FILE NO. 191104

(FIRST DRAFT)

1	[Charter Amendment - Appointments to Fill Vacancies in Elective Office]
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3	Describing and setting forth a proposal to the voters at an election to be held on November
4	3, 2020, to amend the Charter of the City and County of San Francisco to provide that
5	when the Mayor appoints a person to fill a vacancy in local elective office less than 90 days
6	before a scheduled election for that office, the appointee may not be a candidate for the
7	office at that election.
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9	Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
10	and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of
11	the City and County by revising Section 13.101.5, to read as follows:
12	NOTE: <b>Unchanged Charter text and uncodified text</b> are in plain font.
13	Additions are <u>single-underline italics Times New Roman font</u> . Deletions are strike-through italics Times New Roman font. Asterisks (* * * *) indicate the omission of unchanged Charter
14	subsections.
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16	SEC. 13.101.5. VACANCIES.
17	(a) <u>(1)</u> If the office of Assessor-Recorder, City Attorney, District Attorney, Public
18	Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education, or
19	Governing Board of the Community College District becomes vacant because of death,
20	resignation, recall, permanent disability, or the inability otherwise of the respective officer to
21	otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual
22	qualified to fill the vacancy under this Charter and state laws.
23	(2) If an election for the vacated office is scheduled to occur less than 90 days
24	after the date of the vacancy:
25	(A) the Mayor may not appoint a person under subsection $(a)(1)$ if that
	person is a candidate for the office at that election, and

## if at the time of appointment under subsection (a)(1) the appointed 1 (B)2 person is not a candidate for the office at that election, the appointed person may not 3 subsequently become a candidate for the office at that election. 4 (b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability, or the inability otherwise to carry out the responsibilities of the office, the 5 President of the Board of Supervisors shall become Acting Mayor and shall serve until a 6 7 successor is appointed by the Board of Supervisors. Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall 8 (c) serve until a successor is selected at the next election occurring not less than 120 days after the 9 10 vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an 11 election for the vacated office is scheduled to occur less than one year after the vacancy, the appointee shall serve until a successor is selected at that election $\frac{\partial r}{\partial t}$ and (2) if an election for the 12 vacated office is not scheduled to occur less than one year after the vacancy but an election for 13 14 any seat on the same board as the vacated seat is scheduled to occur less than one year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected at that 15 16 election to fill the unexpired term. 17 (d) If no candidate receives a majority of the votes cast at an election to fill a vacated 18 office, the two candidates receiving the most votes shall qualify to have their names placed on 19 the ballot for a municipal runoff election at the next regular or otherwise scheduled election 20 occurring not less than five weeks later. If an instant runoff election process is enacted for the 21 22 23 24 25

1	offices enumerated in this Section, that process shall apply to any election required by this
2	Section.
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4	APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney
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6	By: JON GIVNER
7	Deputy City Attorney
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