

## STUDY MATERIALS

### Noncitizen Rights in Boulder County

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### Coming in September: Consensus Meetings

At our 2019 annual meeting, members adopted the Social Policy Team (SPT) proposal to proceed to consensus on the rights of noncitizens in Boulder County. Consensus meetings are planned for September 2019.

Consensus is the League process of group discussion to determine the overall sense of the group. It is not majority rule nor unanimity. Although consensus meetings are public, only members' responses are recorded. If there is no consensus on this or that point, that fact is recorded, too. From the recorders' notes from our September meetings, the SPT members will draft a position statement, subject to LWVBC board approval. LWV position statements guide LWV response to a range of ballot issues, proposed city and county ordinances, and legislation.

So far, SPT members have examined noncitizen rights at the federal and state levels. See our 2016 presentation on the SPT page. Now we are moving to new territory—local government.

Many U.S. communities are now recognizing the potential of noncitizens, documented or undocumented, to help maintain their vitality and cohesiveness. Should noncitizens be appointed city boards and commissions? Boulder voters said yes in 2014; Lafayette voters said no in 2016.

While only U.S. citizens can vote in national or state elections, some local jurisdictions now allow some noncitizens to vote on some issues. In Chicago, all residents - including undocumented immigrants - vote on school board elections. In California, noncitizens may be called to jury duty. For the big picture, we recommend the Wikipedia article "Right of foreigners to vote in the United States".

Does immigration status matter? A noncitizen can be a permanent resident (green card holder), someone holding a temporary visas (worker, student, tourist), an unauthorized immigrant (expired visa, no visa), spouse of U.S. citizen, etc. What about an age requirement? Residency requirement? Application for citizenship pending

We value citizenship. And we value DEI (Diversity, Equity, Inclusion), our national LWVUS focus for 2019. At what point does DEI—in matters of voting and other coveted rights—dilute the value of citizenship?

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August 2019

### Overview: Consensus on Noncitizen Rights in Boulder County

Our national LWV's home page uses bold print to draw attention to its efforts towards "Empowering Voters," "Fighting Voter Suppression" and "Defending Democracy." Increasingly in recent years, political theorists are questioning the linkage between citizenship and citizens' rights such as voting. Noncitizens, like citizens, are often politically engaged, organizing and taking collective action to effect policy changes. The social policy team has been exploring the phenomena of noncitizen activities.

In preparation for our consensus meetings in September, we ask members to read the informational material in this VOTER issue—(1) the six consensus questions, (2) the matrix of the questions, designed to help you organize your own views, (3) definitions of the eight major categories of noncitizens named

in the consensus questions, and (4) summaries of the arguments of those in favor of, and those opposed to, noncitizen rights (voting, serving on advisory boards or juries, running for office).

### **Should LWVBC support the right of noncitizens to vote in Boulder County?**

While current US law allows only citizens to vote at the federal level, up until 1928 many states allowed noncitizens to vote in federal as well as state and local elections. Today there are a few local jurisdictions where the franchise is extended to noncitizens, and in a number of other jurisdictions, including the city of Boulder, activists are working towards that goal. Looking internationally, 45 countries give alien residents who meet certain requirements the privilege of voting. Generally, however, suffrage is restricted to citizens. Most nonresident citizens (expatriates) are allowed to vote only in their native country's elections, not in elections in their place of residence.

**Other civic involvement of noncitizens.** Currently the LWV is emphasizing the importance of inclusion of underrepresented segments in our communities, while we continue the longstanding LWV practice of encouraging informed participation in public matters. Thus, it seems proper for us to notice and support immigrants, who are not eligible to vote but find other ways to be involved with political issues. Some mobilize around workers' rights issues such as unpaid wages and overtime. Immigrant youth advocate for undocumented to obtain drivers' licenses and pay resident tuition rates to attend public universities.

### **For further reading**

- Hans von Spakovsky of the Heritage Foundation explains why he and others believe that only citizens should vote, in his 2008 online report, [The Threat of Non-Citizen Voting](https://www.heritage.org/report/the-threat-non-citizen-voting).

<https://www.heritage.org/report/the-threat-non-citizen-voting>

- For those who believe in the democratic ideal of "consent of the governed," scholars have proposed a number of criteria to determine who ought legitimately to have a political voice. One theory is that everyone whose interests are affected by the government's policies should have the right to participate. Another is that all who are subject to coercion ought to have a say in deciding how that coercive power is wielded. Read more on this topic in Sarah Song's 2009 article, [Democracy and noncitizen voting rights](https://www.academia.edu/33442820/Democracy_and_noncitizen_voting_rights), *Citizenship Studies*, 13: 6, 607-620

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- An anthropologist analyzed the discussions that took place in Cambridge MA over a 2003 proposal to give local residents the right to vote for the public School Committee. Go online to read Kathleen Coll's 2011 article in full, "[Citizenship acts and immigrant voting rights movements in the US](https://www.academia.edu/5470072/Citizenship_acts_and_immigrant_voting_rights_movements_in_the_U.S)," *Citizenship Studies*, 15:8, 993-100.

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- Rachel Meyer and Janice Fine have co-authored a great article, "Grassroots Citizenship at Multiple Scales: Rethinking Immigrant Civic Participation," *International Journal of Politics, Culture, and Society* (2017) 30:323-348 and it is available [online](https://www.academia.edu/36674446/Grassroots_Citizenship_at_Multiple_Scales_Rethinking_Immigrant_Civic_Participation).

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## **September 2019**

### **Plan to Attend a Consensus Meeting**

The Social Policy Team members are looking forward to leading League members in lively discussions of Noncitizen Rights in Boulder County at this month's **consensus meetings**. If new county or municipal ordinances on these issues were to be proposed in the future, are there any that LWVBC should support or oppose?

Do plan to attend one of the two meetings—either in Boulder on Saturday afternoon, September 7, 1pm to 3pm at Frasier, or in Longmont on Wednesday evening, September 18, 7pm to 9pm at Front Range Community College Community Room.

You can review the consensus questions and background material in last month's *VOTER* and more background in the June–July *VOTER*. If you are new to League or need another copy, contact our team leader, Angie Layton - [teams@lwvbc.org](mailto:teams@lwvbc.org) or 303.499.4544 (leave a message).

The one-page 'matrix' chart (also in the August *VOTER*) is the questions in graphic form. It lists kinds of immigration status along the horizontal axis, and various citizen rights that could be extended to noncitizens on the vertical axis. This is not a quiz! As we members share ideas, consensus may or may not emerge.

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## VOTING

(From **NONCITIZEN RIGHTS** <2016\_noncitizen\_rights.pdf>, a compilation of the information presented by the LWV of Boulder County, Colorado, at public meetings in November 2016, pp. 9–10.)

**Voting rights** throughout the world are almost always tied to **citizenship**.

U.S. Federal law (1996) **prohibits** voting by non-U.S. citizens ("aliens") in **national** elections. Read the current law [here](#).

All 50 states currently **prohibit** voting by non-U.S. citizens in **statewide** elections.

Read the Wikipedia article on foreigners' voting rights [here](#).

Non-U.S. citizens with permanent resident status (green-card holders) can vote in their home country, the country in which they have citizenship.

Like the U.S., most (but not all) other countries in the world restrict voting to the country's own citizens—except where there are intergovernmental agreements such as among the EU nations; those are specific and restrictive. The U.S. has no such agreements with other countries.

Do noncitizens manage to vote illegally? No, they do not. Data indicate that when a noncitizen has tried to vote in a national election, the attempt failed, and either it was done in ignorance, or the person was put up to it by tricksters in an attempt to create an instance of illegal voting.

**Historical considerations.** American voting laws, like attitudes toward immigration, have shifted over the years. In 1776, none of the thirteen states had a citizenship requirement for voting, only a five-year residency requirement. Of course only white male property owners had the right to vote. Through the nineteenth century, as the U.S. expanded, immigrants were welcomed. Colorado had no citizenship requirement for voting when it became a state in 1876. By the end of the nineteenth century, however, anti-immigrant sentiment prevailed. Colorado law in 1902 put an end to noncitizen voting.

Anti-immigrant legislation again prevailed in the 1920s, after World War I. Congress drastically cut immigration quotas. Many other voting issues were also pressing, including women suffrage. By the 1920s, noncitizen voting was no longer allowed.

**Local laws.** Today, a few **local** jurisdictions, such as school districts, towns, and villages, extend voting rights to noncitizen residents of the locality, in **local elections** on **specific issues**. Everyone who lives in the district and is *affected* by the issue can vote on that issue. Turnout for noncitizens is reportedly about the same as for citizens.

No localities in Colorado allow noncitizen voting.

- In **Maryland** six municipalities in Montgomery County—Barnesville, Garrett Park, Glen Echo, Martin's Additions, Somerset and Takoma Park—allow residents holding visas and green-cards to vote on issues affecting residents of the town or village. The registrar combines the

regular voter rolls with the list of noncitizen residents and no one knows which name comes from which list. In December 2016, [a seventh Maryland city, Hyattsville, joined the six](#).

- The **Chicago school system** allows noncitizens to take part in elected parent advisory councils but not to vote in school board elections.

- Four towns in **Massachusetts** have moved to allow noncitizen voting and are awaiting state approval.

- In **New York City**, where noncitizens make up 21 percent of the voting-age population, the city council is drafting legislation that would allow more than 1.3 million legal residents (green-card holders) to take part in municipal elections. The city previously allowed noncitizens to vote in school board elections, but that ended in 2002 (during Mayor Giuliani's tenure) when New York's school boards were dissolved.

- In **San Francisco** in the November 8th, 2016, election, voters approved Proposition N, the Immigrant Parent Right to Vote, by 52.65% to 47.35%. A city charter amendment, it was referred to voters by the SF Board of Supervisors. (Similar proposals failed in 2004 and 2010.) The city charter now permits noncitizens 18 years of age or older who have children residing in the San Francisco Unified School District to vote in school board elections. Noncitizens include permanent residents, visa holders, and unauthorized immigrants. The amendment sunsets on December 31, 2022, but could be extended by ordinance. **One third** of SF school kids have an **immigrant parent**.

Arguments used **in favor** of the charter amendment were these: (1) that the measure would increase parental involvement, and students with actively involved parents do better in school; (2) that Immigrant voting has long history in the U.S.; and (3) that greater resident involvement improves democracy. Further, while the California Constitution protects the right of citizens to vote, it does not exclude immigrants from voting; and it explicitly authorizes Charter cities such as SF to provide for the manner of electing school board members.

A 2008 paper on voting issues by the Center for Immigration Studies may be read [here](#).

**Related issues.** Boulder County municipalities disagree on whether noncitizen residents should be eligible to serve on appointed boards. Voters in the city of Boulder approved a proposal to allow all electors, regardless of citizenship, to be appointed to city boards and commissions. Soon after the election, an unauthorized immigrant was appointed to the Human Relations Commission. Voters in the city of Lafayette turned down similar proposals in 2015 and 2016.

In a few U.S. locations noncitizens, even unauthorized immigrants, can serve on juries, monitor elections, and practice law—according to a [New York Times report in 2013](#).

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