



Noncitizens Are Slowly Gaining Voting Rights

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A voter in Montpelier, Vermont, casts her ballot during the 2020 presidential primaries. Montpelier is one of two Green Mountain State cities that now allow noncitizens to vote in local elections. Lisa Rathke The Associated Press

Two Vermont cities have joined the short but growing list of jurisdictions that allow residents who are not U.S. citizens to vote in local elections.

Last week, the Vermont legislature overrode vetoes by Republican Gov. Phil Scott, greenlighting voter-approved changes to the city charters of Montpelier and Winooski. Those cities now allow all residents over age 18 to vote in city elections, regardless of citizenship status. Noncitizen voting in federal elections remains illegal nationwide.

The movement to let all adults vote in local elections hasn't had widespread success in modern times. Until lately, just San Francisco and nine Maryland cities have allowed noncitizens to vote

in local or school board elections. While two towns in Massachusetts have passed resolutions in recent years calling for noncitizens to be allowed to vote locally, the state legislature has yet to approve those changes. But those cities may soon have company.

Lawmakers in Washington, D.C., Illinois and New York City this year are considering legislation that would offer the vote to noncitizens for local elections, such as for city council or the school board. These proposals have ignited the fierce debates that often come with immigration and voting rights proposals. Some states, meanwhile, have gone in the opposite direction in recent years, explicitly banning noncitizens from voting.

In Vermont, legislative proponents pointed out that noncitizens are taxpayers, arguing they deserve a say in who represents them.

“People always glom onto the idea that you have to earn our right to vote by becoming a citizen,” said Democratic state Rep. Hal Colson, who sponsored the Winooski bill. “I just don’t buy that. We’re talking about a large chunk of the community that’s closed off.”

Scott, in vetoing the city charter changes, [said](#) the issue deserves further consideration, but that the bills would create inconsistency in local election policy. Other Republican lawmakers who opposed the changes argued it was unconstitutional to offer the vote to people who are not U.S. citizens.

While the Vermont Constitution says “every person... who is a citizen of the United States” is entitled to vote, supporters of the bills said the language does not exclude noncitizens and that cities have control over their own local elections. Republican state Rep. Arthur Peterson, who voted against both bills, disagrees.

“If you’re not 18 or you’re not a citizen of the United States, I don’t see how you could be given the right to vote,” Peterson said. “We have to have some rules, and the [state] constitution is our rule.”

But those concerns have not stopped lawmakers in other states from considering similar proposals.

With a large number of foreign-born parents in Illinois—especially in the Chicago area, where [a fifth](#) of the population is foreign-born—those taxpayers should have a say in their children’s education, said Illinois state Sen. Celina Villanueva, a Democrat. She introduced legislation this year that would allow noncitizens to vote in local school board elections.

“We’re essentially doing taxation without representation,” she said. “We have a large population of noncitizens in this state and throughout this country and they should have their voices heard, especially when it comes to the education of their children.”

This legislative effort may take years, she said, but her experience as an immigrant rights organizer has prepared her for a longer fight—it took a decade of debate, she said, before Illinois

earlier this year [became the first state](#) to offer Medicaid to older adults regardless of their immigration status. Her voting bill still awaits a committee hearing.

Passing these measures also can signal a city's support for its immigrant residents, said D.C. Democratic Councilmember Brianne Nadeau, who represents the District's largest immigrant neighborhood. Along with D.C. calling itself a sanctuary city and offering health care to immigrants living in the country illegally, Nadeau wants all D.C. residents to be able to vote on local matters that directly affect them.

"We all deserve to have a voice in who represents us," she said. "I can't control what's allowed at the federal level, but I can control what we do locally."

Her bill has a strong chance of passing, she said, as half of the council co-introduced the bill with her. That included the chair of the Council's Judiciary Committee, who oversees early debate for such legislation. This is the fifth attempt to pass similar legislation over the past decade, but new voices on the Council may help this time, she said.

Because the District of Columbia exists under federal oversight, Congress would have the right to "disapprove" of a new D.C. law, but that's unlikely for now as Democrats control both chambers and the presidency.

While Congress in 1996 prohibited noncitizens from voting in federal elections, state constitutions vary on the matter. No state explicitly allows noncitizens to vote in statewide elections such as for governor—nor have there been serious proposals to legalize statewide voting by noncitizens. Ambiguous language could open the door to more local voting statutes, however.

But some state lawmakers and residents are trying to amend their constitutions to make sure that doesn't happen.

In the past three years, voters in Alabama, Colorado, Florida and North Dakota have enacted ballot initiatives that amend their state constitutions to ensure only U.S. citizens have the right to vote. A similar proposed ballot initiative in Maine [failed](#) to gather enough signatures this year.

"The idea that we would give legal voting rights to people who have not shown the loyalty to choose the United States over another country is stunning," said John Loudon, who led the Florida effort through his political group Citizen Voters. "It's an extreme view to push this."

Further, he argued, it would only lead to confusion. It could even lead to noncitizens accidentally and illegally voting in federal elections, he said. He pointed to the recent rollouts of automatic voter registration in other states.

When [California](#) and [Illinois](#) implemented laws in recent years that automatically register people to vote when they visit departments of motor vehicles, hundreds of noncitizens were accidentally registered to vote [due to technical glitches](#). At least 16 noncitizens in Illinois [cast a ballot](#) because of the confusion.

Legal voting by noncitizens is not new in the United States, however.

From the founding of the country until 1926, 40 states at various points allowed noncitizens to vote in local, state and federal elections, said Ron Hayduk, a professor of political science at San Francisco State University, who has written about this issue. Noncitizens could not only vote, but also hold office.

But that right has been stripped at different points in American history. From the days of the Alien and Sedition Acts of 1798 to the rise of nativism after World War I, anti-immigrant sentiment led to the rolling back of these voting rights by legislatures in most states, he said.

Lawmakers in states from New York to California who are interested in bringing the franchise back to noncitizens have called Jessie Carpenter, the nonpartisan city clerk for Takoma Park, Maryland. The city has offered the right to vote to all residents, citizens or not, in local elections since 1993.

“It’s a point of pride here,” Carpenter said. “We want as many people as possible to take advantage of the right to vote.”

Of the 13,500 registered voters in the community just north of Washington, D.C., only a few hundred are estimated to be noncitizens. Carpenter feels she and other city officials could do a better job at outreach, informing the local immigrant community of their voting rights.

One policy change may help. Since expanding local elections to residents who are 16 and older, local election officials no longer track voters by citizenship status; they have just one list of voters who can participate in municipal elections, which the city administers. This could put noncitizens, who may have feared retribution, at ease about putting their names on public voting lists, Carpenter said.

Implementing this new policy in the Vermont cities will be easy, said Montpelier City Clerk John Odum.

He plans to maintain a registered voter list parallel to the state’s list, but his will include noncitizens. He also had to tweak the city’s voter registration form to make it clear that people just have to be a resident to vote locally. The sole major outstanding questions for Odum, he said, are how he’ll present ballots to noncitizen voters so they can vote only on municipal issues, and how he’ll train poll workers.

But there are still some in Vermont who are skeptical of this new change, including Peterson. In addition to questioning the constitutionality of letting noncitizens vote, he is also concerned that noncitizens will have a voice in how state funds, provided by taxpayers, are allocated. Municipal elections, he said, could have statewide funding implications.

“You could have one person in one town affecting the taxes of someone else in the state,” he said, “and that’s way out of line.”

In Winooski, the most racially diverse community in northern New England—a refugee sanctuary where nearly 1 in 5 residents are not born in the United States—many residents feel offering the right to vote for all residents, citizens and noncitizens alike, is essential.

“I believe our community will be better,” said Liz Edsell, chair of a resident-led [charter commission](#) that proposed the change to the City Council.

“It’s a chance to try something different, something close to what people believe in when they think about democracy.”