

No. S295901

IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA

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ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

*Petitioner,*

vs.

CHAD BIANCO, RIVERSIDE COUNTY SHERIFF; THE  
RIVERSIDE COUNTY SHERIFF'S DEPARTMENT;  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF  
RIVERSIDE

*Respondents.*

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DECLARATION OF SHERIFF CHAD BIANCO IN  
SUPPORT OF RESPONDENT'S ANSWER TO PETITION  
FOR REVIEW AND EMERGENCY STAY OR  
EQUIVALENT INTERIM RELIEF REQUESTED  
MAY NOT BE EXAMINED WITHOUT COURT ORDER-  
CONTAINS MATERIAL FROM SEALED RECORD

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Attorneys for *Respondent Chad Bianco,*  
*Riverside County Sheriff*

*April 1, 2026*

I, Sheriff Chad Bianco, the undersigned declared as follows:

1. I am over the age of eighteen, and the active sheriff for Riverside County, California. I make this declaration based upon my personal firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. As Sheriff, I am the elected constitutional officer responsible for the Riverside County Sheriff's Department ("RSO").

3. The Attorney General seeks to stop and shut down a lawful criminal investigation by the RSO of voter fraud within my county. In the Petition for Review and Emergency Stay or Equivalent Interim Relief Requested ("Petition for Review"), the Attorney General argues that the RSO has "reject[ed] the Attorney General's supervision to pursue an unprecedented investigation into purported election fraud." *Id.* at 8. The Attorney General claims the RSO's actions "threaten to jeopardize public confidence in the upcoming primary and general elections ...." *Id.* The Attorney General claims "the integrity of those ballots are now at risk." *Id.* He further claims the RSO's actions are causing serious, ongoing harm that requires immediate redress." *Id.* The Attorney General asks for an immediate order staying the RSO's investigation. *Id.* at 9.

4. For the reasons in the declaration, those assertions are false and the petition for review should be denied.

5. RSO obtained and executed two judicial search warrants issued by Judge Jay Kiel of the Riverside County

Superior Court authorizing seizure of ballots and other election materials from the Riverside County Registrar of Voters (“ROV”) related to the November 2025 Special Election dated February 9, 2026, and February 23, 2026.<sup>1</sup> See Petitioners Appendix, Exhibit A, Exhibit B.

6. The two warrants were for records consisting of ballots and supporting documentation from the Riverside County Registrar of Voters. Petitioner’s Appendix, Exhibit A, Exhibit B. The records recovered consisted of cast ballots in boxes. The ballots have no personally identifying information of the voters. Other records in separate boxes consist of hand-written logs of ballot counts signed by election officials and concurrently signed by election observers. Another category of records includes mail-in envelopes that were separated from ballots and sealed in separate boxes. Those boxes of mail-in envelopes remain sealed.

7. The warrants expressly direct the Sheriff’s Department: “YOU ARE COMMANDED TO SEARCH: [LOCATION OMITTED] FOR THE FOLLOWING PROPERTY OR PERSON: [INTENTIONALLY OMITTED] ... AND TO SEIZE IT IF FOUND and bring it forthwith before me....” Petitioner’s Appendix, Exhibit A, Exhibit B, Exhibit I.

8. RSO’s investigation was premised on credible evidence and witness interviews that the number of physical ballots may be approximately 45,896 fewer than the total votes certified by the

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<sup>1</sup> The warrants relevant to this investigation were sealed by Judge Kiel of the Riverside County Superior Court and are, therefore, not included as exhibits.

ROV for the November 2025 Special Election. Investigators were assigned to investigate this claim. Investigators reviewed evidence and performed interviews of relevant individuals. The primary investigator and his sergeant have reported their findings directly to me. I have personally spoken to some of the people asserting the 45,896-ballot discrepancy. The investigators have interviewed the relevant individuals including officials in the ROV, and reviewed hundreds if not thousands of election-related logs and other public records at my direction.

9. My department obtained the warrants after an audit of the 2025 Special Election was performed by a group of election observers. The audit is based on public records, including the election logs prepared by ROV officials, and appears to reasonably demonstrate that the ROV's internal logs for counting the total number of ballots cast in the election did not match the ROV's certified results.

10. The internal handwritten logs prepared by ROV personnel are derived and reflect a physical count of ballots in accordance with the ROV's established practice for the 2025 Special Election. The logs I reviewed are titled County of Riverside Registrar of Voters Vote-By-Mail Collection Form. The form identifies the date and time of arrival, the drop off center's location, the number of ballots collected, the signature of the election official who collected the ballots, and the signature of two observers.

11. The same group of observers who performed the audit asserted to me that their findings after an audit of the immediately preceding election resulted in a similar discrepancy of more than 30,000 votes.

12. After an extensive investigation, RSO sought warrants to investigate the alleged discrepancies to determine whether there is in fact an actual discrepancy in order to determine if a felony was committed through election fraud.

13. If true, we believe the discrepancy would likely lead to evidence of a felony having occurred in the 2025 Special Elections. RSO believes the lack of reconciliation on such a large scale between certified vote totals and the ballot-accounting records and/or the number of physical ballots constitutes evidence of one or more felony violations of California law.

14. The warrants were granted by the Riverside Superior Court and RSO seized the ballots and election materials in accordance with the warrant.

15. I believe court directed and controlled count of the seized ballots, coupled with comparison to certified totals and ballot-accounting records, is a direct and minimally intrusive method to test whether this discrepancy exists and, if so, to quantify it reliably.

16. At this point in the investigation, we do not need to unseal the boxes with mail-in envelopes, which are the records with personally identifying information of voters.

17. I received correspondence from the Attorney General dated February 26, 2026, ordering RSO to (1) “preserve all ballots, documents, or other materials that have been seized by your office to date; and (2) pause further action....” (See Petition’s Appendix Exhibit C.) The Sheriff sought legal counsel from County Counsel but was instructed to find outside counsel as County Counsel also represents the Registrar of Voters.

18. RSO then received a letter from the Attorney General dated March 4, 2026, demanding that RSO stand down “all further investigative action in this matter.” Petitioner’s Appendix, Exhibit D.

19. I personally responded to the letter on March 5, 2025, stating RSO paused the investigation and would cooperate with the Attorney General in providing the documents and reports he requested. Petitioner’s Appendix, Exhibit E. Although I agreed to pause the investigation pending judicial interpretation, I was, and am still under the belief, that the Attorney General’s role in the California Constitution is supervisory under (*People v. Brophy* (1942) 49 Cal.App.2d 15, 28) but that he does not have the absolute authority to shut down a Sheriff’s lawful investigation particularly where warrants have been issued by a superior court judge from a different branch of government. I base this belief on the ruling in *People v. Brophy*:

As will be seen from an examination of the above section of the Constitution, the powers of the Attorney General are not without limitation. Manifestly, “direct supervision over every district attorney and sheriff and over such other law enforcement officers as may

be designated by law” does not contemplate absolute control and direction of such officials. Especially is this true as to sheriffs and district attorneys, as the provision plainly indicates. These officials are public officers, as distinguished from mere employees, with public duties delegated and entrusted to them, as agents, the performance of which is an exercise of a part of the governmental functions of the particular political unit for which they, as agents, are active. (*Coulter v. Pool*, 187 Cal. 181 [201 Pac. 120].) Moreover, sheriffs and district attorneys are officers created by the Constitution. In that connection it should be noted that there is nothing in section 21 of article V that indicates any intention to depart from the general scheme of state government by counties and cities and counties, as well as local authority in cities, as provided by sections 712, 712a, 8 and 812, of article XI. By interpreting section 21 of article V in the light of the above-mentioned provisions, it is at once evident that “supervision” does not contemplate control, and that sheriffs and district attorneys cannot avoid or evade the duties and responsibilities of their respective offices by permitting a substitution of judgment. The sole exception appears to be that whenever “in the opinion of the Attorney General any law of the state is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute,” in which cases “he shall have all the powers of a district attorney.” But even this provision affords no excuse for a district attorney or a sheriff to yield the general control of his office and duties to the Attorney General.

(*Id.*)

20. I received a letter from the Attorney General on March 6, 2026. Petitioner’s Appendix Exhibit F. The letter requested the RSO to provide numerous documents including investigator’s work product and other documents from the investigation, all of which the RSO is presently locating and retrieving. Although the Attorney General appears to believe these documents can all be

immediately provided, that is not possible due to the breadth of the Attorney General's request.

21. RSO, through counsel, has delivered numerous documents already and will continue expeditiously to provide them as we are able to collect them from various sources and formats.

22. RSO also complied with the Attorney General's demand that the ballots not be counted.

23. RSO has preserved the evidence, consistent with the Attorney General's request that RSO preserve the seized materials. All evidence is in the protective custody of RSO. The chain of custody is properly preserved and protected. All documents ordered to be seized have been seized.

24. RSO is conflicted in the demands from the Attorney General because he was asking for something extraordinary: Halt a lawfully initiated criminal investigation and cease performing core constitutional and statutory duties. His demand is based largely on the Attorney General's disagreement with the investigation's purpose, pace, and optics as is evident by the letters from the Attorney General. But more importantly, superior court Judge Kiel retains continuing jurisdiction and control over the seized ballots and materials because the Sheriff's possession is custodial and "subject to the order of the court." (Pen. Code, § 1536; *People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, 713; *Gershenhorn v. Superior Court* (1964) 227 Cal.App.2d 361, 366.) It is my understanding that under Penal Code section 1536, the seizing officer has no discretion to dispose of seized property absent

court order and acts as an agent holding physical possession subject to court control. (*In re Seizure of Approximately 28 Grams of Marijuana* (N.D. Cal. 2003) 278 F.Supp.2d 1097, 1105–1106 (“The officer “must” retain the items in his custody; the seized items may be disposed of only by court order. An officer who releases items from his custody without an appropriate order violates section 1536. This in effect makes the seizing officer an agent of the court for the purpose of taking physical possession of the seized evidence. Cases interpreting section 1536 confirm that the officer holding the property acts solely on behalf of the court”).)

25. RSO filed a new warrant on March 19, 2026, for the appointment of a special master and for the court’s direction for navigating the circumstances as the Sheriff’s Department did not want to be violating the orders of the court regarding its possession of the evidence collected. Petitioner’s Appendix, Exhibit I. The court issued a third warrant on March 19, 2026, directing the Sheriff’s Department to appoint a special master who would serve as an independent person to carry out the counting of ballots. *Id.* Judge Kiel was informed of the conflicting demands by the Attorney General in the warrant affidavit prior to his order for the appointment of a special master.

26. Thereafter, RSO investigators contacted attorneys identified by the California State Bar as persons qualified to serve as special masters. Being a volunteer position, the Sheriff’s department did not locate a special master willing to serve without compensation. After exhausting the special master list, the

Sheriff's Department returned to Judge Kiel to inform him of this fact on March 26, 2026. Earlier that same day, the Attorney General filed a Writ of Mandate and the *Ex Parte* Application for Expedited Briefing Schedule. Judge Kiel will not give further direction to the Sheriff's Department regarding the designation of a special master until this Writ of Mandate is addressed.

27. The RSO will not do any counting and has paused its investigation pending the resolution of the writ of mandate in the superior court and the Attorney General's related judicial actions.

28. The status quo will be maintained until further direction is given by the courts regarding the evidence that RSO holds as the custodian of the court. Likewise, the investigation is paused until further direction is provided by the courts.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 1, 2026, at Riverside, California.

  
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Sheriff Chad Bianco

**CERTIFICATE OF SERVICE**

I am an employee in the County of Riverside. I am over the age of 18 years and not a party to the within entitled action; my business address is 25026 Las Brisas Road, Murrieta, California 92562.

On April 1, 2026, I served a copy of the following document(s) described as:

**DECLARATION OF SHERIFF CHAD BIANCO IN  
SUPPORT OF RESPONDENT’S ANSWER  
TO PETITION FOR REVIEW AND  
EMERGENCY STAY OR EQUIVALENT INTERIM RELIEF  
REQUESTED**

on the interested party(ies) in this action by-email or electronic service [C.C.P. § 1010.6; CRC 2.250-2.261]. The documents listed above were transmitted via e-mail to the e-mail addresses on the attached service list.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am an employee in the office of a member of the bar of this Court who directed this service.

  
\_\_\_\_\_  
Robert H. Tyler

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## SERVICE LIST

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