

Date of Hearing: June 30, 2026  
Counsel: Mary Kennedy

## ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 884 (Umberg) – As Amended May 14, 2026

**SUMMARY:** For elections through 2029, this bill makes a number of changes regarding mail-in ballots and activities near a polling place, including limiting the ability of law enforcement to make arrests during voting hours. Specifically, **this bill:**

- 1) Provides that a law enforcement officer shall not arrest 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 crime against a person, or a crime against property.
- 2) Provides that the bill's provisions do not provide legal amnesty for any crime committed within the buffer zone on election day.
- 3) Provides that the prohibition on electioneering may be expanded by a county board of supervisors to up to 200 feet of either of the following:
  - a) The entrance to a building that contains a polling place, an elections official's office, or a satellite location; or,
  - b) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.
- 4) Provides that a law enforcement officer shall abide by and enforce the provisions relating to buffer zones and should notify the Secretary of State and Attorney General of a suspected, planned, or actual violation of the provisions.
- 5) States that a violation of the extended buffer zone would be punishable as a misdemeanor.
- 6) Provides that on election day, a county official may extend the time for closing polls at any polling place if the county elections official determines, in the official's discretion that the voting at the polling place was disrupted as a result of a violation of the prohibition against arrests in or electioneering in this bill. If the time is extended, all votes cast during that time shall be by provisional ballot and held apart from other provisional ballots.
- 7) Provides that a county shall provide at least two vote-by-mail ballot drop-off locations within the county or at least one vote-by-mail (VBM) ballot drop-off location for every 11,250 registered voters, whichever results in more VBM ballot drop-off locations.
- 8) Provides that a county with fewer than 11,250 registered voters shall provide at least one VBM ballot drop-off location.

- 9) Requires VBM ballot drop-off locations to be open at least during regular business hours beginning not less than 30 days before the election and continuing through the day of the election.
- 10) Provides that a VBM ballot is timely cast if it is received by the voter's elections official via the US Postal Service or a Bonafide mail delivery company no later than 10 days after the election if either of the following is satisfied:
  - a) The ballot is postmarked on or before the election day or is time stamped by a bona fide private mail delivery company on or before the election day; or,
  - b) The ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information from the US Postal Service or the mail company, the vote by mail ballot envelope is date stamped upon receipt and is signed and dated on or before election day.
- 11) Provides that on election day, a county official may extend the time for closing polls at any polling place if the county elections official determines, in the official's discretion that the voting at the polling place was disrupted as a result of a violation of the prohibition against arrests in or electioneering in this bill.
- 12) Contains the following findings and declarations:
  - a) Free, fair, and secure elections are fundamental to democracy, and all eligible voters must be able to cast a ballot without fear of intimidation, interference, or disruption.
  - b) Certain crimes have less exigent circumstances than others and the value of arresting and detaining those accused is outweighed by the harm it creates in sensitive areas like polling places.
  - c) Existing law prohibiting within 100 feet of polling places to protect voters from undue influence and intimidation while exercising their right to vote.
  - d) Recent actions to weaponize law enforcement authority for political purposes, such as Sheriff Chad Bianco's seizure of ballots in Riverside County, have given rise to unprecedented concerns about law enforcement interference in the 2026 general election.
  - e) Government officials and political allies have publicly discussed deploying law enforcement officers near polling places, creating serious concerns about voter intimidation and unlawful interference with the right to vote.
  - f) During the November 2025 special election, the United States Department of Justice deployed personnel to monitor polling sites in five California counties, including Fresno, Kern, Los Angeles, Orange, and Riverside, demonstrating that these threats are not merely hypothetical.
  - g) Proposed legislation such as the SAVE Act and executive actions targeting vote-by-mail ballots may be rejected because of postal delays outside the voter's control, threatening ballot access for eligible voters across the state.

- h) California must act to preserve the integrity of its elections by protecting polling places from intimidation, ensuring access to vote-by-mail ballots, and maintaining safe and secure access to the ballot box for every eligible voter.
- 13) Provides that county election officials are encouraged to use public buildings for polling places.
- 14) Provides, in the uncodified provisions, that the Governor is encouraged to use law enforcement to enforce this act.
- 15) States that its provisions are severable.
- 16) Contains an urgency clause.

**EXISTING LAW:**

- 1) Establishes procedures and requirements for conducting elections by mail. (Elec. Code, div. 4, §§ 4000 et seq.)
- 2) Establishes the minimum number of VBM drop-off locations a county must provide in connection with an election, including at least one ballot drop-off location for every 15,000 voters. (Elec. Code, § 4005.)
- 3) Provides that a VBM ballot is timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than seven days after election day, and the ballot is either postmarked as mailed on or before election day or the date is stamped "received" by the elections official with a date on or before election day. (Elec. Code, § 4103.)
- 4) Defines "electioneering" as the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot, including, but not limited to, the following:
  - a) A display of a candidate's name, likeness, or logo.
  - b) A display of a ballot measure's number, title, subject, or logo.
  - c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information
  - d) Dissemination of audible electioneering information.
  - e) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote by mail ballot drop boxes. (Elec. Code, § 319.5(a).)
- 5) Provides that the activities described in (4) are prohibited within 100 feet of either of the following:

- a) The entrance to a building that contains a polling place, an elections official's office, or a satellite location.
  - b) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot. (Elec. Code, § 319.5(a).)
- 6) Makes it a misdemeanor for any person, on election day or at any time a voter may be casting a ballot to within 100 feet of a polling place, a satellite location or an election official's office do any of the following:
- a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
  - b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
  - c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or qualifications.
  - d) Do any electioneering as defined in Elections Code Section 319.5. (Elec. Code, §18370)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Sponsor:** Author-sponsored
- 2) **Author's statement:** According to the author, "Our state is facing serious threats from the Trump administration, and we will not treat them as idle or theoretical. We know that the President Trump's allies seek to suppress voter turnout, especially among minority communities, by deploying ICE and military forces on election day. California has both the constitutional right and responsibility to run our own safe and secure elections, and we intend to do exactly that. These threats serve as a reminder that voting is a fundamental right that must be protected from intimidation and interference. 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 persons or property. Given the expected federal interference with California's elections, SB 884 would also increase options to avoid physical polls by extending vote center service hours, increase the number of ballot drop boxes, and allow drop boxes to open earlier. SB 884 will protect our voters, defend local control, and uphold our democracy regardless of whether the federal government chooses to respect those principles."
- 3) **Background on the state's current VBM and electioneering laws:** As explained by the Senate Elections and Constitutional Amendments Committee's analysis of this bill:

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, 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...

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 noncomparing 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 total number of rejected ballots were rejected because the VBM ballot was not received on time...

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." The Political Code (which later became the Elections Code) from 1891 also stated, "No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place." It should be noted that where 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

- 4) **Temporary changes to election laws:** This bill makes a number of changes to law relating to elections for special and general elections being held between November 3, 2026, statewide election through any election held in 2029 or proclaimed in 2029.
- 5) **Counties authority to expand electioneering buffer zone and the accompanying misdemeanor:** Existing law provides for a 100 foot buffer zone around polling places and prohibits anyone from doing campaign related activities within that zone. Such activities can result in a misdemeanor. Where the 100 feet starts is usually well marked for those entering the polling places.

This bill would allow a county to expand that electioneering prohibition to 200 feet. This wider area would also be a misdemeanor if the prohibited activities occurred within that zone.

- 6) **Prohibition on arrests within 200 feet:** This bill provides that a law enforcement officer shall not arrest any person within 200 feet of a polling place on election day when the polls are open, except for a crime related to disrupting the polling place, a crime against a person, or a crime against property. The bill explicitly states that this prohibition does not grant immunity to a person who commits a crime within that 200 feet.

a) *Buffer zone and arrest prohibition may not be the same*

As noted in comment 4, this bill allows a county to expand the buffer zone from 100 to 200 feet but does not require it. Thus, if the buffer zone is not expanded, the area marked will be at 100 not 200 feet and an officer could make an arrest outside the 100 feet but within the 200 feet for an outstanding warrant not related to elections or any of the concerns behind this bill but the officer would be in violation of this provision. The author may wish to consider amending the new Section 404 created by this bill to refer to the electioneering prohibition zone in the county instead of 200 feet.

b) *Doctrine of Intergovernmental Immunity*

The United States “Constitution established a system of ‘dual sovereignty.’ (*Schirmer v. Edwards* (5th Cir. 1993 2 F. 3d 11; *Printz v. U.S.* (1997) 521 U.S. 898, 919.) The Constitution’s Supremacy Clause provides that the Constitution and federal laws are the supreme law of the land. U.S. Const., art. VI, cl. 2. Section 8 of Article I of the United States Constitution enumerates Congress’s specific powers, and the Tenth Amendment states that “powers not delegated to the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” “This separation of the two spheres is one of the Constitution’s structural protections of liberty...a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.” (*Printz* at 521 U.S. at p. 921 (internal quotation marks omitted).)

The interplay between Congress’ enumerated powers and the states’ retained powers makes the question of whether a state law conflicts with, and is therefore preempted by, a federal law, a complex one. A state law will be deemed preempted if it directly contradicts a federal law, but also if the state law stands as an obstacle to Congress’s purpose or objectives. (see *Gade v. National Solid Waste Management Association* (1992) 505 U.S. 88, 98.) Additionally, the intergovernmental immunity doctrine of the Supremacy Clause prohibits state laws from discriminating against the federal government or burdening it in some way. (see *North Dakota v. U.S.* (1990) 495 U.S. 425, 436-438.) There is, however, a presumption against a finding that a state law is preempted: when determining whether a state law is preempted, “courts should assume that the historic police powers of the states are not superseded unless that was the clear and manifest purpose of Congress.” (*Arizona v. U.S.* (2012) 567 U.S. 387, 400)

On November 17, 2025, in the case of *United States v. California* (C.D.Cal. 2026) 819 F.Supp. 3d 1109, the Trump Administration filed a lawsuit in federal court seeking to enjoin the State of California from enforcing SB 627 (Wiener), Chapter 125, Statutes of

2025 and SB 805 (Pérez), Chapter 126, Statutes of 2025. The complaint alleged that provisions of these bills that apply to federal law enforcement agencies violate the Supremacy Clause of the United States Constitution – and in particular, the intergovernmental immunity doctrine – by impermissibly regulating the federal government. (*United States v. California, supra*, 819 F.Supp.3d at p. 7). Alternatively, the complaint alleged that SB 627 (Wiener), Chapter 125, Statutes of 2025 violated the Supremacy Clause by discriminating against the federal government. (*Ibid.*) The Trump Administration did not challenge SB 805 (Perez) as discriminating against the federal government, since the provisions of that bill apply equally to local, state, and federal law enforcement officers. (*Id.* at p. 35, fn. 9).

Regarding the discrimination-based intergovernmental immunity claim against SB 627, the United States District Court granted the Trump Administration’s motion for a preliminary injunction as to the enforcement of SB 627’s facial covering prohibition against federal law enforcement officers. The court cited that the federal government was likely to succeed on its claim that this provision unlawfully discriminates against the federal government in violation of the intergovernmental immunity doctrine. (*Id.* at p. 41). The court reasoned that because SB 627’s facial covering prohibition applied to local, out-of-state, and federal law enforcement officers, but not to state law enforcement officers, it therefore “treats federal law enforcement officers differently than similarly situated state law enforcement officers.” (*Ibid.*) The court stated that while the challenged provisions of SB 627 did not interfere with federal functions, there is no de minimis exception to a discriminatory burden, and the intergovernmental immunity doctrine prohibits *any* discriminatory burden. (*Id.* at p. 38.) Notably, the decision includes a footnote that “counsel for the United States acknowledged that the No Secret Police Act would not be unlawfully discriminatory if it was amended to apply to all law enforcement officers.” (*Id.* at p. 54, fn. 15.)

This bill prohibits any law enforcement officer—federal, state, or local—from arresting any individual within 200 feet of a polling place, except for arrests for specified crimes. Because the bill applies to all law enforcement, and does not single out federal officers, this bill does not facially discriminate against the federal government. A challenge to this law, therefore, would likely turn on whether this restriction “affects incidentally the mode of carrying out federal employment or rather seeks to control federal functions.”

- 7) **The United States Supreme Court’s pending VBM case:** The United States Supreme Court is in the process of deciding whether federal law prohibits a state from accepting ballots that are postmarked on election day but received on a later date. In *Republican National Committee v. Wetzel*, ( 120 F.4th 200, cert. granted *sub nom. Watson v. Republican National Committee* (2025) 146 S.Ct. 355.) the United States Court of Appeals for the Fifth Circuit held that federal law fixing elections on a specific date preempts a Mississippi state law allowing ballots postmarked on election day, but received later, to be counted.( *Id.* at pp. 203-204.) The opinion relies on the Fifth Circuit’s distinction between the “selection” and “election” of candidates; the judges on the panel believed that “it makes no sense to say the electorate as a whole has made an election and finally chosen a winner before all voters’ selections are received,” and therefore, all votes must be received by the end of election day.( *Id.* at p. 207.) The panel did not extend their logic to tallying votes; in their construction, “the result is fixed when all of the ballots are received and the proverbial ballot box is closed,” but

“while election officials are still receiving ballots, the election is ongoing” because “the outcome is not yet fixed.” (*Ibid*)

The State of Mississippi petitioned for a writ of certiorari in the Supreme Court. The petition argues that the Fifth Circuit erred because “[a]s a matter of plain meaning, an ‘election’ is the *conclusive choice* of an officer. Voters make that choice by casting—marking and submitting—their ballots by election day. The election has then occurred, even if election officials do not receive all ballots that day.” (Petition for a Writ of Certiorari, *Watson v. Republican National Committee*, United States Supreme Court Case No. 24-1260, p. 1)

The Supreme Court granted the petition. The Court heard oral argument in the case on March 23, 2026. If the Court holds that federal law setting election day as the first Tuesday in November preempts state laws allowing ballots postmarked by election day but received on a later date, that opinion will invalidate both California’s current law regarding ballots received after election day and the provisions of this bill allowing a ballot to be counted if it is postmarked by election day and received up to days later. As many have noted, a Supreme Court decision changing the election laws in at least 18 states and territories within half a year of a major federal election could create chaos in those states, as secretaries of state struggle to comply with the Court’s new rules in time for the election. (see VanSickle, *Supreme Court Appears Poised to Reject Late-Arriving Mail-In Ballots Law* (Mar. 23, 2026; updated Mar. 24, 2026) New York Times, <https://www.nytimes.com/2026/03/23/us/supreme-court-mail-in-ballots.html>.)

- 8) **Argument in Support:** According to the *League of Women Voters of California*, “SB 884 builds on and complements SB 73 (Cervantes), which the LWVC supported, and the Governor signed into law on May 27, 2026. SB 73 restricts law enforcement access to certified voting technology, rosters, and voter lists, strengthens ballot custody protections, and prohibits law enforcement from interfering with election administration. SB 884 protects the polling place, the drop-off location, and the path the ballot travels through the mail. Together, the two bills form a coordinated response to the threats facing California’s elections.

“SB 884 is a direct response to federal overreach and the misuse of law enforcement authority – real and escalating threats to California’s elections. Under our constitutional system, states play the principal role in administering elections, subject to Congress's authority over federal elections.<sup>2</sup> California has built a comprehensive framework to ensure that voters can cast their ballots free from intimidation and interference. SB 884 strengthens that framework precisely where it is most exposed: in the physical environment of the polling place and the path the ballot travels through the mail.”

- 9) **Argument in Opposition:** According to the *California State Sheriffs’ Association*, “The limitation on arrests proposed by this bill is worthy of opposition because it impedes local peace officers from enforcing state and local law. SB 884 creates an arbitrary buffer zone that, when polls are open, effectively becomes a safe haven where suspects cannot be arrested for various crimes like driving under the influence, indecent exposure, disorderly conduct, or even drug sales, if only for a few hours on a few days per year.

“More problematic though is what this bill appears to truly accomplish, which is to put state and local peace officers in the untenable position of having to stop federal agents from

carrying out their duties and attempting to use a new state law to shield state and local officers from obstructing federal affairs. The Legislature ought not direct California public servants to attempt to impede federal employees from enforcing federal law and doing so sets the stage for a constitutional collision with California peace officers squarely facing the consequences.”

#### 10) Related legislation

- a) SB 73 (Cervantes), Chapter 10, Statutes of 2026, 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.
- b) SB 91 (Cervantes) reduces the time period in which a county conducting an all-mailed ballot election must provide vote centers for in-person voting, from 10 days before the day of the election to 5 days. SB 91 is currently pending a hearing in Assembly Elections Committee.
- c) SB 1418 (Cervantes) expands the provision that prohibits the destruction of any document that must be preserved after an election and any certified voting technology. SB 1418 is set to be heard in the Assembly Public Safety Committee.

#### 11) Prior Legislation

- a) SB 851 (Cervantes), Chapter 238, Statutes of 2025, made a number of changes to California’s election laws to prevent interference in elections.
- b) SB 406 (Choi), of the 2025-2026 Legislative Session, would have required vote-by-mail ballots to be returned to the applicable elections official no later than the close of the polls on election day, except where otherwise required by federal law, to be counted as timely. SB 406 died in the Senate Elections and Constitutional Amendments Committee.
- c) SB 335 (Strickland), of the 2025-2026 Legislative Session, would have repealed the provisions requiring a county elections official to mail a ballot to every registered voter in the county, instead authorizing a voter to request a vote-by-mail ballot for any election, as specified. SB 335 failed passage in the Senate Elections and Constitutional Amendments Committee.
- d) AB 930 (Ward), Chapter 282, Statutes of 2025, extended the time in which a vote-by-mail ballot that is postmarked on election day must be counted as timely when received by the county elections official, from three days after election day to seven days after the election.
- e) AB 2624 (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, as specified.

- f) SB 35 (Umberg), Chapter 318, Statutes of 2021, among other things, expanded the categories of conduct that constitute “electioneering” for purposes of the prohibition on electioneering within 100 feet of specified voting locations.
- g) AB 37 (Berman), Chapter 312, Statutes of 2021, required county elections officials to mail a ballot to every active registered voter for all elections, and makes changes to VBM processes, procedures, and requirements, including requiring at least two vote-by-mail drop-off locations within the jurisdiction or at least one drop-off location per 30,000 registered voters within the jurisdiction.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Black American Political Association of California (BAPAC) Sacramento Chapter  
California Community Foundation  
California Federation of Labor Unions, Afl-cio  
California Public Defenders Association  
California School Employees Association  
California State Treasurer  
County of Santa Barbara  
Disability Rights California  
Indivisible CA Statestrong  
Latino Community Foundation  
League of Women Voters of California  
No Ice Marin Coalition  
Unidosus

### **Opposition**

California Association of Clerks & Election Officials  
California Police Chiefs Association  
California State Sheriffs' Association

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