

[Retirement System benefits for domestic partners]

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 adding Section A8.500-3 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on March 2, 2004, a proposal to amend the Charter of the City and County by adding Section A8.500-3 to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

Section 1. Section A8.500-3 is hereby added to read as follows:

A8.500-3 DOMESTIC PARTNER QUALIFIED SURVIVOR BENEFITS

(a) The board of supervisors is authorized to enact, by a vote of three-fourths of its members, such ordinances as it deems necessary to provide that domestic partners shall be treated exactly the same as surviving spouses under the retirement system. In enacting any such legislation, the board of supervisors shall be guided by the following intention of the voters:

(1) With respect to the retirement system, domestic partnerships shall be treated exactly the same as marriages, domestic partners shall be treated exactly the same as spouses, termination of domestic partnerships shall be treated exactly the same as dissolution of marriages and surviving domestic partners shall be treated exactly the same as surviving spouses respectively.

SUPERVISORS TOM AMMIANO
AND BEVAN DUFTY
BOARD OF SUPERVISORS

(2) To be treated the same as surviving spouses, domestic partners must be registered or obtain a certificate or other official verification of their domestic partnership in a form that is equivalent to the records that the retirement system relies upon to verify marriages.

(3) Domestic partners who have formed their domestic partnership only by notarization of a declaration of Domestic Partnership as provided in Chapter 62 of the San Francisco Administrative Code shall not be recognized or treated as a domestic partnership for purposes under the retirement system unless and until the domestic partnership is registered or certified.

(4) Any such legislation shall be prospective only.

(b) This Charter provision is not self-executing. Until the board of supervisors has adopted legislation pursuant to subsection (a), above, the provisions of section A8.500-2 of this Charter and the provisions of Chapter 62 of the San Francisco Administrative Code shall continue to apply.

(c) The domestic partner benefits under this section will be subject to any limitations in the Internal Revenue Code as amended from time to time. No domestic partner benefits will be effective if they have an adverse impact on the tax qualified status of the retirement system under the Internal Revenue Code, as amended from time to time.

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

By: Draft @ 9/12/2003 11:16 AM
ATTORNEY'S NAME
Deputy City Attorney

SUPERVISORS TOM AMMIANO
AND BEVAN DUFTY
BOARD OF SUPERVISORS

SUPERVISORS TOM AMMIANO
AND BEVAN DUFTY
BOARD OF SUPERVISORS