

File No. 220638

Committee Item No. 8

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date July 6, 2022

Board of Supervisors Meeting

Date _____

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OTHER (Use back side if additional space is needed)

- Charter Amendment _____
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Completed by: Victor Young

Date July 1, 2022

Completed by: _____

Date _____

1 [Charter Amendment - City Elections In Even-Numbered Years]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **8, 2022, to amend the Charter of the City and County of San Francisco to change the**
5 **election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and**
6 **Treasurer so that these offices will be elected in even-numbered years; to provide that the**
7 **current term for the aforementioned offices will end on January 8, 2025 rather than**
8 **January 8, 2024; to amend the definition of general municipal election so that such**
9 **elections occur only in even-numbered years; and to change the signature threshold for**
10 **initiative ordinances to two percent of the number of registered voters in San Francisco.**

11
12 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
13 and County, at an election to be held on November 8, 2022, a proposal to amend the Charter of
14 the City and County by revising Sections 13.101, 14.101, and Article XVII, 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. TERMS OF ELECTIVE OFFICE.**

20 (a) Except in the case of an appointment or election to fill a vacancy, the term of office
21 of each elected officer shall commence at ~~12:00~~ noon on the eighth day of January following the
22 date of the election.

23 (b) Subject to the applicable provisions of Section 13.102, the elected officers of the City
24 and County, and members of the Board of Education and of the Governing Body of the
25 Community College District, shall be elected as follows:

1 (1) ~~At the general municipal election in 1995 and every fourth year thereafter, a~~
2 The following officials shall be elected at the general municipal election in 2024 and every
3 fourth year thereafter: Mayor, ~~a~~ Sheriff, ~~and a~~ District Attorney ~~shall be elected.~~ City Attorney,
4 Treasurer, four members of the Board of Education, and four members of the Governing Board
5 of the Community College District.

6 ~~(2) At the general municipal election in 1996 and every fourth year thereafter,~~
7 ~~four members of the Board of Education and four members of the Governing Board of the~~
8 ~~Community College District shall be elected.~~

9 ~~(3) At the general municipal election in 2013, and at the general municipal~~
10 ~~election in 2015 and every fourth year thereafter, a City Attorney and a Treasurer shall be~~
11 ~~elected. Notwithstanding any other provision of this Charter including Section 6.100, the term of~~
12 ~~office for the person elected City Attorney or Treasurer at the general municipal election in 2013~~
13 ~~shall be two years.~~

14 (42) The following officials shall be elected at the general municipal election in
15 2022 and every fourth year thereafter:~~At the general municipal election in 2006 and every fourth~~
16 ~~year thereafter, an~~ Assessor-Recorder, ~~and~~ Public Defender ~~shall be elected,~~ three members of
17 the Board of Education, and three members of the Governing Board of the Community College
18 District.

19 ~~(5) At the general municipal election in 1998 and every fourth year thereafter,~~
20 ~~three members of the Board of Education and three members of the Governing Board of the~~
21 ~~Community College District shall be elected.~~

22 (63) The election and terms of office of members of the Board of Supervisors
23 shall be governed by Section 13.110.

24 (c) Notwithstanding any other provision of this Charter, including Section 3.101, the
25 term of office for Mayor, City Attorney, District Attorney, Sheriff, and Treasurer that began at

1 noon on January 8, 2020 shall end at noon on January 8, 2025. This five-year term for the office
2 of Mayor shall be deemed a single term for the purposes of term limits under Section 3.101.

3
4 **SEC. 14.101. INITIATIVES.**

5 An initiative may be proposed by presenting to the Director of Elections a petition
6 containing the initiative and signed by voters in a number equal to at least ~~five~~ two percent of the
7 number of registered voters in the City and County~~votes cast for all candidates for mayor in the~~
8 ~~last preceding general municipal election for Mayor~~. Such initiative shall be submitted to the
9 voters by the Director of Elections upon certification of the sufficiency of the petition's
10 signatures.

11 * * * *

12
13 **ARTICLE XVII: DEFINITIONS**

14 For all purposes of this Charter, the following terms shall have the meanings specified
15 below:

16 * * * *

17 "General municipal election" shall mean the election for local officials or measures to be
18 held in the City and County on the Tuesday immediately following the first Monday in
19 November in every year until and including ~~2022~~15. Thereafter, "general municipal election"
20 shall mean the election for local officials or measures to be held in the City and County on the

21 ///

22 ///

23 ///

24 ///

1 Tuesday immediately following the first Monday in November in all even-numbered years *and*
2 *in every fourth year following 2015.*

3 * * * *

4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/Ana Flores
7 ANA FLORES
8 Deputy City Attorney

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LEGISLATIVE DIGEST

(Revised 06/29/2022)

[City Elections In Even-Numbered Years]

Describing and setting forth a proposal to the voters at an election to be held on November 8, 2022, to amend the Charter of the City and County of San Francisco to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; to provide that the current term for the aforementioned offices will end on January 8, 2025 rather than January 8, 2024; to amend the definition of general municipal election so that such elections occur only in even-numbered years; and to change the signature threshold for initiative ordinances to two percent of the number of registered voters in San Francisco.

Existing Law

The Mayor, Sheriff, District Attorney, City Attorney and Treasurer are elected at general municipal elections held every four years, in odd-numbered years. The last election for the offices of Mayor, Sheriff, Treasurer, and District Attorney was held at the general municipal election in November 2019, and the next election for these offices will be held in November 2023. The last regularly scheduled election for City Attorney was also held in November 2019, but a vacancy election for this office will be held on June 7, 2022. Thereafter, the next election for City Attorney would also be held in November 2023. The persons elected to these offices serve four-year terms.

To qualify an ordinance for the ballot, the initiative petitions supporting that measure must include signatures from San Francisco voters in a number equal to at least five percent of the votes cast for all mayoral candidates in the preceding general municipal election for Mayor.

Amendments to Current Law

The proposed Charter Amendment would require elections for Mayor, Sheriff, District Attorney, City Attorney and Treasurer to be held in even-numbered years. To do so, the proposal would provide the person elected to the office of Mayor, Sheriff, District Attorney, City Attorney and Treasurer in 2019 to serve a five-year term. The next regularly scheduled election for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer would be held in November 2024 instead of November 2023. Thereafter, elections for these offices will occur every four years in even-numbered years. As a consequence of these changes, the definition of “general municipal election” is being amended to reflect that the City would hold regularly scheduled elections only in even-numbered years.

FILE NO. 220638

The proposal would change the signature threshold for initiative ordinances to two percent of the number of registered voters in San Francisco, instead of five percent of the turnout in the last mayoral election.

Background

The second draft of the Charter Amendment includes non-substantive amendments made in the June 29, 2022 meeting of the Rules Committee to correct clerical errors in the first draft.

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

May 31, 2022

File No. 220638

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Gibson:

The following proposed Charter Amendment for the November 8, 2022, Election was received by the Board of Supervisors' Rules Committee:

File No. 220638 Charter Amendment - City Elections in Even-Numbered Years

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; to provide that the current term for the aforementioned offices will end on January 8, 2025 rather than January 8, 2024; to amend the definition of general municipal election so that such elections occur only in even-numbered years; and to change the signature threshold for initiative ordinances to two percent of the number of registered voters in San Francisco; at an election to be held on November 8, 2022.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

June 6, 2022

A handwritten signature in black ink that reads "Joy Navarrete".



OFFICE OF THE CONTROLLER
CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller
Todd Rydstrom
Deputy Controller

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

June 28, 2022

RE: File 220638 – Charter amendment changing city elections to even-numbered years

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would decrease the cost of government by approximately \$6.9 million in Fiscal Year (FY) 2023-2024 and in subsequent odd-numbered years, by consolidating elections and eliminating municipal elections in odd-numbered years. However, these savings would be reduced or eliminated if a special election is required in an odd-numbered year.

The proposed Charter amendment would require elections for Mayor, Sheriff, District Attorney, City Attorney and Treasurer to be held in even-numbered years. To do so, the amendments provides that the people elected to these offices in 2019 would serve a five-year term. The next election for these offices would be in November 2024 followed by elections for these offices every four years in even-numbered years.

These changes would save the City approximately \$9 million for the cost of running general municipal elections in odd-numbered years, offset by approximately \$2.1 million for the cost of printing and mailing ballot cards and voter information pamphlets, temporary staffing costs, and other materials and services that would be shifted from one year to the next, for a net savings of \$6.9 million over two years beginning in FY 2023-24.

The proposal would also change the signature threshold for initiative ordinances to two percent of the last number of registered voters in San Francisco, instead of five percent of the turnout in the last mayoral election.

Sincerely,

A handwritten signature in cursive script that reads "Janice Levy".

Ben Rosenfield
Controller

FOR

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.



June 29, 2022

Supervisor Aaron Peskin
Chair, Rules Committee
San Francisco Board of Supervisors

Chair Peskin:

I am writing to voice my opposition to Item #4 (File No. 220638 [Charter Amendment – City Election in Even-Numbered Years]) on the June 29, 2022 Rules Committee agenda. While I applaud and share the goal of increasing civic participation in municipal elections and remain open and willing to collaborate on legislation to achieve that end, I believe moving this Charter Amendment forward to the electorate's consideration with the minimal public input it is set to receive is a mistake.

Supervisor Preston, author of the Charter Amendment, upon introducing this proposal, compared the Charter Amendment to the work done in Los Angeles in 2014 and 2015. While on the surface, there is a similarity in that Los Angeles did present the voters of Los Angeles with a proposal to consolidate off year local elections with even year elections, Supervisor Preston failed to mention what Los Angeles did prior to presenting this proposal to the voters. In fact, the 2015 Los Angeles proposal was the product of an exhaustive year-long fact-finding commission convened by the City of Los Angeles to compile a report tailored to the specific needs and circumstances of their City at the time. This commission was created to address chronic and worsening low voter turnout in Los Angeles municipal elections which from 1989 to 2017 averaged at just 29.24%, with the preceding two elections of 2013 and 2009 resulting in a turnout of 23.35% and 17.9% respectively. While the City of San Francisco can and must strive to increase voter participation in its elections, the relative strength of San Francisco's voter turnout over the same period (45.32%) as well as the considerable differences in the governance, composition, and administration of the two cities demand that similar attention is paid to the specific circumstances of San Francisco's local elections by an equivalent independent fact-finding body.

The Los Angeles Municipal Elections Reform Commission was a nine-member body composed of academics, election experts, and neighborhood council leaders which presented its findings and recommendations to the City Council of Los Angeles after a year of research, public input, and consultation with relevant city officials. The resulting report outlined **thirty-three** specific policy proposals designed to address low voter turnout out of which only two involved a transition to even-year municipal elections.

While not mentioned by Supervisor Preston, the City of San Jose, even more recently, just this month, approved a similar change. Our neighbors to the south moved their mayoral election from the gubernatorial election to the presidential election. Again, unlike the proposal in front of the Rules Committee today, and far more akin to the diligent work done in Los Angeles, San Jose's proposal resulted from the work of a 23-member Charter Review Commission, which held multiple public meetings to discuss the proposal prior to presenting it the City Council, which also held public hearings before submitting the proposal to the electorate.

A thorough, independent, and objective accounting of possible solutions to improve voter turnout in San Francisco, modeled after the process established in Los Angeles and San Jose, is an excellent idea which I would be more than willing to engage with the Board of Supervisors to establish. The idea behind item #4 (File No. 220638 [Charter Amendment – City Election in Even-Numbered Years]) may be worth considering; however, without a comprehensive plan of action tailored to the specific causes and remedies of voter participation in San Francisco it falls short of what it could accomplish if given the time and effort allotted to the similar proposal successfully implemented in Los Angeles in 2015 and San Jose in 2022.

Sincerely,



London N. Breed
Mayor