

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Director John Arntz, Department of Elections
Superintendent Vincent Matthews, SFUSD MatthewsV@sfusd.edu

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: September 23, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 20961

Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

- c. Viva Mogi, SFUSD mogiv@sfusd.edu
Esther Casco, SFUSD CascoE@sfusd.edu



City and County of San Francisco

Master Report

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

File Number: 210961 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Municipal Elections Code - Reauthorization of Non-United States Citizen Voting in School Board Elections **Date Introduced:** 09/14/2021

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District.

Sponsors: Chan; Melgar and Walton

History of Legislative File 210961

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/14/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	10/14/2021	

1 [Municipal Elections Code - Reauthorization of Non-United States Citizen Voting in School
2 Board Elections]

3 **Ordinance amending the Municipal Elections Code to reauthorize Non-United States**
4 **citizen voting in elections for the Board of Education of the San Francisco Unified**
5 **School District.**

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12 subsections or parts of tables.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. Article X of the Municipal Elections Code is hereby amended by adding
15 Sections 1000 and 1000.1 to read as follows:

16 **SEC. 1000. FINDINGS.**

17 *(a) In November 2016, San Francisco voters approved Proposition N, a Charter amendment,*
18 *adding Charter Section 13.111, to allow non-United States citizens (“noncitizens”) who meet certain*
19 *criteria, to vote for members of the San Francisco Board of Education (“School Board”) in the City’s*
20 *November 2018, November 2020, and November 2022 elections. This right was extended to all*
21 *noncitizen residents of San Francisco who were of legal voting age and the parents, legal guardians,*
22 *and caregivers (collectively, “parents”) of a child under age 19 living within the boundaries of the San*
23 *Francisco Unified School District (“School District”). Section 13.111 states that it will expire on*
24 *December 31, 2022, unless the Board of Supervisors determines thereafter by ordinance that the right*
25 *of noncitizens to vote in School Board elections will continue beyond that date.*

(b) Noncitizen parents contribute greatly to the School District. They volunteer at schools,
serve on school site councils, host School Board forums, attend and participate as members of the

1 public in School Board meetings, share ideas for improving the School District's family
2 communications plan, provide crucial input on budget matters, and educate fellow parents about their
3 right to be involved in their children's education. Realizing the vital contributions that noncitizen
4 parents make to the School District, San Francisco voters passed Proposition N to provide them with a
5 greater voice in School District policies by permitting them to vote in School Board elections.

6 (c) Extensive research demonstrates how parent involvement in their children's education is
7 critical for students' lifelong achievements and success. These research studies are on file with the
8 Clerk of the Board in File No. _____. These studies demonstrate that students whose parents are involved
9 in their schooling are more likely to attend school regularly, have better social emotional skills, and
10 obtain higher grades. To encourage such involvement, Proposition N ensured that noncitizen parents
11 have a role in selecting the officials who set the School District policies that impact their children's
12 education.

13 (d) Eligible noncitizen parents exercised their right to participate in the School Board elections
14 held between 2018 - 2020. Between May 2018 to July 2021, community-based outreach efforts about
15 the opportunity for eligible noncitizens to vote in School Board elections reached 13,272 people.
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17 (e) Continuation of noncitizen voting in School Board elections is necessary to allow many
18 unheard voices to come forward. Though the number of noncitizen parents in the School District is
19 currently unknown, as of the 2020-2021 school year, there were over 13,682 English Language
20 Learners in the School District. These students spoke a variety of languages including, but not limited
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1 (f) It is in the public interest for the City to exercise its option under Charter Section
2 13.111(a)(2) to extend the right of noncitizen parents to vote in School Board elections beyond
3 December 31, 2022.

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13 **SCHOOL BOARD ELECTIONS.**

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3 (b) Operative Date. This ordinance shall become operative on January 1, 2023.

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5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: /s/ Ana Flores
8 ANA FLORES
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Municipal Elections Code - Reauthorization of Non-United States citizen Voting in School Board Elections]

Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District.

Existing Law

In November 2016, voters approved Proposition N, authorizing non-United States citizens (“noncitizens”) parents, guardians and caretakers to vote for members of the Board of Education (“School Board”) for the San Francisco Unified School District. Proposition N amended the Charter to allow any noncitizen to vote in School Board elections if the voter is (1) a resident of San Francisco, (2) legal voting age, (3) the parent, guardian, or caregiver of a child under 19 years old residing in San Francisco, and (4) not in prison or on parole for a felony conviction. After the voters approved Proposition N, the Board of Supervisors implemented this noncitizen voting program through Article X of the Municipal Elections Code.

Proposition N’s authorization of noncitizen voting expires on December 31, 2022, unless the Board of Supervisors determines thereafter by ordinance that the right of noncitizens to vote in School Board elections continues beyond that date.

Amendments to Current Law

If approved by the Board of Supervisors, this Ordinance would extend the City’s existing noncitizen voting program for School Board elections beyond December 31, 2022, without a sunset date.

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

7/11 SEP 11 BY 3:38
Time stamp or meeting date

BY JMB

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Chan, Melgar

Subject:

Municipal Elections Code - Reauthorization of Noncitizen Voting in School Board Elections

The text is listed:

Ordinance amending the Municipal Elections Code to reauthorize noncitizen voting in elections for the Board of Education of the San Francisco Unified School District.

Signature of Sponsoring Supervisor:

[Signature]

For Clerk's Use Only

FILE NO.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6
7 By: /s/ Ana Flores
8 ANA FLORES
9 Deputy City Attorney
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From: [Hsieh, Frances \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Chan, Connie \(BOS\)](#)
Subject: Supervisor Chan Legislation eversion
Date: Tuesday, September 14, 2021 5:44:09 PM
Attachments: [01554227 - Legislative Digest.docx](#)
[Chan - 01554402.docx](#)

Dear Clerk staff,

Attached are the e-eversions of the legislation and digest for the ordinance introduced by Supervisor Chan at today's Board meeting. A hard copy of the introduction form and redline were submitted to the Clerk's office earlier today.

Please let me know if you have any questions or need anything further.

Thanks,
Frances

From: [Flores, Ana \(CAT\)](#)
To: [Hsieh, Frances \(BOS\)](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: RE: Chan - Ord - Municipal Elections Code - Reauthorization of Non-United States citizen Voting in School
Date: Tuesday, September 14, 2021 6:02:13 PM
Attachments: [image004.png](#)

Good evening,

The Ordinance is approved as to form.

Thank you,

Ana Flores

Deputy City Attorney
Office of City Attorney Dennis Herrera
(415) 554-4661 Direct
Ana.flores@sfcityatty.org

From: Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>
Sent: Tuesday, September 14, 2021 5:55 PM
To: Flores, Ana (CAT) <Ana.Flores@sfcityatty.org>
Cc: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: RE: Chan - Ord - Municipal Elections Code - Reauthorization of Non-United States citizen Voting in School

Both requested files have been sent through previously. I'm copying deputy city attorney Flores to provide confirmation as requested.

Thanks,
Frances

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, September 14, 2021 5:43 PM
To: Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Fregosi, Ian (BOS) <ian.fregosi@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Yu, Angelina (BOS) <angelina.yu@sfgov.org>
Cc: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: Chan - Ord - Municipal Elections Code - Reauthorization of Non-United States citizen Voting in School
Importance: High

Hello D1,

Kindly submit the attached intro via email with the following:

- Ordinance (word doc)

- Legislative Digest (word doc)
- Confirmation of the approval from Deputy City Attorney Ana Flores

Please submit by prior to the end of today's Board meeting in order to meet the submittal deadline.

Thank you.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

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