



## Expanding Immigrant Voting Rights in the United States

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Almost 25 million immigrants in the United States do not have American citizenship. In terms of legal status, these residents include lawful permanent residents, unauthorized immigrants, and legal residents on visas. They are our neighbors and live in virtually every state, city, suburb, and town. They are teachers and students, physicians and nurses, musicians and construction workers. They pay taxes, raise families, send their kids to schools, and make countless economic, social and cultural contributions to our social fabric and economy every day.

These noncitizens are generally barred from voting on policies that affect them on a daily basis, despite constituting up to 10% to 20% of the total population in numerous states and up to 30% to 40% of the population in certain localities. In part due to their political exclusion, noncitizens as a group have worse outcomes than citizens on nearly every indicator of well-being, including income, wealth, poverty, healthcare, housing, and education. Moreover, the exclusion of noncitizens from voting undermines the basic democratic principles we hold dear, such as “one person, one vote,” “government rests on the consent of the governed,” and “no taxation without representation.”

### History of Noncitizen Voting Rights

It is important to emphasize that efforts to restore immigrant voting rights are restorations of voting rights previously exercised by European immigrants during the 19th century. Historically, voting was not tied to citizenship, but rather to race, gender and class—only white, male property holders could vote. Eleven of the thirteen original U.S. states allowed “alien suffrage,” which refers to immigrant or noncitizen voting. When Congress created new territories from lands acquired by displacing Native Americans, it granted voting rights to immigrants who settled those lands.

In fact, between 1776 to 1926, 40 states permitted noncitizen voting at some point—and not just in local elections, but also in state and federal elections. Immigrants during this period could also run for and hold elected office. These policies, however, excluded Chinese, Mexican and “other” migrants. “Alien suffrage” came to an end during waves of nativism and xenophobia, state by state, ending in Arkansas in 1926.

The Civil Rights Movement ushered in a revival of immigrant voting laws. In 1968, New York City was the first jurisdiction that restored voting rights to immigrants in school board elections, followed by Chicago in 1988 for local school council elections. In the 1990s, several towns in Maryland allowed immigrants to vote in all local elections. More recently, San Francisco, Washington D.C., additional towns in Maryland, Vermont, and New York City restored immigrant voting. Today, 22 jurisdictions allow noncitizens to vote in local elections. Another dozen jurisdictions have also sought to restore immigrant voting rights in recent years, including in Massachusetts, Portland, ME, and San Jose, CA.

Research shows immigrants vote in significant numbers in some cases, contributing to electoral and policy outcomes. As in other elections, local and national contexts -- as well as implementation practices -- can affect patterns of voter participation. For example, turnout by immigrants in some towns in Maryland was initially quite robust, but after the September 11th terrorist attacks and the subsequent crackdowns on immigration enforcement, turnout declined with increased immigration enforcement and growing fear among immigrants of detention and deportation. Hyattsville, MD boosted immigrant turnout by adding election staff and expanding outreach efforts, including by using social media in multiple languages.

## **Examples of Effective Implementation in Maryland & San Francisco**

One of the most important considerations in designing noncitizen voting rights laws is the potential negative consequences on immigration status and enforcement. For example, if an immigrant inadvertently registers and votes in a state or federal election, it could jeopardize their application for citizenship or lead to their detention and deportation. Additionally, data on a locality's noncitizens may be used for aggressive immigration enforcement by federal administrations that are hostile to immigrants. Consequently, immigrant advocacy groups, immigration lawyers, and immigrant communities need to be at the table at every phase of such efforts--from the decision to commence a campaign to its implementation. To protect against such unintended occurrences--and to effectively engage and empower immigrant residents--advocates and policy makers have collaborated to craft well-designed programs in Maryland and San Francisco.

Sixteen Maryland localities allow all residents to vote in local elections, including both documented and undocumented immigrants. Maryland's election administrators use two separate voter registration forms: the state keeps a list of citizen voters for state and federal elections, and local city clerks keep a separate list of noncitizen voters who can only vote in local elections. Local elections take place in opposite years from state and federal elections, helping to reduce confusion and thereby ensure noncitizens will not vote in state or federal elections. City Clerks in Maryland have successfully implemented immigrant municipal voting for three decades without administrative problems or incidents of illegal voting. You can find Hyattsville's ordinance text [here](#).

The Immigrant Parent Voting Collaborative (IPVC), a broad coalition of immigrant and community-based organizations, worked with elected officials and election officials to craft ordinances and implement San Francisco's 2016 noncitizen voting law that allows all parents of children to vote in School Board Elections regardless of citizenship and immigration status. San Francisco's Department of Elections and the Office of Civic Engagement and Immigration Affairs worked with the IPVC to conduct outreach and provide advice and information to all noncitizen parents, including a brochure and a voter registration form in multiple languages. The City also granted funds to the IPVC to conduct community education workshops and public events to help immigrants to understand eligibility criteria and engage immigrant parents in the process. You can find San Francisco's 2016 charter amendment by ballot measure [here](#), the 2018 ordinance text [here](#), and the 2021 ordinance text [here](#).

## **More Cities & States Should Restore Immigrant Voting Rights**

Federal law does not preclude states and localities from allowing noncitizens to vote, though federal law does bar immigrants from voting in federal elections. Fourteen states since 2018 have expressly prohibited noncitizens from voting pursuant to their state constitutions, thereby preempting localities from granting such

rights. Although state constitutions in most states include language referring to national citizenship (e.g., “every citizen” or “all citizens”), most do not explicitly preclude noncitizen voting, and many cities have charter or home rule powers that allow them to enfranchise immigrants in their local elections, going above the floor of eligibility requirements to vote set by state constitutions and state election law.

Several municipalities have allocated funds to effectively implement local immigrant voting laws, including to elections offices to print new municipal-only voter registration forms or to conduct voter education and outreach, including by producing brochures, mailers, and using ethnic media and social media in multiple languages. These funds, which are moderate, have proven quite effective in all cases.