

Clean and Open Elections Task Force

Meeting Notes, February 13, 2018

I. Participation

In attendance

Joe Beckmann, Nate Clauser, Vishal Doshi, Ariel Horowitz, Andrew Levine, Sara Oaklander, Josh Rosmarin, Nick Salerno, Eric Weisman

Not in attendance

Annie Connor, J.T. Scott

II. Non-Citizen Suffrage – Nate

See attached handout for most information (notes will capture conversation) and more detail in the Task Force's Google drive.

Notes on the Handout

- Non-citizens are taxed but do not necessarily give consent to government (taxation without representation)
- Non-citizens include temporary residents, legal permanent residents, undocumented residents
- About 5% of MA residents are legal permanent residents based on rough calculation, which if applied to Somerville would yield around 3,800 legal permanent residents
- Examples of what other states have done for some non-citizen voting (on handout)
- Massachusetts Proposed Legislation – would also require the current voter base to vote on whether non-citizens should have the vote in their municipality

Are there any other countries that allow non-citizen voting?

- A criticism is this could allow you to vote in two different countries, which may not seem fair
 - Dual citizens can vote in elections of both countries
 - We're rare in allowing non-resident citizens to vote
 - Brexit allowed non-citizens to vote Leave or Remain
 - US had long history until WWI of permitting non-citizen voting – concern about disenfranchising non-citizens early on. The Franchise was used as a mechanism to encourage people to move to Western Frontier
 - Changed after WWI – fear of German immigrants
 - Really only prohibition of non-citizen voting in last 100 years

How would officials enforce a policy around non-citizens being able to vote in narrow circumstances, like in San Francisco for school board elections?

Questions around Home Rule Petitions filed by other cities/towns in MA and House Bill 388, which is Rep Rushing's bill.

- What's the process for advancing a Home Rule Petition?
- What's the success rate in home rule petitions passing?
- Advantages to Home Rule Petitions include that Somerville could craft it ourselves – no additional towns influencing it
- Sara will find out more about Home Rule Petitions and HB388

Are there cities in which non-citizens can have advisory votes? Or vote in primaries?

- What if Democratic Party allowed non-citizens to vote in its primaries? (would only matter here in state primaries)

When these have passed in cities, what was the impetus? Who were those pushing for it?

- Will check – very likely immigrants' rights or more liberal groups

Fascinating someone would put forth statewide policy that only affects state elections

- Maybe state and federal legislation that gets in the way of this?

Interesting that school committees have been included in other cities' actions. Would be interesting to know what our school committee's perspective is on this.

- Makes sense given how many school age children are first generation and parents don't otherwise have a voice

Concern in New York and San Francisco that this list could be used by ICE, etc.?

- Cities that allow this are also Sanctuary Cities
- Going out of their way to make sure the data is not overly sharable
- Unclear that Takoma Park has had more ICE raids, despite having this voting list
 - Don't include just documented residents – but do have a hyper localized registration process

Nick shared some of his experience as Election Commissioner

- Non-citizen voting has never come up. He also added that he never hears anything from legislators about voting policy, even when they're mandating policy. The topics that do come up include:
 - Early voting correction issues
 - Same day voter registration isn't in vogue – now it's automatic voter registration (through RMV and MassHealth)
 - Attended a summit last Friday at MIT with Charles Stewart
 - All about Early Voting – that seems like the focus right now
 - Three things that might happen
 - Get rid of mail in ballots (early)
 - Getting rid of voting envelopes for early ballots
 - Ballots go right into the ballot counter
- Not a lot of conversation about voting by mail

III. Proposed COETF Summary and Next Steps

Outline submitted by Sara – Discussion notes:

1. To what extent does this seem reflective of where we're headed?
 - a. Topics are sound
 - b. One thing we may be missing is "clean"
 - i. What do we do with data and data access?
 - ii. Finance and transparency in general
 - iii. Campaign Finance all goes through state agency
 1. With the exception of school committee, which City tracks
 - iv. Lobbying regulations, Pay to Play Ordinance
2. What does it suggest about the work we need to do?
 - a. Need to start cataloguing the options under each decision and do some prioritization
 - b. Can talk about what the goals are and what are available options for removing barriers
 - i. Which strategies will address goals?
 - ii. Barriers include making sure polling places are located where all voters will feel safe and welcome – Voting Rights Act questions and potential voter intimidation issues have been raised in other communities when polling locations are in police stations
 - c. Argument that community engagement is robust in Somerville
 - i. Already a significant number of local councils/bodies
 - ii. Notion that there may be more room for engagement by raising more issues
 - d. How much do we distinguish targeted group voter participation increases from increasing participation of all voters?
 - i. Making voting easier will not necessarily increase turnout among high voting populations (already voting)
 - ii. Increasing voter turnout generally, largest increase is usually among groups with already low turnout
 - e. Do we need more information about who's voting?
 - i. By age? By other factors? We could make that recommendation if we wanted to
3. Where in this outline does campaign finance and contributions from outside city come in?
 - a. Disclosure/ cleanliness topic
4. Where do term limits come in?
 - a. Part of candidate's experience
 - b. A potential barrier to running for office could be current incumbency

IV. Next Steps

- Next meeting was to be February 27th but there are a few conflicts so we will explore alternatives: Feb 28 or March 1

(Note: Next meeting now March 1, 6:30 pm at the Visiting Nurse Association, 259 Lowell Street, 3rd floor community room.)

- Keep March 13th Meeting
- What projects in play now?
 - Voter turnout methods and anticipated impact – Josh
 - Clean and Transparent Elections – Vishal and Ariel
 - Non-Citizen Voting (follow-up) – Nate
 - Under-18 voting – Nate
 - Voting by incarcerated individuals - Nate
 - Home Rule Petitions and HB388 – Sara
 - Outline for project summaries – Ariel

Non-Citizen Suffrage

Somerville Demographic Estimates¹

Somerville Population: **79,507**

Somerville Residents Age 18+: **69,926**

US Citizen Somerville Residents Age 18+: **59,376**

Non-Citizen Somerville Residents Age 18+: **10,550**

Percentage of Residents Age 18+ who are Non-Citizens: **15%**

Somerville Residents Age 15-19: **3,517**

Recent/Existing/Proposed Examples

New York, NY: Allowed non-citizen residents to vote in school board elections from 1968 until 2002, when the city disbanded its elected school boards.²

San Francisco, CA: Since 2016, all non-citizen residents of voting age (18+) who are parents of school age children may vote in school board elections.³

Takoma Park, MD: Since 1992, all non-citizen residents of voting age (16+) may vote in all municipal elections.⁴

Cambridge, Brookline, Amherst, and Newton, MA: In the recent past, these four Massachusetts municipalities have submitted home rule petitions to permit non-citizen residents to vote in municipal elections. None of these petitions have yet been granted.

Proposed Massachusetts Legislation: House Bill No. 388, if enacted, would permit non-citizen residents to vote in elections for “school committee, school committee questions, city council and board of selectmen” after the municipality’s legislative body has approved and after this change is subsequently approved by the voters of the municipality at the next regular municipal or state election.⁵

Ideas for Action in Somerville

Home Rule Petition

State Enabling Legislation

¹ US Census, 2012-2016 American Community Survey 5-Year Estimates

² Douglas, Joshua A. *The Right to Vote Under Local Law*, 85 Geo. Wash. L. Rev. 1039 at 1064.

³ Charter of the City and County of San Francisco, Section 13.111 (a)(1)(B)

⁴ Takoma Park Municipal Charter, Article VI, Section 601(a)

⁵ <https://malegislature.gov/Bills/190/H388>