

No. S295866

IN THE SUPREME COURT OF CALIFORNIA

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CLARISSA CERVANTES, *et al.*,

Petitioners,

v.

CHAD BIANCO, IN HIS OFFICIAL,  
CAPACITY AS RIVERSIDE COUNTY SHERIFF, *et al.*

Respondents,

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**PETITIONERS' REPLY TO CHAD BIANCO'S OPPOSITION TO  
PETITION FOR WRIT OF MANDATE AND RIVERSIDE COUNTY  
REGISTRAR OF VOTERS' RETURN**

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## I. INTRODUCTION

The California Legislature, like every state legislature across the nation, has determined that free and fair elections require trained and independent election officials to work publicly and transparently. To ensure as much, the Legislature created a comprehensive statutory system that regulates who may handle, count, tally, and hold custody of ballots. This system ensures there is public confidence in election administration and reported outcomes.

The actions by Respondents Bianco and Tinoco have eroded this confidence and are directly in conflict with clear California law. Tinoco had a clear duty to maintain custody of the election materials while defending his custody in court, including by pursuing meaningful appellate review. Bianco had a clear duty not to interfere with Tinoco's 1) custody and 2) counting authority except by strict adherence to the California Elections Code. There is no confusion or vagueness in California law; instead, it was and is being ignored.

In order to justify his egregious actions, Bianco offers this Court a false choice. Either the Court permits Bianco (and any other sheriff in California) the power to seize voted ballots whenever they obtain an uncontested warrant, or election materials can never be examined in a valid criminal case. But this case presents no such choice; the Legislature has, by statute, struck the appropriate balance. This Court need only reaffirm those laws and grant Petitioners requested relief to return the election materials and voted ballots back to the custody of

Respondent Tinoco and undertake a count or review of them only under the careful procedures provided under the Elections Code.

Senate Bill No. 73 (“SB 73”) did not alter the Elections Code provisions that Petitioners ask this Court to enforce. SB 73 only affirms the Legislature’s clear intent that voted ballots remain in the custody of elections officials, even if subject to a criminal investigation. The law further clarifies that civil proceedings can be brought to enforce election laws. Moreover, SB 73 does not apply retroactively to this case. It remains as important as ever that this Court clarify for these officials, and others around the state, that an *ex parte* criminal warrant, without judicial contest and without meaningful appellate review, is insufficient to break ballot custody and counting laws.

Tinoco had legally mandated custody of the Petitioners’ ballots. Like an attorney protecting his client’s privileged communications, Tinoco had a clear duty to exhaust his judicial remedies before surrendering these ballots and subjecting them to unlawful handling. Petitioners request this Court act without delay to protect their interests, and those of the public at-large, in the integrity of our votes and elections. Petitioners request that this Court issue a writ of mandate directing Respondents Bianco and Tinoco to comply with the Elections Code and return the ballots to the custody of Tinoco immediately.

## **II. STATEMENT OF THE CASE**

Petitioners take issue with the Statements of the Case from Respondents’ Briefs and offer additional information to aid the Court’s review.

- a. The Riverside Election Integrity Team (REIT) “audit” was deeply flawed.

The REIT “audit” relied upon by Respondent Bianco was deeply flawed, incomplete, and was publicly debunked by the Riverside County Registrar of Voters (“ROV”) prior to Respondent Bianco’s office obtaining warrants. REIT possesses no special access, expertise, or information that would render its tally reliable.

REIT’s review was conducted outside the process set out by the California Elections Code. (*See generally* Elec. Code, §§ 16400-16467.) REIT’s analysis of ballot discrepancies comes from comparing preliminary, handwritten ballot intake logs against official certified vote totals produced by the ROV.<sup>1</sup> REIT’s analysis did not account for certain categories of ballots that are processed and counted as required under law, such as provisional ballots, conditionally registered voters, and confidential voters. (Riverside County ROV’s Return by Answer to Petn. for Writ of Mandate at 20, ¶ 6.) REIT did not possess hidden information but instead erred by failing to count validly cast ballots and failing to understand the election-administration records that pertain to the type of analysis REIT was trying to undertake. (*Id.* at ¶ 7.)

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<sup>1</sup> (Riverside County ROV, *Election Update and Presentation*, Riverside County Board of Supervisors Regular Meeting (Feb. 10, 2026) <<https://riversidecountyca.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=3355&Format=Agenda>> [as of June 28, 2026]; Riverside County ROV Return by Answer to Pet. for Writ of Mandate at 20, ¶ 4-7.

On February 10, 2026, Respondent Riverside County ROV Art Tinoco addressed the alleged discrepancies reported by REIT at a Riverside County Board of Supervisor’s meeting, stating that the allegations were based on a misunderstanding of data that was not fully processed.<sup>2</sup> This was not the first time that the ROV or other Riverside County Officials had explained to REIT members that the method they were using to calculate ballots was incorrect. In March 2024, before certification of the 2024 primary, ROV Tinoco personally met with REIT and explained that reconciling ballots cast with votes counted is required by California law before certification.<sup>3</sup>

Respondent Bianco had opened a criminal probe related to REIT’s previous claims as early as 2022; and after years of investigation, closed the prior similar probe without any findings.<sup>4</sup> Respondent Bianco himself has previously refused to entertain the claims by REIT, telling members of REIT in 2023 “[t]his is absolutely ridiculous. Just because ‘someone’ convinced themselves of

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<sup>2</sup> (Riverside County ROV, *Election Update and Presentation*, Riverside County Board of Supervisors Regular Meeting <<https://riversidecounty.ca.igam2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=3355&Format=Agenda>> [as of June 28, 2026]; See Branson-Potts, *What we know about the Republican sheriff who seized 650,000 ballots*, L.A. Times (Mar 23, 2026) <<https://www.latimes.com/california/story/2026-03-23/riverside-county-sheriff-has-seized-650-000-ballots-heres-what-we-know>> [as of June 28, 2026].)

<sup>3</sup> (*About*, Riverside Election Integrity Team (Apr. 4, 2026) <<https://www.reit-ca.info/about>> [as of June 28, 2026].)

<sup>4</sup> (Rubin & Pishko, *Internal emails show how fringe groups fueled Sheriff Chad Bianco’s ballot seizure*, CalMatters (April 21, 2026) <<https://calmatters.org/investigation/2026/04/chad-bianco-emails/>> [as of June 28, 2026].)

something doesn't mean its reality. It certainly doesn't help or further a criminal investigation.”<sup>5</sup> The District Attorney for Riverside County also dismissed REIT's prior claims, stating that they “will conduct no further investigation into the matter of the content of the ballots or voting machines.”<sup>6</sup>

No “substantial discrepancy was identified from the Registrar's own source records,” as alleged by Respondent Bianco. (Bianco Opposition to Petn. for Writ of Mandate at 12.) As noted above, the Registrar was able to reconcile the ballots. Also, Riverside County vote totals have been confirmed by an analysis undertaken by UCLA Voting Rights Project Faculty Director and Professor of Political Science, Dr. Matt Barreto, Ph.D.:

Election Year	Election Type	Riverside Last Count before Certification	Riverside Certified Total	SOS Certified Total	Riverside Last Count to SOS Certified	Riverside Certified to SOS Certified
Nov-25	Special (Statewide Ballot Measure Prop. 50)	657,269	657,322	657,322	99.99%	100.00%
Nov-24	General (Presidential)	958,786	959,098	959,098	99.97%	100.00%
Nov-22	General (Gubernatorial)	602,726	604,617	604,617	99.69%	100.00%
Nov-21	Special (Gubernatorial Recall Election)	719,295	720,600	720,600	99.82%	100.00%
Nov-20	General (Presidential)	1,016,027	1,016,896	1,016,896	99.91%	100.00%

The unsealed warrants at issue demonstrate that Respondent Bianco and his office ignored evidence and testimony from the ROV to seize and then count

<sup>5</sup> (Bianco, *RE: Gut Punch* (March 10, 2023) <<https://www.documentcloud.org/documents/28059058-email-from-bianco-to-bunch-good-grief/?mode=document>> [as of June 27, 2026].)

<sup>6</sup> (Poznanski, *RE: L 22 ... Miscellaneous Criminal* (July 21, 2022) <<https://www.documentcloud.org/documents/28059059-emails-bunchpoznanski/?mode=document>> [as of June 27, 2026].)

ballots.<sup>7</sup> His actions illustrate the broader dangers of unofficial counts bearing any government imprimatur: even an unofficial tally by inexperienced personnel will be perceived by a segment of the public as authoritative. By giving REIT's erroneous count a semblance of legitimacy and then seizing the ballots for his own private count undertaken by other inexperienced election personnel, law enforcement, Bianco injected distrust into elections. His unauthorized possession and perfunctory recount of ballots was poised to do the same.

b. Sheriff Bianco's Seizure and Counting of the Ballots.

On February 9, 2026, one day before Registrar Tinoco was scheduled to publicly address and rebut REIT's claims before the Riverside County Board of Supervisors, the Riverside County Sheriff's Department obtained a sealed warrant authorizing seizure of election materials from the Registrar's office.<sup>8</sup> Pursuant to that warrant and two subsequent warrants, Bianco's office seized 657,322 ballots and related election materials. (Riverside County ROV's Return by Answer to

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<sup>7</sup> (February 9, 2026, unsealed warrant, <https://www.politico.com/f/?id=0000019d-6e8a-d377-a1dd-6fdbb1270000> [as of June 29, 2026]; February 23, 2026, unsealed warrant, <https://www.politico.com/f/?id=0000019d-6e91-dd4f-a5ff-fed70e4f0000> [as of June 29, 2026]; March 19, 2026, unsealed warrant, <https://www.politico.com/f/?id=0000019d-6e91-d377-a1dd-6fd9fddd0000> [as of June 29, 2026].)

<sup>8</sup> (February 9, 2026, unsealed warrant, <https://www.politico.com/f/?id=0000019d-6e8a-d377-a1dd-6fdbb1270000> [as of June 29, 2026]; See Riverside County ROV, *Election Update and Presentation*, Riverside County Board of Supervisors Regular Meeting (Feb. 10, 2026) <<https://riversidecountyca.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=3355&Format=Agenda>> [as of June 28, 2026].)

Petn. for Writ of Mandate at 6, ¶ 2.) On March 5, 2026, Sheriff’s Department personnel unsealed 22 boxes and counted 12,500 ballots.<sup>9</sup> This counting activity occurred without the participation of election officials and under secrecy. (*Id.*) Tinoco has stated his belief that what Bianco’s department initiated was a “recount.” (Riverside County ROV’s Return by Answer to Petn. for Writ of Mandate at 11, ¶ 27.) The current condition of those 12,500 ballots is unknown. (Riverside County ROV’s Return by Answer to Petn. for Writ of Mandate at 12, ¶ 34.)

During this time period, but after Tinoco had permitted Bianco to take custody of the ballots (without asserting his authority in court), the Attorney General attempted to stop Respondent Bianco’s office from counting and handling ballots. After the Attorney General sent a letter to the Sheriff to pause investigative activity, and after the Sheriff had represented that he would comply with the Attorney General’s directives, the Sheriff obtained a third sealed warrant to continue to count ballots outside of the California Elections Code procedures. (*Atty. Gen. of the State of Cal. v. Bianco*, review granted Mar. 27, 2026, S295901 [Petn. for Writ of Mandate at 25].) Sheriff Bianco has made clear that he would seize ballots again.<sup>10</sup> Had Tinoco legally defended his valid custody, it would

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<sup>9</sup> (March 19, 2026, unsealed warrant, <https://www.politico.com/f/?id=0000019d-6e91-d377-a1dd-6fd9fddd0000> [as of June 29, 2026] at 9.)

<sup>10</sup> (Marley, *California’s top court halts sheriff’s seizure of half a million ballots*, Wash. Post (Apr. 8, 2026) <<https://www.washingtonpost.com/politics/2026/04/07/chad-bianco-riverside-ballot-seizure/>> [as of June 27, 2026].)

have permitted time for these Petitioners and the Attorney General to properly intervene.

- c. No election contest nor request for a recount was filed under Elections Code section 16100.

Bianco claims that what he was doing while tallying the ballots was not a recount or election contest. (Bianco Opposition to Petn. for Writ of Mandate at 13-14.) This claim reveals the legal error of Bianco’s actions: the Elections Code does not provide for informal re-tallying of votes, by the Sheriff or anyone else.

Respondent Bianco’s seizure, handling, opening, tallying, and counting of voted ballots was an unlawful election contest and recount. The California Elections Code Section 16100,<sup>11</sup> subdivisions (d) and (g), establish a process for contesting and reviewing ballot counts. Under those sections “[a]ny elector of a county, city, or of any political subdivision of either may contest any election held therein, for any of the following causes: (d) [t]hat illegal votes were cast...(g) [t]hat there was an error in the vote-counting programs or summation of ballot counts.” (Elec. Code, § 16100, subd. (d), (g).) Under Section 16400, in the event that a voter in a political subdivision would like to contest any election, they may file with the clerk of the superior court that has jurisdiction a written statement that include the “particular grounds of contest and section of the code under which the statement is filed.” A voter then must verify the statement of

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<sup>11</sup> All further statutory references are to the Elections Code unless otherwise indicated.

contest. (*Id.*; Elec. Code, § 16401.) “Within five days after the end of the time allowed for filing statements of contest, the clerk of the superior court shall notify the superior court of the county of all statements filed. The presiding judge shall forthwith designate the time and place of hearing, which time shall be not less than 10 nor more than 20 days from the date of the order.” (Elec. Code, § 16500.) Once a hearing is set, “the ballots shall be opened and a recount taken in the presence of all the parties....” (Elec. Code, § 16601.) Importantly, the court shall continue to hear all issues arising out of the contest, file findings of fact and conclusions of law, and pronounce judgment in the premises. (Elec. Code, § 16603.) The entire election contest process held by the court is public. (*See generally* Elec. Code, §§ 16000- 16940.) All of these steps ensure public transparency, help dispel myths and conspiracies and ensure any person who questions an election outcome can watch an open and transparent re-tallying of votes. Law enforcement counting of votes secretly, in private falls well short of meeting these important principles.

### **III. LEGAL STANDARD**

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 specifically enjoins, as a duty resulting from an office, trust, or station....” (Code Civ. Proc. § 1085, subd. (a).) Petitioners seeking a writ of mandate relief “must show that there is no other plain, speedy, and adequate remedy; that the respondent has failed to perform an act despite a clear, present, and ministerial

duty to do so; and that the petitioner has a clear, present, and beneficial right to that performance.” (*Riverside Sheriff's Assn. v. County of Riverside* (2003) 106 Cal. App. 4th 1285, 1286.)

This Petition clearly meets the standard, and the Court should grant a writ of mandate.

#### IV. LEGAL ARGUMENT

- a. Petitioners have identified a clear, present, ministerial duty of Tinoco and Bianco.

Tinoco and Bianco have a clear, unqualified duty to ensure that ballots and election materials stay within the custody of elections officials and that cast ballots are handled and counted only within the procedures dictated by California law. “[M]andamus is available to compel a public agency's performance or to correct an agency's abuse of discretion when the action being compelled or corrected is ministerial.” (*AIDS Healthcare Foundation v. L.A. County Dept. of Public Health* (2011) 197 Cal. App. 4th 693, 700.) A duty is ministerial when the action is “unqualifiedly required.” (*Citizens for Amending Prop. L v. City of Pomona* (2018) 28 Cal. App. 5th 1159, 1186 (*Citizens for Amending Prop. L*.) When “it is shown the duty to do the thing asked for is plain and unmixed with discretionary power or exercise of judgment” the writ of mandate should be granted. (*County of San Diego v. State of Cal.* (2008) 164 Cal. App. 4th 580, 596.)

Here, both Respondents had a duty to Petitioners that was unqualifiedly required yet directly violated.

*i. Tinoco holds clear ministerial duties under the Elections Code not to interfere with election record custody.*

Respondent Tinoco has a ministerial duty under the Elections Code to keep custody of the ballots, oversee handling, counting, and tallying. He 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. Section 15551 commands, without qualification, that voted ballots “in no event” leave the custody of the elections official. Section 15551 creates a clear and plain mandate that even in the event of a criminal proceeding, much less a mere criminal investigation, Respondent Tinoco must retain custody of the ballots.

The requirement that voted ballots *never* leave the custody of election officials has been clear in California law for over a century. In *Ex parte Brown*, this Court held that elections officials may not deviate from laws that require that they keep custody of ballots, regardless of a court order, unless an election contest was commenced. (*Ex parte Brown* (1892) 97 Cal. 83, 85.) The Court reasoned that because the purpose of the law was to ensure the public’s trust in the integrity of elections by “preserving the integrity of the sealed packages of ballots, for they cannot be produced in evidence without satisfactory preliminary proof that they remain in the same condition in which they were taken from the ballot-box.” (*Id.* at 89-90.) And if those ballots were taken outside of an elections

official's control, "it becomes extremely difficult, and in many cases impossible" to ensure that ballots remain in their original condition. (*Id.* at 90.)

Section 15551 is the present codification of the rule in *Ex Parte Brown* and it too imposed upon Tinoco a strict mandate to take and maintain custody of ballots in all cases and to defend that custody in court. In allowing Respondent Bianco to seize custody of the ballots on an unchallenged search warrant, he strictly violated the terms of the law.

The type of writ of mandate these Petitioners seek is not out of the ordinary when a court is presented with public officers reading "no" in a statute to mean "yes, sometimes." For example, In *Citizens for Amending Prop. L*, the court of appeals held that a city proposition requiring that "[n]o new or structurally altered offsite billboards shall be permitted within the City of Pomona" created a ministerial duty by the City not to contract with another party to violate the proposition. (*Citizens for Amending Prop. L*, *supra*, 28 Cal. App. 5th at p. 1187.) Section 15551 requires that "[i]n no event shall [voted ballots] be taken from the custody of the elections official." The election official's duty could be no more clear.

Tinoco's duty is not extinguished by a criminal warrant, as he argues. (Riverside County ROV's Return by Answer to Petn. for Writ of Mandate at 31 [stating that "Respondent was not free simply to disregard that process based on his own assessment of the governing law."].) The issuance of the warrant was "an event" and the statute commands that "in no event" shall the election materials

leave the election official’s custody. The election official/Tinoco was under a duty to undertake lawful means to ensure the lawful integrity of the warrant unless or until this Court overruled *Ex parte Brown* and created an exception to Section 15551.<sup>12</sup> This Court should hold that Respondent Tinoco violated his clear duty under Section 15551 and require the immediate return of the election materials. In so doing, the Court will send a clear and important message to officers around the state who are charged with protection of our election records.

*ii. The Elections Code comprehensively prohibits the actions by Respondents Bianco and Tinoco.*

Section 15551 is not the only statutory provision violated by Respondents’ actions. As stated above, a duty is ministerial when the action is “unqualifiedly required.” Numerous provisions of the Elections Code define who may handle and take custody of ballots. (*See Elec. Code, §§ 12321, 15204, 15205, 15207, 15290, 15551, 18575.*) None of the authorized persons are the sheriff or other law enforcement officers. For example, Section 15204 provides that “[a]ll proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but *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.* Access to the area where electronic data

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<sup>12</sup> The Attorney General has contested the validity of the warrant and has sought to quash one of the warrants—exactly the steps Tinoco was under a duty to undertake before he facilitated the transfer of custody of the election materials. (*Atty. Gen. of the State of Cal. v. Bianco*, review granted Mar. 27, 2026, S295901 [Atty. Gen. Reply In Support of Petn. for Writ of Mandate at 7-8, 16-17].)

processing equipment is being operated may be restricted to those persons authorized by the elections official.” (emphasis added.) In another example,

Section 18575 states:

Every person is guilty of a felony, and on conviction shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three or four years, who at any election:

(a) Without first having been appointed and qualified, acts as an election officer. (b) Not being an election officer, performs or discharges any of the duties of an election officer in regard to the handling, counting, or canvassing of any ballots.

The provisions of the Elections Code are unmixed with any discretionary power or exercise of judgment. Because these duties are not discretionary on the part of Respondents Tinoco nor Bianco, both violated their duty when permitting those who had not been “appointed and qualified...as an election officer” to handle ballots. (*Id.*)

Respondents also violated their clear legal mandates when they allowed ballots to be handled without public transparency. Sections 15004, 15201, and 15204 all require public transparency in the handling of ballots. Section 15201, subdivision (a), provides: “As soon as the polls are closed, the precinct board shall, *in the presence of the public* do all of the following: ....” (Emphasis added.) Section 15204 states: “[a]ll proceedings at the central counting place, or counting places, if applicable, *shall be open to the view of the public* but 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. Access to the area where

electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official.” (Emphasis added.) Respondent Bianco caused the seizure of voted ballots and placed them outside of public view. This was done and continues despite laws mandating otherwise.

In addition, Respondents activities violate provisions requiring strict adherence to chain-of-custody procedures. (*See* Elec. Code, § 15630, subd. (b) [no person may touch or handle a ballot without “the express consent of the elections official,” and with the election officials “present to observe the examination.”].) This is the case even in the event where election returns are “incomplete, ambiguous, not properly authenticated, or otherwise defective.” (Elec. Code, § 15303 [authorizing a county election official to require precinct board members to be questioned under oath regarding discrepancies]; see also Elec. Code, § 15304 [authorizing election officials in jurisdictions using a central counting system to appoint deputies to personally reexamine ballots and report back].) The only exception to the exclusive control of election officials over ballots arises when an order of a superior court authorizes someone else to “access[], touch[], or handle[]” elections material during open court, during an official recount proceeding. (Elec. Code, §15630, subd. (c), (d).)

Respondents also violated Elections Code provisions that require election officials handling ballots to meet certain qualifications, undergo mandatory training, and take an oath to discharge their duties. (*See* Elec. Code, §§ 15625 subd. (c), 12309.5 subd. (a) (1-8), 12321.) In addition to these safeguards, ballots

must only be delivered and recounted in a “central place” able to accommodate public viewing. (*See* Cal. Code. Regs., § 20356(a); Elec. Code, § 15290.) The Petition in this case notes the myriad of other statutory provisions Respondents violated. The violation of legal duties is strikingly clear.

*iii. Respondent Bianco’s justifications for his actions are inadequate.*

Bianco’s justifications for his actions are wholly inadequate. First, Bianco argues that the Elections Code provisions either do not impose any duty on Bianco or that if they could impose such a duty, the Elections Code must be “harmonized” with the penal code.<sup>13</sup> Not so. The Elections Code is clear and unambiguous: elections officials, not a sheriff nor any other law enforcement officer, shall handle and have custody of voted ballots. “When ‘statutory language is ... clear and unambiguous there is no need for construction, and courts should not indulge in it.’... The plain meaning of words in a statute may be disregarded only when that meaning is ‘repugnant to the general purview of the act,’ or for some other compelling reason....’ (*See People v. Leal* (2004) 33 Cal. 4<sup>th</sup> 999, 1008 [cleaned up].)

Bianco’s attempts to rewrite the statutes to create exemptions for his actions. But courts “must assume that the Legislature knew how to create an

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<sup>13</sup> Respondent Bianco argues that under *People v. Leal*, “courts must construe statutes harmoniously wherever possible” (Bianco Opposition to Petn. for Writ of Mandate at 18.) But the majority in *Leal* did not hold that courts must construe statutes harmoniously. (*See People v. Leal* (2004) 33 Cal. 4<sup>th</sup> 999, 1008.)

exception if it wished to do so” and may not “under the guise of construction, rewrite the law or give the words an effect different from the plain and direct import of the terms used.” (*Cal. Federal Savings & Loan Assn. v. City of L.A.* (1995) 11 Cal. 4th 342, 349.) Respondent Bianco asks this Court to do both.

Next, Bianco greatly exaggerates to assert that ballots would be immune from the judicial process if this Petition is granted. (Bianco Opposition to Petn. For Writ of Mandate at 18.) Bianco argues that Petitioner’s reading of the Elections Code would “expressly repeal Penal Code warrant authority” or “strip courts of authority over evidence seized pursuant to warrants.” (Bianco Opposition to Petn. for Writ of Mandate at 17.) Not true. Section 15551 does not create a veto over the judicial process. Voted ballots may still be relevant evidence. What the provision does is require that trained elections officials maintain custody of ballots even when ballots are relevant to criminal proceedings. If there was evidence Tinoco or his staff were engaging in criminal activity, a trial court warrant could secure the election materials, by guard if necessary, in the locked custody of the election official until such time as the Secretary of State or some other surrounding county election official could be court appointed to handle the ballots in full compliance with the Elections Code. A criminal investigation is not a blanket license to ignore the Legislature’s mandate that no one is permitted to handle, count, tally, or even in the event of a criminal proceeding, take custody of cast and counted ballots. (*see generally Ex parte Brown*, *supra*, 97 Cal. 83.) The fact it has been the law in California at least

since 1892 that ballots do not leave the custody of election officials is enough on its own to discredit the argument that having such a policy prevents meaningful criminal election investigations.

Furthermore, Bianco's assertion that judicial supervision can remedy Petitioner's harms is without merit. The protocols Bianco suggests are just attempts to circumvent the statutory process for elections challenges under the Elections Code. Moreover, judicial supervision does not get to the center of Petitioners' legal issue: whether the Elections Code permits Bianco to seize ballots. Judicial supervision does nothing to answer this question.

The Legislature has provided Bianco avenues to investigate any alleged discrepancies with ballot reconciliation, while retaining security and chain of custody of the ballots and allowing the public to view any handling of ballots. (*See* Elec. Code, §§ 16000-16940.) He refused to initiate these processes.

- b. Respondent Bianco's investigation amounted to an unauthorized recount and/or election contest.

Bianco's investigation amounted to an unauthorized election contest and recount. Bianco asserts that he does not intend to certify any vote total and simply "seeks to determine whether the number of physical ballots and ballot records can be reconciled with the certified recorded total." (Bianco Opposition to Petn. for Writ of Mandate at 19-20.) What is an election contest but a challenge to assert either "[t]hat illegal votes were cast" or "[t]hat there was an error in the vote-counting programs or summation of ballot counts"? (Elec. Code, § 16100, subd.

(d), (g).) Bianco’s characterization of his investigation is a distinction without a difference.

If Bianco’s actions do not amount to an “election contest,” they certainly are a “recount” as governed by the Elections Code. Bianco has claimed publicly, multiple times, that he is counting the ballots.<sup>14</sup> During his March 20, 2026, press conference, Bianco confirmed that Sheriff’s department staff had begun to open and recount ballots and that “his investigators know how to count” and will be counting voted ballots.<sup>15</sup> Respondent Bianco sought a third sealed warrant for the express purpose of allowing his deputies to count ballots for his reconciliation. Respondent Bianco’s counting of ballots, even for the purported reason of ensuring that the number of physical ballots and ballot records can be reconciled, is nevertheless an action governed by the Elections Code.

c. The Legislature did not enact an unconstitutional election system.

i. *Bianco is wrong that the clear reading of these Elections Code provisions would render them unconstitutional.*

Bianco deliberately misreads the Elections Code as barring any election related criminal proceedings. (Bianco Opposition to Petn. for Writ of Mandate at 34.) Rather, the Elections Code contemplates criminal proceedings and does so by protecting election integrity, ballot secrecy, public transparency and the rest of

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<sup>14</sup> (Riverside County Sheriff’s off., *Election Fraud Investigation Press Conference* (Mar. 20, 2026) at 4:03 to 4:10

<<https://www.youtube.com/live/Lo6ir8fEULI?si=6nmwBYRd9V04BNtj&t=303>> [last accessed June 28, 2026].)

<sup>15</sup> (*Id.* at 5:02 to 5:10.)

the careful mechanisms that help ensure the public will accept the reported election outcomes and honor the peaceful transfer of power.

Section 15551, subdivision (a), acknowledges that ballots may be relevant to criminal proceedings and notes that in this case they “shall not be destroyed until after final determination of the...criminal prosecution.” Section 15551, subdivision (d), also provides that “[i]n no event shall the package or its contents be taken from the custody of the elections official.” These two provisions work in harmony as a means of properly preserving the integrity of ballots. Like a mishandled deck of playing cards, mishandled election materials quickly lose the integrity of their results.

The Elections Code “established a continuous and verifiable chain of custody for voted ballots from the time ballots are cast through... ultimate disposition.” (Riverside County ROV’s Return by Answer to Petn. for Writ of Mandate at 24.) Allowing for the removal of these ballots from elections officials not only interrupts this chain of custody but can lead to spoliation of ballots or records. Bianco’s appointed agents may hold the highest integrity as law enforcement officers but what they are not, are trained election officials.

The requirements of the Elections Code could have been met while facilitating a vigorous criminal investigation. But as this Court recognized, anyone may tamper and spoil the “security and integrity of the ballots.” (*Ex parte Brown, supra*, 97 Cal. 83, 89.) “[F]or, when once the terms of the statute are set aside, not only judges of the highest character and position can order the sealed

ballots to be produced and opened, but every judicial officer in the state may do the like, and it will depend wholly upon his individual judgment and discretion what precautions shall be taken to prevent them from being tampered with.” (*Id.*) Bianco’s argument would create a system where a county sheriff, with the blessing of a trial court judge, would have election authority this Court and the Legislature deprived of themselves.

Bianco is wrong that Petitioners’ arguments would result in election officials with an “absolute veto” over the judicial process. (Bianco Opposition to Petn. For Writ of Mandate at 17.) The Elections Code establishes a strict and transparent process by which election officials must operate, it balances the needs of valid criminal investigations, protects the right of the public to know, and actually facilitates criminal prosecution (where it is warranted) by protecting the evidentiary integrity of the election records.

*ii. California’s elections provisions are not unique.*

Review the election provisions of any U.S. state and one will find provisions similar to those this Petition seeks to enforce. (*See e.g.*, Or. Rev. Stat. Ann., § 260.695 [“A person, except an elections official in performance of duties, may not remove a ballot from any place designated for the deposit of ballots under ORS 254.470 or any location described in ORS 254.472 or 254.474.”]; Wash. Rev. Code Ann., § 29A.60.110 [“ The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW

29A.60.185, or by order of the superior court in a contest or election dispute.”]; and Fla. Stat. Ann., § 101.572 [“[N]o persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card”].) Even the states that allow for voted ballots to leave the custody of election officials for the purpose of an investigation do not allow a simple search warrant to suffice; rather only the county or district attorney, or the attorney general may request for such ballots to be impounded, and even then, the ballots must remain “in a secure place under the terms and conditions ... necessary to keep them under the judge’s custody and control during the examination.” (Tex. Elec. Code, § 273.003.)

- d. All parties agree that SB 73 does not change the analysis in this case.

While SB 73 adds additional safeguards and criminal penalties to enhance enforcement of Section 15551, subdivision (d), SB 73 does not change the analysis in this case. (Sen. Bill No. 73 (2025-2026 Reg. Sess.)) Instead, SB 73 reinforces Petitioners’ interpretation of existing election law. These events spurred the Legislature to adopt SB 73 because court review of Respondents’ violations of duty has proven procedurally cumbersome. SB73 clarifies new civil processes. SB 73 does not address Bianco’s actions of circumventing the civil law process by utilizing the criminal courts. And as Tinoco’s defense in this Court has made clear, at least some government officers will honor a criminal search warrant, without the slightest legal challenge, even if the warrant is directly in

conflict with their legal duties. A clear pronouncement by this Court that the actions undertaken here were violative of law, can prevent something like this happening again and remedy at least some of the harm to these Petitioners' votes during these events.

*i. SB 73 reinforces Petitioner's interpretation of existing election law but does not resolve this case.*

The additional statutory provisions added by SB 73 to enhance enforcement of Section 15551, subdivision (d), reinforce Petitioners' interpretation of existing election law. SB 73 amends Section 18564.5 to permit the Attorney General, county elections officials, or Secretary of State to bring a civil action against any individual or legal entity that "[t]akes a package containing the voted ballots or its contents from the custody of the elections officials in violation of subdivision (d) of Section 15551." (Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 8); Elec. Code, § 18564.5, subd. (a)(7).) SB 73 also added criminal penalties for persons who "[k]nowingly takes a package containing voted ballots of its contents from the custody of election officials in violation of subdivision (d) of Section 15551." (Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 4); Elec. Code, § 18568, subd. (i).) Furthermore, SB 73 is not retroactive because it did not contain express language of retroactivity. (*See McClung v. Employment Development Department* (2004) 34 Cal. 4th 467, 475.)

*ii. SB 73 demonstrates why traditional remedies are inadequate and why this Court must announce a clear rule.*

SB 73’s civil and criminal penalties demonstrate why traditional remedies regarding the seizure and handling of voted ballots are inadequate. SB 73’s new remedies — like all after-the-fact causes of action — arrive only after ballots have already been tainted. (*See* Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 8-9; Elec. Code, §§ 18564.5, subd. (b), 18568, subd. (i).) If an officer compels an election official to surrender ballots in a sealed proceeding (whether by judicial warrant or county-official order), the damage is done before any interested parties can be heard. Anyone except for election officials, including law enforcement officials, “cannot open [ballots] for inspection without destroying all safeguards...nor without impairing in all cases, and possibly destroying in many, their value as evidence for the only purpose for which the law has directed their preservation.” (*Ex parte Brown, supra*, 97 Cal. 83, 90.) An announced ruling from this Court remains necessary to remedy Petitioners’ harms, settle this particular set of events once and for all, and remind public officers that they hold a legal duty to defend the custody of the ballots, even in the face of a warrant authorizing the seizure of such ballots.

*iii. SB 73 did not address Bianco’s criminal-law arguments.*

The enactment of SB 73 also does not address Bianco’s assertion that Section 15551, subdivision (d), must either yield to the issuance of a warrant and if it does not, that the law is unconstitutional. This means that SB 73 does not settle these legal arguments against a sheriff invoking them. Only this Court, exercising its supervisory jurisdiction over criminal courts, can announce a rule

that balances the constitutional role of sheriffs and criminal courts with the principles of careful, transparent election administration as required by the Legislature.

- e. Petitioners have a cognizable interest in the disposition of their ballots and have no speedy remedy.

The votes unlawfully handled in this proceeding are these Petitioners, and their neighbors of Riverside County. SB 73 now makes clear that the Attorney General, and others, have a duty and legal authority to seek court orders to remedy what happened here. But the legal events of this case only reinforce why voters have standing to bring legal action to protect their votes. It is the voters who suffer the most harm when government actors do not comply with important election laws.

Some number of California voters, because of Respondents' actions, now do not believe the reported election results. Their suspicions have been disproved again and again. Some people will never be convinced, no matter the indisputable evidence. But, what is key is that the vast percentage of voters see and believe that the state has reasonable, time tested and fair election processes. The public must believe that election counts are transparent and handled by oath burdened and trained officials. The public must believe election tallies and records are carefully recorded in such a way that they can always be carefully and transparently recounted. They must believe that their election records are handled with care and precision.

This case is another example of Jonathan Swift’s observation that “everything old is new again.” These Respondents haven’t come across a new problem for which they had to innovate a solution. This Court in 1892 and numerous state legislatures have, through the crucible of experience, laid out precisely what happens in these situations. This Court should issue a stern reminder and issue these voters the relief they request.

**V. CONCLUSION**

For the reasons stated above, Petitioners respectfully ask this Court to grant Petitioner’s requested relief and issue a mandate requiring Tinoco and Bianco to facilitate the return of all election materials and ballots seized from Respondent Tinoco, require them to provide a written detailed report of the ballot and records’ custody and handling while outside of Tinoco’s care, and report any spoliation or destruction of seals, tapes, ballots or records.

Dated: June 29, 2026

Respectfully submitted,

UCLA Voting Rights Project

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Legal Director

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**CERTIFICATE OF COMPLIANCE**

I certify that the foregoing document uses a 13-point Times New Roman font and contains 7470 words, as determined by the Microsoft Word word-processing software used to draft this document.

Dated: June 29, 2026

*/s/ Sonni Waknin*  
Sonni Waknin

Document received by the CA Supreme Court.

**CERTIFICATE OF SERVICE**

Case Name: *Clarissa Cervantes, et al. v. Chad Bianco, as Sheriff, et al.*

No.: S295866

I declare:

I, Sonni Waknin, am 18 years of age or older and not a party to this matter. My business address is: 3250 Public Affairs Building, Ste. 6226, Los Angeles, CA 90095.

On June 29, 2026, I caused the attached **Petitioner’s Reply to Riverside County Registrar of Voters’ Return and Sheriff Chad Bianco’s Return** to be electronically served via TRUEFILING to the following person(s) listed below.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on June 29, 2026 at Los Angeles, California

Sonni Waknin  
Declarant

/s/ Sonni Waknin  
Signature

Document received by the CA Supreme Court.

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