

1
2 **Resolution Relating to**
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RESOLUTION

Sponsor(s): Councilor Brennan

Introduced: 12/05/11

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

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6 MARCH 6, 2012 ANNUAL CITY MEETING--
7 ADVISORY REFERENDUM RE
8 VOTING RIGHTS OF NON-CITIZENS
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12 **CITY OF BURLINGTON**
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14 In the year Two Thousand Eleven.....
15 Resolved by the City Council of the City of Burlington, as follows:
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17 That WHEREAS, Vermont's Constitution of 1777, in which Vermont declared itself an independent
18 state, reflected its drafters' desire to make suffrage broadly inclusive; and

19 WHEREAS, when Vermont's founders modeled their Constitution on Pennsylvania's
20 Constitution, they deleted the property qualification for voters that appeared in the Pennsylvania
21 Constitution and the laws of many of the 13 colonies; and

22 WHEREAS, the drafters also prohibited slavery in the first Article of the Constitution, making
23 Vermont the first government in America to do so, and, although suffrage rights were defined by
24 gender, the Constitution did not explicitly require electors to be white; and

25 WHEREAS, Vermont's Constitution included provisions for alien suffrage, the Constitution of
26 1777 gave foreign men all the rights of native-born freemen after they fulfilled a residency requirement
27 of one year and took an oath of allegiance; and

28 WHEREAS, Vermont became a state in the new United States, it continued its tradition of alien
29 suffrage in its Constitution of 1793; and

30 WHEREAS, in 1828, Vermont amended its Constitution to address this concern, adopting new
31 language tying citizenship to voting, while allowing existing alien voters to retain their suffrage rights;
32 and

33 WHEREAS, while state-wide voting rights were linked to U.S. citizenship after 1828, non-
34 citizens continued to participate as voters and government officials at the local level. In *Woodcock v.*

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Resolution Relating to

MARCH 6, 2012 ANNUAL CITY MEETING--
ADVISORY REFERENDUM RE
VOTING RIGHTS OF NON-CITIZENS

Bolster, decided in 1863, the Vermont Supreme Court considered whether voting by aliens in school and town elections conflicted with the Constitution. The court noted that, although only “freemen,” constitutionally defined as U.S. citizens, could vote in state-wide elections, the state electoral laws for town meeting and school district elections did not refer to “freemen” but instead used the terms “male person” and “man;” and

WHEREAS, after declaring the practice of local non-citizen voting to be in keeping with the state Constitution and laws, the court commented on the policy arguments advanced by the challenger:

“It is also urged, that, upon general principles of public policy, unnaturalized foreigners should not be allowed this limited right to vote and hold office; that with so little education as they usually have, and such limited knowledge of the principles and policy of our government as they possess, there is danger in allowing them to exercise even so small a share in the government and management of our educational and municipal institutions.... But we are not satisfied that the objection itself is sound.

.... It has been the policy of our government to encourage emigration from abroad, and, at as early a period as may be, to extend to such emigrants all the rights of citizenship, that their feelings and interests may become identified with the government and the country. While awaiting the time when they are to become entitled to the full rights of citizenship, it seems to us a wise policy in the Legislature to allow them to participate in the affairs of these minor municipal corporations, as in some degree a preparatory fitting and training for the exercise of the more important and extensive rights and duties of citizens. It is of the greatest importance that the children of such persons should be educated, at least to the extent for which opportunity is afforded by our common schools, 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, than if wholly excluded; and

WHEREAS, Vermont’s state election law has changed since the days of *Woodcock v. Bolster*, such that the qualifications for voting in all elections within the state are now the same; and

WHEREAS, a general revision in 1977, Vermont election law states that those who are U.S. citizens, have taken the voter’s oath, are residents of Vermont, and are 18 years of age or older, “may register to vote in the town of his residence in any election; and

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MARCH 6, 2012 ANNUAL CITY MEETING--
ADVISORY REFERENDUM RE
VOTING RIGHTS OF NON-CITIZENS

Resolution Relating to

WHEREAS, since 1980, the Vermont Refugee Resettlement Program (VRRP) has helped many refugees resettle in the Burlington area bringing hope and opportunity to the lives of refugees and immigrants by defending human rights and promoting self-sufficiency in the Burlington area; and

WHEREAS, the City of Burlington housing stock is used by individuals and families coming through the Vermont Refugee Resettlement Program (VRRP); and

WHEREAS, the City of Burlington is the home of many people of Canada and other countries that pay local taxes with no rights in the decision making process on these taxes; and

WHEREAS, the City Council passed a resolution for French Language and Cultural Initiatives that states that for the benefit and enrichment of the regional culture, economy, and opportunity on both sides of the international border, it is the policy of the City of Burlington that accommodation of francophone natives and visitors to our region is in the public interest, and should be enhanced wherever practicable;

NOW, THEREFORE, BE IT RESOLVED that the City Council charges the Charter Change Committee to draft a charter amendment to authorize non-citizens to register to vote in City and School elections; and

BE IT FURTHER RESOLVED that the following nonbinding referendum question be placed on the ballot of the Annual City Meeting to be held March 6, 2012:

“Shall the City Council prepare an amendment to the City Charter allowing the right to vote in any City or School election for any non-citizen who has been a resident of Vermont for a number of years and who is and has been a resident of the City for a number of years?”