

LEGISLATIVE DIGEST

(First Draft, 12/14/2021)

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

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 provide that vacancies on the Board of Supervisors, Board of Education, and governing body of the Community College District shall be filled by a majority of those boards' members rather than the Mayor; extend the ban on initiation of recall petitions from six to twelve months after the official has assumed office; and prohibit the submission of recall petitions within eighteen months of a regularly scheduled election for the office held by the official sought to be recalled.

Existing Law

1. Vacancy appointments

In the event of a vacancy in the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, or Treasurer, or Member of the Board of Supervisors, School Board or Governing Board of the Community College District, the Mayor is responsible for appointing a qualified individual to fill the vacant seat.

2. Recall process

Under Charter Section 14.103, no recall petition may be initiated against a local official, if that official has held office for less than six months. Also, under Elections Code 11007(c), no recall petition may be initiated against a local elected official, if that official's term of office would end within six months.

Amendments to Current Law

1. Vacancy appointments

Under the proposed Charter amendment, the Mayor would no longer make vacancy appointments for the Board of Supervisors, the School Board or Governing Board of the Community College District. Instead, those appointments would be made by a majority of the board's members that has the vacant seat (majority would be determined based on the number of seats on the board, rather than the number of seats actually occupied).

2. Recall process

The proposal would extend the period in which a recall petition could not be initiated during the beginning of an official's term of office, from the first six months to the first 12 months.

The proposed Charter amendment would also establish a deadline by which a recall petition must be submitted, in order to prevent a recall election from being held within 12 months of a regularly scheduled election for the office held by the official sought to be recalled.

In order to accommodate this limitation, the proposal would prohibit the submission of a recall petition within 18 months before a regularly scheduled election for the office held by the person sought to be recalled. This 18-month period incorporates the additional time necessary for the Department of Elections' review of recall petitions and calling of a recall election.

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