

1 ROB BONTA
Attorney General of California
2 R. MATTHEW WISE
Supervising Deputy Attorney General
3 S. CLINTON WOODS
Deputy Attorney General
4 State Bar No. 246054
455 Golden Gate Ave.
5 Suite 11000
San Francisco, CA 94102
6 Telephone: (415) 510-3807
Fax: (415) 703-5480
7 E-mail: Clint.Woods@doj.ca.gov
8 *Attorneys for the People of the State of California,*
ex rel. Rob Bonta, Attorney General of the State of
California, and Dr. Shirley N. Weber, in her official
9 *capacity as California Secretary of State*

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Gov. Code, § 6103**

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County of Fresno
By: Maria Lopez, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF FRESNO

15 **THE PEOPLE OF THE STATE OF**
16 **CALIFORNIA, ex rel. ROB BONTA,**
17 **ATTORNEY GENERAL OF THE STATE**
18 **OF CALIFORNIA; DR. SHIRLEY N.**
19 **WEBER, in her official capacity as**
20 **California Secretary of State,**

Petitioners,

v.

21 **COUNTY OF FRESNO; JAMES A. KUS, in**
22 **his official capacity as the Fresno County**
23 **Clerk; DOES 1 through 50, INCLUSIVE,**

Respondents.

Case No. 24CECG03179

**PETITIONERS' OPENING BRIEF IN
SUPPORT OF PETITION FOR WRIT OF
MANDATE**

Date: March 26, 2025
Time: 1:30 p.m.
Dept: 97E
Judge: Hon. Daniel Brickey

Action Filed: July 26, 2024

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INTRODUCTION

1
2 In September 2022, the Legislature enacted and the Governor signed Assembly Bill 759
3 which directs that “[a]n election to select a district attorney and sheriff shall be held with the
4 presidential primary.” (Elec. Code § 1300, subd. (a)(1).) Supporters of AB 759 asserted that
5 elections for these local offices should be held alongside higher-turnout presidential elections
6 because “[e]nsuring that a larger and more inclusive pool of voters can vote for candidates who
7 reflect their values is critical to making democracy work.”¹ The law also specified that it “applies
8 to both general law and charter counties, except those charter counties that, on or before January
9 1, 2021, expressly specified in their charter when an election for district attorney or sheriff would
10 occur.” (Elec. Code § 1300, subd. (c).) Before AB 759 was enacted, Fresno County’s charter did
11 not address the timing of elections for district attorney or sheriff. (See Request for Judicial
12 Notice (RJN), Exh. A [Res. 23-287], p. 2.) Thus, AB 759 applies to Fresno County.

13 Nevertheless, last August the Fresno County Board of Supervisors approved a resolution
14 calling a special election to be held on March 5, 2024, wherein Fresno County voters would vote
15 on a measure purporting to amend its County Charter to set the election dates for district attorney
16 and sheriff to occur in the gubernatorial cycle, rather than the presidential cycle. (See Res. 23-
17 287.) Measure A passed with a narrow majority during the March 2024 primary.²

18 While the California Constitution provides charter counties with certain enumerated
19 powers, the power to set the election dates for sheriff and district attorney is not among them.
20 (Cal. Const., art. XI, § 4.) Accordingly, Measure A’s enactment was not authorized by the state
21 Constitution, and thus conflicts with AB 759. Measure A is also preempted because increasing
22 turnout for elections is a matter of statewide concern, and AB 759 is narrowly tailored to achieve
23 that end. Petitioners are therefore entitled to a writ of mandate directing Respondents to conduct
24 county elections for sheriff and district attorney in a manner consistent with state law.³

25 ¹ Sen. Com. on Elec. and Const. Amendments, Analysis of Assem. Bill No. 759 (2021-
26 2022 Reg. Sess.) Sept. 8, 2021, p. 5. (See <https://tinyurl.com/2uhsu2sz>, last viewed January 16,
2025.)

27 ² See <https://tinyurl.com/3uuhweym>, last viewed January 16, 2025.

28 ³ Petitioners are the People of the State of California, ex rel. Rob Bonta, in his official
capacity as Attorney General, and Dr. Shirley N. Weber, in her official capacity as Secretary of
(continued...)

1 **BACKGROUND**

2 Before 2022, the Legislature dictated the timing of elections for sheriff and district attorney
3 in Fresno County; elections for county offices were to be held “with the statewide primary at
4 which candidates for Governor are nominated.” (See former Elec. Code, § 1300 (West 2019).)
5 At that time, the Fresno County Charter did not specify the timing for county elections for sheriff
6 and district attorney, and thus the County held those elections in gubernatorial years, consistent
7 with state law. (Res. 23-287, p. 2.)

8 The Legislature enacted AB 759 in September 2022 to direct counties to hold elections for
9 district attorney and sheriff during the presidential election cycle. (Elec. Code § 1300, subd. (a).)
10 The Legislature further declared that AB 759 applies to both general law and charter counties,
11 except charter counties that, on or before January 1, 2021, had specified when the elections of
12 district attorney and sheriff would occur. (*Id.*, subd. (c).)

13 On August 22, 2023, the Fresno County Board of Supervisors approved Resolution 23-287
14 concerning the timing of county elections for district attorney and sheriff. (Res. 23-287.) That
15 resolution, among other things, called a Special Election to place Measure A on the ballot for the
16 March 5, 2024 primary election for the purpose of amending the Fresno County Charter. (*Id.*, p.
17 2.) The resolution also declared AB 759 unconstitutional under Article XI, Section 4,
18 subdivisions (c) and (g) of the California Constitution. (*Id.*, p. 1.) Those provisions direct that a
19 county charter shall provide for:

20 “(c) An elected sheriff, an elected district attorney, an elected assessor, other officers,
21 their election or appointment, compensation, terms and removal.

22 ...

23 (g) Whenever any county has framed and adopted a charter, and the same shall have
24 been approved by the Legislature as herein provided, the general laws adopted by the
25 Legislature in pursuance of Section 1 (b) of this article, shall, as to such county, be
superseded by said charter as to matters for which, under this section it is competent
to make provision in such charter, and for which provision is made therein, except as
herein otherwise expressly provided.”

26 _____
27 (...continued)

28 State. Respondents are the County of Fresno, and James A. Kus, in his official capacity as
County Clerk, and DOES 1-50.

1 (Cal. Const. art. XI, § 4, subd. (c) and (g).)

2 Measure A purports to amend Section 15 of the County Charter to “establish the election
3 dates for Sheriff and District Attorney to be held in gubernatorial, non-presidential election years
4 as done previously in the County of Fresno.” (*Id.* at 2.) On March 5, 2024, voters in Fresno
5 County approved Measure A by a vote of 54.92 percent in favor, thereby incorporating Measure
6 A’s provisions into Section 15 of the Fresno County Charter.⁴

7 On July 26, 2024, Petitioners the People of the State of California ex rel. Attorney General
8 Rob Bonta and Secretary of State Dr. Shirley N. Weber filed the instant Petition for writ of
9 mandate. On September 27, 2024, Respondents County of Fresno and County Recorder James A.
10 Kus filed an Answer asserting that Measure A’s amendment of Fresno County Charter Section 15
11 is “the law of the State, has the force and effect of a legislative enactment, and supersedes all laws
12 of the State that are inconsistent with it, including Elections Code section 1300 as amended by
13 Assembly Bill 759 in 2022.”

14 **LEGAL STANDARD**

15 A writ of mandate “compel[s] the performance of an act which the law specially enjoins, as
16 a duty resulting from an office, trust, or station.” (Code Civ. Proc., § 1085.) “The writ must be
17 issued in all cases where there is not a plain, speedy, and adequate remedy, in the ordinary course
18 of law . . . upon the verified petition of the party beneficially interested.” (*Id.*, § 1086). The
19 petitioner must show that respondents have a “clear, present, and ministerial duty” to perform an
20 act. (*County of San Diego v. State* (2008) 164 Cal.App.4th 580, 593.) A ministerial duty is “an
21 obligation to perform a specific act in a manner prescribed by law whenever a given state of facts
22 exists, without regard to any personal judgment as to the propriety of the act.” (*People v.*
23 *Picklesimer* (2010) 48 Cal.4th 330, 340.) A writ may lie “against a county, city, or other public
24 body or against a public officer.” (*Venice Town Council v. City of Los Angeles* (1996) 47
25 Cal.App.4th 1547, 1558, citing *Housing Auth. v. City of Los Angeles* (1952) 38 Cal.2d 853, 869-
26 71.)

27 _____
28 ⁴ See <https://tinyurl.com/3uuhweym>, last viewed January 16, 2025.

1 Furthermore, Code of Civil Procedure Section 1060 authorizes this court to declare
2 Respondents' obligations under state law. That provision states that "[a]ny person . . . who
3 desires a declaration of his or her rights or duties with respect to another . . . may, in cases of
4 actual controversy relating to the legal rights and duties of the respective parties, bring an original
5 action [] in the superior court" to obtain that declaration from the court. (Code Civ. Proc.,
6 § 1060.)

7 ARGUMENT

8 I. RESPONDENTS LACKED CONSTITUTIONAL AUTHORITY TO ENACT MEASURE A

9 The California Constitution "allows cities and counties to enact and enforce local
10 ordinances so long as they are 'not in conflict' with the state's 'general laws'." (*O'Connell v.*
11 *City of Stockton* (2007) 41 Cal.4th 1061, 1065, citing Cal. Const., art. XI, § 7.) Under the state
12 Constitution, the laws of charter counties may supersede state law with respect to some subjects
13 specifically delegated to those counties by the Constitution, but in all other matters state law
14 prevails. (Cal. Const., art. XI, § 4; *Younger v. Bd. of Supervisors* (1979) 93 Cal.App.3d 864, 870
15 (*Younger*)). "It is elementary law that a charter provision relating to county officials is valid only
16 if authorized by the state Constitution." (*Younger, supra*, at p. 870, quoting *Galli v. Brown*
17 (1952) 110 Cal.App.2d 764, 777.) "Since counties constitute merely political subdivisions of the
18 state, they have independently only such legislative authority that has been expressly conferred by
19 the Constitution and laws of the state." (*Ibid.*, citations omitted.) "If the latter sources are silent
20 in regard to the delegation of such authority, the authority must still rest with the Legislature."
21 (*Ibid.*, citing *Simpson v. Payne* (1926) 76 Cal.App. 780, 785-86.)

22 While charter *cities* enjoy plenary authority as to certain matters deemed municipal affairs,
23 the grant of authority to charter *counties* is much narrower. (Cal. Const., art. XI, § 5; *State Bldg.*
24 *& Construction Trades Council of Cal. v. City of Vista* (2012) 54 Cal.4th 547, 552 (*Vista*)).
25 Indeed, the California Constitution does not contain a "corresponding grant of authority and
26 autonomy over the 'county affairs' of charter counties." (*Dibb v. County of San Diego* (1994) 8
27 Cal.4th 1200, 1207.) When there is a conflict between a charter county provision and state law,
28 courts "do not look to the Constitution to determine whether the legislature is authorized to do an

1 act, but only to see if it is prohibited.” (*County of Riverside v. Super. Ct.* (2003) 30 Cal.4th 278,
2 284 (*County of Riverside*), quoting *Methodist Hosp. of Sacramento v. Saylor* (1971) 5 Cal.3d 685,
3 691.) Moreover, “[i]f there is any doubt as to the Legislature’s power to act in any given case, the
4 doubt should be resolved in favor of the Legislature’s action.” (*Ibid.*)

5 Accordingly, Fresno’s status as a charter county does not relieve Respondents of the
6 obligation to effectuate state law, including laws specifying the timing of elections. (See Cal.
7 Const., art. XI, § 4, subd.(g); cf. *Vagim v. Bd. of Supervisors of Fresno County* (1964) 230
8 Cal.App.2d 286, 290 [observing that Fresno County was merely a subdivision of the State, and
9 the Legislature “has the inherent power to prescribe the powers, duties and obligations of such a
10 subdivision in exercising governmental functions on behalf of the state”].) Here, Respondents
11 cannot establish that the Constitution authorizes the county to resist legislative action relating to
12 the timing of elections for district attorney and sheriff. Nothing in the Constitution expressly
13 grants charter counties the right to control such matters. (Cal. Const., art. XI, § 4.) Indeed,
14 Respondents have never held elections for those offices in contravention of state law. (Res. 23-
15 286, p. 2 [implicitly acknowledging that the Fresno County Charter did not previously address the
16 timing of elections for sheriff and district attorney].) Respondents’ attempt to claim such a power
17 thus fails. (*Younger, supra*, 93 Cal.App.3d at p. 870.)

18 Respondents may argue that the word “terms” in Article XI, section 4, subdivision (c) of
19 the California Constitution allows a charter county to choose when to hold an election for district
20 attorney and sheriff. But *Younger* forecloses this argument. There, the Attorney General and the
21 San Diego County District Attorney sued the San Diego Board of Supervisors for approving a
22 voter initiative that had enacted a term limits restriction on elected county officials, including
23 district attorney and sheriff. (*Younger, supra*, 93 Cal.App.3d at p. 867.) The Board argued that
24 the intent of the California Constitution’s county charter provisions was to allow county charters
25 to contain any provision ““which relates to county self-government and which is not prohibited by
26 the California Constitution or which is not a matter of statewide concern where the state has
27 occupied the field.”” (*Id.* at p. 869.) The court disagreed, holding the term limits initiative
28 unconstitutional because the California Constitution did not provide charter counties broad

1 authority to enact restrictions on an elected official’s qualifications or tenure. (*Id.* at p. 872.)
2 Because the California Constitution includes provisions expressly granting a charter county the
3 authority to dictate the qualifications and tenure of non-elected employees but does not include
4 similar provisions about elected officers, the court concluded that the Board’s attempt to restrict
5 the qualifications and tenure of the elected officials exceeded the constitutional scope of authority
6 granted to charter counties. (*Id.* at p. 872-73.)

7 Here, as in *Younger*, the California Constitution does not expressly address the subject of
8 the voter initiative at issue. While a county charter can provide for the “terms” of the offices of
9 district attorney and sheriff, Article XI, section 4, subdivision (c) defines “terms” narrowly as
10 “the prescribed period for which an officer has been elected and may serve. . . .” (*Id.* at p. 872.)
11 Thus, Fresno County can establish the period a sheriff or district attorney may serve in office, but
12 it lacks constitutional authority to hold an election for those offices at a time that conflicts with
13 requirements under state law. (See *Younger, supra*, 93 Cal.App.3d at p. 872-873.)⁵

14 **II. MEASURE A IS PREEMPTED BY AB 759 BECAUSE ELECTION TIMING IS A MATTER** 15 **OF STATEWIDE CONCERN**

16 Even if Measure A were validly enacted, it would still be preempted because AB 759
17 addresses a matter of statewide concern and is narrowly tailored to achieve its purpose. A charter
18 provision expressly authorized by the state Constitution prevails over contrary state laws “only to
19 the extent it is not limited by the Constitution.” (*Younger, supra*, 93 Cal.App.3d at p. 870, citing
20 *Wilkinson v. Lund* (1929) 102 Cal.App. 767, 770.) Indeed, “charter provisions cannot control in
21 matters of statewide concern where the state has occupied the field.” (*Wilson v. Beville* (1957) 47
22 Cal.2d 852, 859.)

23 The preemption analysis for charter counties resembles the four-step analytical framework
24 set forth by the California Supreme Court for resolving whether a charter city’s law may be
25 preempted by a state statute, with a significant exception. (See *Jauregui v. City of Palmdale*
26 (2014) 226 Cal.App.4th 781, 795 (*Jauregui*); see also *Yumori-Kaku v. City of Santa Clara* (2020)

27 ⁵ Any contrary argument is belied by the fact that Fresno’s charter was silent on the timing
28 of those elections before Measure A’s enactment. (Res. 23-286, p. 2.)

1 59 Cal.App.5th 385, 430.) When evaluating a charter *city*'s law, the court must first consider
2 whether the city ordinance at issue regulates an activity that can be characterized as a "municipal
3 affair." (*Vista, supra*, 54 Cal.4th at p. 556, citing *Cal. Federal Savings & Loan Assoc. v. City of*
4 *Los Angeles* (1991) 54 Cal.3d 1, 16 (*Cal. Federal Savings & Loan*.) While the California
5 Constitution grants charter *cities* certain authority over "municipal affairs," there is no
6 corresponding grant of authority to charter *counties*. (*San Bernardino County Bd. of Supervisors*
7 *v. Monell* (2023) 91 Cal.App.5th 1248, fn. 6.) This step is thus not applicable to the preemption
8 analysis for charter counties such as Fresno. (See *Younger, supra*, 93 Cal.App.3d at p. 870.)

9 Instead, the preemption analysis for charter counties begins at the second step—whether
10 there is an actual conflict between the local and state law. (*Vista, supra*, 54 Cal.4th at p. 556.)
11 Assuming there is a conflict between two validly enacted provisions, the next step is whether the
12 state law addresses a matter of "statewide concern." (*Vista, supra*, 54 Cal.4th at p. 556, citing
13 *Cal. Federal Savings & Loan, supra*, 54 Cal.3d at p. 17.) The last step is whether the state law is
14 reasonably related to the resolution of that statewide concern and "'narrowly tailored' to avoid
15 unnecessary interference in local governance." (*Vista, supra*, 54 Cal.4th at p. 556, citing *Cal*
16 *Federal Savings & Loan, supra*, at p. 24.) Accordingly, the Legislature may regulate a matter of
17 statewide concern even if the challenged law impinges to a limited extent on powers the
18 California Constitution reserves for counties. (*County of Riverside, supra*, 30 Cal.4th at p. 287.)

19 Applying that framework here, AB 759 easily clears the modest bar of addressing a matter
20 of statewide concern. To start, AB 759 regulates *all* counties, regardless of charter status,
21 provided the county charter did not previously specify the timing of elections for district attorney
22 and sheriff. (Elec. Code § 1300, subd. (c).) Courts have held that such laws of general
23 application are more likely to relate to a statewide concern. (See, e.g., *Vista, supra*, 54 Cal.4th at
24 p. 564.) In addition, AB 759's legislative purpose—to boost turnout in elections for district
25 attorney and sheriff, and thus ensure a more representative electorate—addresses a matter of
26 profound statewide concern.⁶ Legislative reports state that the Legislature's intent was broad—to

27 ⁶ Sen. Com. on Elec. and Const. Amendments, Analysis of Assem. Bill No. 759 (2021-
28 2022 Reg. Sess.) Sept. 8, 2021, p. 5. (See <https://tinyurl.com/2uhsu2sz>, last viewed January 16,
(continued...)

1 “remov[e] impediments to voter participation and... [e]nsur[e] . . . a larger and more inclusive
2 pool of voters.”⁷ This is the sort of matter of statewide concern that has been the subject of valid
3 exercises of legislative authority, even against challenges from charter *cities* with the plenary
4 power over municipal affairs that charter counties such as Fresno lack. (See, e.g., *Jauregui*,
5 *supra*, 226 Cal.App.4th at p. 795 [voter dilution of a protected class is a statewide concern
6 justifying legislative impingement]; *Yumori-Kaku v. City of Santa Clara, supra*, 59 Cal.App.5th
7 at p. 430 [charter city’s ability to control manner and method of electing officers did not override
8 application of state voting rights act].) For example, courts have recognized as “commonsense”
9 that the integrity of the electoral process, at both the state and local level, is a matter of statewide
10 concern. (*Jauregui, supra*, 226 Cal.App.4th at pp. 799, 801; see also *Johnson v. Bradley* (1992) 4
11 Cal.4th 389, 409 [agreeing with the Attorney General that the purity of the electoral process was a
12 matter of statewide concern].) Protecting such interests presents “a convincing basis for
13 legislative action originating in extramunicipal concerns, one justifying legislative supersession
14 based on sensible, pragmatic considerations.” (*Jauregui, supra*, 226 Cal.App.4th at p. 799, citing
15 *Cal. Federal Savings & Loan, supra*, 54 Cal.3d at p. 18.)

16 AB 759 is also narrowly tailored to achieve its ends. It regulates the elections of just two
17 county offices, and only in those general law counties or charter counties that did not previously
18 specify the timing of those elections. (Elec. Code § 1300, subd. (c).) Respondents cannot show
19 that AB 759—which merely requires an adjustment in the timing of one election cycle for district
20 attorney and sheriff—unnecessarily interferes with local governance. (*County of Riverside, supra*,
21 30 Cal.4th at p. 287.) Because AB 759 proposes a solution that is both reasonably related and
22 well suited to address the statewide concern of ensuring a representative electorate for important
23 local elections, it preempts Measure A.

24
25
26
27 (...continued)
2025.)

⁷ *Ibid.*

1 **III. THE COURT SHOULD ISSUE A WRIT OF MANDATE COMMANDING RESPONDENTS TO**
2 **HOLD ELECTIONS FOR DISTRICT ATTORNEY AND SHERIFF AT A TIME CONSISTENT**
3 **WITH STATE LAW**

4 The Attorney General and Secretary of State’s petition for writ of mandate meets all
5 elements required for a writ to issue here.

6 First, there is no “plain, speedy, and adequate remedy, in the ordinary course of law.”
7 (Code Civ. Proc., § 1086.) Because Respondents intend to take action that conflicts with AB
8 759’s requirements, Petitioners must obtain a writ to ensure that Respondents comply with state
9 law by holding county elections for district attorney and sheriff during the presidential election
10 cycle.

11 Second, Petitioners are “part[ies] beneficially interested” in the relief sought by this petition
12 for writ of mandate. (Code Civ. Proc., § 1086.) It is the Attorney General’s constitutional duty to
13 “see that the laws of the State are uniformly and adequately enforced.” (Cal. Const., art. V, § 13.)
14 In addition, whenever “in the opinion of the Attorney General any law of the State is not being
15 adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any
16 violations of law of which the superior court shall have jurisdiction. . . .” (*Ibid.*) Similarly, the
17 Secretary of State is California’s Chief Election Officer, and “shall see that elections are
18 efficiently conducted and that state election laws are enforced.” (Gov. Code, § 12172.5, subd.
19 (a).) If at any time the Secretary determines that election laws are not being followed, it may call
20 the violation to the attention of the Attorney General. (*Id.* at subd. (b).)

21 Third, Respondents have a “clear, present, and ministerial duty to act in a particular way.”
22 (*County of San Diego v. State, supra*, 164 Cal.App.4th at p. 593.) To be ministerial, the duty
23 must be an obligation to perform a specific act “without regard to any personal judgment”
24 whenever a given state of facts exists. (*People v. Picklesimer, supra*, 48 Cal.4th at p. 340.) AB
25 759 requires Respondents to hold future elections for the county offices of district attorney and
26 sheriff during the presidential election cycle. (Elec. Code § 1300, subd. (a)(1).) It is
27 Respondents’ ministerial duty under state law to do so.

28 Finally, there exists an active controversy regarding the rights and duties of the respective
parties as to the timing of elections for district attorney and sheriff in Fresno County. For the

1 reasons stated above, the Court should declare that Respondents have a duty to implement AB
2 759's requirements. (Code Civ. Proc., § 1060.) Injunctive relief is also proper when actions
3 concerning the constitutionality of statutes are brought against responsible agencies. (*Serrano v.*
4 *Priest* (1976) 18 Cal.3d 728, 752.)

5 Having met all requirements to obtain writ and declaratory relief, Petitioners request that
6 the court issue a writ of mandate and enter judgment in favor of Petitioners.

7 **CONCLUSION**

8 Petitioners respectfully request that the Court issue a writ of mandate invalidating Measure
9 A and its amendment to Section 15 of the Fresno County Charter and directing Respondents to
10 cease implementation or enforcement of those provisions; a permanent injunction barring
11 Respondents from implementing or enforcing those provisions; and a declaration that those
12 provisions are preempted by and violate California law.

13
14 Dated: January 17, 2025

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 R. MATTHEW WISE
Supervising Deputy Attorney General

18
19 /s/ S. Clinton Woods
20 S. CLINTON WOODS
21 Deputy Attorney General
22 *Attorneys for the People of the State of*
23 *California, ex rel. Rob Bonta, Attorney*
24 *General of the State of California, and Dr.*
25 *Shirley N. Weber, in her official capacity*
26 *as California Secretary of State*
27
28

DECLARATION OF SERVICE BY ELECTRONIC MAIL

Case Name: *The People of the State of California v. County of Fresno*
Case No.: **24CECG03179**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On January 17, 2025, I served the attached:

- 1. PETITIONERS' OPENING BRIEF IN SUPPORT OF PETITION FOR WRIT OF MANDATE**
- 2. REQUEST FOR JUDICIAL NOTICE ISO PETITIONERS' OPENING BRIEF ISO PETITION FOR WRIT OF MANDATE**
- 3. [PROPOSED] ORDER GRANTING PETITIONERS' REQUEST FOR JUDICIAL NOTICE**

by transmitting a true copy via electronic mail, addressed as follows:

Peter J. Wall
Chief Deputy County Counsel
OFFICE OF THE FRESNO COUNTY COUNSEL
E-Mail: pwall@fresnocountyca.gov

*Attorneys for Respondents County of Fresno
and James Kus in his official capacity*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 17, 2025, at San Francisco, California.

M. Mendiola
Declarant

M. Mendiola
Signature