



BILL 24-0300

RACIAL EQUITY IMPACT ASSESSMENT LOCAL RESIDENT VOTING RIGHTS ACT OF 2022

TO: The Honorable Phil Mendelson, Chairman, Council of the District of Columbia
FROM: Namita Mody, Director, Council Office of Racial Equity
DATE: September 27, 2022

COMMITTEE

Committee on the Judiciary and Public Safety

BILL SUMMARY

Bill 24-0300 allows non-citizen residents who meet the voting eligibility requirements to vote in the District's local elections (such as for the Mayor, Chairman, and Councilmembers, among other positions).

CONCLUSION

Bill 24-0300 will likely improve political representation and civic participation for non-citizen residents of color who meet the District's local election voter eligibility criteria.

FURTHER CONSIDERATIONS

The outcomes of this bill—non-citizen voter turnout—should be contextualized in the non-citizen experience.

Content Warning: The document you are about to read is a Racial Equity Impact Assessment, a careful and organized examination of how Bill 24-0300 will affect different racial and ethnic groups. We hope that this assessment sparks a conversation that is brave, empathetic, thoughtful, and open-minded.

The following content touches on racism, immigration, and deportation. Some or all of these issues may trigger a strong emotional response. We encourage you to use this knowledge in the way that is most helpful to you.

BACKGROUND

Bill 24-0300 amends the District of Columbia Election Code of 1955 so that non-citizen residents can vote in local elections. To do so, the bill modifies the legal definition for a “qualified elector” (or eligible voter) by removing the US citizen requirement to vote in local elections. The bill also creates a definition for a “local election,” which includes primary, general, and special elections.

Together, these changes would allow non-citizen residents to vote for the District's Mayor, Chairman of the Council, Attorney General, members of the Council, members of the State Board of Education, and Advisory Neighborhood Commissioners. If passed, they would also be able to vote for any initiative, referendum, recall, or charter amendment on a District ballot.

FIGURE 1 RELEVANT TERMS FOR BILL 24-0300

While we do our best to explain (or avoid) government jargon within our Racial Equity Impact Assessments (REIAs), we believe an overview of common terms related to voting and citizenship is helpful to understand what this bill and REIA discuss.

TERM	DEFINITION
INITIATIVE	<p>A new law or amendment that is put on a voting ballot. An initiative can make its way to a voting ballot if a resident collects enough signatures on a petition to show that the new law or amendment has support from other residents. (source)</p> <p>In the District, signatures for the petition must come from “at least five percent of the voters registered in the District and these signatures must be distributed to reflect at least five percent of the registered voters in at least five of the eight wards.” (source)</p>
REFERENDUM	<p>A resident-initiated request to repeal an existing law. A referendum can make its way to a voting ballot if a resident collects enough signatures on a petition to show that other residents would support repealing the existing law in question. (source)</p> <p>In the District, signatures for the petition must come from “at least five percent of the voters registered in the District and these signatures must be distributed to reflect at least five percent of the registered voters in at least five of the eight wards.” (source)</p>
RECALL	<p>When residents demand that an elected official be removed from their position. For a recall to take place, signatures must be collected on a petition by 10 percent of the District’s registered voters and then filed with the DC Board of Elections.</p> <p>In the District, any elected official can be recalled except the Delegate to Congress for the District of Columbia. (source)</p>
CHARTER AMENDMENT	<p>A measure put on the ballot by a referendum so that DC Council can amend the District’s Charter. If a majority of registered voters vote in favor of this referendum, then the amendment to the Charter is approved. (source)</p>
NATURALIZED US CITIZEN	<p>When a non-US citizen becomes a US citizen through an application to the US Citizen and Immigration Services Agency. This application process can vary based on how someone is tied to the US: through marriage, military service, a parent, or by living in the US as a permanent resident for 5 or more years. (source)</p>
NON-CITIZEN RESIDENT	<p>When a non-US citizen lives in the US and has not become a naturalized US citizen. Non-citizen residents may be at different stages of the process to apply to become a US citizen through the US Citizen and Immigration Services Agency. (source)</p>

Currently, people must meet the following requirements to vote in the District:

- be a US citizen
- be at least 17 years old and be 18 years old on or before the next general election
- live in the District for at least 30 days before the next election
- only claim voting residence or the right to vote in the District¹
- be considered “legally competent to vote.”²

If passed, this bill would remove the US citizenship requirement and allow non-citizens who meet all of the other requirements to vote in the District’s local elections.

Non-citizen Residents in the District

Non-citizen residents include many different groups of people, including temporary residents (such as people with a visa or temporary protected status), permanent residents (also known as green card holders), DACA recipients, refugees, and undocumented immigrants. Given these many different groups, it is hard to know exactly how many people identify as non-citizen residents.

Additionally, data disaggregated by race about non-citizen residents in the District is critical to this analysis, but unavailable to CORE’s knowledge. Any racial data about non-US citizens is an estimate at best. Many non-US citizens may not feel comfortable disclosing their citizenship status and may have opted to not participate in surveys that collect this data for their safety and wellbeing. While there is data on the country or region that non-US citizens may immigrate to the US from, this does not provide racial or ethnic data for non-US citizens.

Lastly, data on immigrants as a broad category does not provide exact data on non-US citizens living in the District, as someone may identify as an immigrant and also be a naturalized US citizen.

With these limitations in mind, the Migration Policy Institute found that based on the US Census data from the 2019 American Community Survey, there were about 21,000 undocumented immigrants living in the District.³ The American Immigration Council found that as of March 2020, there are 600 active DACA recipients in the District.⁴

These numbers give a snapshot of who may be affected by this bill, but the estimates do not account for 1) all types of non-citizen residents and 2) eligibility to vote based on other voter eligibility requirements.

The Role of Voting Rights for Non-citizen Residents

Currently, non-citizen residents are financially contributing to programs and resources—such as public schools—without having a formal manner to express their political views and choose local representatives that align with those views through the District’s elections.

The American Immigration Council estimated that undocumented immigrants—which represent some, but not all non-citizen residents living in the District—paid about “\$48.7 million in federal taxes and \$23.1 million in state and local taxes in 2018.”⁵ It is also estimated that those eligible for and recipients of DACA “paid about \$3.1 million in state and local taxes in 2018.”⁶ This means that non-citizen residents living

¹ This means that if someone wants to vote in the District, they cannot vote in another US jurisdiction or country outside of the US.

² A person is considered “legally incompetent to vote” by a judge. People that are “legally incompetent to vote” have a court order saying so, usually as a result of a criminal court proceeding or a proceeding related to guardianship.

³ Migration Policy Institute, “[Profile of the Unauthorized Population: District of Columbia](#),” migrationpolicy.org, 2019.

⁴ American Immigration Council, “[Immigrants in the District of Columbia](#),” American Immigration Council, August 6, 2020.

⁵ Ibid.

⁶ Ibid.

within the District contribute to the District's economy and pay taxes toward public programs and resources.

However, elected officials may be less accountable to consider the unique challenges faced by the District's non-citizen residents, given that these residents do not have a formal way to share their political views.

Benefits and Outcomes of Non-citizen Resident Voting

Civic participation—which includes activities such as voting, volunteering, and community activities—has been found to improve health outcomes and create a sense of belonging among participants.⁷ Voting and other types of civic participation gives people a sense of purpose, which has been found to foster even more civic participation.⁸ Lastly, civic participation has been found to help people build networks and trust.⁹

Several jurisdictions throughout the US have allowed non-citizen residents to vote for a variety of local positions—providing these residents an opportunity for formal civic participation. As of 2019, Maryland had the most jurisdictions in the country that allowed non-citizen residents to vote in elections.¹⁰

An assessment of voter turnout in these jurisdictions found that non-citizen voter turnout tends to be low, which is similar to citizen voter turnout rates.¹¹ One analysis of voter turnout in Takoma Park, MD noted that “non-citizen voter turnout has varied over the years due to increased or decreased voter education, increased publicity around particular candidates and issues, and increased fear of deportations.”¹²

RACIAL EQUITY IMPACTS

Bill 24-0300 will likely improve political representation and civic participation for non-citizen residents of color who meet the District's local election voter eligibility criteria. While CORE is not aware of data that explicitly collects the racial and ethnic identities of non-citizen residents in the District, CORE recognizes that many non-citizen residents may identify as Black, Indigenous, Latinx, of Asian descent, or as another identity of color.

Currently, non-citizen residents are facing taxation without local representation in the District. Research shows that civic participation activities such as voting improve community outcomes—such as a sense of belonging, trust, and improved social networks.¹³ By allowing non-citizen residents to vote in the District, the bill will likely improve political representation and civic participation if they meet the other eligibility criteria *and* successfully register to vote.

FURTHER CONSIDERATIONS

The outcomes of this bill—non-citizen voter turnout—should be contextualized in the non-citizen experience. Generally, voter turnout is not an exact reflection of people's interest in voting.¹⁴ For non-citizen voters, depending on where they are in the US citizen naturalization process, voter registration and turnout may be influenced by concerns for one's wellbeing and safety. Specifically, participating in a

⁷ Office of Disease Prevention and Health Promotion, “[Civic Participation](#),” Healthy People 2030.

⁸ Ibid.

⁹ Ibid.

¹⁰ Kimia Pakdaman, “[Noncitizen Voting Rights in the United States](#),” Berkeley Public Policy Journal, Spring 2019 Journal, March 4, 2019.

¹¹ Ibid.

¹² Ibid; Note: This analysis of Takoma Park, MD's non-citizen voter turnout rate includes data from 1993 to 2017.

¹³ Ibid.

¹⁴ Andreas C. Goldberg and Pascal Sciarini, “[A Reassessment of the Association between Political Interest and Electoral Participation: Adding Vote Overreporting to the Equation](#),” Acta Politica, March 11, 2022.

process as public and formal as voting in an election may spark concerns of deportation and retaliation, among other things.¹⁵

ASSESSMENT LIMITATIONS

Alongside the analysis provided above, the Council Office of Racial Equity encourages readers to keep the following limitations in mind:

We generally do not provide policy solutions or alternatives to address our racial equity concerns.

While Council Period 24 Rules allow our office to make policy recommendations, we focus on our role as policy analysts—we are not elected policymakers or committee staff. In addition, and more importantly, racially equitable policymaking takes time. Because we only have ten days for our review, we would need more time to ensure comprehensive research and thorough community engagement inform our recommendations.

Assessing legislation’s potential racial equity impacts is a rigorous, analytical, and organized undertaking—but it is also an exercise with constraints. It is impossible for anyone to predict the future, implementation does not always match the intent of the law, critical data may be unavailable, and today’s circumstances may change tomorrow. Our assessment is our most educated and critical hypothesis of the bill’s racial equity impacts.

Regardless of the Council Office of Racial Equity’s final assessment, the legislation can still pass. This assessment intends to inform the public, Councilmembers, and Council staff about the legislation through a racial equity lens. However, a REIA is not binding.

This assessment aims to be accurate and useful, but omissions may exist. Given the density of racial equity issues, it is unlikely that we will raise *all* relevant racial equity issues present in a bill. In addition, an omission from our assessment should not: 1) be interpreted as a provision having no racial equity impact or 2) invalidate another party’s racial equity concern.

¹⁵ The Pew Charitable Trusts, “[Noncitizens Are Slowly Gaining Voting Rights](#),” PEW, n.d.