

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, and specifying that Non-United States citizens may vote in recall**
6 **elections regarding members of the Board of Education.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

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

17 **SEC. 1000. FINDINGS.**

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

1 (b) Noncitizen parents contribute greatly to the School District. They volunteer at schools,
2 serve on school site councils, host School Board forums, attend and participate as members of the
3 public in School Board meetings, share ideas for improving the School District's family
4 communications plan, provide crucial input on budget matters, and educate fellow parents about their
5 right to be involved in their children's education. Realizing the vital contributions that noncitizen
6 parents make to the School District, San Francisco voters passed Proposition N to provide them with a
7 greater voice in School District policies by permitting them to vote in School Board elections.

8 (c) Extensive research demonstrates how parent involvement in their children's education is
9 critical for students' lifelong achievements and success. These research studies are on file with the
10 Clerk of the Board in File No. 210961. These studies demonstrate that students whose parents are
11 involved in their schooling are more likely to attend school regularly, have better social emotional
12 skills, and obtain higher grades. To encourage such involvement, Proposition N ensured that
13 noncitizen parents have a role in selecting the officials who set the School District policies that impact
14 their children's education.

15 (d) Eligible noncitizen parents exercised their right to participate in the School Board elections
16 held between 2018 - 2020. Between May 2018 to July 2021, community-based outreach efforts about
17 the opportunity for eligible noncitizens to vote in School Board elections reached 13,272 people.
18 Reports regarding these outreach efforts are on file with the Clerk of the Board in File No. 210961.

19 (e) Continuation of noncitizen voting in School Board elections is necessary to allow many
20 unheard voices to come forward. Though the number of noncitizen parents in the School District is
21 currently unknown, as of the 2020-2021 school year, there were over 13,682 English Language
22 Learners in the School District. These students spoke a variety of languages including, but not limited
23 to, Arabic, Mandarin, Cantonese, Japanese, Korean, Russian, Samoan, Spanish, Filipino, and
24 Vietnamese. The California Department of Education's statistics on English Language Learners in the
25 School District are on file with the Clerk of the Board in File No. 210961.

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.

4 (g) In order to realize the full civic engagement of noncitizen parents in School District affairs
5 by voting, additional resources for outreach, engagement, and education, as well as improved
6 coordination between key stakeholders such as the School District, City departments, and community-
7 based groups would ensure eligible noncitizen parents are aware of their right to vote in School Board
8 elections. Additionally, culturally-adequate outreach in the primary languages of San Francisco
9 families is crucial to equip parents with the information necessary to decide whether to exercise these
10 voting rights. The City encourages the School District and the Department of Elections to continue
11 devoting adequate resources for such outreach and related efforts.

12 **SEC. 1000.1. REAUTHORIZATION OF NON-UNITED STATES CITIZEN VOTING IN**
13 **SCHOOL BOARD ELECTIONS.**

14 Pursuant to Charter Section 13.111(a)(2), the Board of Supervisors authorizes the extension of
15 non-United States citizen voting in School Board elections, according to the terms of Charter Section
16 13.111(a)(1)(B), beyond December 31, 2022, with no sunset date on the extension.

17
18 Section 2. Article X of the Municipal Elections Code is hereby amended by revising
19 Section 1001 to read as follows:

20 **SEC. 1001. DEFINITIONS.**

21 Whenever the following terms are used in this Article X, the following definitions shall
22 apply:

23 “Department” means the San Francisco Department of Elections.

24 “Director” means the Department’s Director of Elections, or his or her designated agent
25 or representative.

1 "School Board Election" means an election for or recall election regarding one or more
2 members of the Board of Education of the San Francisco Unified School District.

3
4 Section 23. Effective and Operative Dates.

5 (a) Effective Date. This ordinance shall become effective 30 days after enactment.
6 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance
7 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of
8 Supervisors overrides the Mayor's veto of the ordinance.

9 (b) Operative Dates.

10 (1) Section 1 of this This ordinance shall become operative on January 1, 2023.

11 (2) Section 2 of this Ordinance shall become operative on the Ordinance's
12 effective date.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: /s/ Ana Flores
17 ANA FLORES
18 Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

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

File Number: 210961

Date Passed: November 02, 2021

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 and specifying that Non-United States citizens may vote in recall elections regarding members of the Board of Education.

October 18, 2021 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 18, 2021 Rules Committee - CONTINUED AS AMENDED

October 25, 2021 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

October 26, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

November 02, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210961

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/2/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved