

File No. 210961

Committee Item No. 2

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: Rules Committee

Date Oct. 18, 2021

Board of Supervisors Meeting

Date \_\_\_\_\_

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### OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date Oct. 14, 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.**

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

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

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

16 **SEC. 1000. FINDINGS.**

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

*(b) Noncitizen parents contribute greatly to the School District. They volunteer at schools,*  
*serve on school site councils, host School Board forums, attend and participate as members of the*

1 public in School Board meetings, share ideas for improving the School District's family  
2 communications plan, provide crucial input on budget matters, and educate fellow parents about their  
3 right to be involved in their children's education. Realizing the vital contributions that noncitizen  
4 parents make to the School District, San Francisco voters passed Proposition N to provide them with a  
5 greater voice in School District policies by permitting them to vote in School Board elections.

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

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

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

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.

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22           Section 2. Effective and Operative Dates.

23           (a) Effective Date. This ordinance shall become effective 30 days after enactment.  
24 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance

1 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of  
2 Supervisors overrides the Mayor's veto of the ordinance.

3 (b) Operative Date. This ordinance shall become operative on January 1, 2023.

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

7 By: /s/ Ana Flores  
8 ANA FLORES  
9 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Municipal Elections Code - Reauthorization of 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.**

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.

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
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## MEMORANDUM

TO: Director John Arntz, Department of Elections  
Superintendent Vincent Matthews, SFUSD [MatthewsV@sfusd.edu](mailto:MatthewsV@sfusd.edu)

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: September 23, 2021

SUBJECT: LEGISLATION INTRODUCED

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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](mailto:victor.young@sfgov.org).

- c. Viva Mogi, SFUSD [mogiv@sfusd.edu](mailto:mogiv@sfusd.edu)  
Esther Casco, SFUSD [CascoE@sfusd.edu](mailto: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	