

LEGISLATIVE DIGEST
(Substituted, 6/7/2016)

[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.

Existing Law

San Francisco residents who are 18 years of age or older, United States citizens, and not in prison or on parole for a felony conviction are eligible to register to vote in San Francisco elections, including elections for the Board of Education of the San Francisco Unified School District. Non-citizens are not eligible to register to vote.

Amendments to Current Law

If approved by the voters, this Charter amendment would:

- Authorize San Francisco residents who are legal voting age and who are the parents, legal guardians, or caregivers for children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the resident is a United States citizen.
- Authorize the Board of Supervisors to adopt ordinances implementing non-citizen voting in Board of Education elections.

Non-citizens would be permitted to vote only if they are legal voting age. Currently, voters must be at least 18 years old to vote, but a pending Charter amendment (Board File No. 150267) could lower the voting age to 16 for Board of Education elections and other municipal elections. Like citizens, non-citizens would be disqualified from voting if they are in prison or on parole for conviction of a felony, as required by Article II Section 4 of the California Constitution and implementing State statutes.

The provision authorizing non-citizen voting in Board of Education elections would “sunset” on December 31, 2022, or the December 31 immediately following the third School Board election conducted under the rules adopted in this Charter amendment, whichever is later. The Board of Supervisors, by ordinance, could authorize non-citizen voting in Board of Education elections to continue after that date.

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