

BOARD of SUPERVISORS



City Hall
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: Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office
Jon Givner, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Vincent C. Matthews, Ed.D., Superintendent, San Francisco Unified
School District
Shamann Walton, President, Board of Education
Adele Carpenter, Director, Youth Commission

FROM: *ll* Alisa Somera, Legislative Deputy Director, Rules Committee
for Board of Supervisors

DATE: December 20, 2017

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 5, 2018 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 5, 2018, Election, introduced by Supervisor Fewer on December 12, 2017. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 171305 Charter Amendment - Noncitizen Voting in School Board Elections

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to establish, as a condition for noncitizens voting in an election for members of the Board of Education, that the Board of Supervisors adopt an implementing ordinance for that election at least 270 days before that election; at an election to be held on June 5, 2018.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Shahde Tavakoli, Mayor's Office
 Kyle Kundert, Ethics Commission
 Lynn Khaw, Office of the City Administrator
 Lihmeei Leu, Office of the City Administrator
 Viva Mogi, San Francisco Unified School District
 Esther Casco, San Francisco Unified School District/Board of Education
 Leah LaCroix, Youth Commission

1 [Charter Amendment - Noncitizen Voting in School Board Elections]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on June 5,**
4 **2018, to amend the Charter of the City and County of San Francisco to establish, as a**
5 **condition for noncitizens voting in an election for members of the Board of Education, that**
6 **the Board of Supervisors adopt an implementing ordinance for that election at least 270**
7 **days before that election.**

8
9 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on June 5, 2018, a proposal to amend the Charter of the
11 City and County by revising Section 13.111, to read as follows:

12 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
13 **Additions** are *single-underline italics Times New Roman font*.
14 **Deletions** are *strike-through italics Times New Roman font*.
15 **Asterisks (* * * *)** indicate the omission of unchanged Charter
16 subsections.

16 **SEC. 13.111. ELECTION OF BOARD OF EDUCATION.**

17 (a) Manner of Election.

18 (1) ~~Beginning on January 1, 2017~~*Subject to subsection (a)(2) of this Section*
19 ~~13.111, and ending on the sunset date set forth in subsection (a)(2)~~, elections for the Board of
20 Education of the Unified School District shall be conducted in a manner that permits any San
21 Francisco resident to vote who either:

22 (A) is a voter, as defined in Article XVII of this Charter, or

23 (B) is the parent, legal guardian, or caregiver (as defined in California
24 Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the
25 San Francisco Unified School District, is the minimum age required under this Charter to vote in

1 a municipal election, and is not disqualified from voting under Article II Section 4 of the
2 California Constitution or any implementing State statute, regardless of whether the person is a
3 United States citizen.

4 ~~The Board of Supervisors may adopt ordinances implementing this subsection (a)(1).~~

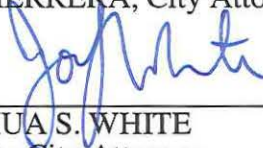
5 (2) Noncitizens may not vote in an election for members of the Board of
6 Education unless the Board of Supervisors adopts an ordinance authorizing noncitizens to vote
7 in that election, and that ordinance becomes effective at least 270 days prior to that election.

8 ~~(2) Subsection (a)(1)(B) authorizing non-citizens to vote in Board of~~
9 ~~Education elections shall expire by operation of law on December 31, 2022, or on December 31~~
10 ~~immediately following the third election for members of the Board of Education conducted in~~
11 ~~accordance with this Section 13.111, whichever is later. Thereafter, the Board of Supervisors~~
12 ~~may determine by ordinance whether non-citizens may vote in elections for members of the~~
13 ~~Board of Education.~~

14 (b) Limitations. This Section 13.111 shall apply only to elections for members of
15 the Board of Education of the San Francisco Unified School District. Nothing in this Section
16 13.111 shall affect the terms of office of members of the Board of Education, including
17 incumbent members on the effective date of the Charter amendment enacting this Section.
18 Nothing in this Section shall alter the definition of “elector” or “voter” set forth in Article XVII
19 of this Charter.

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

22
23 By:


24 JOSHUA S. WHITE
Deputy City Attorney

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LEGISLATIVE DIGEST
(First Draft, 12/12/2017)

[Charter Amendment - Noncitizen Voting in School Board Elections]

Describing and setting forth a proposal to the voters at an election to be held on June 5, 2018, to amend the Charter of the City and County of San Francisco to establish, as a condition for noncitizens voting in an election for members of the Board of Education, that the Board of Supervisors adopt an implementing ordinance for that election at least 270 days before that election.

Existing Law

At the November 2016 elections, voters approved Proposition N, which allows a non-citizen resident of San Francisco who is of legal voting age and the parent, legal guardian or legally recognized caregiver of a child living in the San Francisco Unified School District to vote for members of the Board of Education.

Amendments to Current Law

The proposal is a charter amendment that would authorize noncitizen to vote in an election for members of the Board of Education only if the Board of Supervisors adopts an ordinance authorizing noncitizens to vote in that election, and that ordinance becomes effective at least 270 days prior to that election.

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