

**Testimony of Jen Jenkins  
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Legal Aid Society of the District of Columbia**

**Before the Committee on the Judiciary and Public Safety  
Council of the District of Columbia**

**Public Hearing Regarding:**

**Bill 24-0300  
“Local Resident Voting Rights Amendment Act of 2021”**

**July 7, 2022**

The Legal Aid Society of the District of Columbia<sup>1</sup> submits the following testimony in support of Bill 24-0300, the “Local Resident Voting Rights Act of 2021.” The Local Resident Voting Rights Amendment Act of 2021 seeks to allow D.C. residents who are lawfully admitted to the United States as permanent residents, also known as green card holders, to vote in D.C. elections. Under this bill, permanent residents would be able to vote in the electoral races for the District’s Mayor, the D.C. Council, the Board of Education, the Advisory Neighborhood Commissions, and the Attorney General, as well as any initiative, referendum, recall, or charter referendum on a District ballot. This measure would have a tremendous and positive impact on the civic participation of D.C.’s local immigrant population and would return the right to vote, in part, to

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<sup>1</sup> The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 90 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

permanent residents.<sup>2</sup> If this bill became law, permanent residents would be allowed and encouraged to vote, countering centuries of systemic racism, classism, and xenophobia in the United States and locally in the District.

The District has a long history of immigrant communities and, in making their homes here, immigrants contribute to the District's culture.<sup>3</sup> The District's immigration population has grown significantly since the 1990s, with immigrants now making up 17% of the District's population.<sup>4</sup> Out of 85,333 immigrants in the District in 2019, 51.3% or 43,781 were "noncitizens."<sup>5</sup> Local elections should be made available to permanent residents, who comprise an important part of the District's population.

### **The Right to Vote Is Significant for Legal Aid's Disenfranchised Immigrant Clients**

As a legal aid organization, we have seen firsthand how District immigrants are excluded from the protections of the law and do not receive full accommodations from local government agencies. Access to the right to vote in local elections would give immigrants increased power to ensure they are not further marginalized by the District and its agencies due to their status as immigrants or green card holders.

Thousands of residents whose immigration status leaves them marginalized in the District depend on elected officials and the individuals they appoint to government agencies.<sup>6</sup> For example, the Department of Healthcare Finance administers the Healthcare Alliance program, which is a locally funded and crucial gap-filling source of health coverage for immigrants living in the District. The Healthcare Alliance program became more difficult to access in 2011 due to

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<sup>2</sup> See Ron Hayduk, *Democracy for All, Restoring Immigration Voting Rights in the United States* 15 (2008), [https://www.nypl.org/sites/default/files/hayduk\\_-\\_chapter\\_2.pdf](https://www.nypl.org/sites/default/files/hayduk_-_chapter_2.pdf) (Explaining that "noncitizens" were permitted to vote in the states until 1928); see also *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub.L. 104-208, 10 Stat. 3009-546 (This federal law prohibits noncitizens from voting in federal elections, punishing them by fines, imprisonment, inadmissibility and deportation.).

<sup>3</sup> Peter A. Tatian & Sara McTarnaghan et al., *Urban Institute, State of Immigrants in the District of Columbia, Data Profiles of Immigrants from Latin America, Asia, Africa, and the Caribbean*, (2018), [https://www.urban.org/sites/default/files/publication/99031/state\\_of\\_immigrants\\_in\\_dc\\_brief.pdf](https://www.urban.org/sites/default/files/publication/99031/state_of_immigrants_in_dc_brief.pdf)

<sup>4</sup> Migration Policy Institute, *District of Columbia, Demographics & Social*, <https://www.migrationpolicy.org/data/state-profiles/state/demographics/DC-top>.

<sup>5</sup> *Id.*

<sup>6</sup> See e.g., Valerie Lacarte, *Immigration Policy Institute, Black Immigrants in the United States Face Hurdles, but Outcomes Vary by City*, ("In the Washington, DC area, Black immigrants have a slightly higher poverty rate than native-born Black residents.").

the enactment of unnecessarily strict eligibility standards.<sup>7</sup> Until the pandemic, the requirements made it difficult for District residents, namely immigrants, to seek and maintain coverage and healthcare access under the program.<sup>8</sup> The statutory issue was resolved by the Council this past budget cycle but created nearly a decade of challenges for immigrants who needed and qualified for the healthcare provided by the Alliance program.<sup>9</sup> If permanent residents were allowed to vote for elected officials, who determine statutory eligibility standards and the funding that goes to such programs, it is more likely that programs would be more accessible to the people they are meant to serve.

Voting rights also matter when it comes to language access. While all District residents need to access resources and services from the city, the District does not always accommodate the spoken and written languages of the residents who seek those services and resources. Despite the Language Access Act of 2004, Legal Aid finds that important government agency information regarding resources and services are often not translated into the different languages in which District residents commonly communicate.<sup>10</sup> D.C. permanent residents would potentially have a greater influence on language accessibility needs if they were allowed to vote in local elections.

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<sup>7</sup> See Damon King, Making Justice Real, The District Must Finally and Completely Eliminate Barriers to the Healthcare Alliance Program, July 13, 2021, <https://www.makingjusticereal.org/the-district-must-finally-and-completely-eliminate-barriers-to-the-healthcare-alliance-program>.

<sup>8</sup> See John Wooley, Street Sense Media, Accessing health insurance in DC became easier during COVID-19. Will it last?, July 20, 2021, [https://www.streetsensemedia.org/article/insurance-healthcare-alliance-2022-budget/ - .YrxkZ3bMI2w](https://www.streetsensemedia.org/article/insurance-healthcare-alliance-2022-budget/- .YrxkZ3bMI2w).

<sup>9</sup> See D.C. Code § 7–1407.

<sup>10</sup> See Letter to Chairman Phil Mendelson, Council of the District of Columbia, Regarding the Language Access for Education Amendment Act of 2017 Eric Angel, Executive Director, Legal Aid Society of the District of Columbia, April 10, 2017, <https://www.legalaiddc.org/wp-content/uploads/2017/04/Letter-re-LAAA-to-Mendelson-2017-04-10.pdf>; Nicole Dooley and Blair Gilbert, Language Access During COVID-19 at DOES and DHS, May 14, 2020, <https://www.makingjusticereal.org/language-access-during-covid-19-at-does-and-dhs>; see also The Language Act is supposed “to provide greater access and participation in public services, programs and activities for residents of the District of Columbia with limited or no-English proficiency (LEP/NEP).” District of Columbia Office of Human Rights, What is the D.C. Language Access Act?, <https://www.lep.gov/sites/lep/files/resources/DCLAAFactSheetEnglish.pdf>.

Finally, Legal Aid has recently testified that domestic workers, many of whom are immigrants, have been excluded from the District’s human rights protections and workplace safety statutes.<sup>11</sup> While domestic workers need and deserve inclusion in these laws, legislative changes are difficult to implement without a voice in the electoral process. By allowing permanent residents to vote and elect public officials, statutory barriers and exclusions that directly affect our immigrant clients would likely be reduced.

### **The District Should Follow the Lead of Other Jurisdictions and Grant Voting Rights to Immigrants**

At least fourteen municipalities across the country allow permanent residents to vote in local elections. Eleven are located in Maryland (Barnesville, Cheverly, Chevy Chase Section 3, Garrett Park, Glen Echo, Hyattsville, Martin’s Additions, Mount Rainier, Riverdale Park, Somerset, Takoma Park) where the municipalities’ charters either explicitly allow “noncitizens” to vote or simply do not prohibit “noncitizen” voting. There are also two locations in Vermont.<sup>12</sup> And in 2016, San Francisco, California, voters passed Proposition N, which allowed certain noncitizens to vote in school board elections, making San Francisco the first in the United States to enable immigrant parent voting.<sup>13</sup> In 2021, San Francisco supervisors voted unanimously to permanently allow noncitizens to vote in Board of Education elections, updating the voter-approved ballot measure from five years ago due to positive support.<sup>14</sup>

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<sup>11</sup> See Testimony before the Committee on Labor and Workforce Development with comments from the Committee on Government Operations and Facilities, Council of the District of Columbia, Public Hearing on Bill 24-0712 “Domestic Worker Employment Rights Amendment Act of 2022” Jen Jenkins, Policy Advocate, Legal Aid Society of the District of Columbia, June 16, 2022, <https://www.legalaiddc.org/wp-content/uploads/2022/06/Testimony-before-the-Committee-on-Labor-and-Workforce-Development-regarding-Bill-24-0712.pdf>.

<sup>12</sup> See Matt Vasilogambros, Pew Trusts, Noncitizens Are Slowly Gaining Voting Rights, July 1, 2021, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/07/01/noncitizens-are-slowly-gaining-voting-rights>; see also Caitlynn Peetz, Chevy Chase Town Council Approves Plan Allowing Non-Citizens To Vote in Local Elections, December 11, 2018, <https://bethesdamagazine.com/bethesda-beat/government/chevy-chase-town-council-votes-unanimously-to-allow-non-us-citizens-to-vote-in-local-elections/> (“The wealthy town of about 3,000 straddling northwest Washington, D.C., is the 11th municipality in Maryland and eighth in Montgomery County to adopt non-citizen voting rights.”).

<sup>13</sup> City and County of San Francisco, Department of Elections, Non-Citizen Registration and Voting, <https://sfelections.sfgov.org/non-citizen-registration-and-voting>.

<sup>14</sup> See ABC News, Non-citizen Voting Rights Gain Traction as Immigrants Vote in SF Unified School Board Recall, February 11, 2021, <https://abc7news.com/noncitizen-voting-san-francisco-recall-election-rights-jose/11556464/>.

Including permanent residents in local elections has had positive outcomes for jurisdictions that expand voter rights to permanent residents. Research shows that immigrants vote in significant numbers in some districts, on par with citizen neighbors in some cases, contributing to electoral and policy outcomes.<sup>15</sup> While there might be a delay in District permanent residents registering and using their right to vote, it is undeniable the benefit of granting such a right will have for democracy in the District.<sup>16</sup> When immigrants have the right to vote, they create a richer political process.

### **Conclusion**

This committee should take a step toward allowing permanent residents to vote by passing the “Local Resident Voting Rights Act.” Local elections should be open to the immigrant community because they are vital and valuable to the political landscape of the District.

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<sup>15</sup> See Immigrant Voting Rights, <https://www.immigrantvotingrights.com/research-and-information>.

<sup>16</sup> See Kimberly Yam, San Francisco Now Allows Noncitizens To Vote In School Board Elections, HuffPost, July 18, 2018, [https://www.huffpost.com/entry/san-francisco-now-allows-non-citizens-to-vote-in-school-board-elections\\_n\\_5b4e301ee4b0de86f48775d0](https://www.huffpost.com/entry/san-francisco-now-allows-non-citizens-to-vote-in-school-board-elections_n_5b4e301ee4b0de86f48775d0).