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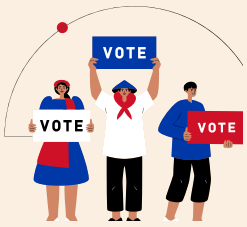
## The Federal Government's Effort to Set Aside Ballots

# The California Voting Lawsuit: What You Should Know

UC Law SAN FRANCISCO
CENTER FOR CONSTITUTIONAL DEMOCRACY

## Issue

In October 2026, the U.S. Department of Justice sued California, alleging that more than 20,000 people it considered likely noncitizens were registered to vote. The federal government wants California to set aside its mail-in ballots until citizenship can be verified. California disputes the government's methods and the reliability of its data. The federal government argues that California's refusal to comply obstructs enforcement of federal law




### Claim 1

more than 20,000 noncitizens are voting in California

### Claim 2

The Supremacy Clause requires California to comply with DOJ's demands




### Claim 3

California is Obstructing Criminal Investigations



### Claim 4

There is widespread voter fraud

## The Claims

### Claim 1

The federal government identified more than 20,000 individuals it considers noncitizens. This figure is not representative of illegal votes. Registration and actual casting of votes are distinct things. The 28 individuals charged warrant investigation, but do not establish that 20,000 are guilty. Defendants are presumed innocent unless proven guilty

### Claim 2

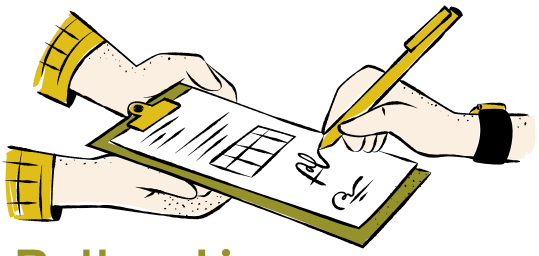
The Supremacy Clause makes valid federal law superior to conflicting state law. Federal law prohibits noncitizens from voting, and is a distinct question to if DOJ can compel California to segregate ballots

### Claim 3

DOJ argues that California is obstructing federal enforcement. California disputes the reliability of the information. There is a distinction between investigating suspected violations and requiring officials to change ballot-processing procedures for individuals on a suspected list

### Claim 4

The list is an investigative lead; it has not been found that the individuals are ineligible to vote. The list risks incorrectly identifying eligible citizens. California Attorney General Rob Bonta states that of the 28 charged it is a mere **0.0001% of California's 23 million registered voters**.



## Bottom Line:

***Noncitizens generally may not vote in federal elections, and credible allegations should be investigated.***

***But suspected ineligibility is not proof of a crime, and the federal government's authority to impose its proposed ballot-segregation measure is contested.***

***Of 20,000 flagged, 28 have been charged with unlawful voting or registration.***