

Case No. S295901

IN THE SUPREME COURT OF CALIFORNIA

Attorney General for the State of California,
Petitioner,

v.

Superior Court of Riverside County,
Respondent,

Chad Bianco, Riverside County Sheriff,
Respondent, and

Riverside County Sheriff's Department,
Respondent.

After a Decision of the California Court of Appeal of the State of California,
Fourth Appellate District, Division Two,
Case No. E088096

**APPLICATION TO FILE BRIEF OF *AMICI CURIAE* AND
[PROPOSED] BRIEF OF *AMICI CURIAE* IN SUPPORT OF THE
RELIEF REQUESTED BY PETITIONER**

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APPLICATION TO FILE BRIEF OF AMICI CURIAE

Pursuant to California Rule of Court 8.520(f), *Amici Curiae*, local governments and local elections officials in California, respectfully request leave to file the accompanying [Proposed] Brief of *Amici Curiae* in Support of the Relief Requested by Petitioner. No party or counsel for any party authored the proposed *amicus curiae* brief, nor did any outside entity fund its preparation by *amici*. A list of *amici* is attached in Appendix A.

Amici are local governments and local elections officials in California responsible for administering elections in their counties¹ on behalf of over eight million registered voters combined.² They are required to follow California law governing election administration.

Amici have professional expertise regarding the administration of elections, including recount procedures, election contests, and upholding California election law. As a part of their duties, *amici* play a key role in executing the extensive civil process under which individuals can challenge the reliability or validity of election results in California. *See, e.g.*, Cal. Elec. Code §§ 15600, 15610, 15620–49, 16100. Overseeing these complex processes requires specific expertise in election administration. *Amici* are interested in this case because it has broader implications for their election administration work in

¹ *See* Cal. Elec. Code § 320.

² *See Report of Registration as of December 30, 2025, Registrations by County*, Cal. Sec’y of State, (Dec. 30, 2025), <https://perma.cc/GVC6-EB8J>.

their own counties, and for election administrators across the country. *Amici* believe the proposed brief, which relies on their expertise in election administration, will assist the Court in addressing the third question presented in this case.

Amici respectfully request permission to file the accompanying brief to address important issues that have not been adequately addressed in the parties' briefs. *Amici's* brief draws the Court's attention to the ramifications on election administration should the Court permit Respondent Bianco's investigation to move forward. First, should the Court decline to grant the relief requested by Petitioner, *amici* write to highlight that any ensuing investigation must be conducted by individuals who have expertise in election administration. *Amici* explain why sheriff's deputies, who have no experience or training in election administration, should not be responsible for conducting any sort of ballot recount. Second, *amici* explain how California's Election Code provides a robust civil process for individuals who are concerned about issues such as discrepancies in ballot counts, and how Respondent Bianco's use of the criminal process instead of that civil process is unnecessary and undermines the civil process *amici* work hard to administer each election cycle. For those reasons, *amici* submit this brief in support of the relief requested by Petitioner.

Dated: May 22, 2026

Respectfully submitted,

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SUMMARY OF ARGUMENT

Amici write to bring two points to the Court's attention.³ First, should the Court allow this investigation to continue, *amici* emphasize that conducting any sort of recount of ballots requires expertise in election administration. Respondent Bianco's brief suggests that he is open to the appointment of a Special Master to oversee the counting of ballots. Return Br. at 9. However, news reports and Respondent Bianco's own statements prior to the submission of his Return Brief suggest that his deputies were attempting to recount the seized ballots themselves. Without any clarity on the procedures a Special Master would employ to supervise such a process, *amici* write to emphasize to this Court that sheriff's deputies untrained in election administration should not be responsible for conducting something that resembles a recount. Second, *amici* explain how California's Election Code provides a robust civil process for individuals who are concerned about issues such as discrepancies in ballot counts, and how Respondent Bianco's use of the criminal process instead of that civil process is unnecessary and undermines the civil process *amici* work hard to administer each election cycle.

³ *Amici* support the relief Petitioner seeks but express no opinion on the breadth of Petitioner's constitutional or statutory authority to supervise or direct the activities of a county sheriff or district attorney.

ARGUMENT

I. ELECTION ADMINISTRATION IS COMPLEX, AND CONDUCTING ANY SORT OF RECOUNT OF BALLOTS REQUIRES EXPERTISE IN ELECTION ADMINISTRATION THAT THE SHERIFF'S DEPARTMENT DOES NOT HAVE.

To the outside observer, Respondent Bianco's investigation might seem like little more than a simple counting exercise. Indeed, Respondent Bianco's statements at his Press Conference regarding the investigation seem to suggest that he holds this belief.⁴ But *amici* write to emphasize that election administration, and specifically, any sort of recount of ballots, involves many interacting and nuanced pieces that take expertise to understand. Should this Court decline to grant mandamus relief, any ensuing investigation must be conducted by individuals trained in election administration.

In his Return Brief, Respondent Bianco urges this Court to take the highly unusual step of installing a Special Master to supervise the ballot count. Return Br. at 9. Without more details about a Special Master's procedures for overseeing such an

⁴ When discussing the California Attorney General's concern that sheriff's deputies untrained in election administration might be the individuals counting the ballots, the Sheriff stated: "Another of [the Attorney General's] claims is that law enforcement officers are not qualified to count ballots. I cannot speak for him, or for California DOJ, but I can assure you completely that my investigators definitely know how to count." Riverside Cnty. Sheriff's Off., *Election Fraud Investigation Press Conference* ("Press Conference"), at 4:55-5:09 (YouTube, Mar. 20, 2026), <https://perma.cc/Q4BJ-MFED>.

operation, *amici* write to emphasize to this Court that neither Respondent Bianco's previous statements, nor his proposal of the appointment of a Special Master, foreclose the possibility that he believes that his deputies should assist with the counting of ballots pursuant to his investigation.⁵ In practice, Respondent Bianco and his deputies would be individually opening over 1,000 different containers of ballots and reviewing over 650,000 ballots inside those boxes with little knowledge about which kinds of ballots are stored in each container and why.

During the process of administering an election, Registrars of Voters and their staff develop systems to store different types of ballots as those ballots are received, reviewed, and, if valid, counted. For example, some ballots are cast confidentially; others are cast provisionally, in-person on election day. Some ballots are reviewed and rejected for having invalid signatures or other issues. Knowing how to store each kind of ballot and the location of each kind of ballot in these containers takes a high level of organizational expertise and intimate knowledge of voting methods. Without knowledge of Registrar Tinoco's ballot organization and storage practices or the various voting methods used by Riverside voters, any counting process undertaken by sheriff's deputies is likely to result in those deputies reaching the wrong conclusions about the comparison between the ballots they count and the number of ballots that were ultimately reported to the Secretary of State.

⁵ See *id.* at 4:04-4:10.

Indeed, that is precisely why California law establishes mandatory requirements for the elections officials who administer elections and count ballots across the state. Precinct board members and elections officials, who must meet certain qualifications before being approved for their positions, are required to sign a declaration in front of a witness and take an oath that they will faithfully discharge their duties. Cal. Elec. Code § 12321. Before beginning their duties, they are required to undergo mandatory training on the rights of California voters and the operation of a jurisdiction's voting systems, including proper tabulation procedures, relevant election laws, and procedures involved with provisional, fail-safe provisional, vote-by-mail, and provisional vote-by-mail voting, among other topics. *See id.* § 12309.5(a)(1)–(8).

These individuals are approved, trained, and sworn for a reason: they have the sole responsibility of maintaining the ballot chain of custody. Indeed, California law prohibits anyone other than members of a precinct board from handling and transporting ballots. *See id.* §§ 15202 (ballots must be transported by two precinct board members), 15204 (only designated officials may touch a ballot container). And an even smaller subset of officials from the precinct boards are permitted under law to count those ballots. *See id.* §§ 15207, 15205, 12321. In other words, the Riverside County Sheriff, his deputies, and the purported Special Master are all barred from handling, transporting, or counting ballots under California law.

California’s general election administration, recount, and contest procedures affirmatively involve trained election administrators because they are complex. As discussed further in Section II, *infra*, the state’s robust civil process establishes a clear set of steps that an individual can take if they have concerns about the reliability of an election or questions about ballot count data. The safeguards embedded in that process—among them, recounts witnessed by all involved parties and led by an experienced election administrator—are simply not present in a fact-finding mission in which the counting of ballots is conducted by Respondent Bianco’s deputies behind closed doors. Rather than bolster confidence in the results of the 2025 Election, a recount conducted by untrained sheriff’s deputies—even if somehow overseen by a Special Master—could sow further distrust in the electoral process in Riverside County.

II. CALIFORNIA LAW PROVIDES A CLEAR, DETAILED CIVIL PROCESS FOR CHALLENGING THE RELIABILITY OF BALLOT COUNTS, WHICH RESPONDENT BIANCO’S CRIMINAL INVESTIGATION WRONGLY CIRCUMVENTS.

California’s robust civil process for challenging the reliability of ballot counts recognizes the importance of transparency and expertise and builds in safeguards to protect those interests. This is a fact that Respondent Bianco himself acknowledges. *See* Return Br. at 9 (“The Elections Code reflects the Legislature’s strong concern for ballot security, chain of custody, and public confidence in elections.”). But rather than use that robust civil process, Respondent Bianco, prompted by a

concerned citizens group, initiated a criminal investigation, and stated the following at his Press Conference:

This investigation is very simple: the Registrar of Voters maintained hand-written logs of the total number of ballots coming into the ROV. An audit of those logs received from the Riverside County Registrar of Voters allegedly shows 611,428 ballots were cast, but 657,322 votes were reported and certified to the Secretary of State. That is a difference of 45,896 votes.⁶

Given that there are other, more effective, more transparent means of challenging the reliability of ballot counts via California's civil system, Respondent Bianco's use of criminal tools, such as the search warrant and criminal investigation, to review alleged discrepancies in ballot counts from the 2025 Special Election in Riverside County is unnecessary and unwarranted.⁷

Unlike the criminal search warrant executed here, California's civil processes—including the formal contest process and the recount process—both account for the high level of care and knowledge needed to tabulate ballots. Both processes include built-in safeguards to protect the ballots' chain of custody and promote transparency. Ultimately, Respondent Bianco's use of the criminal system—and not the civil system—undermines the

⁶ Press Conference at 1:30-2:00.

⁷ Respondent Bianco's brief raises the election contest procedure as an example of the legislature's strong concern for ballot integrity and public trust. Return Br. at 9. That makes it even more striking that he and the concerned citizens chose to avoid that process entirely.

robust civil system that *amici* work hard to uphold every election cycle. If the concerned citizens or Respondent Bianco were worried about the reliability of the 2025 ballot counts in Riverside County, they had an opportunity to challenge the ballot count or initiate a recount under California law. However, they did not do so.

A. Under California Law, the Concerned Citizens Group Could Have Contested the Ballot Counts Via the Civil System, a Process That Includes Numerous Safeguards for Accuracy and Transparency.

The California Elections Code establishes a robust civil process for contesting and reviewing ballot counts when voters are concerned about the reliability of the ballot count. California Elections Code Sections 16100(d) and (g) state that “[a]ny elector of a county, city, or of any political subdivision of either may contest any election held therein for . . . [the] cause[] (d) [t]hat illegal votes were cast[, or] (g) *[t]hat there was an error in the vote-counting programs or summation of ballot counts.*” Cal. Elec. Code § 16100(d), (g) (emphasis added). The Code states that, if an elector contests any election, “he or she shall file with the clerk of the superior court having jurisdiction a written statement” that sets forth the name of the contestant and that he or she is an elector in the county, the name of any defendant, the office, “[t]he particular grounds of contest and the section of this code under which the statement is filed,” and “[t]he date of declaration of the result of the election by the body canvassing the returns thereof.” *Id.* § 16400. That contestant must verify the statement of contest

and must file any contest regarding error in vote-counting programs or summation of ballot counts within 30 days of the declaration of the result of the canvassing returns. *See id.*

§ 16401(d).⁸

Within five days after the end of the time in which the filings of a statement of contest are allowed, the clerk of the court must notify the superior court of the county of all statements filed, and the presiding judge must designate a time and place for the hearing on the contest. *Id.* § 16500. At that point, the court meets at the time and place designated to “determine the

⁸ The declaration of the result of the canvassing returns for the 2025 Special Election occurred on December 2, 2025. *Statewide Special Election County of Riverside November 4, 2025 Final Official Election Results*, Riverside Cnty., Cal. (Dec. 2, 2025), <https://perma.cc/CZ92-ZQNY>. Under California’s election code, the concerned citizens had until January 1, 2026 to initiate contest procedures. *See* Cal. Elec. Code. § 16401(d). Instead, on February 6, 2026, a little over one month after the contest deadline came and went, a concerned citizen emailed a sheriff’s deputy and a member of the Riverside County District Attorney’s Office of Public Integrity Unit to discuss “various issues of potential election fraud.” Search Warrant and Affidavit, Cnty. of Riverside, Cal. (Feb. 9, 2026), <https://perma.cc/FA39-G2CK>. This was not the first time this group had been in contact with the Sheriff’s Office. News reports suggest that third-party groups had been in “regular contact” with the Sheriff’s Office, encouraging Respondent to investigate broad claims of voter fraud starting as far back as 2023. *See id.*; Anat Rubin & Jessica Pishko, *Internal emails show how fringe groups fueled Sheriff Chad Bianco’s ballot seizure*, CalMatters (Apr. 21, 2026), <https://perma.cc/3PDY-XKPW>. These facts suggest that the concerned citizens may have already had the information they needed to raise their concerns about the reliability of the ballot counts in the Special Election via the civil process rather than the criminal process.

contested election.” *Id.* § 16600. Importantly, the next provision states that, “[a]t the trial the ballots shall be opened and a recount taken, *in the presence of all the parties*, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determination of the contest.” *Id.* § 16601 (emphasis added). The clerk of the superior court has the power to issue subpoenas for witnesses at the request of any party. *Id.* § 16502. The contestant in question is responsible for the expenses involved in recounting the ballots, and the elections official has the option of paying the clerical assistants necessary for the recount from the amount advanced by the contestant. *Id.* § 16503. The Elections Code specifies that the court shall continue in session to hear all the issues arising out of the contest, and within 10 days, shall submit its findings of fact and conclusions of law. *Id.* § 16603. That contest process provides for a level of transparency and ballot security that Respondent Bianco’s criminal investigation would not have.

B. Under California Law, the Concerned Citizens Group Could Have Requested a Recount, Which Likewise Includes Built-In Safeguards.

In addition to the contest process, the concerned citizens had an opportunity to request a formal recount of the ballots through several different mechanisms. First, within five days of the official canvass, they could have requested a recount from the Secretary of State, if they were aware of their allegations before

December 8, 2025. Cal Elec. Code § 15621(a).⁹ Requestors have broad authority to dictate the terms of the recount. California law provides that requestors can ask that the recount be conducted manually, *see id.* § 15627(a), and “[t]he request may specify the order in which votes are recounted by precinct or by the batch in which the ballots were scanned,” *id.* § 15622. A voter-requested recount is required to be conducted under the supervision of the appropriate elections official, or, if the elections official is the subject of the recount, by an officer other than the elections official who “possess[es] demonstrable experience necessary to conduct a machine or manual recount, including, but not limited to, years of experience as an elections official in the state, experience with current voting systems, and knowledge of the voting system’s key functions.” *Id.* § 15625(a), (c).

Second, the Riverside Board of Supervisors or a grand jury could have requested a court-ordered public recount within twenty-five days of the election, asserting that either of the following grounds exist:

- (1) Misconduct by anyone sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, including [conduct such as the casting of illegal votes or errors in vote-counting programs, or]
- (2) Errors or failures, whether electronic, mechanical or otherwise, in the safekeeping, handling, tallying, counting, recording, or certification of the ballots or votes cast, sufficient to make it likely that the result of the

⁹ As discussed above, *see supra* note 7, news reports and the February 9, 2026 search warrant indicate that the third-party groups may have been aware of their allegations prior to December 8, 2025, five days after the declaration of the results.

election was affected as to the successful candidates or propositions or tie holders, or sufficient to cast substantial doubt on the substantial accuracy of the results without regard to affecting any result.

Id. § 15640. The request would then be set for a hearing and could be opposed by any interested party. *Id.*

Third, Registrar Tinoco could have ordered a recount under the following circumstances: “(a) The elections official has reasonable cause to believe the ballots in the precinct have been miscounted[,]” and “(b) The elections official has examined, under oath, the precinct board members or, in the case of ballots counted by a central counting system, the counting board members, and they are unable to explain the returns of their respective precincts.” *Id.* § 15610.

Voter-initiated recount procedures include several mechanisms to protect the recount’s security, accuracy, and transparency. Under California law, Respondent Bianco and the concerned citizens group could have requested to examine specific ballots or other material to assuage their concerns about reliability. Cal. Code Regs. tit. 2, § 20353. As a safeguard, Registrar Tinoco would have been allowed to set “reasonable guidelines” for the examination of that material. *Id.* § 20353(c). The recount in question would be conducted “in a location to be determined by the elections official,” in a place large enough to accommodate not more than two representatives from each interested party and each qualified political party to “check and review the preparation, testing, and operation of the tabulating

devices, and to attend any or all phases of the recount.” *Id.* § 20356(a).

The recount would be conducted under the supervision of the elections official by special recount boards consisting of four individuals appointed by Registrar Tinoco. Cal. Elec. Code § 15625(a). Prior to the commencement of the recount, Registrar Tinoco would be required to determine the number of special recount boards necessary to complete the recount in a timely manner. Cal. Code Regs. tit. 2, § 20358(a). Each special recount board would have a supervisor tasked with enforcing the rules and transporting ballots and reports. *Id.* § 20358(b). Additionally, under the current recount rules, Registrar Tinoco would be required to “determine whether additional personnel is [sic] necessary for tasks such as producing relevant material, sorting or retrieving materials, or checking signatures.” *Id.* § 20358(c).

To ensure that the recount process is secure, elections officials are required to “develop, and prior to each statewide election[,] maintain written security measures.” *Id.* § 20357(a). Those measures must include physical security of the recount proceedings; recount equipment and storage of recount materials; and chain of custody controls for all voted, spoiled and unused ballots, *id.*, as well as for all “unvoted ballots, vote-by-mail and provisional ballot envelopes, language translation files pre- and post-election logic and accuracy testing plans and results, polling place event logs, precinct tally results, central count tally results and consolidated results in a structured, non-proprietary format, chain of custody logs, [and] duplication logs,” *id.* § 20351(i).

If the votes subject to a recount were cast or tabulated by a voting system, the voter requesting the recount is required to select whether the recount will be conducted manually or by the voting system used originally. Cal. Elec. Code § 15627(a). *Amici* assume, based on Respondent Bianco’s statements at his Press Conference, that his sheriff’s deputies would be conducting a manual recount rather than a recount using a voting system.¹⁰ In a manual ballot recount, the elections official must “instruct all members of the special recount boards, requestor, interested parties, representatives and observers on the procedures to be followed for the recount and shall provide them with copies of these recount regulations, any local documentation concerning recount procedure, and documentation on how to interpret and read the votes cast on the ballot, consistent with federal and state law and Chapter 4.5 of these regulations.” Cal. Code Regs. tit. 2, § 20371(b).

When the recount begins, it follows a specific process: “[o]ne of the four special recount board members shall read the ballot and call out the vote cast for the contest subject to recount on that ballot; one shall observe that the correct call was made, and two members shall each separately and independently record the votes as called out.” *Id.* § 20371(a). California law specifies that “examination of any ballot shall not include touching or handling the ballot without the express consent of the elections official or the elections officer supervising the special recount board.” Cal. Elec. Code § 15630(b). Moreover, “[a] ballot shall not be touched

¹⁰ See Press Conference at 5:04-5:09.

or handled during the examination unless the elections official or the elections officer supervising the special recount is present to observe the examination.” *Id.*

When ballots are challenged, California regulations require that the challenged ballot be set aside “with a notation indicating the precinct number, the method by which it was originally counted for the official canvass, e.g., voting system, scanner or hand count, the challenge number assigned to the ballot, the reason for the challenge, and the identity of the person making the challenge.” Cal. Code Regs. tit. 2, § 20363(a). “Resolution of challenged ballots shall take place in a segregated area within the recount location, separate from that being used to perform the recount, as determined by the elections official, to avoid confusion and mixing of ballots.” *Id.* § 20363(b).

Rather than utilize any of these avenues to challenge the reliability of the ballot counts, Respondent Bianco executed three separate criminal search warrants, seized over 1,000 boxes of ballots (and, in the process, likely broke the chain of custody required by law for those ballots, *see id.* § 20351(c)), and intimated that his own deputies would hand-count over 650,000 ballots without mistakes.¹¹ And since the news of Respondent Bianco’s investigation broke, a group of concerned citizens has asked a sheriff in at least one other California county—San Luis Obispo County—to investigate potential voter fraud using the

¹¹ Press Conference at 4:55-5:09.

criminal, rather than the civil, process.¹² This concerning trend suggests that third-party groups in other counties may copy the tactics used in Riverside County in other jurisdictions across the state. Respondent Bianco's use of criminal tools to conduct an election review only serves to undermine the robust civil system that serves as a bedrock of proper election administration under California law. And a decision from this Court denying Petitioner's requested relief would set a dangerous precedent that third-party groups are allowed to circumvent the existing civil process in favor of a criminal process that is less transparent and more likely to sow unwarranted distrust in election administration.

CONCLUSION

For those reasons, *amici* request that this Court grant Petitioner the mandamus relief it requests.

Dated: May 22, 2026

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¹² See Bulbul Rajagopal, *SLO County pumps the brakes on a separatist group's attempt to seize voter records across the state*, New Times (Apr. 30, 2026), <https://perma.cc/RA3B-B6FM>.

CERTIFICATE OF COMPLIANCE

Pursuant to California Rules of Court rules 8.204(b) and 8.204(c)(1), I hereby certify that this *Amicus Curiae* brief has been prepared using proportionately double-spaced 13-point Century Schoolbook typeface. According to the “Word Count” feature in Microsoft Word for Office 365, this brief contains 5,134 words.

I declare under penalty of perjury that this Certificate of Compliance is true and correct and that this declaration was executed on May 22, 2026.

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APPENDIX A - List of *Amici Curiae*

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PROOF OF SERVICE

I, Kyra Sikora, declare I am 18 years of age or older, and am not a party to this matter. My business address is Public Rights Project, 490 43rd Street, Unit #115, Oakland, CA, 94609. On this date, I caused a copy of the foregoing Brief of *Amici Curiae* via this court's TrueFiling system or via U.S. Mail as follows:

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**I declare under penalty of perjury under the laws of the State of
California that the above is true and correct. Executed this
22nd day of May, 2026 at San Francisco, CA.**

By: /s/ Kyra Sikora
Kyra Sikora