MEMORANDUM
RULES COMMITTEE
SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor David Campos, Chair
    Rules Committee

FROM: Linda Wong, Committee Clerk

DATE: July 12, 2010

SUBJECT: COMMITTEE REPORT, BOARD MEETING
    Tuesday, July 13, 2010

The following files should be presented as COMMITTEE REPORT at the Board meeting on Tuesday, July 13, 2010. These items were acted upon at the Special Committee Meeting on Friday, July 8, 2010 at 10:00 a.m., by the votes indicated.

Item No. 66    File No. 100634

[Health Service Board Terms and Elections]
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 12.00, to shorten, on a one-time basis, the term of one Health Service Board member from five years to three years, and the term of another Health Service Board member from five years to two years, so that Board terms will expire in pairs in the future and can be filled during the same Board election.

RECOMMENDED AS COMMITTEE REPORT
Vote: Campos – Aye
      Alioto-Pier – Aye
      Mar – Aye
[Non-Citizen Voting in School Board Elections]
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

RECOMMENDED AS COMMITTEE REPORT
Vote: Campos – Aye
      Alioto-Pier – Aye
      Mar – Aye

c: Angela Calvillo, Clerk of the Board
  Cheryl Adams, Deputy City Attorney
  Board of Supervisors
  Rick Caldeira, Legislative Deputy Director
Committee: Rules
Date July 8, 2010

Board of Supervisors Meeting
Date 7/13/10

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst 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

Completed by: Alisa Somera
Date July 2, 2010

Completed by: L.W.
Date 7/12/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.
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 amending Section 8.100 and adding Section 13.111 to authorize San Francisco residents 18 years of age or older who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2010, a proposal to amend the Charter of the City and County by amending Section 8.100 and adding Section 13.111 to read as follows:

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman.

SEC. 8.100. - UNIFIED SCHOOL DISTRICT.

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

SEC. 13.111. ELECTION OF BOARD OF EDUCATION.

(a) Manner of Election. Elections for the Board of Education of the San Francisco Unified School District shall be conducted in a manner that permits any San Francisco resident...
who meets the requirements of this section to vote, regardless of whether the resident is a United States citizen. 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 Board of Education of the San Francisco Unified School District. In addition, any San Francisco resident who is the parent, legal guardian or caregiver (as provided in California Family Code Section 6550) of a child residing in the San Francisco Unified School District, may vote in elections for the Board of Education of the San Francisco Unified School District, provided the resident is 18 years of age or older and not in prison or on parole for the conviction of a felony. This section, which is adopted pursuant to California Education Code Section 5301 and Article IX, Section 16, of the California Constitution, shall apply only to elections for the Board of Education 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. The provision of Subsection (a) authorizing non-citizens to vote in Board of Education elections shall expire on December 31, 2016, or the December 31 immediately following the third Board of Education election conducted pursuant to this section, whichever is later. Thereafter, the Board of Supervisors shall have the authority to determine by ordinance whether non-citizens are authorized to vote in Board of Education elections, and for what time period or time periods.

(d) Limitations. Nothing in this section shall affect the terms of office of incumbent members of the Board of Education of the San Francisco Unified School District. Nothing in this section shall alter the definition of “elector” or “voter” set forth in Article 17 of this Charter.
APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: MOLLIE LEE
Deputy City Attorney
LEGISLATIVE DIGEST

[Non-Citizen Voting in School Board Elections.]

A proposal 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 who are the parents, legal guardians or caregivers of children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the residents are United States citizens.

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 18 years of age or older 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.

The provision authorizing non-citizen voting in Board of Education elections would "sunset" on December 31, 2016, or the December 31 immediately following the third School Board election conducted pursuant to this 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.

The second draft of this proposed charter amendment also incorporates the following changes:

- Amends Charter section 8.100 to reference the new section 13.111.
- Adds a sentence to section 13.111(d) to clarify that the amendment does not change the meaning of "elector" or "voter" as defined in Article 17 of the Charter.
- Changes the sunset provision of section 13.111(c) to establish a default expiration date of December 31, 2016 or the third election conducted pursuant to this ordinance instead of December 31, 2014 or the second election conducted pursuant to this ordinance.
YOUTH COMMISSION
MEMORANDUM

TO: Linda Wong, Clerk, Rules Committee, Board of Supervisors
FROM: Julia Sabory, Director, Youth Commission
DATE: July 7, 2010
RE: Youth Commission support of proposed charter amendment file no. 100635
[Non-Citizen Voting in School Board Elections]

At our regular meeting of Monday, June 7, 2010, the Youth Commission voted to support this proposed charter amendment.
July 8, 2010

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA  94102-4689

RE:  File 100635 - Charter amendment authorizing non-citizens to vote in elections for the Board of the San Francisco Unified School District

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, there would be an additional cost, as estimated by the Department of Elections, of a minimum of $788,000 per election to print and distribute voting materials, train poll workers and separately register people who would become eligible to vote in School Board elections. Should the election take place by absentee ballot only, which would require a subsequent ordinance by the Board, costs may be reduced by approximately 20%.

The amendment would permit non-citizens 18 years of age or older who have children in the San Francisco public schools to vote in the elections for the School Board. The amendment would sunset on December 31, 2016, but could be extended by ordinance.

Sincerely,

Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller’s statement appears in the Voter Information Pamphlet.
June 30, 2010

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA  94102-4689

RE: File 100635 - Charter amendment authorizing non-citizens to vote in elections for the Board of 
the San Francisco Unified School District

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, there would 
be an additional cost, as estimated by the Department of Elections, of a minimum of $788,000 per 
election to print and distribute voting materials, train poll workers and separately register people 
who would become eligible to vote in School Board elections.

The amendment would permit non-citizens 18 years of age or older who have children in the San 
Francisco public schools to vote in the elections for the School Board. The amendment would 
sunset on December 31, 2014, but could be extended by ordinance.

Sincerely,

[Signature]

Ben Rosenfield
Controller

Note: This analysis reflects our understanding of the proposal as of 
the date shown. At times further information is provided to us which 
may result in revisions being made to this analysis before the final 
Controller’s statement appears in the Voter Information Pamphlet.