

[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.**

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

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*~~.  
**Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter subsections.

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

(a) Manner of Election.

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

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

(B) is the parent, legal guardian, or caregiver (as defined in California Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the 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

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23 By: \_\_\_\_\_  
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