

SENATE THIRD READING
SB 73 (Cervantes and Umberg)
As Amended May 18, 2026
2/3 vote. Urgency

SUMMARY

Restricts law enforcement agencies and officers from engaging in specified conduct related to elections. Prohibits a person who is observing the processing of vote by mail (VBM) ballots from challenging whether signatures compare.

Major Provisions

- 1) Requires the Attorney General (AG) to provide guidance to county elections officials, and to *managers of election sites*, regarding how they should respond to requests by law enforcement agencies to access areas where ballots are being cast, processed, or otherwise handled, as specified. Requires this guidance to be developed in consultation with the Secretary of State (SOS) and be consistent with state and federal law.
- 2) *Prohibits a peace officer (a term that does not include federal law enforcement) from interfering with the administration of an election and the discharge of duties of election personnel, except as necessary to respond to urgent threats to public health and safety.*
- 3) Permits the AG, the SOS, or a county elections official to bring a civil action to enforce 2) above. Requires the court to expedite an action that is brought during the period beginning 30 days before the election and ending with the completion of the election canvass.
- 4) Prohibits an observer of VBM ballot processing from challenging whether the signature to verify a VBM ballot compares to a signature in the voter's registration record.
- 5) Prohibits any person from permitting an agent of a law enforcement agency (including a federal agency) to access, disrupt, modify, or take possession of rosters, combined rosters, voter lists, or certified voting technology unless authorized by a court order or to investigate a violation of state law prohibiting *fraudulent voting*, as specified.
- 6) Allows the SOS or the AG to override a county's decision to authorize uniformed peace or law enforcement officers, *private guards, or security personnel* to be stationed at a voting location or county elections office. Specifies that criminal penalties apply after the SOS or AG objects to the county's decision only if the person knows about the objection and remains at the voting location or elections office, or permits the person they hired or arranged for to remain stationed at the voting location or elections office.
- 7) Permits the SOS, the AG, or a county elections official to bring a civil action against any person who, in violation of existing law, takes a package containing voted ballots from the custody of the elections official. Makes it a crime, punishable by a \$1,000 fine, imprisonment for up to three years, or by both, for a person to knowingly take a package containing voted ballots from the custody of the elections official.
- 8) Specifies that this bill does not prohibit a written agreement between an elections official and a law enforcement agency for the agency to provide logistical, transportation, or security support during the voting period or during the canvass of the vote, as specified.

- 9) Contains a severability clause. Contains an urgency clause, allowing this bill to take effect immediately upon enactment. Specifies that the need for the urgency clause is so that the bill can apply to the June 2, 2026, statewide primary election.

COMMENTS

In February, the Riverside County Sheriff's Department applied to the Superior Court for a search warrant authorizing a search of the Riverside County Registrar of Voters' office and the seizure of ballots from the November 2025 statewide special election. The affidavit supporting the warrant stated that a local watchdog group had conducted an audit and concluded that the number of ballots cast differed from the official total reported by the Registrar of Voters by nearly 46,000 ballots. The affidavit does not indicate whether the Sheriff's Department took any steps to attempt to substantiate these allegations. It also does not identify any individual suspected of wrongdoing or any particular crime believed to have been committed.

Instead, just three days after receiving an email from the watchdog group alleging discrepancies, the Sheriff's Department sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." The Sheriff's Department later obtained two additional warrants: one to seize additional election materials and another to appoint a special master to oversee the department's counting of ballots. By the time the third warrant was requested, the department had already opened boxes of ballots and begun counting them, despite state laws generally requiring election materials to remain sealed and in the custody of the elections official during the retention period.

In March, Attorney General Rob Bonta filed a petition in Appellate Court seeking an immediate stay of the Sheriff's investigation. The AG's office expressed "grave concerns about the legal sufficiency" of the search warrants and stated that it had directed the Sheriff's Department to pause its investigation. Although the Sheriff indicated that he would comply, the petition alleges that did not occur and the Sheriff continued to take actions related to the investigation, including obtaining the third warrant without notifying the AG.

The Appellate Court denied the requested relief on procedural grounds, and the AG subsequently petitioned the California Supreme Court for relief. Last month, the Supreme Court granted review, ordered a pause in the investigation into the November 2025 statewide special election, and directed that all seized materials be preserved. Proceedings remain ongoing, and the Court has indicated it will consider the matter on an expedited basis.

In January, the Federal Bureau of Investigation (FBI) raided election offices in Fulton County, Georgia and seized more than 600 boxes of ballots and other election materials from the 2020 election pursuant to a search warrant. In February, Fulton County officials filed an emergency motion in federal court seeking the return of the election records seized by the FBI, and in April, a federal judge ordered the United States Department of Justice (US DOJ) to turn over key details behind its seizure of 2020 election records in Fulton County, Georgia. The case is pending.

Additionally, in April, the New York Times reported that the US DOJ sent a letter to the chief elections officer in Wayne County, Michigan requesting election records—including ballots—from the November 2024 federal election.

Although federal law prohibits federal troops or law enforcement from interfering with voting, multiple media reports indicate that allies of the Trump administration have floated the

possibility of deploying immigration agents or other federal personnel to polling locations this fall. Notwithstanding that federal law, President Trump refused to rule out sending federalized National Guard soldiers or Immigration and Customs Enforcement agents to voting sites when asked earlier this month.

The possibility of federal agents being stationed at or near polling places has heightened concerns about voter intimidation. Some dismiss these concerns by arguing that only citizens are eligible to vote. However, this reasoning overlooks the reality that the visible presence of immigration or other law enforcement officers can deter even eligible voters. This concern is amplified by documented cases of large numbers of United States citizens being stopped by immigration authorities, and smaller numbers being detained notwithstanding their citizenship.

The author intends for this bill to take effect in time for next month's statewide primary election. That election is already underway. California counties have mailed ballots to all voters, and in person voting is already available at county elections offices, with expanded voting locations opening across much of the state in the coming days. Election officials have also begun pre-election testing and are permitted to process returned VBM ballots.

Although this bill is unlikely to directly affect most voters' experience, implementing it during the primary election could complicate election administration. State and county officials would need to quickly understand the legal changes and their operational impact.

Addressing these issues will require time and resources in the days leading up to the election, potentially diverting attention from core election operations. The compressed timeline also increases the risk of confusion, inconsistent implementation, and limited access to legal guidance on unclear provisions. Together, these factors could interfere with election administration.

At the same time, the activities this bill seeks to restrict could disrupt election operations or threaten voters' rights, potentially in serious ways. For that reason, action to address genuine risks to election integrity may be warranted despite the challenges.

According to the Author

"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."

Arguments in Support

In support of a prior version of this bill, the League of Women Voters of California wrote, "The legislation is designed to address federal overreach - a real and escalating threat to California's elections. Under our constitutional system, states play the principal role in administering elections, subject to Congress's authority over federal elections, and California has built a rigorous framework to test, certify and monitor voting systems used in this state..."

"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."

Arguments in Opposition

In opposition to a prior version of this bill, the California State Sheriffs' Association wrote, "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..."

"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... 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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Ongoing costs of an unknown, but potentially significant amount, in excess of \$150,000, to the AG to provide guidance to local elections officials, building owners, and employers; override a county's decision to utilize uniformed guards at voting locations, and bring civil actions to enforce specified peace officer and chain of custody prohibitions (General Fund (GF) or special fund). The Department of Justice (DOJ) reports no significant impact from this bill. However, actual costs will depend on the scope of such training and oversight, how often the AG pursues legal intervention, and the level of additional staffing DOJ may need to handle the related workload. In light of heightened political distrust and hostility in our nation and state, such interventions may become increasingly common. If DOJ hires staff to handle interventions authorized by this bill, DOJ would incur significant costs, likely in the low hundreds of thousands of dollars annually at a minimum.
- 2) Ongoing costs of an unknown amount to the SOS to develop guidance with the AG, override a county's decision to utilize uniformed guards at voting locations, and bring civil actions to enforce specified peace officer and chain of custody prohibitions (GF).
- 3) Ongoing cost pressures of an unknown amount to the courts in additional workload by allowing the AG, SOS, or a county elections official to file a civil action to enforce specified peace officer and chain of custody prohibitions, some of which also receive precedence when filed in court, and by creating various new elections-related crimes, for which a defendant is entitled to no-cost legal representation and a jury trial (GF or Trial Court Trust Fund (TCTF)). It is unclear how many actions or 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.

- 4) Potential incarceration costs of an unknown amount to the counties and California Department of Corrections and Rehabilitation to the extent criminal prosecutions of this bill's elections-related crimes result in convictions (local funds, GF). Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence is served in county jail or state prison.
- 5) By requiring a county elections official to follow certain procedures related to conducting an election, this bill may create a state-mandated local program. If the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service for which the state must reimburse local costs, counties could seek reimbursement from the state (GF). However, any such costs are likely minor and absorbable.

The Legislative Analyst's Office recently warned of GF structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

VOTES

SENATE FLOOR: Vote not relevant

YES:

NO:

ASM ELECTIONS: 6-1-1

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

NO: Gallagher

ABS, ABST OR NV: Johnson

ASM PUBLIC SAFETY: 7-1-1

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

NO: Lackey

ABS, ABST OR NV: Alanis

ASM APPROPRIATIONS: 11-3-1

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

NO: Ellis, Ta, Tangipa

ABS, ABST OR NV: Hoover

UPDATED

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