



2022 FEB 25 AM 10:40

DEPARTMENT OF ELECTIONS

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

A handwritten signature in cursive script, appearing to read "Victor Young", written over a horizontal line.

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

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

February 25, 2022

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

HAND DELIVERED

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,


Angela Calvillo
Clerk of the Board

vy:ams

(Attachments)

SAN FRANCISCO
FILED
2022 FEB 25 AM 10:59
DEPARTMENT OF ELECTIONS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy
Charter Amendment

SAN FRANCISCO
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2022 FEB 25 AM 10:59
DEPARTMENT OF ELECTIONS

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

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DEPARTMENT OF ELECTIONS

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

3 Describing and setting forth a proposal to the voters at an election to be held on June 7,
4 2022, to amend the Charter of the City and County of San Francisco to extend the ban on
5 the initiation of recall petitions from six to twelve months after the official has assumed
6 office; prohibit the submission of a recall petition to the Department of Elections, if the
7 subsequent recall election would be required to be held within twelve months of a regularly
8 scheduled election for the office held by the official sought to be recalled; and provide that
9 any interim officer appointed to fill a vacancy created by a recall election, held on or after
10 June 7, 2022, may not be a candidate in the subsequent vacancy election.

11
12 The Board of Supervisors hereby submits to the qualified voters of the City and County,
13 at an election to be held on June 7, 2022, a proposal to amend the Charter of the City and County
14 by revising Sections 13.101.5 and 14.103, 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.

19 **SEC. 13.101.5. VACANCIES.**

20 (a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,
21 Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing
22 Board of the Community College District becomes vacant because of death, resignation, ~~recall~~,
23 permanent disability, or the inability of the respective officer to otherwise carry out the
24 responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy
25 under this Charter and state laws.

1 **(b) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender,**
2 **Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing**
3 **Board of the Community College District becomes vacant because of recall, the Mayor shall**
4 **appoint an individual qualified to fill the vacancy under this Charter and state laws to serve as**
5 **an interim officer. The interim officer shall carry out the responsibilities of the vacated office**
6 **and serve until a successor is elected pursuant to subsection (e). No person appointed as an**
7 **interim officer may be a candidate in the following election held to fill the vacancy. This**
8 **subsection (b) shall apply to any vacancy created due to a recall election held on or after June 7,**
9 **2022.**

10 **(b) (c) If the Office of Mayor becomes vacant because of death, resignation, ~~recall,~~**
11 **permanent disability or the inability to carry out the responsibilities of the office, the President of**
12 **the Board of Supervisors shall become Acting Mayor and shall serve until the Board of**
13 **Supervisors appoints a successor ~~is appointed by the Board of Supervisors.~~**

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

19 **(e) (e) Any person filling a vacancy pursuant to subsection (a), (b), (c), or (d) ~~or (b)~~ of**
20 **this Section 13.101.5 shall serve until a successor is selected at the next election occurring not**
21 **less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired**
22 **term, provided that (1) if an election for the vacated office is scheduled to occur less than one**
23 **year after the vacancy, the appointee shall serve until a successor is selected at that election or**
24 **(2) if an election for any seat on the same board as the vacated seat is scheduled to occur less**
25

1 than one year but at least 120 days after the vacancy, the appointee shall serve until a successor
2 is selected at that election to fill the unexpired term.

3 ~~(d) If no candidate receives a majority of the votes cast at an election to fill a vacated
4 office, the two candidates receiving the most votes shall qualify to have their names placed on
5 the ballot for a municipal runoff election at the next regular or otherwise scheduled election
6 occurring not less than five weeks later. If an instant runoff election process is enacted for the
7 offices enumerated in this Section, that process shall apply to any election required by this
8 Section.~~

9
10 **SEC. 14.103. RECALL.**

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

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

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

22 (b) Upon certifying the sufficiency of the recall petition's signatures, the Director of
23 Elections shall immediately call a special municipal election on the recall, to be held not less
24 than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a
25

1 general municipal or statewide election, in which event the recall election shall be consolidated
2 with shall be submitted at such general municipal or statewide election.

3
4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Andrew Shen
7 ANDREW SHEN
8 Deputy City Attorney

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City and County of San Francisco

City Hall

Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

SAN FRANCISCO
FILED

Charter Amendment

2022 FEB 25 AM 10:59

DEPARTMENT OF ELECTIONS

File Number: 211287

Date Passed: February 15, 2022

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

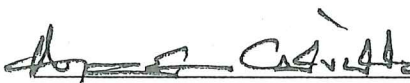
February 15, 2022 Board of Supervisors - ORDERED SUBMITTED

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

LEGISLATIVE DIGEST 2022 FEB 25 AM 10: 59
(Revised 1/31/2022) DEPARTMENT OF ELECTIONS

[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.

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