

## SENATE THIRD READING

SB 851 (Committee on Elections and Constitutional Amendments)

As Amended September 9, 2025

Majority vote. Urgency

**SUMMARY**

Requires a state or local agency or political subdivision to provide written notice to the Secretary of State (SOS) and the Attorney General (AG) after it files or is served a court action relating to elections which contains a claim arising under federal law. Expands existing law that makes it a crime for a person who hires or arranges any person or uniformed enforcement officer, as defined, to be stationed in the immediate vicinity of a polling location to apply to any person or uniformed officer outside a county elections office without authorization of the appropriate elections official. Repeals requirements that standards for testing of voting equipment in the state must meet or exceed standards set by the federal Election Assistance Commission (EAC). Makes it a crime to use misleading unofficial ballot return envelopes. Clarifies that the duty to certify election results is a ministerial duty of the elections official.

**Major Provisions**

- 1) Requires a state or local agency or political subdivision, within three court days after a state or local agency or political subdivision files or is served with a court action relating to elections that contains a claim arising under federal law, to provide a written notice to the SOS and the AG. Requires the notice to include the case number, case name, and venue.
- 2) Requires a state or local agency or political subdivision, at least 14 court days before entering into a settlement, consent decree, or other court-approved agreement in a court action relating to elections that contains a claim arising under federal law, to provide a draft copy of the settlement, consent decree, or agreement to the SOS and the AG in order to provide them an opportunity to deliver guidance to the state or local agency or political subdivision to ensure that the settlement, consent decree, or agreement is consistent with state law, including regulations. Provides that any information exchanged under this section is exempt from disclosure under the California Public Records Act. Provides, for purposes of this section, that a claim arising under federal law includes, but is not limited to, a claim brought under the federal Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Help America Vote Act of 2002 (HAVA), the Civil Rights Act of 1960, and the Fourteenth and Fifteenth Amendments to the United States (US) Constitution. Provides that this bill shall not be construed to require the SOS or the AG to become a party to any action of which they receive written notice.
- 3) Finds and declares that the provisions above address a matter of statewide concern, and therefore apply to all cities and counties, including charter cities, charter counties, and charter cities and counties.
- 4) Expands an existing law that makes it a crime for a person to hire or arrange 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, to include an officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency. Expands this crime to include a person who hires or arranges for any of the listed persons to be stationed in the immediate vicinity of or at a county elections office. Provides that this restriction does not apply when the person is being

stationed at a polling place or county elections official's office pursuant to a federal court order.

- 5) Repeals requirements that standards adopted by the SOS for testing of voting equipment to be used in the state must meet or exceed voluntary federal standards set by the EAC, and instead requires the state standards to meet the minimum requirements of HAVA and to incorporate best practices in election technology.
- 6) Repeals provisions of law that require the SOS, after receiving written notification from a vendor, jurisdiction, or applicant, of a defect, fault, or failure of a voting system, part of a voting system, or a remote accessible voting system, to notify the EAC or its successor agency of the problem.
- 7) Clarifies that existing provisions of law that require an elections official to prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election, post the certified statement of results of the election on its internet website, and send to the SOS within 31 days of the election in an electronic format a complete copy of specified election results, are ministerial and nondiscretionary duties.
- 8) Requires the SOS, if an elections official fails to prepare a certified statement of the results of the election, to call the violation to the attention of the district attorney of the county or to the AG, and permits the SOS to assist the county elections official in discharging the officer's duties.
- 9) Makes it a crime punishable by a fine, by imprisonment in county jail or in state prison, or by both a fine and imprisonment, for a person who provides, directs, or solicits a voter to place or return a ballot in an envelope with the intent or in a way to deceive a voter into returning a ballot in an unofficial return envelope and believing that the envelope is an official ballot return envelope.
- 10) Makes other technical and conforming changes.
- 11) Contains a severability clause and contains an urgency clause, allowing this bill to take effect immediately upon enactment.

## COMMENTS

As previously approved by policy and fiscal committees in this house, this bill would have made various minor changes to the Elections Code. Subsequently, this bill was amended on the Assembly Floor to delete the contents of the bill, and to add the current provisions. As a result, prior votes and analyses are not relevant to the current version of this bill. The current version of this bill includes some of the provisions from AB 331 (Pellerin) of the current legislative session, which was approved by the Assembly. Additionally, the current version of this bill proposes policy changes that have not been heard in an Assembly or Senate policy committee during this legislative session.

### According to the Author

None available.

**Arguments in Support**

None received to the current version of the bill.

**Arguments in Opposition**

None received to the current version of the bill.

**FISCAL COMMENTS**

Unknown. State-mandated local program; contains a crimes and infractions disclaimer; contains reimbursement direction.

**VOTES****SENATE FLOOR: 38-0-2**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Padilla, Reyes

**ASM ELECTIONS: 7-0-0**

**YES:** Pellerin, Macedo, Bennett, Berman, Solache, Stefani, Tangipa

**UPDATED**

VERSION: September 9, 2025

CONSULTANT: Nichole Becker / ELECTIONS / (916) 319-2094

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