

Warrant Article 29: Home Rule Petition to expand local voting rights to permanent legal residents

Recommendation: FAVORABLE ACTION on a substitute motion for Warrant Article 29 by a vote of 11-4-5.

Executive Summary	<p>Article 29 seeks Town Meeting’s authorization to file a petition with the State Legislature to authorize Brookline to extend local voting rights to permanent legal residents residing in Brookline.</p> <p>Articles similar to this have previously passed at Town Meeting in recent years, but were not acted on by the legislature.</p>
Voting Yes will...	<p>Authorize the Select Board to file a petition with the General Court to allow Brookline to authorize local voting rights for permanent legal residents in local elections</p>
Voting No will...	<p>Retain existing voting eligibility for local elections</p>
Financial impact	<p>There are no direct costs associated with Warrant Article 29, however, should Brookline be granted permission to extend voting rights, there would be an operational and, therefore, financial impact to the Town Clerk’s office.</p> <p>Currently, the system used for municipal, state and federal elections (Voter Registration Information System) is run and maintained by the Secretary of State in accordance with state voter eligibility requirements. Should Brookline be granted the right to expand voter eligibility in local elections through a home rule petition, a new system would be needed to securely register voters, generate eligible voter lists and produce election-related materials, including absentee ballots.</p>
Legal implications	<p>If the proposed home rule petition becomes law, it might go into effect before the Town Clerk can put the necessary systems in place to support legal permanent resident voting.</p>

Introduction

Article 29, if passed as submitted by the petitioners, would reauthorize the Select Board to file a home rule petition with the General Court for special legislation that would authorize Brookline to extend local voting rights to permanent legal residents residing in Brookline.

An article similar to Warrant Article 28 (advocating for the expansion of voting rights to 16 and 17 year olds) was approved at Town Meeting in 2019 and an article expanding voting rights to

permanent legal residents was approved by Town Meeting in 2010. Home Rule petitions expire with the end of a legislative session and need to be refiled for the legislature to take action.

Discussion

There was little stated opposition to extending local election voting rights to sixteen and seventeen year-olds or to legal permanent residents living in Brookline. Much of the discussion centered instead on whether home rule petitions or resolutions are the most effective tool for achieving the intended objectives of Articles 28 and 29.

The Advisory Committee heard testimony from State Representative Tommy Vitolo, vice-chair of the House Committee on Election Laws. Rep. Vitolo expressed his opinion that these Home Rule petitions had little chance of becoming law. Similar petitions have been received from other communities, including during this legislative session, and were referred for further study, without advancing through the legislative process. Rep. Vitolo also explained that as a matter of policy, Home Rule petitions are appropriately used to address issues unique to a city or town, and not as a general exception to the law, otherwise. Vitolo also added that should the Home Rule petition become law, it would go into effect immediately regardless of whether the Town Clerk's office was prepared for the change. He suggested that resolutions urging our legislative delegation to introduce a bill addressing the statewide policy question would be more likely to successfully advance through the legislature.

Those in support of the Articles as proposed by the petitioner, argued that Home Rule petitions made a stronger statement of Town Meeting's desire for the extension of voting rights in local elections. It is their belief that Town Meeting resolutions are less effective than Home Rule petitions which would, as a matter of course, be filed with the legislature.

Following discussion, the Advisory Committee voted to recommend Favorable Action on substitute motions, i.e., resolutions requesting our legislative delegation to introduce statewide legislation on the subject matter of Articles 28 and 29.

Recommendation

The Advisory Committee recommends FAVORABLE ACTION on the substitute motion below on Article 29 by a vote of 11-4-5.

WHEREAS, the goal of any democracy should be to be as inclusive as possible; and

WHEREAS, full participation in our local government by all residents should be encouraged, and

WHEREAS, local elections directly affect the lives of non-citizen residents in significant ways; and

WHEREAS, current law prohibits voting by non-citizens, and

WHEREAS, an act of the state legislature is necessary to enable non-citizens to vote, and

WHEREAS, a home rule petition asking that the state legislature allow permanent non-citizen residents to vote in Brookline in local elections was passed by town meeting in 2010, but did not become law; and

WHEREAS, a home rule petition asking the same of the state legislature is equally unlikely to become law; now

THEREFORE, be it RESOLVED, that Brookline Town Meeting hereby requests that the state legislature enact legislation that will allow Brookline, and, presumably any other city or town in Massachusetts, to enact local legislation such that permanent non-citizen residents of the United States otherwise eligible but for their non-citizen status, may vote in local elections; and

Be it further RESOLVED, that the Town Clerk shall promptly forward a copy of this Resolution to each of Brookline's State Representatives and to Brookline's State Senator, with the request that they further distribute copies of this Resolution to their House and Senate colleagues.

ARTICLE 29 ADVISORY COMMITTEE VOTES

Article Description	permanent resident voting substitute motion
AC recommendation (Favorable Action unless indicated)	11-4-5
Scott Ananian	N
Carla Benka	A
Ben Birnbaum	Y
Harry Bohrs	Y
Cliff Brown	Y
John Doggett	A
Katherine Florio	Y
Harry Friedman	N
David-Marc Goldstein	A
Neil Gordon	Y
Susan Granoff	Y
Kelly Hardebeck	N
Anita Johnson	
Georgia Johnson	
Alisa Jonas	Y
Janice Kahn	
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	Y
Donelle O’Neal, Sr.	
David Pollak	A
Stephen Reeders	
Carlos Ridruejo	A
Lee Selwyn	N
Alok Somani	Y
Christine Westphal	
Dennis Doughty *	
* Chairperson does not vote except to break a tie	