

[Non-Citizen Voting in School Board Elections.]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2010, a proposal to amend the Charter of the City and County by amending Section 8.100 and adding Section 13.111 to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are *strike-through italics Times New Roman*.

SEC. 8.100. - UNIFIED SCHOOL DISTRICT.

The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected *pursuant to Section 13.111 by the voters of the Unified School District*. A student representative shall serve on the Board in accordance with state law. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. The compensation for each member shall be \$500 per month. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

SEC. 13.111. ELECTION OF BOARD OF EDUCATION.

(a) Manner of Election. Elections for the Board of Education of the San Francisco Unified School District shall be conducted in a manner that permits any San Francisco resident

who meets the requirements of this section to vote, regardless of whether the resident is a United States citizen. Any San Francisco resident 18 years of age or older who is registered and eligible to vote under the California Elections Code may vote in elections for the Board of Education of the San Francisco Unified School District. In addition, any San Francisco resident who is the parent, legal guardian or caregiver (as provided in California Family Code Section 6550) of a child residing in the San Francisco Unified School District, may vote in elections for the Board of Education of the San Francisco Unified School District, provided the resident is 18 years of age or older and not in prison or on parole for the conviction of a felony. This section, which is adopted pursuant to California Education Code Section 5301 and Article IX, Section 16, of the California Constitution, shall apply only to elections for the Board of Education of the San Francisco Unified School District.

(b) Adoption of Implementing Ordinances. The Board of Supervisors may adopt ordinances implementing this section. Before adopting or amending any ordinances under this section, the Board of Supervisors shall consult with the Director of Elections.

(c) Sunset. The provision of Subsection (a) authorizing non-citizens to vote in Board of Education elections shall expire on December 31, 2016, or the December 31 immediately following the third Board of Education election conducted pursuant to this section, whichever is later. Thereafter, the Board of Supervisors shall have the authority to determine by ordinance whether non-citizens are authorized to vote in Board of Education elections, and for what time period or time periods.

(d) Limitations. Nothing in this section shall affect the terms of office of incumbent members of the Board of Education of the San Francisco Unified School District. Nothing in this section shall alter the definition of "elector" or "voter" set forth in Article 17 of this Charter.

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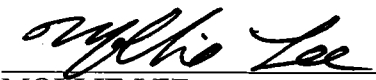
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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
MOLLIE LEE
Deputy City Attorney



City and County of San Francisco

Tails

Charter Amendment

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

File Number: 100635

Date Passed: July 20, 2010

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

July 13, 2010 Board of Supervisors - CONTINUED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

July 20, 2010 Board of Supervisors - ORDERED SUBMITTED

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi

Noes: 2 - Chu and Elsbernd

File No. 100635

I hereby certify that the foregoing Charter Amendment was **ORDERED SUBMITTED** on 7/20/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

LEGISLATIVE DIGEST

[Non-Citizen Voting in School Board Elections.]

A proposal to amend the Charter of the City and County of San Francisco by adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

Existing Law

San Francisco residents who are 18 years of age or older, United States citizens, and not in prison or on parole for a felony conviction are eligible to register to vote in San Francisco elections, including elections for the Board of Education of the San Francisco Unified School District. Non-citizens are not eligible to register to vote.

Amendments to Current Law

If approved by the voters, this Charter amendment would:

- Authorize San Francisco residents who are 18 years of age or older and who are the parents, legal guardians, or caregivers for children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the resident is a United States citizen.
- Authorize the Board of Supervisors to adopt ordinances implementing non-citizen voting in Board of Education elections.

The provision authorizing non-citizen voting in Board of Education elections would "sunset" on December 31, 2016, or the December 31 immediately following the third School Board election conducted pursuant to this amendment, whichever is later. The Board of Supervisors, by ordinance, could authorize non-citizen voting in Board of Education elections to continue after that date.

The second draft of this proposed charter amendment also incorporates the following changes:

- Amends Charter section 8.100 to reference the new section 13.111.
- Adds a sentence to section 13.111(d) to clarify that the amendment does not change the meaning of "elector" or "voter" as defined in Article 17 of the Charter.
- Changes the sunset provision of section 13.111(c) to establish a default expiration date of December 31, 2016 or the third election conducted pursuant to this ordinance instead of December 31, 2014 or the second election conducted pursuant to this ordinance.