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June 11, 2026

Honorable Chief Justice Patricia Guerrero and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

RE: Letter brief regarding Senate Bill No. 73 (2025-2026 Reg. Sess.)
Attorney General of the State of California v. Chad Bianco, et al., No. S295901

Dear Chief Justice Guerrero and Associate Justices:

Attorney General Rob Bonta respectfully submits this letter brief to address the “effect, if any, of Senate Bill No. 73 (2025-2026 Reg. Sess.) on the issues pending in this matter.” The short answer is that the legislation has little direct effect on the legal issues presented in the Attorney General’s writ petition. As explained below, this case presents the question of “[w]hether the Riverside County Sheriff is violating the Constitution and Government Code by refusing to follow supervisory directives issued by the Attorney General” and “[w]hether appellate mandamus relief is warranted to address the Sheriff’s extraordinary and ongoing constitutional and statutory violation.” (Petition for Review 7.) Although this allocation-of-power dispute arises in the context of the Elections Code framework that the Legislature addressed in Senate Bill No. 73, the particulars of the Elections Code’s requirements are not directly implicated by the issues presented in the writ petition. Senate Bill No. 73 does, however, reinforce the Attorney General’s view that, while this matter proceeds, the integrity of the seized ballots and election materials is best preserved through an order directing Sheriff Bianco and his office to return the seized materials to the Riverside County Registrar of Voters. (See April 15, 2026 Letter Br. of Attorney General; April 20, 2026 Letter Br. of Attorney General.)

1. This case concerns the scope of the Attorney General’s constitutional authority to exercise “direct supervision over every district attorney and sheriff” (Cal. Const., art. V, § 13), as well as his statutory power to “direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff” (Gov. Code, § 12560). The Attorney General has explained that the text and history of the constitutional and statutory provisions show that he has broad power to oversee and direct a sheriff’s activities. (E.g., Reply 9-28.) If the Court agrees, the relief ordered through a writ of mandate would direct Sheriff Bianco and the Riverside County Sheriff’s Department “to comply with the Attorney General’s supervisory directives to (1) take no further action on the investigation of the November 2025 Special Election in Riverside pending the Attorney General’s review, (2) preserve all documents and

ballots seized to date, and (3) immediately provide the Attorney General’s Office with the documents requested” by the Attorney General. (Petition for Writ of Mandate 32-33.) Once the writ issues, the Attorney General would then carefully review the information shared by the Sheriff and make an assessment about appropriate next steps, which could include directing the Sheriff to return any remaining ballots or evidence that have not yet been returned to the Riverside County Registrar of Voters. (Reply 30-32.)

2. Senate Bill No. 73 does not address the scope-of-authority questions presented in the petition. Legislative committee reports do reflect that certain provisions in the bill were prompted, in part, by the Sheriff’s seizure of ballots in Riverside County. (E.g., Assem. Com. on Elections, Rep. on Sen. Bill No. 73 (2025-2026 Reg. Sess.) as amended Apr. 27, 2026, pp. 4-5.)¹ The Legislature’s response certainly supports the Attorney General’s determination that the public interest would be well served by his issuance of supervisory directives in response to the Sheriff’s unprecedented activities. (Gov. Code, § 12560 [authorizing supervision when the Attorney General “deems it necessary in the public interest”]; see also Petition for Review 23-26[.]) But nothing in the legislation amends or alters the Government Code sections addressing the Attorney General’s authority over sheriffs or otherwise implements the Attorney General’s constitutional authority over sheriffs as described in Article V, section 13. (See Sen. Bill No. 73 (2025-2026 Reg. Sess.) §§ 1-14.)

Rather, the Legislature specifically addressed “significant concerns about the security and chain of custody of election materials” arising from “the fact the Sheriff’s Department obtained a warrant and seized election ballots without identifying a specific crime or suspect” by enacting targeted amendments to the Elections Code. (E.g., Assem. Com. on Elections, Rep. on Sen. Bill No. 73 (2025-2026 Reg. Sess.) as amended Apr. 27, 2026, p. 5.)² The Legislature acknowledged that “existing law” already “[p]rohibits sealed packages containing voted ballots from an election from being taken from the custody of an elections official,” citing “Elections Code § 15551.” (*Id.* at pp. 2, 3.) This prohibition has been repeatedly reenacted since its adoption in 1893, when it was added after this Court’s holding in *Ex parte Brown* (1892) 97 Cal. 83, 87, that statutory provisions requiring elections officials to retain voted ballots displace courts’ “general . . . power to compel the production of . . . evidence.” (See Stats. 1893, ch. 220, § 10, p. 309 [amending Political Code section 1265 to authorize court inspection of ballot packages in limited circumstances while specifying that “[i]n no event shall [ballot packages] be taken from the custody of the County Clerk”].) In Senate Bill No. 73, the Legislature preserved that prohibition,

¹ The legislative committee reports and analyses are available at <https://calmatters.digitaldemocracy.org/bills/ca_202520260sb73> (as of June 10, 2026).

² The Legislature also adopted numerous other requirements, including provisions addressing the processing of vote by mail ballot return envelopes (Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 3), prohibiting law enforcement agents to take voter lists unless authorized by court order (*id.*, § 5), restricting armed individuals in the immediate vicinity of polling places (*id.*, §§ 6-7), and establishing criminal penalties for certain elections-related offenses (*id.*, § 9).

making only technical amendments to subdivide Elections Code section 15551, but retaining its requirements. (Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 4.)

The legislation also amends Elections Code section 18564.5 to authorize the Secretary of State, Attorney General, or specified local elections officials to bring a civil action against any individual or entity that “[t]akes a package containing the voted ballots or its contents from the custody of the elections official in violation of subdivision (d) of Section 15551.” (*Id.*, § 8.) And it prohibits peace officers from interfering with the conduct of an election and the discharge of duties of election personnel (*id.*, § 2), and establishes a mechanism for the Attorney General, Secretary of State, or a county elections official to enforce those peace officer prohibitions through a civil action (*ibid.*).

3. While Senate Bill No. 73 has little bearing on the issues directly pending in the Attorney General’s writ petition, the legislation underscores that voted ballots should remain in the custody of the elections official. (Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 4; *ante*, at p. 2) The Legislature’s “significant concerns” (*ante*, at p. 2) about the Sheriff’s actions in this case—and amendments to the Elections Code to reinforce protections for voted ballots—confirm that the best way to preserve the integrity of the seized materials while this case proceeds is through an order directing their return to the Riverside County Registrar of Voters. (See April 15, 2026 Letter Br. of Attorney General; April 20, 2026 Letter Br. of Attorney General.) The Court has broad authority to grant appropriate interim relief during the pendency of appellate proceedings. (*People ex rel. San Francisco Bay Conservation & Dev. Com. v. Town of Emeryville* (1968) 69 Cal.2d 533, 537.) And an order directing the return of the seized ballots would conform to the detailed legislative regime governing ballot retention in our State’s Elections Code (see, e.g., April 15, 2026 Letter Br. of Attorney General 1-3), while respecting the statutory command that “[i]n no event shall the package [of ballots] or its contents be taken from the custody of the elections official.” (Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 4, amending Elec. Code, § 15551, subd. (d).)

Sincerely,

/s/ Helen H. Hong

HELEN H. HONG
Principal Deputy Solicitor General

For ROB BONTA
Attorney General

Certificate of Compliance

I certify that the attached letter brief uses a 12-point Times New Roman font and contains 1,262 words.

/s/ Helen H. Hong

HELEN H. HONG
Principal Deputy Solicitor General

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DECLARATION OF ELECTRONIC AND MAIL SERVICE

Case Name: *Attorney General of the State of California Rob Bonta v. Riverside County Sheriff Chad Bianco, et al.*, No. S295901

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically.

On June 11, 2026, I electronically served the Attorney General's **Letter brief regarding Senate Bill No. 73 (2025-2026 Reg. Sess.)** by transmitting a true copy via this Court's TrueFiling system.

I also electronically served the aforementioned documents by emailing them to the following individual, counsel for Respondents Sheriff Chad Bianco and Riverside County Sheriff's Office, as a courtesy:

Robert H. Tyler
Tyler Law, LLP
E-Mail: rtyler@tylerlawllp.com

Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on June 11, 2026, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, San Diego, CA 92101, addressed as follows:

Court of Appeal
Fourth Appellate District
3389 12th Street
Riverside, CA 92501

Robert H. Tyler
Tyler Law, LLP
25026 Las Brisas Road
Murrieta, CA 92562

Based on the Office's practice of collecting and processing correspondence for mailing, the envelope will be deposited in the ordinary course of business with the U.S. Postal Service today in a sealed envelope with postage fully prepaid.

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 11, 2026, at San Diego, California.

Helen H. Hong

Declarant

s/ Helen H. Hong

Signature

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Document received by the CA Supreme Court.