

BOARD of SUPERVISORS



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MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair
Rules Committee

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: October 25, 2021

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, October 26, 2021

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, October 26, 2021. This item was acted upon at the Rules Committee Meeting on Monday, October 25, 2021, at 10:00 a.m., by the votes indicated.

Item No. 49 File No. 210961

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

RECOMMENDED AS COMMITTEE REPORT

Vote: Supervisor Rafael Mandelman - Aye
Supervisor Connie Chan - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Anne Pearson, Deputy City Attorney

File No. 210961

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Oct. 25, 2021

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
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Completed by: Victor Young Date Oct. 21, 2021

Completed by: _____ Date _____

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 ~~strikethrough 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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LEGISLATIVE DIGEST
(Amended 10/18/2021)

[Municipal Elections Code – 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, and specifying that Non-United States citizens may vote in recall elections regarding members of the Board of Education

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.

Additionally, this Ordinance would specify that noncitizens may vote in recall elections regarding members of the Board of Education.



The Importance of Immigrant Parent Voting Rights in SFUSD Elections

10/18/2021

Board of Supervisors Rules Committee Meeting

Immigrant Parent Voting Collaborative



What is Noncitizen Voting / Immigrant Parent Voting?

In November 2016, SF voters passed Prop N which allows non-citizens, who meet the following qualifications, the right to vote in school board elections in 2018, 2019, 2020, and 2022.

Must meet these requirements to vote for the school board:

- I am at least 18 years old before or on Election Day.
- I live in San Francisco.
- I am the parent, legal guardian, or caregiver of a child who is 18 years old or younger.
- My child lives in San Francisco.
- I am not currently in prison or on parole for a felony conviction.
- I have never been found “mentally incompetent” by a United States court of law.

*** This checklist is for guidance only. You will receive information about how to vote in the mail from the Department of Elections.

What is happening now?

- The charter amendment allowing Immigrant Parent Voting **will expire on December 31, 2022.**
- The Board of Supervisors may determine thereafter by ordinance that the right of noncitizens to vote in School Board elections can continue beyond that date.
- Today's ordinance would remove the sunset date in the charter amendment, **making the right of qualifying noncitizen parents to vote in School Board elections permanent in San Francisco.**

Why is this important?

- **1/3** of children in SF schools has immigrant parents
- **13,000** English Language Learner students in SF from different language communities
- All families in the school district deserve a say in their children's educational experience

Family involvement in children's education is critical for students' success and lifelong achievements.

Why is this important?

Immigrant parents contribute greatly to schools:

- Volunteer at schools
- Serve on school site councils
- Host school board forums
- Share ideas for improving the district's family communications plan
- Educate fellow parents about their right to be involved in their children's education

***A vote ensures a say
for all parents.***



How do we make sure noncitizen parents are aware of their voting right?

We ask for:

- Additional resources for outreach, engagement, and education
- Culturally-adequate outreach in the primary languages of San Francisco families
- Improved coordination between key stakeholders such as the School District, Department of Election, community-based groups

Thank you!



Any Questions

From: [Hsieh, Frances \(BOS\)](#)
To: [Young, Victor \(BOS\)](#)
Cc: [Hepner, Lee \(BOS\)](#)
Subject: Fw: File 210961 - Reauthorization of Non-United States Citizen Voting in School Board Elections
Date: Thursday, October 14, 2021 3:28:50 PM

From: Arntz, John (REG) <john.arntz@sfgov.org>
Sent: Thursday, October 14, 2021 3:07 PM
To: Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>
Subject: RE: File 210961 - Reauthorization of Non-United States Citizen Voting in School Board Elections

Hi, Frances,

Very helpful, thank you!

The Department of Elections has no objections to this reauthorization of eligible non-citizens voting in School Board elections.

Take care,
-John.

John Arntz, Director
San Francisco Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
(415) 554-4375
sfelections.org



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From: [H Shin](#)
To: [Young, Victor \(BOS\)](#)
Subject: public comment for immigrant voting right
Date: Monday, October 18, 2021 11:12:38 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi. I called in but for some reason, I was not allowed to make an public comment today. So I am sending my comment here. Thank you.

My name is Hwaji Shin. I am a mother of a third grader at Alamo Elementary in SF. I am one of immigrant parents who voted in the last election for the first time in the U.S. My son is among 30% of students who participated in the English Learner Program at SFUSD which has been severely impacted during the remote learning. During this pandemic, I came to appreciate even more than before how important it is to have a voice to influence the direction of our school district. I can tell you from my experience that this voting rights empowers an immigrant parent like me and signals that we the immigrant families matter to the city of San Francisco and its schools. So I thank you for your continued political and financial support for this matter.

Hwaji

--

Hwaji

Hwaji Shin 신화지 慎和枝 シンファジ (She/her)
(*My name is phonetically spelled. Neither H nor W in my first name is silent*)

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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	