

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM:  Derek Evans, Clerk, Rules Committee
Board of Supervisors

DATE: June 22, 2016

SUBJECT: LEGISLATION INTRODUCED - CHARTER AMENDMENT

The Board of Supervisors Rules Committee has received the following legislation, introduced by Supervisor Mar on June 7, 2016. This matter is being referred to you in accordance with Rules of Order 2.22.3.

File No. 160587 Charter Amendment - Non-Citizen Voting in School Board Elections

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.

Please review and submit your written statement pursuant to the Charter to be included with the legislative file.

If you have any questions or concerns please call me at (415) 554-7702 or email derek.evans@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the City Controller
Maura Lane, Office of the City Controller

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

2
3 **Describing and setting forth a proposal to the voters, at an election to be held on November**
4 **8, 2016, to amend the Charter of the City and County of San Francisco to authorize San**
5 **Francisco residents who are not United States citizens but who are the parents, legal**
6 **guardians, or caregivers of a child residing in San Francisco to vote in elections for the**
7 **Board of Education.**

8
9 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
10 and County, at an election to be held on November 8, 2016, a proposal to amend the Charter of
11 the City and County by revising Section 8.100 and adding Section 13.111, to read as follows:

12 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
13 **Additions** are *single-underline italics Times New Roman font*.
14 **Deletions** are *strike-through italics Times New Roman font*.
15 **Asterisks (* * * *)** indicate the omission of unchanged Charter
16 subsections.

16 **SEC. 8.100. UNIFIED SCHOOL DISTRICT.**

17 The Unified School District shall be under the control and management of a Board of
18 Education composed of seven members who shall be elected *pursuant to Section 13.111* ~~by the~~
19 ~~voters of the Unified School District~~. A student representative shall serve on the Board in
20 accordance with state law. No member of this Board shall be eligible to serve on the Governing
21 Board of the Community College District. The compensation for each member shall be \$500 per
22 month. ~~The terms of office in effect for Board members on the date this Charter is adopted shall~~
23 ~~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

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.

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

6 By:



7 JON GIVNER
8 Deputy City Attorney

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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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