

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

# MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission  
Itzel Estrada, Youth Commission

FROM: Angela Calvillo, Clerk of the Board by *Victor Young*

DATE: December 21, 2021

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Youth Commission as per Charter, Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 211287**

**Charter Amendment (First Draft) 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; at an election to be held on June 7, 2022.**

Please return this cover sheet with the Commission's response to **Victor Young, Assistant Clerk, Rules Committee.**

\*\*\*\*\*

**RESPONSE FROM YOUTH COMMISSION**

**Date:** \_\_\_\_\_

\_\_\_\_\_ **No Comment**

\_\_\_\_\_ **Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Youth Commission**



# City and County of San Francisco

## Master Report

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 211287      **File Type:** Charter Amendment      **Status:** 30 Day Rule

**Enacted:** \_\_\_\_\_ **Effective:** \_\_\_\_\_

**Version:** 1      **In Control:** Rules Committee

**File Name:** Charter Amendment - Filling Vacancies in Elected Offices; Timelines for Recall Process      **Date Introduced:** 12/14/2021

**Requester:** \_\_\_\_\_ **Cost:** \_\_\_\_\_ **Final Action:** \_\_\_\_\_

**Comment:** \_\_\_\_\_ **Title:** Charter Amendment (First Draft) 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; at an election to be held on June 7, 2022.

**Sponsors:** Peskin; Walton, Ronen, Preston, Chan and Melgar

### History of Legislative File 211287

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	12/14/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	01/13/2022	

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

2  
3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**  
4 **2022, to amend the Charter of the City and County of San Francisco to provide that**  
5 **vacancies on the Board of Supervisors, Board of Education, and governing body of the**  
6 **Community College District shall be filled by a majority of those boards’ members rather**  
7 **than the Mayor; extend the ban on initiation of recall petitions from six to twelve months**  
8 **after the official has assumed office; and prohibit the submission of recall petitions within**  
9 **eighteen months of a regularly scheduled election for the office held by the official sought**  
10 **to be recalled.**

11  
12 The Board of Supervisors hereby submits to the qualified voters of the City and County,  
13 at an election to be held on June 7, 2022, a proposal to amend the Charter of the City and County  
14 by revising Sections 13.101.5 and 14.103, to read as follows:

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

18  
19 **SEC. 13.101.5. VACANCIES.**

20 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,  
21 Sheriff, or Treasurer, ~~or Member of the Board of Supervisors, Board of Education or Governing~~  
22 ~~Board of the Community College District~~ becomes vacant because of death, resignation, recall,  
23 permanent disability, or the inability of the respective officer to otherwise carry out the  
24 responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy  
25 under this Charter and state laws.

1           (b) If the office of Member of the Board of Supervisors, Board of Education, or  
2           Governing Board of the Community College District becomes vacant because of death,  
3           resignation, recall, permanent disability, or the inability of the respective officer to otherwise  
4           carry out the responsibilities of the office, the majority of the officer's board shall appoint an  
5           individual qualified to fill the vacancy under this Charter and state laws.

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

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

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

24 //

25 //

1           **SEC. 14.103. RECALL.**

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

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

9                   (2) no recall petition shall be submitted to the Director of Elections within 18  
10 months before a regularly scheduled election for the office held by the elected official sought to  
11 be recalled.

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

17  
18 APPROVED AS TO FORM:  
19 DAVID CHIU, City Attorney

20 By: /s/ Andrew Shen  
21       ANDREW SHEN  
22       Deputy City Attorney

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**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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**Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor  inquiries"
5. City Attorney Request.
6. Call File No.  from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

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.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only

**From:** [Shen, Andrew \(CAT\)](#)  
**To:** [Hepner, Lee \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [Angulo, Sunny \(BOS\)](#)  
**Subject:** RE: Peskin - Introduction Form - Recall Reform Charter Amendment  
**Date:** Tuesday, December 14, 2021 8:09:45 PM

---

BOS Legislation –

Confirming my approval as to form.

Thank you.

**Andrew Shen**

Deputy City Attorney  
Office of City Attorney David Chiu  
(415) 554-4780

[www.sfcityattorney.org](http://www.sfcityattorney.org)

**DURING COVID, PLEASE CONTACT ME THROUGH EMAIL.**

---

**From:** Hepner, Lee (BOS) <lee.hepner@sfgov.org>  
**Sent:** Tuesday, December 14, 2021 5:03 PM  
**To:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Shen, Andrew (CAT) <Andrew.Shen@sfcityatty.org>; Pearson, Anne (CAT) <Anne.Pearson@sfcityatty.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Ronen, Hillary (BOS) <hillary.ronen@sfgov.org>; Beinart, Amy (BOS) <amy.beinart@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>  
**Subject:** RE: Peskin - Introduction Form - Recall Reform Charter Amendment

Apologies – Introduction Form attached here.

-Lee

---

**From:** Hepner, Lee (BOS)  
**Sent:** Tuesday, December 14, 2021 5:02 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Cc:** Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; SHEN, ANDREW (CAT) <[Andrew.Shen@sfcityatty.org](mailto:Andrew.Shen@sfcityatty.org)>; PEARSON, ANNE (CAT) <[Anne.Pearson@sfcityatty.org](mailto:Anne.Pearson@sfcityatty.org)>; Preston, Dean (BOS) <[dean.preston@sfgov.org](mailto:dean.preston@sfgov.org)>; Smeallie, Kyle (BOS) <[kyle.smeallie@sfgov.org](mailto:kyle.smeallie@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Beinart, Amy (BOS) <[amy.beinart@sfgov.org](mailto:amy.beinart@sfgov.org)>; Chan, Connie (BOS) <[connie.chan@sfgov.org](mailto:connie.chan@sfgov.org)>; Groth, Kelly (BOS) <[kelly.groth@sfgov.org](mailto:kelly.groth@sfgov.org)>; Walton, Shamann (BOS) <[shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org)>; Gee, Natalie (BOS) <[natalie.gee@sfgov.org](mailto:natalie.gee@sfgov.org)>; Melgar, Myrna (BOS) <[Myrna.Melgar@sfgov.org](mailto:Myrna.Melgar@sfgov.org)>; Low, Jen (BOS) <[jen.low@sfgov.org](mailto:jen.low@sfgov.org)>; Angulo, Sunny (BOS)

[<sunny.angulo@sfgov.org>](mailto:sunny.angulo@sfgov.org)

**Subject:** Peskin - Introduction Form - Recall Reform Charter Amendment

Please find the subject Charter Amendment and corresponding Introduction Form attached hereto.

Thanks,  
Lee

Lee Hepner  
*Legislative Aide*  
Supervisor Aaron Peskin  
(415) 554-7419 | *pronouns: he, him, his*

[District 3 Website](#)

Sign up for our newsletter [here!](#)

---

**From:** Shen, Andrew (CAT) <[Andrew.Shen@sfcityatty.org](mailto:Andrew.Shen@sfcityatty.org)>

**Sent:** Tuesday, December 14, 2021 10:17 AM

**To:** Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Hepner, Lee (BOS) <[lee.hepner@sfgov.org](mailto:lee.hepner@sfgov.org)>

**Cc:** PEARSON, ANNE (CAT) <[Anne.Pearson@sfcityatty.org](mailto:Anne.Pearson@sfcityatty.org)>

**Subject:** RE: Leg Request - Recall Reform

Dear Supervisor Peskin and Lee,

Attached is a "signed" version of the Charter amendment and a leg digest.

Thank you.

**Andrew Shen** (he/him)  
Deputy City Attorney  
Office of City Attorney David Chiu  
(415) 554-4780  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

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

2

3 **Describing and setting forth a proposal to the voters at an election to be held on June 7,**

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16 general municipal or statewide election.

17  
18 APPROVED AS TO FORM:  
19 DAVID CHIU, City Attorney

20 By: /s/ Andrew Shen  
21       ANDREW SHEN  
22       Deputy City Attorney

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