attempt to commit fraud, or to aid or abet or attempt to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast, punishable by imprisonment for 16 months or two or three years. (Elec. Code, § 18500.)
 - b) Makes it a felony for a public official to knowingly violate provisions of the Elections Code relating to the corruption of the voting process, and thereby aid in the illegal casting or attempting to cast a vote, or to connive to nullify any provision of the Election Code relating to corruption of the voting process so that fraud may be perpetrated, punishable by imprisonment in state prison for 16 months, or two or three years, and lifelong disqualification from holding office. (Elec. Code, § 18501.)
 - c) Makes it a jail-eligible felony, punishable by imprisonment for 16 months or two or three years, for a person charged with the performance of any duty under any law of this state related to elections to willfully neglect or refuse to perform it; or, in the person's official capacity, to knowingly and fraudulently act in violation of any of those laws, except where a different punishment is provided by the Elections Code. (Elec. Code, § 18002, subd. (a).)
 - d) Makes it a jail-eligible felony, punishable by imprisonment for two, three, or four years, for a person, at any election, to act as an election officer without first having been appointed and qualified or to perform or discharge any of the duties of an election officer regarding the handling, counting, or canvassing of ballots when that person is not an elections officer. (Elec. Code, § 18575.)
 - e) Makes it a felony to interfere with the officers holding an election or conducting a canvass, as to prevent the election or canvass from being fairly and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, punishable by imprisonment for 16 months or two or three years. (Elec. Code, § 18502, subd. (a).)
 - f) Makes it a felony to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from

voting or to vote or refrain from voting for any particular person or measure, or because any person voted or refrained from voting at an election, as specified, or to hire or arrange for a person to engage in such conduct, punishable as a felony by 16 months or two or three years. (Elec. Code, § 18540, subs. (a) & (b).)

- g) Prohibits a person from, with the intent of dissuading another person from voting, within a 100-foot limit of the entrance to a building containing a polling place, as specified, from engaging in certain conduct, including soliciting a vote, speaking to a voter about marking their ballot, placing a sign relating to the voter's qualifications, or speaking to a voter about the voter's qualifications except as specified, and makes these offenses a wobbler, punishable by imprisonment for up to 12 months in county jail or by 16 months, or two or three years in state prison, and as a felony if a person conspires to commit these offenses. (Elec. Code, § 18541, subs. (a), (b) & (d).)
- h) Prohibits a person, with the intent of dissuading another person from voting, from, within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot, soliciting a vote, speaking to a voter about marking their ballot, or disseminating visible or audible electioneering information, and makes these offenses a wobbler, punishable by up to one year in county jail or by 16 months, or two or three years in state prison, and as a felony if a person conspires to violate these offenses. (Elec. Code, § 18541, subd. (c) & (d).)
- i) Prohibits a person from knowingly challenging a person's right to vote without probable cause or on fraudulent or spurious grounds, or from engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or from fraudulently advising any person that they are not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, and makes this offense as a wobbler by up to one year in county jail, or by 16 months, or two or three years in state prison, and as a felony if a person conspires to violate this offense. (Elec. Code, § 18543.)
- j) Prohibits any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, from being stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official, and makes this offense a wobbler, punishable by a fine of up to \$10,000, imprisonment for up to one year in county jail or 16 months, or two or three years, or by both that fine and imprisonment. This does not apply to any of the following:
 - i) An unarmed uniformed guard or security personnel who is at the polling place to cast their vote.
 - ii) A peace officer who is conducting official business in the course of their public employment or who is at the polling place to cast their vote.
 - iii) A private guard or security personnel hired or arranged for by a city or county elections official.
 - iv) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located, if the guard or security

personnel is not hired or arranged solely for the day on which an election is held. (Elec. Code, § 18544, subds. (a) & (b).)

- k) Prohibits any person who hires or arranges for any other person in possession of a firearm or any uniformed law enforcement officer, private guard, or security personnel or any person who is wearing a uniform of a law enforcement officer, guard, or security personnel, from being stationed in the immediate vicinity of, or posted at, a polling place or a county elections office without written authorization of the appropriate elections official or written authorization by a federal court order, and makes this offense a wobbler punishable by imprisonment in a county jail for up to one year, up to a \$10,000 fine, or by both that fine and imprisonment, or by imprisonment for sixteen months, or two or three years and by a fine up to \$10,000. (Elec. Code, § 18545, subd. (a).)
- l) Defines “law enforcement officer,” for purposes of the above crime, to mean a peace officer, as defined, or an officer or agent of a federal law enforcement agency, or any person acting on behalf of a federal law enforcement agency. (Elec. Code, § 18545, subd. (c).)
- m) Makes it a wobbler for a person: 1) who is not entitled to vote to fraudulently vote or attempt to vote at that election; 2) who is entitled to vote to vote more than once, attempt to vote more than once, or knowingly hand in two or more ballots at that election; and 3) to impersonate or attempt to impersonate a voter at an election. (Elec. Code, § 18560.)
- n) Makes it a jail-eligible felony for a person to procure, assist, counsel, or advise another to give or offer their vote at any election, knowing that the person is not qualified to vote, or to aid or abet in specified voting crimes related to fraudulent voting, voting more than once, or impersonating a voter. (Elec. Code, § 18561.)
- o) Makes it a misdemeanor for a member of the public, while observing specified canvass and recount proceedings, to willfully attempt to ascertain the identity and ballot choices of a voter, open a provisional or vote by mail ballot envelope containing a voted ballot to ascertain the voter’s ballot choices, or make a mark or device on a ballot or secrecy envelope in an attempt to ascertain the voter’s ballot choices. (Elec. Code, § 18562.5.)
- p) Makes it a jail-eligible felony, punishable by imprisonment for two, three, or four years, for a person, before or during an election to: 1) tamper with, interfere with, or attempt to 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; 2) interfere or attempt to interfere with the secrecy of voting or ballot tally software program source codes; 3) knowingly, and without authorization, make or have in the person’s possession credentials, passwords, or access keys to a voting machine that has been adopted and will be used in elections in this state; or 4) willfully substitute or attempt to substitute forged or counterfeit ballot tally software program source codes. (Elec. Code, § 18564.)
- q) Provides that aiding or abetting any of the above offenses is punishable as a wobbler. (Elec. Code, § 18565.)

- r) Makes it a jail-eligible felony, punishable by imprisonment for 16 months, or two or three years, or a fine up to \$1,000, or by both that fine and imprisonment, for a person to engage in any of the following:
- i) Aid in changing or destroying any poll list or official ballot.
 - ii) Aid in wrongfully placing any ballots in the ballot container or in taking any therefrom.
 - iii) Add or attempt to add any ballots to those legally polled at any election by fraudulently putting them into the ballot container, either before or after the ballots therein have been counted.
 - iv) Add to or mix with, or attempt to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at any other time, with intent to change the result of the election, or allows another to do so, when in the person's power to prevent it.
 - v) Carry away or destroy, attempt to carry away or destroy, or knowingly allow another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled, or willfully detain, mutilate, or destroy any election returns.
 - vi) Remove any unvoted ballots from the polling place before the completion of the ballot count.
 - vii) Display a container or provide an envelope for the purpose of collecting or returning ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot or returning a ballot in an unofficial ballot return envelope.
 - viii) Direct or solicit a voter to place a ballot in a container or envelope described above. (Elec. Code, § 18568.)
- s) Provides that aiding and abetting of the above offenses is a wobbler. (Elec. Code, § 18569.)

EXISTING FEDERAL LAW

- 1) Prohibits a person, whether acting under color of law or otherwise, from intimidating, threatening, or coercing any person, or attempting to intimidate, threaten, or coerce any person for voting or attempting to vote, as specified. (52 U.S.C. § 10307(b).)
- 2) Prohibits a person employed in any administrative position by the United States, or any department of agency thereof, in connection with any activity which is financed by loans or grants made by the United States, from using their official authority for the purposes of interfering with or affecting the election of any candidate to specified elective offices, and punishes this offense by imprisonment for up to one year. (18 U.S.C. § 595.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement:** “Democracy in California is under attack, not only by the Trump Administration but also by some officials in our state, including Riverside County Sheriff Chad Bianco. We have a responsibility to protect the voices of California voters and we will not stand by as outside forces seek to undermine our electoral process. Senate Bill 73 builds on the foundation established by my Senate Bill 851 from 2025, strengthening California’s safeguards against election interference in time for the June 2 statewide primary election.”

2) **Background:**

a) *Seizure of Ballots in Riverside County*

On February 26, 2026, the Riverside County Sheriff’s Office, at the direction of Sheriff Chad Bianco, seized approximately 1,000 boxes of ballot materials (totaling more than 650,000 ballots) in Riverside County related to the November 2025 election for Proposition 50, which temporarily redrew California’s congressional districts.¹ To effectuate this seizure, the Sheriff’s office secured multiple judicial search warrants.² The Riverside County Sheriff’s Office claimed this was necessary to “prove or disprove any criminal conduct” and to determine the validity of a claim by a local citizens’ group that the county’s tally was falsely inflated, a contention rejected by local election officials.³

Attorney General Rob Bonta subsequently issued multiple letters directing Sheriff Bianco to preserve all seized ballots and pause further action.⁴ The AG further questioned whether the warrants were supported by probable cause and whether the Riverside County Sheriff’s Office presented the magistrate with all the material evidence required by law.⁵ As stated by the AG in his first letter to Sheriff Bianco, “[T]he affidavits identify no specific felony offenses you have probable cause to believe were committed, nor do they identify particular persons whom you have probable cause to believe committed any such offenses, as required by [existing provisions of law].”⁶

On April 8, 2026, the California Supreme Court ordered Sheriff Bianco to halt his investigation into alleged fraud in the November 2025 special election and preserve all seized

¹ Branson-Potts, *What we know about the Republican sheriff who seized 650,000 ballots*, L.A. Times (Mar. 23, 2026) <<https://www.latimes.com/california/story/2026-03-23/riverside-county-sheriff-has-seized-650-000-ballots-heres-what-we-know>> (as of May 4, 2026).

² *Ibid.*

³ Corasaniti, *California Supreme Court orders Sheriff to Halt Election Investigation*, N.Y. Times (April 8, 2026) <<https://www.nytimes.com/2026/04/08/us/politics/california-supreme-court-orders-sheriff-to-halt-election-investigation.html>> (as of May 4, 2026); Branson-Potts, *supra*.

⁴ Atty. Gen. Rob Bonta, letter to Riverside County Sheriff Chad Bianco, Feb. 26, 2026 <https://kesq.b-cdn.net/2026/03/Feb.-26-Letter-to-Sheriff-Bianco_Redacted.pdf> (as of May 4, 2026); Atty. Gen. Rob Bonta, letter to Riverside County Sheriff Chad Bianco, Mar. 4, 2026 <<https://www.scribd.com/document/1015362106/Letter-from-California-Attorney-General-to-Riverside-County-sheriff-dated-March-26>> (as of May 4, 2026).

⁵ *Ibid.*

⁶ Atty. Gen. Rob Bonta, letter to Riverside County Sheriff Chad Bianco, Feb. 26, 2026 <https://kesq.b-cdn.net/2026/03/Feb.-26-Letter-to-Sheriff-Bianco_Redacted.pdf> (as of May 4, 2026).

items.⁷ Proceedings remain ongoing. Reporting indicates that Sheriff Bianco has not ruled out undertaking another effort to seize ballots in upcoming elections.⁸

b) *Federal Immigration Enforcement and Elections:*

Immigration arrests have significantly increased since President Trump's second term began.⁹ U.S. Immigration and Customs Enforcement (ICE) removals in California were substantially similar to the numbers from the previous year in the first few months of Trump's second term; however, beginning in the summer of that year, removals significantly ramped up.¹⁰ Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.¹¹ From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.¹² In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.¹³ In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.¹⁴

Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.¹⁵ Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.¹⁶ Since October 23, 2025, more people have died in ICE custody than in the entire prior fiscal year.¹⁷ The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.¹⁸

Ahead of this year's midterm elections, there have been reports that federal immigration agents could be placed at polling sites this fall.¹⁹ In response to these reports, DHS has stated

⁷ Timm, *California Supreme Court halts GOP sheriff's voter fraud investigation*, NBC News (April 8, 2026) <<https://www.nbcnews.com/politics/elections/california-supreme-court-halts-gop-sheriffs-voter-fraud-investigation-rcna267299>> (as of May 4, 2026).

⁸ Rubin et al., *Internal emails show how fringe groups fueled Sheriff Chad Bianco's ballot seizure*, CalMatters (April 21, 2026) <<https://calmatters.org/investigation/2026/04/chad-bianco-emails/>> (as of May 4, 2026).

⁹ Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, N.Y. Times (June 27, 2025) <<https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>> (as of May 4, 2026).

¹⁰ Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026) <<https://www.sacbee.com/news/california/article314213552.html>> (as of May 4, 2026).

¹¹ *Ibid.*

¹² Castillo et al., *More than 1600 immigrants detained in Southern California this month, DHS says*, L.A. Times (June 25, 2025) <<https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>> (as of May 4, 2026).

¹³ Fry et al., *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, CalMatters (Jan. 29, 2026) <<https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/>> (as of May 4, 2026).

¹⁴ Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025) <<https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>> (as of May 4, 2026).

¹⁵ McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026) <<https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-chocha-raymundo-gutierrez>> (as of May 4, 2026).

¹⁶ Bustillo et al., *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026) <<https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody>> (as of May 4, 2026).

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Cohen, *ICE agents have been deployed to airports. Are the polls next?*, CNN.com (March 25, 2026) <<https://www.cnn.com/2026/03/25/politics/ice-agents-polling-places-bannon>> (as of May 4, 2026).

that ICE agents will not be patrolling polling places during the midterms.²⁰ Those reports, however, have nonetheless raised concerns that federal immigration officers may contribute to voter intimidation and reduced voter turnout.

- 3) **Effect of this Bill:** As relevant to the jurisdiction of this committee, this bill creates several new election-related crimes applicable to California peace officers, including: 1) establishing or attempt to establish the qualifications of voters at any election in the state, contrary to the laws of the state; 2) imposing or attempting to impose a rule, standard, or practice for conducting any election in this state, contrary to the laws of the state; and 3) interfering in any manner with the administration of any election and with the discharge of duties by the SOS, a county elections official, an election worker, or a volunteer performing required elections-related tasks, except as necessary to respond to urgent threats to public health and safety. These proposed crimes would be wobblers punishable by imprisonment in a county jail for up to 12 months, or by imprisonment for 16 months, or two or three years in state prison. Conspiring to commit these crimes would be punishable as a straight felony. This bill also authorizes the AG, SOS, or a county elections official to bring a civil action to enforce these offenses.

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 a felony for any person to interfere with the officers holding an election or conducting a canvass as to prevent the election or canvass from being fairly held and lawfully conducted, or with voters lawfully exercising their voting rights. (Elec. Code, § 18502, subd. (a).) 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).) Further, it is a jail-eligible felony for a person to act as an election officer without first having been appointed or to discharge the duties of an election officer regarding the handling, counting, or canvassing of ballots when that person is not an election officer. (Elec. Code, § 18575.) A peace officer who attempts to establish a voter qualification or impose an election standard contrary to the laws of the state, or who interferes with an election, to the extent that this conduct constitutes election interference, voter intimidation, or rises to the level of performing the duties of an election officer, may be subject to felony charges.

Existing law also establishes crimes and prohibitions pertaining to questioning a voter's qualifications and right to vote. For example, it is a felony for a person, with the intent of dissuading another from voting, within 100 feet of a polling place, to speak to a voter on the subject of marking the voter's ballot or on the voter's qualifications, unless it is a member of the precinct board making the challenge on specified grounds. (Elec. Code, § 18541, subd. (a)(1)-(2).) A person, other than a member of a precinct board or other official responsible for the conduct of an election, is prohibited from challenging or questioning a voter's qualification to vote. (Elec. Code, § 14240, subd. (b).) Further, it is a wobbler for a person to knowingly challenge a person's right to vote without probable cause or on fraudulent or spurious grounds. (Elec. Code, § 18543.) A peace officer who seeks to establish a heightened

²⁰ Parks, *ICE won't be at polling places this year, a Trump DHS official promises*, NPR.org (Feb. 25, 2026) <<https://www.npr.org/2026/02/25/nx-s1-5726768/ice-agents-midterm-elections>> (as of May 4, 2026).

voter qualification or a voting or election standard contrary to law, depending on their particular conduct, could be subject to criminal penalties under these provisions.

Additionally, this bill expands the crime of a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel, or any person who is wearing a uniform of such a person, being stationed in the immediate vicinity of a polling place without written authorization of the appropriate elections official. This crime is a wobbler. (Elec. Code, § 18544, subd. (a).) This offense does not apply to a peace officer, unarmed guard, or security personnel casting their vote, or to a peace officer conducting official business in the course of their public employment. (Elec. Code, § 18544, subd. (b).)

This bill makes two primary changes to this crime. First, it specifies that written authorization from the elections official may be overridden by an objection by the SOS or AG after the authorization is granted. This may contribute to unjust outcomes, particularly if the stationed personnel are not aware of this objection and believe they are lawfully present at the polling place. For example, if the SOS objects to that authorization several days after the peace officers were lawfully present at the polling place, those peace officers may be subject to criminal punishment even though their initial placement was lawful. The author may wish to consider clarifying that criminal punishment may only apply if the person stationed at the polling place has knowledge of the objection and remains stationed at the polling place after gaining such knowledge.

Second, it removes the requirement that the peace officer, private guard, or security personnel be uniformed. Currently, this crime largely applies only to uniformed personnel. (Elec. Code, § 18544, subd. (a) (prohibiting “any *uniformed* peace officer, private guard, or security personnel or any person who is wearing a *uniform* [of such a person] from being stationed at a polling place” (italics added).) The only person covered who does not need to be uniformed is a person in possession of a firearm. This statute appears to be designed to deter voter intimidation by treating certain law enforcement and security officials who are wearing formal attire as presumptively intimidating, regardless of their conduct. The author’s office cites concern that this uniform requirement may not encompass law enforcement officers who are not in uniform but are nonetheless wearing intimidating attire. While this may be true, expanding the crime to include non-uniformed officers may encompass individuals who are not intimidating voters and whose identities as peace officers or security officers are not even known to voters or elections officials. Removing the uniform requirement may also make it difficult to enforce this crime, seeing as it may be hard to identify such persons without uniforms. Notably, other statutes encompass voter intimidation more generally, irrespective of whether the offender is uniformed. (See, e.g., Elec. Code, § 18540, subd. (a).)

Further, this bill makes similar changes to the crime of hiring or arranging for a person in possession of a firearm or any uniformed law enforcement officer (including an officer of a federal law enforcement agency), private guard, or security personnel or any person who is wearing a uniform of such a person, to be stationed in the immediate vicinity of a polling place without written authorization of the appropriate elections official or a federal court order. This statute is substantially similar to Elections Code section 18544, but instead of applying to persons who are stationed at a polling place, it applies to a “person who hires or arranges” for such persons to be hired. It also encompasses hiring or arranging for an officer of a federal law enforcement agency to be stationed at a polling place, whereas Elections

Code section 18544 does not apply to federal law enforcement officers.

Similar to the changes to Elections Code section 18544, this bill, for the crime of hiring or arranging for specified persons to be stationed at a polling place, removes the requirement that specified personnel be uniformed and specifies that the written authorization may be overridden by an objection by the SOS or AG. These changes raise the same issues discussed above. Additionally, it adds military personnel and persons wearing the uniform of military personnel to the list of prohibited persons encompassed by this crime. It also removes the requirement that judicial written authorization be obtained by a federal court order, instead permitting written authorization to be given by any court order.

This bill makes it a crime to knowingly take a package containing voted ballots or their contents from the custody of the elections official, and makes this offense a jail-eligible felony, punishable by up to a \$1,000 fine or by imprisonment for 16 months, or two or three years, or by both that fine and imprisonment. Existing law already prohibits a package containing voted ballots or their contents from being taken from the custody of the elections official; however, it does not establish a specific criminal penalty for violating this prohibition. (Elec. Code, § 15551.) This bill makes this existing prohibition a straight felony.

In addition to the above provisions relating to election crimes, this bill makes a handful of additional changes to existing law. Among other things, it requires that, when a court order is being executed related to the search or seizure of a voting system machine, voter ballots, VBM ballot envelopes, or other specified election materials, the elections official required to comply with the court order must provide immediate notice to the SOS and AG. It also requires the AG to provide county elections officials with guidance on how elections officials, precinct boards, election workers, and election volunteers should respond to requests by an agent of a law enforcement agency to access areas where ballots are cast, handled, processed, counted, tabulated, tallied, audited, or recounted. Similarly, the AG must provide guidance to building owners and employers regarding how to respond to requests by an agent of a law enforcement agency to access those areas.

Among other things, this bill prohibits an “individual” from permitting law enforcement agents to engage in certain conduct. It prohibits an individual from permitting an agent of a law enforcement agency who is acting in their official capacity to serve as a VBM observer, as specified, unless authorized by a court order and except as specified. Similarly, it prohibits an individual from permitting an agent of a law enforcement agency to access, disrupt, modify, or take possession of rosters, combined rosters, or voter lists, unless authorized by a court order or to investigate specified offenses. Lastly, it prohibits an individual from allowing an agent of a law enforcement agency to access, disrupt, modify, or take possession of a voting system machine or device, software, or source code, unless authorized by a court order. “Law enforcement agency” for purposes of these provisions includes peace officers, as well as any law enforcement agency of another state, and any federal law enforcement agency. This is the same definition of law enforcement agency that was utilized in SB 805 (Perez), Chapter 126, Statutes of 2025.

This bill places the responsibility to prevent law enforcement agents from engaging in certain actions on unspecified “individual[s].” In practice, this responsibility would likely fall on county election officials, elections workers, and other persons responsible for administering elections. Notably, an election worker may not always be able to prevent a law enforcement

officer from engaging in such prohibited conduct. While the bill does not establish specific criminal penalties for individuals who violate these prohibitions, Elections Code section 18002 makes it a felony for a person charged with any duty related to elections to willfully neglect or refuse to perform it, or, in their official capacity, to knowingly and fraudulently act in violation of any of those laws. (Elec. Code, § 18002, subd. (a).) Accordingly, an elections worker who willfully or knowingly permits law enforcement officers to engage in the type of conduct prohibited by this bill could be subject to felony charges.

- 4) **Suggested Committee Amendments:** To address the concerns discussed above, the Committee recommends the following amendments. First, the author may wish to remove the proposed criminal penalties on peace officers that establish the qualifications of voters at any election, impose a rule, standard, or practice for conducting any election, or interfere in any matter with the administration of any election, as specified. Second, the author may wish to reinstate the requirement that certain personnel be *uniformed* for purposes of the crime of specified persons being stationed or posted at a polling place without written authorization from an elections official, and the crime of hiring or arranging for such a person to be stationed, as specified. Third, regarding the provision permitting the SOS or AG to object to such written authorization, the author may wish to add language that if the SOS or AG does object to the written authorization, criminal penalties do not apply unless a person remained stationed or posted at the polling place after gaining knowledge of the objection. Similarly, for the crime of hiring or arranging for another to be stationed at a polling place or elections office, the author may wish to specify that criminal penalties do not apply unless that person gains knowledge of the objection, and after gaining such knowledge, permits the person they hired or arranged for to remain stationed at the polling place or elections office.
- 5) **Argument in Support:** According to the *League of Women Voters of California*, “SB 73 restricts law enforcement access to voting system machines, devices, software, source code, rosters, combined rosters, and voter lists; strengthens ballot custody protections; requires immediate notice to the Secretary of State and Attorney General when court ordered searches or seizures of election materials are executed; and bars peace officers from interfering with election administration...”

“The legislation is especially important because the threat is no longer hypothetical. In a climate where federal officials are openly criminalizing the routine work of election administration, seeking sensitive voter data from states, and testing the limits of federal authority over election administration, local election officials need clear legal footing to resist ad hoc law enforcement demands for access to California’s election infrastructure - and to ensure that armed or uniformed personnel cannot be deployed at polling places or county elections offices without proper authorization.

“SB 73 provides the necessary legal footing. It draws an appropriate and constitutional line. When law enforcement seeks access to California’s voting systems, software, source code, rosters, combined rosters, or voter lists, SB 73 makes clear that those demands cannot be handled through informal pressure or ad hoc requests. Instead, they must be grounded in legal authority, including a court order where the bill requires one. And when court ordered searches or seizures reach ballots, VBM envelopes, voter lists, voting systems, or other covered election materials, the bill requires immediate notice to the Secretary of State and Attorney General to enable state oversight. The bill ensures that local election officials are not put in the position of yielding to politically charged demands from law enforcement

without a clear legal basis. It gives counties clarity, protects the independence of California's election infrastructure, and helps prevent intimidation from undermining public confidence in our democracy.”

“At a time when federal actors are pressing states for voter data, threatening election officials with criminal prosecution simply for doing their jobs, and probing local election infrastructure, California must be clear that its election systems will be governed by law, expertise, and transparent processes, not by pressure from the current federal administration or unauthorized intervention by any law enforcement agency. SB 73 reinforces state authority, protects ballot security, and helps ensure that every vote is counted through systems free from improper interference.”

- 6) **Argument in Opposition:** According to the *California State Sheriff's Association*, “SB 73 would add to existing regulation of state elections and restrict law enforcement's ability to conduct criminal investigations. We understand there are likely amendments coming to the bill, but with regard to the language that is currently in print, we must communicate our concerns.

“Existing law requires the sheriff to “investigate public offenses which have been committed.” (Government Code Section 26602). SB 73 imposes new restrictions and enhances existing provisions with the specter of civil remedies (potentially including damages) and/or criminal penalties related to law enforcement investigations, which is especially problematic given our statutory mandate to investigate crimes. For example, proposed Elections Code Section 15007 prohibits a peace officer from “[interfering] in any manner with the administration of any election in this state...” At best, this language is vague and could be used to attack a lawful law enforcement investigation.

“Further, SB 73 highlights a potential conflict between a statute that prohibits a package of voted ballots from being taken from the custody of an elections official and a court order compelling a law enforcement officer to seize ballots and take them to a magistrate. While existing law creates this conflict, the bill raises the stakes in such a dispute by subjecting a peace officer to civil and criminal penalties for complying with a court order that requires something different from what the statute provides or judicial punishment for following statute and not the court order. And despite arguments that keeping ballots with the elections official is necessary to protect the chain of custody, law enforcement officers are keenly aware of evidence preservation issues and are routinely charged with protecting all types of sensitive evidence. Lastly, this conflict creates very real issues when elections officials are suspected of criminal activities, effectively guaranteeing they would be in charge of preserving evidence that could potentially implicate them in a crime

“SB 73 would also allow the Secretary of State or Attorney General to essentially veto a local arrangement whereby the sheriff's office provides for security at polling places. We understand this provision may not be directly aimed at local law enforcement, but without further guardrails, this language would allow for political concerns or motives to upend local security arrangements that protect elections workers, ballots and voting materials, and citizens' right to vote.”

- 7) **Related Legislation:**

- a) SB 884 (Umberg), among other things, would prohibit a federal, state, or local law enforcement officer shall not arresting any person within 200 feet of a polling place on election day during the time in which the polling place is open, except for a crime related to disrupting the operation of the polling place, a violent or serious felony, as defined, or larceny; and provides that this provision does not provide legal amnesty for any crime within the buffer zone on election day. SB 884 is pending a hearing in the Senate Appropriations Committee.
- b) AB 1664 (Jackson) would require local agencies and elections officials to notify the SOS and AG within one business day of becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to election records or voting systems. AB 1664 is pending a hearing in the Assembly Appropriations Committee.
- c) AB 2230 (Ávila Farías) would expand the crime of a uniformed peace officer, private guard, or security personnel being stationed in the immediate vicinity of a polling place without written authorization to include an officer or agent of a federal law enforcement agency, as specified. AB 2230 is pending a hearing in the Assembly Appropriations Committee.

8) Prior Legislation:

- a) SB 851 (Cervantes), Chapter 238, Statutes of 2025, expended the crime of hiring or arranging for any person in possession of a firearm or any uniformed officer to be stationed in the immediate vicinity of, or posted at, a polling place without authorization of the appropriate elections official, which includes an officer or agent of a federal law enforcement agency and exempts a person stationed at a polling place or county elections official's office pursuant to a federal court order.
- b) AB 2642 (Berman), Chapter 533, Statutes of 2024, prohibited a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person for engaging in specified election-related activities, and authorized an aggrieved person, an officer holding an election or conducting a canvass, or the AG to file a civil action to enforce those prohibitions.
- c) SB 485 (Becker), Chapter 611, Statutes of 2023, established additional specificity for penal provisions within the Elections Code as it pertains to a person who interferes with the officers holding an election, officers conducting a canvass, or with voters lawfully exercising their voting rights.
- d) SB 35 (Umberg), Chapter 318, Statutes of 2021, among other things, prohibited a person from engaging in electioneering and prescribed political activities within the immediate vicinity of a voter in line to cast a ballot or drop off a VBM ballot, as specified.
- e) SB 1376 (Perata), Chapter 813, Statutes of 2004, authorized the SOS, and in some cases the AG and county elections officials, to take legal actions regarding the security of voting systems and the conduct of elections.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Americans and Pacific Islanders for Civic Empowerment
League of Women Voters of California
Seiu California

Opposition

California State Sheriffs' Association

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