

[Non-Citizen Voting in School Board Elections]

CHARTER AMENDMENT

PROPOSITION _____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 13.111 to authorize San Francisco residents 18 years of age or older either who have children in the San Francisco Unified School District or who serve as 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, and to direct the Board of Supervisors implement, by ordinance, non-citizen voting in School Board elections.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2004, a proposal to amend the Charter of the City and County by adding Section 13.111 to read as follows:

Note: Additions are *single-underline italics Times New Roman*.
Deletions are ~~*strikethrough italics Times New Roman*~~.

SEC. 13.111. ELECTION OF SCHOOL BOARD.

(a) Qualifications of Voters. Any San Francisco resident 18 years of age or older who is registered and eligible to vote under the California Elections Code may vote in elections for the School Board of the San Francisco Unified School District. In addition, any San Francisco resident 18 years of age or older who either has a child in the San Francisco Unified School District, or serves as legal guardian or caregiver (as provided in California Family Code Section 6550) for a child in the San Francisco Unified School District, may vote for the School Board of the San Francisco Unified School District, regardless of whether the resident is a United States citizen. This section, which is adopted pursuant to California Education Code section 5301, shall apply only to elections for the School Board of the San Francisco Unified School District.

(b) Adoption of Implementing Ordinances. The Board of Supervisors may adopt ordinances implementing this section. Before adopting or amending any ordinances under this section, the Board of Supervisors shall consult with the Director of Elections.

(c) Sunset. This section shall cease to be effective December 31, 2008, or the December 31 immediately following the second School Board election conducted pursuant to this section, whichever is later, unless prior to that date the Board of Supervisors, by ordinance, authorizes this section to continue in effect after that date.

(d) Limitations. Nothing in this section shall affect the terms of office of incumbent members of the School Board of the San Francisco Unified School District.

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

By: _____
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Deputy City Attorney