



JON ANSOLABEHRE
COUNTY COUNSEL

OFFICE OF THE
COUNTY COUNSEL
COUNTY OF SAN LUIS OBISPO
KATCHO ACHADJIAN GOVERNMENT CENTER, ROOM D320
SAN LUIS OBISPO, CA 93408
TELEPHONE (805) 781-5400
FAX (805) 788-9459

ASSISTANT
JENNA MORTON

CHIEF DEPUTY
DANIEL P. SOLISH

DEPUTIES
ANN CATHERINE DUGGAN
SHANNON G. MATUSZEWICZ
ERICA STUCKEY
DEBRA K. BARRIGER
BENJAMIN R. DORE
CHELSEA K. KUHN
JARED E. CHRISTENSEN
VINCE M. UBERTI
NICOLE RADAKOVICH
ROBBIE Y. COBBS
DANIEL CHEUNG
SARA EMERSON

October 27, 2026

SENT VIA EMAIL

Bilal A. Essayli
First Assistant United States Attorney
United States Attorney's Office
Central District of California
1200 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Email: bilal.essayli@usdoj.gov

Re: Response to United States Department of Justice ("DOJ") letter dated October 22, 2026, regarding alleged non-citizens registered to vote in San Luis Obispo County

Dear Mr. Essayli:

We are responding on behalf of the Clerk-Recorder and Ex-Officio Registrar of Voters for the County of San Luis Obispo ("the Registrar") to your letter dated October 22, 2026, regarding suspected non-citizens who you allege may be registered to vote in San Luis Obispo County. Your letter includes a list of 63 individuals that you identify as suspected non-citizen voter registrants in the county that you believe may be voting in the upcoming November 3, 2026, general election. As of the date of this letter, that election will take place in exactly one week and your letter was received less than two weeks prior to the election, on the afternoon of Friday October 23, 2026. You have requested that the Registrar review the list within 48 hours of receipt of the letter (received just prior to the commencement of a weekend); confirm the citizenship of the "suspected" non-citizen registered voters; and if unable to confirm citizenship status, to sequester and set aside those ballots until citizenship can be verified.

After careful consideration, the Registrar must decline your requests. Although the Registrar is committed to ensuring that only eligible voters participate in the election process, she is also compelled by her constitutional oath of office to follow state and federal laws applicable to the conduct of county elections. In this regard, both federal and state law require voter registration when eligibility requirements are met by attestation from the applicant. (52

Re: Response to US DOJ letter dated October 22, 2026, regarding alleged non-citizens registered to vote in San Luis Obispo County

USC, §§ 20501 et seq., 20505; Cal. Elec. Code, § 2100 et seq.) Moreover, the Registrar is not authorized to independently investigate the citizenship status of an applicant. A failure to register voters as required by federal and state law can, in fact, subject the Registrar to civil enforcement and a private right of action. (52 U.S.C. § 20510; Cal. Elec. Code § 2142.)

Further, the list you have provided of “suspected” non-citizen voter registrants does not include sufficient individualized evidence to support a determination that any particular registered voter is in fact ineligible. The United States Constitution and California law establish procedures for determining voter eligibility and maintaining voter registration records (see Cal. Elec. Code, §§ 2102–2106, 2111, 2112, 2114) and federal law also protects the rights of eligible voters and establishes requirements for processing and counting ballots (see 52 U.S.C. § 10307(a)). Section 8 of the National Voter Registration Act of 1993 protects against systematic removal of voters from the rolls within 90 days of a federal election. (52 U.S.C. § 20507.) Article 1, Section 4 of the United States Constitution vests primary authority over election administration in the states as to the time, place, and manner of holding elections. Therefore, without an adequate legal and factual basis, the Registrar cannot go outside of the state mandated verification process and treat the ballots of the identified individuals on the list you have provided differently from those of other registered voters.

In addition, the Registrar is subject to legal restrictions concerning the disclosure of confidential voter registration information. California law protects certain voter information from disclosure, including personal identifying information. (See Cal. Elec. Code, § 2194; Gov. Code, §§ 7924.000, 7924.005.) For this reason, the Registrar may not provide the requested confidential information without appropriate legal authorization such as a judicial warrant and compliance with applicable disclosure requirements.

We are also cognizant of the current judicial posture in the case now pending in the Federal District Court for the Central District of California, *United States of America v. the State of California* (D.C. No. 2:26-cv-12025-DOC-ADS), a case involving an identical request made to the Los Angeles County Registrar of Voters and California Secretary of State. Just yesterday, the Ninth Circuit Court of Appeals issued a per curiam decision concluding that it lacked appellate jurisdiction to hear the government’s case because the government prematurely appealed its application for a temporary restraining order pending before the district court, before that court had a reasonable opportunity to rule on the government’s request for a restraining order. Thus, given that the legality of the requests the federal government seeks are currently pending in the federal district court, which has not yet ruled on the government’s authority to interfere at this late date in California’s election process, it would be legally reckless for the Registrar to disregard both California and federal law and conduct the verification and sequestration of ballots you have requested absent clear legal authority to do so.

Re: Response to US DOJ letter dated October 22, 2026, regarding alleged non-citizens registered to vote in San Luis Obispo County

Moreover, although your letter was directed to the Registrar for the County of San Luis Obispo, we understand that virtually identical letters were sent to the other 57 counties. At its core, the issues pending in the federal district court regarding the government's requests to the California Secretary of State and local election officials implicate a statewide concern over the conduct of California elections. Per Government Code section 12172.5, subdivision (a), the "...Secretary of State is the chief elections officer of the state..." Thus far, the California Secretary of State has not provided direction authorizing the local Registrar to deviate from her legal responsibilities and comply with your requests. Absent this direction or a ruling from the federal courts regarding the legality of the requests, the Registrar is unable to comply with your requests in their current form.

The Registrar is mindful of the DOJ's responsibility to enforce federal election laws and remains committed to cooperating with federal authorities to the extent permitted by law. To this end, if you have additional individualized information concerning voter eligibility or wish to provide further legal authority supporting your requests, the Registrar is willing to review that information and reconsider your request. In the meantime, the Registrar will continue to fulfill her constitutional and statutory responsibilities under federal and state law to protect the integrity of the election process and the voting rights of eligible individuals in San Luis Obispo County.

Sincerely,

JON ANSOLABEHERE
County Counsel


By: Ann Duggan
Deputy County Counsel

cc: Elaina Cano, Clerk-Recorder and Ex-Officio Registrar of Voters
Michael Wheat (Michael.Wheat@usdoj.gov)
Kim Minjae (Minjae.Kim@usdoj.gov)