

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller

FROM: Victor Young, Assistant Clerk, Rules Committee  
Board of Supervisors

A handwritten signature in cursive script that reads "Victor Young".

DATE: February 3, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED  
June 7, 2022 Election

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The Board of Supervisors' Rules Committee amended the following Charter Amendment for the June 7, 2022, Election. This matter is being re-referred to you in accordance with Rules of Order 2.22.3.

### **File No. 211287 (ver3)**

**Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election; at an election to be held on June 7, 2022.**

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller  
Peg Stevenson, City Performance Director  
Natasha Mihal, City Services Auditor

1 [Charter Amendment -Timelines for Recall Process; Filling Vacancies in Elected Offices]

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3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**  
4 **2022, to amend the Charter of the City and County of San Francisco to extend the ban on**  
5 **the initiation of recall petitions from six to twelve months after the official has assumed**  
6 **office; prohibit the submission of a recall petition to the Department of Elections, if the**  
7 **subsequent recall election would be required to be held within twelve months of a regularly**  
8 **scheduled election for the office held by the official sought to be recalled; and provide that**  
9 **any interim officer appointed to fill a vacancy created by a recall election, held on or after**  
10 **June 7, 2022, may not be a candidate in the subsequent vacancy election.**

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12 The Board of Supervisors hereby submits to the qualified voters of the City and County,  
13 at an election to be held on June 7, 2022, a proposal to amend the Charter of the City and County  
14 by revising Sections 13.101.5 and 14.103, to read as follows:

15 NOTE: **Unchanged Charter text and uncodified text** are in plain font.  
16 **Additions** are *single-underline italics Times New Roman font*.  
17 **Deletions** are ~~*strike-through italics Times New Roman font*~~.  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Charter  
19 subsections.

20 **SEC. 13.101.5. VACANCIES.**

21 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,  
22 Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing  
23 Board of the Community College District becomes vacant because of death, resignation, ~~recall~~,  
24 permanent disability, or the inability of the respective officer to otherwise carry out the  
25 responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy  
under this Charter and state laws.

1           (b) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,  
2 Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing  
3 Board of the Community College District becomes vacant because of recall, the Mayor shall  
4 appoint an individual qualified to fill the vacancy under this Charter and state laws to serve as  
5 an interim officer. The interim officer shall carry out the responsibilities of the vacated office  
6 and serve until a successor is elected pursuant to subsection (e). No person appointed as an  
7 interim officer may be a candidate in the following election held to fill the vacancy. This  
8 subsection (b) shall apply to any vacancy created due to a recall election held on or after June 7,  
9 2022.

10           ~~(b)~~ (c) If the Office of Mayor becomes vacant because of death, resignation, ~~recall,~~  
11 permanent disability or the inability to carry out the responsibilities of the office, the President of  
12 the Board of Supervisors shall become Acting Mayor and shall serve until the Board of  
13 Supervisors appoints a successor ~~is appointed by the Board of Supervisors.~~

14           (d) If the Office of Mayor becomes vacant because of recall, the President of the Board  
15 of Supervisors shall become Acting Mayor and shall serve until the Board of Supervisors  
16 appoints an interim Mayor. The interim Mayor shall carry out the responsibilities of the vacated  
17 office and serve until a successor is elected pursuant to subsection (e). No person appointed as  
18 an interim Mayor may be a candidate in the following election held to fill the vacancy.

19           ~~(e)~~ (e) Any person filling a vacancy pursuant to subsection (a), ~~(b), (c), or (d)~~ ~~or (b)~~ of  
20 this Section 13.101.5 shall serve until a successor is selected at the next election occurring not  
21 less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired  
22 term, provided that (1) if an election for the vacated office is scheduled to occur less than one  
23 year after the vacancy, the appointee shall serve until a successor is selected at that election or  
24 (2) if an election for any seat on the same board as the vacated seat is scheduled to occur less  
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1 than one year but at least 120 days after the vacancy, the appointee shall serve until a successor  
2 is selected at that election to fill the unexpired term.

3 ~~(d) If no candidate receives a majority of the votes cast at an election to fill a vacated  
4 office, the two candidates receiving the most votes shall qualify to have their names placed on  
5 the ballot for a municipal runoff election at the next regular or otherwise scheduled election  
6 occurring not less than five weeks later. If an instant runoff election process is enacted for the  
7 offices enumerated in this Section, that process shall apply to any election required by this  
8 Section.~~

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10 **SEC. 14.103. RECALL.**

11 (a) An elected official of the City and County, the City Administrator, the Controller, or  
12 any member of the Airports Commission, the Board of Education, the Governing Board of the  
13 Community College District, the Ethics Commission, or the Public Utilities Commission may be  
14 recalled by the voters as provided by this Charter and by the laws of the State of California,  
15 except that:

16 (1) no recall petitions shall be initiated with respect to any officer who has held  
17 office for less than ~~six~~ 12 months; and

18 (2) no recall petition shall be submitted to the Director of Elections within 18  
19 months before a regularly scheduled election for the office held by the elected official sought to  
20 be recalled, in order to ensure that no recall election may be held, pursuant to subsection (b),  
21 within 12 months of that regularly scheduled election.

22 (b) Upon certifying the sufficiency of the recall petition's signatures, the Director of  
23 Elections shall immediately call a special municipal election on the recall, to be held not less  
24 than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a  
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1 general municipal or statewide election, in which event the recall *election shall be consolidated*  
2 *with shall be submitted at* such general municipal or statewide election.

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4 APPROVED AS TO FORM:  
5 DAVID CHIU, City Attorney

6 By: */s/ Andrew Shen*  
7 ANDREW SHEN  
8 Deputy City Attorney

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