



*By Electronic Filing*

April 3, 2026

Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

Re: Attorney General of the State of California v. S.C. (Bianco), Case No.  
S295901 – Amicus Letter in Support of Petition

Honorable Justices,

Pursuant to rule 8.500(g) of the California Rules of Court, two California county election officials submit this letter in support of the Petition for Review and Request for Stay. For the reasons stated in this Letter, the Court should proceed expeditiously and ultimately grant the petition and request for stay.

### STATEMENT OF INTEREST

*Amici* are local election officials in California. They are responsible for the administration of elections in their counties. *See* Cal. Elec. Code § 320. *Amici* are required to follow California law governing election administration.

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—including recount processes—in California. *See, e.g.*, Cal. Elec. Code §§ 15600, 15610, 15620–49, 16100. Overseeing these complex processes requires specific expertise in election administration.

*Amici* write to explain to the Court why Sheriff Bianco’s criminal investigation, which is not grounded in an appropriate probable cause standard and fails to allege any crime, undermines California’s robust process for challenging the reliability of election results through the civil system. *Amici* also write to explain to the Court that Sheriff Bianco’s deputies should not be responsible for conducting what is essentially an unauthorized ballot recount, as they lack the requisite expertise in election administration. *Amici*’s interest in this case derives from the broad implications that this case will have on election administration in their own counties.

## SUMMARY OF ARGUMENT

*Amici* support the California Attorney General’s petition and request for stay and write to bring three points to the Court’s attention. First, the information underlying the sheriff’s investigation falls short of establishing probable cause. The Sheriff does not allege that any crime was committed, and the claims made by concerned citizens based on raw data covering an incomplete picture of ballot counts do not constitute “reasonably trustworthy” information on which to base a full-blown criminal investigation. Second, California state law already incorporates a robust civil process for individuals to challenge the reliability of election results; a criminal investigation that fails to allege any violation of a crime is both unnecessary and undermines that civil system. Third, conducting any sort of recount of ballots requires expertise in election administration. News reports and Sheriff Bianco’s own statements suggest that the sheriff’s deputies may be attempting to recount the seized ballots themselves. Sheriff’s deputies untrained in election administration should not be responsible for conducting something that resembles a recount.

## ARGUMENT

### I. THE SHERIFF’S INVESTIGATION DOES NOT MEET THE REQUIREMENTS FOR PROBABLE CAUSE.

It is a crime to commit voter fraud in California. Cal. Elec. Code § 18500. *Amici* take that crime—and their cooperative role in an investigation that would result from a showing of probable cause based on evidence of that crime—seriously.<sup>1</sup>

Under California law, “[a] search warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched.” Cal. Penal Code § 1525. Probable cause exists when there is a “fair probability” or “substantial chance,” based on the information presented in the application for the search warrant, that a search will uncover evidence of the *crimes alleged*. See *Safford Unified Sch. Dist. No. 1 v. Redding*, 557 U.S. 364, 371 (2009) (quoting *Illinois v. Gates*, 462 U.S. 213, 238, 244 n.13 (1983)); *Zurcher v. Stanford Daily*, 436 U.S. 547, 554 (1978)

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<sup>1</sup> When *amici* receive tips or information relating to allegations of voter fraud, they typically engage with their county’s District Attorney’s Office to investigate those claims. The District Attorney’s Office usually assigns attorneys with expertise in voter fraud issues to investigate the claims.

(“Under existing law, valid warrants may be issued to search any property, whether or not occupied by a third party, at which there is probable cause to believe that *fruits, instrumentalities, or evidence of a crime will be found.*” (second emphasis added)).

**A. A Valid Search Warrant Must Be Supported by Allegations of Criminal Activity; Sheriff Bianco Makes No Such Allegations.**

A necessary precondition for the execution of a valid criminal search warrant is that the warrant must allege that a crime was committed. In this investigation, no crime has been alleged. This is a fact that Sheriff Bianco readily admits. During his Election Fraud Investigation Press Conference on March 20, 2026, Sheriff Bianco stated that “the purpose of any investigation is to determine the merits of allegations; *it is basically a fact-finding mission.*”<sup>2</sup>

Here, Sheriff Bianco seeks to harness the power of the criminal process to conduct an undifferentiated seizure of every ballot in a particular county to look for evidence of some sort of criminal activity. That is a perversion of the probable cause standard, which has long served as a safeguard against unfocused investigative expeditions aimed at uncovering evidence that some crime was committed. *See Gates*, 462 U.S. at 239 (noting that, when a magistrate judge evaluates a search warrant application, “[s]ufficient information must be presented to the magistrate to allow that official to determine probable cause; his action cannot be a mere ratification of the bare conclusions of others.”); *People v. Garcia*, 3 Cal. Rptr. 3d 895, 899 (Cal. Ct. App. 2003) (“In determining whether an affidavit is supported by probable cause, the magistrate must make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.”).

**B. The Information Presented in This Case to Support Probable Cause Is Not “Reasonably Trustworthy,” and Was Refuted by Registrar Tinoco in His Presentation to the Riverside County Board of Supervisors.**

“Probable cause exists where the facts and circumstances within an officer’s knowledge and of which he had reasonably trustworthy information

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<sup>2</sup> Riverside Cnty. Sheriff’s Off., *Election Fraud Investigation Press Conference* (“Press Conference”), at 03:56-04:00 (YouTube, Mar. 20, 2026), <https://perma.cc/Q4BJ-MFED> (emphasis added).

are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed[.]” *Safford*, 557 U.S. at 370 (citation modified). Here, Sheriff Bianco initiated an investigation of the ballot counts from Riverside County’s 2025 Special Election after he received a tip from an outside group of citizen volunteers who conducted their own “audit” of the raw numbers of ballots derived from hand-written reports from election workers in the field, compared to the total number of verified ballots Registrar Tinoco’s office reported to the Secretary of State after all ballots were processed.<sup>3</sup>

At the Riverside County Board of Supervisors meeting on February 10, 2026, Registrar Tinoco provided a meticulous, lengthy presentation refuting the claims made about ballot discrepancies by that concerned citizen group.<sup>4</sup> In his presentation, Registrar Tinoco stated that the 45,000-ballot discrepancy was the result of a number of different factors. First, the information that formed the basis of the audit was based on hand-written reports of the “raw” count of ballots.<sup>5</sup> Registrar Tinoco emphasized in his presentation that, once the “raw” ballots come in, they are then reviewed for issues, including spoliation, lack of signature, or signatures that do not meet the standards set forth under California law.<sup>6</sup> The raw ballot data therefore provides an imprecise and inaccurate count of the ballots compared to the counts submitted to the Secretary of State, which include only those ballots that have been reviewed and deemed acceptable for counting under California law. Second, Registrar Tinoco emphasized that the hand-written “raw” ballot count sheets, which are created by election workers who are working fourteen-hour days to administer the election, are prone to human error.<sup>7</sup> Registrar Tinoco even stated that those hand-written ballot counts are not used by election administrators to determine the number of ballots in a given election.<sup>8</sup>

The information that forms the basis for this investigation—an audit conducted by concerned citizens who have no experience or background in

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<sup>3</sup> Press Conference at 0:46-0:51, 1:39-2:01.

<sup>4</sup> Riverside Cnty. Bd. of Supervisors, *February 10 Regular Meeting* (“Board Meeting”), at 3:38:14-4:38:30 (Feb. 10, 2026), <https://perma.cc/999W-JPCH>.

<sup>5</sup> *Id.* at 3:40:15-3:40:36.

<sup>6</sup> *Id.* at 3:43:02-3:49:39.

<sup>7</sup> *Id.* at 3:49:50-3:51:00.

<sup>8</sup> *Id.* at 3:50:00-3:50:18.

election administration and who lacked complete information regarding the ballot counts—does not constitute the kind of “reasonably trustworthy” information that should form the basis for a criminal investigation supported by probable cause, especially when claims regarding a ballot count discrepancy were meticulously refuted in Registrar Tinoco’s presentation to the Riverside Board of Supervisors.

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

Rather than use the robust civil process available to individuals who are concerned about the reliability of ballot counts, Sheriff Bianco 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.<sup>9</sup>

Given that there are other, more effective and transparent means of challenging the reliability of ballot counts via California’s civil system, Sheriff 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. Ultimately, Sheriff Bianco’s use of the criminal system—and not the civil system—undermines the robust civil system that *amici* work hard to uphold every election cycle. If the concerned citizens or Sheriff 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.

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<sup>9</sup> Press Conference at 1:30-2:00.

**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 Election Code establishes a robust civil process for contesting and reviewing ballot counts when voters are concerned about their reliability. 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). 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).

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 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 of the issues arising out of the contest, and within 10 days, should submit its findings of fact and conclusions of law. *Id.* § 16603. That contest process provides for a level of

transparency and security that Sheriff Bianco’s criminal investigation—which appears to be a closed-door investigation conducted by his deputies—does 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. *Id.* § 15621(a). Requestors have broad authority to dictate the terms of the recount. California law provides that requestors can ask that the recount be conducted manually, 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(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 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 next be set for a hearing and opposed by any interested party. *Id.*

Third, Registrar Tinoco could have ordered a recount under either of the following circumstances: “(a) The elections official has reasonable cause to believe the ballots in the precinct have been miscounted[,]” or “(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, before initiating any recount, Sheriff 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 to 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. 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 has a supervisor tasked with enforcing the rules and transporting ballots and reports. *Id.* § 20358(b). Additionally, under the current recount rules, Registrar Tinoco must “determine whether additional personnel is 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, election officials are required to “develop, and prior to each statewide election, maintain written security measures for recounts to ensure the integrity of the recount proceedings.” *Id.* § 20357(a). Those measures must include physical security of the recount proceedings, recount equipment and storage of recount materials; chain of custody controls for all voted, spoiled and unused ballots, *id.*, and 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, duplication logs,” *id.* § 20351.

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 Sheriff 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.<sup>10</sup> 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 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, Sheriff Bianco executed three separate criminal search

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<sup>10</sup> Press Conference at 5:04-5:09.

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.<sup>11</sup> Sheriff 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.

**III. 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, Sheriff Bianco’s investigation might seem like little more than a simple counting exercise. Indeed, Sheriff Bianco’s statements at his Press Conference seem to suggest that he holds this belief.<sup>12</sup> But *amici* write to emphasize that election administration, and specifically, any sort of recount of ballots, involve many interacting and nuanced pieces that take expertise to understand.

Sheriff Bianco intends to use his staff to count the number of ballots voters returned to the Registrar of Voters to determine whether the number of ballots logged on chain of custody documents as returned align with the number of ballots processed by Registrar Tinoco and his staff.<sup>13</sup> In practice, this means that Sheriff Bianco and his staff will be individually opening over 1,000 different boxes of ballots and reviewing over 650,000 ballots inside those boxes with little knowledge about which kinds of ballots are stored in each box 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.

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<sup>11</sup> 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 his 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.” Press Conference at 4:55-5:09.

<sup>12</sup> *Id.* at 4:55-5:09.

<sup>13</sup> *See id.* at 4:04-4:10.

Some ballots are reviewed and rejected for having invalid signatures or other issues. Knowing how to store each of these kinds of ballots and the location of each kind of ballot in these boxes takes a high level of organizational expertise and knowledge of voting methods. Without intimate knowledge of the Registrar's ballot organization and storage practices or the various voting methods used by Riverside voters, the counting process is likely to result in sheriff's deputies making 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.

California's recount and contest procedures affirmatively involve election administrators because they are complex. 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 Sheriff 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 could sow further distrust in the electoral process in Riverside County.<sup>14</sup>

California's civil process provides numerous pathways to contest the reliability of ballot counts or the results of an election. Sheriff Bianco's investigation wrongly circumvents those processes. Conducting a recount requires expertise in election administration, which sheriff's deputies do not have.

## CONCLUSION

For those reasons, and for the reasons set forth in petitioner's briefing, *amici* request that this Court grant the California Attorney General's petition and request for stay.

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<sup>14</sup> *Amici* agree with and support the arguments regarding violations of the ballot chain of custody set forth in the Petition for Writ of Mandate filed in this Court by the UCLA Voting Rights Project in *Cervantes v. Bianco*, Case No. S295866. We therefore do not write separately on this issue to avoid duplication for the Court. However, that petition asserts a claim against Registrar of Voters, Art Tinoco. *Amici* do not support the filing of the writ petition against Registrar Tinoco.

Respectfully Submitted,  
/s/ Kyra Sikora  
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on behalf of

Kristin Connelly,  
*Contra Costa County Clerk-Registrar-  
Recorder*

Juan P. Cervantes  
*Humboldt County Registrar of Voters*

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**DECLARATION 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 43<sup>rd</sup> Street, Unit #115, Oakland, CA, 94609.

On this date, I caused a copy of the foregoing Amicus Letter in Support of Petition 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 3rd day of April, 2026 at San Francisco, CA.

By: /s/ Kyra Sikora  
Kyra Sikora

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