

File No. 220638

Committee Item No. 8

Board Item No. 37

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date July 6, 2022

Board of Supervisors Meeting

Date July 12, 2022

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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.

20 **SEC. 13.101. TERMS OF ELECTIVE OFFICE.**

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

24 (b) Subject to the applicable provisions of Section 13.102, the elected officers of the City
25 and County, and members of the Board of Education and of the Governing Body of the
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 ///

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25

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



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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 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.
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning

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".

FOR Ben Rosenfield
Controller

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

Consolidation of Elections in California Creates Massive Gains in Local Voter Turnout

February 2021

By Alvin Valverde Meneses and Eric Spencer

While federal elections draw large interest and voter turnout, local elections, including city council elections, have historically drawn much lower voter turnout. These local elections are arguably just as important as the higher-profile federal elections, determining who sits in the local halls of power and how well community interests are represented in local government. Low voter turnout in “off-cycle” local elections (not conducted with statewide election dates) leads to a non-representative electorate making policy decisions that impact California’s communities. A recent reform in California set out to address this problem by mandating that, under specific conditions, local elections move “on-cycle” to match with statewide election dates.

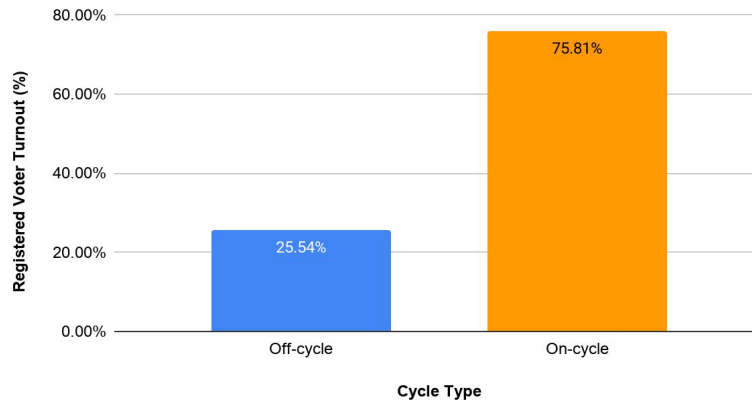
This report finds that voter turnout in municipal elections tripled, on average, in cities across California that consolidated their elections from off-cycle dates to on-cycle dates.

In 2015, California Common Cause was a lead supporter of the [California Voter Participation Rights Act](#) (SB 415, Hueso), which sought to fight the persistent problem of very low voter turnout in critically important local elections, which often happened on off-cycle dates. The bill mandated that cities move their municipal elections to statewide election dates (or “on-cycle”) if their elections saw voter turnout that was 25 percent or more lower than the voter turnout for the previous four statewide general elections. Former Governor Jerry Brown signed the bill into law in September 2015. [Prior research](#) has found that cities and counties in California experience a significant increase in voter turnout when local elections are moved from off-cycle to on-cycle, but no research to this point has examined the impact of SB 415.

Our research examining elections conducted between 2012 and 2020 found that 54 cities that switched from off-cycle elections in 2016, 2018 and 2020 experienced very significant turnout increases.

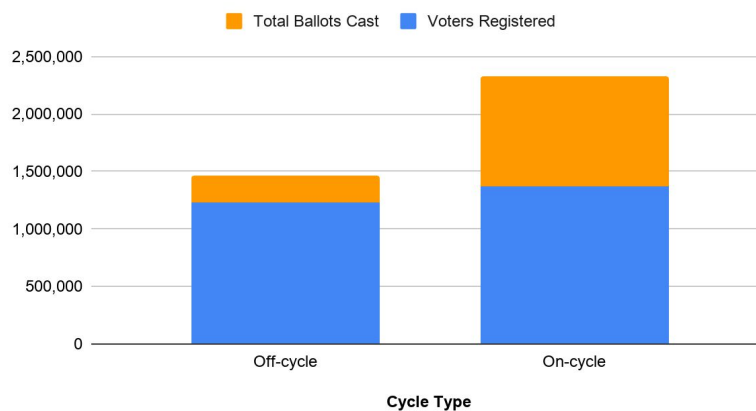
- **Cities that switched to on-cycle elections experienced on average a tripling of their voter participation in municipal elections.** The average off-cycle registered voter turnout in these cities, prior to their switch, was 25.54%. The average on-cycle registered voter turnout, after their switch, was 75.81%.

Average Total Turnout By Cycle Type (All 54 Cities)



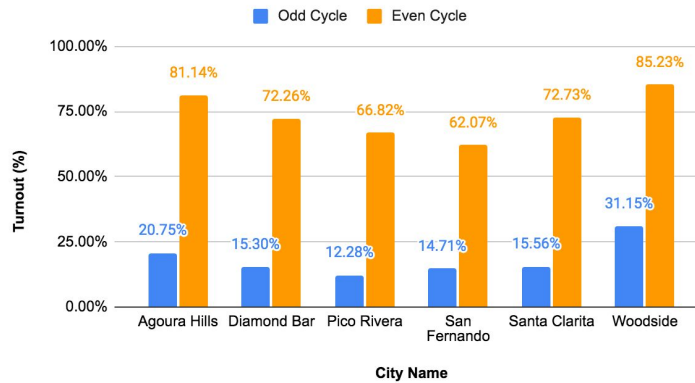
- Among the 29 cities studied that provided specific data from all of their four previous elections (two off-cycle and on-cycle elections), there was a 297% increase in votes cast after the switch.** Over the two off-cycle elections studied in those 29 cities, 241,009 votes were cast. Over the two on-cycle elections studied, 959,112 votes were cast. This increase in votes cast significantly outpaced growth in voter registration. Over the time studied, voter registration increased 11% in the 29 cities examined.

Registration and Votes Cast By Cycle (29 cities)



This conclusion held for many different kinds of cities. Several cities that are home to historically underrepresented communities saw a dramatic increase in voter turnout when they switched from an off-cycle election to an on-cycle election. Pico Rivera, Diamond Bar, and San Fernando, which are home to historically underrepresented communities and previously had local turnout rates under 16%, each saw a very substantial increase in ballots cast when they moved from off-cycle to on-cycle elections. Pico Rivera, for example, saw an over 5x increase.

Average Turnout By City



About the Data

This data includes results from 187 municipal elections up to and including the November 2020 general election. The data is derived from 54 cities across California that switched from off-cycle to on-cycle elections. There are other variables that may play a role in voter participation in California elections, including changes in voter registration laws, competitive races, and demographic changes. Although other variables could impact voter turnout, the raw data from these 54 cities indicates a dramatic increase in voter turnout in municipal elections when those elections are moved from off-cycle to on-cycle. This increase exists both in traditionally high turnout cities and historically underrepresented and disenfranchised communities. Looking forward, more data from on-cycle elections (2022 and beyond) may give us a clearer picture of the law’s effect.

Recommendation -- Based on these findings, we recommend cities that have not yet moved from off-cycle to on-cycle elections act swiftly to consolidate their elections beginning in 2022. Greater turnout makes for a stronger democracy.

Note - Common Cause used voter turnout data from a number of sources including Alameda County, Imperial County, Los Angeles County, Riverside County, Marin County, Monterey County, and Stanislaus County. Special thanks to William Brega (intern) for creating graphics, Seamus Caslin (former intern) for data collection, and Sean McMorris (consultant) for assisting with research.

Appendix: Cities studied that moved from off-cycle to on-cycle elections

Average of registered voter turnout in off-cycle elections prior to switch subtracted from average of on-cycle elections after switch.

County	City	Percentage Point Increase	County	City	Percentage Point Increase
Alameda	Piedmont	40.3	Los Angeles	Burbank	64.6
Imperial	El Centro	37.8	Los Angeles	Culver City	57.6
Imperial	Brawley	38.6	Los Angeles	Lawndale	54.4
Los Angeles	Agoura Hills	60.4	Los Angeles	Lomita	49.9
Los Angeles	Baldwin Park	46.9	Los Angeles	Manhattan Beach	59.1
Los Angeles	Calabasas	53.5	Los Angeles	Palos Verdes Estates	61.3
Los Angeles	Carson	44.1	Los Angeles	Rancho Palos Verdes	59.6
Los Angeles	Claremont	55.4	Los Angeles	Rolling Hills	43.6
Los Angeles	Cudahy	36.7	Los Angeles	Signal Hill	59.1
Los Angeles	Diamond Bar	57	Los Angeles	South El Monte	56.3
Los Angeles	El Monte	45.3	Los Angeles	West Hollywood	54.9
Los Angeles	Hawaiian Gardens	43.3	Marin	Fairfax	45.5
Los Angeles	Hawthorne	53.7	Marin	San Anselmo	49.3
Los Angeles	La Puente	46.7	Monterey	Carmel-by-the-Sea	32.7
Los Angeles	Lynwood	47.0	Riverside	Desert Hot Springs	34.2
Los Angeles	Malibu	42.9	Riverside	Norco	55.1
Los Angeles	Montebello	49.3	Riverside	Blythe	45.8
Los Angeles	Pico Rivera	54.6	San Mateo	Belmont	50.6
Los Angeles	San Fernando	47.4	San Mateo	Foster City	47.7
Los Angeles	Santa Clarita	57.2	San Mateo	Millbrae	46.2
Los Angeles	Santa Fe Springs	46.7	San Mateo	San Carlos	45.7
Los Angeles	Walnut	45	San Mateo	Woodside	54.1
Los Angeles	Westlake Village	58.1	San Mateo	Brisbane	47.6
Los Angeles	Artesia	42.2	San Mateo	Portola Valley	51
Los Angeles	Bell Gardens	40.5	San Mateo	San Bruno	56.7
Los Angeles	Bellflower	62.7	San Mateo	San Mateo	58.1
Los Angeles	Beverly Hills	61.8	Stanislaus	Modesto	51.2