

PROPOSED HOME RULE PETITION FOR ALL - RESIDENT LOCAL VOTING IN WINCHESTER

Introduction

In the 1700s, voting in Massachusetts was limited to male property owners over 21. It was expanded in 1879 to allow women to vote for local school committees. Women gained voting rights equal to men in 1920 with the 19th amendment to the US Constitution, and the voting age was lowered to 18 in 1971. As the country grew from 1789 to 1926, more than 30 states and territories, in varying ways and periods, permitted immigrants to vote at local and state levels and to serve in local office. Today, the Commonwealth attracts immigrants from around the world, and its population is growing due mainly to in-migration. Newcomers are attracted to Winchester for its location near Boston, small-town feel, and excellent public schools. International immigrants, who constitute lawful U.S. residents, are a diverse group who work in healthcare/biomedical research, technology/engineering, education, and other fields including running small businesses. These residents own homes, pay property taxes, enroll their children in public schools, and volunteer in community organizations. Winchester's lawful US resident immigrant families are not able to vote on state or national levels, but that is not a reason for their voice to be excluded on the local level.

In addition to serving a bedrock principle of U.S. independence, democracy, and equal representation on taxation, there would be other benefits of this proposed Home Rule Petition extending the rights of lawful non-citizen residents to vote in Winchester's local elections. First, all-resident voting would build better future citizenship habits among our residents' children: the biggest influence on one's regular practice of voting is one's parents' example. Second, it would support the values embodied in the Winchester Human Rights Statement and the town's reputation as a welcoming and inclusive community that values its immigrants' diverse inputs in local decision-making. Third, Winchester's petition would enhance the likelihood that the state legislature would design and enact a standard process enabling all Massachusetts municipalities more freedom to make the crucial home rule decision: Who will be treated as equals when it comes to local town decisions.

Proposed Home Rule Petition

The Town Meeting Warrant contains an article proposing the Home Rule Petition article below.

AN ACT TO EXTEND LOCAL VOTING RIGHTS TO ALL ADULT RESIDENTS OF THE TOWN OF WINCHESTER:

SECTION 1. Notwithstanding section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, any legal resident of the Town of Winchester that is otherwise eligible under all provisions for voters in section 1 of said Chapter fifty one, other than citizenship under the laws of the United State of America, shall be considered a qualified voter of the town for the purposes of voting in all

Town elections, and shall be eligible to participate and vote in all Town Elections, stand for and participate as a member in Town Meetings, and sign all nominating, warrant and other petitions authorized by Town bylaws.

SECTION 2. This Act shall take effect upon its passage.

Frequently Asked Questions

What would this article actually do, if Town Meeting approves it?

If Town Meeting approves the article, the town would send a formal request to the state legislature (called a “Home Rule Petition”), seeking the enactment of the article language. If the legislature votes to approve, it becomes law and applies in Winchester as a Special Act, without the need for any further action such as amendments to any Massachusetts General Laws. Winchester would then be authorized to register legal U.S. residents 18 or over living in Winchester to vote in town elections. It is anticipated the town would maintain a separate local registration process and voter list for these residents.

Would all noncitizen residents be able to vote?

No, only lawful US residents, according to federal immigration law would be eligible to vote in local elections.

Would noncitizens be allowed to vote in all elections?

No, noncitizen residents could only vote in town-level elections, not state-wide elections for state or federal level.

The language says this will take effect automatically. What does that mean?

The phrase “take effect upon its passage” means no other laws would need amendment. In addition, a number of home rule petitions are filed with the legislature each year. There is no timeline for the legislature to act on any home rule petition. Other Massachusetts municipalities have filed home rule petitions to expand local voting which the legislature has not acted upon. Currently Amherst, Brookline, Cambridge, Newton, Wayland, and Somerville have filed Home Rule Petitions to expand local voting.

Are any other cities or towns actually doing this?

In Vermont, Montpelier and Winooski have enacted all-resident local voting. According to the *Burlington Free Press*, 37 noncitizens were registered to vote on March 3, 2022 when Winooski’s annual local election was held. New York City has enacted all-resident

local voting for its next election. This has also been in place in several Maryland municipalities, for example the City of Tacoma Park (population 17,764).

How many Winchester adult residents (aged 18 or over) are noncitizens?

According to U.S. Census Bureau data, there are 1,277 adult foreign-born, non U.S. citizens living in Winchester. The town's total adult population is 16,402. The town's immigrant population is a diverse group. Winchester Public Schools data indicates around 60 different non-English languages are spoken by students' families at home. Of all noncitizen residents, including those under 18, the breakdown is: 45% from Asia, 33.3% from Europe, 18% from Latin America, 2.3% from Africa, 0.7% from Oceania, and 0.7% from North America.

Usually the annual town election is held in March. What if a town election and a state level election are held on the same day?

The Town Clerk would use separate ballots and possibly other arrangements.

Would having noncitizen voting increase the town's cost for holding elections?

Yes, it is foreseeable that this could have some impact on election expenses.

If this Home Rule Petition is enacted, would the town then need to amend the Town Charter or Bylaws?

No changes in the Charter or Bylaws would be required.

If this Petition is enacted, would noncitizen residents be allowed to run for and serve in local elected office?

Yes. At present, registered voters are eligible to run for, and serve in, many elected and appointed town offices, so registered noncitizen resident voters would become eligible for those roles. Noncitizens would have to become fully naturalized citizens in order to vote on the state or federal level.