

No.

IN THE SUPREME COURT OF CALIFORNIA

CLARISSA CERVANTES, OSCAR ORTIZ,
REBECCA ROBINSON, AND NATHAN KEMPE

Petitioners,

v.

CHAD BIANCO, IN HIS OFFICIAL CAPACITY AS RIVERSIDE
COUNTY SHERIFF, AND ART TINOCO, IN HIS OFFICIAL
CAPACITY AS RIVERSIDE COUNTY REGISTRAR OF VOTERS

Respondents,

**PETITION FOR WRIT OF MANDATE AND/OR OTHER
EXTRAORDINARY RELIEF AND REQUEST FOR EXPEDITED
REVIEW; MEMORANDUM OF POINTS AND AUTHORITIES**

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March 25, 2026

CERTIFICATE OF INTERESTED ENTITIES

Pursuant to California Rule of Court 8.208, the UCLA Voting Rights Project certifies that they know of no entity or person, other than the parties themselves, that has a financial or other interest in the outcome of the proceeding that he reasonably believes the justices should consider in determining whether to disqualify themselves under canon 3E of the Code of Judicial Ethics.

Respectfully submitted,

/s/ Sonni Waknin

SONNI WAKNIN

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I. INTRODUCTION

1. Qualified and sworn election officials, who perform their work with full public transparency, are necessary for free and fair elections. The California Legislature carefully prescribed, in numerous statutes, for elections to be administered with these principles. The California Legislature did so because these principles (qualified personnel and public transparency) are critical factors in ensuring that voters have confidence in reported election results. This public confidence therefore is what allows for the peaceful transfer of power from one elected officer to another.

2. In March 2026, Riverside County Sheriff Chad Bianco instructed the Riverside County Sheriff's Department to seize from the custody of the Riverside County Registrar of Voters almost 650,000 ballots that were cast during the November 2025 Special Election. In so doing, he has sought public attention to himself and his campaign for governor. Despite seeking that public attention, the fate of the election materials he seized is cloaked in secrecy: Bianco instructed Riverside County Sheriff Department staff to conduct their own recount of the improperly seized ballots, in direct violation of the law and outside the eyes of the public.

3. Petitioners—voters who validly cast ballots in the 2025 Special Election—now have no expectation that the privacy of their ballot will be respected, or that it will be accurately tabulated. Any “count”

Bianco may announce as part of this gambit is now tainted. The out-of-view manipulation of approximately 600,000 ballots cast in a statewide election is a matter of statewide and urgent importance. This Court should immediately order the protection of these election materials, as required by law.

4. Petitioners seek this original Petition for Writ of Mandate, pursuant to California Constitution Article VI, Section 10, Code of Civil Procedure Section 1085, Elections Code Section 13314, and Rule 8.486 of the Rules of Court, to prevent Respondents, Riverside County Sheriff Chad Bianco and Riverside County Registrar of Voters Art Tinoco, from (1) removing cast ballots or other election materials from the custody of election officials, if not already done so, (2) return any such materials to county election officials, if removed, and report to the Court, with a detailed timeline of what has occurred with those materials, on what dates, and involving which personnel, and (3) require that any further inspection, tabulation or investigation of such materials occur in compliance with California Election law, and in the presence of properly appointed election officials and duly appointed election observers.

5. The proceedings in this case raise critical issues regarding our democracy and election integrity. The fundamental question involves whether the Riverside County Sheriff is legally allowed to seize hundreds of thousands of lawfully cast ballots under the guise of a criminal

investigation without any transparency over the chain of custody, handling, and counting of those ballots and then keep such ballots out of election officials' custody.

6. Under California Election law, the answer must be no. California law prescribes strict procedures as to who is permitted to handle ballots, the process for recounts and auditing of election results, the chain of custody of ballots, and who is legally authorized to count ballots. Nowhere in the California Election Code does it permit ballots to be handled or counted by elected Sheriffs and whomever said Sheriff may appoint. Every day that Bianco is permitted to handle election materials, outside the view of the public and in violation of law, California voters suffer irreparable harm.

II. PARTIES

7. Petitioners Clarissa Cervantes, Oscar Ortiz, Rebecca Robinson, and Nathan Kempe, are residents and registered voters in Riverside County, California. Petitioners all cast a ballot in the November 2025 Special Election. Petitioners' ballots are included in the ballots seized by Respondent Bianco.

8. Respondent Chad Bianco is the Riverside County Sheriff. Respondent Bianco seized hundreds of thousands of ballots from the

Riverside County Registrar of Voters. Respondent Bianco is sued in his official capacity.

9. Respondent Art Tinoco is the Riverside County Registrar of Voters. Respondent Tinoco is charged with overseeing the handling, counting, processing, and security of ballots, including ensuring that ballots are unopened and unaltered for six months from the date of a state or local election in Riverside County. Respondent Tinoco is being sued in his official capacity.

10. Real Parties in Interest, Riverside County citizens who cast ballots on Proposition 50 in the 2025 General Election, have a privacy interest in their ballots and interest in the handling of their ballots, and associated election materials, in compliance with law.

11. Real Party in Interest Shirley Weber is the California Secretary of State who has an interest provided for by statute because this is an action under Elections Code Section 13314 and the “The Secretary of State shall be named as a respondent or a real party in interest in any proceeding under this section concerning a measure...” (Elec. Code § 13314.)

III. JURISDICTION AND VENUE

12. This Court has jurisdiction to hear “proceeding for extraordinary relief in the nature of mandamus” under article VI, section 10

of the California Constitution and Code of Civil Procedure sections 1085, subdivision (a) and section 1086, to decide issues of great public importance that require prompt resolution.

13. A writ of mandate may be issued to any person “to compel the performance of an act which the law specifically enjoins, as a duty resulting from an office.” (Civ. Proc. Code § 1085, subd. (a).)

14. Petitioners are entitled to a writ of mandate because they do not have “a plain, speedy, and adequate remedy, in the ordinary course of law.” (Civ. Proc. Code § 1086) and because Respondents are responsible for violations of the California Elections Code, the remedy of which would not substantially interfere with the conduct of any election. (Elec. Code § 13314.)

IV. FACTUAL BACKGROUND

15. California held a statewide election on November 4, 2025, on Proposition 50 (also known as the “Election Rigging Response Act.”) According to the Secretary of State, the results of the November 2025 Election in Riverside County were 369,565 votes in favor of Proposition 50 (56.3%) and 286,995 votes against (43.7%).

16. After the election, a group named the Riverside Election Integrity Team (REIT) began to question the reported results and alleged to have performed their own “audit.” This audit, if it was performed, was

conducted outside the confines and process set out by the California Elections Code. (*See generally*, Elec. Code §§ 16400-16467.)

17. To Petitioners’ knowledge, no election contests were initiated in Riverside County for the November 2025 Election.

18. Going back five elections, Riverside County vote totals have proven accurate according to this analysis performed by UCLA voting data scientists:

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%

19. On February 10, 2026, Respondent Riverside County Registrar of Voters 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. (*See Branson-Potts, What we know about the Republican sheriff who seized 650,000 ballots*, Los Angeles Times, March 23, 2026, <https://www.latimes.com/california/story/2026-03-23/riverside-county-sheriff-has-seized-650-000-ballots-heres-what-we-know>).

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20. To Petitioners' knowledge, Riverside County Sheriff's Department personnel were present for the Registrar of Voter's presentation to the Board of Supervisors.

21. To Petitioners' knowledge, all of the relevant activities by election officials prior to the conduct complained of herein have been subject to public inspection, as required by law, until the complained of activities of Bianco.

22. The California Elections Code details the procedure for collection, handling, processing, counting, and retaining of cast ballots before, during, and after elections. (*See e.g.*, Elec. Codes §§ 15101, 15102, 15109, 15630, 15370.)

23. Additionally, California law is explicit about who may retain custody of ballots even during a criminal investigation or prosecution: election officials. Under Section 15551 of the Elections Code, “[i]f a contest or any such criminal prosecution has been commenced prior to the date fixed for its destruction, the package containing voted ballots shall be subject to the order of the court in which the contest or criminal prosecution is pending...[i]n no event shall the package or its contents be taken from the custody of the elections officials.”

24. On February 25, 2026, Respondent Bianco seized materials from the Respondent Tinoco, the Riverside County Registrar of Voters, allegedly pursuant to two warrants issued on February 9, 2026, and

February 23, 2026. (Pet. for Writ of Mandate at 23, *Att'y General Rob Bonta v. Chad Bianco and Superior Ct. of California*, No. E088096 (filed Mar. 23, 2026).)

25. Following the seizure of materials, the California Attorney General directed Respondent Bianco to pause all future action until the Attorney General's office had the ability to review the factual and legal basis for the seizure of ballots. (*Id.* at 23-24.)

26. According to the California Attorney General's March 4, 2026, letter ("CA AG Letter"), the California Attorney General had "serious concerns as to whether "probable cause" existed to support issuance of the warrants and whether Respondent presented all material evidence to the court. (Branson-Potts, *What we know about the Republican sheriff who seized 650,000 ballots*, Los Angeles Times, March 23, 2026, <https://www.latimes.com/california/story/2026-03-23/riverside-county-sheriff-has-seized-650-000-ballots-heres-what-we-know>).

27. Regardless, Bianco and his office started to count the ballots that they had seized using Riverside County Sheriff's department staff and outside the view of the public — according to information confirmed by the California Attorney General and Respondent Tinoco. (Pet. for Writ of Mandate at 25, *Att'y General Rob Bonta v. Chad Bianco and Superior Ct. of California*, No. E088096 (filed Mar. 23, 2026).)

28. Between March 6, 2026, and March 18, 2026, Bianco and the California Attorney General exchanged correspondence that demonstrated that Bianco planned to conduct a recount of the seized ballots. Indeed, Bianco apparently received a third warrant to restart the recount procedures. (*Id.* at 26-27.)

29. Whatever Court proceedings have taken place, have occurred with secrecy and without notice and opportunity to be heard by other persons, including voters, who have a personal stake in the integrity of the seized election materials.

30. On March 20, 2026, Bianco held a press conference. During this press conference, Bianco confirmed that Sheriff's department staff had begun to open and recount voted ballots. Indeed, Bianco announced that "his investigators know how to count" and will be counting voted ballots. ((Sheriff Bianco, *Election Fraud Investigation Press Conference*, Riverside Cnty. Sheriff's Off. at 5:02 to 5:10, <https://www.youtube.com/live/Lo6ir8fEULI?si=6nmwBYRd9V04BNtj&t=303>.)

31. Additionally, Bianco stated that the Riverside County Sheriff's office has custody of all the ballots and information. (*Id.* at 7:54 to 8:06.)

32. Bianco has apparently obtained warrants to undertake his election material review under seal appoint and under the inspection of a

“special master” unknown to the public and likely not a trained nor a lawful election official. (*Id.* at 3:13 to 3:25.)

33. The judge who was assigned this case and apparently signed the warrants, Judge Jay Kiel, was endorsed by Bianco and the Riverside County Sheriff’s Association during Judge Kiel’s 2022 election campaign. Bianco was endorsed in his reelection by Judge Kiel, who “spoke glowingly about Bianco” and share “key political backers and donors.” (Hosseini and Bollag, *Judge Who OK’d Ballot Seizure Spoke Glowingly About Republican Sheriff Leading Investigation*, San Francisco Chronicle, March 24, 2026, <https://www.sfchronicle.com/california/article/chad-bianco-ballot-seizure-judge-22094329.php>).

34. No information is known as to who had and has custody of voted ballots in the Riverside County Sheriff’s department and if these ballots are being reasonably stored, handled, and returned.

35. Most importantly, none of the public inspection requirements of the Election Code are being met.

36. Because of the nature of the criminal proceedings Bianco has initiated, other interested parties, including voters, are completely shut out of any trial court proceedings on the matter and lack legal authority to intervene in a sealed criminal proceeding against unknown alleged offenders.

37. Nothing prevents law enforcement, including a Sheriff, from performing a properly authorized criminal investigation but when they do so, election materials must nevertheless be handled with the care including by following chain of custody and public inspection requirements provided by law.

38. Any attempt to tally, count or re-count voted ballots must occur in public proceedings that comply with state law.

39. Whatever it is that Respondent Bianco has undertaken is illegal, *ultra vires*, and violates too many provisions of California Election Law to list but this Petition divides the violations into individual claims below.

40. This Court should order, with dispatch, immediate compliance with these and other complementary state laws.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION FOR WRIT OF MANDATE UNAUTHORIZED ELECTION OFFICIALS Violation of Elections Code Including §§ 12321, 15204, 15205, 15207 and 15290

41. Petitioners incorporate by reference, as though fully set forth in these paragraphs, all the allegations above.

42. Elections Code § 12321 requires that various persons engaged in the handling of ballots take an oath. For a precinct board member, for example, the oath reads: “I do hereby solemnly declare that I will support

the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of precinct board member for polling place or vote center _____ for the election to be held on _____, 20__.”

43. Elections Code § 15204 provides: “All 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).

44. Elections Code § 15205 provides:

“(a) A person may be employed to count, tally, and certify the ballots if he or she is not a candidate at the election and if he or she satisfies either of the following requirements:
(1) Has the qualifications required for a precinct board member.
(2) Is a deputy or employee of either of the following:
(A) The governing board.
(B) The elections official.
(b) No person selected to count ballots need reside in any particular precinct.”

45. Elections Code § 15207 provides: “The elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place.”

46. Elections Code § 15290 provides:

“Ballots that are to be counted manually in a central place shall be transported as provided in Sections 15201 and 15202. Each counting board shall proceed to count and tally the ballots by precincts, separately, under the direction of the elections official or authorized deputies, in the same manner as provided where ballots are counted at the polling place pursuant to Article 5 (commencing with Section 15270).”

47. Elections Code § 18575 provides:

“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.”

48. Respondent Bianco caused the seizure of voted ballots.

Apparently, without exhausting legal remedies against the warrants that Bianco was able to obtain, Tinoco facilitated the transfer of voted ballots. Those ballots are now in the custody of the Riverside County Sheriff’s department, people who are not authorized by law as election officials and who lack the training and oath requirements of election officials.

49. Respondents are in violation of the California Elections Code.

SECOND CAUSE OF ACTION FOR WRIT OF MANDATE
LACK OF PUBLIC TRANSPARENCY
Violation of Elections Code Including §§ 15004, 15201, and 15204

50. Petitioners incorporate by reference, as though fully set forth in these paragraphs, all the allegations above.

51. Elections Code § 15004 provides:

(a) Each qualified political party may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(b) Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and *have the representatives in attendance at any or all phases of the election.*

(c) The county elections official may limit the total number of representatives employed pursuant to subdivision (b) in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representatives employed and in attendance pursuant to subdivision (a) shall not be subject to the limit specified in this subdivision.

(emphasis added).

52. Elections Code § 15201 provides: “(a) As soon as the polls are closed, the precinct board shall, *in the presence of the public* do all of the following: ...” (emphasis added).

53. Elections Code § 15204 provides: “All 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).

54. Petitioners, through their affiliated political party and associations, have the right to appoint election observers to “have the[ier] representatives in attendance at any or all phases of the election.” Those election observers are not being permitted to observe the count Bianco is performing and plans to announce publicly.

55. As stated above, Bianco caused the seizure of voted ballots and has placed them outside of public view. This is only allowed when they are stored. If voted ballots are handled in any way, including counting or tabulation, these activities must be subject to public inspection.

56. Respondents are in violation of the California Elections Code.

THIRD CAUSE OF ACTION FOR WRIT OF MANDATE
LACK OF REDUNDANCY
Violation of Elections Code Including §§ 15202 and 15203

57. Petitioners incorporate by reference, as though fully set forth in these paragraphs, all the allegations above.

58. Elections Code § 15202 provides: “If the ballots are to be counted at a central counting place, *no fewer than two precinct board members* shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. There may be two or more central counting places” (emphasis added).

59. Elections Code § 15203 provides: “The vote tabulating device may be located at any place within the state approved by the elections

official of the county or other political subdivision using the device. The same device may be jointly owned, borrowed, leased, or used by two or more counties, cities, or other political subdivisions to tabulate ballots cast in any election.”

60. Respondent Bianco caused the movement of voted ballots and has done so without the redundant election staffing necessary to ensure a lack of tampering and to support proper chain of custody.

61. Respondents are in violation of the California Elections Code.

FOURTH CAUSE OF ACTION FOR WRIT OF MANDATE
IMPROPER ELECTION RECORD RETENTION
Violation of Elections Code Including §§ 15550, 15551, and 17302

62. Petitioners incorporate by reference, as though fully set forth in these paragraphs, all the allegations above.

63. Elections Code § 15550 provides, “The records and supplies of any election when received by the elections official shall be disposed of in the manner set forth in this chapter.”

64. Elections Code § 15551, “[i]f a contest or any such *criminal prosecution* has been commenced prior to the date fixed for its destruction, the package containing voted ballots shall be subject to the order of the court in which the contest or criminal prosecution is pending...[i]n no event shall the package or its contents be taken from the custody of the elections officials” (emphasis added).

65. Elections Code § 17302 provides that voted ballots shall be kept by elections officials unopened and unaltered for six months from the date of the election absent a contest or criminal prosecution. As noted, Elec. Code § 15551 allows for a criminal investigation or prosecution where the ballots are evidence but specifically prohibits ballots from being “taken from the custody of the elections officials.”

66. The California Legislature clearly contemplated and legislated who may have access to ballots and perform the duties of an elections officer.

67. Respondent Bianco nor his staff deputies are employees of the precinct and/or counting governing board nor the Riverside County elections office. The transfer and processing of these election materials, is not in compliance with the statutory requirements of record retention for election materials in a past election.

68. Respondents are in violation of the California Elections Code.

FIFTH CAUSE OF ACTION FOR WRIT OF MANDATE
IMPROPER CONTEST/RECOUNT
Violation of Election Code Including §§ 16000, et seq.

69. Petitioners incorporate by reference, as though fully set forth in these paragraphs, all the allegations above.

70. Elections Code § 16000 provides, “The general election contest provisions of this division, exclusive of Article 1 (commencing with Section 16700) of Chapter 8, Chapter 9 (commencing with Section 16800),

and Article 1 (commencing with Section 16900) of Chapter 10, shall also apply to the recount of votes cast on a ballot measure, insofar as they can be made applicable.”

71. Respondents’ conduct amounts to a contest and recount of an election as those provisions are prescribed in the Election Code.

72. Respondents are in violation of the California Elections Code.

VI. ISSUANCE OF A WRIT OF MANDATE IS APPROPRIATE

73. A writ of mandate is appropriate here because this action concerns election integrity and involves a matter of great public importance that necessitates prompt resolution. (*See Brown v. Superior Court* (1971) 5 Cal. 3d 509, 515 [recognizing that in cases involving elections and voting that “the public welfare thus requires an early resolution which can be achieved only by mandamus in the interest of orderly compliance with and administration of the particular laws.”].)

74. Petitioners have no plain, speedy, and adequate remedy in the original course of law on their causes of action. Petitioners lack standing to intervene in whatever criminal proceedings have been docketed before the trial court.

75. No damages or other legal remedy could compensate Petitioners and the voters of Riverside County for the harm that they are

suffering and will continue to suffer if Respondents are not ordered to return custody of voted ballots and abide by California election law.

76. Additionally, no election will be disrupted by the issuance of a writ of mandate because the cast ballots at issue concern an election that was already certified.

77. The issues raised in this case are of great importance, and ought to be resolved by this Court before upcoming elections. Failure to do so will likely result in these Respondents, or others throughout the state, handling election materials in a manner that jeopardizes the public's confidence in the reported election results.

78. The matters at stake are as high as they can be for free and fair elections in California, this Court should weigh in without delay.

VII. PRAYER FOR RELIEF

Wherefore, Petitioner requests that this Court:

1. Issue a writ of mandate, or other extraordinary relief, ordering Respondent Sheriff Chad Bianco to return in totality the seized election materials and ballots to Respondent Riverside County Registrar of Voters. Require Bianco to report to this court the chain of custody of such election materials, the personnel involved and time/dated timeline.
2. Issue a writ of mandate, or other extraordinary relief, prohibiting any tallying, counting or handling of ballots by personnel other

than elections staff and under procedures not provided for in the Election Code.

3. Issue a writ of mandate, or other extraordinary relief, that the movement of election materials, including in compliance with this Court's order, shall take place with redundant election officials and in compliance with the procedures and transparency provided for by law.

4. Order such other relief as may be just and proper.

Dated: March 25, 2026

Respectfully submitted,

UCLA Voting Rights Project

CHAD W. DUNN*¹
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/s/ Sonni Waknin

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VERIFICATION

I, Sonni Waknin, declare:

I am counsel for the Petitioners in this action. I have read the foregoing Petition for Writ of Mandate and am familiar with its contents. The facts alleged in the petition are within my knowledge and I know those facts to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I declare that this verification was executed on March 25, 2026, in Los Angeles, California.

Dated: March 25, 2026

/s/ Sonni Waknin
SONNI WAKNIN
(CA Bar No. 335337)

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**MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF PETITION FOR WRIT OF MANDATE**

I. INTRODUCTION

“[T]he integrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern.” (*Johnson v. Bradley* (1992) 4 Cal. 4th 389, 409.) Petitioners, individual voters in Riverside County, urgently seek a writ of mandate from the California Supreme Court to ensure that their statutory right to a secret ballot, competent and reliable election administration, and transparency in the election process is honored.

Respondents Riverside Sheriff Chad Bianco and Riverside County Registrar of Voters Art Tinoco have jeopardized the chain of custody of Petitioner’s validly cast ballots and Bianco is impermissibly re-counting ballots outside the procedures set forth by California election law. In these circumstances, a writ of mandamus requiring Bianco to return custody of cast ballots to Respondent Tinoco and requiring that any recount of ballots, regardless of purpose, occur in public and according to the procedures prescribed in California law, is necessary to protect the integrity of elections.

In March 2026, Riverside County Sheriff Chad Bianco instructed the Riverside County Sheriff’s Department to seize almost 650,000 ballots cast during the November 2025 Special Election from the custody of the Riverside County Registrar of Voters. In so doing, he has sought public

attention to himself and his campaign for governor. Despite seeking that public attention, the fate of the election materials he seized is cloaked in secrecy: Bianco instructed Riverside County Sheriff Department staff to conduct their own recount of the improperly seized ballots, in direct violation of the law and outside the eyes of the public.

Petitioners –voters who validly cast ballots in the 2025 Special Election – now have no expectation that the privacy of their ballot will be respected, or that their votes will be accurately re-tabulated, or that any announcement of a new count will have any basis in fact. Indeed, without the careful application of procedures mandated by the Election Code, no reliable recount can take place. Any “count” Bianco may announce as part of this gambit is now tainted.

Administration of elections, including vote tallying, by qualified and sworn election officials, that takes place with full public transparency, are two critical principles of free and fair elections. The California Legislature carefully prescribed, in numerous statutes, for elections to be held under these two principles in order to ensure that voters have confidence in the announced outcome of elections.

Respondent Bianco’s attack on elections in Riverside County harms the confidence voters may have in the announced outcome of the election by sowing chaos and distrust in the official tally of vote. The issues in this case are of statewide and national importance. This Court is poised to

answer the question as to whether a Sheriff can seek through a criminal proceeding a warrant that improperly authorizes the seizure of ballots which, by law, must remain in the custody of the County election office?

Petitioners ask this Court to exercise its original jurisdiction to issue the requested relief because the protection of election materials is a matter of great public importance and this case will set the foundation for elections in California moving forward. Petitioners seek the following relief: prevent Riverside County Sheriff Chad Bianco and Riverside County Registrar of Voters Art Tinoco, from (1) removing cast ballots or other election materials from the custody of election officials, if not already done so, (2) return any such materials to county election officials, if removed, and report to the Court, with a detailed timeline of what has occurred with those materials, on what dates, and involving which personnel, and (3) require that any further inspection, tabulation or investigation of such materials occur in compliance with California Election law, and in the presence of properly appointed election officials and duly appointed election observers.

II. THIS COURT SHOULD EXERCISE ITS ORIGINAL MANDAMUS JURISDICTION

This Court should exercise original mandamus jurisdiction in this case because resolving the custody and handling of cast ballots is a question of great importance and is necessary to address the ongoing harm from Respondents' noncompliance. The California Supreme Court possesses

original jurisdiction to issue writs of mandamus under the California Constitution where the “issues presented are of great public importance and should be resolved promptly.” (*Cal. Laboratory Federation v. Occupational Safety & Health Stds. Bd.* (1990) 221 Cal. App. 3d 1547, 1555.)

First, the legal issues in this case are of statewide importance and should be addressed in the first instance by this Court because every minute these election materials are mishandled irrevocably harms the electoral process. In cases concerning election law, the California Supreme Court has exercised jurisdiction, recognizing that cases concerning voting and elections are “issues of great public importance that should be resolved promptly.” (*Legislature v. Eu* (1991) 54 Cal. 3d 492, 493.) Moreover, “the integrity of the electoral process, at both the state and local level, is undoubtedly a statewide concern.” (*Johnson v. Bradley* (1992) 4 Cal. 4th 389, 409.)

Respondents have subverted the election infrastructure by transferring custody of cast ballots, out of the hands of the persons statute authorizes hold them, counting those ballots away from the public view, and in a manner in violation of the Elections Code. The seizure of ballots undermines public confidence that a voter’s ballot will be (1) kept secret, (2) handled properly such that the counting of ballots (including recounts) will be done accurately by trained professionals, and (3) that the entire

process will be done in public view. Instead, the public is excluded from a recount process conducted according to Respondent Bianco's whim. The public has no way of knowing that the ballots that Respondent Bianco has already handled were handled properly, not altered in any way, are being counted faithfully or that personal identifying information linked to those ballots is being handled securely. "Confidence in the integrity of our electoral process is essential to the functioning of our participatory democracy." (*Purcell v. Gonzalez* (2006) 549 U.S. 1, 4.)

If it is the case that any Sheriff in the state can override the California Legislature's directives regarding who may have custody of cast ballots and how they may be handled, then there is no integrity in the process. What is to stop any other Sheriff or elected official from doing the same during the 2026 midterm elections? In this particular instance, Bianco is running for governor and has used his actions to gain attention for himself in the campaign. What other elected officials lurk who may wish to gain attention for themselves by conducting their own election administration activities? Because of the urgency of these matters and the upcoming elections in June and November of this year, this case presents a matter of pressing public importance that justifies this Court taking this issue as an original matter.

Second, prompt action from this Court is necessary to address the ongoing harms from Respondents' noncompliance with the California Election law. Every day that Respondent Bianco has custody of the ballot

further erodes the trust that voters have in California’s elections. As this Court has recognized, “the integrity of elections [is] essential to the very preservation of a free society, is a matter ‘in which the State may have a compelling regulatory concern.’” (*Canon v. Just. Ct. for Lake Valley Jud. Dist. of El Dorado Cnty.* (1964) 61 Cal. 2d 446, 452–53 [quoting *Gibson v. Florida Legislative Investigation Comm.* (1963) 372 U.S. 539, 546].) Ensuring that election processes are followed, especially prior to the upcoming state and federal elections, justifies the need for expediency.

Third, the issues presented here are straightforward and can reasonably be adjudicated by this court because they are purely legal. (*See Brown v. Fair Political Practices Com.* (2000) 84 Cal. App. 4th 137, 140 fn. 2 [exercising original jurisdiction when there are no disputed facts and the petition raises “novel issues of substantial public interest.”].)

In light of the foregoing, this Court should exercise original jurisdiction in this case and grant relief.

III. THE WRIT OF MANDATE IS WARRANTED TO COMPEL RESPONDENTS TO COMPLY WITH CALIFORNIA ELECTION LAW.

Issuing of a writ of mandate is appropriate here to compel Respondents Bianco and Tinoco to comply with the requirements of ballot custody, handling, and counting as set out in California election law. A writ of mandate “may be issued by any court ... 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 Ass'n v. Cnty. of Riverside* (2003) 106 Cal. App. 4th 1285, 1286.)

Petitioners meet each of these requirements.

A. Respondent Tinoco has a Duty to Keep Cast Ballots Within the Custody of the Riverside County Registrar of Voters.

Respondent Tinoco failed to perform their ministerial duty of keeping the cast ballots within the custody of elections officials under Cal. Elec. § 15551 and, in the face an apparently issued warrant, failed to use their standing to seek adequate judicial review of the warrant. “A ministerial act is one which a public office is required to perform in a prescribed manner in obedience to the mandate of legal authority, without regard to his own judgment or opinion.” (*Morgan v. Bd. Of Pension Comrs.* (2000) 85 Cal. App. 4th 836, 843.) Under Elections Code § 15551, “[i]f a contest or any such criminal prosecution has been commenced prior to 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.” Further, under this provision “[i]n no

event shall the package or its contents be taken from the custody of the elections official.” (*Id.*)

Under this provision, Respondent Tinoco is required to comply with the directive of law and cannot under their own accord (or even in the face of an uncontested criminal warrant) permit any other official to take custody of cast ballots. Respondent Tinoco’s duty is plain here. When “it is shown the duty to do the thing asked for is plain and unmixed with discretionary power or excise of judgement” the writ of mandate should be granted. (*See County of San Diego v. State of California* (2008) 164 Cal. App. 4th 580, 596.)

B. The California Elections Code Prescribes Clear Requirements for the Handling of Ballots.

Respondents have a clear duty to follow California Elections Code as to who may handle ballots. Respondent Tinoco and Respondent Bianco are not permitted to allow the handling of ballots by anyone other than those who have been trained and taken the prescribed oath. Elections Code § 12321 requires that various persons engaged in the handling of ballots take an oath. For a precinct board member, for example, the oath reads: “I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of precinct board member for polling place or vote center _____ for the election to be held on

_____, 20__.” Elections Code § 15204 provides: “All 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).

Elections Code § 15205 states:

- (a) A person may be employed to count, tally, and certify the ballots if he or she is not a candidate at the election and if he or she satisfies either of the following requirements:
 - (1) Has the qualifications required for a precinct board member.
 - (2) Is a deputy or employee of either of the following:
 - (A) The governing board.
 - (B) The elections official.
- (b) No person selected to count ballots need reside in any particular precinct.

Elections Code § 15207 provides: “The elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place.”

Elections Code § 15290 provides:

Ballots that are to be counted manually in a central place shall be transported as provided in Sections 15201 and 15202. Each counting board shall proceed to count and tally the ballots by precincts, separately, under the direction of the elections official or authorized deputies, in the same manner as provided where ballots are counted

at the polling place pursuant to Article 5 (commencing with Section 15270).

And Elections Code § 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.

Respondent Bianco caused the seizure of voted ballots. Respondent Tinoco, without initiating an appropriate legal defense, facilitated the transfer of voted ballots to Respondent Bianco. Those ballots are now in the custody of the Riverside County Sheriff's department, people who are not authorized by law as election officials and who lack the training and oath requirements of election officials.

C. Respondents *Ultra Vires* Actions Lack Public Transparency in Violation of California Law.

Respondents violated their clear legal mandate to conduct any handling of ballots with public transparency. Elections Code § 15004 provides:

(a) Each qualified political party may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (b) Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their

programming and testing, and *have the representatives in attendance at any or all phases of the election.*

(c) The county elections official may limit the total number of representatives employed pursuant to subdivision (b) in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representatives employed and in attendance pursuant to subdivision (a) shall not be subject to the limit specified in this subdivision.

Further, Elections Code § 15201, subdivision (a) provides: “[a]s soon as the polls are closed, the precinct board shall, *in the presence of the public* do all of the following: ...” (emphasis added). Additionally, the Elections Code § 15204 states 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 processing equipment is being operated may be restricted to those persons authorized by the elections official” (emphasis added).

The Elections Code creates a clear legal mandate that counting of ballots must be open to the view of the public. This is even true in instances of a court ordered recount. (*See* Elec. Code § 15640, subd. (a).)

During the 2025 Special Election, The Riverside County Registrar of Voters live-streamed the entire counting process. (*See*

<https://voteinfo.net/election-video-streams>.) Moreover, the Registrar of

Voters provided tours of their voting machines and voting systems — in

October of 2025. (*See* Riverside County Registrar of Voters, Election Updates, <https://voteinfo.net/november-4-2025-statewide-special-election>.)

Petitioners, had a right, which is lacking here, to have duly appointed election observers at each stage of the tabulation. Respondent Bianco caused the seizure of voted ballots and has placed them, for the first time when not simply stored, outside of public view. If voted ballots are handled in any way, including counting or tabulation, these activities must be subject to public inspection, the involvement of multiple witnessing election officials and various other chain of custody Election Code requirements. None of those carefully legislated protections are happening here.

D. The California Elections Code Does Not Permit Respondents to Create New Chain of Custody Procedures for Ballots, regardless of if a Warrant Was Issued.

To safeguard Californians’ right to vote, state law requires strict adherence to chain-of-custody procedures for ballots. After elections officials receive and count ballots, they may only allow ballots to be opened in the event of a recount, or in compliance with Elections Code §§ 15303 and 15304. (*See* Elec. Code § 15370.) Both § 15303 and § 15304 concern scenarios where election returns are “incomplete, ambiguous, not properly authenticated, or otherwise defective,” and both provide that the only authority empowered to require the reexamination of ballots is the county election official. (*See* 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].) Neither provision authorizes an official outside of the county elections authority to take custody of ballots. To underscore this point, Elections Code § 15551 provides that – even in the face of a criminal prosecution arising out of ballot tabulation – “[i]n no event shall the package [containing ballots] or its contents be taken from the custody of the elections official.” (Elec. Code § 15551; *see also* Cal. Elec. § 17306, subd. (b) [if a criminal prosecution involving ballot fraud commences within six months of election day, ballots and other relevant materials “shall be kept by the elections official”].)

Even in the event of a recount, California law recognizes the paramount role of elections officials must play in ballot custody. 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.” (Elec. Code § 15630, subd. (b).) 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. (Elec. Code § 15630, subd. (c)-(d).) But even this limited

exception is not permitted in secret and without the participation of the qualified elections officials.

These statutory provisions reflect the California Constitution's recognition of voters' right to have their votes counted. (*See* Cal. Const. art. II, § 2.5.) Because "[v]oting shall be secret," (Cal. Const. art. II, § 7), it is imperative that ballots not be inspected by officials outside of the election administration apparatus.

When the question of post-election ballot inspection by individuals other than election officials has been raised, California courts have emphasized § 15370's command that an "elections official *may not open any ballots nor permit any ballots to be opened.*" (*Citizens Oversight, Inc. v. Vu* (2019) 35 Cal. App. 5th 612, 618 [emphasis in original].) Here, Bianco's seizure of voted ballots and his ongoing inspection of same constitutes *ultra vires* conduct in violation of the elections code. As discussed above, the elections code provides that election officials must maintain custody of ballots even in the face of a criminal investigation. (*See* Elec. Code § 15551, *see also* Elec. Code § 15630, subd. (b).)

E. The California Elections Code Does Not Provide Respondent Bianco with the Ability to Handle nor Conduct a Recount of Ballots Outside the View of the Public.

The California Elections Code does not provide Respondent Bianco with the ability to handle nor complete a recounting of cast ballots outside the proper procedural requirements. Several California election law

provisions dictate the specific terms and procedural requirements for a proper count and recount of voter ballots. Elections Code § 15205 outlines who may count ballots, specifically delineating that they either must have “the qualifications require for a precinct board member” or “is a deputy or employee” of the governing board or the elections official.”² As described *supra*, due to the sensitive nature of ballots it is not only the possession of ballots that are heavily regulated, but the recounting as well.

The Elections Code delineates four different avenues to take for a recount: Election Official-ordered recounts; Voter-Requested Recounts, Court-Ordered Recounts and State Funded Recounts. (*See* Elec. Code § 15600-15649). Each avenue, at a minimum,³ requires any recount to be publicly conducted. (*Id.*). The Secretary of State, outlines more specific details regarding the conduct of recounts.⁴ They require recounts to take place in a location large enough to include not only the recount board

² Section 320 of the Elections code defines elections official as either “A clerk or any person who is charged with the duty of conducting an election,” or “A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city or district within the state.”

³ Additionally, the Secretary of State requires recounts to take place in a location large enough to include not only the recount board required to count the ballots, but also representatives from interested parties, citizen association and the media, leaving enough space to review the devices used for tabulation as well. 2 CCR § 20356. Special recount boards are generally appointed as well to complete the recount. 2 CCR § 20358

⁴ The Elections code delineates power to the Secretary of State to adopt procedures and regulations regarding recounts. (Elec. Code § 15601, subd. (a)-(b)).

required to count the ballots, but also representatives from interested parties, citizen association and the media, leaving enough space to review the devices used for tabulation as well. (2 CCR § 20356). Special recount boards are appointed by election officials to complete the recount. (2 CCR § 20358). Sheriff Bianco's recount meets none of the requirements outlined by statute or the Secretary of State.

At a basic procedural level, the recount fails to follow under any of the delineated avenues. There is no indication that an election official requested this recount nor that the Governor requested the recount on behalf of the state. (*See* Elec. Code §§ 15610 and 15645. Court-ordered recounts require a district attorney to petition a superior court for a *public* recount, and then only when requested by a board of supervisors or grand jury. (Elec. Code § 15640, subd. (a).) While individual voters may request a recount under the Voter-Requested recount provision, such requests must be submitted within five days after the completion of ballot counting for that election. (Elec. Code § 15620-15621.)⁵ Any recounts under this provision must be public, overseen and conducted by election officials (or those appointed by them) and strictly bar the touching of ballots by any

⁵ There is no indication that Respondent Bianco acted in his capacity as an individual voter to challenge the election, nor that he commenced this action within the relevant time period.

person outside of elections officials (or those appointed by them) unless by order of the superior court.

Respondent Bianco's request meets none of the avenues delineated by statute. Even if they did, any recount conducted cannot and should not be conducted solely by Sheriff Bianco or his office. Nor is the alleged appointment of a "special master" by a superior court judge a statutorily authorized action. While a superior court may allow the touching of ballots by outside parties in the event of a voter-requested recount, the statutes are clear, any recount must be public and conducted and overseen by election officials, among other requirements.⁶ Absent these requirements, the safeguards, carefully put in place by our legislature to guard the sanctity of the right to not only vote, but to vote privately, would be rendered meaningless.

F. Petitioners Have No Plain, Speedy, or Adequate Remedy Available.

Respondents' actions complained of herein are in violation of numerous provisions in the Election Code for which the Legislature has provided a remedy through a writ of mandate. (*See* Elec. Code § 13314, subd. (2).)

⁶ To be clear, Petitioners know of no such order here and would assert that as this is not an individual voter request as outlined by the process in the Elections Code, any exceptions carved out in this section would not be applicable to the instant case.

Issuance of a writ of mandate is appropriate because Petitioners, who are voters in Riverside County, have no plain, speedy, and adequate remedy in the ordinary course of law. (Code Civ. Proc. § 1086.) Petitioners cannot intervene in the sealed pending criminal proceedings. Moreover, state law provides that venue for a proceeding to enforce the Election Code on a statewide measure is in Sacramento County. (Elec. Code § 13314, subd. (b)(3).) Even were it proper for these voters to initiate a case in the Superior Court in Sacramento, time is of the essence. Every day these ballots are mishandled, damages our democracy. The legal issues presented herein are nearly certain to land before this Court in an appeal of any trial court proceeding anyway. The Court should exercise its authority now.

Damages cannot provide Petitioners with the ability to keep their ballots secret or undo potential violations of their rights. Damages will not compensate the voters when the results of an unlawful recount are released, as Bianco threatens. Petitioners' harm is ongoing for as long as Respondent Bianco has custody of Petitioners cast ballots and shields any recount or handling of the ballots from public view. Given that Petitioners lack any other legal remedy, this Court should issue a writ.

IV. CONCLUSION

For the forgoing reasons, this Court should issue a writ of mandate directing Respondents Bianco and Tinoco to comply with California

election law and place cast ballots back in the custody of Respondent Tinoco.

Respectfully submitted,

UCLA Voting Rights Project
CHAD W. DUNN*⁷
Legal Director

/s/ Sonni Waknin

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CERTIFICATE OF COMPLIANCE

I certify that the attached Petition For Writ Of Mandate and/or Other Extraordinary Relief And Request For Expedited Review; Memorandum of Points and Authorities uses a 13-point Century Schoolbook font and contains 8,718 words.

/s/ Sonni Waknin

SONNI WAKNIN.

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DECLARATION OF SERVICE

Case Name: **Clarissa Cervantes, et.al. v. Riverside
County Sheriff Chad Bianco, and Riverside
County Registrar of Voters Art Tinoco**

No.:

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

On March 25, 2026, I caused to be served the following document: **PETITION FOR WRIT OF MANDATE AND/OR OTHER EXTRAORDINARY RELIEF AND REQUEST FOR EXPEDITED REVIEW; MEMORANDUM OF POINTS AND AUTHORITIES** via electronic service by transmitting a true copy via this Court’s TrueFiling system or via U.S. Mail as follows:

By U.S. Mail:

Riverside County Office of the County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501
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***Counsel for Respondents
Art Tinoco-Riverside County Registrar of Voters***

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I declare under penalty of perjury that the foregoing is true and correct.
Executed this 25th day of March, at Los Angeles, California.

/s/Sonni Waknin

Sonni Waknin