N Non-Citizen Voting in School Board Elections

Shall the City allow a non-citizen resident of San Francisco who is of legal voting age and the parent, legal guardian or legally recognized caregiver of a child living in the San Francisco Unified School District to vote for members of the Board of Education?

YES
NO

Digest by the Ballot Simplification Committee

The Way It Is Now: The San Francisco Unified School District operates public schools in San Francisco for students from pre-kindergarten through grade 12.

The San Francisco Board of Education oversees the School District, including

- establishing educational goals and standards;
- approving curriculum;
- setting the district budget;
- confirming appointment of all personnel; and
- approving purchases of equipment, supplies, services, leases, renovation, construction, and union contracts.

The Board of Education appoints a superintendent of schools, who is responsible for managing the day-to-day administration of the district.

The Board of Education has seven members who are elected by San Francisco voters to serve four-year terms. Elections for members of the Board of Education are held in November of even-numbered years.

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.

The Proposal: Proposition N is a Charter amendment that would allow any non-citizen resident of San Francisco to vote for members of the Board of Education if the resident:

- is the parent, legal guardian or legally recognized caregiver of a child living in the School District, and
- is of legal voting age and not in prison or on parole for a felony conviction.

Proposition N would apply to the November 2018, 2020 and 2022 elections for members of the Board of Education. The measure would expire after the 2022 election unless the Board of Supervisors adopts an ordinance allowing it to continue.

A "YES" Vote Means: If you vote "yes," you want to allow a non-citizen resident of San Francisco who is of legal voting age and the parent, legal guardian or legally recognized caregiver of a child living in the San Francisco Unified School District to vote for members of the Board of Education.

A "NO" Vote Means: If you vote "no," you do not want to make this change.

Controller's Statement on "N"

City Controller Ben Rosenfield has issued the following statement on the fiscal impact of Proposition N:

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 $160,000 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 to approximately $110,000, in addition to any costs associated with registration processes.

The amendment would permit non-citizens 18 years of age or older who have children residing in the San Francisco Unified School District to vote in the elections for the School Board. The amendment would sunset on December 31, 2022, but could be extended by ordinance.

This measure requires 50%+1 affirmative votes to pass.

The above statement is an impartial analysis of this measure. Arguments for and against this measure immediately follow. The full text begins on page 281. Some of the words used in the ballot digest are explained starting on page 58.

How "N" Got on the Ballot

On July 26, 2016, the Board of Supervisors voted 10 to 1 to place Proposition N on the ballot. The Supervisors voted as follows:

Yes: Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener, Yee.

No: Farrell.

This measure requires 50%+1 affirmative votes to pass.

The above statement is an impartial analysis of this measure. Arguments for and against this measure immediately follow. The full text begins on page 281. Some of the words used in the ballot digest are explained starting on page 58.

Proponent's Argument in Favor of Proposition N

Join the **San Francisco Democratic Party** in STANDING UP for **Proposition N: the IMMIGRANT PARENT RIGHT TO VOTE ACT!**

Proposition N gives all parents a voice.

- It is essential that we expand parental involvement in our schools. Greater participation is a key element in raising educational achievement, especially in low-performing schools.
- All parents, regardless of citizenship, will have the opportunity to become an integral part of their child's education through the voting process.
- It is estimated that at least 1 out of 3 children in SF public schools has an immigrant parent. Tens of thousands of SF residents would become eligible to vote in School Board elections.

Proposition N helps our students do better in school. Students of parents actively involved in schools are more likely to:

- Earn higher grades and enroll in higher level programs
- Attend school regularly, improve their social skills, behavior and adaptation
- Graduate and go on to college

Immigrant Voting has a long history in our country.

- For the first 150 years of our nation's history 40 states and territories allowed immigrants to vote and even hold office.
- Over the last three decades, cities and towns in Illinois, Maryland, Massachusetts and New York have passed laws allowing immigrants to vote.

Immigrant Voting is legal.

- The US 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.
- The California Constitution explicitly authorizes Charter cities such as SF to provide for the manner of electing school board members.

Please join us in voting YES on Proposition N to give all parents a VOICE!

Supervisor Eric Mar
Supervisor David Campos
Supervisor Malia Cohen
Supervisor Jane Kim
Supervisor Scott Wiener

Rebuttal to Proponent's Argument in Favor of Proposition N

UNDER THE OUTRAGEOUS WORDING OF PROPOSITION N, AN ILLEGAL ALIEN ON HIS WAY TO THE AIRPORT TO BE DEPORTED COULD MAIL AN ABSENTEE BALLOT VOTING FOR THE SAN FRANCISCO BOARD OF EDUCATION:

Worldwide, voting has always been restricted to a nation's citizens.

Under rather strange Proposition N – in violation of California's Elections Code – both aliens and illegal aliens having connections with a child attending a private or public school within the San Francisco Unified School District would be allowed to vote for members of the San Francisco Board of Education. The child in a local school could also be an illegal alien. Under Proposition N, it does not matter that both the adult and child might be subject to deportation. Illegal aliens are favored by Proposition N. Vote "**NO!**" on Proposition N.

WARNING TO VOTERS:

There are *two ballot propositions* in this election that call for increasing the number of persons who might vote in San Francisco elections. Both proposals, should they be legally enacted, would tend to create *new voters* who are likely to be *very pro-spending and pro-tax increases*: Proposition F (16 years old voting) and Proposition N (alien and illegal alien voting). Should Proposition N pass, *expensive litigation is almost certain.*

*Dr. Terence Faulkner, J.D.**
County Central Committeeman

*Arlo Smith**
Past President of BART Board

*Patrick C. Fitzgerald**
Past Secretary San Francisco Democratic Party

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

Opponent's Argument Against Proposition N

A BAD LEGISLATIVE PROPOSAL – REPEATEDLY DEFEATED AT THE POLLS – THIS ILLEGAL MEASURE CALLS FOR NON-CITIZENS TO BE ALLOWED TO VOTE IN SAN FRANCISCO BOARD OF EDUCATION ELECTIONS:

Like a bad penny, this illegal proposal in violation of the California Elections Code has already been twice defeated by increasing majorities of San Francisco electors – but keeps coming back!!!: *It was defeated in 2004 and 2010.*

This unwise measure calls for non-citizens and illegal aliens to vote in San Francisco elections for the Board of Education. Vote "**NO!**" on Proposition N.

This proposal seeks to even allow *even illegal aliens* on the way to the airport for deportation to cast their absentee ballots for Board of Education as they leave the United States of America.

Needless to say, American citizens living abroad are *not* allowed to take part in foreign nations' board of education or other elections.

It remains an open question whether at some future date the United States federal government might consider entering into formal treaties with Canada, Mexico, or other closely allied nations to allow American citizens in those countries and legal foreign aliens from those nations to vote in local board of education, city council, or other elections. These are major federal foreign policy questions…and American citizens should of course be granted equal rights with foreign citizens. Don't vote for this misguided ballot measure.

*Dr. Terence Faulkner**
United States President's Federal Executive Awards Committeeman (1988)

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

Rebuttal to Opponent's Argument Against Proposition N

Here are the facts on Prop N:
Proposition N is legal. The US Supreme Court has stated citizenship is not required to vote. The California Constitution protects a citizen's right to vote, but does not exclude immigrants from voting and grants charter cities like SF control over municipal elections.

Proposition N encourages civic participation. Any SF resident who is a parent, legal guardian or caregiver of a child in SF will be allowed to vote on SF School Board elections.

Allowing noncitizen parents to vote in School Board elections is not new. It has been allowed in other cities such as Chicago, New York City and towns in Maryland. While most parents are involved in their children's education through parent groups and School Site Councils, allowing them to fully participate in all of their children's education is a common-sense way to encourage greater family involvement in our schools

Proposition N will improve parental involvement and student success. Children do better in school when their parents are involved in their education, this ultimately results in more successful schools.

Proposition N will improve our local democracy. Allowing everyone to participate in School Board elections is equitable and good for SF. When all stakeholders are able to participate in making decisions that affect their daily lives, democracy is better served, and *everyone* benefits.

Assemblymember David Chiu
Senator Mark Leno
Assemblymember Phil Ting
Supervisor Eric Mar
Supervisor David Campos
Supervisor Malia Cohen
Supervisor Jane Kim
Supervisor Scott Wiener
San Francisco Democratic Party

Paid Argument IN FAVOR of Proposition N

We are veteran San Francisco public school teachers with about three quarters of a century classroom experience between us and we are enthusiastic supporters of Yes on Proposition N.
Two lessons we learned teaching in San Francisco classrooms:

Students with involved parents do better in school. Schools with greater parental participation help make schools successful learning communities for teachers and students

Please San Francisco teachers and school staff and Vote Yes on N and allow San Francisco Immigrant Parents a Vote for Board of Education

*Lita Blanc - President, United Educators of San Francisco**
*Susan Solomon - Vice President, United Educators of San Francisco**
*Ken Tray – Political Director, United Educators of San Francisco**

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source(s) of funds for the printing fee of this argument: Mission Economic Development Agency.

The sole contributor to the true source recipient committee: MEDA.

Paid Argument IN FAVOR of Proposition N

State Elected Officials Say YES on N!

San Francisco is one of the most progressive cities in the world, yet tens of thousands of hardworking parents cannot vote in the school board elections that shape our children's futures. Over the past 30 years, cities across Illinois, Maryland, Massachusetts and New York have passed similar laws allowing immigrants to vote. Proposition N will allow San Francisco to be the first city in California to give parents a voice in choosing the most important decisionmakers for their children's schools, while affirming support for our diverse, immigrant communities.

Immigrant voting has a long history in our country. For 150 years, from 1776 until the 1920s, immigrant voting was a common practice in many states, based on the civic goal of integrating immigrants into local communities. During this upcoming historic election with the most anti-immigrant presidential candidate in recent American history, in our city that prides itself for inclusivity and diversity, we need to stand up for our immigrant families.

This November, let's open a door for all parents to shape their children's future. Vote YES on Proposition N!

Assemblymember David Chiu
Assemblymember Phil Ting
Senator Mark Leno

The true source(s) of funds for the printing fee of this argument: Mission Economic Development Agency.

The sole contributor to the true source recipient committee: Mission Economic Development Agency.

Paid Argument IN FAVOR of Proposition N

HELP LatinX STUDENTS DO BETTER IN SCHOOL – **Vote Yes on N**
Students with involved parents are more likely to:

- 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

San Francisco Latino Democratic Club
Supervisor John Avalos
City College Trustee, Brigitte Davila
United to Save the Mission
Tracy Brown, Mission Peace Collaborative

The true source(s) of funds for the printing fee of this argument: Mission Economic Development Agency.

The sole contributor to the true source recipient committee: Mission Economic Development Agency.

Paid Argument IN FAVOR of Proposition N

WORKING FAMILIES DESERVE THE BEST SCHOOLS – VOTE YES ON N
Encouraging greater parental participation is a critical two-generation approach in improving schools, particularly low-performing schools. Working families rely on our public schools to educate their children and provide multiple pathways to success. **Labor says vote Yes on Prop N.**

San Francisco Labor Council
American Federation of Teachers Local 2121
Laborers Local 261
Conny Ford
Mission Parent Council

The true source(s) of funds for the printing fee of this argument: Mission Economic Development Agency.

The sole contributor to the true source recipient committee: MEDA.

Paid Argument IN FAVOR of Proposition N

API Elected Officials Urge San Franciscans to Vote Yes on Proposition N! Let's Give All Parents A Voice

Proposition N authorizes San Francisco residents 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 these residents are United States citizens. Over the last 30 years, cities and towns in Illinois, Maryland, Massachusetts, and New York have passed similar laws that have allowed immigrant parent voting. San Francisco is one of the most inclusive cities, yet we still have a lot of work to do. Currently, 1 in every 3 children in San Francisco public schools has an immigrant parent. This means a large majority of our schools parents do not have a say in their children's education.

Proposition D will make our schools better by encouraging parental participation, helping our students do better in schools, and increasing accountability.

One common thread in the immigrant experience is that we all want a better life for our children's future. This November let's affirm our unwavering support for our immigrant communities and pass proposition N!

Vote Yes on Proposition N!

Supervisor Eric Mar
Assemblymember David Chiu
Assemblymember Phil Ting

The true source(s) of funds for the printing fee of this argument: Mission Economic Development Agency.

The sole contributor to the true source recipient committee: Mission Economic Development Agency.

End of Paid Arguments IN FAVOR of Proposition N

Paid Argument AGAINST Proposition N

NO. NO. NO. NO on Proposition N
This one's a "lulu"!

Twice before we voters rejected ballot measures to allow aliens to vote in school board elections, if and only if, they had a child enrolled in public schools.

Prop N, however, grants voting rights to any immigrant – illegal or legal – regardless of whether the child (no age limit) is in public school or not. Thus, if a child lives in San Francisco, whether attending a private or for-profit school, or being home-schooled, or even attending school outside S.F., the legal or illegal immigrant responsible for that child can vote.

Citizenship becomes irrelevant. So do the laws, which require legal immigrants to a pass a citizenship test after 5 years of U.S. residency. A legislative bill to permit aliens to sit on juries was vetoed even by Governor Jerry Brown, no immigrant basher he.

Voting is an American principle and basic democratic right that should be protected, promoted, practiced and earned. Prop. N demeans the value of citizenship — VOTE NO.

San Francisco Taxpayers Association

The true source(s) of funds for the printing fee of this argument: SF Taxpayers Association.

The two contributors to the true source recipient committee: Yes on F - 2014, Save Golden Gate Park - Yes on H - No on I.

Paid Argument AGAINST Proposition N

Proposition N would permit non-citizens 18 years of age or older who have children in the San Francisco public schools to vote in School Board elections. The right to vote is an essential part of being a U.S. citizen. If someone wants to vote, they should become a citizen. Non-citizens should not be allowed to vote. Vote NO on Proposition N.

San Francisco Republican Party
Jason P. Clark, Chairman
Chantal Anderson, Charles Cagnon, Howard Epstein, Terence Faulkner, Barry Graynor, Stephanie Jeong, Ken Loo, Scott Williams

The true source(s) of funds for the printing fee of this argument: San Francisco Republican Party.

The two contributors to the true source recipient committee: Charles Moore, Stephanie Jeong.

accessible, more energy efficient, and more sustainable (the "Housing Stabilization Program"). As soon as is practical, the ~~*Mayor's Office of Housing*~~ *Department of Housing and Community Development* shall implement and develop a manual for the Housing Stabilization Program.

(4) The City may use monies in the Housing Trust Fund to operate and administer the Infrastructure Grant Program as described in subsection (e). The City may not allocate to the Infrastructure Grant Program in any fiscal year an amount exceeding the greater of $2 million or 10% of the amount appropriated to the Housing Trust Fund for that fiscal year under subsection (c).

(5) In any fiscal year, the City may allocate a sufficient amount from the Housing Trust Fund to pay for all legally permissible administrative costs of the Fund, including, without limitation, legal costs, associated with any use of the Housing Trust Fund.

(e) **Complete Neighborhoods Infrastructure Grant Program.** After conferring with the Director of Planning, the Director of the ~~*Mayor's Office of Housing*~~ *Department of Housing and Community Development* shall design and administer a Complete Neighborhoods Infrastructure Grant Program ("Infrastructure Grant Program"). The purpose of the Infrastructure Grant Program is to accelerate the build-out of the public realm infrastructure needed to support increased residential density in the City's neighborhoods. The City may use monies from the Infrastructure Grant Program only for public facilities identified in the Community Facilities District law (Cal. Govt. Code §§ 53311 et seq., as amended), and shall give priority to the use of such monies by residential development project sponsors, community-based organizations, and City departments for public realm improvements associated with proposed residential development projects.

(f) **Bonding Authority.** Notwithstanding the limitations set forth in Sections 9.107, 9.108, and 9.109 of this Charter, upon recommendation of the Mayor, the Board of Supervisors may authorize the issuance, without limitation, of revenue bonds, lease financing, notes, or other evidences of indebtedness or other obligations ("Debt Obligations"), the proceeds of which are to be used for creating, acquiring, and rehabilitating rental and ownership housing affordable to Households earning up to 120% of the Area Median Income, including, without limitation, the acquisition of land for such purpose. Such Debt Obligations shall be secured by and/or repaid from any available funds pledged or appropriated by Board of Supervisors ordinance for such purpose, which amount may include funds in the Housing Trust Fund allocated under subsection (c). Debt Obligations authorized hereby shall be issued in accordance with the ~~*Mayor's Office of Housing*~~ *Department of Housing and Community Development* policies, and upon the terms and conditions as the Board of Supervisors shall approve. Funds appropriated to pay debt service on the Debt Obligations in such fiscal year under the terms of this Section shall be set aside in an account for such use until such payment is made.

* * * *

Proposition N

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.

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

NOTE: **Unchanged Charter text and uncodified text** are in plain font.
Additions are *single-underline italics Times New Roman font*.
Deletions are ~~*strike-through italics Times New Roman font*~~.

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.

(1) Beginning on January 1, 2017, and ending on the sunset date set forth in subsection (a)(2), elections for the Board of Education of the Unified School District shall be 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 Family Code Section 6550 or any successor legislation) of a child under age 19 residing in the San Francisco Unified School District, is the minimum age required under this Charter to vote in 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 elections shall expire by operation of law on December 31, 2022, or on December 31 immediately following the third election for members of the Board of Education conducted in 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 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 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.