

Be it enacted by the people of the City and County of San Francisco:

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~~.

Section 1. Title

This measure shall be known as the “Fix Our Broken Ballot Process” Initiative Act

Section 2. Findings and Declarations

The people of the City and County of San Francisco hereby find and declare:

- (a) San Francisco’s ballot qualification rules are far looser than those of any other major California city. The result is bloated and confusing ballots. For example, in November 2024, voters faced 15 separate measures, compared to one in San Jose and three in Oakland.
- (b) San Francisco is the only major city that allows a minority of supervisors to place measures directly on the ballot. It also has the lowest signature threshold in California - just two (2) percent of registered voters.
- (c) Additionally, San Francisco is the only city that allows the mayor to unilaterally place measures on the ballot.
- (d) Together, the status quo incentivizes special interests and politicians to weaponize the system against each other. Measures are often filled with complicated legal jargon meant to confuse voters. So-called poison pill ballot measures are more and more common.
- (e) This proposed measure aligns San Francisco more closely with other California cities while preserving voters’ ability to participate directly in lawmaking. These commonsense reforms encourage coalition-building, deliberation, and higher-quality measures for voters to consider while reducing confusion and unintended consequences.

Section 3. Purpose and Intent

It is the intent of the people of the City and County of San Francisco to do all of the following with this Initiative:

- (a) Align San Francisco’s ballot measure procedures more closely with other California cities while preserving voters’ ability to participate directly in lawmaking.
- (b) Require the approval of a majority of the Board of Supervisors to place an ordinance

on the ballot.

- (c) Eliminate the Mayor's unilateral authority to place an ordinance on the ballot.
- (d) Increase the voter signature threshold for initiatives to eight (8) percent of registered voters, still below the statewide standard of ten (10) percent.
- (e) Allow proponents to withdraw a flawed measure after it qualifies for the ballot.

Section 4. Article II, Section 2.113; Article III, Section 3.100; Article IV, Section 4.140; Article XIV, Section 14.101; and Article XVII of the Charter of the City and County of San Francisco are hereby amended to read as follows:

SEC. 2.113. LEGISLATIVE INITIATIVE.

~~(a)~~ The Board of Supervisors, ~~or four or more members,~~ may submit to the voters declarations of policy, and any matter which the Board of Supervisors is empowered to pass.

Upon approval of a declaration of policy by the voters, the Board of Supervisors shall within 90 days of such approval take such actions within their powers as shall be necessary to carry such declaration into effect. A special municipal election shall not be called with respect to a declaration of policy.

~~(b) — In order to submit a proposed initiative measure to the voters under this section, or Section 3.100(15), four or more members of the Board of Supervisors or the Mayor shall submit the proposed initiative to the Board of Supervisors no later than 45 days prior to the deadline for the submission of such initiatives to the Department of Elections. The proponent or proponents shall clearly identify the measure as a proposed initiative to be submitted at a specific election, and the proponent or proponents shall file a copy of the measure with the Department of Elections at the same time as the measure is submitted to the Board of Supervisors.~~

~~The President of the Board of Supervisors shall assign the measure to a committee of the Board, and the committee shall conduct a public hearing on the measure at least 15 days prior to the deadline for the submission of such initiatives to the Department of Elections.~~

~~Failure by the Board of Supervisors to hold a hearing on the measure prior to the Department of Elections' deadline for submittal of legislative or mayoral initiatives shall not prevent the Director of Elections from placing the initiative on the ballot. But the Director of Elections shall include a notice in the voter information pamphlet that the measure was not the subject of the required public hearing.~~

~~The proponent or proponents of an initiative measure may withdraw the proposed measure at any time prior to the Department of Elections' deadline for submission of such initiatives, subject to any requirements of the Municipal Elections Code or other City ordinance. If a measure is withdrawn, the Board of Supervisors is not required to conduct a hearing on the measure.~~

SEC. 3.100. POWERS AND RESPONSIBILITIES.

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;
2. Coordination of all intergovernmental activities of the City and County;
3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;

4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;

5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;

6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;

7. Appearance, in person, at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board;

8. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and

9. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

10. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;

11. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;

12. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff

does not include the City Administrator, department heads or employees of departments placed under his or her direction by Section 3.104. Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or an appointed board or commission is assigned responsibility elsewhere in this Charter;

13. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;

14. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements of the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

15. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;

~~16. Subject to the provisions of Charter Section 2.113, submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;~~

~~16~~17. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;

~~1748~~. Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by a two-thirds vote of the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;

~~1849~~. Appoint department heads subject to the provisions of this Charter; and

~~1920~~. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

SEC. 4.140. DEPARTMENT OF PUBLIC WORKS.

(a) **Responsibilities of Department.** There shall be a Department of Public Works (the "Department"). On January 1, 2023, the Department shall assume the responsibilities of the Department of Sanitation and Streets as they existed on December 31, 2022, and shall retain the existing responsibilities of the Department of Public Works. The Department shall be headed by a Director of Public Works appointed by the Mayor as provided in Sections 3.100(~~1849~~) and 4.102(5).

Except as otherwise provided in the Charter or pursuant to Section 4.132, in addition to any other duties assigned by ordinance, the Department shall have the following duties: the design, building, repair, and improvement of the City's infrastructure, including City-owned buildings and facilities and the public right of way; maintenance of the public right of way, including street sweeping, and litter abatement; the provision and maintenance of City trash receptacles and removal of illegal dumping and graffiti in the public right of way; and planting and maintenance of street trees pursuant to Section 16.129.

(b) Nothing in this Section 4.140 shall relieve property owners of their legal responsibilities set by City or State law, including as those laws may be amended in the future.

(c) **Transition.**

(1) Notwithstanding subsection (a), the Director of Public Works or person serving

in an acting capacity as Director of Public Works on December 31, 2022, shall continue to serve in that capacity beginning on January 1, 2023. If at that time there is a person in an acting capacity serving as the Director of Public Works, or if at any time the position of Director of Public Works is vacant for any reason, the position shall be filled in accordance with the Charter provisions governing appointment of a department head. This subsection (c)(1) does not modify the powers vested in the Public Works Commission to remove the Director of Public Works in accordance with Section 4.102(6).

(2) By no later than June 30, 2023, the Director of Public Works shall submit to the Board of Supervisors a proposed ordinance amending the Municipal Code to conform to Sections 4.139, 4.140, 4.141, and the repeal of Section 4.138.

SEC. 14.101. INITIATIVES.

An initiative may be proposed by presenting to the Director of Elections an initiative petition ~~containing the initiative and~~ signed by voters in a number equal to at least ~~two~~ percent 8% of the number of registered voters in the City and County. Upon certification of the sufficiency of the petition's signatures, the Director of Elections shall submit ~~Such~~ initiative ~~shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures unless the initiative is withdrawn under this Section~~ 14.101.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date ~~of the~~ Director of Elections ~~executes the~~ certificate of sufficiency ~~executed by the Director of Elections~~, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the initiative petition ~~containing the initiative~~ is signed by voters in a number equal to at least ~~ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor~~ 10% of the number of registered voters in the City and County, and contains a request that the initiative be submitted forthwith to voters at a special

municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall 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 initiative shall be submitted at such general municipal or statewide election.

The proponent or proponents of the initiative measure may withdraw the measure after submission to the Director of Elections by a written request to the Director of Elections submitted by all proponents of the measure no later than 102 days before the election. In the event a measure is withdrawn after a special election is called under this section, the special election will not proceed unless the Board of Supervisors otherwise calls a special election consistent with the timeframes established in this Charter.

No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.

ARTICLE XVII: DEFINITIONS

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election for local officials or measures to be held in the City and County on the Tuesday immediately following the first Monday in November in every year until and including 2022. Thereafter, "general municipal election" shall mean the election for local officials or measures to be held in the City and County on the Tuesday immediately following the first Monday in November in all even-numbered years.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters ~~by the Mayor or~~ by the Board of Supervisors, ~~or four or more members of the Board~~ the Board of Directors of the Municipal Transportation Agency under Section 8A.109, or the Ethics Commission under Section 15.102.

"Notice" shall mean publication (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

"One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall have the meaning ascribed to the term by the Board of Supervisors by ordinance. The Board of Supervisors shall seek a recommendation from the Clerk of the Board of Supervisors before adopting such an ordinance.

"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

Section 5. In enacting this Charter amendment, the qualified voters of the City and County intend to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, or any other constituent parts of the Charter that are explicitly shown in this Charter amendment as additions or deletions in accordance with the "Note" that appears above the official title of the Charter amendment.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this Charter amendment, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Charter amendment. The qualified voters of the City and County of San Francisco hereby declare that they would have voted in favor of this Charter amendment, and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Charter amendment or application thereof would be subsequently declared invalid or unconstitutional.

Section 7. Conflicting Measures. It is the intent of the people that if this measure and another measure relating to the qualification of initiatives appear on the same citywide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. If this measure receives a greater number of affirmative votes than a measure deemed to conflict with it, the provisions of this measure shall prevail in their entirety, and the provisions

of the other measure shall be null and void.

Section 8. Liberal Construction

This measure shall be liberally construed and applied in order to fully promote its underlying purposes.