

EXPANDING VOTING RIGHTS

THE PROBLEM

Civic participation in the United States remains dismal compared to other advanced democracies. Low turnout, plus the denial of voting rights to youth, non-citizens, and many ex-felons, means that only 57.5% of eligible voters voted in the 2012 presidential election, 93 million eligible voters did not, and another 96 million residents were ineligible to vote.¹ In 2014, a mid-term election, just 36.6% of eligible citizens voted, the lowest in a midterm since World War II.²

Furthermore, voter turnout is dramatically lower in non-presidential elections. Mayors are often elected with single-digit turnout and scholars estimate that local elections generate an average turnout of approximately 25-30% of the voting age population.³

The economic dimension of this problem is significant: in 2014, “only 36% of those whose family income was less than \$50,000 turned out, compared to 64% of those from households earning more than \$75,000.”⁴ This gap in voting is aggravated by the influence of corporate lobbying and spending on elections and has profound consequences for public policy. A recent study of Congressional votes “reported that legislators were three times more responsive to high-income constituents than middle-income constituents and were the least responsive to the needs of low-income constituents.”⁵

THE SOLUTIONS

A wide array of policies to increase voter participation should be adopted by state governments, including universal voter registration, expansion of no-fault absentee and vote by mail statutes, voter registration modernization, and same-day registration. **But cities and counties have a key – and underappreciated – role to play in this movement.** Innovative local leaders can adopt reforms that will facilitate increased civic participation, strengthen the responsiveness of local government to community needs, and provide models for state and federal reform. The following represent some examples of creative solutions that cities have adopted:

FACILITATE VOTER REGISTRATION: Cities and counties can make voter registration easier. **Madison, WI** and **East Lansing, MI** recently adopted ordinances requiring

landlords to provide their tenants with voter registration forms.⁶ These laws will help the cities’ large number of college students register and stay registered to vote. Such requirements are also valuable because renters are disproportionately lower income and/or people of color.

Local governments can also play a key role in ensuring that high school students register to vote when they become eligible. For example, in **Broward County, FL**, the Supervisor of Elections conducts an annual high school registration drive, which in 2012 registered approximately 12,000 students.⁷ School boards can support voter registration efforts by requiring opportunities be available for high-school students on school grounds.

Local elected officials can help coordinate programs between the local boards of election and school districts to ensure that all eligible students are registered to vote.

City agencies, as public entities, should promote and encourage voter registration opportunities as part of all their agency transactions. As an example, in December 2014, **New York City** passed two pieces of legislation that strengthened the city’s Pro-Voter Law and expanded voter registration opportunities in the city. Only half of NYC’s 8.5 million residents are registered to vote. One of the laws ensured that NYC public agencies covered by the Pro-Voter law, but currently in gross noncompliance, will be required to offer registration information and comply with requirements for language access and training for agency staff.⁷ Twenty-six NYC agencies are currently required to offer voter registration, provide voters assistance in completing registration applications, and increase language assistance for limited-English-proficient citizens. Instead of shying away from a diverse voting populace, NYC has embraced access, as a model for cities across the country. Specifically, all cities should ensure that voters are given the opportunity to register at public libraries, community centers, police stations, housing departments, and the other places where citizens interact with municipal government.

EXPAND THE FRANCHISE TO NEW VOTERS: In some states, municipalities have the legal authority to set voter eligibility requirements for local elections. Youth Voting : Fifteen states and Washington, D.C. permit 16- and/or 17-year olds to preregister to vote, so that they will be eligible to vote at the

first election after they turn 18.⁹ Where possible, cities should move further and fully enfranchise youth, as **Takoma Park, MD** recently did. Research shows that voting is habitual and that norms related to political participation in high school have lasting impacts, so that promoting participation among 16- and 17-year-olds will increase turnout for years to come.¹⁰

Noncitizen Voting: In the United States, “non-citizens voted in local, state, and even national elections in 22 states and federal territories from the nation’s founding until the 1920s.”¹¹ It was only with the rise of racist anti-immigrant sentiment at the turn of the 20th century that states began to eliminate alien suffrage. It is time to return to a democratic system in which all residents have the right to participate in self-governance. Through a referendum, **Takoma Park** enfranchised noncitizen residents in 1992. In 2010, ballot initiatives were very narrowly defeated **Portland, ME** and **San Francisco**.¹² In **New York City**, a broad coalition of advocacy groups, unions, scholars, and elected officials are now advancing a proposal to enfranchise the 1.2 million lawfully-present residents. The legislation is supported by a majority of the City Council.¹³

Restoring Voting Rights for Felons: Approximately 5.3 million Americans in 48 states are denied the right to vote because of a past felony conviction.¹⁴ Many of these policies were adopted after the Civil War with the explicit purpose of disenfranchising ex-slaves. These laws continue to have a tremendously harmful impact: 13% of black men are disenfranchised— 7 times the national average.¹⁵

Takoma Park granted all previously incarcerated felons the right to vote once they complete the prison sentence, before the state of Maryland recently restored voting rights to all people with felony convictions upon release from incarceration.¹⁶ In **Minnesota**, ex-felons may vote after completing probation or parole and Minneapolis adopted a “Restore Your Voice” initiative to “inform disenfranchised ex-felons of their voting rights.”¹⁷ **Lexington’s** City Council voted unanimously to support a state law that would restore voting rights to ex-felons.¹⁸

PUBLIC FINANCING OF LOCAL ELECTIONS: The overwhelming evidence is that our system of campaigns funded by private dollars skews public policy in favor of the wealthy and forces elected officials to spend time raising money instead of focusing on governing.

Cities and states cannot ban political spending, but they can reduce the outsized influence of wealthy contributors and democratize campaign funding through public financing. In **New York City**, candidates for mayor and city council receive \$6 in matching funds for every \$1 that they raise from a city resident (up to a limit of \$175 per resident). Candidates who participate in the program commit to a limitation in their total spending, which ensures that money will not determine the outcome of the race. The program reduces the influence of moneyed interests, permits middle-

class candidates to run competitive races and win, and engages a broader segment of the population in the electoral process.¹⁹

LANDSCAPE AND RESOURCES

The Brennan Center, The Pew Charitable Trusts Elections Initiative, and Demos have excellent resources on voter registration modernization and campaign finance reform. The Brennan Center also has examples of cities and municipalities that have implemented early voting²⁰ and on cities trying to support voting capacity, such as Los Angeles, as they work to design their own system.²⁰ For cities looking for ballot design ideas, The Brennan Center offers examples from Florida counties that are working to increase ballot usability.²¹ **CIRCLE** has valuable information on youth participation. **The Center for Popular Democracy** works with base-building organizations around the country to advance voting rights at the city and state levels.

NOTES

- 1 Bipartisan Policy Center, 2012 Voter Turnout Full Report (Nov. 8, 2012).
- 2 NonprofitVOTE. *America Goes to the Polls: A Report on Voter Turnout in the 2014 Midterm Election*. 2015. <<http://www.nonprofitvote.org/america-goes-to-the-polls-2014/>>
- 3 Zoltan Hajnal and Paul Lewis, Urban Affairs Review, Municipal Institutions and Voter Turnout in Local Elections, (2003).
- 4 Nonprofit Vote, America Goes to the Polls: Voter Participation Gaps in the 2010 Midterm Elections.
- 5 NonprofitVOTE. *America Goes to the Polls: A Report on Voter Turnout in the 2014 Midterm Election*.
- 6 Wisconsin Radio Network, Madison landlords required to supply voter registration forms (July 21, 2012).
- 7 See Broward County Supervisor of Elections High School Voter Registration Drive, at <http://www.browardsoe.org/content.aspx?id=130>.
- 8 Center for Popular Democracy, et al. *Mayor De Blasio Signs New Legislation Expanding Pro-Voter Law, Will Help Enfranchise Thousands*. 2012. Web. 28 June 2016. <http://www.citizensunion.org/www/cu/site/hosting/Mayor%20Signs%20Pro-Voter%20Law%20-%20FINAL%2012-11-14.pdf>
- 9 FairVote: Voter Preregistration, at <http://www.fairvote.org>.
- 10 Letter to Takoma Park Mayor Bruce Williams from The Center for Information and Research on Civic Learning and Engagement (March 25, 2013).
- 11 Ron Hayduk, National Civic Review, Non-Citizen Voting Rights: Extending the Franchise in the United States (2003).
- 12 Elise Foley, Washington Examiner Non-Citizen Voting Efforts Fail in San Francisco and Portland, Maine (Nov. 3, 2010).
- 13 See <http://www.ivoteny.org/>.
- 14 FairVote: Felon Disenfranchisement, at <http://www.fairvote.org/felon-disenfranchisement#.Ucc1fZzXC8o>.
- 15 ColorLines, America’s Millions of Disenfranchised, Largely Black Voters (Nov.2, 2010).
- 16 Lindsay Powers, Washington Post, Takoma Park grants 16-year-olds right to vote (May 14, 2013).
- 17 Resolution 2008R-361, at <http://www.minneapolismn.gov>
- 18 Beverly Fortune, Lexington Herald-Leader, Lexington council supports restoring voting rights to ex-felons (Feb. 28, 2013).
- 19 Angela Migally, et al., The Brennan Center, Small Donor Matching Funds: The NYC Election Experience. And Elisabeth Glen, et al., The Brennan Center and the Campaign Finance Institute, Donor Diversity Through Public Matching Funds. 2012. Accessed June 15, 2016. http://www.brennancenter.org/sites/default/files/legacy/publications/DonorDiversityReport_WEB.PDF
- 20 Lauren Forbes. Project Vote. *Best Practices for Implementing Effective High School Voter Registration Programs*. 2010. https://www.supportthevoter.gov/files/2014/01/Project-Vote-High-School-Best_Practices_for_HS_Registration_Programs.pdf

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