

File No. 110693

Committee Item No. \_\_\_\_\_

Board Item No. 47

### COMMITTEE/BOARD OF SUPERVISORS

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Date \_\_\_\_\_

Board of Supervisors Meeting

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- \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Linda Wong

Date 7/13/11

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[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 ~~m~~Mayor 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~~ Such 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

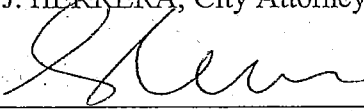
that the Board of Supervisors must approve the amendment or repeal by a two-thirds vote of all of its members.

(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:

  
\_\_\_\_\_  
ANDREW SHEN  
Deputy City Attorney

**LEGISLATIVE DIGEST**  
**(Second Draft)**

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

**A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 8, 2011, by amending Section 14.101 to allow amendments to or repeals of initiative ordinances and declarations of policy proposed by the Board of Supervisors or the Mayor.**

Existing Law

The Charter permits either the voters, the Board of Supervisors ("Board") or the Mayor to place an initiative ordinance or declaration of policy on the ballot. The voters may do so by collecting a sufficient number of signatures from voters registered in the City and County of San Francisco. Charter § 14.101. Board members may place an initiative ordinance or declaration of policy on the ballot by either a majority vote of the Board or with the approval of four of its members. Charter § 2.113(a). The Mayor may also independently place initiative ordinances and declarations of policy on the ballot. Charter § 3.100(16).

Once the voters have approved a measure, neither the Board nor the Mayor may amend or repeal it, unless the measure itself explicitly grants that authority. Charter § 14.101.

Amendments to Current Law

The proposal makes minor, non-substantive amendments to the Charter's provisions regarding initiatives placed on the ballot through the circulation of signature petitions. The proposal does not alter existing law; if the voters approve those measures, neither the Board nor the Mayor may later change or repeal them.

With respect to initiatives placed on the ballot by the Board or the Mayor, and approved by the voters on or after November 1, 2011, the proposed Charter Amendment would authorize the Board and the Mayor to amend or repeal them as follows:

- within three years of the initiative's effective date, the Board and Mayor may not amend or repeal the measure;
- after the first three years, and until seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the Board must first approve the amendments or the repeal by a two-thirds vote of the Board (*i.e.*, at least eight votes) before submitting the ordinance to the Mayor for the Mayor's approval; and
- after seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend or repeal the measure by ordinance, but the amendments or

repeal require a majority vote of the Board (*i.e.*, at least six votes) before submitting the ordinance to the Mayor for the Mayor's approval.

To amend any initiative under this scheme, the Board would be required to include in the ordinance findings establishing how the changes further the purposes of the initiative.

Background

On July 12, 2011, Supervisor Wiener duplicated file number 110401. The First Draft of this proposal is identical to the Third Draft of the Charter Amendment found in file number 110401. Under this Second Draft, the Board and Mayor may amend or repeal measures approved by the voters on or after November 1, 2011 instead of those proposals approved on or after January 1, 2012.

