

LEGISLATIVE DIGEST
(Amended 6/9/16 – Fifth Draft)

[Charter Amendment - Filling Vacancies in Local Elective Office]

Describing and setting forth a proposal to the voters at an election to be held on November 8, 2016, to amend the Charter of the City and County of San Francisco to require the Department of Elections to hold a special election when there is a vacancy in the Office of Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the Mayor shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election; and require the Mayor to fill vacancies in all local elective offices within 28 days of the vacancy.

Existing Law

When 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 the death, resignation, recall, permanent disability, or the inability of the officer to otherwise carry out the responsibilities of the office, the Mayor has the authority to appoint a successor to fill the vacancy until an election is held. Current law does not establish a deadline by which the Mayor must make these appointments.

The Charter provides three possible dates for these vacancy elections depending on the upcoming election schedule. First, if an election for the vacant office is scheduled to occur less than one year after the vacancy, then the voters would choose the successor at that election. Second, if an election for any other seat on the Board of Supervisors is scheduled to occur between 120 days and one year after the vacancy, then the voters would choose the successor at that election. Third, in any other case—for example, if the nearest election for the office or the Board of Supervisors is less than 120 days away or more than one year away—then the voters would choose the successor at the next election, as long as that election is scheduled to occur at least 120 days after the vacancy.

Amendments to Current Law

The proposal would require the Mayor to make appointments to any vacancy in 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 within 28 days of the date of the vacancy.

Under the proposed Charter amendment, when a seat on the Board of Supervisors becomes vacant, the Mayor would appoint an interim Supervisor to temporarily fill the vacant office, until

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the City holds a special election to permanently fill the vacancy. The interim Supervisor would not be eligible to run for office in the special election held to permanently fill the vacancy, but would be able to run in any subsequent election for the office.

The Director of Elections would call the date of such a special election within 14 days of a supervisory vacancy. The City would hold the special election on a Tuesday falling between 126 and 140 days from the date of its calling. But if another scheduled election would occur within 180 days of the vacancy, the Director of Elections would consolidate the special election with the scheduled election. However, the City may consolidate a special election to fill a supervisory vacancy with any other scheduled election, if (1) the Director of Elections submits such a request to the Board of Supervisors and (2) the Board of Supervisors and Mayor approve the request by resolution.

The proposal also specifies that any person elected to fill a vacancy shall take office when the Director of Elections has issued the certified statement of election results for that election.

If the special election is not consolidated with another municipal election, the Director of Elections may not place any ballot measure or other contest on that ballot.

Lastly, if a supervisory vacancy occurs after the November 8, 2016 election but before the effective date of this Charter amendment, and the City filled the vacancy in accordance with the prior version of Charter, any such appointee would be required to leave office on the effective date of this Charter amendment. Such a vacancy would then be filled through the special election process set forth in this proposal.

Background Information

On January 14, 2016, the Rules Committee duplicated the original file and amended the original file to remove all changes to the regular Mayoral election process. The Committee further amended the proposed Charter amendment to give the Mayor authority to appoint the interim Supervisor in the event of a vacancy in a Supervisor's office.

On January 21, 2016, the Rules Committee further amended this proposal to remove any changes to the appointment process for mayoral vacancies.

On February 3, 2016, the Rules Committee amended this proposal so that it would appear on the November 8, 2016 ballot, if submitted by the Board of Supervisors.

On June 9, 2016, the Rules Committee adopted amendments that (1) would require the Mayor to make appointments to vacant local elective offices within 28 days of the vacancy, and (2) provide further flexibility to consolidate a special municipal election to fill a supervisory vacancy with another scheduled election.

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