

UNFINISHED BUSINESS

Bill No: SB 73
Author: Cervantes (D) and Umberg (D), et al.
Amended: 5/18/26
Vote: 27 - Urgency

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 1/13/26
AYES: Cervantes, Allen, Durazo, Umberg
NOES: Choi

SENATE APPROPRIATIONS COMMITTEE: 5-2, 1/22/26
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

SENATE FLOOR: 30-10, 1/27/26
AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ASSEMBLY FLOOR: 57-19, 5/22/26 - See last page for vote

SUBJECT: Elections

SOURCE: Asian Americans and Pacific Islanders for Civic Empowerment
Coalition for Humane Immigrant Rights

DIGEST: This bill restricts law enforcement agencies and officers from engaging in specified conduct related to elections; (2) clarifies that a person who is observing the processing of vote by mail (VBM) ballots is prohibited from challenging whether signatures compare.

Assembly Amendments of 5/18/26 added provisions prohibiting conduct by law enforcement agencies and officers as well as clarifications surrounding challenges to VBM ballot signatures.

ANALYSIS:

Existing federal law:

- 1) Provides, pursuant to the U.S. Constitution, the times, places, and manner of holding elections for U.S. Senators and Members of the House of Representatives be prescribed by a state's legislature. Congress may, at any time, make law or alter regulations related to elections, except as to the places of choosing U.S. Senators.
- 2) Prohibits an officer or member of the Armed Forces of the United States from doing any of the following:
 - a) Prescribing, fixing, or attempting to prescribe or fix by proclamation, order, or otherwise, the qualifications of voters at any election in any state.
 - b) Preventing or attempting to prevent by force, threat, intimidation, advice, or otherwise any qualified voter of any state from fully exercising the right of suffrage at any general or special election.
 - c) Ordering, compelling, or attempting to compel any election officer in any state to receive a vote from a person not legally qualified to vote.
 - d) Imposing or attempting to impose any regulations for conducting any general or special election in a state different from those prescribed by law.
 - e) Interfering in any manner with an election official's discharge of their duties.
- 3) Prohibits military officials or federal officials from stationing troops or armed personnel at any place where a general or special election is held, unless such force is necessary to repel armed enemies of the U.S.
- 4) Provides specified exceptions when a person in 2) and 3) of existing federal law is exercising their right of suffrage.
- 5) Provides a person violating 2) and 3) of existing federal law is subject to a fine or imprisonment of not more than five years, or both. The person is also disqualified from holding any office of honor, profit, or trust under the U.S.

- 6) Prohibits a person employed in any administrative position in the U.S. government, as specified, from using official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for President, Vice President, Presidential Elector, Member of the U.S. Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner. A person in violation of this is subject to a fine or imprisonment of not more than one year, or both.

Existing state law:

- 1) Requires a state or local agency or political subdivision to provide notice to the Secretary of State (SOS) and the Attorney General (AG) within three court days of the filing or service of a court action relating to an election-related claim under federal law, and at least 14 court days before entering into a settlement, consent decree, or other court-approved agreement in such an action.
- 2) Provides for public observation during the processing of VBM ballots and permits observers to challenge whether individuals handling VBM ballots are following established procedures.
- 3) Makes it a crime for a person to do any of the following:
 - a) Interfere with the officers holding an election or conducting a canvass or with voters lawfully voting in an election, as specified.
 - b) Use, or threaten to use, force, violence, intimidation, or coercion (or to have someone else do so) to influence how a person votes, or whether they vote at all, or to punish them for how or whether they voted.
 - c) Place a sign relating to voters' qualifications, speak to a voter related to their qualifications, record a voter entering or exiting a voting location, or obstruct ingress, egress, or parking, within 100 feet of a voting location or ballot drop-off location with the intent of dissuading a person from voting.
 - d) Knowingly challenge a person's right to vote without probable cause or on fraudulent grounds.
 - e) Be stationed at a voting location without the written authorization of the elections official while in possession of a firearm as a uniformed peace officer, private guard, or security personnel, or while wearing a uniform of a peace officer, guard, or security personnel, except as specified.

- f) Hire or arrange for a person to be stationed at a voting location without the written authorization of the elections official while in possession of a firearm as a uniformed law enforcement officer, private guard, or security personnel, or while wearing a uniform of a law enforcement officer, guard, or security personnel, except as specified.
 - g) Tamper with, interfere with, or damage voting technology, as specified. Interfering with voting technology includes providing unauthorized access to or breaking the chain of custody of certified voting technology.
 - h) Tamper with ballots, poll lists, ballot containers, or election returns.
 - i) Act as an election officer or perform any of an election officer's duties without first having been appointed as such.
- 4) Prohibits a person, other than a poll worker or other official responsible for conducting an election, from challenging or questioning a voter at a voting location regarding their qualifications to vote.
 - 5) Establishes a civil cause of action against a person who intimidates, threatens, or coerces another person, or attempts to do any of those things, for voting, attempting to vote, urging or aiding another person in voting or attempting to vote, or exercising powers or duties to administer elections.
 - 6) Prohibits sealed packages containing voted ballots from an election from being taken from the custody of an elections official.
 - 7) Permits the SOS, the AG, or a county elections official to bring a civil action against any person who tampers with voting technology.

This bill:

- 1) Requires the AG, in consultation with the SOS, to provide guidance and information to county election officials regarding how election 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.
- 2) Requires the AG, in consultation with the SOS, to publish and provide guidance to managers of election sites 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.

- 3) Defines “law enforcement agency” as 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.
 - b) Any law enforcement agency of another state.
 - c) Any federal law enforcement agency.
- 4) Prohibits a peace officer from 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.
- 5) Permits the AG, SOS, or a county elections official to bring a civil action to enforce the prohibitions in 4) of this bill. A court must expedite the scheduling and disposition of a civil action if the action is filed during the period beginning 30 days before Election Day and ending with the completion of the canvass.
- 6) Prohibits an election observer from challenging a signature on VBM ballot return envelopes or on VBM signature cure statements on the basis that they believe the signature does not compare with the signatures appearing in the voter’s registration record.
- 7) Prohibits any 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 specific violation of voter fraud or double voting. This does not prohibit an individual, in accordance with a written agreement between the elections official conducting the election and a law enforcement agency, from permitting agents of a law enforcement agency to provide logistical, transportation, or security support during the voting period, on Election Day, or during the canvass of the vote.
- 8) Permits the AG or SOS to object to a county election official’s decision to authorize peace or law enforcement officers, private guards, or security personnel to be stationed at a voting location or county elections office. Criminal penalties apply after the AG or SOS objects to a specific election official’s decision, the person stationed at a voting location or county elections office knows about the objection, and the person remains at the voting location or elections office.

- 9) Permits the AG, SOS, 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. For a person who knowingly takes a package containing voted ballots from the custody of the elections official, this crime be punishable by a \$1,000 fine, imprisonment for up to three years, or by both.
- 10) Prohibits an individual from allowing an agent of a law enforcement agency to access, disrupt, modify, or take possession of certified voting technology or a portion thereof unless authorized by a court order.
- 11) Contains severability and urgency clauses.

Background

Riverside County. In early 2026, a local election watchdog group raised concerns that the number of ballots cast in the November 2025 statewide special election differed from the official total reported by the Riverside County Registrar of Voters (ROV) by nearly 46,000 ballots. Taking these concerns into consideration, the Riverside County Sheriff's Department applied to the Superior Court and sought a warrant to seize the ballots "in order to prove or disprove any criminal conduct." The court issued a judicial warrant on February 9, 2026.

At a presentation to the Riverside County Board of Supervisors on February 10, 2026, the ROV addressed the alleged discrepancies and disputed the watchdog group's figures. The ROV noted the difference between ballots cast and ballots counted, based on official results, was 103 ballots.

On February 26, 2026, the Sheriff's Department seized about 1,000 boxes of ballots and ballot materials.

The Sheriff's Department also obtained two additional search warrants: one to seize additional election materials (beyond ballots) and another to appoint a special master to oversee the Sheriff Department's counting of ballots.

As this process unfolded, the AG issued multiple letters directing the Riverside County Sheriff to preserve all seized ballots and pause further action. The AG further questioned whether the warrants were supported by probable cause and whether the Riverside County Sheriff's Department presented the magistrate with all the material evidence required by law.

On April 8, 2026, the California Supreme Court ordered the Riverside County Sheriff to halt his investigation into alleged fraud in the November 2025 special

election and preserve all seized items. Proceedings remain ongoing and the California Supreme Court indicated that this matter will be considered on an expedited basis.

Requesting State Voter Rolls. There have been various reports that the U.S. Department of Justice (DOJ) has requested election records or access to voting equipment in various states. According to the State Democracy Research Initiative with the University of Wisconsin Law School, the DOJ has filed federal lawsuits against the District of Columbia and 30 states, including California. These lawsuits are seeking orders to compel jurisdictions to submit copies of complete voter registration lists, including dates of birth, driver's license numbers, and the last four digits of Social Security numbers. While many of these suits are being litigated, six federal district courts have dismissed the DOJ's suits. This includes suits against Arizona, California, Massachusetts, Michigan, Oregon, and Rhode Island. The DOJ also reached a settlement with Oklahoma where the state agreed to provide its sensitive voter data in exchange for the DOJ dismissing the lawsuit.

Requesting Local Voter Rolls. In 2025, the DOJ received a complaint of a non-citizen in Orange County, California, receiving a VBM ballot. The DOJ requested various voter registration records from Orange County relating to the number and information of cancelled voter registrations since 2020. The Orange County Registrar of Voters provided data, but redacted sensitive information, such as driver's license numbers, identification numbers, Social Security numbers, language preferences, and signatures. The DOJ went to court for the requested materials. The matter was subsequently stayed while the case between the DOJ and the California SOS was pending. The case between the DOJ and the California SOS was dismissed.

In January 2026, 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. The warrant also sought tabulator tapes for every voting machine and ballot images that were created from ballot scanning from the 2020 General Election in Fulton County. The warrant targeted voter rolls from the 2020 General Election including lists of voters who were issued and returned absentee ballots or who participated in advanced voting or Election Day voting. 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 U.S. 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 DOJ sent a letter to the chief elections officer in Wayne County, Michigan requesting election records from the November 2024 federal election.

Federal Monitors in California's Elections. For the November 4, 2025, statewide special election, the DOJ sent election monitors to five California counties. The five counties were Fresno, Kern, Los Angeles, Orange, and Riverside. The goal of the election observers was to “ensure transparency, ballot security, and compliance with federal law.” Following the election, U.S. Assistant Attorney General for the Civil Rights Division Harmeet K. Dhillon stated, “in the counties we monitored, there were no major headlines out of that work.”

It should be noted for the November 5, 2024, presidential general election, the DOJ planned to monitor 86 jurisdictions nationwide, including San Joaquin County. For the November 8, 2022, gubernatorial general election, the DOJ planned to monitor 64 jurisdictions nationwide, including Los Angeles County and Sonoma County.

Comments

Author's Statement. “California has a responsibility to protect the voices of California voters and we will not stand by as outside forces seek to undermine our electoral process. This bill builds on the foundation established by SB 851 from 2025 and strengthens California's safeguards against election interference in time for the June 2 statewide primary election.”

Related/Prior Legislation

SB 884 (Umberg) of 2026, among other provisions, requires a law enforcement officer to notify the AG or SOS of any suspected, planned, or violation of electioneering or arrests of specified crimes near a polling location and the disruption of the operation of a polling location. The bill passed the Senate and is pending in the Assembly.

AB 1664 (Jackson) of 2026 requires local agencies and election officials to notify the AG and the SOS within one business day of becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to election records or voting systems. The bill passed the Assembly and is pending in the Senate.

AB 2230 (Ávila Farías) of 2026, among other provisions related to immigration enforcement at child daycare facilities, expands 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. The bill is pending in the Assembly.

SB 851 (Cervantes, Chapter 238, Statutes of 2025) sought to address potential interference in California's elections. Among the provisions of the bill, it expanded the prohibition for 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, to be stationed in the immediate vicinity of, or posted at, a polling location to include an officer or agent of a federal law enforcement agency, unless certain conditions are met.

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

According to Assembly Committee on Appropriations:

- 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 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.

SUPPORT: (Verified 5/22/26)

Asian Americans and Pacific Islanders for Civic Empowerment (source)
Coalition for Humane Immigrant Rights (source)
California Common Cause
SEIU California
One individual

OPPOSITION: (Verified 5/22/26)

Jim Cooper, Sacramento County Sheriff
California State Sheriffs' Association
Two individuals

ASSEMBLY FLOOR: 57-19, 5/22/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Alanis, Castillo, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis
NO VOTE RECORDED: Arambula, Chen, Gabriel, Celeste Rodriguez

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**** END ****