File No. 111330

Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting **Date** _____

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Completed by: Linda Wong **Date** 1/23/12
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

FILE NO. 111330 (FIRST DRAFT)

[Charter Amendment - Consolidating Odd-Year Municipal Elections]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney and Sheriff; and to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 5, 2012, a proposal to amend the Charter of the City and County by amending Sections 2.101 and 13.101 and Article XVII to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~.

SEC. 2.101. TERM OF OFFICE.

Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue.

No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed*, elected, or any combination thereof* to the office of Supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a Supervisor, either by election or appointment, until at least four

years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

SEC. 13.101. TERMS OF ELECTIVE OFFICE.

(a) Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

(b) Subject to the applicable provisions of Section 13.102, the elected officers of the City and County shall be elected as follows:

(1) At the general municipal election in 1995 and every fourth year thereafter, a Mayor, a Sheriff and a District Attorney shall be elected.

(2) At the ~~*statewide*~~ general *municipal* election in 1996 and every fourth year thereafter, four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected.

(3) At the general municipal election in ~~*1997*~~ *2013, and at the general municipal election in 2015* and every fourth year thereafter, a City Attorney and a Treasurer shall be elected. *Notwithstanding any other provision of this Charter including section 6.100, the term of office for the person elected City Attorney or Treasurer at the general municipal election in 2013 shall be two years.*

(4) At the general municipal election in 2006 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

(5) At the ~~*statewide*~~ general *municipal* election in 1998 and every fourth year thereafter, three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected.

(6) The election and terms of office of members of the Board of Supervisors shall be governed by Section 13.110.

ARTICLE XVII

DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election *for local officials or measures* to be held in the City and County on the Tuesday immediately following the first Monday in November in ~~*odd-numbered years.*~~ *every year until and including 2015. Thereafter,*

"general municipal election" shall mean the election for local officials or measures to be held in the City and County on the Tuesday immediately following the first Monday in November in all even-numbered years and in every fourth year following 2015.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

"Notice" shall mean publication in an official newspaper (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

"One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall mean published in an official newspaper of the City and County.

"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

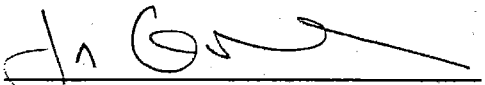
"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond

issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JON GIVNER
Deputy City Attorney

FILE NO. 111330

LEGISLATIVE DIGEST

[Charter Amendment - Consolidating Odd-Year Municipal Elections]

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney and Sheriff; and to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

Existing Law

The Mayor, Sheriff, District Attorney, City Attorney and Treasurer are elected at general municipal elections held every four years. The last election for Mayor, Sheriff and District Attorney was held in November 2011, and the next election for these offices will occur at the general municipal election in 2015. The last election for City Attorney and Treasurer was held in November 2009, and the next election for these offices will occur at the general municipal election in November 2013.

Members of the Board of Supervisors are elected in November of even-numbered years. Supervisors from odd-numbered districts will be elected in 2012 and every four years thereafter. Supervisors from even-numbered districts will be elected in 2014 and every four years thereafter.

A general municipal election is defined as the election held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

Amendments to Current Law

The proposed Charter Amendment would change the election cycle for the offices of City Attorney and Treasurer to require these offices to be elected in the same year as the Mayor, Sheriff and District Attorney. The Charter Amendment would provide that the persons elected as City Attorney and Treasurer in 2013 would serve a two-year term, and those offices would be on the ballot again for a four-year term at the general municipal election in November 2015, along with the offices of Mayor, Sheriff and District Attorney.

Beginning in 2015, the City would hold general municipal elections in November of every even-numbered year and November of every other odd-numbered year. There would be no general municipal election in the year 2017 and every fourth year thereafter.

The proposed Charter Amendment would also amend the definition of "general municipal election" to reflect this new election schedule and to include even-year elections for members

of the Board of Supervisors. The amended definition would state that general municipal elections occur on the Tuesday immediately following the first Monday in November in even-numbered years and every other odd-numbered year.

The proposed Charter Amendment would also clarify existing law on the term limits for members of the Board of Supervisors. The Charter Amendment would make explicit that service of more than two years of a four-year term is treated as a full four-year term for purposes of the Charter's term limit, whether the incumbent held office through appointment, election or any combination thereof. This clarifying language reflects the Court of Appeals' recent decision interpreting the City's Charter.