

LEGISLATIVE DIGEST
(Second Draft – 1/14/16)

[Charter Amendment - Filling Mayoral and Supervisorial Vacancies]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2016, to amend the Charter of the City and County of San Francisco to require the Department of Elections to hold a special election when there is a vacancy in the Office of Mayor or Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the President of the Board of Supervisors serves as Acting Mayor until an election is held to fill a mayoral vacancy; and provide that the Mayor shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election.

Existing Law

When a seat on the Board of Supervisors becomes vacant because of the death, resignation, recall, permanent disability, or the inability of the officer to otherwise 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. When the Office of Mayor becomes vacant, the President of the Board of Supervisors serves as Acting Mayor, and the Board of Supervisors may appoint a successor fill the vacancy until an election is held.

The Charter provides three possible dates for these vacancy elections 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 Board of Supervisors 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 of Supervisors 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

Under the proposed Charter amendment, when a vacancy occurs in the office of Mayor, the President of the Board of Supervisors would serve as the Acting Mayor until the City holds a special election to fill the vacancy. And when a seat on the Board of Supervisors becomes vacant, the Mayor would appoint an interim Supervisor to temporarily fill the vacant office, until the City holds a special election to permanently fill the vacancy. The Board of Supervisors would be required to make this appointment within 28 days of the date of the vacancy. The interim Supervisor would not be eligible to run for office in the special election held to

permanently fill the vacancy, but would be able to run in any subsequent election for the office.

The Director of Elections would call the date of these special elections within 14 days of a mayoral or supervisorial vacancy. Under this proposal, the Director of Elections would have to hold the special election on a Tuesday falling between 126 and 140 days from the date of its calling. But if a regularly scheduled election would occur within 180 days of the vacancy, the Director of Elections would consolidate the special election with the regularly scheduled election. However, the City may hold a special election more than 180 days from the date of the vacancy, for the purposes of consolidation with a regularly scheduled election, if (1) the Director of Elections submits such a request to the Board of Supervisors and (2) the Board of Supervisors and Mayor approve the request by resolution.

The proposal also specifies that any person elected to fill a vacancy shall take office when the Director of Elections has issued the certified statement of election results for that election.

If the special election is not consolidated with a regularly scheduled election, the Director of Elections may not place any ballot measure on the special election ballot.

Lastly, if either a mayoral or supervisorial vacancy occurs after the June 7, 2016 election but before the effective date of this Charter amendment, and the City filled the vacancy in accordance with the prior version of Charter, any such appointee would be required to leave office on the effective date of this Charter amendment. Such a vacancy would then be filled through the special election process set forth in this proposal.

Background Information

This legislative digest reflects amendments made by the Rules Committee on January 14, 2016. On that day, the Committee duplicated the original file and amended the original file to remove all changes to the regular Mayoral election process. The Committee further amended the proposed Charter amendment to give the Mayor authority to appoint the interim Supervisor in the event of a vacancy in a Supervisor's office.

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