BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office

Jon Givner, Deputy City Attorney, Office of the City Attorney

John Arntz, Director, Department of Elections

LeeAnn Pelham, Executive Director, Ethics Commission

Douglas Legg, Acting Assessor-Recorder

George Gascon, District Attorney Manohar Raju, Public Defender

Vicki Hennessy, Sheriff, Sheriff's Department

Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector

Dr. Vincent Matthews, Superintendent, SFUSD

Steve Bruckman, SF Community College District (sbruckman@ccsf.edu)

FROM: Victor Young, Assistant Clerk, Rules Committee

Board of Supervisors

DATE: November 6, 2019

SUBJECT: CHARTER AMENDMENT INTRODUCED

November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

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.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Rebecca Peacock, Mayor's Office
Patrick Ford, Ethics Commission
Johanna Saenz, Sheriff's Office
Katherine Johnson, Sheriff's Office
Nancy Crowley, Sheriff's Office
Amanda Kahn Fried, Office of the Treasurer and Tax Collector
Holly Lung, Office of the Assessor-Recorder
Ronald Gerhard, Community College District (rgerhard@ccsf.edu)
Esther Casco, SFUSD (CascoE@sfusd.edu)

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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 single-underline italics Times New Roman font. **Deletions** are *strike-through italies Times New Roman font*. 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.
- 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

| 1 | offices enumerated in this |
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| 2 | Section. |
| 3 | ADDROVED AG TO FOR |
| 4 | APPROVED AS TO FOR DENNIS J. HERRERA, C |
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| 6 | By: JON GIVNER |
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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**