

[Charter Amendment - Non-Citizen Voting in School Board Elections]

**Describing and setting forth a proposal to the voters, at an election to be held on November 8, 2016, to amend the Charter of the City and County of San Francisco to authorize San Francisco residents who are not United States citizens but who are the parents, legal guardians, or caregivers of a child residing in San Francisco to vote in elections for the Board of Education.**

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 8, 2016, a proposal to amend the Charter of the City and County by revising Section 8.100 and adding 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. 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.~~

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

2 (a) Manner of Election.

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

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

7 (B) is the parent, legal guardian, or caregiver (as defined in California  
8 Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the  
9 San Francisco Unified School District, is the minimum age required under this Charter to vote in  
10 a municipal election, and is not disqualified from voting under Article II Section 4 of the  
11 California Constitution or any implementing State statute, regardless of whether the person is a  
12 United States citizen.

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

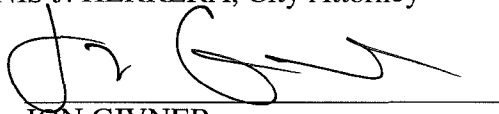
14 (2) Subsection (a)(1)(B) authorizing non-citizens to vote in Board of Education  
15 elections shall expire by operation of law on December 31, 2022, or on December 31  
16 immediately following the third election for members of the Board of Education conducted in  
17 accordance with this Section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

20 (b) Limitations. This Section 13.111 shall apply only to elections for members of the  
21 Board of Education of the San Francisco Unified School District. Nothing in this Section 13.111  
22 shall affect the terms of office of members of the Board of Education, including incumbent  
23  
24  
25

1 members on the effective date of the Charter amendment enacting this Section. Nothing in this  
2 Section shall alter the definition of "elector" or "voter" set forth in Article XVII of this Charter.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

  
7 JON GIVNER  
8 Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Charter Amendment**

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

**File Number:** 160587

**Date Passed:** July 26, 2016

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize San Francisco residents who are not United States citizens but who are the parents, legal guardians, or caregivers of a child residing in San Francisco to vote in elections for the Board of Education, at an election to be held on November 8, 2016.

July 07, 2016 Rules Committee - CONTINUED

July 14, 2016 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 19, 2016 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

July 26, 2016 Board of Supervisors - ORDERED SUBMITTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee

Noes: 1 - Farrell

File No. 160587

**I hereby certify that the foregoing Charter Amendment was ORDERED SUBMITTED on 7/26/2016 by the Board of Supervisors of the City and County of San Francisco.**

Angela Calvillo  
Clerk of the Board