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

In the year Two Thousand Eleven.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, Vermont’s Constitution of 1777, in which Vermont declared itself an independent state, reflected its drafters’ desire to make suffrage broadly inclusive; and

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

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

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

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

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

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

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

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

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

51 .... It has been the policy of our government to encourage emigration from abroad, and,  
52 at as early a period as may be, to extend to such emigrants all the rights of citizenship,  
53 that their feelings and interests may become identified with the government and the  
54 country. While awaiting the time when they are to become entitled to the full rights of  
55 citizenship, it seems to us a wise policy in the Legislature to allow them to participate in  
56 the affairs of these minor municipal corporations, as in some degree a preparatory  
57 fitting and training for the exercise of the more important and extensive rights and  
58 duties of citizens. It is of the greatest importance that the children of such persons  
59 should be educated, at least to the extent for which opportunity is afforded by our  
60 common schools, and that the parents should be induced to send their children to  
61 school, and it seems to us that they would be much more likely to do so, and to take  
62 interest in their attendance and improvement, if allowed to participate in their regulation  
63 and management, than if wholly excluded; and

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

67 WHEREAS, women received the right to vote in 1920 through the 19<sup>th</sup> Amendment to the U.S.  
68 Constitution; and

69 WHEREAS, laws did not specifically exclude U.S. citizens from voting based on the race or  
70 ethnicity, many laws or rules existed which excluded people of certain races and ethnicities from  
71 voting until the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

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

78 WHEREAS, since 1980, the Vermont Refugee Resettlement Program (VRRP) has helped over  
79 6,000 refugees resettle in the Burlington area bringing hope and opportunity to the lives of refugees  
80 and immigrants by defending human rights and promoting self-sufficiency in the Burlington area; and

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

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

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

90 NOW, THEREFORE, BE IT RESOLVED that the City Council charges the Charter Change  
91 Committee to create procedures for non-citizens to register to vote in order to participate in municipal  
92 and school elections and ballot questions; and

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

95 "Shall the City Council prepare an amendment to the City Charter allowing the  
96 right to vote in any City or School election or ballot question for any non-United  
97 States citizen who has been a resident of Vermont for at least two years and who  
98 is and has been a resident of the City for at least one year?"