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DEPARTMENT OF JUSTICE



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September 21, 2026

Honorable Chief Justice Patricia Guerrero and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

RE: Signing of Senate Bill No. 1418
Attorney General v. Bianco, No. S295901
Cervantes v. Bianco, No. S295866

Dear Chief Justice Guerrero and Associate Justices:

Attorney General Rob Bonta respectfully submits this letter to notify the Court that on September 19, 2026, Governor Newsom signed Senate Bill No. 1418. Among other changes, this legislation amends section 15551, subdivision (d) of the Elections Code to prohibit taking “any document that is or will be subject to the preservation requirements in Section 17300 to Section 17306, inclusive, or any certified voting technology or electronic data or portion thereof, including source code, or any other election-related material or equipment necessary for the conduct of an election . . . from the custody of the elections official.” (Sen. Bill No. 1418 (2025-2026 Reg. Sess.) Stats. 2026, ch. 341, § 2.) Previously, subdivision (d) applied only to “the package containing the voted ballots” and “its contents.” (See Stats. 2026, ch. 10, § 4.) S.B. 1418 is an urgency statute and so took effect upon signing. (See Stats. 2026, ch. 341, § 10.) A copy of the legislation is attached to this letter.

Section 15551 is now much broader and conceivably extends to all of the materials seized by Sheriff Bianco from the Riverside County Registrar of Voters. (See Respondent Bianco’s Response to Aug. 12, 2026 Order re: Search Warrant Returns (Aug. 19, 2026).) Although newly enacted legislation generally applies to pending mandamus actions, including this one (see, e.g., *Make UC a Good Neighbor v. Regents of Univ. of Cal.* (2024) 16 Cal.5th 43, 55), and the newly enacted text clearly supports petitioners’ request for relief in *Cervantes*, the Court need not address the scope of the new statutory language, which could risk delay in resolving this case. Instead, as the Attorney General suggested at the oral arguments recently held in these companion cases, the Court may issue a writ in *Cervantes* limited to the return of the ballots, which are indisputably covered by both the prior and current versions of section 15551. (Cf. *Shear Dev. Co., LLC v. California Coastal Com.* (2026) 19 Cal.5th 334, 349 [declining to resolve scope of new provision where its application did not make a difference].) The Attorney General could then exercise his supervisory authority (see, e.g., Gov. Code, § 12560) to ensure the return of any other materials seized by the Sheriff but not covered by the writ in *Cervantes*.

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Sincerely,

/s/ Zachary W. Sorenson

ZACHARY W. SORENSON
Associate Deputy Solicitor General

For ROB BONTA
Attorney General

Senate Bill No. 1418

CHAPTER 341

An act to amend Sections 15550, 15551, 17601, 17602, 18564.5, and 18568 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 2026. Filed with
Secretary of State September 19, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1418, Cervantes. Preservation of election materials.

Under existing law, various election materials, including ballots, voter rosters, and related documents, must be maintained for a certain amount of time following an election. If an election contest or criminal prosecution has been commenced before the date voted ballots will be destroyed, the ballots may not be destroyed until after final determination of the contest or prosecution.

This bill would expand that provision to prohibit the destruction of any document or record that must be preserved after an election and any certified voting technology or electronic data, as defined, used for the election until after final determination of any contest or criminal prosecution.

Existing law requires, for an election for the office of the President, Vice president, United States Senator, and United States Representative, specified data to be kept by an elections official, on electronic media, stored and unaltered, for 22 months from the date of the election. For all state and local elections, existing law requires the electronic data to be kept on electronic media for 6 months from the date of the election.

This bill would clarify the types of electronic media holding the specified data to include, but not be limited to, a hard drive, solid-state drive, flash drive, memory card, or other digital storage device. The bill would require the electronic media holding the data to be stored in a sealed container.

Existing law makes it a crime to knowingly take a package containing ballots from the custody of an elections official. Existing law also authorizes the Secretary of State, Attorney General, and appropriate local elections officials to bring a civil action against a person, business, or entity that takes a package containing ballots from the custody of an elections official.

This bill would apply the crime and the authorization to bring a civil action to taking any document, record, certified voting technology, or electronic data, as defined, or portions thereof including source code, or any other election-related material or equipment necessary to the conduct of an election, from the custody of the elections official. By expanding the scope of an existing crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 15550 of the Elections Code is amended to read:

15550. The records and supplies of any election when received by the elections official shall be maintained and disposed of in the manner set forth in this chapter and Chapter 4 (commencing with Section 17300) of Division 17.

SEC. 2. Section 15551 of the Elections Code is amended to read:

15551. (a) If any contest or criminal prosecution has been commenced before its destruction any document or record that is or will be subject to the preservation requirements in Section 17300 to Section 17306, inclusive, or any certified voting technology or electronic data or portion thereof, including source code, shall be subject to the order of the court in which the contest or criminal prosecution is pending and shall not be destroyed until after final determination of the contest or criminal prosecution.

(b) In the case of a congressional election contest, the elections official shall hold the ballots of that congressional district in custody subject to the inspection of any committee of the House of Representatives having in charge the investigation of the contest, until the final determination of the contest by the House of Representatives.

(c) In the case of a contest in the State Legislature, the elections official shall hold the ballots of the Senate or Assembly district in custody subject to the inspection of any committee of the Senate or Assembly having in charge the investigation of the contest until the final determination of the contest or the final adjournment of the session of the Legislature in which the contest is filed, whichever is the later.

(d) In no event, except as provided in Sections 15553 or 19230, shall any document that is or will be subject to the preservation requirements in Section 17300 to Section 17306, inclusive, or any certified voting technology or electronic data or portion thereof, including source code, or any other election-related material or equipment necessary for the conduct of an election, be taken from the custody of the elections official.

(e) For purposes of this section, “certified voting technology” and “electronic data” have the same meaning as defined in Section 17600.

SEC. 3. Section 17601 of the Elections Code is amended to read:

17601. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) (1) The following data shall be kept by the elections official, on electronic media, including, but not limited to, a hard drive, solid-state drive, flash drive, memory card, or other digital storage device, stored and unaltered, for 22 months from the date of the election:

- (A) All voting system electronic data.
 - (B) All ballot on demand system electronic data, if applicable.
 - (C) All adjudication electronic data.
 - (D) All remote accessible vote by mail system electronic data, if applicable.
 - (E) All electronic poll book electronic data, if applicable.
 - (F) HASH values taken from the voting technology devices, if applicable.
 - (G) All ballot images.
- (2) The electronic media which holds the data described in subparagraphs (A) through (G) of paragraph (1) of subdivision (b) shall be stored in a sealed container.

(c) If a contest is not commenced within the 22-month period, or if a criminal prosecution involving fraudulent use, using the ballot tally system to mark or falsify ballots, or manipulation of the ballot tally system, is not commenced within the 22-month period, either of which may involve the vote count of the precinct from which voted ballots were received, the elections official shall have the backups destroyed.

SEC. 4. Section 17602 of the Elections Code is amended to read:

17602. (a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17601. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) (1) The following data shall be kept by the elections official, on electronic media, including, but not limited to, a hard drive, solid-state drive, flash drive, memory card, or other digital storage device, stored and unaltered, for six months from the date of the election:

- (A) All voting system electronic data.
 - (B) All ballot on demand system electronic data, if applicable.
 - (C) All adjudication electronic data.
 - (D) All remote accessible vote by mail system electronic data, if applicable.
 - (E) All electronic poll book electronic data, if applicable.
 - (F) HASH values taken from the voting technology devices, if applicable.
 - (G) All ballot images, if applicable.
- (2) The electronic media which holds the data described in subparagraphs (A) through (G) of paragraph (1) of subdivision (b) shall be stored in a sealed container.

(c) If a contest is not commenced within the six-month period, or if a criminal prosecution involving fraudulent use, using the ballot tally system to mark or falsify ballots, or manipulation of the ballot tally system is not commenced within the six-month period, either of which may involve the

vote count of the precinct from which voted ballots were received, the elections official shall have the backups destroyed.

SEC. 5. Section 18564.5 of the Elections Code is amended to read:

18564.5. (a) The Secretary of State, Attorney General, and any local elections official in the county in which the act occurs, may bring a civil action against an individual, business, or other legal entity that commits any of the following acts before, during, or after an election:

(1) Tamper, interfere, or attempts to interfere with the correct operation of, or willfully damages in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software.

(2) Interferes or attempts to interfere with the secrecy of voting or interferes or attempts to interfere with ballot tally software program source codes.

(3) Knowingly, and without authorization, gains access to or provides another person or persons with access to a voting machine for the purpose of committing one of the acts specified by this section.

(4) Willfully substitutes or attempts to substitute forged, counterfeit, or malicious ballot tally software program source codes.

(5) Knowingly, and without authorization, inserts or causes the insertion of uncertified hardware, software, or firmware, for whatever purpose, into any voting machine, voting device, voting system, vote tabulating device, or ballot tally software.

(6) Fails to notify the Secretary of State prior to any change in hardware, software, or firmware to a voting machine, voting device, voting system, or vote tabulating device, certified or conditionally certified for use in this state.

(7) Takes any document, record, certified voting technology, or electronic data, as those terms are defined in Section 17600, or portions thereof including source code, or any other election-related material or equipment necessary to the conduct of an election, from the custody of the elections official in violation of subdivision (d) of Section 15551.

(b) A civil action may be brought pursuant to this section for a civil penalty not to exceed fifty thousand dollars (\$50,000) for each act and for injunctive relief, if appropriate.

SEC. 6. Section 18568 of the Elections Code is amended to read:

18568. Every person is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or by both that fine and imprisonment, who:

(a) Aids in changing or destroying any poll list or official ballot.

(b) Aids in wrongfully placing any ballots in the ballot container or in taking any therefrom.

(c) Adds or attempts to add any ballots to those legally polled at any election by fraudulently putting them into the ballot container, either before or after the ballots therein have been counted.

(d) Adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at

any other time, with intent to change the result of the election, or allows another to do so, when in the person's power to prevent it.

(e) Carries away or destroys, attempts to carry away or destroy, or knowingly allows another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled or who willfully detains, mutilates, or destroys any election returns.

(f) Removes any unvoted ballots from the polling place before the completion of the ballot count.

(g) Displays a container or provides 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. Evidence of intent to deceive may include using the word "official" on the container or envelope, or otherwise fashioning the container or envelope in a way that is likely to deceive a voter into believing that the container or envelope is an official collection box or official ballot return envelope that has been approved by an elections official.

(h) Directs or solicits a voter to place a ballot in a container or envelope prohibited by subdivision (g).

(i) Knowingly takes any document, record, certified voting technology, or electronic data, as those terms are defined in Section 17600, or portions thereof including source code, or any other election-related material or equipment necessary to the conduct of an election, from the custody of the elections official in violation of subdivision (d) of Section 15551.

SEC. 7. The provisions of this bill shall be construed and applied in a manner that is consistent with the requirements of the California Constitution and the Constitution of the United States.

SEC. 8. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for this act to apply to the statewide gubernatorial election occurring on November 3, 2026, it is necessary that this act take effect immediately.