

1 [Charter Amendment - Filling Supervisorial Vacancies Within 28 Days]

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3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**  
4 **2016, to amend the Charter of the City and County of San Francisco to require the Mayor**  
5 **to fill a supervisorial vacancy within 28 days.**

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7 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City  
8 and County, at an election to be held on June 7, 2016, a proposal to amend the Charter of the  
9 City and County by revising Section 13.101.5, to read as follows:

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

15 **SEC. 13.101.5. VACANCIES.**

16 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,  
17 Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing  
18 Board of the Community College District becomes vacant because of death, resignation, recall,  
19 permanent disability, or the inability of the respective officer to otherwise carry out the  
20 responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy  
21 under this Charter and state laws. The Mayor shall appoint an individual to fill a vacancy on the  
Board of Supervisors within 28 days of the date of the vacancy.

22 (b) If the Office of Mayor becomes vacant because of death, resignation, recall,  
23 permanent disability or the inability to carry out the responsibilities of the office, the President of  
24 the Board of Supervisors shall become Acting Mayor and shall serve until a successor is  
25 appointed by the Board of Supervisors.

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

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

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

17 By: \_\_\_\_\_  
18 ANDREW SHEN  
19 Deputy City Attorney

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