

Date of Hearing: August 25, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 259 (Wahab) – As Amended August 20, 2026

SUMMARY: Makes it a misdemeanor for any person having charge of a vote by mail (VBM) ballot to interfere, as defined, with a ballot's delivery to a voter, and makes it a felony for a person with authority to direct one or more persons subject to their supervision or authority to interfere with a ballot's return to the local elections official or delivery to a voter. Specifically, **this bill:**

- 1) States that any person having charge of a VBM ballot who willfully interferes or causes interference with its delivery to a voter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding \$10,000, or by both the fine and imprisonment.
- 2) Provides that any person with authority who directs one or more other persons subject to their supervision or authority to engage in the specified conduct prohibited is guilty of a felony punishable by imprisonment for two, three, or four years.
- 3) Defines "interference" to include, but is not limited to, providing unauthorized access to, breaking the chain of custody for, or tampering with a vote by mail ballot, or, having been designated to return a ballot, as specified, failing to return that ballot to the applicable elections official.
- 4) Contains an urgency clause.

EXISTING FEDERAL LAW

- 1) Prohibits a person, whether acting under color of law or otherwise, from intimidating, threatening, or coercing any person, or attempting to intimidate, threaten, or coerce any person for voting or attempting to vote, as specified. (52 U.S.C. § 10307(b).)
- 2) Prohibits a person employed in any administrative position by the United States, or any department of agency thereof, in connection with any activity which is financed by loans or grants made by the United States, from using their official authority for the purposes of interfering with or affecting the election of any candidate to specified elective offices, and punishes this offense by imprisonment for up to one year. (18 U.S.C. § 595.)

EXISTING STATE LAW:

- 1) 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 Secretary of State (SOS), a county elections official, an election worker, or a volunteer performing required elections-related

tasks, as prescribed, except as necessary to respond to urgent threats to public health and safety. (Elec. Code, § 15007, subd. (a).)

- 2) Prohibits an 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. (Elec. Code, § 15553, subd. (a).)
- 3) States that the processing of vote by mail (VBM) ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election. (Elec. Code, § 15104, subd. (a).)
- 4) Prohibits a VBM voter observer from interfering with the orderly processing of VBM ballot return envelopes or the processing and counting of VBM ballots, including the touching or handling of the ballots. (Elec. Code, § 15104, subd. (e).)
- 5) Prohibits a person from intimidating, threatening, coercing, or attempting to intimidate or coerce any other person for any of the following: 1) voting or attempting to vote; 2) urging or aiding any person to vote or attempt to vote, whether as part of official election administration activity or otherwise; 3) exercising any powers or duties to administer elections, including counting votes, canvassing and certifying an election; or 4) that other person's status as a past or present participant in the administration of elections. (Elec. Code, §§ 18581, subd. (a).)
- 6) Prohibits a person, other than a member of a precinct board or other official responsible for the conduct of the election, from challenging or questioning any voter concerning the voter's qualifications to vote. (Elec. Code, § 14240, subd. (b).)
- 7) Establishes specified election and voting crimes, as follows:
 - a) Makes it a jail-eligible felony punishable by imprisonment for 16 months, two years, or three years, for a person charged with the performance of any duty under any law of this state related to elections to willfully neglect or refuse to perform it; or, in the person's official capacity, to knowingly and fraudulently act in violation of any of those laws, except where a different punishment is provided by the Elections Code. (Elec. Code, § 18002, subd. (a).)
 - b) Makes it a felony to interfere with the officers holding an election or conducting a canvass, as to prevent the election or canvass from being fairly and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, punishable by imprisonment for 16 months, two years, or three years. (Elec. Code, § 18502, subd. (a).)
 - c) Makes it a felony to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting or to vote or refrain from voting for any particular person or measure, or because any person voted or refrained from voting at an election, as specified, or to hire or arrange for a person to engage in such conduct, punishable as a felony by 16 months, two years, or three years. (Elec. Code, § 18540, subds. (a) & (b).)

- d) Prohibits a person, with the intent of dissuading another person from voting, from, within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot, soliciting a vote, speaking to a voter about marking their ballot, or disseminating visible or audible electioneering information, punishable by up to one year in county jail or by 16 months, two year, or three years in state prison, and as a straight felony if a person conspires to violate these offenses. (Elec. Code, § 18541, subd. (c) & (d).)
- e) Prohibits a person from knowingly challenging a person's right to vote without probable cause or on fraudulent or spurious grounds, or from engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or from fraudulently advising any person that they are not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, and makes this offense a wobbler by up to one year in county jail, or by 16 months, two years, or three years in state prison, and as a felony if a person conspires to violate this offense. (Elec. Code, § 18543.)
- f) Makes it a jail-eligible felony punishable by imprisonment for 16 months, two years or three years, or a fine up to \$1,000, or by both that fine and imprisonment, for a person to engage in any of the following:
 - i) Aid in changing or destroying any poll list or official ballot.
 - ii) Carry away or destroy, attempt to carry away or destroy, or knowingly allow another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled, or willfully detain, mutilate, or destroy any election returns.
 - iii) Remove any unvoted ballots from the polling place before the completion of the ballot count.
 - iv) Display a container or provide an envelope for the purpose of collecting or returning ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot or returning a ballot in an unofficial ballot return envelope.
 - v) Direct or solicit a voter to place a ballot in a container or envelope described above. (Elec. Code, § 18568.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Sponsor:** Author-sponsored
- 2) **Author's Statement:** According to the author, "SB 259 protects and strengthens California's commitment to accessible, secure, and trustworthy elections by ensuring that vote-by-mail (VBM) ballots are protected from tampering. For millions of Californians, voting by mail provides the flexibility they need to make their voices heard. Whether a voter is working long hours, caring for family, living with a disability, serving in the military, or attending school, voting by mail removes unnecessary barriers to participation."

“Our democracy is strongest when every eligible voter can cast a ballot freely, securely, and with confidence that it will be counted. SB 259 comes at a critical moment, as the federal administration continues to sow doubt about the integrity of our election system. We must vigorously protect the security of our elections without allowing false claims of voter fraud to be used as a pretext to restrict lawful access to the ballot.

“Election security and voting access are not competing values—we can and must protect both. SB 259 does exactly that. To ensure these safeguards are in place before the November 2026 General Election, it is essential that SB 259 take effect immediately.”

- 3) **Effect of this Bill:** SB 259 would punish any person having charge of a VBM ballot who willfully interferes or causes interference with its delivery to a voter with a misdemeanor, including imprisonment in the county jail not exceeding six months, by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment. This bill also would punish with a felony any person with authority who directs one or more other persons subject to their supervision or authority to engage in certain prohibited conduct with a felony, punishable by imprisonment for two, three, or four years. Interference under this bill would be defined to include “providing unauthorized access to, breaking the chain of custody for, or tampering with a vote by mail ballot, or, having been designated to return a ballot, as specified, failing to return that ballot to the applicable elections official,” but not limit the definition to such conduct.

The need to create these new crimes is somewhat unclear. Existing law establishes numerous crimes that may already encompass the type of conduct these new crimes seek to address. It is also a felony to threaten or make use of any force, violence, tactic, coercion, or intimidation, or to induce or compel another person to vote or refrain from voting. (Elec. Code, § 18540, subd. (a); see also 52 U.S.C. § 10307(b).) Additionally, it is a felony, punishable by imprisonment for up to 4 years to knowingly take a package containing voted ballots or their contents from the custody of an election official in violation of the prohibition that “in no event shall a package containing the voted ballots or its contents be taken from the custody of the election official.” (Elec. Code, §§ 18568; 15551, subd. (d)). Furthermore it is a felony punishable by imprisonment for up to 3 years to carry away or destroy, or knowingly allow another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled or to willfully detain, mutilate, or destroy any election returns, or to remove any unvoted ballots from the polling place before the completion of the ballot count. (Elec. Code, § 18568, subd. (e).) Finally, it is a felony, also punishable by imprisonment for up to 4 years to tamper with or interfere with the correct operation of, or willfully damage to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source code. (Elec. Code, § 18564).

- 4) **Argument in Support:** None submitted

- 5) **Argument in Opposition:** None submitted

- 6) **Related Legislation:**

- a) SB 884 (Umberg), among other things, would prohibit a federal, state, or local law enforcement officer shall not arresting 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 violent or serious felony, as defined, or larceny; and provides that this provision does not provide legal amnesty for any crime within the buffer zone on election day. SB 884 has been ordered to third reading in the Assembly.

- b) AB 282 (Pellerin) would make it a felony, punishable by imprisonment for 16 months or 2 or 3 years, to seize or cause or assist in the seizure of ballots, election records, or certified voting technology before election results are certified by the elections official, and also make it a felony punishable by imprisonment for 2, 3, or 4 years for any person with authority to direct another person subject to their supervision or authority to seize ballots, election records, or certified voting technology before election results are certified. AB 282 has been ordered to third reading in the Senate.
- c) AB 1664 (Jackson) would require 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 1664 has been ordered to third reading in the Senate.
- d) AB 2105 (Macedo) would have required the SOS to identify geographic areas where a vote by mail ballot deposited with the United States Postal Service on election day may not receive a postmark until the following day because of mail collection and processing practices in that region, as specified. AB 2105 was held in the Assembly Elections Committee.

7) **Prior Legislation:**

- a) SB 73 (Cervantes), Chapter 10, Statutes of 2026, prohibited a peace officer from interfering with the administration of an election, as specified, and prohibited a vote by mail observer from challenging a signature on a VBM ballot that has been verified by the voter, among other things.
- b) SB 851 (Cervantes), Chapter 238, Statutes of 2025, expended the crime of hiring or arranging 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, which includes an officer or agent of a federal law enforcement agency and exempts a person stationed at a polling place or county elections official's office pursuant to a federal court order.
- c) AB 930 (Ward), Chapter 282, Statutes of 2025, prohibited unauthorized access to the voting system in use by the elections office and impose other protections on access to a voter's personal identifying information, among other things.
- d) AB 2642 (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, and authorized an aggrieved person, an officer holding an election or conducting a canvass, or the AG to file a civil action to enforce those prohibitions.

- e) SB 485 (Becker), Chapter 611, Statutes of 2023, established additional specificity for penal provisions within the Elections Code as it pertains to a person who interferes with the officers holding an election, officers conducting a canvass, or with voters lawfully exercising their voting rights.
- f) SB 35 (Umberg), Chapter 318, Statutes of 2021, among other things, prohibited a person from engaging in electioneering and prescribed political activities within the immediate vicinity of a voter in line to cast a ballot or drop off a VBM ballot, as specified.
- g) SB 1376 (Perata), Chapter 813, Statutes of 2004, authorized the SOS, and in some cases the AG and county elections officials, to take legal actions regarding the security of voting systems and the conduct of elections.

REGISTERED SUPPORT / OPPOSITION:**Support**

None

Opposition

None

Analysis Prepared by: Samarpreet Kaur / PUB. S. / (916) 319-3744