



OFFICE OF THE GOVERNOR

October 31, 2026

Hon. Yvonne Gonzalez Rogers, Chief District Judge
United States District Court for the Northern District of California
Ronald V. Dellums Federal Building & United States Courthouse
1301 Clay Street
Oakland, CA 94612

Hon. Troy L. Nunley, Chief District Judge
United States District Court for the Eastern District of California
Robert T. Matsui United States Courthouse
501 I Street
Sacramento, CA 95814

Hon. Dolly M. Gee, Chief District Judge
United States District Court for the Central District of California
Felicitas and Gonzalo Mendez United States Courthouse
350 W 1st St #4311
Los Angeles, CA 90012

Hon. Cynthia A. Bashant, Chief District Judge
United States District Court for the Southern District of California
James M. Carter and Judith N. Keep United States Courthouse
333 West Broadway
San Diego, CA 92101

Via Email Only

Re: Election Integrity Risks of Search Warrants for Election Materials Issued Before Results Are Certified

Dear Chief District Judges Gonzalez Rogers, Nunley, Gee, and Bashant,

I write to alert you to the risk to election integrity of judges issuing a search warrant to seize ballots, election records, or certified voting technology while an election is underway and before the results are certified. I am not writing in connection

with any warrant application currently pending in your courts, as I am unaware that there are any such matters at this time.¹

In recent weeks, Acting Deputy Attorney General Trent McCotter, the number two official at the United States Department of Justice, sent letters to state and local election officials warning of potential legal jeopardy they would face if they did not comply with the federal government's demands. Bilal Essayli, First Assistant United States Attorney for the Central District of California, has explicitly threatened via social media posts criminal prosecution against elections officials who process ballots that have been cast by individuals whom the United States asserts may be non-citizens.²

These threats of criminal prosecution of election officials for doing their jobs and complying with federal and state election laws have been paired with federal grand jury subpoenas issued to Los Angeles County election workers.³ And recent reports suggest that the United States Department of Justice has doubled down on pursuing criminal investigations of state and local election officials who did not comply with the United States's demands, even after Judge David O. Carter, who is presiding over *United States v. California*, advised that it "would be wise that any threats to state and county elected employees cease immediately."⁴

California's strict chain of custody, documentation, and retention laws related to ballots and ballot materials ensure any evidence of alleged wrongdoing tied to ballots or ballot materials is preserved and appropriately supervised by a court,⁵ so there is no legitimate law enforcement reason to seize ballots, ballot materials, and equipment needed to process and tabulate ballots. Indeed, the only reason to do so would be to interfere in a State's lawful counting of ballots and certifying the results of the election.

Given the United States Department of Justice's persistence in advancing this baseless theory of criminal liability, I have grave concerns federal agents will seek search warrants to seize ballots and ballot materials before the election results are certified. The tactics and rhetoric federal officials are using strongly suggest that, having lost repeatedly in federal civil proceedings thus far, they will quickly pivot to the criminal forum. The well-documented weaponization of the United States Department of Justice to serve the partisan and personal ends of the current President support legitimate concerns about further attempts to disenfranchise voters and undermine

¹ You are likely aware of litigation, *United States v. California, et al.*, 2:26-cv-12025 (C.D. Cal.), in which the United States seeks an order compelling state and local election officials to set aside any votes cast by individuals that the United States asserts are "likely non-citizens" in the November general election currently underway in California. I do not write in connection with that pending case, and I defer to the proceedings in that ongoing matter.

² E.g., <https://x.com/USAttyEssayli/status/2113794933236871180>.

³ <https://www.politico.com/news/2026/10/29/doj-california-election-subpoenas-01141719>

⁴ <https://news.bloomberglaw.com/us-law-week/doj-orders-criminal-probes-of-california-officials-over-ballots>

⁵ See California Department of Justice, OAG 2026-03: Legal Alert on Protections Against Seizure of Election Materials (October 28, 2027), at 2-3, available at: <https://oag.ca.gov/system/files/media/legal-alert-oag-2026-03.pdf>.

election integrity, up to and including seeking to prevent certification of results that recent polling suggests will flip control of at least one House of Congress.

Accordingly, I am enclosing a resource for evaluating search warrants for election materials, UC Berkeley Edley Center on Law & Democracy, *Questions for Assessing A Search Warrant for Election Materials* (September 2026), which may be of interest and assistance to all Magistrate Judges and District Judges who may consider warrant applications between now and when California's election results are certified by December 11, 2026.⁶

The stakes for democracy and the rule of law are too high to consider any such application without additional scrutiny and awareness of the impacts that approval may cause on the ability of California election officials to fulfill their duties to count lawfully cast votes and certify the results reflecting the will of the people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Newsom', with a long horizontal line extending to the right.

Gavin Newsom
Governor of California

Encl. UC Berkeley Edley Center on Law & Democracy, *Questions for Assessing A Search Warrant for Election Materials* (September 2026), available at: <https://acrobat.adobe.com/id/urn:aaid:sc:US:7b4a57e1-4201-42d8-aafa-98cc87102587?viewer%21megaVerb=group-discover>.

⁶ See also California Department of Justice, *supra* note 5, at 3-4.