File No. <u>160587</u>

 Committee Item No. \_\_\_\_5

 Board Item No. \_\_\_\_2-4

## COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date \_\_\_\_\_ July 14, 2016

**Board of Supervisors Meeting** 

Date July 21 2016

### **Cmte Board**

	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Legislative Analyst Report Youth Commission Report Youth Commission Report Introduction Form (for hearings) Department/Agency Cover Letter and/or Report MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence
OTHER	(Use back side if additional space is needed)
	Charter Amendment (First Draft)

Completed by:	Derek Evans		Date July 8, 2016!	
Completed by:	Derek Evans	Date	July 18, 2016 / July 22, 2016	

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

FILE NO. 160587
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### SUBSTITUTED 6/7/2016

(FIRST DRAFT)

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 <u>single-underline italics Times New Roman font</u> . Deletions are <del>strike through italics Times New Roman font</del> .
14	Asterisks (* * * *) indicate the omission of unchanged Charter subsections.
15	
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 13.111by 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.
24	
25	
	·
	Supervisors Mar; Campos, Cohen, Wiener, Kim BOARD OF SUPERVISORS Page 1

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	SEC. 13.111. ELECTION OF BOARD OF EDUCATION.	
	(a) Manner of Election.	
	(1) Beginning on January 1, 2017, and ending on the sunset date set forth in	
<u>s</u>	subsection (a)(2), elections for the Board of Education of the Unified School District shall be	
2	conducted in a manner that permits any San Francisco resident to vote who either:	
	(A) is a voter, as defined in Article XVII of this Charter, or	
	(B) is the parent, legal guardian, or caregiver (as defined in California	
<u>]</u>	Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the	
1 L	San Francisco Unified School District, is the minimum age required under this Charter to vote in	
ļ	a municipal election, and is not disqualified from voting under Article II Section 4 of the	
(	California Constitution or any implementing State statute, regardless of whether the person is a	
	United States citizen.	
	The Board of Supervisors may adopt ordinances implementing this subsection (a)(1).	
	(2) Subsection (a)(1)(B) authorizing non-citizens to vote in Board of Education	
4	elections shall expire by operation of law on December 31, 2022, or on December 31	
1	immediately following the third election for members of the Board of Education conducted in	
4	accordance with this Section 13.111, whichever is later. Thereafter, the Board of Supervisors	
]	may determine by ordinance whether non-citizens may vote in elections for members of the	
1	Board of Education.	
	(b) Limitations. This Section 13.111 shall apply only to elections for members of the	
-	Board of Education of the San Francisco Unified School District. Nothing in this Section 13.111	
	shall affect the terms of office of members of the Board of Education, including incumbent	
	Supervisors Mar; Campos, Cohen, Wiener, Kim BOARD OF SUPERVISORS Page 2	

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

By:

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

**Deputy City Attorney** 

JON GIVNER

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Supervisor Mar BOARD OF SUPERVISORS

### 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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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



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

June 22, 2016

File No. 160587

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

BOARD of SUPERVISORS

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

By: Derek Evans, Assistant Clerk **Rules** Committee

### Attachment

John Rahaim, Director, Planning Department C: 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 

Digitally signed by Joy Navarrete Joy Navarrete, o=Planning, ou=Environmental Planning, e@sfggy.org

# **Immigrant Parent Right to Vote**

MISSION PROMISE COMUNICAL PROMESA DE LA MISSION NEIGHBORHOOD

# 2016

1676

# "When schools, families, and community groups work together to support learning, children tend to do better in school, stay in school longer, and like school more."

<u>A New Wave of Evidence, a report from Southwest</u> Educational Development Laboratory (2002).



AISSION PROMISE

# 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.

https://sfgov.legistar.com/View.ashx?M=F&ID=4484450&GUID=4B9AB0CB-3B40-4317-818C-53906A09146A

# Same as Measure D - 2010

MISSION PROMISE

# Why Should Non-Citizen Parents Vote?

It is estimated that at least 1 of out 3 children in San Francisco public schools has an immigrant parent.

Our Mission Promise Neighborhood Schools are 80% Latino.





# Why Should Non-Citizen Parents Vote?

Greater parental participation is a key element in improving schools, particularly low-performing schools.



## Encourages Civic Participation in the Household 2-Generation Approach

# Students w/ involved parents are more likely to: <u>A New Wave of Evidence (2002)</u>

- Earn higher grades and test scores, and enroll in higher-level programs.
- Be promoted, pass their classes, and earn credits
- Attend school regularly
- Have better social skills, improved behavior, and adapt well to school
- Graduate and go on to postsecondary education



# Why now? Why 2016?

- 1. High-Turnout
- 2. Track Record
- 3. Support



4. Immigration at the Forefront

MISSION PROMISE NEIGHBORHOOD



# **Track Record**

- Over the last 30 years, cities and towns in Illinois, Maryland, Massachusetts and New York have passed laws allowing immigrants to vote.
- The U.S. Supreme Court has repeatedly said that citizenship is not required to vote.



- The California Constitution protects the right of citizens to vote, but does not exclude immigrants from voting. AND
- Explicitly authorizes Charter cities such as San Francisco to provide for the manner of electing school board members.

MISSION PROMIS

# Support

## Citywide = 55% Support!!

I am going to read you a couple of ideas on this issue. For each, please tell me if you would support or oppose this idea for San Francisco. IF SUPPORT/OPPOSE: Is that strongly SUPPORT/OPPOSE, or just somewhat?

			SUPPORT		OPPOSE		NO OPINION		SUMMARY	
	RANDOMIZE.	Strong- ly	Some- what	Some- what	Strong- ly	Don't know	Prefer not to say	Support	Oppose	
40.	Allowing non-citizen residents of San Francisco who are 18 years of age or older and have children living in the San Francisco Unified School District to vote for members of the Board of Education.	31	24	13	25	6	1	<b>S5</b>	38	

MISSION PROMISE



### Supreme Court tie is a 'huge blow' to immigrant rights





# Coalition

## Supervisors: Eric Mar (Lead), David Campos, Jane Kim, Scott Wiener, John Avalos, Malia Cohen

## School Board Members: Matt Haney, Shamann Walton, Rachel Norton, Sandra Fewer

## **Assemblymember David Chiu**

Mission Parent Council, MEDA, ACCE, Faith in Action, CARECEN, Mission Neighborhood Centers, Coleman Advocates, Laborers Local 261, Chinese for Affirmative Action, La Raza Centro Legal,

SF Latino Democratic Club

MISSION PROMISE

FILE NO. 160605

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### MOTION NO. M16-079

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

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

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

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

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

Supervisor Mar BOARD OF SUPERVISORS

Page 1

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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	Supervisor Mar BOARD OF SUPERVISORS	<b>,</b>
	BOARD OF SUPERVISORS Page	-



### City and County of San Francisco Tails

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

### Motion: M16-079

#### 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 infroduction 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.

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Angela Calvillo Clerk of the Board

City and County of San Francisco

Page 28



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

June 22, 2016

File No. 160587

Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, 4<sup>th</sup> 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

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



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

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 <u>derek.evans@sfgov.org</u>. 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



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

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: MC 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: <u>derek.evans@sfbgov.org</u>. 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



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

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: V 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.

If you have any questions or concerns, please call me at (415) 554-7702 or email: <u>derek.evans@sfbgov.org</u>. 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 Frank Lee, Public Works Fuad Swiess, Public Works



City Hall 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

TO: Youth Commission

- FROM: 55 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**

ţ

By a Member of the Board of Supervisors or the Mayor

I her	eby submit the following item for introduction (select only one):	Time stamp or meeting date
$\boxtimes$	1. For reference to Committee: Rules	
	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).	
V	8. Substitute Legislation File No. 160587	
	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	
Plea	se check the appropriate boxes. The proposed legislation should be forwarded to the follow Small Business Commission Youth Commission Ethics Comm	•
	Planning Commission Building Inspection Commission	on
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a different for	rm.
Spons	or(s):	
Mar,	Campos, Avalos, Cohen, Wiener	
Subje	set:	
Chart	er Amendment - Non Citizen Voting in School Board Elections	
The t	ext is listed below or attached:	
Pleas	e see attached document.	
		-
L	Signature of Sponsoring Supervisor:	

For Clerk's Use Only: