

1 [Charter Amendment - Democratic Special Elections to Fill Mayoral and Board of Supervisors
2 Vacancies]

3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco to require the Department of Elections to hold a special election**
5 **when there is a vacancy in the office of Mayor or Member of the Board of Supervisors,**
6 **unless a regularly scheduled election will be held within 180 days of the vacancy; to provide**
7 **that the President of the Board of Supervisors serves as Acting Mayor until an election is**
8 **held to fill a mayoral vacancy; and to provide that the Mayor appoints an interim**
9 **Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with**
10 **the interim Supervisor being ineligible to compete in that election, at an election to be held**
11 **on November 4, 2014.**

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13 The Board of Supervisors hereby submits to the qualified voters of the City and County,
14 at an election to be held on November 4, 2014, a proposal to amend the Charter of the City and
15 County by revising Section 13.101.5 and Article XVII, to read as follows:

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

21 **SEC. 13.101.5. VACANCIES.**

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

1 (b) If the Office of Mayor becomes vacant because of death, resignation, recall,
2 permanent disability or the inability to carry out the responsibilities of the office, the President of
3 the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected
4 at a special municipal election as provided in subsection (e) of this Section~~appointed by the~~
5 ~~Board of Supervisors.~~

6 (c) If the office of Member of the Board of Supervisors becomes vacant because of
7 death, resignation, recall, permanent disability or the inability to carry out the responsibilities of
8 the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter
9 and state laws to serve as an interim Supervisor. The interim Supervisor shall serve until a
10 successor is elected at a special municipal election as provided in subsection (e) of this Section.
11 No person appointed as an interim Supervisor may file nomination papers for the following
12 election held to fill the vacancy.

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

21 (e) If the office of Mayor or Member of the Board of Supervisors becomes vacant as
22 provided in subsection (b) or (c) of this Section, the Director of Elections, within 14 days of the
23 vacancy, shall call a special municipal election to fill the vacancy. The special municipal
24 election shall be held on a Tuesday at least 126 days, but not more than 140 days, following the
25 date of its calling, except that if the next regularly scheduled statewide or municipal election will

1 occur within 180 days of the vacancy, the Director of Elections shall consolidate the special
2 municipal election to fill the vacancy with that regularly scheduled election. Notwithstanding
3 this provision, the special election may be held more than 180 days from the date of the vacancy,
4 for the purposes of consolidation with a regularly scheduled election, if (1) the Director of
5 Elections submits such a request to the Board of Supervisors and (2) the Board of Supervisors
6 and Mayor approve the request by resolution.

7 (f) The Director of Elections shall not include any measures or other contests on the
8 ballot for a special municipal election held pursuant to subsection (e), unless the special
9 municipal election is consolidated with a regularly scheduled election.

10 (g) If a vacancy in the office of Mayor or Member of the Board of Supervisors occurs
11 after November 4, 2014 but before the effective date of the Charter amendment amending this
12 Section at the November 4, 2014 election, and the vacancy is filled in accordance with the
13 Charter as operative at that time, the person appointed to fill the vacancy shall vacate the office
14 by operation of law on the effective date of the Charter amendment, and the vacancy shall then
15 be filled as provided in this Section. The City Attorney shall remove this subsection (g) from the
16 Charter by January 1, 2016.

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

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1 **ARTICLE XVII:**

2 **DEFINITIONS**

3 For all purposes of this Charter, the following terms shall have the meanings
4 specified below:

5 * * * *

6 "Special municipal election" shall mean, in addition to special elections otherwise
7 required by law, the election called by (1) the Director of Elections with respect to an
8 initiative, referendum, or recall, or to fill a vacancy in the office of Mayor or Member of the
9 Board of Supervisors, and (2) the Board of Supervisors with respect to bond issues,
10 election of an official not required to be elected at the general municipal election, or an
11 initiative or referendum.

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

16 By: _____
17 ANDREW SHEN
18 Deputy City Attorney

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