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## Spring 2019 Journal: Noncitizen Voting Rights in the United States

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*This article is the third article featured in our Spring 2019 journal. For the complete journal, please see the "Current Issue" tab above.*

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*After the 2016 Presidential election, movements to utilize local and state governments to affect change have become increasingly popular. Despite claims of voter fraud and anti-immigrant sentiment in national rhetoric, some local governments have taken the initiative to grant their residents, regardless of citizenship status, the right to vote in local elections. Cities in California, Illinois, and Maryland have opened voting for various local offices to noncitizens, and cities in Connecticut, Maine, and Massachusetts, and Washington, DC have attempted to pass similar legislation. These policies have been largely implemented without garnering*

*nationwide attention. The recent passage and implementation of San Francisco's Proposition N, which opens voting in San Francisco School Board elections to noncitizens with children under the age of 19, brought this conversation to the forefront, and creates a case study for other US cities to follow suit.*

## **Introduction**

The United States, a nation of immigrants, has based its success and identity on the people who have made this country their new home. Documented and undocumented immigration has changed the demographic landscape of the US. In particular in California, Latinx populations now make up a large proportion of California residents, business owners, laborers, and school-age children. While many of these immigrants have lived in the US for several decades, they do not have the political power to change their communities and schools to better reflect their needs.

This article will provide background information and recommendations to cities that wish to expand voting right to noncitizens, which will lead to more transparent and relevant governance, better outcomes for noncitizen families, increased interest and stake in noncitizens' communities, and greater incentives for pursuing citizenship.

### **Legal background – can noncitizens vote?**

According to US Code Title 18, section 611: Voting by Aliens, noncitizens are authorized to vote in local elections if allowed by state law [1]. However, noncitizens are barred from voting in elections for the following offices: President, Vice President, Presidential elector, US Senate, US House of Representatives, D.C. Delegate, and Resident Commissioner.

The Fourteenth Amendment of the US Constitution requires “equal protection under the law” (Fourteenth Amendment, Section I), and the US Supreme Court ruled that this right extended to noncitizens and their children in *Plyler v Doe* (1982). In this case, the Supreme Court concluded that undocumented immigrant children were entitled to the same public education (K to 12) as citizens [2]. While children, regardless of their citizenship status, are able to receive a free public education per this court decision parents have still not been given a voice in their children's schooling.

On September 26, 2018, the US House of Representatives passed House Resolution 1071, “Recognizing that allowing illegal immigrants the right to vote devalues the franchise and diminishes the voting power of United States citizens.” The resolution passed mostly along party lines, with 279 voting for and 72 voting against H.Res. 1071. Forty-nine House Democrats voted for the resolution [3]. H.Res. 1071 represents the growing visibility of noncitizen voting and the strong opposition to expanding voting rights to noncitizens.

### **History of noncitizen voting in the US and internationally**

From the founding of the US till the early 1920's, 22 states and federal territories allowed noncitizens the right to vote in statewide elections. The 1920s saw an increase in anti-immigrant sentiment, leading to the elimination of these state voting rights [4].

Despite this exclusion of immigrants from voting in state elections, immigration has increased since that time. According to Pew Research Center, “the number of immigrants living in the US has more than quadrupled [since 1965]. Immigrants today account for 13.5 percent of the US population, nearly triple the share (4.7 percent) in 1970” [5].

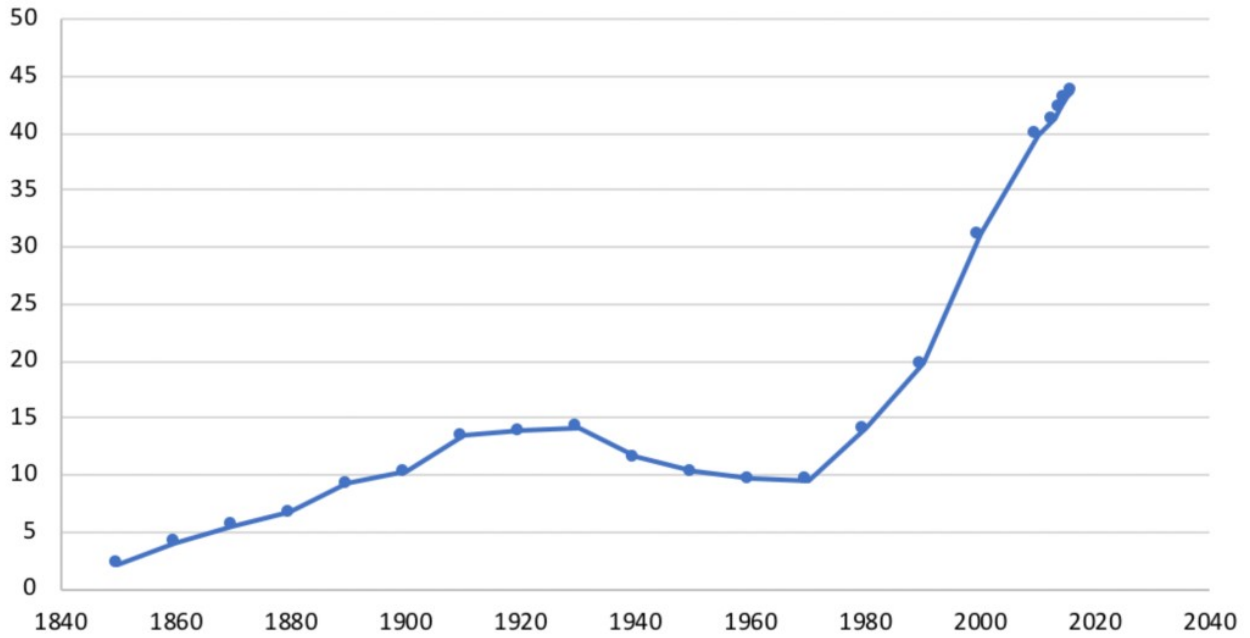


Figure 1: Number of immigrants, in millions, residing in the United States from 1850 – 2016. Source: Pew Research Center. US Census Bureau population estimates and Pew Research Center tabulations of 2010, 2013-2016 American Community Surveys (IPUMS).

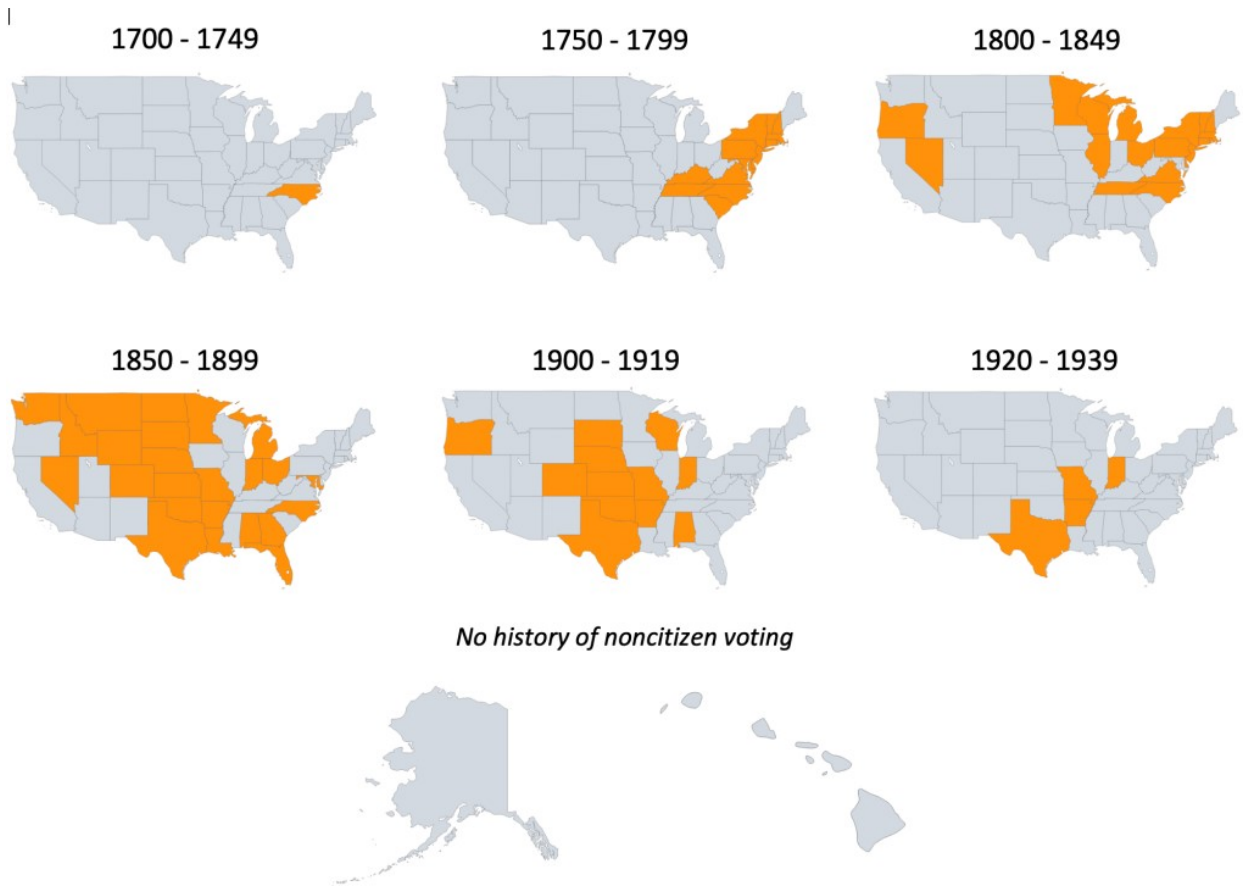


Figure 2: The history of noncitizen voting rights show an expansion and contraction throughout the 1700, 1800, and 1900's. Note: Alaska and Hawaii do not have a history of noncitizen voting.

Source: Ron Hayduk, Professor of Political Science, San Francisco State University, <http://ronhayduk.com/immigrant-voting/around-the-us/state-histories/>.

In more recent history, many right-wing and conservative thinkers have misrepresented the conversation around noncitizen voting, suggesting that this practice in local elections is illegal. The negative, and often baseless, rhetoric has made expanding noncitizen voting rights a partisan issue that is less politically feasible. Most notably, after the 2016 elections, President Donald Trump claimed that there were millions of illegal voters, and while some jurisdictions allowed noncitizens to vote in local elections, there was not large-scale federal voter fraud in 2016, as the President purported [6]. These claims were later dismissed as inaccurate.

Outside of the US, there is a precedent for noncitizen voting: 22 democracies around the world grant some form of noncitizen voting, and Bolivia and Colombia's constitutions explicitly permit noncitizen voting in local elections [7]. The European Union's Maastricht Treaty of 1993 created voting rights for noncitizens in EU member states by stating, "Every citizen of the Union residing in a Member state of which he is not a national shall have the right to vote and stand as a candidate at municipal elections in the Member State of which he resides, under the same conditions as nationals of that State" [8].

### **Current US jurisdictions with noncitizen voting**

Several US cities and towns have passed laws that allow noncitizens to vote in local elections. While no states have passed statewide noncitizen voting rights legislation, jurisdictions in California, Illinois, and Maryland provide some form of noncitizen voting.

Chicago and San Francisco allow noncitizens to vote in school board elections. The City of Chicago has allowed noncitizen legal residents, such as green card and visa holders, to vote in Local School Council elections since 1988, and San Francisco allows all noncitizens, irrespective of status, who have children under the age of 19, to vote in San Francisco Unified School District Board of Education elections. Chicago and San Francisco are both large cities that the country looks to for innovative policies, so their inclusion in the small group of places that do allow noncitizen voting is notable. Even more notably, Maryland has ten towns that have allowed noncitizens to vote as early as the 1980s. Barnesville, Chevy Chase Sections Five and Three, Glen Echo, Hyattsville, Martin's Additions, Mount Rainier, Riverdale Park, Somerset, and Takoma Park allow noncitizens to vote in local elections. Those eligible to vote must be residents of the city, at least 18 years old, not registered to vote elsewhere, and not in prison for a felony [9].

<i>City</i> <sup>10</sup>	<i>Total Foreign- Born Residents</i> <sup>11</sup>	<i>Registered</i>	<i>Voted</i>
<b>Illinois</b>			
Chicago	322,601		
<b>Maryland</b>			
Barnesville	4		
Chevy Chase Section Five	53		
Chevy Chase Section Three	34	0	0 <sup>12</sup>
Glen Echo	14	unavailable	unavailable <sup>13</sup>
Hyattsville	4,263	33	12 <sup>14</sup>
Martin's Additions	53	N/A	N/A <sup>15</sup>
Mountain Rainier	2,079	unavailable	25 <sup>16</sup>
Riverdale Park	2,436	N/A	N/A <sup>17</sup>
Somerset	191		
Takoma Park	2,901	360	72 <sup>18</sup>
<b>California</b>			
San Francisco	115,412	81	30 <sup>19</sup>

Table 1: Cities with Noncitizen Voting Rights as of November 2018. Note: Cities that allow noncitizen to vote in local elections, which can include either city council, school board, or both type of elections. In Chicago, noncitizen legal residents, such as green card and visa holders, are permitted to vote. In Maryland's ten towns and San Francisco, all noncitizen, irrespective of status, are permitted to vote. The US Census Bureau's Foreign-Born Residents estimates include citizens, documented immigrants (e.g. visa holders), and undocumented immigrants.

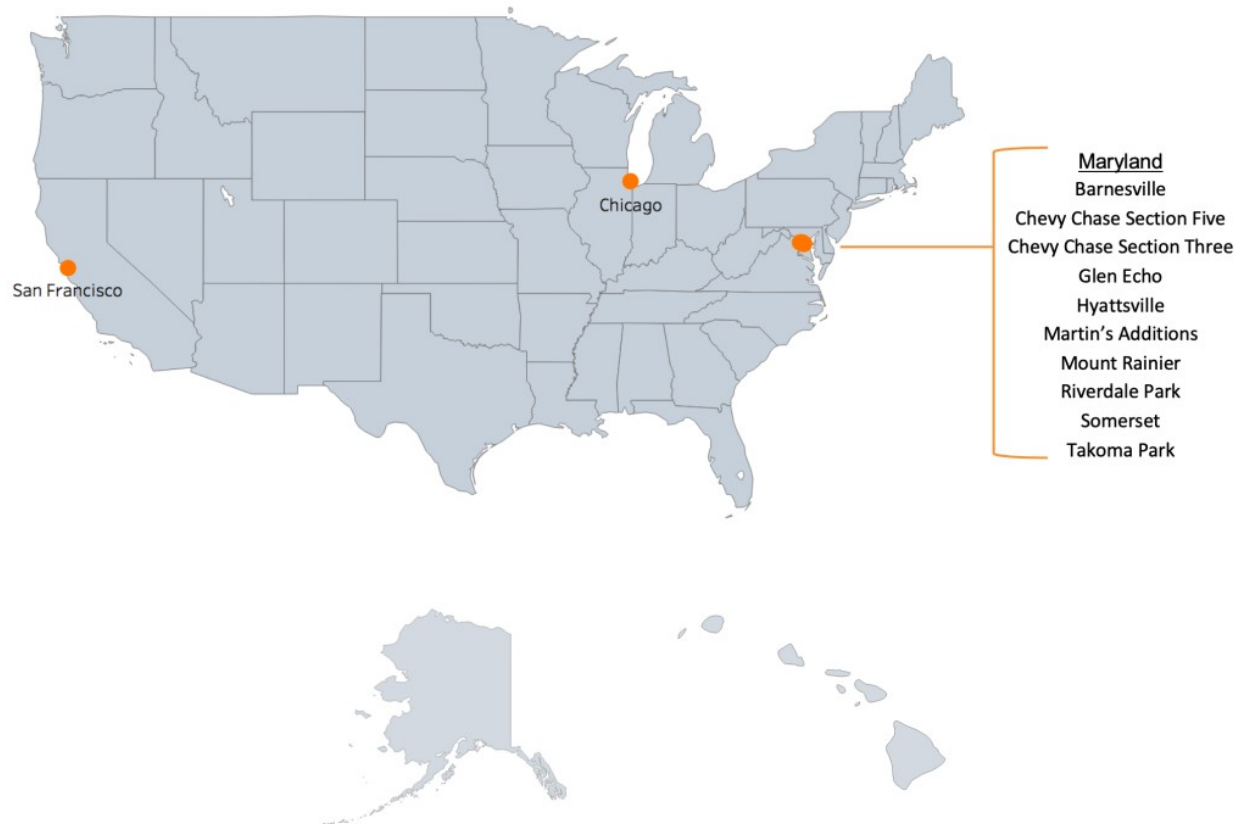


Figure 3: Cities and Towns that Currently Allow Noncitizens to Vote in Municipal Elections. Note: No states allow noncitizens to vote for statewide offices. Source: Ron Hayduk & Kathleen Coll (2018): Urban Citizenship: Campaigns to Restore Immigrant Voting Rights in the US, *New Political Science*, pp. 4.

Despite the majority of jurisdictions that allow this type of voting being located in Maryland, voter turnout has still been low. In Hyattsville, while there are approximately 4,263 foreign-born residents, only 33 city-only voters registered and just 12 voted in May 2017 [20]. In Mount Rainier, 20 noncitizens registered [21] out of 2,079 foreign-born residents [22]. Low voter turnout may be attributed to fear of deportation, language barriers, and lack of community organizing and knowledge of voting rights.

While noncitizen voting in Maryland elections remains low, this phenomenon mirrors national trends in local election voter turnout. One example is Takoma Park, which has the second largest noncitizen population out of these ten Maryland towns. Despite approximately 2,900 noncitizens residing in Takoma Park, an average of only 39 noncitizens vote per city election since 1993 [23]. While noncitizen voter turnout in 2017 was undeniably low at 20.7 percent, voter turnout among all registered voters was 22 percent, illustrating the broader challenge of achieving high voter turnout during local elections [24]. Takoma Park's low numbers are not an anomaly: in the 30 most populous US cities, an average of 23 percent of the eligible voting population voted in the most recent mayoral election, and voter turnouts in ten of those cities was below 15 percent. Las Vegas, Fort Worth, and Dallas experienced single digit voter turnout rates [25].

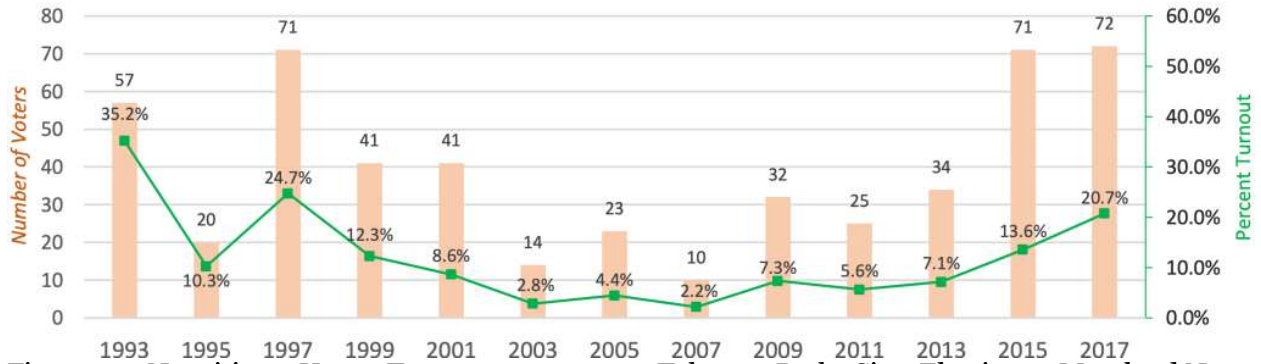


Figure 4: Noncitizen Voter Turnout, 1993-2017, Takoma Park City Elections, Maryland Note: Noncitizen voter turnout has varied over the years due to increased or decreased voter education, increased publicity around particular candidates and issues, and increased fear of deportations, as reported by Jessie Carpenter, City Clerk. Source: Ron Hayduk, Professor of Political Science, San Francisco State University, <http://ronhayduk.com/immigrant-voting/around-the-us/state-histories/>.

New York, Washington, DC, Connecticut, Maine, and Massachusetts have submitted proposals to expand voting rights, but these efforts have been blocked or delayed for various reasons. New York City formerly permitted noncitizens, regardless of status, to vote in the Community School Board elections from 1969 to 2002, at which time the elected Board was disbanded and replaced with an appointment system. Since 2002, community groups have attempted several times to reinstate noncitizen voting, but these efforts have been struck down. The Council of the District of Columbia has attempted to expand voting rights to noncitizens in 1992, 2004, and 2015, but all attempts have failed to receive the required majority Council vote to become law [26]. In August 2018, City Councilors in Portland, Maine discussed expanding voting rights to noncitizens, though this initiative was referred to a committee for additional review. If the bill leaves the committee, Portland voters will vote on whether to amend the City Charter. In 2009, Maine attempted to pass a state level expansion of voting rights, but it was voted down by the Maine State Legislature [27]. In Connecticut and Massachusetts, a change to local voter laws requires a change to the state's constitution, creating an additional hurdle for passage. The cities of Amherst, Boston, Brookline, Cambridge, Newton, and Wayland have passed petitions to allow noncitizens to vote in local elections, but state law requires that the Massachusetts General Court pass legislation to allow the petitions to take effect [28].

## Case Study: San Francisco

San Francisco is currently the only city in California that has opened voting to noncitizens. In 2016, 10 out of 11 members of the San Francisco Board of Supervisors voted to place Proposition N on the ballot. The proposition, which allows noncitizens with children under the age of 19 to vote in San Francisco Unified School District Board of Education elections, was subsequently passed by San Francisco residents in the 2016 general election. The new law allows immigrant parents to vote in school board elections regardless of legal status, starting with the November 2018 election and lasting until the 2022 election, at which point the Board of Supervisors will need to vote on continuing the policy.

The demand and support for immigrant parent voting rights came from a coalition of local immigrant rights organizations: Asian Law Caucus, Chinese for Affirmative Action, Mission Economic Development Agency, and Mujeres Unidas Y Activas. San Francisco public school students are 35 percent Asian, 27 percent Latinx, and 29 percent English Language Learners, demonstrating the need to bring immigrant voices into the School Board decision-making processes [29].

After the initial passage of the proposition, an amendment was attached requiring all voter outreach to include a warning that the information registrants provide during voter registration, including one's name and address, may be obtained by other federal agencies such as Immigration and Customs Enforcement (ICE) [30]. San Francisco's Department of Elections Director John Arntz stated that the Office of Civic Engagement and Immigration Affairs worked "with a set of local immigration support groups to provide advice and information for noncitizens, including those seeking to find out if their status might be potentially harmed by registering to vote" [31]. Additionally, the Department of Elections conducted registration trainings with community organizations and schools, given students 35,000 informational packets to take home, put up educational posters, and tabled at events. The department also granted \$150,000 to the advocacy organization Chinese for Affirmative Action in order to conduct outreach via newspapers and mailers [32].

Despite these efforts, there was low voter turnout during the November 2018 elections. The Department of Elections received 81 noncitizen registration forms, and out of these individuals, only two voted at a polling place and 12 voted by mail. Additionally, 16 noncitizens registered and voted on Election Day in City Hall [33]. San Francisco is experiencing the same low voter turnout as cities in Maryland, which can be attributed to the fears surrounding the federal government's anti-immigrant policies and the difficulty of getting voters to the polls for local elections. As Jonathan Stein, a Goldman School of Public Policy alumnus and staff attorney for Asian Americans Advancing Justice, states, "In a deeply anti-immigrant moment in our national politics, with a federal administration targeting immigrants and refugees, I'm not surprised that our non-citizen community members are afraid of stepping forward. The elections office has a difficult balance to strike" [34].

With the November 2018 election completed, it is unclear what immigrant parents' level of engagement will be in the San Francisco Unified School District (SFUSD) School Board elections going forward. The school board is made up of seven elected members who are responsible for electing a superintendent, creating school policies, developing curriculum, and creating budgets. School boards have the ability to put proposition measures on local ballots, to negotiate teacher pay, and to appropriate funds to schools. For example, SFUSD's 2018-2019 operating budget is \$889.6 million, demonstrating the considerable power the Board wields and the potential influence that noncitizens can exercise [35]. In the November 2018 election, there were three open seats and 19 candidates, and the campaign conversations focused on language barriers, addressing minority issues, and gender rights. In the end, Alison Collins, Gabriela Lopez, and Faauuga Moliga won the seats. All three winners are people of color and they have campaigned on policies of cultural sensitivity, creating awareness of bias, and bilingual education.

## The Case for Extending Voting Rights

A city's ability to introduce noncitizen voting, whether in school board or local elections, depends on the specific situation in each jurisdiction. Demand from immigrant parents and guardians, local demographics, and buy-in from community organizations must be taken into account. In order to create more responsive and relevant policies, the expansion of noncitizen voting rights should be considered but weighed with the potential risks.

- **In jurisdictions where noncitizens make up a large portion of the residents, noncitizen voters should be reflected in governance.**

For example, in San Francisco County, approximately 35 percent of San Francisco County residents are foreign born and 13 percent are noncitizens, [36] and though the US Census Bureau does not collect information about legal status, this number represents a large portion of residents who may be disenfranchised from the key decision-making processes that affect them. As mentioned before, San Francisco Unified School District students are 35 percent Asian, 27 percent Latinx, and 29 percent English



language learners [37]. The tables below show that some of the largest US cities and metro areas have significant foreign-born and unauthorized immigrant populations. These areas should consider the benefits of granting voting rights to these voiceless residents.

<i>Metro</i>	<i>Foreign-Born Population as % of Total Population</i>
Miami	38.5%
San Jose	36.8%
Los Angeles	33.8%
San Francisco	29.8%
New York	28.5%
San Diego	23.4%
Houston	22.3%
Washington DC	21.9%
Las Vegas	21.9%
Riverside	21.4%

Table 2: Top 10 US Metros with the Largest Foreign-Born Populations. Source: CityLab analyzed 2011-2013 American Community Survey Data; <https://www.citylab.com/equity/2015/09/americas-leading-immigrant-cities/406438/>

<i>Metro Area</i>	<i>Unauthorized immigrants as % of foreign-born population</i>	<i>Unauthorized immigrants as % of total population</i>
Phoenix-Mesa-Scottsdale, AZ	37%	5.5%
Dallas-Fort Worth-Arlington, TX	37%	6.9%
Houston-The Woodlands-Sugar Land, TX	37%	8.7%
Atlanta-Sandy Springs-Roswell, GA	33%	4.5%
Washington-Arlington-Alexandria, DC-VA-MD-WV	29%	6.8%
Chicago-Naperville-Elgin, IL-IN-WI	25%	4.5%
Riverside-San Bernardino-Ontario, CA	25%	5.6%
Los Angeles-Long Beach-Anaheim, CA	22%	7.5%
New York-Newark-Jersey City, NY-NJ-PA	19%	5.7%
Miami-Fort Lauderdale-West Palm Beach, FL	18%	7.3%

Table 3: Top 10 US Metros with Largest Unauthorized Immigrants. Note: Metro areas defined using the 2013 definitions for metropolitan statistical areas (MSAs) from the U.S. Office of Management and Budget; <http://www.pewhispanic.org/interactives/unauthorized-trends/>. Source: Pew Research Center estimates based on augmented 2014 American Community Survey (IPUMS).

Whether it be municipal or school board elections, jurisdictions that have large noncitizen populations cannot be responsive to the specific needs of this group. Politicians will not have to solicit noncitizen support for input in policies that directly affect noncitizens, and these noncitizens will not be able to hold politicians accountable. In the context of a decision-making powers in school, many school boards have the ultimate authority over curriculum development, budget allocation, and hiring decisions. Noncitizen parents with children in a school district such as San Francisco should have the power to influence curriculum, extracurricular funding, and staffing to reflect their unique needs.

- **Noncitizen parent involvement in school matters, through school board elections, will increase students' academic performance.**

The involvement of parents in their children's schools is correlated with the academic performance of children. Bringing immigrant parents into conversations about curriculum, staff, and language used in class will lead to better academic outcomes for students. The Supreme Court of Vermont recognized this, ruling in *Woodcock v. Bolster* (1863) that naturalized foreign-born individuals should be permitted to serve as local school committee members. The court wrote,

*While awaiting the time when [noncitizens] are to become entitled to the full rights of citizenship...it is of the greatest importance that the children of such persons should be educated...and that the parents should be induced to send their children to school, and it seems to us that they would be much more likely to do so, and to take interest in their attendance and improvement, if allowed to participate in their regulation and management [38].*

Several studies have found that parent involvement is an important factor in a student's performance, and it is in the school board, district, and community's interest that all students perform to the best of their abilities [39].

- **Voting creates a vested interest, stake, and sense of belonging in the school system and community.**

Allowing all stakeholders to vote in school board elections will create a sense of belonging and self-interest for noncitizen residents. Those that vote are more engaged and invested in the success of the school district and city. More inclusive voting “focuses on what we all have in common—our collective visions for better cities, better local government, sustainable local institutions, and community life,” says Associate Professor Kathleen Coll, a political anthropologist at University of San Francisco [40].

- **Voter registration and voting provides practice and assimilation into citizenship activities.**

Noncitizens who engage in citizenship activities, such as voting, will have a taste of some of the benefits of citizenship. Some critics state that providing this right before naturalization will take away a key incentive of becoming a citizen, but Coll states that inclusive resident voting, “encourages civic participation [and] speeds the path to citizenship” [41]. California State Assemblymember David Chiu, who represents San Francisco, stated, “We need to ensure that all our parents are engaged in the governance and future of our schools. The premise was that we wanted immigrants to be assimilated as quickly as possible into our democratic institutions, including voting” [42]. Allowing noncitizen residents to vote could create an interest in accessing the full benefits that come with citizenship and encourage naturalization among this population.

- **Noncitizen voting was the norm until the 1920s in the US and it is currently being successfully implemented in many cities and countries.**

Allowing noncitizens to vote is not a new endeavor in the United States. As mentioned above, up until the 1920s, voting rights in numerous states were based on residential status rather than citizenship. Currently, several cities in Maryland allow for noncitizen voting in city-wide elections, and Chicago has permitted noncitizens to vote in school board elections since 1988. These US efforts have proceeded without major problems, as have many on the international stage. Voting rights based on one’s residential status, as opposed to citizenship, are common in the international context and the US’s own history.

## Addressing concerns

While the expansion of voting rights will create a more representative and responsive government, there are substantial risks in this endeavor. Below are some of the most concerning risks that policymakers must consider.

- **Personal information, such as names and addresses, can be shared with other government agencies, including Immigration and Customs Enforcement (ICE).**

Granting the right to vote to noncitizens means that their names and addresses will be included in the voter rolls, which is available for other government agencies upon request. This is of particular concern with agencies such as the Department of Homeland Security (DHS) and its enforcement arm, Immigration and Customs Enforcement (ICE). While other US jurisdictions’ voter rolls include public information about noncitizens, these jurisdictions have not been targeted by DHS and ICE as of yet. There has been particular concern regarding this risk in California, which has been a key adversary of the federal government in several policy areas. If ICE is able to access this information, voter registration information may be used to conduct raids and deportations. The threat of this outcome could very easily lead noncitizens to distrust local government, resulting in low voter turnout. As mentioned before, San Francisco’s Department of

Elections has attached a warning to its voter registration forms that notify voters of this risk. The warning may have led to the low voter registration and turnout in November 2018 elections.

Jessica Barnes, Town Clerk of Riverdale Park, Maryland, stated that the Riverdale Park City Council is aware of this potential pitfall and feels it is their responsibility to disclose all the risks involved in voting. While Barnes was not able to comment on how the city will achieve this, she made it clear that it was a main point of discussion as Riverdale Park finalizes its voter registration requirements before noncitizen voting commences in May 2019 [43].

While the threat of making personal information available to ICE should be considered, it should not reduce or diminish the rights of noncitizens. It is important that noncitizens are fully aware of the possible consequences of voter registration, but local governments should continue to provide residents the choice of exercising their voting rights. It is not the role of government to deny rights in a paternalistic manner, but instead to educate its electorate to make informed decisions for itself.

- **High costs of implementation are possible (e.g. printing, distribution, and training).**

As with all initiatives that introduce new processes, there are associated implementation costs. The county or city must pay for printing and distribution of special ballots, training election staff, and educating newly eligible residents. This type of spending is not unprecedented; in the mid-2000s, San Francisco earmarked funds to educate residents about a new citywide voting system [44]. San Francisco Supervisor and former School Board Member Sandra Lee Fewer has asked the city to “spend hundreds of thousands of dollars this year to educate noncitizen parents about the voting process” [45]. While this may seem like a large price-tag, municipalities should ensure noncitizens are educated about their rights, just as they would for citizens.

- **Voting may create barriers to naturalization for noncitizens.**

The naturalization process requires applicants to state whether they have registered to vote or have voted in a US election. Under the US Department of Justice’s policy, Immigration and Naturalization Service officers must determine if noncitizens have illegally registered to vote or have voted. While the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 states that there is a criminal penalty for noncitizens who vote, this is only applicable if the noncitizen voted in federal elections. Exceptions include noncitizen voting that is permissible under a state constitution or statute, a local ordinance, or if the noncitizen voted for only a local office [46]. In a memorandum from the Office of the Executive Associate Commissioner in May 2002, the Deputy Executive Associate Commissioner William Yates wrote, “officers must determine in what type of election the applicant voted – federal, state, or local – and then review the appropriate jurisdiction’s election laws...Officers should review all code provisions that define who is eligible and/or qualified to vote in such elections” [47]. While officers may more extensively scrutinize a noncitizen’s naturalization application because the noncitizen has voted, it is not a reason for denial of citizenship.

In Riverdale Park, Maryland, the City Council is in the drafting stages of its implementation plan for noncitizen voting. One aspect that they wish to include in voter registration and education materials is the risk of being denied citizenship due to voting in an US election. To combat this, noncitizens can contact the Town Clerk’s office to receive a letter that explains Riverdale Park’s noncitizen voting rights [48].

- **Expansion of voting rights may allow noncitizens to accidentally or unintentionally commit voter fraud.**

If there's lack of adequate education, noncitizens could end up voting in Federal elections without knowing the legal distinction between local and federal voting, or merely by accident. Norma P. Garcia, Director of Policy and Advocacy at Mission Economic Development Agency, states that a noncitizen may accidentally fill out the incorrect form, which "prompts users to check a box verifying they are US citizens, and if a noncitizen parent does so, they would inadvertently be committing a crime—a deportable offense" [49]. While this poses a threat, education and training can help prevent this mistake.

## Conclusion

A city's ability to introduce noncitizen voting, whether in school board or local elections, depends on the specific situation in that jurisdiction, including demand from immigrants, demographics, and buy-in from community organizations.

While all those factors weigh into the feasibility of getting such a policy passed, one must step back to examine the reason for pushing for greater voting rights. In *Shelby v. Holder (2013)*, the Supreme Court severely diminished the power of the Voting Rights Act of 1965. In that decision, the US Supreme Court rolled back key voting protections that have historically allowed greater access to polls, especially for marginalized populations. In the wake of this decision, several states have limited citizens' abilities to vote through voter roll purges, strict identification requirements, limited voting rights for former felons, and failure to recognize P.O. box addresses as valid, among others.

As US citizens are stripped of their civil rights, governments become less representative of their people and more responsive to special interests. By broadening the definition of an "eligible voter," a city also broadens its reach, responsiveness, and relevancy among its residents. It is signaling to all its residents that their voices are important and necessary to keep the city thriving and moving forward. A responsive government does not paternalistically deny rights in the name of safety and protection, but instead empowers its residents with the full disclosure of the benefits and risks and trusts them to make the decision that is right for them. Legal and undocumented immigrants can make this decision for themselves after weighing their own needs. Despite the risks involved in noncitizen voting, local governments should consider the many potential benefits.

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## Endnotes

1. 18 USC 611: Voting by aliens.
2. Plyler v. Doe 457 US 202 (1982)
3. <https://www.congress.gov/bill/115th-congress/house-resolution/1071>
4. Grosso, David. "Local Resident Voting Rights Amendment Act of 2017." 24 January 2017. [www.davidgrosso.org/grosso-analysis/2017/1/24/local-resident-voting-rights-amendment-act-of-2017](http://www.davidgrosso.org/grosso-analysis/2017/1/24/local-resident-voting-rights-amendment-act-of-2017).
5. <http://www.pewresearch.org/fact-tank/2018/09/14/key-findings-about-u-s-immigrants/>
6. <https://www.usatoday.com/story/news/politics/2018/08/04/donald-trumps-widespread-voter-fraud-claim-untrue-election-official/905262002/>
7. Kini, Tara. "Sharing the Vote: Noncitizen Voting Rights in Local School Board Elections." California Law Review, vol. 93, no. 1, January 2005, pp 34.

8. Kini, Tara. "Sharing the Vote: Noncitizen Voting Rights in Local School Board Elections." *California Law Review*, vol. 93, no. 1, January 2005, pp 34.
9. Lee, Esther Yu Hsi. "Non-citizens now allowed to vote in Maryland city's local elections." *ThinkProgress*, 13 September 2017. <https://thinkprogress.org/college-park-md-local-elections-ffc7accd7ab0/>.
10. Cells left blank denote information that the author was not able to obtain due to no response to emails or phone calls to county officials.
11. Most of estimates come from the US Census Bureau's 2017 American Community Survey 1-year estimates; Some estimates may be from previous years' American Community Survey, depending on availability of data.
12. "The most we had in non-citizen voters was 3 [over five years ago]," Andy Leon Harney, Village Manager (11/8/18)
13. City does not keep records of noncitizens voters, Email from Nicole Ventura, Town Manager, Town of Glen Echo (10/30/18)
14. 2017 elections [https://www.washingtonpost.com/local/md-politics/college-park-decides-to-allow-noncitizens-to-vote-in-local-elections/2017/09/13/2b7adb4a-987b-11e7-87fc-c3f7ee4035c9\\_story.html?utm\\_term=.5cf7b3b18eb0](https://www.washingtonpost.com/local/md-politics/college-park-decides-to-allow-noncitizens-to-vote-in-local-elections/2017/09/13/2b7adb4a-987b-11e7-87fc-c3f7ee4035c9_story.html?utm_term=.5cf7b3b18eb0)
15. City does not keep records of noncitizens voters, Interview with Richard Krajeck, Council Chairman, Martin's Additions (10/30/18)
16. November 2017 election; Estimate; Interview with Melinda Miles, Mayor, Mount Rainier
17. Charter Amendment Resolution 2018-CR-01 (June 2018) will first go into effect in the May 2019 elections; Interview with Jessica Barnes, Town Clerk, Riverdale Park (11/2/18)
18. Takoma Park Board of Elections Report: City Election, November 2017 (March 2018)
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