

[Charter Amendment -Timelines for Recall Process; Filling Vacancies in Elected Offices]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any person appointed by the Mayor to fill any vacancy created by a recall may not be a candidate in the subsequent vacancy election.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 7, 2022, a proposal to amend the Charter of the City and County by revising Sections 13.101.5 and 14.103, to read as follows:

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

SEC. 13.101.5. VACANCIES.

(a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of death, 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 Assessor-Recorder, City Attorney, District Attorney, Public Defender,
2 Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing
3 Board of the Community College District becomes vacant because of recall, the Mayor shall
4 appoint an individual qualified to fill the vacancy under this Charter and state laws to serve as
5 an interim officer. The interim officer shall carry out the responsibilities of the vacated office
6 and serve until a successor is elected pursuant to subsection (d). No person appointed as an
7 interim officer may be a candidate in the following election held to fill the vacancy.

8 **(b) (c)** If the Office of Mayor becomes vacant because of death, resignation, recall,
9 permanent disability or the inability to carry out the responsibilities of the office, the President of
10 the Board of Supervisors shall become Acting Mayor and shall serve until a successor is
11 appointed by the Board of Supervisors.

12 **(e) (d)** Any person filling a vacancy pursuant to subsection (a), (b) or (c) ~~or (b)~~ of this
13 Section 13.101.5 shall serve until a successor is selected at the next election occurring not less
14 than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term,
15 provided that (1) if an election for the vacated office is scheduled to occur less than one year
16 after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if
17 an election for any seat on the same board as the vacated seat is scheduled to occur less than one
18 year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected
19 at that election to fill the unexpired term.

20 ~~(d) If no candidate receives a majority of the votes cast at an election to fill a vacated~~
21 ~~office, the two candidates receiving the most votes shall qualify to have their names placed on~~
22 ~~the ballot for a municipal runoff election at the next regular or otherwise scheduled election~~
23 ~~occurring not less than five weeks later. If an instant runoff election process is enacted for the~~
24 ~~offices enumerated in this Section, that process shall apply to any election required by this~~
25 ~~Section.~~

1
2 **SEC. 14.103. RECALL.**

3 (a) An elected official of the City and County, the City Administrator, the Controller, or
4 any member of the Airports Commission, the Board of Education, the Governing Board of the
5 Community College District, the Ethics Commission, or the Public Utilities Commission may be
6 recalled by the voters as provided by this Charter and by the laws of the State of California,
7 except that:

8 (1) no recall petitions shall be initiated with respect to any officer who has held
9 office for less than ~~six~~ 12 months; and

10 (2) no recall petition shall be submitted to the Director of Elections within 18
11 months before a regularly scheduled election for the office held by the elected official sought to
12 be recalled, in order to ensure that no recall election may be held, pursuant to subsection (b),
13 within 12 months of that regularly scheduled election.

14 (b) Upon certifying the sufficiency of the recall petition's signatures, the Director of
15 Elections shall immediately call a special municipal election on the recall, to be held not less
16 than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a
17 general municipal or statewide election, in which event the recall election shall be consolidated
18 with shall be submitted at such general municipal or statewide election.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ Andrew Shen
23 ANDREW SHEN
24 Deputy City Attorney

25
n:\legana\as2021\2200262\01578264.docx