

LEGISLATIVE DIGEST

(Revised 1/31/2022)

[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 interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election.

Existing Law

1. 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.

2. 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.

Amendments to Current Law

1. Recall process

The proposed Charter amendment 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 provide that no recall petition may be submitted to the Director of Elections within 18 months before a regularly scheduled election for the office held by the elected official subject to the recall. This deadline would ensure that no recall election would be held within 12 months of that regularly scheduled election. This 18-

month period incorporates the additional time necessary for the Department of Elections' review of recall petitions and calling of a recall election.

2. Vacancy appointments

Under the proposed Charter amendment, the Mayor would continue to make appointments for vacancies created by recalls. Such appointees would be "interim" officers that would carry out the responsibilities of the vacated office but would also be prohibited from being candidates in the following elections held to fill those vacancies. This rule would apply to any vacancy created due to a recall election held on or after June 7, 2022.

The proposal would also modify the process for filling mayoral vacancies created by recall. For a mayoral vacancy created by recall, the Board of Supervisors would appoint an interim Mayor. The interim Mayor would carry out the responsibilities of the Office of Mayor and could not be a candidate in the following election held to fill the vacancy.

n:\legana\as2021\2200262\01579417.docx