

**LEGISLATIVE DIGEST**

[Charter Amendment - Democratic Special Elections to Fill Vacancies in City Elected Offices and Appointments to Fill Vacancies on the School Board and Community College District Board]

**Describing and setting forth a proposal to the voters at an election to be held on November 4, 2014 to amend the Charter of the City and County of San Francisco to require the Department of Elections to call a special election when there is a vacancy in the office of Mayor, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, unless a general municipal election for the vacated seat is regularly scheduled to be held less than a year after the vacancy; and to authorize the Board of Education and the Governing Board of the Community College District to make appointments to fill vacancies on their respective boards to serve until a successor is elected at a regularly scheduled 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 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.

In these circumstances, the City would hold an election to fill the vacated office for at an election 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

Under the proposed Charter amendment, the Mayor would not appoint a successor when a vacancy occurs in the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors. And the Board of Supervisors would not appoint a Mayor when a vacancy occurs in the office of Mayor, but the President of the Board would still serve as Acting Mayor. In any of those situations, the Director of Elections would schedule a special election for the vacated office.

The special election would occur between 105 and 120 days after the vacancy, but if a general election is scheduled to occur within 105 days of the proposed special election date, the Director of Elections would consolidate the special election with the scheduled general election. If the vacancy occurs with less than one year remaining before the regularly scheduled election for the office, the Director of Elections would not schedule a special election, and the voters would choose the successor at that regularly scheduled election.

When a seat on the Board of Supervisors is vacant, the Clerk of the Board of Supervisors would be responsible for designating staff responsible for responding to inquiries from members of the public in the supervisorial district, keeping residents and community organizations in the district apprised of City business, and keeping a district office open in City Hall on average at least 20 hours a week, until a successor is elected.

Under the proposed Charter amendment, the Mayor also would not appoint a successor when a vacancy occurs on the Board of Education or the Governing Board of the Community College District. Instead, the board on which such a vacancy occurs could appoint a person to fill the vacancy until a successor is elected at a subsequent election. The City would hold an election to fill the vacant seat according to the same schedule that applies under existing law. The City would not hold a special election to fill the seat.

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