



Shirley N. Weber, Ph.D.

California Secretary of State

Elections Division

1500 11th Street, 5th Floor | Sacramento, CA 95814 | 916.657.2166 | elections@sos.ca.gov

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County Clerk/Registrar of Voters (CC/ROV) Memorandum # 26265

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi
Elections Counsel

RE: Urgency Legislation: Signing of Senate Bill 1418, and Assembly Bills 282 and 1664

On September 19, 2026, Governor Newsom signed [Senate Bill \(SB\) 1418](#) (Ch. 341, Stats. of 2026), [Assembly Bill \(AB\) 282](#) (Ch. 330, Stats. of 2026) and [Assembly Bill \(AB\) 1664](#) (Ch. 336, Stats. of 2026) into law as urgency bills.

SB 1418

SB 1418 amends Elections Code sections 15550, 15551, 17601, 17602, 18564.5, and 18568 relating to the preservation of electronic election materials. SB 1418 expands the preservation requirement to include any certified voting technology or electronic data and types of electronic media including, but not be limited to, a hard drive, solid-state drive, flash drive, memory card, or other digital storage device.

It is important to note that for the respective 6- or 22-month retention period, electronic media shall be stored in a sealed container. (Elec. Code, §§17601, subd. (b)(2), 17602, subd. (b)(2).)

SB 1418 also applies the crime and the authorization to bring a civil action to taking any document, record, certified voting technology, or electronic data, 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.

The Elections Code sections amended by SB 1418 are as follows:

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.

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.

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.

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.

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) Tampers, interferes, 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.

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.

AB 282

AB 282's new Elections Code section 18579 addresses the seizure of ballots, election records, or certified voting technology and provides as follows:

(a) Notwithstanding any other law, any person who seizes or causes or assists in the seizure of ballots, election records, or certified voting technology or any portion thereof, before election results are certified pursuant to Section 15372, is guilty of a felony, punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or 2 or 3 years.

(b) Any person with authority who directs one or more other persons subject to their supervision or authority to engage in the conduct prohibited by subdivision (a) shall be guilty of a felony, punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years.

- (c) For purposes of this section, the following definitions apply:
- (1) "Seize" and "seizure" mean the removal from the custody and control of authorized elections officials, as specified in subdivision (d) of Section 15551, except as provided by Sections 15553 and 19230.
 - (2) "Certified voting technology" has the same meaning as defined in Section 17600.
 - (3) "Election record" means any document or record that is or will be subject to the preservation requirements in Section 17300 to Section 17306, inclusive.

AB 1664

AB 1664 provides a definition of "election records" that includes but is not limited to, "any records that must be kept, retained, preserved, or sealed by elections officials under this code." (Elec. Code, § 23, subd. (a)(2).)

AB 1664 requires action on the part of a local agency, political subdivision or an elections official in certain situations. Specifically, they are required to provide notice to the Secretary of State (SOS) and the Attorney General (AG) immediately, but no later than one calendar day, after becoming aware of any warrant, subpoena, or active law enforcement investigation pertaining to any election records or certified voting technology under their custody or control. (Elec. Code, § 23, subd. (b).)

Moreover, this bill authorizes the SOS or the AG to intervene in, or initiate, any court proceedings to challenge a warrant or subpoena on any valid grounds or seek any other appropriate relief. (Elec. Code, § 23, subd. (c).)

AB 1664's new Elections Code section 23 provides, in its entirety, as follows:

- (a) For purposes of this section, the following terms have the following meanings:
- (1) "Certified voting technology" has the same meaning as defined in Section 17600.
 - (2) "Election records" include, but are not limited to, any records that must be kept, retained, preserved, or sealed by elections officials under this code.
 - (3) "Law enforcement investigation" means an investigation undertaken by a federal, state, or local law enforcement agency.
- (b) A local agency, political subdivision, or elections official shall provide notice to the Secretary of State and the Attorney General immediately, but no later than one calendar day, after becoming aware of a warrant, subpoena, or active law enforcement investigation pertaining to the search, seizure, or retention of any election records or certified voting technology, or any portion thereof, under their custody or control.
- (c) Notwithstanding any other law, the Secretary of State or the Attorney General may, as to any matter described in subdivision (b), intervene in any court

proceedings connected therewith, or initiate proceedings in any court to challenge a warrant or subpoena described in this section on any valid grounds or seek any other appropriate relief. An action pursuant to this subdivision shall be entitled to calendar preference.

(d) This section does not require the Secretary of State or the Attorney General to take any action regarding any warrant, subpoena, or active law enforcement investigation of which they receive notice pursuant to this section.

(e) The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities and counties, including charter cities and charter counties.

(f) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

The AB 1664 notice to the SOS must be provide to legalsupport@sos.ca.gov with the subject line as follows: "AB 1664 Notice." The same notice must be provided to the AG at AB1664_Notices@doj.ca.gov. Please attach the relevant documents to the emails.

Please contact the Office of Voting Systems Technology Assessment (OVSTA) at votingsystems@sos.ca.gov should you have any questions related to OVSTA, "certified voting technology," or "electronic data."

Please contact Rachelle Delucchi at rdelucch@sos.ca.gov or Robbie Anderson at aanderso@sos.ca.gov should you have any other questions.

Thank you.