ACKNOWLEDGEMENT OF RECEIPT

Submission of Measure: Charter Amendment

Charter Amendment - Filling Vacancies in Elected Offices; Timelines for Recall Process (Unofficial Title of Measure)

1) ☑ Board of Supervisors

2) ☑ Tails

3) ☑ Legislative Digest

4) ELECTRONIC COPY OF TEXT

☑ EMAIL: publications@sfgov.org

5) Contact Person: Victor Young
   Address: 1 Dr. Carlton B. Goodlett Place, Room 244
            San Francisco, CA 94102
   Phone: (415) 554-7723
   Date: February 25, 2022
   Submitted: Victor Young

6) COPIES

☑ John Arntz- Director of Elections, in consultation with the City Attorney, shall forward the measure (within two working days after receipt of the petition) to departments that are effected by the measure.

☑ Publications

☑ Public- copy

☑ Office- original
February 25, 2022

John Arntz, Director of Elections
Department of Elections
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102

Dear Mr. Arntz:

Attached please find four (4) certified copies of the following Charter Amendment for the June 7, 2022, Election, as follows:

**File No. 211287 Charter Amendment - Filling Vacancies in Elected Offices; Timelines for Recall Process**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election; at an election to be held on June 7, 2022.

The Board of Supervisors ORDERED SUBMITTED the above listed Charter Amendment on February 15, 2022.

The electronic version of this Charter Amendment is being e-mailed to your office at publications@sfgov.org on February 25, 2022.

Sincerely,

[Signature]
Angela Calvillo
Clerk of the Board

(Assertions)
211287

[ Charter Amendment - Timelines for Recall Process; Filling Vacancies in Elected Offices ]

Sponsors: Peskin, Walton, Ronen and Preston

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election; at an election to be held on June 7, 2022.

2/8/2022 Board of Supervisors - CONTINUED

Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
Excused: 1 - Haney

2/15/2022 Board of Supervisors - ORDERED SUBMITTED

Ayes: 7 - Chan, Haney, Mar, Peskin, Preston, Ronen and Walton
Noes: 4 - Mandelman, Melgar, Safai and Stefani

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK’S CERTIFICATE

I do hereby certify that the foregoing Charter Amendment is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

February 23, 2022

Date

Angela Calvillo
Clerk of the Board
Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on June 7, 2022, a proposal to amend the Charter of the City and County by revising Sections 13.101.5 and 14.103, to read as follows:

NOTE: Unchanged Charter text and uncodified text are in plain font. Additions are single-underline italics Times New Roman font. Deletions are strike-through italics Times New Roman font. Asterisks (*) indicate the omission of unchanged Charter subsections.

SEC. 13.101.5. VACANCIES.

(a) 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 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.
(b) 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 recall, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws to serve as an interim officer. The interim officer shall carry out the responsibilities of the vacated office and serve until a successor is elected pursuant to subsection (e). No person appointed as an interim officer may be a candidate in the following election held to fill the vacancy. This subsection (b) shall apply to any vacancy created due to a recall election held on or after June 7, 2022.

(c) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until the Board of Supervisors appoints a successor.

(d) If the Office of Mayor becomes vacant because of recall, the President of the Board of Supervisors shall become Acting Mayor and shall serve until the Board of Supervisors appoints an interim Mayor. The interim Mayor shall carry out the responsibilities of the vacated office and serve until a successor is elected pursuant to subsection (e). No person appointed as an interim Mayor may be a candidate in the following election held to fill the vacancy.

(e) Any person filling a vacancy pursuant to subsection (a), (b), (c), or (d) of this Section 13.101.5 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 (2) if 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
offices enumerated in this Section, that process shall apply to any election required by this
Section.

SEC. 14.103. RECALL.

(a) An elected official of the City and County, the City Administrator, the Controller, or
any member of the Airports Commission, the Board of Education, the Governing Board of the
Community College District, the Ethics Commission, or the Public Utilities Commission may be
recalled by the voters as provided by this Charter and by the laws of the State of California,
except that:

(1) no recall petitions shall be initiated with respect to any officer who has held
office for less than six 12 months; and

(2) no recall petition shall be submitted to the Director of Elections within 18
months before a regularly scheduled election for the office held by the elected official sought to
be recalled, in order to ensure that no recall election may be held, pursuant to subsection (b),
within 12 months of that regularly scheduled election.

(b) Upon certifying the sufficiency of the recall petition's signatures, the Director of
Elections shall immediately call a special municipal election on the recall, to be held not less
than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a
general municipal or statewide election, in which event the recall *election shall be consolidated*

*with shall be submitted at* such general municipal or statewide election.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By:  

/\ Andrew Shen

ANDREW SHEN
   Deputy City Attorney

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Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election; at an election to be held on June 7, 2022.

January 26, 2022 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 26, 2022 Rules Committee - CONTINUED AS AMENDED

January 31, 2022 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 31, 2022 Rules Committee - CONTINUED AS AMENDED

February 07, 2022 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

February 08, 2022 Board of Supervisors - CONTINUED
   Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
   Excused: 1 - Haney

February 15, 2022 Board of Supervisors - ORDERED SUBMITTED
   Ayes: 7 - Chan, Haney, Mar, Peskin, Preston, Ronen and Walton
   Noes: 4 - Mandelman, Melgar, Safai and Stefani

File No. 211287

I hereby certify that the foregoing Charter Amendment was ORDERED SUBMITTED on 2/15/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board
[Charter Amendment - Timelines for Recall Process; Filling Vacancies in Elected Offices]

Describing and setting forth a proposal to the voters at an election to be held on June 7, 2022, to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election.

Existing Law

1. Recall process

Under Charter Section 14.103, no recall petition may be initiated against a local official, if that official has held office for less than six months. Also, under Elections Code 11007(c), no recall petition may be initiated against a local elected official, if that official's term of office would end within six months.

2. Vacancy appointments

In the event of a vacancy in the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, or Treasurer, or Member of the Board of Supervisors, School Board or Governing Board of the Community College District, the Mayor is responsible for appointing a qualified individual to fill the vacant seat.

Amendments to Current Law

1. Recall process

The proposed Charter amendment would extend the period in which a recall petition could not be initiated during the beginning of an official's term of office, from the first six months to the first 12 months.

The proposed Charter amendment would also provide that no recall petition may be submitted to the Director of Elections within 18 months before a regularly scheduled election for the office held by the elected official subject to the recall. This deadline would ensure that no recall election would be held within 12 months of that regularly scheduled election. This 18-
month period incorporates the additional time necessary for the Department of Elections’ review of recall petitions and calling of a recall election.

2. **Vacancy appointments**

Under the proposed Charter amendment, the Mayor would continue to make appointments for vacancies created by recalls. Such appointees would be “interim” officers that would carry out the responsibilities of the vacated office but would also be prohibited from being candidates in the following elections held to fill those vacancies. This rule would apply to any vacancy created due to a recall election held on or after June 7, 2022.

The proposal would also modify the process for filling mayoral vacancies created by recall. For a mayoral vacancy created by recall, the Board of Supervisors would appoint an interim Mayor. The interim Mayor would carry out the responsibilities of the Office of Mayor and could not be a candidate in the following election held to fill the vacancy.