



SONJA DOSTI | COMMUNICATIONS DIRECTOR

PHONE: 559 | 600-1224
EMAIL: sdosti@fresnocountyca.gov

JULY 26, 2024

RESPONSE TO ATTORNEY GENERAL AND CALIFORNIA SECRETARY OF STATE'S ATTEMPT TO OVERTURN THE WILL OF FRESNO COUNTY VOTERS

FRESNO, CA – California Attorney General Rob Bonta and Secretary of State Shirley Weber have filed a lawsuit in an effort to invalidate Measure A, an initiative passed by 55% of Fresno County voters during the March 5, 2024, primary election. Fresno County is a Charter County, and Article XI, Section 4 of the California Constitution grants charter counties substantial control over the term and election of county elected officers. This lawsuit is an invalid attempt to overturn the will of the voters of Fresno County in violation of the California Constitution.

In their press release, the Attorney General and Secretary of State allege that Measure A is preempted by Assembly Bill 759 (AB 759) which was signed into law in September of 2022 and declares that “an election to select a district attorney and sheriff shall be held with the presidential primary.” AB 759, without a vote by the citizens of the counties, tried to extend the term of office of any sheriff or district attorney, who had been elected for terms beginning in 2022, to six years.

For many counties, including the County of Fresno, the Sheriff and District Attorney were elected at the June 2021 primary election prior to the passage of AB 759, meaning that **voters voted for these elected officials to serve four-year terms, and had no notice that the Legislature would later try to extend those terms to six years.** This is the case in several charter and non-charter counties as a result of AB 759. AB 759 was an unconstitutional overreach by the Legislature, and the current effort by the Attorney General and Secretary of State to overturn the will of Fresno County voters is not supported by constitutional law.

The response of Fresno County voters to the State law change was based on the language of the California Constitution, Article 11, Section 4 which explicitly gives a

charter county the authority to set the term of the county elected officers, including the Sheriff and the DA. While the state legislature may still pass laws in areas of "state-wide concern" that would control what a charter county does, in this case, the State Legislature exempted some charter counties that had already adopted specific provisions setting the election date of their officers, demonstrating the issue was not a matter of state-wide concern.

There are substantial reasons for a county to keep the elections for local county officials in the gubernatorial election cycle rather than the presidential cycle. Local issues and candidates can become lost in the intense campaigning that occurs during presidential cycle elections both for the office of president and the congressional and senate seats that are up for election the same time. The costs to conduct a campaign are much higher during presidential cycles as down-ticket candidates must compete with national campaigns for advertising time and other campaign services, which can make running for local office prohibitively expensive for some candidates. These concerns are presumably why there is no push to move the California Governor's election to presidential elections.

For these reasons, the Fresno County Board of Supervisors and voters believe the State statute is an illegal infringement on the charter powers of Fresno County and its voters and may violate other state laws by illegally extending the term of officers here and in other counties after voters have elected those officers to four-year terms.

Finally, Fresno County has no comment on the media release by the City Attorney, an official who has no standing or jurisdiction with respect to the County charter and the County's internal organizational matters under State law.

####