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County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24212

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson
Elections Counsel

RE: General Election: AB 2642: PEACE Act

On September 24, 2024, Governor Newsom signed Assembly Bill (AB) 2642 (Chapter 533, Statutes of 2024) into law as an urgency bill.

[AB 2642](#) relates to voter intimidation and is referred to as the Protecting Elections from Armed Coercion and Extremism (PEACE) Act (the Act).

The Act adds Article 5 to the penal provisions of the Elections Code, specifically, sections 18580 through 18582. The purpose of the Act is to supplement, and not limit or replace existing statutes that prohibit the intimidation of voters and others in the election process and the carrying of firearms where votes are cast and counted.

Amongst other definitions, the Act provides a clear definition of a firearm and provides an expansive definition of "voting" to ensure that the application of the Act will apply to all forms and methods of voting permitted under federal and state law. (Elec. Code, §§ 18580(a), (f).)

Elections Code section 18581(a) provides that no person shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other person for any of the following:

- Voting or attempting to vote.
- Urging or aiding any person to vote or attempt to vote, whether as part of official election administration activity or otherwise.
- Exercising any powers or duties to administer elections, including counting votes, canvassing, and certifying an election in accordance with Division 15. (Semifinal Official Canvass, Official Canvass, Recount, and Tie Vote Procedures).

- That other person's status as a past or present participant in the administration of elections.

In any lawsuit to enforce Section 18581, a person who openly carries a firearm or imitation firearm while interacting with or observing any of the activities identified above or interacting with or observing a person who was or is participating in the administration of an election, shall be presumed to have engaged in intimidation in the absence of an affirmative showing to the contrary by a preponderance of the evidence. (Elec. Code, § 18581(b)(1).)

However, any law enforcement officer acting within the scope of their official duties is not subject to this presumption, but a court may nonetheless consider a law enforcement officer's possession of a firearm in determining whether the officer violated the provisions of Elections Code section 18581(a) set forth above. (Elec. Code, § 18581(b)(2).)

Regarding any legal challenges to enforce the provisions of Section 18581(a), Section 18582 provides specific details how those challenges may be made.

If you have any questions about this memorandum, please contact Robbie Anderson at aanderso@sos.ca.gov. Thank you.