

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Katy Tang, Chair
Rules Committee

FROM: Derek Evans, Assistant Clerk

DATE: July 18, 2016

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 19, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, July 19, 2016. This item was acted upon at the Rules Committee Meeting on Thursday, July 14, 2016, at 11:00 a.m., by the votes indicated.

Item No. 77 **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.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Katy Tang - Aye
Supervisor Eric Mar - Aye
Supervisor Malia Cohen - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Acting Legislative Deputy Director
Jon Givner, Deputy City Attorney

File No. 160587

Committee Item No. 5

Board Item No. 77

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 14, 2016

Board of Supervisors Meeting

Date July 19, 2016

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Charter Amendment (First Draft) |
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Completed by: Derek Evans Date July 8, 2016

Completed by: Derek Evans Date July 18, 2016

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

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.

17 **SEC. 8.100. UNIFIED SCHOOL DISTRICT.**

18 The Unified School District shall be under the control and management of a Board of
19 Education composed of seven members who shall be elected *pursuant to Section 13.111* by the
20 *voters of the Unified School District*. A student representative shall serve on the Board in
21 accordance with state law. No member of this Board shall be eligible to serve on the Governing
22 Board of the Community College District. The compensation for each member shall be \$500 per
23 month. *The terms of office in effect for Board members on the date this Charter is adopted shall*
24 *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 a
10 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).

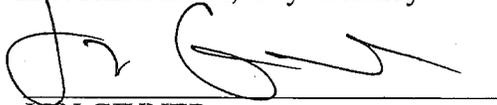
14 (2) Subsection (a)(1)(B) authorizing non-citizens to vote in Board of Education
15 elections shall expire by operation of law on December 31, 2022, or on December 31
16 immediately following the third election for members of the Board of Education conducted in
17 accordance with this Section 13.111, 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

9 n:\legana\as2016\1600797\01111032.docx

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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TDD/TTY No. 554-5227

June 22, 2016

File No. 160587

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On June 7, 2016, Supervisor Mar introduced legislation for the following proposed Charter Amendment for the November 8, 2016, Election:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to be "Angela Calvillo".

By: Derek Evans, Assistant Clerk
Rules Committee

Attachment

c: John Rahaim, Director, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2016.06.30 08:16:17 -07'00'

1 [Modification of Time for Introduction of Charter Amendment - Non-Citizen Voting]
2

3 **Motion modifying the deadline to introduce a non-skeletal Charter Amendment and the**
4 **deadline for City Attorney approval as to form under Rule 2.22.8 of the Board's Rules of**
5 **Order to allow introduction on May 24, 2016, of an unsigned Charter Amendment to**
6 **permit voting by non-citizens in certain elections (Board File No. 160587), and to allow**
7 **introduction of the Charter Amendment approved as to form on June 7, 2016.**
8

9 WHEREAS, Rule 2.22.1 of the Board's Rules of Order provides that a proposed
10 Charter amendment "shall be introduced by a Supervisor at a regular Board meeting held not
11 less than 168 days prior to the election at which it is to be acted upon by the electors," and
12 that the Charter amendment introduced on that date may not be "skeletal;" and

13 WHEREAS, Rule 2.22.2 provides that any proposed Charter amendment that has not
14 been prepared or approved as to form by the City Attorney "shall be transmitted by the Clerk
15 of the Board to the City Attorney for preparation or approval as to form;" and that the City
16 Attorney shall approve the measure as to form or provide a "negative report" within 10 days;
17 and

18 WHEREAS, Rule 2.22.8 provides, "Notwithstanding the provisions of other rules, the
19 Board may, by motion adopted by a majority vote of all Supervisors thereof, shorten, extend
20 or otherwise modify the time fixed in these rules for the performance of any act by an officer,
21 board or commission concerning a Charter amendment;" and

22 WHEREAS, Supervisor Mar introduced a proposed Charter amendment on
23 May 24, 2016 without the City Attorney's approval as to form, and intends to introduce a
24 substitute Charter amendment on June 7, 2016, with the City Attorney's approval as to form;
25 now, therefore, be it

1 MOVED, That under Rule 2.22.8 of the Board's Rules of Order, the Board hereby
2 modifies the deadline to introduce a non-skeletal Charter Amendment and the deadline for
3 City Attorney approval as to form, to allow introduction on May 24, 2016, of an unsigned
4 Charter Amendment to permit voting by non-citizens in certain elections (Board File
5 No. 160587), and to allow introduction of the Charter Amendment approved as to form by the
6 City Attorney on June 7, 2016.

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City and County of San Francisco

Tails

Motion: M16-079

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

File Number: 160605

Date Passed: June 07, 2016

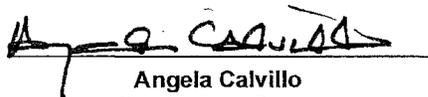
Motion modifying the deadline to introduce a non-skeletal Charter Amendment and the deadline for City Attorney approval as to form under Rule 2.22.8 of the Board's Rules of Order to allow introduction on May 24, 2016, of an unsigned Charter Amendment to permit voting by non-citizens in certain elections (Board File No. 160587), and to allow introduction of the Charter Amendment approved as to form on June 7, 2016.

June 07, 2016 Board of Supervisors - APPROVED

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

File No. 160605

I hereby certify that the foregoing Motion was APPROVED on 6/7/2016 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

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June 22, 2016

File No. 160587

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On June 7, 2016, Supervisor Mar introduced legislation for the following proposed Charter Amendment for the November 8, 2016, Election:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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By: Derek Evans, Assistant Clerk
Rules Committee

Attachment

c: John Rahaim, Director, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

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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

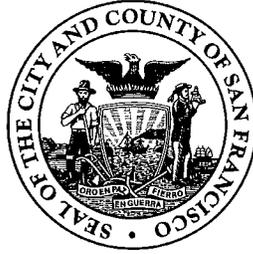
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize San Francisco residents who are not United States citizens but who are the parents, legal guardians, or caregivers of a child residing in San Francisco to vote in elections for the Board of Education, 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

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MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
John Arntz, Director, Department of Elections
John Rahaim, Planning Department
Richard A. Carranza, San Francisco Unified School District

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

DATE: June 22, 2016

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2016, Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 8, 2016, Election, introduced by Supervisor Mar on June 7, 2016. This matter is being referred to you in accordance with Rules of Order 2.22.4.

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 any reports or comments you wish 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@sfbgov.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: AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District
Esther Casco, San Francisco Unified School District

BOARD of SUPERVISORS



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MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
John Arntz, Director, Department of Elections
John Rahaim, Planning Department
Mohammed Nuru, Public Works

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

DATE: June 2, 2016

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2016, Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 8, 2016, Election, introduced by Supervisor Mar on June 7, 2016. This matter is being referred to you in accordance with Rules of Order 2.22.4.

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 any reports or comments you wish to be included with the legislative file.

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c: AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Frank Lee, Public Works
Fuad Swiss, Public Works

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

MEMORANDUM

TO: Youth Commission
FROM:  Derek Evans, Clerk, Rules Committee
Board of Supervisors
DATE: June 22, 2016
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Rules Committee

The Board of Supervisors' Rules Committee has received the following Charter Amendment, which is being referred to the Youth Commission, per Charter Section 4.124, for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160587

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 return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM YOUTH COMMISSION Date: _____

- No Comment
- Recommendation Attached

Chairperson, Youth Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: