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March 30, 2026

Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: Cervantes v. Bianco, Case No. S295866 – Amicus Letter in Support of Petition

Honorable Justices,

Pursuant to rule 8.500(g) of the California Rules of Court, Common Cause and the League of Women Voters of California respectfully submit this letter in support of the Petition for Writ of Mandate. For the reasons stated in this Letter, the Court should proceed expeditiously and ultimately grant the writ of mandate to protect California voters and their election system.

Interests of Amici

Common Cause is a nonpartisan, grassroots organization dedicated to upholding the core values of American democracy for more than half a century. Common Cause works to create an open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process. Common Cause fights through policy and legal advocacy, public education, and grassroots mobilization to ensure voters can be confident their ballots will be securely handled, accurately counted, and treated with the confidentiality required by law.

In California, Common Cause has nearly 70,000 members. As part of Common Cause's work to protect voters' rights at the ballot box, the organization helps lead the largest nonpartisan election protection program in California, training and deploying hundreds of volunteer poll monitors at voting locations for each statewide election. Common Cause poll monitors visited dozens of voting locations in Riverside County during the November 2025 California special election, and Common Cause staff are in ongoing discussions with local election officials regarding preparations for the June 2026 Primary Election. Common Cause is deeply invested in preserving the integrity of the election process in California and, specifically, in protecting the right of Riverside County voters to have the ballots they cast in the November 2025 special election counted and handled by qualified elections officials in accordance with the law.

The League of Women Voters of California (“LWVC” or “the League”) is the California affiliate of the League of Women Voters (“LWV”), which was founded in 1920 as an outgrowth of the struggle for voting rights for women. LWV has more than one million members and supporters and is organized in more than 800 communities in all 50 states and the District of Columbia. In California, the League serves as a large nonpartisan grassroots membership organization that has approximately 7,000 dues-paying members in the state across 60 local chapters. Its mission is to engage all Californians in acting on the issues that matter to them, to build political power and voice in communities historically underrepresented in the halls of government, to enact solutions to some of the biggest challenges facing the state, and to drive every eligible voter to register and to cast their ballot. The League currently has approximately 60 members in Riverside who conduct a number of voter education programs in Riverside and engage in advocacy on key local issues such as government accountability, environmental protection, and public policy. The League of Women Voters of Riverside is also a member of the Riverside Sheriff Accountability Coalition, a coalition of community groups advocating for greater transparency and oversight of the Riverside County Sheriff’s Department.

Introduction

On February 26, 2026, Riverside County Sheriff and current candidate for California Governor Chad Bianco executed a search warrant and seized about 1,000 boxes of ballot materials—over 650,000 ballots—related to the November 2025 special election from the Riverside County Registrar of Voters.¹ As recently as last week, the Riverside Sheriff seized an additional 426 boxes of ballot materials.² This seizure of hundreds of thousands of ballots represents a significant threat to the integrity of California’s elections and the rule of law, and a major escalation following similar recent efforts by the federal government to seize ballots and other election materials related to the 2020 Presidential election.

The Riverside Sheriff has admitted publicly that the seizure of ballots by his office was related to an investigation launched on the basis of a complaint from a “local citizens group” who “did their own audit” of the results of the November 2025 special election for California Proposition 50 and purportedly identified a discrepancy of more than 45,000 votes between the totals reported by Riverside County to the State and the County’s own records.³ But this private group’s review, based on incomplete public data and flawed methods, was refuted weeks earlier by the Riverside County Registrar of Voters in a public presentation that addressed the purported discrepancies.⁴ Nevertheless, the Riverside Sheriff took the unprecedented and unlawful step of

¹ Nick Corasaniti, *Sheriff in California Seizes More Ballots, Ignoring State Attorney General*, N.Y. Times (Mar. 26, 2026), https://www.nytimes.com/2026/03/26/us/politics/california-sheriff-ballots-attorney-general.html?unlocked_article_code=1.W1A.WeJZ.C3e2Qvfg8-eR&smid=nytcore-android-share.

² *Id.*

³ Hailey Branson-Potts, *More than half a million ballots seized by top GOP candidate in California governor’s race*, Los Angeles Times (Mar. 21, 2026), <https://www.latimes.com/california/story/2026-03-21/riverside-county-sheriff-chad-bianco-seizes-more-than-half-million-ballots>.

⁴ Alicia Ramirez, *Riverside County Election Workshop Hopes to Build Voter Confidence Ahead of Midterms*, Riverside Rec. (Feb. 17, 2026), <https://perma.cc/JZ9C-45HT>.

taking ballots into his own custody, threatening the integrity of California’s elections in furtherance of baseless conspiracy theories.

Unfortunately, the Riverside Sheriff’s actions are part of a troubling trend that began with the federal government’s January 2026 seizure of 2020 ballots and election materials in Fulton County, *see infra*, but that threatens to catch fire in California and beyond. Just like the Riverside Sheriff has openly flouted California law protecting the custody of ballots, federal law enforcement has recently flouted its longstanding policies against interfering “with election administration, tabulation, validation, or certification.” U.S. Dep’t of Just., Just. Manual § 9-85.300 (2022); *see also* Br. of Bipartisan Former Justice Department Officials as Amici Curiae in Support of Petitioners, *Pitts v. United States*, No. 1:26-cv-809-JPB (N.D. Ga. Feb. 26, 2026). A dangerous signal is being sent across the country: law enforcement officials can abuse their broad investigative authorities to interfere with election administration and amplify harmful conspiracy theories, all in service of politically motivated objectives.

But California law provides strict safeguards against such abuses by requiring custody of election materials to remain with election officials, and this Court must address how law enforcement investigations must proceed in compliance with those custodial statutes to guard against these unprecedented threats to our democratic system. In his preliminary opposition to the petition, the Riverside Sheriff makes no attempt to reconcile his actions with the numerous election code provisions cited by Petitioners and, specifically, fails to explain how his actions comply with the nondiscretionary prohibition in California Election Code Section 15551 on removing ballot materials from the custody of election officials. Instead, the Riverside Sheriff seeks further delay, which only serves his own political purposes. A “pause” in the Riverside Sheriff’s investigation, *see* Preliminary Opp. at 9–10, does nothing to repair the ongoing and mounting irreparable harm caused by removing the ballots from election official custody. This Court must act now not only to safeguard California voters’ rights before more damage is done but also to correct this egregious abuse of law enforcement authority before it inspires similarly harmful action both within California and beyond.⁵

I. This unlawful seizure of ballots is an unprecedented escalation of a dangerous trend of election interference by law enforcement.

Until this year, law enforcement attempts to seize or subpoena election materials were exceptionally rare and, when necessary to an investigation, were often completed in coordination with election officials or under close court supervision with specialized safeguards recognizing the sensitivity of these materials. *See, e.g., United States v. Ponder*, 238 F.2d 825, 828 (4th Cir. 1956) (a court order allowed for the seizure of election materials but required them to be stored securely with the U.S. Marshals who were to “tak[e] care at all times to preserve and protect these materials”); *In re Wallace*, 170 F. Supp. 63 (M.D. Ala. 1959) (restricting investigation of election materials to on-site review at the state courthouse within certain hours). But in 2026, the federal government upended this history and engaged in several unprecedented efforts to seize or

⁵ There are now two pending petitions before this Court addressing the Riverside Sheriff’s conduct, including one from Attorney General Bonta. In all events, this Court should address the issues in this petition because the election code violations addressed by this petition would provide much needed direction with respect to *any* law enforcement actions to seize election materials rather than only those contrary to the Attorney General’s directives.

subpoena election materials with little support or recognition of the severe disruption of ordinary and robust election procedures that undergird public trust in our democratic processes. As primary elections proceed and the 2026 general elections near, it is critical that courts re-establish clear and unambiguous guardrails to protect election materials from seizure through misuse of law enforcement authorities. The Riverside Sheriff’s ballot seizure is now part of this alarming trend.

A. The baseless seizure of ballots and other election records is in keeping with a spate of recent actions of federal officials.

In just the first three months of this year, federal officials have seized or sought election records through criminal process in at least three states: Georgia, Arizona, and Minnesota. All three of these intrusions appear to be efforts to use federal law enforcement authority to amplify or enable the advancement of debunked conspiracy theories of election malfeasance or voter fraud.

On January 28, 2026, the FBI executed an unprecedented search warrant at an elections facility in Fulton County, Georgia, and seized the original—and only—copies of Fulton County’s 2020 election records, including all physical ballots from the 2020 General Election in Fulton County. In support of that warrant, the affidavit identified two crimes allegedly under investigation. Critically, both criminal statutes carry a five-year statute of limitations—which had already expired.

The supporting affidavit underlying that search warrant was based upon numerous spurious and disproven conspiracy theories challenging the results of the 2020 election in Fulton County, nearly all of which were considered and rejected by state and federal courts in the aftermath of that election. *See, e.g., Wood v. Raffensperger*, 1:20-cv-04651-SDG (N.D. Ga. Nov. 20, 2020); *Pearson v. Kemp*, No. 1:20-cv-04809-TCB (N.D. Ga. Dec. 7, 2020); *Boland v. Raffensperger*, No. 2020CV343018 (Fulton Cnty. Ga. Superior Ct. Dec. 8, 2020).⁶ According to the affidavit, the FBI’s criminal investigation originated from a referral sent by Kurt Olsen, who “played a central role” in President Trump’s attempt to overturn the 2020 election, and has continued to push false claims about elections as President Trump’s “Director of Election Security and Integrity.”⁷

Since that seizure, both Fulton County and groups of voters have challenged the underlying warrant and sought the return of the election materials. In the Fulton County challenge, the district court unsealed the warrant and denied the United States’ motion to vacate an evidentiary hearing. *See Order to Unseal, Pitts v. United States*, No. 1:26-cv-809-JPB (N.D. Ga. Feb. 25, 2026), ECF No. 42; *Order Denying Motion to Vacate, Pitts*, No. 1:26-cv-809-JPB (N.D. Ga. Mar. 20, 2026), ECF No. 58. An evidentiary hearing was held on Friday, March 27. In that hearing, an elections

⁶ *See also* Alan Feuer, Nick Corasaniti, & Richard Fausset, *How an F.B.I. Affidavit to Seize Ballots Relied on Debunked Election Claims*, N.Y. Times (Feb. 11, 2026), <https://www.nytimes.com/interactive/2026/02/11/us/election-ballots-fulton-county-fbi-affadavit.html>.

⁷ Devlin Barrett, Nick Corasaniti, & Richard Fausset, *Georgia Ballot Inquiry Originated With Election Denier in Trump White House*, N.Y. Times (Feb. 10, 2026), <https://www.nytimes.com/2026/02/10/us/politics/fulton-county-kurt-olsen-fbi-search-2020-ballots.html>.

expert testified that the supporting affidavit had “missing information and the information that was relied on doesn’t reflect reality.”⁸

On March 9, 2026, Arizona Senate President Warren Petersen announced on social media that he had received—and complied with—a federal grand jury subpoena for records related to the Arizona Senate’s widely discredited review of Maricopa County’s 2020 election results.⁹ This 2021 audit was directed by the Arizona legislature but was carried out by a private firm called Cyber Ninja. The then-CEO of Cyber Ninja, Dean Logan, was a supporter of the “Stop the Steal” Movement and had retweeted several posts claiming that the 2020 presidential election was rigged against Donald Trump.¹⁰ Logan also drafted a document to assist U.S. Senators intending to object to the certification of the election results on January 6, 2021.¹¹ The records sought would have concerned the 2020 election, which occurred more than five years ago. Further, it did not seek custody of physical ballots from the 2020 election, which must be destroyed two years after an election under Arizona law, A.R.S. § 16-624, but it likely would include ballot *images* collected in the 2021 audit. Senate President Peterson’s voluntary compliance with this subpoena, the underlying basis for which is still unknown, highlights the risk of how aligned or cooperative custodians of records and law enforcement could disrupt ordinary chain of custody requirements for election materials and leave abuses of law enforcement authority unchecked.

Finally, on March 26, 2026, the Minnesota Secretary of State’s office received a grand jury subpoena ordering it to turn over individual voter records as part of an investigation being conducted by the U.S. Department of Justice and Department of Homeland Security into purported registration and voting by non-U.S. citizens in Minnesota. This subpoena came amidst the Department of Justice’s ongoing efforts to obtain Minnesota’s full unredacted voter registration records through civil litigation as part of DOJ’s broader campaign to obtain all states’ voter files. *United States v. Simon*, No. 0:25-cv-03761 (D. Minn. Sep. 25, 2025).¹² It is not clear at this time what serves as the basis for the subpoena, what elections are covered, or whether physical ballots are sought.

⁸ Jane C. Timm & Charlie Gile, *Election expert testifies FBI’s evidence in Fulton County ballot case ‘doesn’t make sense’*, NBC News (Mar. 27, 2026), <https://perma.cc/Q8Q7-XPDL>.

⁹ Warren Petersen (@votewarren), X (Mar. 9, 2026), <https://perma.cc/C8L6-DBB2>; see also Sasha Hupka, *Trump administration subpoenas 2020 records from Maricopa County amid push to investigate election*, VoteBeat (Mar. 9, 2026), <https://perma.cc/5S2L-9TBY>.

¹⁰ Jeremy Duda & Jim Small, *Arizona Senate hires a ‘Stop the Steal’ advocate to lead 2020 election audit*, Ariz. Mirror (Mar. 31, 2021), <https://azmirror.com/2021/03/31/arizona-senate-hires-a-stop-the-steal-advocate-to-lead-2020-election-audit/>.

¹¹ Jeremy Duda, *Election Auditor wrote ‘election fraud facts’ report for GOP senators who tried to overturn the 2020 election*, Ariz. Mirror (Apr. 9, 2021), <https://azmirror.com/2021/04/09/arizona-audit-leader-doug-logan-wrote-fraud-claims-on-kraken-lawyers-website/>.

¹² See also Kaylie Martinez-Ochoa et al., *Tracker of Justice Department Requests for Voter Information*, Brennan Ctr. for Just. (updated Mar. 25, 2026), <https://perma.cc/TYT4-6VLC>.

B. The Riverside Sheriff’s seizure of ballots in a recently administered election is an unprecedented attack on the confidence and validity of California’s elections.

Unlike the other recent (and alarming) examples of law enforcement proceedings involving election materials, the Riverside Sheriff has seized ballots for a recently certified election. The election for ballot measure Proposition 50 was held on November 4, 2025. The result of that election was certified by the California Secretary of State on December 12, 2025. No election contest was filed to dispute that result. Cal. Elec. Code § 16100. Nor did any California voter request a recount with the Secretary of State. Cal. Elec. Code §§ 15610, 15645.

Less than two months after that result was certified without dispute, the Riverside Sheriff obtained search warrants to seize election records on February 9 and 23, 2026. Like in Fulton County, Attorney General Bonta has raised serious concerns about both the reliability and completeness of the information given to the magistrate to support the warrants.¹³ In particular, Attorney General Bonta has indicated that the February 23 warrant failed to acknowledge “the public presentation made by the Riverside County Registrar of Voters on February 10, 2026, that addresses the alleged vote discrepancy that appears to be the purported basis of [the] investigation.”¹⁴ Despite direct orders from the Attorney General to halt his actions and ongoing litigation, Sheriff Bonta has continued apace, seizing 426 additional boxes of ballot materials on March 24, 2026. Moreover, while the Sheriff has represented that his investigation was proceeding under a “special master,” recent reporting suggests this may not be the case.¹⁵ None of this is “normal law enforcement.”¹⁶

This matter is anything but normal. No other recent law enforcement operation of which amici are aware has taken custody of election records this soon after an election has occurred. And this incident is particularly inappropriate given California’s express laws and procedures governing election contests, recounts, and criminal investigations regarding election administration.

The election contest and recount procedures are all designed to create a single lineage of election results. These results are subject to contest, review, and recounting—but at each stage of the process, there is a singular and definitive counting of the votes that is subject to further review.

¹³ Attorney General Bonta has filed in both Riverside Superior Court and this Court seeking mandamus to halt Sheriff Bianco’s unlawful actions. *See* Petition for Writ of Mandate, *Bonta v. Bianco*, Case No. CVRI 2601580 (Riverside Sup. Ct. Mar. 26, 2026); *see also* Petition for Review and Emergency Stay, *Bonta v. Bianco*, No. S295866 (Cal. Mar. 27, 2026). The existence of multiple overlapping matters only reinforces the need for the Court to step in and enforce the unambiguous sections of the Election Code that govern custody of election materials.

¹⁴ Letter from Attorney General Bonta to Riverside Sheriff Bianco (Mar. 4, 2026), <https://www.documentcloud.org/documents/27897829-letter-to-sheriff-bianco-3-4-2026/>; *see also* Letter from Attorney General Bonta to Riverside Sheriff Bianco (Feb. 26, 2026), <https://www.documentcloud.org/documents/27897152-ag-letter-to-bianco-22626/>.

¹⁵ Nick Corasaniti, *Sheriff in California Seizes More Ballots, Ignoring State Attorney General*, N.Y. Times (Mar. 26, 2026), https://www.nytimes.com/2026/03/26/us/politics/california-sheriff-ballots-attorney-general.html?unlocked_article_code=1.WIA.WeJZ.C3e2Qvfg8-eR&smid=nytcore-android-share.

¹⁶ Jeanne Kuang, *California sheriff says his seizure of more than 600,000 ballots is ‘normal law enforcement’*, Cal Matters (Mar. 26, 2026), <https://perma.cc/648P-SLE3>.

By contrast, the Riverside Sheriff’s unilateral seizure and counting of ballots would create a separate competing count that may conflict with the official count certified by Riverside County and, subsequently, the California Secretary of State. California law has never contemplated generating a separate count of the votes through criminal investigations or conducted by anyone other than trained election officials. While California law expressly anticipates the potential for criminal investigations, that law expressly provides that election records must remain in the custody of election officials. Cal. Elec. Code § 15551.

The Riverside Sheriff’s swift seizure of election records is even more alarming given that he is a current candidate for elected office. The Riverside Sheriff is a current candidate for Governor of California, which means Riverside County residents will vote on his candidacy in the upcoming June 2026 primary election. As an improper custodian of records, voters’ personal information and the secrecy of their ballot is jeopardized.¹⁷ Even though the Riverside Sheriff was not himself a candidate in the November 2025 special election, the precedent that an elected law enforcement officer and current candidate for office can seize ballot materials and conduct their own count is a dangerous threat to ballot secrecy. Indeed, one of the foundational tenets of the Australian secret ballot system—which has been universally adopted across the United States—is that custody of ballots must be limited to election officials in accordance with “detailed provisions for compartments and other physical arrangements to ensure secrecy.” See John C. Fortier & Norman J. Ornstein, *The Absentee Ballot and the Secret Ballot: Challenges for Election Reform*, 36 U. Mich. J.L. Reform 483, 488 (2003). In addition, the Riverside Sheriff’s intent to *count* ballots (even if just the number of ballots) raises further concerns about the impartiality of a count he conducts or oversees. California law recognizes these concerns and provides that counts cannot be re-examined by election officials who are themselves candidates. See, e.g., Cal. Elec. Code § 15625.

These uniquely alarming dimensions to the Riverside Sheriff’s actions are both an echo and an escalation of efforts to degrade confidence in American elections through the improper seizure of election records. If there are any questions about the accuracy or legitimacy of California’s elections, the Election Code provides clear procedures and mechanisms to raise and investigate those questions. The seizure and removal from election official custody of election materials by law enforcement officials is not consistent with those procedures. But it is woefully consistent with the ongoing dangerous efforts across the nation to use law enforcement investigations to sow distrust in elections.

II. Seizing ballots from a recently administered election bulldozes several foundational pillars of accurate and credible elections.

Administering democratic elections is a sensitive and complex endeavor. Like every other state, California has detailed regulations for the handling and counting of ballots to serve multiple public interests: an accurate count, verifiable procedures, and protections for voter secrecy and privacy. The Riverside Sheriff’s unlawful seizure of these ballots breaks the careful chain of custody California law establishes and jeopardizes the many public interests that chain of custody serves. But the Riverside Sheriff’s actions are not just unlawful and offensive to democratic norms;

¹⁷ Mail ballot envelopes bear voter signatures, personal information that is strictly protected by statute. Cal. Elec. Code §§ 2194(b)(2), (c).

they also have material consequences for the spread of misinformation and the public’s confidence in elections.

A. California’s laws regulating the chain of custody and counting of ballots are a critical and universal tenet of election administration.

California, like every state in the nation, thoroughly regulates every aspect of how ballots are handled, transported, recorded, tracked, counted, stored, opened, re-opened, and destroyed. *See generally* Cal. Elec. Code §§ 15000–15951 (establishing rules for post-election day canvass, tabulation, and recount procedures); §§ 17000–17903 (governing the retention and preservation of election records). This extensive regulatory regime is commensurate with the complexity and sensitivity of administering elections where tens of millions of Californians express their political will by voting through millions of mail ballots and at tens of thousands of in-person voting locations. The detailed regulation governing who handles ballots, where the ballots can be, how they are counted, and how the chain of custody is maintained is necessary to establish an accurate and definitive count of the votes cast in an election.¹⁸

The Riverside Sheriff’s unlawful seizure of hundreds of thousands of ballots violates every foundational policy regulating the custody, control, and counting of ballots. *First*, the seizure by law enforcement officers—who are not sworn, trained, or approved members of a precinct board—violates California law governing *who* may transport, handle, and count ballots. Ballots can only be handled and transported by members of a precinct board. Cal. Elec. Code. §§ 15202 (ballots must be transported by two precinct board members), 15204 (only designated officials may touch a ballot container). The officials who may count ballots are a further subset of these election officials, who must meet certain qualifications and take an oath. *Id.* §§ 15207, 15205, 12321. Neither the Riverside Sheriff and his staff nor the purported special master (if one exists) are among those authorized by California law (or trained) to handle ballot containers, transport ballots, or count ballots.

Second, the Riverside Sheriff’s transportation of ballot records away from election official custody violates California law governing *where* ballots may be transported, stored, and counted. Ballots may only be delivered to and counted at a central counting place designated by law. Cal. Elec. Code §§ 15202, 15290. The tabulating devices—which are approved by the Secretary of State—may only be located in these approved counting places. *Id.* § 15203. Importantly, these places are publicly disclosed in advance and are open to public observation of the counting process. *Id.* § 15290. The Riverside Sheriff has not publicly disclosed where these ballots have been taken (much less whether they are at an approved counting place) nor are these undisclosed locations open for public observation.

Third, the Riverside Sheriff’s publicly declared intent to re-count these ballots violates California laws governing *how* ballots may be counted. As described above, ballots can only be counted by certain people in certain places. Further, this counting must take place in public view. Cal. Elec. Code § 15004. Election officials must use certain equipment that is approved by the

¹⁸ While the Riverside Sheriff argues that “[i]nvestigating crime is a quintessentially discretionary act” not subject to mandamus, Preliminary Opp. at 21, the strict regulations on the custody and counting of ballots, like other portions of the Election Code, are *not* discretionary and certainly the proper subject of a writ. *Cf. Farley v. Healey*, 431 P.2d 650 (Cal. 1967); *Legislature v. Deukmejian*, 669 P.2d 17 (Cal. 1983).

Secretary of State according to law. *Id.* § 19101. Election officials are required to conduct the count with periodic checks against rosters of total ballots, unused ballots, and spoiled ballots. *Id.* §§ 14405, 15280. Any discrepancies with these periodic checks must be noted, explained, and certified by the precinct board. *Id.* § 14420. And the election officials must personally certify their final count. *Id.* § 15280. The Riverside Sheriff is following none of these procedures—and certainly is not allowing any public observation or verification of whatever procedures are being followed.

All these violations together trample over California’s comprehensive legal procedure for maintaining a consistent and traceable chain of custody over ballots. From the moment votes are cast by voters, California’s regulatory regime maintains a clear chain of custody to prevent the loss or tampering of any ballots. Ballots can only be sealed in certain containers at certain times. Cal. Elec. Code. § 14422. These ballot containers cannot even be touched by anyone who is not an election official. *Id.* § 15204. Further, only members of the precinct board can seal, transport, and certify these ballot containers. *Id.* §§ 15201, 15202. Importantly, this regime not only provides limits on how ballots are handled but also ensures that every critical stage of this process occurs in public view and is conducted by specified individuals accountable to legal requirements and to the public—which establishes a verified credibility of the chain of custody. *Id.* §§ 15204, 15004.

California is not alone in placing a high priority on maintaining a thorough and public-facing chain of custody for ballots. Indeed, it is a universal tenet of election administration. The U.S. Election Assistance Commission has stated that “[c]hain of custody is essential to a transparent and trustworthy election.”¹⁹ These “procedures [] maintain and document the location and status of ballots and voting equipment, ensuring that all elements of the election system are accounted for.”²⁰ Moreover, “[e]very state allows members of the public or political party designees” to observe these ballot counting processes.²¹ These pillars of democratic legitimacy have been completely bulldozed by the Riverside Sheriff’s unlawful seizure of election materials to be counted behind closed doors.

B. California’s ballot custody regulations protect voters’ fundamental rights to an accurate count, a secret ballot, and personal privacy.

California’s thorough regime regulating the chain of custody for ballots serves several important functions beyond the primary need for credible election administration. It is also designed to protect California voters’ rights to an accurate tabulation that counts every vote while also protecting the secrecy of voters’ decisions and the personal information they submit while participating in the democratic process. The Riverside Sheriff’s unlawful and unregulated seizure of ballots violates voters’ constitutional rights to (1) have their ballot counted in accordance with law and (2) have the secrecy of their decisions and private information protected.²²

¹⁹ U.S. Election Assistance Comm’n, *Best Practices: Chain of Custody*, at 2 (July 12, 2021), <https://perma.cc/ZF5Z-SZB4>.

²⁰ William T. Adler, et al., *United in Security: How Every State Protects Your Vote in 2026*, Bipartisan Pol’y Ctr. (Feb. 2, 2026) <https://bipartisanpolicy.org/explainer/united-in-security-how-every-state-protects-your-vote-2026/>.

²¹ *Id.*

²² Given the personal constitutional rights implicated by the Riverside Sheriff’s actions, there can be no doubt that Petitioners—individual Riverside County voters who cast ballots in the November

California’s ballot custody and counting laws safeguard each Californian’s fundamental right to have their vote accurately counted in accordance with the laws of this state. Indeed, California voters’ right to have their vote counted, or re-counted, in accordance with the law is enshrined in the California Constitution. *See* Cal. Const. art. II, § 2.5. In the wake of the 2000 presidential election, Californians were concerned about the mishandling and cancellation of the recounts in Florida.²³ To address these concerns, voters amended the California Constitution to protect each voter’s right to have their ballot counted or re-counted in accordance with the law. *See also* Cal. Elec. Code § 15702 (“For purposes of Section 2.5 of Article II of the California Constitution, ‘vote’ includes . . . having the ballot counted properly and included in the appropriate totals of votes cast.”). Under the law, any disputes over the accuracy of election results can and must be resolved through election contests and recounts. Cal. Elec. Code §§ 15610, 15645, 16100. The Riverside Sheriff’s unlawful seizure and intended re-counting of these ballots violates voters’ individual rights to have their ballot counted “properly” and be included in the “appropriate totals”—not the renegade counts computed by an ad hoc investigation by law enforcement. *Id.*

The California Constitution also expressly protects voters’ right to a secret ballot. *See* Cal. Const. art. II, § 7. Similarly, a voter’s personal privacy—is also protected by the California Constitution. *See* Cal. Const. art. I, § 1 (highlighting “privacy” as an inalienable right). The hundreds of boxes of ballot materials seized by the Riverside Sheriff contain materials that put these rights at risk. Mail ballots and provisional ballot envelopes, for example, contain personally identifying information that could be attributed to any ballots still attached to them. *See, e.g.*, Cal. Elec. Code § 14310. But even where that is not the case, these materials contain private voter information that normally never leaves the custody of election officials. For example, many of the ballot materials seized could contain voters’ signatures, which is a “unique identifier” entitled to privacy protections under California law.²⁴ *See* Cal. Elec. Code § 2194.

C. Baseless and unlawful ballot seizure amplifies and legitimizes provably false conspiracy theories that undermine the credibility of elections.

The ramifications of the Riverside Sheriff’s actions spill beyond California’s borders. When state officials use or abuse their authority in a way that amplifies conspiracy theories around

2025 special election—have standing to protect those rights. *See* Cal. Civ. Proc. Code § 1086 (authorizing writ of mandate for “beneficially interested” parties). The mere fact that many hundreds of thousands of voters are injured by the Sheriff’s actions does not diminish the individual standing of each affected voter whose individual ballot has been seized. But even if their personal rights to have their ballot securely and legally counted weren’t implicated, adherence to the Election Code is also a public right that is properly invoked by any citizen regardless of whether they possess standing as individuals. *See, e.g., Common Cause v. Bd. of Supervisors*, 777 P.2d 610, 614 (Cal. 1989) (upholding writ of mandate granted to citizens based on the “public interest’ exception” to the standing requirement).

²³ *Voter Information Guide for 2002, Primary*, Univ. of Cal. Law San Francisco Scholarship Repository, Cal. Ballot Propositions and Initiatives, at 20 (March 5, 2002) https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2211&context=ca_ballot_props.

²⁴ Nick Corasaniti, *Sheriff in California Seizes More Ballots, Ignoring State Attorney General*, N.Y. Times (Mar. 26, 2026), https://www.nytimes.com/2026/03/26/us/politics/california-sheriff-ballots-attorney-general.html?unlocked_article_code=1.W1A.WeJZ.C3e2Qvfg8-eR&smid=nytcare-android-share.

elections, they erode the public’s confidence in democratic processes and institutions in ways that can be hugely damaging. The Riverside Sheriff’s ballot seizure is precisely the sort of government intrusion which threatens to “have a chilling effect on American citizens.” *United States v. Weber*, No. 2:25-cv-09149-DOC-ADS, 2026 WL 118807, at *2 (C.D. Cal. Jan. 15, 2026), *appeal docketed*, No. 26-1232 (9th Cir. Mar. 3, 2026). By amplifying discredited theories around past elections, and by lending those theories credibility, the Riverside Sheriff’s actions threaten to undermine public confidence in our democracy.

Courts around the country have been confronted with baseless claims of fraud and have repeatedly warned of the harms such claims can cause. *See King v. Whitmer*, 556 F. Supp. 3d 680, 689 (E.D. Mich. 2021) (“this case was never about fraud—it was about undermining the People’s faith in our democracy and debasing the judicial process to do so.”); *O’Rourke v. Dominion Voting Sys., Inc.*, 552 F. Supp. 3d 1168, 1203 (D. Colo. 2021) (addressing heightened danger of allegations that elections are “rigged”); *see also Consumers Union, Inc. v. Cal. Milk Producers Advisory Bd.*, 147 Cal. Rptr. 265, 271 (Cal. Ct. App. 1978) (“Erosion of confidence in public officials is detrimental to democracy.”). Courts are not alone—social science also demonstrates the danger of repeated exposure to baseless conspiracy theories can reduce confidence in electoral integrity and increase the risk of reluctance to accept results.²⁵ Various groups committed to democratic governance have raised similar alarms.²⁶ The type of allegations amplified by the Riverside Sheriff’s actions have real and deleterious effects on democratic functions.

The Riverside Sheriff’s explanation—that he is investigating unspecified issues with the November 2025 special election—only compounds the issue, as this type of endless (and lawless) election relitigation further erodes public confidence. Such actions provide an opportunity for conspiracy theorists to impute official support for their conjectures—exactly what happened here when the Riverside Sheriff put the imprimatur of law enforcement on the spurious claims of election misconduct advanced by a private group called Riverside Election Integrity Team (REIT).²⁷ This despite those claims being publicly refuted by Riverside County election officials *before* the warrants were executed.²⁸

²⁵ *See* Marcella Amaral, et al., *Do Conspiracy Theories Undermine Support for Democracy?*, Pol. Behav. (Mar. 6, 2026), <https://doi.org/10.1007/s11109-026-10130-1> (“Participants exposed to [conspiracy theories] were less likely to trust elections and more reluctant to accept their results. This aligns with previous research linking [conspiracy theories] to decreased perceptions of electoral integrity and resistance to election outcomes.”); *see also* Benjamin A. Lyons & Kaitlyn S. Workman, *Research note: Explicit voter fraud conspiracy cues increase belief among co-partisans but have broader spillover effects on confidence in elections*, 3 Harv. Kennedy Sch. Misinformation Rev., 1, 3 (June 2022), <https://perma.cc/7Q9N-SQR7> (“explicitly stated partisan conspiracy theories increased conspiracy beliefs among co-partisans and decreased confidence in elections regardless of their agreement with the respondent’s partisanship.”).

²⁶ *See* Gabriel R. Sanchez & Keesha Middlemass, *Misinformation is eroding the public’s confidence in democracy*, Brookings (July 26, 2022), <https://perma.cc/9946-2LAJ>; Derek Tisler & Lawrence Norden, *Beware of Novel Claims of 2020 Election Fraud*, Brennan Ctr. for Just. (Mar. 13, 2026), <https://perma.cc/R65P-DY8X>.

²⁷ Alicia Ramirez, *Riverside County Sheriff’s Office Investigating Alleged Election Irregularities*, The Riverside Rec. (Feb. 25, 2026), <https://perma.cc/R64B-J2GC>.

²⁸ *Id.*

As the U.S. Supreme Court recently reiterated, confidence in elections—which is hard won and “essential to the functioning of our participatory democracy”—can be undermined by inconsistent determinations of election results. *Bost v. Ill. State Bd. of Elections*, 146 S. Ct. 513, 521 (2026) (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam)). To that end, California has long favored resolving election contests through a single, transparent procedure which adheres to law and which is subject to specific procedures. See *Minor v. Kidder*, 43 Cal. 229, 237 (1872). In *Minor*, this Court recognized the profound public interest in properly adjudicating election requests. *Id.* at 238. Over 100 years later, this Court reiterated the importance of prompt and orderly determinations to avoid undermining public confidence. See *Enter. Residents etc. Comm. v. Brennan*, 587 P.2d 658, 661 (Cal. 1978) (“The cloud that lingers over the legitimacy of an election can cast its shadow for years.”); *Hill v. Superior Ct. of Sacramento Cnty.*, 114 P. 805, 806–07 (Cal. Ct. App. 1911) (“It is, therefore, important, and undoubtedly is the policy of the law, to have such contests determined as speedily as possible.”).

As such, California law provides for the prompt determination of contests and recounts by an authorized body, in part to avoid the confusion and mistrust that can follow from endless questioning of the popular will. *Minor*, 43 Cal. at 236. Those procedures are set forth in statute and regulation and set forth how California has determined to finalize election results when an issue arises. See Cal. Elec. Code §§ 359, 15620 *et seq.*, 16400 *et seq.*; Cal. Code of Regs. tit. 2, § 20350 *et seq.*

“Faith in the ballot box as an accurate index of public opinion is indeed essential” and “public faith and confidence inexorably decline whenever final determination . . . is delayed for a substantial period or thwarted completely.” *Enter. Residents etc. Comm.*, 587 P.2d at 662; see also *Knowles v. Yates*, 31 Cal. 82, 93 (Cal. 1866) (“[W]e deem it of the highest importance to the protection of the elective franchise that the law should be complied with in substance, and that those entrusted with the discharge of the duties pertaining to elections should be required so to perform them as to preserve the ballot-box pure.”). This need for a unified way to resolve election disputes and to preserve the secrecy of the ballot informed the holding in *Ex parte Brown*, in which this Court rejected an attempt to compel the production of ballots for any purpose other than the statutorily-authorized contest procedure. 31 P. 840 (Cal. 1892). As this Court explained, it is “not only inconsistent with the terms of the law, but destructive of its policy to hold that the ballots, for the security and integrity of which such careful provision is made, are subject to be removed from the custody of the registrar, opened, handled, and exposed to the danger of all sorts of changes and mutilations.” *Id.* at 842. The actions of the Riverside Sheriff to seize ballots under the guise of an election investigation or audit is therefore contrary to California law’s long commitment to orderly resolution of such disputes in a way that builds, rather than dismantles, public confidence in elections.

That risk to public confidence is heightened where—as here—the purported investigation is done in secret. Although the secrecy of actual votes is protected, Cal. const. art. II, § 7, public confidence depends on election *processes* being transparent. An unauthorized election investigation, shrouded from public view, creates a separate risk of undermining public confidence by permitting baseless theories to gain momentum in the absence of facts. Such a process is contrary to California’s commitment to open government. See generally Cal. Gov’t Code §§ 54950–54963. The state’s commitment to openness extends to election procedures. See Cal. Elec. Code § 2300(B)(9)(A) (“You have the right to ask questions about election procedures and observe the election process.”); Cal. Code of Regs. tit. 2, § 20873 (Rights of Election Observers). This

includes recounts. Cal. Elec. Code § 15629 (“The recount shall be conducted publicly.”). The Legislature has delineated what election material is to be kept private—the actual ballots and private voter data—and what should be public—most everything else. *Citizens Oversight, Inc. v. Vu*, 247 Cal. Rptr. 3d 521, 525–26 (Cal. Ct. App. 2019). It has likewise required that the judges of a recount provide reasoned explanations for the outcome. Cal. Elec. Code § 16740. These transparency mechanisms for election procedures ensure public confidence in elections and outcome by avoiding the risk of speculation. See *Humane Soc’y of U.S. v. Superior Ct.*, 155 Cal. Rptr. 3d 93, 115 (Cal. Ct. App. 2013) (recognizing “the strong public interest in open government and an election process free of taint”); *Los Angeles Unified Sch. Dist. v. Superior Ct.*, 175 Cal. Rptr. 3d 90, 100 (Cal. Ct. App. 2014) (“Openness in government is essential to the functioning of a democracy.”); *Adams v. Comm’n on Jud. Performance*, 882 P.2d 358 (Cal. 1994). The Riverside Sheriff’s ballot seizure upends this basic expectation of democratic governance by apparently making determinations regarding the conduct of elections in secret. Cf. *Minor*, 43 Cal. at 237 (recognizing the “high public interest” in the outcome of elections); *Sweeney v. Adams*, 75 P. 182, 183 (Cal. 1904) (same). Unfortunately, the Riverside Sheriff’s proposed procedure, which deviates significantly from the transparent process mandated by law, is likely to lead only to more baseless allegations as the Riverside Sheriff’s ballot seizure casts doubt on election results without subjecting such claims to the open procedures required by California law.

III. Swift relief under the Election Code is necessary to contain and minimize the damage of this unlawful ballot seizure.

This Court has recognized that granting an original writ is appropriate when “the issues presented are of great public importance and must be resolved promptly.” *Sacramento Cnty. v. Hickman*, 428 P.2d 593, 595 (Cal. 1967). “If these criteria are satisfied, the existence of an alternative appellate remedy will not preclude this court’s original jurisdiction.” *Clean Air Constituency v. Cal. State Air Res. Bd.*, 523 P.2d 617, 621 (Cal. 1974).²⁹ This Court has repeatedly found these criteria satisfied in cases “involving significant legal issues affecting the electoral process.” *Vandermost v. Bowen*, 269 P.3d 446, 462 (Cal. 2012) (collecting cases). And while many of those cases required speedy resolution because of an upcoming election, the criteria are no less urgent when an official is threatening electoral processes in the immediate aftermath of an election.

The facts and procedural history of this matter present a particularly urgent need for a writ. While there is ongoing litigation between Attorney General Bonta and the Riverside Sheriff in Riverside County, see Petition for Writ of Mandate, *Bonta v. Bianco*, Case No. CVRI 2601580 (Riverside Sup. Ct. Mar. 26, 2026), if the writ is not issued, *this case*—brought on behalf of voters and invoking specific mandatory California election law protections—would not lie in Riverside County. Instead, exclusive jurisdiction for Plaintiffs’ challenges under California Election Code 13314 lies in Sacramento. Therefore, absent this Court’s swift resolution, this matter risks

²⁹ See also *Corona Unified Hosp. Dist. v. Superior Ct. of Riverside Cnty.*, 395 P.2d 817, 820 (Cal. 1964) (holding that while lack of a speedy remedy is ordinarily not sufficient to establish lack of an adequate remedy, that rule has “no application to the rare case where . . . an appeal would not only be inexpedient but would also be totally ineffectual to protect the rights of the prevailing party.”); *Mooney v. Pickett*, 483 P.2d 1231, 1234 n.5 (Cal. 1971) (“Although petitioner has a remedy by way of appeal from the superior court judgment, ‘where the remedy by appeal is not speedy and adequate, then, in an otherwise proper case, mandate or prohibition may lie.’” (internal citations omitted)).

competing and conflicting lower court orders, which will further undermine voter confidence in the secure and reliable administration of elections. *See supra*. This risk—and the near certainty that this Court will ultimately have to resolve these questions—counsel strongly in favor of granting the writ. *See Dep't of Motor Vehicles v. Superior Ct.*, 130 Cal. Rptr. 311, 314 (Cal. Ct. App. 1976) (“Where numerous suits are being filed . . . on this issue, and where there is a danger of circumventing the intent of the Legislature if other courts follow the action of the superior court in this case, prompt resolution of the dispute is desirable.”).

Every day that ballots remain outside lawful custody constitutes a continuing, daily injury to voters and the public at large, warranting immediate writ relief. *See Jolicoeur v. Mihaly*, 488 P.2d 1, 3 n.1 (Cal. 1971) (“Cases affecting the right to vote and the method of conducting elections are obviously of great public importance.”) (granting writ). Under California law, the integrity of the ballot is not merely a procedural technicality but a constitutional imperative: the right to vote encompasses the right to have one’s vote accurately counted and privacy safeguarded. *See supra* at 9–10. Where ballots are held outside legal custody, each passing day compounds the risk of tampering, loss, or destruction, rendering the harm both ongoing and irreparable—precisely the type of injury that cannot be remedied by a later appeal.

Conclusion

This Court should grant the Petition and proceed on an expedited basis to provide the swiftest possible relief.

Respectfully submitted,

/s/ Bruce V. Spiva

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DECLARATION OF SERVICE

Case Name: **Cervantes v. Bianco (Riverside County Citizens)**

Case Number: **S295866**

I, Bruce V. Spiva, declare I am 18 years of age or older, and am not a party to this matter. My business address is 1101 14th St. NW, Suite 400, Washington, DC 20005.

On March 30, 2026, I caused to be served the following document: **Amicus Letter in Support of Petition** via electronic service by transmitting a true copy via this Court's TrueFiling system or via U.S. Mail as follows:

By U.S. Mail:

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Riverside, CA 92501
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Counsel for Respondents Art Tinoco-Riverside County Registrar of Voters

By Electronic Service:

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Counsel for Petitioners Clarissa Cervantes, Oscar Ortiz, Rebecca Robinson, and Nathan Kempe

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of March, 2026 at Washington, DC.

/s/ Bruce V. Spiva
Bruce V. Spiva