

IN THE SUPREME COURT OF CALIFORNIA

CLARISSA CERVANTES et al.,

Petitioners,

v.

CHAD BIANCO, as Sheriff, etc., et al.,

Respondents;

RIVERSIDE COUNTY CITIZENS et al.,

Real Parties in Interest.

S295866

September 24, 2026

Chief Justice Guerrero authored the opinion of the Court, in which Justices Corrigan, Liu, Kruger, Groban, Evans, and Burns* concurred.

Justice Liu filed a concurring opinion.

* Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Opinion of the Court by Guerrero, C. J.

In order to protect the integrity of elections, our Elections Code¹ carefully limits who can handle and count voted ballots. This case presents the question of whether the Riverside County Sheriff complied with those limitations when, in response to allegations of discrepancies in election counts by a community group, his department seized approximately 650,000 ballots cast in Riverside County at the November 4, 2025 Special Election involving Proposition 50 (Voter Information Guide, Special Elec. (Nov. 4, 2025) text of Prop. 50; the Election Rigging Response Act).

The alleged discrepancy in the number of votes at issue in this case is disputed. The community group contends there is a discrepancy of about 45,896 between handwritten ballot intake log estimates made by polling workers, and the final count certified by the Registrar of Voters. The Registrar of Voters, by contrast, responds that any discrepancy in the final count is closer to 103 votes — 0.016 percent — which the registrar describes as within the normal bounds for differences between preliminary and certified totals. We are not called upon to resolve these factual contentions, and everyone agrees that —

¹ Further undesignated statutory references are to the Elections Code.

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even if true — the claimed discrepancy could not have affected the outcome of the election.

Petitioners are four Riverside County residents who voted in the November 2025 election. They allege that their ballots as well as those of approximately 650,000 other Riverside County voters were unlawfully seized. Petitioners request a writ of mandate from this court directing respondent Chad Bianco, the Riverside County Sheriff, to return these ballots and other seized election materials to the custody of respondent Art Tinoco, the Riverside County Registrar of Voters. Bianco contends his actions were permissible because, in response to the concerns raised by the community group, he was performing a criminal investigation and had obtained search warrants.

We hold that the seizure of the ballots was unlawful. California law long has recognized that voted ballots require special care and handling to safeguard them from alteration or tampering. Consistent with this principle, the Elections Code narrowly limits the circumstances in which a court may order the production of ballots for inspection, and even in those narrow circumstances, requires that ballots remain in the physical custody of the responsible elections official. Bianco’s seizure of the ballots violated the plain language of section 15551, subdivision (d), commanding that “[i]n no event” shall voted ballots “be taken from the custody of the elections official.”² This provision manifests a legislative intent that ballots remain in the elections official’s custody even in the event of a criminal investigation. As we explain below, this clear

² In footnote 6, *post*, we identify recent legislation modifying section 15551 and conclude it does not alter the conclusions we reach in this case.

custodial command safeguards the integrity of our elections by protecting ballots from alteration, tampering, or other improper interference.

To remedy this violation, we issue a peremptory writ of mandate directing Bianco to return the seized ballots to the registrar’s custody and to refrain from further handling of the ballots except as necessary to comply with our order.

While allegations of election improprieties are a very serious matter, our Elections Code contains numerous established mechanisms for investigating and proving misconduct that do not compromise the integrity of voted ballots — contrary to the means employed here.

I. FACTUAL AND PROCEDURAL BACKGROUND

The facts relating to this petition are discussed at greater length in *Bonta v. Bianco*.³

Both cases arise out of the sheriff’s department’s seizure of approximately 650,000 ballots cast in Riverside County at the November 4, 2025 Special Election involving Proposition 50. (Voter Information Guide, Special Elec. (Nov. 4, 2025) text of Prop. 50, p. 18.) In response to allegations of a discrepancy between the registrar’s official count of votes recorded at that election and the total number of votes calculated by a group of concerned citizens, sheriff’s department personnel secured two search warrants in February 2026. The warrants authorized the seizure of ballots cast at the election, as well as other election-related materials, from the registrar. In late February

³ On the court’s own motion, we take judicial notice of all pleadings and exhibits filed in *Bonta v. Bianco* (Sept. 24, 2026, S295901). (See Evid. Code, § 452, subd. (d).)

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2026, the sheriff's department seized the ballots and started to count them. Notwithstanding the Attorney General's expressed concerns about the seizure of ballots, the sheriff's department obtained a third search warrant that contemplated the appointment of a special master who would be responsible for counting the ballots. No special master has yet been appointed.

Shortly after the third warrant was obtained, petitioners filed a verified petition for a writ of mandate in this court. This petition names Bianco and Tinoco as respondents, and Secretary of State Shirley Weber (see § 13314, subd. (a)(4)) and "Riverside County citizens who cast ballots on Proposition 50 in the [November 2025 election]" as real parties in interest.⁴ Petitioners allege that the seizure of the ballots and other election materials violated the statutory scheme governing the care and custody of ballots and involved an unlawful recount by unqualified individuals. Petitioners seek a writ of mandate or another extraordinary writ that would direct Bianco "to return in totality the seized election materials and ballots to [the registrar]" and "to report to this court the chain of custody of such election materials, the personnel involved and time/dated timeline"; prohibit "any tallying, counting or handling of ballots by personnel other than elections staff and under procedures not provided for in the [Elections] Code"; and require that the "movement of election materials . . . take place with redundant election officials and in compliance with the procedures and transparency provided for by law."

⁴ As discussed below, we conclude petitioners properly sought writ relief under Code of Civil Procedure section 1085; we therefore do not address whether Elections Code section 13314 also applies.

We ordered respondents to show cause, returnable before this court, why petitioners are not entitled to the relief they seek.⁵ In his return, Bianco contends he lawfully seized the ballots and other election materials pursuant to the search warrants. He further maintains that the special master procedure contemplated by the third search warrant, possibly coupled with other safeguards, adequately addresses any concerns that might otherwise arise from the removal of the ballots from the registrar’s custody. Tinoco, on the other hand, agrees with petitioners “that voted ballots and related election materials should be maintained, preserved, transported, inspected, retained, and administered in accordance with the Elections Code” and “therefore does not oppose the relief requested in the Petition.” The Secretary of State and the Attorney General (appearing as *amicus curiae* in support of petitioners) likewise both take the position that the ballots were seized unlawfully and must be returned to the registrar.

II. DISCUSSION

The parties agree that maintaining the integrity of voted ballots is critical to the sanctity of our elections. At the same time, law enforcement has the important responsibility of investigating possible criminal conduct, including crimes that relate to elections. The central question presented in this case is whether law enforcement may circumvent the Elections Code’s comprehensive scheme governing the custody of ballots during and after elections by seizing ballots pursuant to a search warrant and thereby removing them from a local registrar’s

⁵ We had previously issued an order in *Bonta v. Bianco* directing Bianco to pause his investigation and preserve all seized items.

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custody. We hold that such a seizure is unlawful under the plain language of section 15551, subdivision (d), which expressly states that “[i]n no event” shall voted ballots “be taken from the custody of the elections official.”⁶ If election misconduct is

⁶ After oral argument in this case, the Legislature passed Senate Bill No. 1418 (2025–2026 Reg. Sess.) (Senate Bill 1418), which modified section 15551, subdivision (d)’s previous language stating that “[i]n no event shall” packages containing voted ballots “be taken from the custody of the elections official.” As amended, section 15551, subdivision (d) now more broadly provides that “[i]n no event” — subject only to two expressly identified exceptions, neither of which is applicable here — “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.” (Stats. 2026, ch. 341, § 2.) Senate Bill 1418 also amended section 15551, subdivision (a). (Stats. 2026, ch. 341, § 2.) The Governor signed Senate Bill 1418 on September 19, 2026, and its provisions came into effect immediately. (Stats. 2026, ch. 341, § 10.) Briefing and argument in this case were premised on the prior language of section 15551, and the parties have not briefed the impact Senate Bill 1418 may have on the issues presented.

We conclude that the voted ballots must be returned to the registrar pursuant to section 15551, subdivision (d) as it stood prior to the enactment of Senate Bill 1418, and it is evident that the current version of section 15551 is at least as protective of ballots as preexisting law was. (See § 17302, subd. (b)(1)–(10).) Meanwhile, petitioners have emphasized throughout this litigation the importance of having the seized ballots returned promptly to the registrar. Under the circumstances, although we conclude that petitioners have not shown a ministerial duty to return to the registrar anything other than the packages containing voted ballots, we decline to delay the resolution of this dispute by requesting further briefing regarding whether

suspected, the Elections Code provides several mechanisms for law enforcement to review and examine ballots without compromising their integrity. But those procedures were not followed and the type of seizure that occurred here directly conflicts with the Elections Code’s carefully considered and controlling provisions. We therefore issue a writ of mandate directing Bianco to return the ballots to the registrar forthwith.

A. General Principles

“A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.” (Code Civ. Proc., § 1085, subd. (a).) “The writ must be issued in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course of law. It must be issued upon the verified petition of the party beneficially interested.” (*Id.*, § 1086.)

To secure a writ of mandate, petitioners must show that they have standing to pursue such relief, that they lack an

Senate Bill 1418 applies here and creates a ministerial duty to return seized records other than the ballots. Those issues may be addressed, if necessary, in a future proceeding.

Consistent with the parties’ presentation of the issues, our analysis considers the language of section 15551 as it read at the time of oral argument in this matter, which (aside from the introduction of subdivisions pursuant to Senate Bill No. 73 (2025–2026 Reg. Sess.); Stats. 2026, ch. 10) was the same as the language in effect at the time of the seizures.

adequate remedy at law, and that they seek to enforce a ministerial duty capable of being enforced through a judicial writ. (*People v. Picklesimer* (2010) 48 Cal.4th 330, 340 (*Picklesimer*).) We conclude each of these requirements is met here.

B. Standing

Bianco no longer contests petitioners' standing,⁷ so we discuss it only briefly. In general, "To have standing to seek a writ of mandate, a party must be 'beneficially interested' [citation], i.e., have 'some special interest to be served or some particular right to be preserved or protected over and above the interest held in common with the public at large.'" (*Associated Builders & Contractors, Inc. v. San Francisco Airports Com.* (1999) 21 Cal.4th 352, 361–362.) "Nevertheless, 'where the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the [petitioner] need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in

⁷ In his preliminary briefing, Bianco challenged petitioners' standing based on misquoted passages from, and an incorrect recitation of our holding in, *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432 (*Common Cause*). The law firm responsible for the error apologized and withdrew Bianco's standing argument. We disapprove of the improper use of artificial intelligence tools, which apparently contributed to the significant error that occurred here and remind counsel of attorneys' professional duties of competence and candor to the court. (See Rules Prof. Conduct, rules 1.1, 3.3.) We also refer the matter to the State Bar of California to determine whether discipline is warranted. (See canon 3D(2) of the California Code of Judicial Ethics.)

having the laws executed and the duty in question enforced.” ’ ’ ”
(*Save the Plastic Bag Coalition v. City of Manhattan Beach*
(2011) 52 Cal.4th 155, 166 (*Save the Plastic Bag Coalition*).)

We agree with petitioners that they have standing because they seek to “ ‘procure the enforcement of a public duty,’ ” ’ ’ namely, the duty to lawfully handle and preserve all ballots cast at an election. (*Save the Plastic Bag Coalition, supra*, 52 Cal.4th at p. 166.) In this respect, petitioners allege that Bianco’s seizure and retention of the ballots violate various provisions of the Elections Code designed to ensure that ballots are safely maintained and handled only by designated personnel in the manner specified by statute. Enforcement of this duty vindicates the public right to the proper handling of voted ballots. (See *Common Cause, supra*, 49 Cal.3d at p. 439 [recognizing citizens’ public interest standing in a suit against a county to enforce provisions of a statutory voter outreach program].)

C. No Adequate Remedy at Law

“The writ of mandate lies generally to compel performance of a legal duty when no plain, speedy, and adequate remedy at law is available.’ ” (*TriCoast Builders, Inc. v. Fonnegra* (2024) 15 Cal.5th 766, 785.)

This requirement has also been satisfied by petitioners. This case presents a question of statewide importance as to which this court’s immediate intervention is warranted. (See, e.g., *Legislature of the State of California v. Weber* (2024) 16 Cal.5th 237, 246–247; *Legislature of the State of California v. Padilla* (2020) 9 Cal.5th 867, 871; *Patterson v. Padilla* (2019) 8 Cal.5th 220, 223.) Even assuming that petitioners could have sought declaratory or injunctive relief in the superior court,

under the circumstances presented here, a writ proceeding before this court is appropriate to secure the prompt and final resolution of significant legal questions. (See *Glendale City Employees' Assn., Inc. v. City of Glendale* (1975) 15 Cal.3d 328, 343, fn. 20; *Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal.App.3d 245, 265; *California Teachers Assn. v. Nielsen* (1978) 87 Cal.App.3d 25, 28–29.)

D. Substantive Law

To obtain writ relief, petitioners must demonstrate “ ‘a clear, present . . . ministerial duty on the part of the respondent[s]’ ” that is capable of being enforced. (*Picklesimer, supra*, 48 Cal.4th at p. 340.) Based on our review of the applicable statutes, we conclude Bianco violated his ministerial duty to carry out his law enforcement responsibilities in compliance with the robust protections for the handling of ballots set forth in the Elections Code. One particular provision is dispositive — section 15551, subdivision (d). Until its recent amendment by Senate Bill 1418, this subdivision stated that “[i]n no event shall [voted ballots] be taken from the custody of the elections official.” Following the amendment, it continues to provide that “[i]n no event . . . shall [election materials including voted ballots] . . . be taken from the custody of the elections official.” (Stats. 2026, ch. 341, § 2.) The plain text of this statute, when read in light of the overall statutory scheme, requires that elections officials maintain custody of voted ballots, even in the event of a criminal investigation. Bianco therefore had no authority to seize the ballots from the registrar’s custody, and writ relief is appropriate to direct their return.

1. *Overview of relevant Elections Code provisions*

To provide context for our analysis, we outline the most relevant Elections Code provisions. The Elections Code sets forth a comprehensive statutory framework for the care and handling of ballots, including detailed procedures governing the transportation and counting of ballots during an election; the retention and disposal of ballots after an election; and the review of ballots in the event of an election contest⁸ or criminal prosecution. These procedures reflect a legislative intent to ensure the integrity of the ballots through strict chain-of-custody protocols, robust oversight, and public transparency.

The Elections Code requires that precinct workers undergo specialized training in elections procedures and ballot handling protocols (§ 12309.5, subd. (a)(1)–(8)) and declare under oath that they will faithfully discharge their duties (§ 12321, subd. (b)). As voting occurs, a voter hands their ballot, or the envelope containing their ballot, to one of these workers, who must put the ballot in a ballot container. (§ 14277.) After the polls close on election day, “the precinct board shall, in the presence of the public,” “(1) [s]eal the container used to transport voted ballots and insure that the precinct number, or in an election conducted using a voter center, the vote center number, is designated on the ballot container”; “(2) [c]ertify, sign, and seal the several packages or envelopes [of related

⁸ An election contest is a civil action challenging an election on various grounds, in which a recount may occur at trial in the presence of all parties, if necessary to determine the contest. (See §§ 16100, 16101, 16601.) This case does not involve an election contest.

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materials] as directed by the elections official”;⁹ and “(3) [b]y not less than two of their number, deliver the ballot container and packages to the elections official at the central counting place in the manner prescribed by the elections official. The ballot container and packages shall remain in their exclusive possession until delivered to the elections official.” (§ 15201, subd. (a)(1)–(3); see also § 15202.) Vote by mail ballots are subject to similarly strict custody and handling requirements. (See §§ 3017, 3019, 3025, subd. (b), 3026.)

Only designated elections personnel may count ballots (§§ 15205, 15207; see also § 18575 [making it a felony for a person other than an elections officer to “perform[] or discharge[] any of the duties of an election officer in regard to the handling, counting, or canvassing of any ballots”]), and “[a]ll proceedings at the central counting place . . . shall be open to the view of the public” (§ 15204). During the counting process, “no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container.” (*Ibid.*) “[A]s soon as” the ballots are all counted, they “shall not thereafter be examined by any person” but instead must “be carefully sealed in a strong envelope” with “[t]he signatures of each member of the precinct board . . . written across the seal.” (§ 15279.) “After ballots are counted

⁹ See sections 14431 (requiring the precinct board to “enclose and seal in one or more packages” the following: “all voted, spoiled, canceled, or unused ballots”) and 14432, subdivisions (a)–(e) (requiring the precinct board to “enclose and seal in one or two packages” the following: “[t]wo tally sheets, if ballots are to be tabulated manually at the precinct”; the “roster”; the “copy of the voter list”; the “challenge list”; and the “assisted voter’s list”).

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and sealed, the elections official may not open any ballots nor permit any ballots to be opened except” under specified circumstances not relevant here (see §§ 15303, 15304) or in the event of a recount. (§ 15370.)¹⁰

After an election, ballots remain in the custody of the responsible elections official, who then must destroy them at specific junctures identified in the Elections Code. For elections such as the November 2025 Special Election with no federal races on the ballot, the following “shall be kept by the elections official, unopened and unaltered, for six months from the date of the election” (§ 17302, subd. (b)): “[t]he packages containing” “[v]oted polling place ballots,” “[p]aper cast vote records,” “[v]oted vote by mail voter ballots,” “[v]ote by mail voter identification envelopes,” “[v]oted provisional voter ballots,” “[v]oted conditional voter registration ballots,” “[p]rovisional ballot voter identification envelopes,” “[s]poiled ballots,” “[c]anceled ballots,” and “[u]nused vote by mail ballots surrendered by the voter pursuant to Section 3015.” (*Id.*, subd. (b)(1)–(10).) “If a contest is not commenced within the six-month period, or if a criminal prosecution involving fraudulent

¹⁰ Under the Elections Code, a recount can be initiated through different channels, depending on the circumstances. (See §§ 15610 [recount initiated by the elections official], 15620 [recount initiated by “any voter” at the voter’s expense], 15640 [recount initiated by the district attorney], and 15645 [recount initiated by the Governor].) Statutory recounts include detailed procedures to ensure ballot integrity and public transparency, such as strict rules regarding the examination and touching of ballots and requirements that recounts take place in public view. (See, e.g., §§ 15625, subd. (a), 15629, subd. (c), 15630, subds. (a), (b).) No such recount was initiated in this case.

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use, marking or falsification of ballots, or forgery of vote by mail voters' signatures is not commenced within the six-month period . . . the elections official shall have [these] items . . . destroyed or recycled. The packages shall otherwise remain unopened until the items are destroyed or recycled." (§ 17302, subd. (c).)¹¹

Most critical here, section 15551 addresses what occurs when an election contest or criminal prosecution *is* commenced within that six-month timeframe. Prior to its recent amendment through Senate Bill 1418, it provided in full: "(a) If a contest or any such criminal prosecution^[12] has been commenced before the date fixed for its destruction, the package containing the voted ballots shall be subject to the order of the

¹¹ In non-federal elections, elections officials are also required to keep packages containing the following materials "for a period of six months": two tally sheets; the copy of the roster used as the voting record; challenge lists; and assisted voter lists. (§ 17304, subd. (b).) If a contest or criminal prosecution is not commenced within six months, the elections official "may have the packages destroyed or recycled." (*Id.*, subd. (d).) In addition, "The elections official shall preserve all rosters or combined rosters and voter lists . . . until five years after the date of the election, after which they may be destroyed by that official." (§ 17300, subd. (a)(1).)

¹² The phrase "such criminal prosecution" no longer appears in section 15551 due to changes made by Senate Bill 1418. (See Stats. 2026, ch. 341, § 2.) The statute now refers to "any contest or criminal prosecution." (Stats. 2026, ch. 341, § 2.) The background to the earlier "such criminal prosecution" (§ 15551, former subd. (a)) language suggests that it included prosecutions described in section 17302, subdivision (c), i.e., "a criminal prosecution involving fraudulent use, marking or falsification of ballots, or forgery of vote by mail voters' signatures." (See former § 7201, as amended by Stats. 1955, ch. 517, § 1.5, p. 993.)

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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 shall the package or its contents be taken from the custody of the elections official.*” (Former § 15551, italics added.) As previously observed, the current version of section 15551, subdivision (d), as amended by Senate Bill 1418, continues to include language providing that “[i]n no event . . . shall [specified election records] . . . be taken from the custody of the elections official.” (Stats. 2026, ch. 341, § 2.)

In sum, the Elections Code contemplates that voted ballots remain in the continuous custody and control of elections officials from the moment the voter deposits them until the moment they are destroyed.

2. *Analysis*

In petitioners’ view, section 15551’s mandate that “[i]n no event” shall voted ballots be “taken from the custody of the elections official” (§ 15551, subd. (d)) — when read in context of

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the overall statutory scheme governing the handling of ballots — means voted ballots may not be removed from the registrar’s custody for any reason, even by law enforcement pursuant to a criminal investigation. Thus, petitioners assert, the sheriff’s department acted unlawfully in removing the ballots from the registrar’s custody, notwithstanding the fact it had obtained a search warrant to seize them.

Bianco acknowledges that section 15551 reflects “the Legislature’s concern for ballot security and election-official custody,” but argues that section 15551 should not be interpreted to foreclose law enforcement from seizing ballots, and removing them from the custody of elections officials, pursuant to a search warrant. He emphasizes that a search warrant is itself a kind of court order authorized by statute, albeit one situated outside the Elections Code. (See Pen. Code, § 1523 et seq. [statutory scheme applicable to search warrants].) He argues that we should harmonize a court’s authority to issue search warrants under the Penal Code with the ballot-protection provisions of the Elections Code in a way that authorizes the unprecedented action he took here.

As the parties’ respective positions demonstrate, the meaning of section 15551 is at the crux of this dispute. To determine section 15551’s meaning, we apply general principles of statutory interpretation. “ “ “When we interpret a statute, “[o]ur fundamental task . . . is to determine the Legislature’s intent so as to effectuate the law’s purpose. We first examine the statutory language, giving it a plain and commonsense meaning. . . . If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable

interpretation, courts may consider other aids, such as the statute’s purpose, legislative history, and public policy.” [Citation.] “Furthermore, we consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose.’ ” ’ ” (*Shear Development Co., LLC v. California Coastal Com.* (2026) 19 Cal.5th 334, 366.)

a. *Section 15551’s text*

Starting with section 15551’s text, the statute specifies only two situations in which voted ballots are “subject to the order of the court.” (§ 15551, subd. (a).) Those situations are (1) an election “contest,” and (2) a “criminal prosecution.” (*Ibid.*) Neither circumstance is present here. No election contest has been filed, and the issuance of a search warrant, by itself, does not trigger a “criminal prosecution.” (§ 15551, subd. (a).) A criminal prosecution commences only upon the occurrence of certain events — none of which has occurred in this case — and may only be initiated by a public prosecutor. (Pen. Code, § 804 [for statute of limitation purposes, except as otherwise provided, the “prosecution for an offense is commenced” upon the occurrence of an indictment, information, complaint, arraignment, or an arrest or bench warrant specifically identifying a defendant]; *Dix v. Superior Court* (1991) 53 Cal.3d 442, 451 [“[t]he prosecution of criminal offenses on behalf of the People is the sole responsibility of the public prosecutor”]; *People v. Case* (1980) 105 CalApp.3d 826, 832 [“It is a matter of common knowledge that most *search* warrants are issued prior to and independent of any pending prosecution”].)

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But even if a criminal prosecution *had* commenced, allowing for a court-ordered production, section 15551's plain text prohibits the removal of the ballots from the registrar's physical custody. Section 15551, subdivision (a) identifies limited circumstances in which a court might order the production of ballots for inspection, i.e., election contests or criminal prosecutions. And even in those limited circumstances, section 15551, subdivision (d) expressly provides that "[i]n no event" shall voted ballots be "taken from the custody of the elections official." This provision reflects a legislative intent that, even in those situations in which it is necessary to view or recount ballots as evidence, they remain in the physical custody of the responsible elections official. This is consistent with the overall statutory scheme in which section 15551 resides, which is designed to ensure the integrity of ballots through continuous custody by election professionals, bolstered by public oversight.

This interpretation of section 15551, subdivision (d)'s plain text does not, as Bianco contends, "expressly repeal Penal Code warrant authority" or otherwise ignore the possibility of criminal proceedings. Instead, as the registrar explains, "rather than overlooking the possibility of criminal proceedings, the Legislature expressly addressed them and nevertheless required continued custodial control by the elections official." Nor are we persuaded by Bianco's strained alternative interpretation of section 15551, subdivision (d) as *only* governing the custody of ballots in those situations addressed in section 15551, subdivisions (a) through (c). Such an interpretation is undermined by a statutory framework that, at all times throughout the election process, entrusts the handling of voted ballots only to trained and sworn elections officials. It is also difficult to fathom why the Legislature would allow law

enforcement to seize ballots pursuant to a search warrant *before* any criminal prosecution commenced, while expressly prohibiting ballots from being “taken” from the custody of the responsible elections official (§ 15551, subd. (d)) when they become the subject of a criminal prosecution (§ 15551, subd. (a)). Nothing in the statute supports this incongruous reading. To the contrary, allowing ballots to be seized and removed from the custody of the responsible elections official pursuant to a warrant or other court order *not* expressly mentioned in section 15551 would create a substantial gap in the otherwise comprehensive statutory scheme for the retention and handling of voted ballots.

Thus, based on its plain text, we conclude that section 15551 unambiguously prohibits the removal of ballots from an elections official’s custody, notwithstanding the existence of a search warrant authorizing their seizure.

b. *Legislative history and relevant case law*

Because we consider the plain text of section 15551 to be unambiguous, it is unnecessary to take the further step of consulting extrinsic resources to guide our interpretation. (*Ennabe v. Manosa* (2014) 58 Cal.4th 697, 713.) However, a brief review of section 15551’s legislative history, and the case law interpreting its predecessor statutes, only serves to bolster our interpretation of the plain text.

As originally adopted, the Political Code of 1872 (since repealed and, as relevant here, replaced by the Elections Code) set forth detailed procedures for the collection, handling, counting, sealing, and transport of ballots that are in many respects analogous to the procedures in place today. (See former Pol. Code, §§ 1185, 1186, 1198, 1225, 1226, 1228, 1252, 1253,

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1257, 1258, 1259, 1265, 1266.) Within that code, sections 1265 and 1266 governed the retention and destruction of ballots. Section 1265 provided that, “Upon the receipt of the [precinct] packages the [county] Clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package, without opening or examining its contents.” (Former Pol. Code, § 1265.) Section 1266 further provided that, “If within twelve months there is such a contest commenced, [the clerk] must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it, unless such package is, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which event the package and its contents are in the custody of such tribunal.” (Former Pol. Code, § 1266.)

In *Ex parte Brown* (1892) 97 Cal. 83, we construed these statutes as prohibiting a court from ordering the production of ballots except in the limited circumstance of an election contest. In *Brown*, a precinct inspector was charged with a felony offense involving an election. (*Id.* at pp. 84–85.) The county registrar was found guilty of contempt after he refused to comply with a superior court order to produce and open in court the sealed package of ballots that had been returned at the inspector’s precinct. (*Id.* at p. 85.) The registrar then petitioned for a writ of habeas corpus, arguing that the order directing him to produce and open the ballot package was unlawful pursuant to former Political Code sections 1265 and 1266. (*Brown*, at p. 85.) We granted the writ, explaining that former Political Code section 1266 contemplated the production of ballots in court only

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in the event of an election contest, a limitation on access the Legislature saw as essential to maintaining the ballots' evidentiary value in such a proceeding. (*Id.* at pp. 88–90.) Without this limitation, we explained, the “security and integrity” of the ballots would be undermined because they would be “opened, handled, and exposed to the danger of all sorts of changes and mutilations as often as any judicial officer may conclude that they contain evidence material to an issue . . . before him.” (*Id.* at p. 89.) We further noted that it “must be left to the legislature itself” to amend the statutory scheme “[i]f it is thought necessary to make the ballots available as evidence in criminal proceedings” with appropriate “limitations and restrictions as may be deemed essential to their integrity.” (*Id.* at p. 90.)

The year after our decision in *Brown*, the Legislature amended former Political Code section 1265 to allow courts to order the production of ballots in other kinds of cases, not just those involving an election contest, but in doing so it added the limitation that, “In no event shall the [precinct] packages, or any of them, or the ballots contained therein, be taken from the custody of the County Clerk.” (Former Pol. Code, § 1265, as amended by Stats. 1893, ch. 220, § 10, p. 309.)

Over the following decades, former Political Code sections 1265 and 1266 were merged, reformulated, eventually moved to the newly created Elections Code, and further amended. However, the requirement that “[i]n no event” shall ballots be “taken from the custody” of the responsible elections official has remained constant and universally applicable. (§ 15551, subd. (d).)

Nothing in this sequence of events suggests the Legislature has disputed or overturned the central premise of *Brown*, i.e., that in order to ensure the integrity of voted ballots, physical custody over them must be carefully controlled, and they may be ordered produced only in limited circumstances specifically defined by statute. Moreover, even in those limited circumstances where a court may order the production of ballots for inspection, they shall not be “taken from the custody of the elections official.” (§ 15551, subd. (d).)¹³

3. *Bianco’s remaining counterarguments*

Resisting this conclusion, Bianco argues that the Elections Code cannot be read to displace Penal Code provisions governing criminal investigations and that the two statutory schemes must be harmonized. The problem with this view is that there is a direct conflict between the Elections Code’s mandate that ballots remain in the custody of the elections official, even in the event of a criminal prosecution, and provisions in the Penal Code authorizing the issuance of search warrants to seize property that might be evidence of a crime. (See Pen. Code, § 1524.) Recognizing such a conflict, it is clear that the unique scheme for the safeguarding of ballots must prevail. In the event of a true conflict between statutes, “‘later enactments supersede earlier ones [citation], and more specific provisions

¹³ Bianco argues that *Brown* is not instructive here because it pertained to a subpoena duces tecum and was decided before the enactment of modern search warrant statutes. We fail to see how this is relevant to *Brown*’s holding, which focused on the limited statutory grounds upon which ballots might be ordered produced, not the type of court order used to compel their production.

take precedence over’ the more general.” (*People v. Adelman* (2018) 4 Cal.5th 1071, 1079.) “[W]hen these two rules are in conflict, the rule that specific provisions take precedence over more general ones trumps the rule that later-enacted statutes have precedence.” (*State Dept. of Public Health v. Superior Court* (2015) 60 Cal.4th 940, 960 (*Department of Public Health*).) Ultimately, “[O]ur goal is to discern the probable intent of the Legislature so as to effectuate the purpose of the laws in question.’” (*Id.* at p. 961.)

We conclude that section 15551 is the more specific statute, and its provisions governing the custody of ballots must control. As we have observed, “the requirement that courts harmonize potentially inconsistent statutes when possible is not a license to redraft the statutes to strike a compromise that the Legislature did not reach.” (*Department of Public Health, supra*, 60 Cal.4th at p. 956.) It is apparent “that the Legislature [has] thought carefully and specifically” (*id.* at p. 961) about when ballot production may occur and has limited such production to certain defined circumstances and subject to the condition that ballots remain in the custody of the responsible elections official. In contrast, Penal Code section 1524 addresses the seizure of evidence pursuant to a search warrant “at a high level of generality.” (*Department of Public Health, at p. 961.*) There is no indication that the Legislature intended for the general warrant statutes to displace the detailed scheme for the safekeeping of ballots, which by their unique nature require great care and expertise in handling to protect against alteration or tampering.

Next, Bianco argues that construing section 15551 as limiting a court’s ability to issue search warrants would violate separation of powers principles by allowing a legislative

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imperative to invade the province of the judiciary. This argument is also unpersuasive. As we have explained, “ “Of necessity, the judicial department as well as the executive must in most matters yield to the power of statutory enactments. [Citations.] The power of the legislature to regulate criminal and civil proceedings and appeals is undisputed.” ’ [Citation.] But this power has limitations. ‘ “The sum total of this matter is that the legislature may put reasonable restrictions upon constitutional functions of the courts provided they do not defeat or materially impair the exercise of those functions.” ’ ” (*Le Francois v. Goel* (2005) 35 Cal.4th 1094, 1102, italics omitted.)

We assume, for sake of argument, that the Legislature has less than plenary authority to dictate when and for what a search warrant may issue. Even if that were the case, the prohibition on seizing ballots in a manner that would remove them from the custody of the responsible elections official neither substantially impairs nor practically defeats courts’ authority to issue search warrants generally. We have repeatedly upheld statutes that made minor changes in how courts may exercise their powers, and we see no persuasive reason to reach a different outcome here. (See *In re McKinney* (1968) 70 Cal.2d 8, 11 [the Legislature may place “reasonable limitations” on the courts’ inherent power to punish contempt of court]; *Fleming v. Superior Court* (1925) 196 Cal. 344, 351 [statute prohibiting the introduction of evidence based on the use of speed traps did not violate separation of powers principles].)¹⁴

¹⁴ The Legislature has imposed other limits on the courts’ authority to issue search warrants, including making some

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Finally, Bianco contends that precluding the seizure of ballots pursuant to a search warrant premised on possible misconduct by a registrar or another elections official would result in the “absurd consequence of leaving potentially relevant evidence exclusively in the control of an office” that is itself being investigated. Bianco’s contention fails for two reasons. First, Bianco presumably could have used traditional investigatory tools, within the bounds of the law, to obtain other evidence of election-related crime as may have existed besides ballots. Second, to the extent it was necessary to examine the ballots to investigate the alleged vote count discrepancy, the Elections Code contains numerous established mechanisms that allow for the carefully controlled inspection of ballots without compromising their integrity.

The Elections Code contemplates the possibility of election-related crimes and provides robust avenues to investigate and prove these crimes in a manner that protects the sanctity of ballots as evidence. For instance, elections officials themselves can initiate a recount, if they have “reasonable cause

material off-limits to seizure. (Pen. Code, § 1524, subd. (g) [no “warrant shall issue for an item or items described in Section 1070 of the Evidence Code” involving disclosure of journalists’ sources]; *id.*, subd. (h) [no “warrant shall issue for an item or items that pertain to an investigation into a prohibited violation as defined in [Penal Code] Section 629.51,” involving reproductive health care services, gender-affirming health care services, and gender-affirming mental health care services protected under California law]; *id.*, subd. (c) [requiring special procedures when a warrant involves documentary evidence in the possession of an attorney, doctor, psychotherapist, or clergyperson who is not suspected of criminal activity]; *id.*, subds. (i) & (j) [requiring special procedures when a warrant involves attorney work product or privileged information].)

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to believe the ballots in the precinct have been miscounted” and, after an examination under oath, precinct or counting board members “are unable to explain the returns of their respective precincts.” (§ 15610, subds. (a), (b).) Perhaps more relevant here, the district attorney may, “[w]hen requested by the board of supervisors or the grand jury” (§ 15640, subd. (a)), petition the court to order a recount based on probable cause that misconduct or tabulation errors have occurred. (*Id.*, subds. (a)–(b).) If law enforcement officers have sufficient reason to suspect election irregularities, they can approach the district attorney to consider seeking a recount through this established channel or request that the district attorney consider pursuing a criminal prosecution, during which a court might order the registrar to make ballots available for inspection pursuant to section 15551, subdivision (a).

Bianco’s argument also overlooks that allowing law enforcement unfettered access to ballots, or the ability to handle and count them in secret based on unregulated protocols, itself creates a substantial risk to election integrity. There is no need to introduce this risk because the Elections Code already contains its own comprehensive procedures for recounting and examining ballots, including for law enforcement purposes, without exposing them to alteration or tampering — unlike the unlawful seizure that occurred here.

In short, Bianco’s arguments fail to persuade us that we should interpret section 15551 in a manner inconsistent with its plain text, which mandates that voted ballots remain in the custody of elections officials.

E. Ministerial Duty

The analysis above leads to the conclusion that Bianco violated his “ ‘clear, present, . . . ministerial duty’ ” not to remove the voted ballots from the custody of the registrar. (*Picklesimer, supra*, 48 Cal.4th at p. 340.) Government officials, such as Bianco, have a ministerial duty to carry out their official responsibilities in accordance with applicable law. “A ministerial duty is an obligation to perform a specific act in a manner prescribed by law whenever a given state of facts exists, without regard to any personal judgment as to the propriety of the act.” (*Ibid.*) Such a duty exists “where the law imposes upon [an] officer specific duties which he refuses to perform because of an erroneous conclusion as to his legal duties [citation], or where petitioner is entitled by law to a certain action.” (*Consolidated Printing & Pub. Co. v. Allen* (1941) 18 Cal.2d 63, 66.) Bianco breached this duty when his department seized the ballots in violation of section 15551, subdivision (d). The appropriate remedy is for Bianco to return the ballots to the registrar’s custody forthwith, without further review or counting of them. (See *Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055, 1113 [“As a general matter, the nature of the relief warranted in a mandate action is dependent upon the circumstances of the particular case”].)

F. Petitioners’ Other Requests for Writ Relief

Petitioners also seek writ relief that would order Bianco to (1) return all other election materials, including non-ballot materials, that were seized pursuant to the search warrants and (2) prepare a chain-of-custody report detailing the transport, handling, and location of the seized materials. We conclude that, at least under the law as it stood prior to the enactment of Senate Bill 1418, petitioners have not met their burden of

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showing that such additional relief is warranted. (See *Reilly v. Superior Court* (2013) 57 Cal.4th 641, 653 [the petitioner for a writ of mandate bears the burden of pleading and proving the facts on which the petitioner bases a claim for relief].)

The Elections Code sets forth specific procedures for the custody and handling of *ballots*, which is a special category of election material. As described above, before Senate Bill 1418 was enacted, section 15551, subdivision (a) provided, “If a contest or any such criminal prosecution has been commenced before the date fixed for its destruction, *the package containing the voted ballots* 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.” (Italics added.) Section 15551, former subdivision (d) further provided that, “In no event shall *the package or its contents* be taken from the custody of the elections official.” (Italics added.)

While packages containing voted ballots are subject to this specific custodial protection, prior to Senate Bill 1418 no comparable restrictions existed in the Elections Code with respect to other election-related materials. Nor have petitioners identified any statute or other authority that imposes a ministerial duty to provide a chain-of-custody report for seized materials in this scenario. It may be the case that the recent amendments to section 15551, subdivision (d) that were implemented through Senate Bill 1418 will alter this analysis, but as we previously explained (see fn. 6, *ante*), that is something we need not address. Furthermore, while we decline to grant the additional writ relief requested in this case, our holding does not preclude any orders the Attorney General might issue on these subjects pursuant to his supervisory

authority under article V, section 13, of our state Constitution and Government Code section 12560, the scope of which is addressed in *Bonta v. Bianco*.

III. CONCLUSION

The petition for writ of mandate is granted in part and denied in part, as follows: Let a peremptory writ of mandate issue directing Riverside County Sheriff Chad Bianco to return all packages containing the voted ballots to the custody of the Riverside County Registrar of Voters forthwith and to refrain from further handling of the ballots except as necessary to comply with this order. The petition for writ relief is otherwise denied without prejudice to petitioners' ability to pursue additional relief in a future proceeding. To the extent they conflict, this order supersedes the search warrants issued by the superior court in this matter. Each party shall bear its own costs.

GUERRERO, C. J.

We Concur:

CORRIGAN, J.

LIU, J.

KRUGER, J.

GROBAN, J.

EVANS, J.

BURNS, J.*

* Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Concurring Opinion by Justice Liu

Free and fair elections are the lifeblood of democracy. And election officials are the backbone of our electoral system. The role of these public servants is to administer our elections competently, impartially, and safely, in accordance with the law. In recent years, these officials have faced increased harassment, threats, and political pressure. (See Minkin et al., Issue One, *Turning the Tide on Turnover* (Feb. 2026) pp. 1–2, 5–6; Gronke et al., Elections & Voting Information Center, *Today’s Election Administration Landscape: Findings from the 2024 EVIC Local Election Official Survey* (Feb. 2025) pp. 6–8.) They are having to do their jobs “in an environment marked by increasingly toxic polarization, misinformation, and public distrust.” (Election Reformers Network, *Ethical Frontlines: Impartiality Challenges Facing Local Election Officials* (Apr. 29, 2026) p. 3.)

This case involves one such official: the Riverside County Registrar of Voters, Art Tinoco. Petitioners named Tinoco a respondent because of his role in turning over ballots from the November 2025 special election to Riverside County Sheriff Chad Bianco pursuant to a search warrant secured by Bianco. But the Registrar has made clear that his position on the Sheriff’s actions is the same as petitioners’, and it is the same as the court’s holding today: “the seizure of the ballots was unlawful.” (Maj. opn., *ante*, at p. 2.) I write to highlight the important role played by the Registrar and to address the

difficult predicament he faced as a result of the Sheriff's unlawful conduct.

I.

As an initial matter, it is notable that the Registrar is represented here by private counsel and by the Riverside County Counsel. The County Counsel represents the Riverside County Board of Supervisors and county agencies, departments, commissions, and officers, and of necessity has a broad perspective on legal issues facing the county. As the Registrar's briefing indicates, the County Counsel has determined that the Sheriff's legal position in this case is "erroneous, as it cannot be reconciled with the text and structure of [Elections Code] section 15551." (All undesignated statutory references are to the Elections Code.)

The Sheriff is not represented by the County Counsel in this matter or in *Bonta v. Bianco* (Sept. 24, 2026, S295901) (*Bianco*). Attorneys in the County Counsel's office were copied on a letter from the Attorney General to the Sheriff on February 26 and on emails between the Attorney General's office and the Sheriff on March 4 and 5. (See maj. opn., *ante*, at p. 3, fn. 3 [taking judicial notice of all pleadings and exhibits in *Bianco*].) An email on March 13 from the Sheriff to Senior Assistant Attorney General Anthony Brady then says "we are unable to obtain legal representation from our County Coun[se]l." When asked at oral argument whether the County Counsel offered a legal opinion before the ballots were seized, Bianco's attorney said, "I'm not aware of that other than [the County Counsel] wouldn't represent the Sheriff." When asked whether the Sheriff sought guidance from the County Counsel, Bianco's attorney said, "I believe he did not."

The court today holds that the Sheriff’s seizure of the ballots was “unlawful under the *plain language* of section 15551, subdivision (d).” (Maj. opn., *ante*, at p. 6, italics added.) And the court in *Bianco* holds that “the language of article V, section 13 [of the California Constitution] *plainly* confers upon the Attorney General the authority to issue binding directions to a sheriff regarding a criminal investigation,” as does the “*plain language*” of Government Code section 12560. (*Bianco*, *supra*, filed opn. at pp. 16, 26, italics added.) Further, “[a]ll of the directions the Attorney General has issued to date are lawful” “[u]nder any degree of scrutiny that reasonably might be applied to these instructions.” (*Id.* at p. 27, italics added.) As these holdings indicate, the legal issues presented by this controversy are neither difficult nor close.

“‘Every citizen is presumed to know the law.’” (*Georgia v. Public.Resource.Org, Inc.* (2020) 590 U.S. 255, 265.) This applies equally to our public officials and especially to law enforcement officers. No one expects the Sheriff’s Department to know the ins and outs of the Elections Code; elections are not the department’s expertise, after all. But it is precisely because elections are not the department’s expertise that the Sheriff’s consultation with counsel would have been prudent if not imperative before wading into a sensitive and closely regulated area. Had the Sheriff sought and followed guidance from the County Counsel, the past seven months of controversy and “substantial risk to election integrity” (maj. opn., *ante*, at p. 26) could have been avoided. There are lawful avenues for investigating claims of election misconduct (*id.* at pp. 25–26), but the approach taken here is not one.

II.

To understand how the Registrar was caught in the middle, I add some details to the court's recounting of what happened. (See maj. opn., *ante*, at pp. 3–5; *Bianco*, *supra*, filed opn. at pp. 2–8.)

Tinoco was appointed Registrar of Voters by the Riverside County Board of Supervisors in December 2023 after working in the Registrar's office since 2002 and serving eight years as Assistant Registrar of Voters. Tinoco administered the November 4, 2025 special election in Riverside County, and the Secretary of State certified the ballots cast by county residents on December 12, 2025. No election contest was filed (§§ 16100 et seq.); no recount was requested (§§ 15610 et seq.).

Some time later, a community group called the Riverside Election Integrity Team (REIT) contacted the Registrar to request ballot materials. In response, the Registrar provided materials that could be lawfully disclosed. The REIT group said their audit of the materials showed 45,896 fewer ballots cast than the Registrar's official count of 657,322.

On February 6, 2026, a REIT member, Greg Langworthy, emailed the Sheriff's Department about the alleged discrepancy. He also contacted the Board of Supervisors, which scheduled a public meeting on February 10 to examine the issue. One day before the meeting, on February 9, the Sheriff obtained a warrant, under seal, from the Riverside County Superior Court authorizing seizure of all ballots cast in the county in the special election.

At the Board of Supervisors meeting on February 10, a video of which is available online, the Registrar appeared and discussed the special election for more than an hour. In a

detailed presentation followed by questions from the Board, he described the election procedures his office followed, and he addressed the discrepancy alleged by REIT. He explained that his office uses two systems to count ballots: the Election Information Management System (EIMS), which tracks signature-verified ballots that are legally eligible to be counted (what the Registrar called “good” ballots), and the Liberty Vote System, which scans and tabulates the “good” ballots and generates election results. He then reported that for the November 2025 special election, the EIMS system showed 657,219 ballots cast in Riverside County, and the Liberty system showed 657,322 ballots counted — a variance of 103, or 0.016%. He explained that the Secretary of State uses such comparisons across all 58 counties statewide to spot anomalies between ballots cast and counted, and that the variance was 0.069% among large turnout counties (500,000+ voters) and 0.107% for all counties in the special election. In addition, as part of the Registrar’s presentation, Deputy County Counsel Stephanie Nelson discussed the California Voting System Standards issued by the Secretary of State and how voting systems are tested for accuracy and security.

As to the discrepancy alleged by REIT, the Registrar said that REIT’s tally of ballots cast did not include confidential voters, conditional registration voters, and provisional ballots, which together account for approximately 6,000 ballots. Further, he explained, the REIT tally was based on handwritten ballot statements and collection or intake forms that were filled out before ballots were officially processed. These materials, which are used as internal “reference guides” and are not required by law, are “imprecise” because they reflect preliminary hand counts and are “completed in the field by

election officers during long work days” and “may include estimates or unintentional mistakes.” The Registrar said county elections involve 921 precincts, 150 vote centers, 107 vote dropoff sites, and over 2,500 volunteers working almost around the clock, and “there will be some unintentional mistakes.” He made clear that REIT’s reliance on handwritten “raw data” to derive a count of ballots cast is “not a methodology that is anywhere codified or law.” (See maj. opn., *ante*, at pp. 11–15 [discussing Elections Code provisions that prescribe training, oath, custody, and transparency requirements for handling and counting ballots].)

After the Registrar spoke, the Board heard comments for almost an hour from Langworthy and 10 additional REIT members or supporters. Several focused on the difference between REIT’s count and the Registrar’s official tally, and said the handwritten materials provided by the Registrar’s office are accurate and reliable. One of the speakers, Shasta County Registrar of Voters Clint Curtis, said that his office uses public hand counts to reconcile ballots cast and ballots counted, and that hand counts promote transparency and public confidence whereas electronic voting systems lack transparency and can be manipulated. As to the feasibility of hand counting in large jurisdictions, Curtis said “we do 65,000” ballots in Shasta County but “I could do 65 million just as easily because it’s a matter of putting another staff member on it to make it count. Scaling is not a problem.”

The Board received the information presented on February 10, and several supervisors said they would study the issue. Since then, it does not appear that the Board has found cause to further examine the special election. On April 14, the Board voted not to authorize the hiring or payment of outside

counsel to defend the Sheriff in the two cases before us and two others arising from his election investigation.

Petitioners assert and the Registrar confirms that Sheriff's Department personnel attended the Registrar's presentation at the February 10 meeting. On February 23, the Sheriff's Department obtained a second search warrant, authorizing seizure of additional election materials from the Registrar. "The affidavit used to obtain this warrant referred again to the alleged vote discrepancy but did not mention the registrar's February 10 presentation; on the contrary, it stated that the registrar 'has not given a reason for the discrepancy.'" (*Bianco, supra*, filed opn. at pp. 3–4.) Highlighting this omission, the Attorney General stated in a February 26 letter to the Sheriff that "[t]here . . . appear to be material omissions in the affidavit that may have substantially interfered with the magistrate's inference-drawing process."

When the Registrar learned that the Sheriff intended to seize the ballots, he informed the Secretary of State, who in turn contacted the Attorney General on February 24. The Attorney General promptly directed Bianco to pause his investigation and postpone execution of the first warrant from February 27, the planned date, until March 6. The Sheriff instead executed the warrant on February 26 and seized 12 pallets (around 1,000 boxes) of ballots with the Registrar's compliance. On March 24, the Sheriff executed the second warrant and seized another 11 pallets of materials, again with the Registrar's compliance.

III.

Petitioners sued the Registrar alongside the Sheriff on the ground that the Registrar failed to uphold his duty under section

15551 to maintain custody of the ballots. According to petitioners, the Registrar “violated” that duty “when he acquiesced to the seizure and counting of ballots by Bianco without even a minimal effort to assert his duty in court.”

As the circumstances suggest, the Registrar was caught between a rock and a hard place. In his briefing, he agrees with petitioners that while election misconduct is “not beyond the reach of a lawful criminal proceeding,” the Sheriff’s seizure of the ballots ran afoul of the statutory framework for any such process. He notes: “There is no evidence of suspected criminal wrongdoing by personnel within the Riverside County Registrar of Voters’ office. Likewise, there is no evidence that the integrity, preservation, or security of the ballots would be jeopardized by their continued custody by the Registrar” Further, he says his office conducted the November 2025 special election accurately and in accordance with the law.

At the same time, the Registrar contends he acted lawfully in complying with the search warrants: “As Riverside County’s chief elections official, Respondent is charged both with carrying out duties imposed by the Elections Code and with complying with orders and warrants issued by courts of competent jurisdiction. When presented with judicial process purporting to authorize the seizure of voted ballots, Respondent was not free simply to disregard that process based on his own assessment of the governing law.”

I agree that in the scenario here, the Registrar cannot be faulted for complying with a facially valid search warrant. “Importantly,” his briefing notes, “at the time the warrants were executed, the warrant applications and supporting materials were sealed. Accordingly, Respondent did not have access to the

evidence or affidavits presented to the issuing court and could not assess the factual or legal basis for the warrants.” Further, the execution of the warrants by armed officers with enough trucks to remove several pallets of materials did not leave the Registrar with much choice. And the Registrar may have believed that the Attorney General’s involvement would facilitate the return of the seized materials. Under these circumstances, the Registrar was not required to subject himself to arrest and contempt of court in order to uphold his official duties. (Cf. *Ex parte Brown* (1892) 97 Cal. 83, 84–85.)

But predictably the Registrar’s acquiescence led to him being sued. One could say the Registrar does not seem to mind since he does not oppose the relief requested by petitioners. Yet the time and expense of defending a suit brought by concerned voters, as well as the prospect of being held in violation of the law, pose an unfavorable situation for any public official.

An alternative path was available to the Registrar, and it is available to election officials who face similar dilemmas: The Registrar could have gone to court himself to vindicate his duties and authority under the law. Here, this could have taken the form of a motion to quash the search warrants in the superior court, especially since it was unclear whether the court had considered the Elections Code before authorizing seizure of ballots. Nor had the court been informed of the Registrar’s presentation to the Board of Supervisors on February 10, which was plainly material to whether there was probable cause of criminal activity. Further, the Registrar could have filed a petition for a writ of mandate similar to the one now before us. The Registrar was undoubtedly a proper party to bring such actions; his role in the statutory scheme was at stake, and no one was in a better position to elucidate the requirements of the

Elections Code or to describe the ballot handling and counting procedures as they relate to the underlying dispute.

Going forward, election officials have additional recourse. In response to these events, the Legislature amended the Elections Code to prohibit peace officers from interfering with elections and to authorize enforcement actions by the Attorney General, Secretary of State, and county elections officials (§ 15007), to provide for civil and criminal liability for such interference (§§ 18564.5, 18568), and to require the Attorney General to advise election officials on how to respond to requests from law enforcement (§ 15006). (Stats. 2026, ch. 10, §§ 1–14 (Senate Bill No. 73); see Assem. Com. on Appropriations, Analysis of Sen. Bill No. 73 (2025–2026 Reg. Sess.) as amended May 11, 2026, p. 3 [describing bill as a response to the events in Riverside County as well as “others around the country where elections officials were presented with court orders to turn over election materials,” and recognizing “the difficult position of elections officials in these situations”].)

A raft of additional legislation, signed into law just days ago, further strengthens protections against unlawful election interference. (Stats. 2026, ch. 330, §§ 1–5 (Assembly Bill No. 282); Stats. 2026, ch. 336, §§ 1–4 (Assembly Bill No. 1664); Stats. 2026, ch. 340, §§ 1–4 (Senate Bill No. 884); Stats. 2026, ch. 341, §§ 1–10 (Senate Bill No. 1418).) The Elections Code now requires county election officials to notify the Secretary of State “immediately, but no later than one calendar day,” after becoming aware of a warrant or subpoena pertaining to the search, seizure, or retention of election materials in their custody. (§ 23, subd. (b).) It also imposes criminal liability on “any person who seizes or causes or assists in the seizure of ballots, election records, or certified voting technology . . . before

election results are certified” and on “[a]ny person with authority who directs one or more other persons subject to their supervision or authority” to undertake such a seizure. (§ 18579, subds. (a), (b).)

Notably, the new amendments to the Election Code contain civil and criminal enforcement provisions that specifically target violations of the custody requirement in section 15551, subdivision (d). (See §§ 18564.5, subd. (a)(7), 18568, subd. (i).) The Registrar says he “intends to rely on those statutory protections in the future to help ensure continued compliance with the Election Code’s custodial requirements governing election materials.”

IV.

It is a lot to ask of our election officials that they not only do their jobs competently but also stand ready to sue anyone who unlawfully interferes with their duties. Yet here we are. For our democracy to flourish, our elections must be conducted in accordance with the law.

I would underscore the seriousness of the violation here. This is not a case involving a few documents. It involves the unlawful removal and handling by armed deputies of over 1,000 boxes of documents — and not just any documents, but the most precious documents of the citizenry in a democracy: their votes.

We ordered an immediate stay of this conduct shortly after receiving the *Bianco* petition. Then, in light of “the November 2026 General Election nearing” (*Bianco*, *supra*, filed opn. at p. 32), we heard argument in this case and *Bianco* in a special session less than two months after briefing was completed. Today’s unanimous opinions come 31 days after argument. This

court is prepared to act with dispatch and clarity to ensure that our elections are conducted in accordance with the law.

But it should not have come to this. Although it is the job of courts to decide cases that come before them, we should keep in mind that the events here are “extraordinary.” (*Bianco*, *supra*, filed opn. at p. 32.) Court orders aside, every public official has an independent duty to follow the law. The judiciary serves as an essential backstop, but the rule of law depends in the first instance on the conscientious discharge of that duty by all officials.

LIU, J.

See next page for addresses and telephone numbers for counsel who argued in Supreme Court.

Name of Opinion Cervantes v. Bianco

Procedural Posture (see XX below)

Original Appeal

Original Proceeding XX

Review Granted (published)

Review Granted (unpublished)

Rehearing Granted

Opinion No. S295866

Date Filed: September 24, 2026

Court:

County:

Judge:

Counsel:

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