

IN THE SUPREME COURT OF CALIFORNIA

ROB BONTA, as Attorney General, etc.,
Petitioner,

v.

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

S295901

Fourth Appellate District, Division Two
E088096

September 24, 2026

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

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

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The state Constitution designates the Attorney General “the chief law officer of the State,” subject to the powers and duties of the Governor. (Cal. Const., art. V, § 13 (article V, section 13).) It also assigns the Attorney General “the duty . . . to see that the laws of the State are uniformly and adequately enforced,” and provides that the Attorney General “shall have direct supervision over every district attorney and sheriff . . . in all matters pertaining to the duties of their respective offices.” (*Ibid.*) A statute enacted in furtherance of article V, section 13 states that “[w]henver the Attorney General deems it necessary in the public interest the Attorney General shall direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff.” (Gov. Code, § 12560.)

The substance of article V, section 13 and Government Code section 12560 has been in place for almost a century. Yet this is the first time this court has addressed a dispute between the Attorney General and a sheriff over the relationship created by these provisions. The Attorney General asks us to interpret state law as empowering him to issue binding directions to respondents Riverside County Sheriff Chad Bianco and the Riverside County Sheriff’s Department (collectively, respondents) regarding an investigation they have initiated. The Attorney General also requests a writ of mandate that would order respondents to comply with his prior instructions to

pause their investigation, preserve all items seized during this investigation, and provide him with documents and other materials relating to the investigation.

We conclude that the authority vested in the Attorney General under the state Constitution and the Government Code includes the power to give binding directions to sheriffs regarding a particular investigation that are consistent with the Attorney General's duty "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art. V, § 13.) We further conclude that the Attorney General's clear, specific, and lawful directions to respondents in this matter are all within the scope of his authority and that the Attorney General is entitled to a writ of mandate that orders respondents to comply with these directions.

I. FACTUAL AND PROCEDURAL BACKGROUND

At a special election held on November 4, 2025, California voters adopted Proposition 50, known as the Election Rigging Response Act. (Voter Information Guide, Special Elec. (Nov. 4, 2025) text of Prop. 50, p. 18.) Pursuant to Proposition 50, new congressional district maps that were adopted by the Legislature earlier in 2025 will be used in California's congressional elections through 2030. (Cal. Const., art. XXI, § 4, subds. (b), (d).) Proposition 50 passed by a substantial margin statewide, and the official results for Riverside County showed that 56.3 percent of votes cast in that county were in favor of the proposition.

A. Respondents' Initial Investigation

After the special election, a community group, the Riverside Election Integrity Team (REIT), alleged that it had uncovered a discrepancy between different counts of the total

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number of votes cast in that county. Specifically, REIT calculated from records it had obtained from the Riverside County Registrar of Voters that 611,426 valid ballots had been cast countywide at the election, which was 45,896 fewer than the 657,322 valid ballots counted by the registrar in his official tally. On February 6, 2026, a representative of REIT contacted the sheriff's department to report the group's findings.

Acting on this report, on February 9, the sheriff's department sought and obtained from the Riverside County Superior Court a search warrant authorizing the seizure from the registrar of "[a]ll ballots pertaining to the 2025 Special Election." The affidavit submitted in support of the February 9 warrant described the alleged discrepancy and stated that the ballots were necessary "to prove or disprove any criminal conduct."

On February 10, the registrar gave a lengthy presentation at a public meeting of the Riverside County Board of Supervisors. The registrar defended the official election results and told the Board of Supervisors that the handwritten records REIT's calculations relied upon were prone to human error and did not account for certain kinds of ballots.

Continuing with its investigation, on February 23, the sheriff's department sought and obtained a second search warrant from the superior court. This warrant authorized the seizure of additional election materials from the registrar, including paper records of voted ballots; voter identification envelopes; spoiled, canceled, and unused ballots; tally sheets; and challenge lists. The affidavit used to obtain this warrant referred again to the alleged vote discrepancy but did not mention the registrar's February 10 presentation; on the

contrary, it stated that the registrar “has not given a reason for the discrepancy.”

On February 24, before either of the search warrants had been executed, the Attorney General learned for the first time of their existence. A representative from the Attorney General’s office asked Bianco for the search warrant affidavits, which Bianco emailed to him. The representative then called Bianco and asked that execution of the February 9 warrant be postponed from February 27, the planned execution date, until March 6 to give the Attorney General time to better understand the basis for the investigation and the search warrants. Instead, respondents advanced the execution of the February 9 warrant to February 26 and seized 12 pallets (approximately 1,000 boxes) of ballots, which were transported to a secure storage facility accessible only to sheriff’s department employees.

B. The Attorney General’s Concerns and Initial Directives

The Attorney General sent a letter to Bianco later on February 26. The Attorney General expressed concern about the seizure of ballots. He noted that the affidavits supporting the February 9 and February 23 warrants “identify no specific felony offenses you have probable cause to believe were committed” and did not “identify particular persons whom you have probable cause to believe committed any such offenses.” The Attorney General’s letter also observed that the affidavit for the February 23 warrant failed to inform the court of the explanations the registrar had provided to the Board of Supervisors for the discrepancy between the official number of votes reported by the registrar and REIT’s calculations.

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The Attorney General's letter continued, "I am concerned about the potential for this investigation, which is unprecedented in scope and scale, to undermine public confidence in state elections. At the same time, I take seriously any concerns about potential election irregularities, including alleged discrepancies between votes cast and votes counted in the November 2025 Special Election in Riverside County. For these reasons, it is imperative that my office have adequate time to understand the issues underlying the investigation before your office takes further steps." The Attorney General therefore "direct[ed]" Bianco, "pursuant to [the Attorney General's] supervisory authority over California sheriffs set out in article V, section 13 of the California Constitution and . . . Government Code section 12560 to: "(1) preserve all ballots, documents, or other materials that have been seized by [the sheriff's department] to date; and [¶] (2) pause further action in this matter until my office has had the opportunity to review it." The Attorney General also requested that Bianco confirm his compliance with this direction by noon the next day.

Bianco did not respond by this deadline or respond to the Attorney General's attempts to make contact over the following several days. On March 4, the Attorney General sent another letter to Bianco, stating he had "learned that [the sheriff] intend[ed] to ignore" the Attorney General's directives and count the seized ballots "using Sheriff's Department staff members who are not trained and have no experience counting ballots." The Attorney General wrote that this was "unacceptable" and requested confirmation from Bianco that he intended to comply with the Attorney General's directives and was "standing down all further investigative action in this matter."

C. Subsequent Activity

On March 5, sheriff's department employees began conducting a hand count of the ballots. In an email to the Attorney General's office that same day, Bianco confirmed receipt of the Attorney General's March 4 letter and replied that the sheriff's department was "complying with [the Attorney General's] directive" pending further communications. The ballot count stopped, apparently at Bianco's direction. The sheriff's department returned the ballots to their boxes, resealed them, and left them in the storage facility, which was locked and secured.

The Attorney General sent Bianco another letter on March 6. This letter acknowledged receipt of Bianco's March 5 email. It requested that, within five days, the sheriff's department provide the Attorney General with copies of the case files relating to its investigation. After receiving no response, another representative from the Attorney General's office spoke with Bianco on March 13. Bianco explained he had not yet seen the March 6 letter but agreed to comply with the Attorney General's request for these materials. The Attorney General's representative asked that the records be provided by March 18.

On March 19, without notifying the Attorney General, the sheriff's department obtained a third search warrant. The affidavit in support of this warrant informed the court that the sheriff's department had begun counting the seized ballots on March 5, but further explained that the Attorney General had sent letters to Bianco "that directed/requested a pause in this investigation." "In an effort to avoid any potential appearance of impropriety," the affidavit requested "a Special Master for the service of this search warrant (specifically the counting of the

ballots).” The court issued the warrant but did not appoint a special master.

On March 20, Bianco held a press conference in which he announced his office had obtained a court order to continue its counting of the ballots under the supervision of a special master. On March 24, the sheriff’s department executed the February 23 warrant and seized another 11 pallets of materials relating to the November 2025 Special Election.

D. These Proceedings

The Attorney General initiated this litigation one day before the March 24 seizure. The Attorney General originally filed his petition for writ of mandate or other extraordinary relief in the Court of Appeal. The petition asked that court to issue a writ that would order respondents to comply with the Attorney General’s prior directives in this case and all further orders he might issue in connection with the investigation. The Court of Appeal denied the petition, with its order stating that the Attorney General had not shown he lacked an adequate remedy in the Riverside County Superior Court.

The Attorney General then sought our review of the Court of Appeal’s summary denial order, while also filing a writ petition in the Riverside County Superior Court. After receiving a preliminary opposition from respondents, we ordered that the petition that had been filed in the Court of Appeal be refiled in this court and that respondents show cause why the relief sought by the Attorney General should not be granted. We also ordered respondents to pause their investigation pending our resolution of this case and to preserve all seized items. After we ordered review, the Riverside County Superior Court stayed the proceedings before it.

II. DISCUSSION

We must decide whether the Attorney General has the authority to issue binding directions to respondents regarding their investigation and if so, whether writ relief is appropriate to enforce these directions. The Attorney General argues that he may issue such directions pursuant to his constitutional power to exercise “direct supervision over” sheriffs “in all matters pertaining to” their duties (Cal. Const., art. V, § 13) and his statutory authority to “direct the activities of any sheriff relative to the investigation or detection of crime” (Gov. Code, § 12560). Disagreeing, respondents assert that under the state Constitution the Attorney General cannot issue binding directions to a sheriff regarding an ongoing investigation, and that the Government Code cannot expand the Attorney General’s authority beyond what article V, section 13 allows. Respondents further argue that they have no ministerial duty to comply with directions the Attorney General may give them because their investigation of crimes inherently involves the exercise of discretion.

A. The Attorney General’s Authority

1. *Article V, section 13*

a. *Background*

To provide context for the dispositive constitutional and statutory provisions, we first briefly describe the powers and duties of the Attorney General and sheriffs as they stood before the Attorney General was vested with the responsibilities and authority found in article V, section 13, and Government Code section 12560.

As originally ratified in 1849 and subsequently amended in 1879, the California Constitution provided for an Attorney

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General but did not specify that officer's responsibilities. (See Cal. Const. of 1849, art. V, § 18; Cal. Const. of 1879, art. V, § 17.) Laws enacted in the 1800s and early 1900s assigned various responsibilities to the Attorney General. These included the charge "[t]o exercise supervisory powers over district attorneys in all matters pertaining to the duties of their offices" (former Pol. Code, § 470), but no statute gave the Attorney General comparable authority over sheriffs.

The 1849 and 1879 versions of the state Constitution also recognized the office of county sheriff but similarly did not assign any specific responsibilities to sheriffs. (See Cal. Const. of 1849, art. VI, § 7; Cal. Const., former art. XI, § 5.) Instead, both left it to the Legislature to define these duties. (Cal. Const. of 1849, art. VI, § 7 [the Legislature "shall fix by law, [sheriffs'] duties and compensation"]; Cal. Const., former art. XI, § 5 [the Legislature "shall prescribe [sheriffs'] duties"]; see *Beck v. County of Santa Clara* (1988) 204 Cal.App.3d 789, 796 (*Beck*).) Sheriffs' statutory duties included the responsibilities to "[p]reserve peace," "[a]rrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense," and "investigate public offenses which have been committed." (Former Pol. Code, § 4157.)

b. *Constitutional text*

Against this backdrop, voters at the November 1934 general election approved Proposition 4, the relevant language of which now appears at article V, section 13 of the state Constitution. The text of this provision provides our initial and most important interpretive resource. (See *Patterson v. Padilla* (2019) 8 Cal.5th 220, 233.) We construe this language in

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context, giving words their ordinary meaning. (*Greene v. Marin County Flood Control & Water Conservation Dist.* (2010) 49 Cal.4th 277, 289–290 (*Greene*); *Mutual Life Ins. Co. v. City of Los Angeles* (1990) 50 Cal.3d 402, 407.)

Article V, section 13 provides in full as follows: “Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable. 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 any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office.”¹

¹ The substance of what is now article V, section 13 was originally added to the state Constitution as article V, section 21. (Ballot Pamp., Gen. Elec. (Nov. 6, 1934), text of Prop. 4, appen. pp. 7–8 (Voter Pamphlet).) The phrasing of article V, section 21 as adopted at the November 1934 General Election was different in certain respects from the language that

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This provision designates the Attorney General as the state’s “chief law officer” (Cal. Const., art. V, § 13), charges the Attorney General with the duty “to see that the laws of the State are uniformly and adequately enforced” (*ibid.*), and gives the Attorney General “direct supervision over” sheriffs “in all matters pertaining to” their official duties (*ibid.*). Reading this language holistically, it is apparent that “direct supervision” under article V, section 13 includes the power to issue specific directions to sheriffs regarding a criminal investigation that are consistent with the Attorney General’s duty “to see that the laws of the State are uniformly and adequately enforced.” (*Ibid.*)

“[S]upervision over” someone in the performance of their duties is commonly understood to include the power to issue authoritative instructions regarding the discharge of those responsibilities. (See, e.g., 10 Oxford English Dict. (1933) p. 196, col. 2 [defining “supervision” as, among other things, “[g]eneral management, direction, or control”].) The modifier “direct” imparts that as used within article V, section 13, “supervision” can involve the exercise of immediate directive authority, rather than a more detached form of oversight. This “direct supervision” extends to “all matters pertaining to the duties of” a sheriff (Cal. Const., art. V, § 13), which further

appears in article V, section 13 today, but none of these differences is material to our analysis. At all times the provision has included language providing that the Attorney General is “the chief law officer of the State,” subject to the powers and duties of the Governor; that the Attorney General shall see that state laws “are uniformly and adequately enforced”; and that the Attorney General “shall have direct supervision over” sheriffs and district attorneys “in all matters pertaining to the duties of their respective offices.” (Cal Const., art. V, § 13; *id.*, former § 21.)

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communicates the power to direct whether and how the duties subject to supervision are to be exercised in a particular instance. And article V, section 13's conferral of this power together with a duty "to see that the laws of the State are uniformly and adequately enforced" conveys that "direct supervision" should be construed as comprising effective methods for realizing this objective.

Putting this all together, and when also combined with sheriffs' statutory duty to "investigate public offenses which have been committed" (Gov. Code, § 26602; see former Pol. Code, § 4157), the language of article V, section 13 plainly confers upon the Attorney General the authority to issue binding directions to a sheriff regarding a criminal investigation. Indeed, the authority to issue such directions is critical to the Attorney General's ability "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art. V, § 13.) It would be unreasonable to conclude that the state Constitution would assign the Attorney General such a responsibility without also providing that officer with tools commensurate with the task.

At oral argument in this matter, counsel for respondents did not dispute that direct supervision over someone in the performance of their duties is normally understood as including the power to issue binding instructions to the supervisee. Respondents nonetheless argue that other language in article V, section 13 establishes that the Attorney General cannot issue such directions regarding an ongoing sheriff's investigation.

Respondents rely on the portion of article V, section 13 that provides, "Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any

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county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney.” According to respondents, this language shows that the state Constitution is concerned only with local *underenforcement* of the law. To address this concern, their argument goes, article V, section 13 gives the Attorney General the authority to assume a prosecutorial function when that officer believes the law is not being adequately enforced in a county, and it allows the Attorney General to give directions to a sheriff to help investigate a matter when there would otherwise be no investigation. Respondents maintain that this “substitutional authority,” in which the Attorney General can step into what would otherwise be an enforcement vacuum, is exclusive of the authority to issue binding directions regarding an ongoing investigation already being undertaken by a sheriff.

We do not regard this as a plausible interpretation of article V, section 13. The power to prosecute criminal cases is properly understood as complementary to the Attorney General’s broad supervisory authority over sheriffs. Under the state Constitution the Attorney General may pursue the uniform and adequate enforcement of state law by assuming a direct prosecutorial role in circumstances where, in the Attorney General’s opinion, the law is not being adequately enforced; *or* the Attorney General may work toward this objective by issuing binding directions as to an investigation or prosecution, regardless of who initiates it. The existence of the former power does not imply the absence of the latter.

Respondents’ argument to the contrary cannot be reconciled with article V, section 13’s clear conferral to the

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Attorney General of the power to give lawful, binding directions to a sheriff regarding a criminal investigation. The text within article V, section 13 that respondents rely upon does not suggest that this power is conditional on who initiated the investigation. By necessity, the contrary is true. A rule denying the Attorney General the ability to issue binding instructions regarding an investigation already initiated by a sheriff would be unworkable in practice and frustrate the Attorney General's ability "to see that the laws of the State are uniformly and adequately enforced." (*Ibid.*) The fact that a sheriff's investigation is underway does not necessarily mean it is effectively contributing to the uniform and adequate enforcement of the laws. The Attorney General may conclude for any number of reasons that it is not, and that it is appropriate to intervene and issue binding directions.

Respondents also make the narrower argument that whatever the Attorney General's supervisory powers under article V, section 13 may be, the Attorney General cannot direct a sheriff to *terminate* an ongoing investigation. But the language within article V, section 13 providing that the Attorney General shall have "direct supervision over . . . all matters pertaining to" a sheriff's duties appears capacious enough to accommodate such an order when issued to ensure "that the laws of the State are uniformly and adequately enforced." (*Ibid.*) In any event, the Attorney General has not issued any such order here, having directed only a pause in the

investigation into the ballot count. We therefore need not otherwise address this argument.²

Turning to an argument advanced by the California State Sheriffs' Association, appearing as amicus curiae in support of respondents, the fact that the state Constitution elsewhere provides for "an elected county sheriff" (Cal. Const., art. XI, § 1, subd. (b)) does not imply, let alone establish, that the Attorney General lacks the power to issue binding directions to sheriffs regarding an investigation. No categorical rule prohibits one constitutional executive officer from ever being subject to directions from another. (See, e.g., *People ex rel. Deukmejian v. Brown* (1981) 29 Cal.3d 150, 157–158.) Furthermore, the powers and duties of the office of county sheriff have always been subject to definition by the Legislature. (See *Beck, supra*, 204 Cal.App.3d at pp. 796–797; cf. *Pacific Gas & Electric Co. v. County of Stanislaus* (1997) 16 Cal.4th 1143, 1158 ["[t]he county is merely a political subdivision of state government, exercising only the powers of the state, granted by the state'"].) It almost goes without saying that these powers and duties also can be redefined through a constitutional amendment. The fact that sheriffs are constitutional officers thus provides no reason for construing the Attorney General's powers under article V,

² Nor do we address other hypothetical orders from the Attorney General offered by respondents, including an instruction to a sheriff to violate a court order, or a directive or directives amounting to what respondents describe as "plenary operational control" that would subject sheriffs to "complete operational micromanagement" by the Attorney General. While we agree in principle that neither the state Constitution nor the Government Code confers limitless authority upon the Attorney General, we have no reason here to evaluate hypothetical orders so different from the directives that are before us.

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section 13 as being more limited than the plain language of that provision communicates.³

In short, article V, section 13 unambiguously confers upon the Attorney General the authority to issue binding directions to sheriffs regarding a criminal investigation, at least when these directions are consistent with the Attorney General's responsibility "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art. V, § 13.) But even if we were to assume for sake of argument that the constitutional text is ambiguous as it pertains to the question before us, making it necessary to consult extrinsic resources to determine its meaning, these additional guideposts would lead us to the same conclusion.

c. Prior construction

We first observe that this understanding of the Attorney General's supervisory authority under article V, section 13 is supported by how we construed similar language that appeared

³ *People v. Brophy* (1942) 49 Cal.App.2d 15 opined, in dicta, that the state Constitution's recognition of local governments and officers meant that the Attorney General's "supervision" over sheriffs, as used in article V, section 13, "does not contemplate absolute control and direction of" sheriffs and district attorneys, or even just "control" over these officers. (*Brophy*, at p. 28.) *Brophy* is inapposite in that it considered whether the Attorney General has the power to order a telephone company to discontinue service to a customer suspected of criminal activity. (*Id.* at p. 29.) We nevertheless disapprove of *Brophy*, *supra*, 49 Cal.App.2d 15 to the extent its analysis is inconsistent with our conclusion that the Attorney General may issue binding directions regarding a criminal investigation that comport with the Attorney General's responsibility "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art. V, § 13.)

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in the former Political Code prior to the adoption of Proposition 4. As previously described, a statute in place at the time of Proposition 4’s adoption gave the Attorney General the power “[t]o exercise supervisory powers over district attorneys in all matters pertaining to the duties of their offices.” (Former Pol. Code, § 470.) We construed this language as giving the Attorney General the power to countermand a decision made by a local district attorney in a pending case. (*County of Sacramento v. C.P.R.R. Co.* (1882) 61 Cal. 250, 254 (*County of Sacramento*).) Reading it alongside another provision within the same statute that empowered the Attorney General to “assist” any district attorney “in the discharge of [their] duties” (former Pol. Code, § 470), we explained that when the Attorney General “assists the District Attorney, he may, by virtue of his ‘supervisory power over the District Attorneys in all matters pertaining to the duties of their offices,’ assume a paramount control and direction of the business he and the District Attorney are jointly conducting” (*County of Sacramento*, at p. 254; accord, *State ex rel. Nolan v. District Court of the First Judicial District* (Mont. 1899) 55 P. 916, 916 [explaining that a similarly phrased Montana statute vested “in the Attorney General a right to oversee for direction, to inspect with an authority all matters pertaining to the duties of the county attorneys of the State, and to direct with superintending oversight the official conduct and acts of such officials”]).

The electorate that approved Proposition 4 in 1934 was presumably aware of our decision in *County of Sacramento* and its interpretation of “supervisory powers . . . in all matters pertaining to the duties of their offices.” (Former Pol. Code, § 470; see *United Auburn Indian Community of Auburn Rancheria v. Newsom* (2020) 10 Cal.5th 538, 552 [“we presume

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electors ‘to [have been] aware of existing laws and judicial construction[s] thereof when they voted’].) The use of similar language — “direct supervision . . . in all matters pertaining to the duties of their respective offices” — within article V, section 13 is therefore suggestive of an intent to give the Attorney General power over a criminal investigation comparable to the “paramount control and direction” that the Attorney General could exercise in a case pursuant to former Political Code section 470. (*County of Sacramento, supra*, 61 Cal. at p. 254; see *Moran v. Murtaugh Miller Meyer & Nelson, LLP* (2007) 40 Cal.4th 780, 785 [“Where . . . legislation has been judicially construed and a subsequent statute on the same or an analogous subject uses identical or substantially similar language, we may presume that the Legislature intended the same construction, unless a contrary intent clearly appears’ ”].)

d. *Election material*

The official election pamphlet that was distributed by the Secretary of State to voters at the November 1934 General Election also provides insight into the intent behind article V, section 13. (See, e.g., *Board of Supervisors v. Lonergan* (1980) 27 Cal.3d 855, 866.)

That pamphlet included an argument in favor of Proposition 4 that characterized state and local law enforcement agencies as ineffective and in need of centralized coordination. This argument told voters that the “system which gave to every county, city and town the right to regulate its own police affairs without supervision or interference from anyone could function efficiently in the simple society that existed in [earlier] days, but in our present complex society . . . that system has become

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inadequate.” (Voter Pamphlet, *supra*, argument in favor of Prop. 4, p. 9.)

The argument continued, “The law enforcement business of California . . . is being run in a most unbusinesslike manner. There are in this State 276 incorporated cities and 58 counties, each of which is handling its law enforcement work in its own way without supervision. . . . [¶] The amendment makes possible the coordination of county law enforcement agencies and provides the necessary supervision to insure that result. Without curtailing the right of local self government and without creating any new commission to accomplish this purpose, it merely enlarges the duties of the Attorney General so as to give him that supervision and make him responsible for the uniform and adequate enforcement of law throughout the State. In short, the Attorney General is made the supervisor and coordinator for our county law enforcement agencies.” (Voter Pamphlet, *supra*, argument in favor of Prop. 4, p. 9.)

This argument further corroborates our interpretation of article V, section 13 as giving the Attorney General the power to issue binding directions to sheriffs regarding a criminal investigation. The role of a “supervisor and coordinator,” as used in the pamphlet’s description of the Attorney General’s new responsibilities, is consistent with the ability to issue binding directions. (Voter Pamphlet, *supra*, argument in favor of Prop. 4, p. 9.) We have already discussed what supervision entails; the ultimate task of a coordinator, meanwhile, is to integrate subunits into an effective whole (see, e.g., 2 Oxford English Dict. (1933) p. 965, col. 1 [defining “coordinate” as “[t]o place or arrange (things) in proper position relatively to each other and to the system of which they form parts; to bring into proper combined order as parts of a whole”]), which may require

giving direct commands when necessary. The argument stated that this supervision and coordination would avoid “curtailing the right of local self government” (Voter Pamphlet, argument in favor of Prop. 4, p. 9), as replacing sheriffs with a statewide police force might (see Beasley, *California Unifies Enforcement Agencies to Fight Crime* (1934) 20 A.B.A.J. 757, 758 [discussing this option]). But it also apprised voters that the initiative would reform a system in which each county had been allowed to handle law enforcement “in its own way” (Voter Pamphlet, argument in favor of Prop. 4, p. 9) and that the Attorney General’s exercise of the power conferred through the proposition could “interfer[e]” (*ibid.*) with local authority, as might occur if the Attorney General issued directives regarding an investigation that a local sheriff disagreed with.

e. *Government Code section 12560*

Furthermore, when language in a constitutional provision is ambiguous, we may consider how the Legislature has interpreted that language. (*Greene, supra*, 49 Cal.4th at p. 290; *City and County of San Francisco v. County of San Mateo* (1995) 10 Cal.4th 554, 563; *Heckendorn v. City of San Marino* (1986) 42 Cal.3d 481, 488.) “‘Although the ultimate constitutional interpretation must rest, of course, with the judiciary [citation], a focused legislative judgment on the question enjoys significant weight and deference by the courts.’” (*Greene*, at p. 291.)

Implementing legislation enacted by the Legislature just months after Proposition 4 passed indicates that the grant of authority now found at article V, section 13 was perceived around the time of its initial adoption as giving the Attorney General the power to issue binding directions to sheriffs regarding a criminal investigation.

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Shortly after the November 1934 General Election, the Legislature added several new sections to the former Political Code in furtherance of Proposition 4. (Stats. 1935, ch. 575, pp. 1668–1670 [former Pol. Code, §§ 476–479].) Collectively, these laws described the Attorney General’s powers in relation to district attorneys, sheriffs, and grand juries, and authorized the Attorney General to appoint up to 10 special agents or investigators. (See *ibid.*)

One of these provisions, section 479 of the former Political Code, is now codified at Government Code sections 12560 and 12561. Using language materially identical to text appearing in former Political Code section 479 as originally enacted in 1935, Government Code section 12560 provides, “The Attorney General has direct supervision over the sheriffs of the several counties of the state, and may require of them written reports concerning the investigation, detection, and punishment of crime in their respective jurisdictions. *Whenever the Attorney General deems it necessary in the public interest the Attorney General shall direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff*, and may direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith.” (Italics added.) In the phrases “shall direct” and “may direct,” the word “direct” is clearly being assigned the meaning of “[t]o give authoritative instructions to; to ordain, order, or appoint (a person) to do a thing.” (3 Oxford English Dict. (1933) p. 389, col. 3.) This usage of “direct” thus reflects an understanding that under article V, section 13 the Attorney General can issue binding instructions to sheriffs regarding a criminal investigation.

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Moreover, Government Code section 12560 carries independent force in this context. As a duly enacted statute, it defines the relationship between the Attorney General and sheriffs unless it is unconstitutional, i.e., “ “unless it can be said of the statute that it positively and certainly is opposed to the constitution.” ’ ” (*Howard Jarvis Taxpayers Assn. v. Padilla* (2016) 62 Cal.4th 486, 520; see also *Methodist Hosp. of Sacramento v. Saylor* (1971) 5 Cal.3d 685, 692; *Lundberg v. County of Alameda* (1956) 46 Cal.2d 644, 652.) Government Code section 12560 does not contravene the state Constitution; as they pertain to the issue before us, the two are fully consistent. Government Code section 12560 therefore imposes upon sheriffs a statutory duty to comply with the Attorney General’s directions, at least when such orders are consistent with the Attorney General’s “duty . . . to see that the laws of the State are uniformly and adequately enforced.” (Cal. Const., art. V, § 13.)

Our interpretation of both article V, section 13 and Government Code section 12560 as allowing the Attorney General to give binding directions to sheriffs also comports with how we have previously understood these provisions. In *Venegas v. County of Los Angeles* (2004) 32 Cal.4th 820 (*Venegas*), we determined that sheriffs are state, rather than local, officials when acting in their law enforcement roles (*id.* at pp. 826, 836), such that they are immune from damages liability in a lawsuit brought under section 1983 of title 42 of the United States Code alleging a violation of federal rights arising out of the exercise of these responsibilities. In reaching this result, we highlighted the Attorney General’s constitutional and statutory authority to directly supervise sheriffs. (*Venegas*, at pp. 833–834.) Most notably, we specifically observed that Government

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Code section 12560 gives the Attorney General the ability “to direct [sheriffs’] activities regarding . . . investigations” (*Venegas*, at p. 834), without in any way suggesting that such direction would exceed the Attorney General’s powers under the state Constitution.

Respondents offer a different interpretation of the statutes enacted to further what is now article V, section 13. They argue that these laws support their position that the Attorney General may step in to investigate or prosecute a crime when local authorities have failed to act, but the Attorney General cannot issue binding directions to a sheriff regarding an ongoing sheriff’s investigation. We do not find respondents’ arguments persuasive.

Respondents first note that under Government Code section 12561, “Whenever the Attorney General deems it necessary in the public interest, the Attorney General may appoint some competent person to perform the duties of sheriff with respect to the investigation or detection of a particular crime and cause the arrest of persons in connection therewith. Any person so appointed has all the powers of a sheriff with respect to the particular matter.” Respondents assert that the Attorney General’s power to appoint a sheriff to conduct an investigation implies that the Attorney General may *only* act in a “substitutional” manner and is prohibited from interfering with an elected sheriff’s investigation.

We disagree. Like the language within article V, section 13 that respondents rely upon, Government Code section 12561 is properly understood as complementary to the Attorney General’s power to issue binding directives to sheriffs. Situations may arise in which the Attorney General would

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prefer, because of a potential conflict of interest or for other reasons, to have someone other than the local sheriff assist with an investigation. In giving the Attorney General the flexibility to appoint a sheriff pro tempore in such scenarios, Government Code section 12561 does not imply that the Attorney General lacks the authority to issue binding directions to local sheriffs in other circumstances.

Respondents also assign significance to a difference in phrasing between Government Code sections 12560 and 12550, the latter of which addresses the Attorney General's relationship with district attorneys. In addition to providing that "[t]he Attorney General has direct supervision over the district attorneys of the several counties of the state," Government Code section 12550 states that "[w]hen the Attorney General deems it advisable or necessary in the public interest, or when directed to do so by the Governor, the Attorney General shall assist any district attorney in the discharge of the district attorney's duties, *and may, if deemed necessary, take full charge of any investigation or prosecution of violations of law of which the superior court has jurisdiction.* In this respect the Attorney General has all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process." (Italics added.) Respondents assert that "take full charge" (*ibid.*) communicates a greater degree of control than "direct the activities of any sheriff relative to the investigation or detection of crime" (§ 12560), and that the absence of such language in Government Code section 12560 reflects an understanding that the Attorney General has no authority to intervene in and direct an ongoing investigation initiated by a sheriff's department.

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We have described Government Code sections 12550 and 12560 as “substantially identical” (*Venegas, supra*, 32 Cal.4th at p. 834), and we see no reason to alter that assessment here. The Legislature is free to impart the same basic concept in different ways (*People v. Pacheco* (1985) 176 Cal.App.3d 100, 103 [“The Legislature need not use any ‘magic words,’ as long as its intent is clear”]), and we conclude that any modest difference between the two statutes does not reflect an intent to limit the Attorney General’s directive authority over sheriffs, as claimed by respondents.

The Attorney General attributes the difference in phrasing between Government Code sections 12550 and 12560 to how other statutes define the respective duties of district attorneys and sheriffs. District attorneys “shall initiate and conduct on behalf of the people all prosecutions for public offenses” (Gov. Code, § 26500), whereas statutes describe sheriffs’ relevant duties in more general terms (see, e.g., Gov. Code, §§ 26600 [“The sheriff shall preserve peace”], 26602 [“The sheriff shall prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to his or her knowledge, and investigate public offenses which have been committed”]). Thus, the Attorney General posits, if any meaningful difference exists between the language found in sections 12550 and 12560, it most likely reflects an awareness that a sheriff’s duties are frequently not specific to any particular crime or investigation, and that language providing that the Attorney General could “take full charge” (Gov. Code, § 12550) of a particular sheriff’s investigation would be too limiting.

That is a possible interpretation of the statute. It is also possible that the Legislature used “take full charge” in

Government Code section 12550 because it expected that the Attorney General would, or could, rely wholly on its own personnel to investigate and prosecute a matter within the jurisdiction of the superior court. “[T]ake full charge” (Gov. Code, § 12550) is in line with such a complete assumption of responsibility. In the broader array of circumstances captured by Government Code section 12560, the Attorney General, having limited investigatory staff, would more often rely on sheriffs to implement specific directives. This difference makes “direct the activities of any sheriff relative to the investigation or detection of crime” a more apt description of the Attorney General’s typical exercise of supervisory power in relation to sheriffs. (Gov. Code, § 12560.) In any case, this minor discrepancy in phrasing does not suggest that Government Code section 12560 means anything other than what its plain language conveys — that the Attorney General can “direct the activities of any sheriff relative to the investigation or detection of crime.” (*Ibid.*)

To summarize, the text of article V, section 13 establishes on its own that the Attorney General’s supervisory power over sheriffs includes the authority to issue binding directions regarding a criminal investigation, at least when the directions are consistent with the Attorney General’s responsibility “to see that the laws of the State are uniformly and adequately enforced” (Cal. Const., art. V, § 13), and this understanding is corroborated by all of the extrinsic interpretive resources we have consulted.

2. *Application*

We now consider the validity of the specific instructions the Attorney General gave to respondents. We conclude these

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directions reflect a permissible exercise of the Attorney General's constitutional and statutory authority.

The Attorney General argues that uses of his supervisory power should be reviewed under a highly deferential abuse of discretion standard. We need not decide whether that is the appropriate test because the directions that have been given here pass muster under any standard of review that plausibly could apply to them.

The directions to pause the investigation, preserve all seized items, and provide certain materials to the Attorney General all came after the Attorney General expressed concerns regarding whether the affidavits supporting the February 9 and February 23 search warrants provided adequate grounds for an unprecedented seizure of ballots and election materials. Regardless of whether the affidavits were or were not legally sufficient, the Attorney General could have fairly concluded that his intervention was necessary to ensure that any further investigation was justified and if so, that the investigation would be conducted in a law-abiding and appropriate manner — in other words, to see that state law would be “uniformly and adequately enforced.” (Cal. Const., art. V, § 13.) All of the directions the Attorney General has issued to date are lawful and accordant with this objective. Under any degree of scrutiny that reasonably might be applied to these instructions, they are within the scope of the Attorney General's authority and binding upon respondents.⁴

⁴ Although the Attorney General's March 6 letter seeking materials relating to respondents' investigation was framed as a request, under the circumstances it was tantamount to an order, and we treat it as such.

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Respondents argue that the Attorney General should not be permitted to issue directions regarding this investigation in particular due to an alleged “conflict of interest.” Respondents note that the Attorney General has expressed skepticism about the investigation’s foundations, including calling them “baseless.” They draw our attention to rule 3.8(a) of the California Rules of Professional Conduct, which provides that a prosecutor must “not institute or continue to prosecute a charge that the prosecutor knows[] is not supported by probable cause.” Respondents contend that under this rule, “if the Attorney General were to take control of the investigation, he would be required to dismiss or otherwise discontinue it. Accordingly, there is an irremediable conflict of interest in allowing the Attorney General to control the investigation.”

This argument conflates the Attorney General’s obligations as a prosecutor with the Attorney General’s supervisory role over an investigation. An *investigation* may continue even if an officer believes probable cause has not yet been established. The Attorney General has stated that although the evidence that has been shared with him to this point has not yet persuaded him that a crime may have been committed, he will continue to review the matter in light of any new evidence that is presented to him. We presume that government officials act in good faith in exercising their constitutional and statutory responsibilities (see Evid. Code, § 664), and we perceive no “conflict of interest” here.

Put succinctly, while there are undoubtedly limits to the powers vested in the Attorney General under the state Constitution and Government Code, the orders before us do not test these boundaries, and no valid reason appears why the Attorney General cannot exercise his authority here to issue

binding directions consistent with the uniform and adequate enforcement of the law.

B. Availability of Writ Relief

We further conclude the Attorney General is entitled to writ relief to enforce his directions.

1. General principles

In order to obtain a writ of mandate under Code of Civil Procedure section 1085, a petitioner generally must demonstrate (1) a beneficial interest (2) in the performance of a ministerial duty by the respondent and (3) that no plain, speedy, and adequate alternative remedy at law exists. (*People v. Picklesimer* (2010) 48 Cal.4th 330, 340 (*Picklesimer*).)

2. Beneficial interest

The beneficial interest requirement means that a party seeking relief in mandate must have “ ‘some special interest to be served or some particular right to be preserved or protected over and above the interest held in common with the public at large.’ ” (*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 165.) “The beneficial interest must be direct and substantial.” (*Ibid.*)

“ ‘Generally, when a power or duty is imposed by law upon a public board or officer, and in order to execute such power or perform such duty, it becomes necessary to obtain a writ of mandamus, it or he may apply for the same.’ ” (*Bd. of Soc. Welfare v. County of L.A.* (1945) 27 Cal.2d 98, 101; see also *People ex rel. Dept. of Conservation v. El Dorado County* (2005) 36 Cal.4th 971, 990–992 [the director of the Department of Conservation had a substantial interest in writ relief addressing local agency action that, if allowed to stand, would hamper or frustrate the director’s efforts to attain statutory health and

environmental goals]; *Senate of the State of Cal. v. Jones* (1999) 21 Cal.4th 1142, 1156, fn. 9 [the state Senate and its president pro tempore could seek writ relief challenging a measure that “would have a significant and direct effect upon the role and operation of the legislative branch”]; *Brown v. Superior Court* (1971) 5 Cal.3d 509, 514.) Consistent with this principle, we conclude that the Attorney General has a beneficial interest in a writ that would order compliance with his directions and thereby enable him to fulfill his responsibility under the state Constitution “to see that the laws of the State are uniformly and adequately enforced.” (Cal. Const., art. V, § 13.)

3. Ministerial duty

“A ministerial duty is an obligation to perform a specific act in a manner prescribed by law whenever a given state of facts exists, without regard to any personal judgment as to the propriety of the act.” (*Picklesimer, supra*, 48 Cal.4th at p. 340.) “The critical question in determining if an act required by law is ministerial in character is whether it involves the exercise of judgment and discretion.” (*Jenkins v. Knight* (1956) 46 Cal.2d 220, 223–224.)

Respondents argue that writ relief directing compliance with the Attorney General’s orders is improper because, in their words, “investigative decisions are quintessentially discretionary. Decisions regarding whether to pursue investigative leads, seek search warrants, preserve evidence, review seized materials, sequence investigative steps, or allocate investigative resources necessarily involve judgment and discretion.”

This argument fails to account for the effect of a clear and specific order by the Attorney General. Article V, section 13

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vests the Attorney General with the authority to exercise direct supervision over sheriffs, and Government Code section 12560 expressly recognizes that this power includes the authority to direct a sheriff's activities concerning the investigation or detection of crime. Once the Attorney General exercises this authority by issuing a clear and specific directive to a sheriff regarding a matter within the scope of the sheriff's duties, the sheriff has no discretion to decide whether to comply. Compliance with the directive is therefore ministerial: whatever discretion the sheriff may otherwise possess in conducting a criminal investigation, that discretion does not include the discretion to disregard a lawful directive issued by an official with constitutional and statutory authority to direct the sheriff's activities. And that obligation is enforceable through a writ of mandate so long as the directions given by the Attorney General are lawful and sufficiently clear and specific to provide the sheriff with proper notice and permit enforcement by a court. (Cf. *Pitchess v. Superior Court* (1969) 2 Cal.App.3d 644, 651 ["An injunction must be definite enough to provide a standard of conduct for those whose activities are proscribed"].)

Here, the Attorney General's orders to preserve all seized items and to provide specifically described materials to him are lawful, clear, and specific. The Attorney General's order to pause the investigation, although lawful, is somewhat less specific. It is nonetheless comprehensible enough to provide a basis for writ relief. (Cf. *People ex rel. Gascon v. HomeAdvisor, Inc.* (2020) 49 Cal.App.5th 1073, 1083 [an "injunction need not etch forbidden actions with microscopic precision"].)

4. *Other adequate remedy*

Lastly, we address whether the Attorney General has an adequate remedy at law. We conclude he does not. With the November 2026 General Election nearing, the Attorney General reasonably regards respondents' investigation as requiring his immediate attention and prompt intervention. Only this court can provide a definitive explication of the Attorney General's powers and duties and appropriately tailored writ relief. In light of the exigencies involved here, no other remedy would be as effective as a writ issued by this court in securing the timely and conclusive relief needed.⁵

III. CONCLUSION

The Attorney General has stressed throughout this litigation that the circumstances before us are extraordinary,

⁵ In his writ petition, the Attorney General requested a writ that would order respondents to follow his prior directions and any future directions he might give in connection with the investigation into the 2025 Special Election. His reply brief was unclear about whether he continues to seek a writ that would order respondents to comply with directions he has not yet given them. We limit our writ to the directions that have been issued to date, and expect that the guidance we have provided regarding the extent of the Attorney General's authority will avert disagreements between the parties over directions that may be given in the future. To address two specific potential orders that have been discussed in this case and in the related *Cervantes v. Bianco* (Sept. 24, 2026, S295866) (*Cervantes*) matter, however, on this record we see no reason why the Attorney General could not (1) direct respondents to return to the superior court to request an order that would quash the search warrants and provide for the return to the registrar of voters of any seized materials that we have not already ordered returned in *Cervantes*, and (2) direct the preparation of a chain-of-custody report for seized items.

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that he does not lightly exercise the power conferred upon him by article V, section 13 and Government Code section 12560, and that normally his interactions with sheriffs are constructive and collaborative. With the clarification provided by this decision, we anticipate this norm of constructive and collaborative interaction will continue to prevail in the future.

Here and now, however, with the Attorney General's orders to respondents falling within his constitutional and statutory authority and the requirements for writ relief being satisfied, he is entitled to a writ of mandate ordering compliance with his directions. Respondents' arguments all boil down to the unsustainable view that the state's chief law enforcement officer, who is charged with "the duty . . . to see that the laws of the State are uniformly and adequately enforced" (Cal. Const., art. V, § 13) and has the authority to exercise "direct supervision over every district attorney and sheriff . . . in all matters pertaining to the duties of their respective offices" (*ibid.*) and to "direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff" (Gov. Code, § 12560), nevertheless must remain a mere bystander to an unprecedented sheriff's investigation of undeniable statewide significance. As we have explained, that is not the case.

Let a peremptory writ of mandate issue directing respondents Chad Bianco and the Riverside County Sheriff's Department to comply with the Attorney General's instructions to (1) take no further action on the investigation of the November 2025 Special Election in Riverside County pending the Attorney General's review of this matter; (2) retain, pending further instruction, all records seized in the course of that investigation, other than those that must be returned to the

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registrar pursuant to our order in *Cervantes*;⁶ and (3) provide the Attorney General with all materials requested in his March 6 letter that are in respondents' possession and have not already been provided to the Attorney General. Each party shall bear its own costs.⁷

GUERRERO, C. J.

We Concur:

CORRIGAN, J.

LIU, J.

KRUGER, J.

GROBAN, J.

EVANS, J.

BURNS, J.*

⁶ The Attorney General has appeared as an amicus curiae in support of the petitioners in *Cervantes*, in which he has taken the position that the ballots seized by respondents must be returned to the registrar.

⁷ The stay previously issued by the court in this matter is superseded in part by the disposition in *Cervantes* and is otherwise dissolved upon finality of this opinion.

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

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

Name of Opinion Bonta v. Bianco

Procedural Posture (see XX below)

Original Appeal

Original Proceeding XX

Review Granted (published)

Review Granted (unpublished)

Rehearing Granted

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County:

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Counsel:

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