BOARD of SUPERVISORS



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November 6, 2019

File No. 191104

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

Dear Ms. Gibson:

On October 29, 2019, the following proposed Charter Amendment for the November 3, 2020, Election was received by the Board of Supervisors' Rules Committee:

File No. 191104

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that when the Mayor appoints a person to fill a vacancy in local elective office less than 90 days before a scheduled election for that office, the appointee may not be a candidate for the office at that election; at an election to be held on November 3, 2020.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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 NOTE:

Describing and setting forth a proposal to the voters at an election to be held on November 3, 2020, to amend the Charter of the City and County of San Francisco to provide that when the Mayor appoints a person to fill a vacancy in local elective office less than 90 days before a scheduled election for that office, the appointee may not be a candidate for the office at that election.

[Charter Amendment - Appointments to Fill Vacancies in Elective Office]

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of the City and County by revising Section 13.101.5, to read as follows:

Unchanged Charter text and uncodified text are in plain font.

Additions are <u>single-underline italics Times New Roman font</u>.

Deletions are <u>strike-through italics Times New Roman font</u>.

Asterisks (* * * *) indicate the omission of unchanged Charter subsections.

SEC. 13.101.5. VACANCIES.

- (a) (1) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education, or Governing Board of the Community College District becomes vacant because of death, resignation, recall, permanent disability, or the inability *otherwise* of the respective officer to *otherwise*-carry out the responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws.
- (2) If an election for the vacated office is scheduled to occur less than 90 days after the date of the vacancy:
- (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

- (B) if at the time of appointment under subsection (a)(1) the appointed person is not a candidate for the office at that election, the appointed person may not subsequently become a candidate for the office at that election.
- (b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability, or the inability <u>otherwise</u> to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors.
- (c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall serve until a successor is selected at the next election occurring not less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an 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 or and (2) if an election for the vacated office is not scheduled to occur less than one year after the vacancy but an election for 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 election to fill the unexpired term.
- (d) If no candidate receives a majority of the votes cast at an election to fill a vacated office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election at the next regular or otherwise scheduled election occurring not less than five weeks later. If an instant runoff election process is enacted for the

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4	APPROVED AS TO FOR DENNIS J. HERRERA, C
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Section, that process shall apply to any election required by this

M: City Attorney

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Supervisors Mar; Ronen, Fewer, Haney, Peskin **BOARD OF SUPERVISORS**