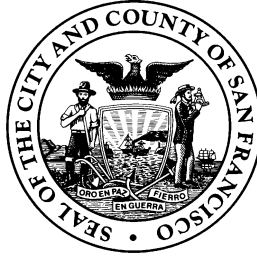


BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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: November 6, 2019

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.3.

File No. 191104

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that when the Mayor appoints a person to fill a vacancy in local elective office less than 90 days before a scheduled election for that office, the appointee may not be a candidate for the office at that election; at an election to be held on November 3, 2020.

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 - Appointments to Fill Vacancies in Elective Office]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **3, 2020, to amend the Charter of the City and County of San Francisco to provide that**
5 **when the Mayor appoints a person to fill a vacancy in local elective office less than 90 days**
6 **before a scheduled election for that office, the appointee may not be a candidate for the**
7 **office at that election.**

8
9 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of
11 the City and County by revising Section 13.101.5, to read as follows:

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

17 **SEC. 13.101.5. VACANCIES.**

18 (a) (1) If the office of Assessor-Recorder, City Attorney, District Attorney, Public
19 Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education, or
20 Governing Board of the Community College District becomes vacant because of death,
21 resignation, recall, permanent disability, or the inability *otherwise* of the respective officer to
22 ~~*otherwise*~~ carry out the responsibilities of the office, the Mayor shall appoint an individual
23 qualified to fill the vacancy under this Charter and state laws.

24 (2) *If an election for the vacated office is scheduled to occur less than 90 days*
after the date of the vacancy:

25 (A) *the Mayor may not appoint a person under subsection (a)(1) if that*
person is a candidate for the office at that election, and

1 (B) if at the time of appointment under subsection (a)(1) the appointed
2 person is not a candidate for the office at that election, the appointed person may not
3 subsequently become a candidate for the office at that election.

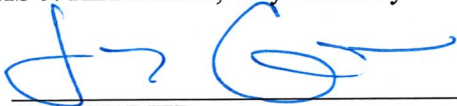
4 (b) If the Office of Mayor becomes vacant because of death, resignation, recall,
5 permanent disability, or the inability *otherwise* to carry out the responsibilities of the office, the
6 President of the Board of Supervisors shall become Acting Mayor and shall serve until a
7 successor is appointed by the Board of Supervisors.

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

17 ~~(d) If no candidate receives a majority of the votes cast at an election to fill a vacated~~
18 ~~office, the two candidates receiving the most votes shall qualify to have their names placed on~~
19 ~~the ballot for a municipal runoff election at the next regular or otherwise scheduled election~~
20 ~~occurring not less than five weeks later. If an instant runoff election process is enacted for the~~
21
22
23
24
25

1 ~~offices enumerated in this Section, that process shall apply to any election required by this~~
2 ~~Section.~~

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 JON GIVNER
8 Deputy City Attorney

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
n:\egana\as2019\2000141\01402573.docx