

LEGISLATIVE DIGEST
(First Draft, dated April 5, 2011)

[Charter Amendment – Allowing Amendments to or Repeals of Initiatives]

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.

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 measures 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 proposed Charter Amendment would empower the Board and the Mayor to amend voter-approved initiative ordinances and declarations of policy through the City's legislative process as follows:

- within three years of the initiative's effective date, the Board and Mayor may not make any amendments;
- after the first three years, and until seven years have elapsed from the initiative's effective date, the Board and the Mayor may amend the measure by ordinance, but the Board must first approve those amendments 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 the measure by ordinance, but those amendments 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.

FILE NO.

The proposed Charter amendment would allow the Board and Mayor to *amend* but not *repeal* measures placed on the ballot by voter petitions. In contrast, it would authorize the Board and Mayor to amend *and* repeal initiatives placed on the ballot by a majority of the Board, four members of the Board, or the Mayor, subject to the procedural requirements and time limitations described above.

The proposed Charter amendment would apply to all ordinances and declarations of policy previously approved by the voters, including those adopted before November 8, 2011.