

THIRD READING

Bill No: SB 884
Author: Umberg (D) and Cervantes (D), et al.
Amended: 5/14/26
Vote: 27 - Urgency

SENATE JUDICIARY COMMITTEE: 11-0, 4/21/26
AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener
NO VOTE RECORDED: Niello, Valladares

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 4/21/26
AYES: Wiener, Allen, Cervantes, Umberg
NOES: Choi

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

SUBJECT: Elections in 2026 through 2029

SOURCE: Author

DIGEST: This bill makes changes to vote by mail (VBM) drop off locations, the deadline for when VBM ballots must be received, and prohibited activities near a polling location for elections in 2026, 2027, 2028, and 2029.

ANALYSIS:

Existing law:

- 1) Requires every active registered voter to receive a VBM ballot for any election.
- 2) Requires election officials to begin mailing VBM ballots no later than 29 days before Election Day.

- 3) Provides a VBM ballot is timely cast if it is received by the voter's elections official by mail no later than seven days after Election Day and is postmarked or time/date stamped on or before Election Day. If the ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information is available from the USPS or the bona fide private mail delivery company to indicate the date on which the ballot was mailed, the VBM ballot identification envelope is date stamped by the elections official upon receipt, and is signed and dated pursuant to a specified existing law on or before Election Day.
- 4) Requires counties using the vote center model, pursuant to the Voter's Choice Act (VCA), to provide at least two VBM ballot drop-off locations or one VBM ballot drop-off location for every 15,000 registered voters, whichever results in more locations. For counties using the polling place or all-mail election models, at least two VBM ballot drop-off locations or one VBM ballot drop-off location for every 30,000 registered voters, whichever results in more locations, must be provided. All VBM ballot drop-off locations must be open 28 days prior to and through Election Day.
- 5) Prohibits a person, any time a voter may be casting a ballot, within the 100 feet to the entrance to a building that contains a polling location, an election official's office, a satellite location, or an outdoor site where a voter may cast or drop off a ballot from doing any of the following:
 - a) Circulating an initiative, referendum, recall, or nomination petition or any other petition.
 - b) Soliciting a vote or speaking to a voter on the subject of marking the voter's ballot.
 - c) Placing a sign relating to voters' qualifications or speaking to a voter on the subject of the voter's qualifications, except as provided in existing law.
 - d) Displaying a candidate's name, likeness, or logo.
 - e) Displaying a ballot measure's number, title, subject, or logo.
 - f) Wearing or using buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
 - g) Disseminating audible electioneering information.
 - h) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at VBM ballot drop boxes.

- 6) Prohibits a candidate or representative of a candidate, and a proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, from soliciting the vote of a VBM voter, or from doing any electioneering, while in the residence or in the immediate presence of the voter, and during the time the person knows the VBM voter is voting.
- 7) Provides that any person in violation of 5) or 6) is guilty of a misdemeanor.
- 8) Requires the polls to remain open if voters are in the polling location or are in line at the door, but have not been able to cast their vote. If the time for closing the polls is extended pursuant to a court order, all votes cast during the time that the polling location is extended must be by provisional ballot. Any provisional ballots cast must be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended.

This bill:

- 1) Provides, for any regular or special election, beginning with the November 3, 2026, statewide general election through elections held or proclaimed in 2029, the following:
 - a) At least two VBM ballot drop-off locations within the county or at least one VBM ballot drop-off location for every 11,250 registered voters, whichever results in more VBM ballot drop-off locations. A county with fewer than 11,250 registered voters must provide at least one VBM ballot drop-off location.
 - b) All VBM ballot drop-off locations must be open, at a minimum, during regular business hours beginning not less than 30 days before Election Day and through Election Day.
 - c) A VBM ballot is timely cast if it is received by the voter's elections official via USPS or a bona fide private mail delivery company no later than 10 days after Election Day if the ballot is postmarked or time/date stamped on or before Election Day. If the ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information is available from the USPS or the bona fide private mail delivery company to indicate the date on which the ballot was mailed, the VBM ballot identification envelope is date stamped by the elections official upon receipt, and is signed and dated pursuant to a specified existing law on or before Election Day.

- d) A prohibition for law enforcement officers from arresting any person within 200 feet of a polling location on Election Day, except for crimes related to disrupting the operation of the polling location, a crime against a person, or a crime against property. This prohibition does not provide legal amnesty for any crime committed within this zone on Election Day.
 - e) The option to extend the electioneering prohibition from 100 feet to 200 feet from either the entrance of a building that contains a polling place, an elections official's office, or a satellite location or any outdoor site at which a voter may cast or drop off a ballot if approved by the county's Board of Supervisors. The approved distance must be uniform at every voting location in the county.
 - f) A requirement by a law enforcement officer to notify the Secretary of State and Attorney General of any suspected, planned, or actual violation of d) and e).
 - g) A county elections official may extend the time for closing of a polling location if the county elections official determines that voting was disrupted as a result of d) or e). All votes cast during any extension of polling place hours must be by provisional ballots.
 - h) The option for the state or local government to place reasonable restrictions on a polling location on their government property.
- 2) Encourages the Governor to use law enforcement to enforce the provisions of this bill.
 - 3) Provides the provisions of this bill remain in effect until January 1, 2030.
 - 4) Contains findings and declarations.
 - 5) Contains an urgency clause to take effect immediately.

Background

Vote by Mail Drop-off Locations. For the November 5, 2024, presidential general election, counties conducted elections using one of three models: vote centers, polling places, or all-mail. Each election model provides a different set of services for voters. For VBM ballots drop-off locations, counties using the vote center model needed to provide at least two VBM ballot drop-off locations or one VBM ballot drop-off location for every 15,000 registered voters, whichever resulted in more locations. For counties using the polling place or all-mail model, at least two

VBM ballot drop-off locations or one VBM ballot drop-off location for every 30,000 registered voters, whichever resulted in more locations. All VBM ballot drop-off locations needed to be open 28 days prior to and through Election Day.

According to data from the Secretary of State's office, for the presidential general election in November 2024, 29 counties used the vote center model, 25 counties used the polling place model, and four counties used the all-mail model. In total, there were 1,968 VBM ballot drop-off locations throughout California.

This bill would modify the minimum threshold used for determining the number of VBM ballot drop-off locations to at least two VBM ballot drop-off locations within the county or at least one VBM ballot drop-off location for every 11,250 registered voters, whichever results in more VBM ballot drop-off locations. This would result in an increase in the number of VBM ballot drop-off locations throughout the state.

Vote By Mail Statistics. Californians have increasingly relied on VBM ballots to cast a vote. According to the Secretary of State's office, the 1962 general election saw 2.63% of California voters vote by mail. For the 2024 presidential general election, 80.76% of California voters voted by mail. For the 2025 statewide special election, 88.89% of California voters voted by mail.

Vote By Mail Ballot Rejections. A number of VBM ballots are rejected at every election for various reasons. A rejected ballot is a ballot not counted because of a missing signature, a non-comparing signature, the ballot was missing from the envelope, multiple ballots were returned in one envelope, the ballot was not received on time, the voter already voted, or there is a missing or incorrect address on the envelope. A ballot can also be rejected if a voter did not provide their driver's license number, identification card number, or last four digits of their social security number when registering to vote and did not provide a form of identification when voting for the first time. For the 2024 presidential general election, 33,016 ballots of the 122,480 rejected ballots were rejected because the VBM ballot was not received on time. For the 2025 statewide special election, 72,473 ballots of the 159,999 rejected ballots were rejected because the VBM ballot was not received on time.

Electioneering. The earliest reference to a 100-foot electioneering prohibition dates back to at least 1891 where the Political Code stated, "No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place." Since 1891, the 100-foot prohibition is measured from has changed over time, but the actual number, 100 feet, has remained generally the same with some exceptions.

More recently, SB 35 (Umberg and McGuire, Chapter 318, Statutes of 2021), among other provisions, modified the distance prohibiting electioneering and other prescribed political activities to within the 100 feet from the entrance of a building that contains a polling location, an elections official's office, a satellite location, or from an outdoor voting area where a voter may cast their ballot or drop off a ballot. Prior to the bill, the electioneering prohibition zone extended from the voting room instead of the building.

Interference in California's Elections. In 2025, 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. The author sought to "ensure that federal agents are treated the same way as state and local law enforcement so that it is a crime to hire or arrange for law enforcement to be posted at or near a voting location or county registrar's office without authorization."

Comments

- 1) *Author's Statement.* California has both the constitutional right and responsibility to run our own safe and secure elections, and the state intends to do exactly that. In the interest of protecting this fundamental right and ensuring voters feel safe participating in our democracy, no law enforcement presence, including state or local, should be permitted near voting areas unless necessary to address a crime against person or property. This bill will protect our voters, defend local control, and uphold our democracy regardless of whether the federal government chooses to respect those principles.
- 2) *Election Administration.* If chaptered, this bill would take effect immediately. Election officials will have a limited amount of time and resources to purchase new equipment (i.e., VBM ballot drop-off boxes), secure locations for this new equipment, and find election workers to collect ballots at these additional VBM ballot drop-off locations. In order to implement many of the provisions of this bill, it will require an extensive amount of time and coordination. Following an election, including after this bill sunsets in 2030, election officials will need to ensure the security and maintenance of fixed VBM ballot drop-off boxes and have the necessary storage space for nonfixed VBM ballot drop-off boxes.

- 3) *Postmarks and Delivery*. This bill extends the VBM ballot receipt deadline from seven to 10 days after Election Day, if it was postmarked by Election Day. If the author intends for this to address potential postmarking delays with the USPS, extending the deadline to receive VBM ballots will not solve the postmark issue. The central issue is the act of timely postmarking a VBM ballot and not necessarily on the delivery of a VBM ballot to an elections official.

Related/Prior Legislation

SB 73 (Cervantes) of 2026 restricts law enforcement agencies and officers from engaging in specified conduct related to elections, prohibits a person who is observing the processing of VBM ballots from challenging whether signatures compare, and makes other changes related to the oversight of elections.

AB 1664 (Jackson) of 2026 requires 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 2230 (Ávila Farías) of 2026, among other provisions, 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.

SB 851 (Cervantes, Chapter 238, Statutes of 2025), among other provisions, 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.

AB 5 (Berman, Chapter 250, Statutes of 2025) required county election officials to report vote totals for all ballots, except specified types of ballots that require special processing, by the 13th day after the election. These exceptions included ballots needing to be duplicated, VBM ballots forwarded from a county to county of origin, VBM ballots with an issue with the voter's signature, provisional ballots, ballots cast by a person who votes through conditional voter registration, and ballots received by an elections official after the fourth day following Election Day.

SB 35 (Umberg and McGuire, Chapter 318, Statutes of 2021) among other provisions, modified the distance prohibiting electioneering and other prescribed political activities to within the 100 feet from the entrance of a building that contains a polling location, an elections official's office, a satellite location, or from an outdoor voting area where a voter may cast their ballot or drop off a ballot.

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

According to the Senate Committee on Appropriations:

- By increasing the duties of local elections officials, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but at a minimum could reach the low millions of dollars per election cycle. (General Fund).

SUPPORT: (Verified 5/14/26)

California State Treasurer Fiona Ma, CPA
California Federation of Labor Unions, AFL-CIO
California School Employees Association, AFL-CIO
Disability Rights California
Latino Community Foundation
UnidosUS
One individual

OPPOSITION: (Verified 5/14/26)

California Association of Clerks and Election Officials
Nine individuals

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
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