



S295901 F O R N I A
DEPARTMENT of JUSTICE

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June 16, 2026

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

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

Dear Chief Justice Guerrero and Associate Justices:

Sheriff Bianco agrees with the Attorney General that Senate Bill No. 73 has no bearing on the scope-of-authority issues presented in the writ petition in this case. (E.g., Bianco Letter Br. 1, 11; June 16, 2026 Letter Br. of Attorney General 1-3.) Sheriff Bianco’s additional arguments about Senate Bill No. 73 are largely immaterial. Sheriff Bianco presents several arguments, for instance, about the retrospective or prospective application of the new civil and criminal enforcement provisions added to the Elections Code (*id.* at pp. 3-4, 5, 9-10), and arguments concerning whether amendments to Elections Code section 15551 create any “ministerial duty enforceable by mandate” (*id.* at pp. 10-11). But the Attorney General has not invoked the new civil or criminal enforcement provisions in this matter. Nor has the Attorney General pointed to the Elections Code as the “basis for [any] writ” relief. (*Id.* at 12; see, e.g., Petition for Writ of Mandate 19, citing Cal. Const., art. V, § 13 and Gov. Code, § 12560.) And in support of an order returning seized ballot materials to the Riverside County Registrar of Voters while this case proceeds, the Attorney General has invoked the broad authority of this Court to grant appropriate interim relief during the pendency of appellate proceedings, not the Court’s authority to grant writ relief. (E.g., June 16, 2026 Letter Br. of Attorney General 1-3.)

Sheriff Bianco’s argument about the scope of Elections Code section 15551 is wrong, in any event. (Bianco Letter Br. 6-9.) The scope of section 15551 is directly presented in *Cervantes v. Bianco*, No. S295866. The Attorney General’s forthcoming amicus brief in that matter will detail the history of section 15551, dating back to its origins in California’s first election statute in 1850. As a preview, this Court considered in *Ex Parte Brown* (1892) 97 Cal. 83, 87 whether a court could order sealed ballot packages to be produced and opened for criminal trial proceedings. There, the San Francisco Registrar of Voters had been held in contempt by a superior court for failing to open sealed ballot packages as part of felony proceedings against a precinct inspector. (*Id.* at p. 85.) The registrar brought a habeas petition asserting that the superior court’s order to open the ballots was illegal under the predecessor to section 15551. (*Ibid.*)

At the time, Political Code sections 1265 and 1266 (the 1872 predecessors to current sections 17302 and 15551) read as follows:

Sec. 1265. Upon the receipt of the package, the Clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package, without opening or examining its contents.

Sec. 1266. If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it, unless such package is, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which event the package and contents are in the custody of such tribunal.

The Court in *Brown* held that a “contest” as described in sections 1265 and 1266 was the only circumstance in which the registrar could allow the ballots to be opened and inspected by a court. (*Ex Parte Brown, supra*, 97 Cal. at p. 90.) And it specifically held that these provisions displaced courts’ “general . . . power to compel the production of the best evidence,” meaning the superior court *could not* compel production of the ballots to support a criminal prosecution. The Court acknowledged its holding would present an obstacle to prosecuting election fraud, but it emphasized that the problem “cannot be remedied by the courts, but must be left to the legislature itself for amendment.” (*Ibid.*) The Court concluded by observing that “[i]f it is thought necessary to make the ballots available as evidence in criminal proceedings, the legislature can do so under such limitations and restrictions as may be deemed essential to their integrity.” (*Ibid.*)

Within months, the Legislature responded by amending section 1265 to authorize use of ballots as evidence in cases other than contests, with limitations and restrictions to preserve the integrity of ballot materials. Under section 1265 as enacted in 1893, superior courts were authorized to broadly order inspection of ballots “in any case” where doing so was “necessary . . . to establish the proof of any material issue of fact,” but the statute specified that ballots could be inspected only “after the time limited for a contest” had ended. (See Stats. 1893, ch. 220, § 10, p. 309.) The amendment also specified that “[i]n no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the county clerk.” (*Ibid.*) The Legislature has since further narrowed the circumstances in which a court may order inspection of ballots. The current formulation in section 17302, which allows court inspection of ballots not in “any case” but rather only in “criminal prosecution[s] involving fraudulent use, marking or falsification of ballots, or forgery of vote by mail voters’ signatures” has been in place since its adoption in 1955. (See 1955 Stat., ch. 517, § 1, pp. 993-994.) But following a century of amendments, the Legislature has never substantively altered the requirement that “[i]n no event shall [ballot packages] be taken from the custody of the elections official.” (E.g., Sen. Bill No. 73 (2025-2026 Reg. Sess.) § 4.)

This history shows that the Legislature has narrowly limited the circumstances in which a court has the power to compel production of ballot packages, and even then, ballots must remain in the custody of the elections official. The Sheriff himself appears to acknowledge that the plain text of section 15551 bars the removal of ballots from election officials' custody, even if purportedly authorized by a court order. (Bianco Letter Br. 8 [explaining that, if section 15551 "means exactly what it says," then it bars transfer from election officials' custody].) Yet the Sheriff appears to ask the Court to adopt a bizarre interpretation of the word "custody" that would allow for the physical seizure of ballots by treating them as somehow still within election officials' custody. (See *id.* at p. 7.) Or alternatively, the Sheriff may be suggesting that courts could recognize an atextual exception to section 15551's custody requirement, such that the statute would cover only "uncontrolled self-help removal" of ballots. (*Ibid.*) Neither construction is supported by the text or history of the statute, and neither makes sense as a practical matter. Nor is there any merit to the Sheriff's assertion that section 15551 poses serious constitutional concerns. (See *id.* at pp. 8-9; see also *Ex Parte Brown, supra*, 97 Cal. at p. 90.) By seizing the ballots and related materials from the Riverside County Registrar of Voters, the Sheriff plainly contravened the Elections Code's longstanding limitation on the transfer of ballots from the custody of elections officials. (See April 15, 2026 Letter Br. of Attorney General; April 20, 2026 Letter Br. of Attorney General.)

Sincerely,

/s/ Helen H. Hong

HELEN H. HONG
Principal Deputy Solicitor General

For ROB BONTA
Attorney General

Reply letter brief, No. S295901
June 16, 2026
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Certificate of Compliance

I certify that the attached letter brief uses a 12-point Times New Roman font and contains 1,205 words.

/s/ Helen H. Hong

HELEN H. HONG
Principal Deputy Solicitor General

DECLARATION OF ELECTRONIC AND MAIL SERVICE

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

I declare:

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

On June 16, 2026, I electronically served the Attorney General's **Reply letter brief regarding Senate Bill No. 73 (2025-2026 Reg. Sess.)** by transmitting a true copy via this Court's TrueFiling system.

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

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

Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on June 16, 2026, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, San Diego, CA 92101, addressed as follows:

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

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

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

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on June 16, 2026, at San Diego, California.

Helen H. Hong

Declarant

s/ Helen H. Hong

Signature

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **ATTORNEY GENERAL OF THE STATE OF CALIFORNIA v.
BIANCO**

Case Number: **S295901**

Lower Court Case Number: **E088096**

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

6/16/2026

Date

/s/Helen Hong

Signature

Hong, Helen (235635)

Last Name, First Name (PNum)

California Department of Justice, Office of the Solicitor General

Law Firm