

LEGISLATIVE DIGEST

[Charter Amendment - Appointments to Fill Vacancies in Elective Office]

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, 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.

Existing Law

When the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer or a seat on the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of the death, resignation, recall, permanent disability, or the inability of the officer otherwise to carry out the responsibilities of the office, the Mayor has the authority to appoint a successor to fill the vacancy until an election is held.

In these circumstances, the City would hold an election to fill the vacated office during the following year or two. The Charter provides three possible deadlines for that election depending on the upcoming election schedule. First, if an election for the vacant office is scheduled to occur less than one year after the vacancy, then the voters would choose the successor at that election. Second, if an election for any other seat on the same board is scheduled to occur between 120 days and one year after the vacancy, then the voters would choose the successor at that election. Third, in any other case—for example, if the nearest election for the office or the board is less than 120 days away or more than one year away—then the voters would choose the successor at the next election, as long as that election is scheduled to occur at least 120 days after the vacancy.

Amendments to Current Law

The proposed Charter amendment would 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 the vacated office, the appointee cannot be a candidate for the office at that election.

The proposed Charter amendment would also make clarifying changes to reflect the City's use of ranked-choice voting rather than runoff elections, and to codify the Superior Court's decision in the 2018 case, Shanok v. Arntz, resolving an ambiguity in the language of Charter section 13.101.5(c).