

1 [Charter Amendment - Democratic Special Elections to Fill Vacancies in City Elected Offices
2 and Appointments to Fill Vacancies on the School Board and Community College District
3 Board]

4 **Describing and setting forth a proposal to the voters at an election to be held on November**
5 **4, 2014 to amend the Charter of the City and County of San Francisco to require the**
6 **Department of Elections to call a special election when there is a vacancy in the office of**
7 **Mayor, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff,**
8 **Treasurer, or Member of the Board of Supervisors, unless a general municipal election for**
9 **the vacated seat is regularly scheduled to be held less than a year after the vacancy; and to**
10 **authorize the Board of Education and the Governing Board of the Community College**
11 **District to make appointments to fill vacancies on their respective boards to serve until a**
12 **successor is elected at a regularly scheduled election.**

13
14 The Board of Supervisors hereby submits to the qualified voters of the City and County,
15 at an election to be held on November 4, 2014, a proposal to amend the Charter of the City and
16 County by revising Sections 3.100 and 13.101.5 and Article XVII, to read as follows:

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

22 **SEC. 3.100. POWERS AND RESPONSIBILITIES.**

23 The Mayor shall be the chief executive officer and the official representative of the City
24 and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire
25 time and attention to the duties of the office, and shall not devote time or attention to any other

1 occupation or business activity. The Mayor shall enforce all laws relating to the City and County,
2 and accept service of process on its behalf.

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4 The Mayor shall have the power to:

5 * * * *

6 ~~15. Make an appointment to fill any vacancy in an elective office of the City and County~~
7 ~~until a successor shall have been elected;~~

8 ~~16~~15. Subject to the provisions of Charter Section 2.113, submit to the voters a
9 declaration of policy or ordinance on any matter on which the Board of Supervisors is
10 empowered to pass;

11 ~~17~~16. Have and exercise such other powers as are provided by this Charter or by law for
12 the chief executive officer of a City and County;

13 ~~18~~17. Unless otherwise specifically provided, make appointments to boards and
14 commissions which shall be effective immediately and remain so, unless rejected by a two-thirds
15 vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment.
16 The Notice of Appointment shall include the appointee's qualifications to serve and a statement
17 how the appointment represents the communities of interest, neighborhoods and diverse
18 populations of the City and County;

19 ~~19~~18. Appoint department heads subject to the provisions of this Charter; and

20 ~~20~~19. Prepare and submit schedule of rates, fees and other similar charges to the Board
21 of Supervisors.

22
23 **SEC. 13.101.5. VACANCIES.**

24 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public
25 Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, ~~Board of Education or~~

1 ~~Governing Board of the Community College District~~ becomes vacant because of death,
2 resignation, recall, permanent disability, or the inability of the respective officer to otherwise
3 carry out the responsibilities of the office, the office shall remain vacant until a successor is
4 elected as provided in this Section. ~~Mayor shall appoint an individual qualified to fill the~~
5 ~~vacancy under this Charter and state laws.~~

6 (b) If the Office of Mayor becomes vacant because of death, resignation, recall,
7 permanent disability or the inability to carry out the responsibilities of the office, the President of
8 the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected
9 as provided in this Section. ~~until a successor is appointed by the Board of Supervisors.~~

10 ~~(c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall~~
11 ~~serve until a successor is selected at the next election occurring not less than 120 days after the~~
12 ~~vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an~~
13 ~~election for the vacated office is scheduled to occur less than one year after the vacancy, the~~
14 ~~appointee shall serve until a successor is selected at that election or (2) if an election for any~~
15 ~~seat on the same board as the vacated seat is scheduled to occur less than one year but at least~~
16 ~~120 days after the vacancy, the appointee shall serve until a successor is selected at that election~~
17 ~~to fill the unexpired term.~~

18 (c) If an office becomes vacant as provided in subsection (a) or (b), within 14 days of the
19 vacancy the Director of Elections shall call a special municipal election to fill the vacancy.

20 (1) The special municipal election required by this Subsection (c) shall be held
21 not less than 105 days nor more than 120 days from the date of its calling, unless the date of the
22 special municipal election is within 105 days of a general municipal or statewide election, in
23 which event the special municipal election shall be consolidated with the general municipal or
24 statewide election.

1 (2) Notwithstanding Subsection (c)(1), if an election for the vacated office is
2 scheduled to occur less than one year after the vacancy, no special municipal election shall be
3 held, and a successor to that office shall be elected at that general municipal election.

4 (d) When the office of Member of the Board of Supervisors becomes vacant, the Clerk of
5 the Board of Supervisors shall designate and supervise staff responsible for making reasonable
6 efforts to respond to inquiries from members of the public in the supervisorial district as to
7 which the office is vacant, to keep residents and community organizations in the district apprised
8 of City business related to that district, and to keep a district office open in City Hall on average
9 at least 20 hours a week, until a successor is elected. In calculating the number of votes
10 required for any act by the Board of Supervisors while the office is vacant, the Board of
11 Supervisors shall be counted as having eleven members, notwithstanding the vacancy in the
12 office.

13 (e) If the office of Member of the Board of Education or Governing Board of the
14 Community College District becomes vacant because of death, resignation, recall, permanent
15 disability, or the inability of the respective officer to otherwise carry out the responsibilities of
16 the office, the board on which the vacancy occurs shall appoint an individual qualified to fill the
17 vacancy under this Charter and state laws. Any person filling a vacancy pursuant to this
18 subsection (e) shall serve until a successor is selected at the next election occurring not less than
19 120 days after the vacancy, at which time an election shall be held to fill the unexpired term,
20 provided that (1) if an election for the vacated office is scheduled to occur less than one year
21 after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if
22 an election for any seat on the same board as the vacated seat is scheduled to occur less than
23 one year but at least 120 days after the vacancy, the appointee shall serve until a successor is
24 selected at that election to fill the unexpired term.

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APPROVED AS TO FORM:
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By: _____
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