

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

FILED

NOV 18 2023

FRESNO COUNTY CLERK

By_

RESOLUTION

DEPUTY

IN THE MATTER OF CALLING A
SPECIAL ELECTION TO BE
CONSOLIDATED WITH THE
STATEWIDE PRIMARY ELECTION TO
BE HELD ON MARCH 5, 2024 FOR THE
PURPOSE OF SUBMITTING TO THE
ELECTORS OF FRESNO COUNTY A
MEASURE TO AMEND
FRESNO COUNTY CHARTER
SECTION 15

WHEREAS, California Government Code Sections 23720(a) and 23722 permit a county board of supervisors to propose amendment to the county charter and to submit the amendment to the eligible registered voters of the county at a special election held on the next established election date not less than eight-eight (88) days after submission of the proposal; and

WHEREAS, the California Constitution, Article XI, Section 4, grants to charter counties such as the County of Fresno the authority to provide in their charters for "[a]n elected sheriff, an elected district attorney, an elected assessor, other officers, their election or appointment, compensation, terms and removal." (Cal. Const. Art. XI, § 4(c)); and

WHEREAS, the California Legislature passed AB 759, effective January 1, 2023, adding Section 1300 to the California Elections Code purporting to set the election date for Sheriffs and District Attorneys in presidential election years in non-charter counties and in charter counties that did not specifically establish election dates in their charters on or before January 1, 2021; and

WHEREAS, new Elections Code Section 1300 is unconstitutional under California Constitution Article XI, Section 4, (c) and (g); and

1 **WHEREAS**, new Elections Code Section 1300 would have the effect of
2 extending the current terms of the Sheriff and District Attorney in the County of Fresno
3 to six years rather than the four year terms to which the incumbents to those offices
4 were elected, without legal basis or the consent of the voters of the County of Fresno;
5 and

6 **WHEREAS**, the Fresno County Board of Supervisors proposes to amend
7 Charter Section 15 to establish the election dates for Sheriff and District Attorney to be
8 held in gubernatorial, non-presidential election years as previously done in the County
9 of Fresno, keeping all elected County officials elections together in gubernatorial
10 election years except for those Supervisorial districts on alternating election cycles;
11 and

12 **WHEREAS**, a Statewide Primary Election will be held on March 5, 2024; and

13 **WHEREAS**, pursuant to California Elections Code Sections 10400 *et seq.*,
14 the Fresno County Board of Supervisors seeks consolidation of the countywide
15 special election on the charter amendment measure with the March 5, 2024
16 Statewide Primary Election; and

17 **WHEREAS**, under California Elections Code Sections 10400 *et seq.*, the
18 Fresno County Board of Supervisors has the power and authority to order the
19 consolidation of local elections with the Statewide Primary Election.

20 NOW THEREFORE, BE IT RESOLVED AND ORDERED:

- 21 1. The Board of Supervisors hereby calls, orders, and proclaims a special
22 election to be held in the County of Fresno on March 5, 2024 for the purpose
23 of submitting to the voters of the County the charter amendment measure
24 pursuant to California Elections Code Sections 10403 and 12001.
- 25 2. Pursuant to California Elections Code Section 10400 *et seq.*, the Board of
26 Supervisors hereby directs and approves the special election for the charter
27 amendment measure to be placed on the ballot for the March 5, 2024
28 Statewide Primary Election and be consolidated with that election.

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3. The Board of Supervisors acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code Section 10418.

4. The Fresno County Clerk/Registrar of Voters is designated as the elections official for the election, and the Fresno County Clerk/Registrar of Voters is hereby authorized and directed to provide all notices and take any and all other actions necessary to holding the election, including but not limited to providing notices of times within which arguments for and against are submitted.

5. The ballot question hereby approved for said election shall be as follows:

Shall the measure amending section 15 of the Fresno County Charter to keep the election dates for the office of Sheriff and District Attorney set in gubernatorial, non-presidential election years with other County elective offices be adopted?

YES ____ NO ____

6. The Fresno County Clerk/Registrar of Voters is hereby authorized and directed to cause the complete text of the proposed charter amendment to be printed as indicated in the attached Exhibit A in the County of Fresno Voter Information Guide, and a copy of the proposed amendment shall be made available to a voter upon request.

7. The charter amendment measure shall be designated on the ballot by a letter, as provided in California Elections Code Section 13116.

8. Arguments in favor of and in opposition to the charter amendment measure and rebuttal arguments shall be permitted and shall be filed with the Fresno County Clerk/Registrar of Voters in accordance with applicable provisions of the California Elections Code, including Sections 9161 through 9167 thereof. As provided in California Elections Code Section 9162, the Board of Supervisors or any member or members of the Board of Supervisors are

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hereby authorized to act as an author of any ballot argument prepared in connection with the charter amendment measure election.

9. The Fresno County Clerk/Registrar of Voters shall fix the dates for submittal of arguments and rebuttals as provided for in the California Elections Code. The Board of Supervisors requests that the Fresno County Clerk/Registrar of Voters fix the dates for submittal of arguments and rebuttals after October 10, 2023.

THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 22nd day of August, 2023, to wit:

- AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None

Sal Quintero, Chairman of the Board of Supervisors of the County of Fresno

ATTEST:
BERNICE E. SEIDEL
Clerk of the Board of Supervisors
County of Fresno, State of
California

By: _____
Deputy