

[Charter Amendment – Allowing Amendments to or Repeals of Initiative Ordinances and Declarations of Policy Approved by the Voters on or after November 1, 2011]

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 Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy approved by the voters on or after November 1, 2011.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2011, a proposal to amend the Charter of the City and County by amending Section 14.101 to read as follows:

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

Section 1. Findings.

1. For years, members of the Board of Supervisors and the Mayor have placed initiative ordinances and declarations of policy ("initiatives") on the ballot for the voters' consideration.
2. In addition, private individuals may draft and qualify initiatives for placement on the ballot without any substantive involvement from the City.
3. These initiatives often address some of the most complex policy issues facing the City.
4. Collectively, these processes regularly place numerous initiatives before the voters in City elections.
5. Unless a voter-approved initiative provides otherwise, only the voters may repeal or make any changes to it. This cumbersome system only encourages more and more initiatives to address technical glitches, unforeseen consequences, and changed circumstances that clearly

warrant amendments. This process also prevents the repeal of initiatives that may have long outlived their original aims and purposes.

Section 2. The San Francisco Charter is hereby amended by amending Section 14.101 to read as follows:

SEC. 14.101. INITIATIVES; AMENDMENT AND REPEAL.

(a) Voter-proposed initiative ordinances and declarations of policy ("voter-proposed initiatives"). The voters may propose An initiative may be proposed by presenting to the Director of Elections an initiative petition containing the signatures of voters initiative and signed by voters in a number equal in number to at least five percent of the votes cast for all candidates for mMayor in the last preceding general municipal election for Mayor. Upon certification of the sufficiency of a petition's signatures, the Director of Elections shall submit Ssuch initiative shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the Director of Elections executes the certificate of sufficiency ~~executed by the Director of Elections~~, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the initiative petition contains ~~ing~~ signatures of voters ~~the initiative is signed by voters~~ ~~in a number~~ equal in number to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the initiative shall be submitted at such general municipal or statewide election.

(b) Amendment or repeal of voter-proposed initiatives. No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide. Voter-proposed initiatives approved by the voters shall not be subject to veto, or to amendment or repeal except by the voters, unless such initiatives shall otherwise provide.

(c) Amendment or repeal of legislative initiatives. Under Sections 2.113 and 3.100(16), either a majority of the Board of Supervisors, four members of the Board of Supervisors or the Mayor may propose initiative ordinances or declarations of policy to the voters ("legislative initiatives"). Legislative initiatives approved by the voters shall not be subject to veto.

Legislative initiatives approved by the voters before November 1, 2011 shall not be subject to amendment or repeal except by the voters, unless such initiatives shall otherwise provide.

Legislative initiatives approved by the voters on or after November 1, 2011 shall be subject to amendment or repeal by the voters. Legislative initiatives approved by the voters on or after November 1, 2011 shall also be subject to amendment or repeal by the Board of Supervisors and the Mayor as follows:

(1) If the legislative initiative explicitly provides that it is subject to amendment or repeal in a more permissive manner than the procedure set forth in Subsection (2) below, it will be subject to amendment or repeal as provided.

(2) All legislative initiatives not described in Subsection (1) will be subject to amendment or repeal as follows:

(i) For three years after the initiative's effective date, the initiative shall not be subject to amendment or repeal except by the voters.

(ii) Thereafter, until seven years have elapsed after the initiative's effective date, the Board of Supervisors and the Mayor may amend or repeal the initiative by ordinance, provided

that the Board of Supervisors must approve the amendment or repeal by a two-thirds vote of all of its members.

(iii) After seven years have elapsed from the initiative's effective date, the Board of Supervisors and the Mayor may amend or repeal the initiative by ordinance.

(iv) Any amendments made under subsection (ii) or (iii) must further the purposes of the initiative, and any ordinance amending an initiative shall include findings identifying those purposes and stating how the amendments further the purposes of the initiative.

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

By: _____
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Deputy City Attorney