SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS

Senator Scott Wiener, Chair
2025 - 2026 Regular

Bill No:	AB 1923	**Hearing Date:**	8/5/26
Author:	Soria		
Version:	8/3/26		
Urgency:	Yes	**Fiscal:**	No
Consultant:	Carrie Cornwell		

Subject: Local ballot measures: County of Fresno.

DIGEST

This bill directs the board of supervisors to place an initiative on the November 3, 2026 general election ballot in Fresno County to extend for 30 years, and adopt a new spending plan for, the local county transportation sales tax.

ANALYSIS

Existing law:

1) Permits, pursuant to the California Constitution, initiative powers to be exercised by the electors of each city or county under procedures provided by the Legislature.

2) Allows the electors of any county, pursuant to state statute, to propose an ordinance to the county board of supervisors by submitting an initiative petition containing signatures of registered voters in the county equal to ten percent of the number of votes cast in the last gubernatorial election.

3) Requires the board of supervisors to either adopt the ordinance or submit it to the voters at the next statewide election occurring not less than 88 days later. (If the ordinance imposes a tax, then it must go before the voters, as the board of supervisors may not impose a tax under the California Constitution.)

4) Permits the board of supervisors, prior to taking either action in 3) in existing law, to refer the initiative to a county agency or agencies for up to 30 days to report on the fiscal, land use, infrastructure funding, business attraction and retention, or specified other impacts of the initiative.

5) Prohibits a local government from imposing, extending, or increasing any tax, unless it is submitted to the electorate. General taxes must pass by a majority vote and special taxes by a two-thirds vote for the initiative to succeed in imposing the tax.

This bill:

1) Requires any initiative petition the Fresno County Registrar of Voters (ROV) certified as sufficient on or before July 8, 2026, to be submitted without alteration to the voters at the November 3, 2026 statewide general election.

2) Directs the Fresno County Board of Supervisors and the Fresno County ROV to perform all acts required to place any such qualified initiative on the ballot.

3) Finds and declares this special statute is necessary because of the unique fiscal circumstances facing the County of Fresno arising from the expiration of its local transportation tax.

4) Contains an urgency clause.

BACKGROUND

Since 1987, Fresno County has had a local sales tax dedicated to funding transportation improvements. "Measure C," the 1986 ballot measure that created the sales tax, was originally approved for 20 years and then was reauthorized by voters in 2006. The approval for the half-cent of sales tax dedicated to transportation purposes expires in June 2027.

The Fresno Council of Governments tried to find community consensus on a plan to extend the tax but failed. This led to an initiative to extend the transportation sales tax increment but with a new spending plan. The initiative spending plan dedicates 25 percent of the revenue to transit and 65 percent to local road repair. The remainder goes to regional connectivity, innovation, and administration. This spending plan generated local disagreement over placing the measure on the ballot. The spending plan shifts the local sales tax revenues from a focus on freeways, highways, and roads to a focus on local road repair, transit, and routes for bicycles and pedestrians.

The citizens' initiative faced delays in qualifying for the ballot, but ultimately qualified on July 8, well ahead of the 88 days before the November election that state law requires. State law requires, however, that the Fresno County Board of Supervisors take action to place the initiative on the ballot. On July 14, the board met and had concerns about the new spending plan's impact on the county finances, infrastructure funding, and business climate. The board exercised its authority to request a 30-day study of these impacts. The time for this study extends past the 88^{th} day, thus pushing the initiative off of the November ballot and onto the March 2028 statewide ballot.

COMMENTS

1) Author's Statement. In 1986, Fresno County voters approved Measure C, a half-cent sales tax to fund transportation projects. Measure C has invested more than $2.1 billion into improvements to local roads, making local highways safer and more efficient, improving transportation services for rural communities and seniors, and more. After 40 years of supporting Fresno County Transportation infrastructure and services, authorization for Measure C will end unless it is renewed by a new voter approved initiative.

   To continue the benefits provided by Measure C, over 32,000 Fresno County residents signed petitions to qualify the Fresno County Transportation Improvement Act (FCTIA) initiative for the November 2026 ballot. Despite meeting the signature threshold, three county supervisors voted to delay the measure until March 2028 by ordering a 30-day study of the initiative instead of submitting it to voters for consideration. This procedural delay will likely cause the measure to miss the November ballot deadline by just one business day. This bill will prevent this misuse of Fresno County's authority from withholding this important initiative from the ballot.

2) Unprecedented Legislative Action. Committee staff is unaware of any other legislation that placed an item on a local ballot contravening the action of the county board of supervisors, as this bill would do. The bill makes a legislative finding that it is necessary as the existing transportation sales tax will expire in 2027.

3) *Upland* and Proposition 43. In 2017, the California Supreme Court held in *California Cannabis Coalition v. City of Upland*, (3 Cal. 5th 1047), the requirement in Article XIIIC of the California Constitution that general taxes must be submitted to the electorate at a regularly scheduled general election, where members of the local governing board are subject to election, did not apply to taxes proposed by voter initiative. Groups seeking to impose special taxes by majority vote by initiative argued that, if the *Upland* Court held the general election requirement in the constitution did not apply to initiatives, then neither did the two-thirds vote requirement for special taxes in the same article of the constitution. According to the Senate Committee on Revenue and Taxation, at least seven such special taxes imposed by voters in various local agencies across the state have been approved by a majority vote, and no court thus far has invalidated them.

   ACA 22 (Wicks), Resolution Chapter 132, Statutes of 2026 placed Proposition 43 on the November 2026 general election ballot, and would, if passed by the voters, provide that beginning on January 1, 2027, no local government, including the electorate of a local government exercising the initiative power, may impose, extend, or increase any special tax, except as otherwise provided, unless and until that tax is submitted to the electorate and approved by a two-thirds vote.

4) Arguments in Support. A coalition of local community groups and labor unions write in support asserting the bill "would protect the democratic process and let the electorate determine if they want to vote to maintain a critical transportation funding source that will support safety, mobility, economic development, and neighborhood wellbeing." Specifically, supporters note:

   > Delaying the (initiative) measure with no successor in place will have significant negative impacts on cities and residents throughout the county. The health and safety of our residents will be at risk, as streets and roads will continue to deteriorate and needed safety improvements will be delayed. All jurisdictions, most critically for smaller cities, will lose critical local matching funds needed to compete for state and federal transportation grants. Jobs will be lost, and our economy will take a significant hit: an independent economic analysis concluded that the measure would create thousands of new jobs and generate billions more in labor income and substantial economic output over its 30-year life.

5) Arguments in Opposition. The Fresno County Board of Supervisors writes in opposition:

   > This measure is anti-process and sets a terrible precedent to circumvent local authority for the purpose of placing a specific item, which failed a random sample

initial signature review, on the November 2026 ballot. (This bill) also eliminates the request of a study called for by the Fresno County Board of Supervisors to review a tax that will generate over $7 billion of taxpayer dollars over the next 30 years.

The current process, followed by the Fresno County Board of Supervisors, ensures fair and open elections. Local decisions are best left to local elected officials, who answer to the constituents they represent. (This bill) circumvents local authority, handing that power to the State of California.

The Fresno-Madera-Tulare-Kings Building and Construction Trades Council opposes the bill, citing a lack of enforceable provisions in the initiative that guarantee the construction employment benefits initiative sponsors claim. The Building Trades Council states that voters, taxpayers, and workers deserve an independent assessment of those claims before being asked to approve a 30-year measure and urges allowing the county to complete its lawful 30-day review to promote the integrity of the electoral process.

PRIOR ACTION

Prior votes are not relevant.

POSITIONS

Sponsor: Author

Support: Luis Chavez, Fresno County Supervisor, District 3
Mayor Adam Flores-Cornejo, City of San Joaquin
Mayor Alma Beltran, City of Parlier
Mayor Freddy Valdez, City of Firebaugh
Mayor Gilbert Garcia, City of Orange Cove
Mayor Jerry Dyer, City of Fresno
Mayor Juan Mejia, City of Fowler
Mayor Maria Pacheco, City of Kerman
Mayor Nathan Vosburg, City of Coalinga
Mayor Rey León, City of Huron
Mayor Victor Martinez, City of Mendota
Mayor Vong Mouanoutoua, City of Clovis
California Conference of Carpenters
California Environmental Voters
California Faculty Association, Fresno Chapter
Central Labor Council, Fresno-Madera-Tulare-Kings Counties, AFL-CIO
Central Valley Community Foundation
Central Valley Partnership
Citizens Climate Lobby, Fresno Chapter
City of Fresno Professional Employees Association
Cultiva LA Salud
Every Neighborhood Partnership
Faith in the Valley

Familias En Accion
Fresno Building Healthy Communities
Fresno State Center for Community Voices
Fresno Unified School District
Friends of Calwa
Highway City Community Development, INC.
Jakara Movement
Leadership Counsel for Justice and Accountability
League of Women Voters of Fresno
Live Again Fresno
Medical Advocates for Healthy Air
Mothers Helping Mothers
North Coast States Carpenters Union
Planned Parenthood Advocates Mar Monte
Regenerate California Innovation, INC.
Saint Rest Baptist Church of Fresno
SEIU 521
State Center Community College
SEIU California
State Center Federation of Teachers
Streets for All
The Children's Movement Fresno
Youth Leadership Institute
Several individuals

Oppose: Board of Directors of the Fresno Area Hispanic Foundation
Fresno County Board of Supervisors
Fresno-Madera-Tulare-Kings Building and Construction Trades Council
Howard Jarvis Taxpayers Association

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