

Immigrant Voting and the Movement for Inclusion in San Francisco

SEPTEMBER 2023





AUTHORS

Ron Hayduk Professor, San Francisco State University

Megan Dias Ph.D. Candidate, University of Texas at Austin

Olivia Marti Ph.D. Student, University of California, Los Angeles

CONTENTS

Executive Summary

Introduction 5

- Genesis and Focus of Report
- Methods and Sources

Immigrant Voting and the Struggle for Inclusion

- Immigrant Voting as a Microcosm
- National and Global Landscape of the Movement for Immigrant Voting Rights
- 12 Winning Immigrant Voting Rights in San Francisco

14 Summary of Findings

- 14 Support for Immigrant Voting: It Removes Barriers and Creates Opportunities for Empowerment
- 17 Factors Affecting Voting: Risks & Legal Issues, Language Barriers & Unique Experiences, Lack of Information & Time Constraints
- 21 The Immigrant Parent Voting Collaborative (IPVC), Implementation & Solidarity
- 26 Voter Turnout & Immigrant Engagement Beyond Voting

28 Recommendations for San Francisco and Other Jurisdictions

31 The Future of Immigrant Voting

- 31 Lawsuit
- 32 Opposition to Immigrant Voting Rights
- 33 Strategy Session
- 34 Immigrant Voting Rights: The Suffrage Movement of Our Time

36 Appendix

ACKNOWLEDGEMENTS

ANNETTE WONGManaging Director of Programs, Chinese for Affirmative Action (CAA)

THERESA CHEN

IMMIGRANT PARENT VOTING COLLABORATIVE (IPVC),
which consists of representatives from the African Advocacy Network (AAN), The Arab
Resources and Organizing Center (AROC), Chinese for Affirmative Action (CAA), Central
American Resource Center - San Francisco (CARECEN-SF), Coleman Advocates for Children
and Youth, La Raza Community Resource Center, Mission Economic Development Agency
(MEDA), and Mission Graduates.

KATHLEEN COLL

WE ESPECIALLY WANT TO THANK AND ACKNOWLEDGE THE INTERVIEWEES WHO PARTICIPATED IN THIS REPORT.

IRENE BLOEMRAAD

HIROSHI MOTOMURA

MING HSU CHEN

JOANNA LEE

SABRINA KIM

University of Southern California

HAAS JR. fund

This report was made possible thanks to the support of the Evelyn and Walter Haas, Jr. Fund.

Executive Summary

This report provides an overview of the fight to win immigrant voting legislation in San Francisco, a law also known as "noncitizen voting," and the effects noncitizen voting has had on immigrant empowerment in the city at large.¹ Over the course of 10 months, a team of researchers conducted a series of interviews and focus groups with 72 community members and key stakeholders who provided valuable insights into the city's immigrant voting program, including the way the program affected immigrants in San Francisco, the barriers they face in exercising their voting rights, best practices community organizations have used to try to overcome those barriers, and a series of recommendations. The research team also drew upon available information from the public record, including census and election data, government and policy reports, news reports, and scholarly work. We elaborate on our methods and sources below, and we provide the names of interviewees at the end of this report. We begin by summarizing key findings of our research.

Support for Immigrant Voting Rights

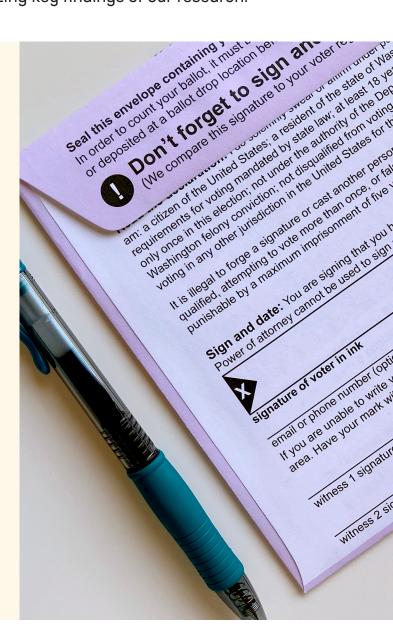
People in all groups we spoke with — parents, staff at community-based organizations, government officials and academics — reported that they were excited to learn about immigrant voting rights. Interviewees saw noncitizen voting as a means to affirm immigrant voices, to affect decisions on the school board that can improve learning conditions for their children, to empower immigrants, and to advance racial justice and their inclusion on equitable terms.

Trump and the Threat of Federal Immigration Enforcement

The passage of San Francisco's ballot measure coincided with the election of Donald Trump in 2016, posing particular challenges to implementing the new law. Since voter registration data is not confidential, immigrants feared detention or complications in obtaining citizenship if they registered to vote, which contributed to relatively low levels of immigrant voter registration and participation

Language Barriers

Language barriers posed challenges for immigrants to exercise their right to vote, despite San Francisco's Language Access Ordinance.



Lack of Knowledge & Time Constraints

Many immigrant parents reported that they did not know they had gained new voting rights, despite notices from the School District and information on the Department of Elections' website.

Prior Experiences with Disenfranchisement

Immigrants from countries where voting was not allowed, or was penalized, were less likely to participate.

"Power, Not Panic"

A group of community-based organizations formed the Immigrant Parent Voting Collaborative (IPVC) and conducted extensive voter education and outreach that engaged tens of thousands of immigrant caregivers in other forms of participation in the school system. Advocates see this broader school-based engagement as a form of "success" beyond registration and voting numbers. Advocates also built collaboration and solidarity within and across groups (Latinx, AAPI, African, Arab, African American), which augmented their ongoing base-building efforts and supported collaboration on other issues of common concern that seek to empower immigrants.

Legal Challenges and Other Opposition

California faces unique challenges in advancing immigrant voting, as a court case contesting San Francisco's law could threaten the right of immigrants to vote in San Francisco and in other municipalities across the state that seek similar laws. Some advocates also worry that the push for immigrant voting rights could provoke harsh responses by anti-immigrant groups, such as endangering immigrant friendly legislation and ongoing efforts to protect immigrants and advance immigrant rights.

The Future of Immigrant Voting

California also presents unique opportunities on the road ahead, given its dense network of immigrant advocacy organizations and millions of immigrant families in the state. To address these challenges and opportunities, Chinese for Affirmative Action (CAA) and IPVC convened 75 immigrant voting stakeholders from around California in March 2023 to strengthen the movement for immigrant voting going forward. Since the convening, advocates across the state have met regularly to strategize about future campaigns and ways to overcome legal and implementation challenges.

Recommendations for San Francisco and Other Jurisdictions

Advocates, caregivers, government staff, and elected officials we interviewed made the following recommendations to improve San Francisco's immigrant voting program. These recommendations also apply to other cities considering an immigrant voting law or campaign:

Center immigrants and immigrant-serving organizations in pursuing immigrant voting rights

Coordinate a critical mass of stakeholders across sectors and communities

Fund community-based organizations to conduct voter education and outreach, alongside government agencies, to strengthen multicultural democracy

Develop effective communication and media strategies in multiple languages accessible to community members, implemented by a broad range of government agencies, civic groups, and media outlets

Develop better protections for immigrants to register and vote with greater confidence in their security, particularly for the undocumented and those from mixed status families

Introduction

Genesis of Report

In 2016, a majority of San Francisco voters adopted a ballot measure that allows any parent or guardian of a child – regardless of citizenship status – to vote in local school board elections. As news got around that San Francisco passed an immigrant voting law, and as codification and implementation were moving forward, local immigrant rights advocates began receiving inquiries from advocates in other cities interested in expanding voting rights to immigrants. They asked how the campaign was waged and won, and how implementation was proceeding.

Advocates who helped win immigrant voting rights thought this effort should be documented and shared, not only to memorialize the expansion of democracy, but also to contribute to the growing national and global movement to expand the franchise to those excluded from democratic processes. Advocates believed that by documenting their effort, they could encourage conversation and dialogue, to make these efforts accessible, to inspire belief, and to support those who may be on a similar path.

Members of the Immigrant Parent Voting Collaborative

















Local advocates, who work at the intersection of immigrant rights, civic engagement, and education equity, recognized that those most impacted by San Francisco's new law – immigrant caregivers – have a unique stake in how the story of immigrant voting is told.² Many, but not all, parents who qualify for San Francisco's immigrant parent voting law are monolingual non-English speakers or face security concerns for their own or their family members' undocumented status.

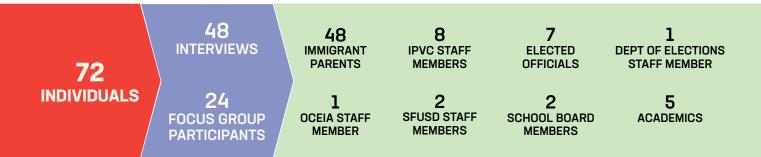
Led by CAA, advocates recognized a need to bring more attention to their perspectives and experiences on San Francisco's journey and the impact this policy has had on immigrants and their families. To tell that story, CAA pulled together a team of researchers to conduct this study with the support of the Evelyn and Walter Haas, Jr. Fund.

² Local advocates formed the Immigrant Parent Voting Collaborative (IPVC) in 2018, which consists of representatives from the African Advocacy Network (AAN), The Arab Resources and Organizing Center (AROC), Chinese for Affirmative Action (CAA), Central American Resource Center-San Francisco (CARECEN-SF), Coleman Advocates for Children and Youth, La Raza Community Resource Center, Mission Economic Development Agency (MEDA), and Mission Graduates. Causa Justa: Just Cause was an initial member of the collaborative.

Methods and Sources

CAA asked the research team to examine the origin of San Francisco's immigrant voting law, its implementation, and its impacts. Why immigrant voting? Who led efforts? What have been its successes and challenges? What does immigrant voting mean for parents, whether they vote or not, their families, and San Franciscans as a whole? What lessons does San Francisco's story provide for stakeholders in other cities who seek to expand voting rights to immigrants? Does expanding voting rights help advance struggles for immigrant rights and racial justice?

To address these questions, the research team conducted in-depth interviews and focus groups with 72 individuals from a broad range of stakeholders between October 2022 and April 2023. Specifically, we interviewed 48 people via in-depth semi-structured interviews, and 24 people via five focus groups, including 48 immigrant parents, eight staff members of the Immigrant Parent Voting Collaborative (IPVC), seven elected officials, one staff member from the Department of Elections, one staff member from the Office of Civic Engagement and Immigrant Affairs (OCEIA), two staff members from San Francisco Unified School District (SFUSD), two school board members, and five academics (the names of these individuals are listed at the end of this report). The research team had a number of set questions, but also made space for interviewees to speak about what was important to them. Some interviews were conducted in the language spoken by interviewees (e.g., Chinese, Spanish) and were subsequently translated into English. Some interviews were conducted online (via Zoom) while others were conducted in person.



These interviews provided us with accounts of how immigrant voting has unfolded in San Francisco, its meaning, and its effects on those who are directly impacted. We coded the interviews using a qualitative software program (Dedoose) to identify common themes and representative quotes. Importantly, the staff and community leaders we interviewed each represent dozens of similarly situated immigrant caregivers in San Francisco. They reported that these immigrant parents expressed having similar experiences and views during their interactions. Thus, taken together, the results in this report reflect the experiences and views of a significantly larger number of similarly situated individuals beyond those we interviewed.

In addition, the team reviewed and incorporated content analysis of a broad range of material available from the public record, including election and census data, government and policy reports, court documents, legal briefs, surveys, news articles, and scholarly work. Although this research focuses on the San Francisco experience, we believe the report's findings hold relevant implications for stakeholders in other jurisdictions in California and elsewhere.

Immigrant Voting and the Struggle for Inclusion

Immigrant Voting as a Microcosm

Advocates see the fight for and against immigrant voting rights as a microcosm of larger political fights embroiling America, including debates about national identity, racial justice, immigration policy, and democracy. Immigrant voting raises questions about the nature of America. Who is a member of the political community? How can we create belonging and ensure justice?

As Asael Perez, an immigrant parent we interviewed, said, "This country has been made up of immigrants since its origins, and that has not stopped. Perhaps the countries where immigrants come from have now changed, but immigrants continue to arrive. It's very multiracial, and multilingual, multiethnic. And that is the wealth of this country. And if it is blocked, if the spaces are closed, to block those opportunities to people like me, who do not have citizenship, I think that is a mistake." Similarly, Adoubou Traore, executive director of African Advocacy Network, said, "For me it is just ridiculous that we're going back to a system of bigotry ... of demonizing people. And if you're doing the right thing for the society at large, then immigrants should be included, right?"

The people we interviewed see immigrant voting as means to advance racial justice and deepen democracy. "Immigrant voting actively fosters the inclusion of immigrants in the society," said Hiroshi Motomura, professor of law at the University of California, Los Angeles. "Voting is a way to make it possible for immigrants to become full members of their communities in the years to come ... In the past, immigrant voting helped them build full lives, to live full lives, and help build some of the communities in this country ... So, a way of thinking about voting is, not merely as a recognition, but really as a vehicle for building strong communities."

In the face of anti-immigrant hostility, and while federal immigration reform has stalled, advocates have focused efforts to forge immigrant inclusion at the state and local levels by supporting the enactment of policy and programs that provide rights and services to immigrants, such as driver's licenses, access to health care, legal services, language access, living wages, and voting rights.³ Advocates in San Francisco are leaders in these reform efforts that seek to defend themselves from attacks and to advance justice, and they see immigrant voting rights as another tool to exercise greater power.

"Immigrant voting actively fosters the inclusion of immigrants in the society."

- HIROSHI MOTOMURA Professor of law at the University of California, Los Angeles

Lucia Obregon, a former staff member at Mission Economic Development Agency, said, "Racial profiling, criminal justice, the War on Drugs — these speak about the disconnect we see around immigration and the lack of immigration pathways and access. When we have a lot of newcomers, we say we're welcoming to newcomers. But we're not allowing them to integrate within our workforce and actually integrate within our social structures. So, I think there's just more conversations around these that need to happen and immigrant voting can help make that happen."

Irene Bloemraad, professor of sociology at the University of California, Berkeley shared her thoughts about the growing number of jurisdictions seeking immigrant voting rights, "It is interesting that this is really coming from local efforts, and efforts to define the political community as about residency in a locality or ties to an institution

or interest," she said. "I think on balance, it is likely beneficial for equity, if noncitizens actually vote and elections are competitive. Those who run for office will then have to listen, and make this process more democratic ... [Some] evidence on noncitizen public attitudes suggests that noncitizens would likely vote for more generous economic interventions by government (e.g., increased health and human services)."

Aside from the ways noncitizen voting could diversify representation, advocates see immigrant voting rights as a tool that can advance racial justice on crucial issues. Research shows that noncitizens hold views on a range of issues that could shift policy in such significant ways. For example, surveys of groups of Californians — "likely voters," "registered voters," "U.S. citizens," "foreign-born naturalized citizens," "noncitizens" — show that noncitizen are the group that most "oppose spending cuts to health and human services" and would "pay higher taxes to maintain health and human services."

Advocates note that more than four million adults in California are noncitizens, comprising 15% of the state's voting-age population, and in the most of the highest populated counties in California from 20% to 40% of all residents are immigrants. Thus, if noncitizens could vote, immigrants could shape electoral outcomes and public policy in significant ways in the areas where immigrants are concentrated and statewide.⁵

The legitimacy of democratic government rests on the "consent of the governed." Elections are the mechanisms the governed use to exercise agency and achieve self-government. That's the essence of democracy. Advocates see immigrant voting rights as a means for migrants to defend themselves from assaults that have increased since 2016, to advance their legitimate interests, and to align electoral practices with basic democratic principles.

For example, an immigrant mother from CAA said when she first heard about immigrant voting, "I thought, this is what America is a place for opportunities, for exercising democracy, from multiracial backgrounds, and learning about this, it's equitable." Jenny Lam, a member of the San Francisco Board of Education who previously worked at CAA and helped lead the campaign for immigrant voting rights in its earlier years said, "I would say, especially where we're at in this country's history now, the expansion and protection of democracy is absolutely at the forefront. And as a school board member, I see the investment in public education as critical to the protection and investment of democracy in this country, and so that goes hand in hand." Ming Hsu Chen, professor of law and director of the Center for Race, Immigration, Citizenship, and Equality at the University of California College of the Law, San Francisco emphasized that "immigrant voting laws recognize that immigrants are persons with social, economic, and political interests that extend beyond their legal status. This insight is critical to substantive equality. Immigrant voting revitalizes democracy rather than merely clamoring for pieces of the political pie as it currently exists."



I thought, this is what America is.

America is a place for opportunities, for exercising democracy, from multiracial backgrounds, and learning about this, it's equitable.

- AN IMMIGRANT MOTHER FROM CAA

⁴ Cybelle Fox, Irene Bloemraad, and Christel Kessler. 2013. "Immigration and Redistributive Social Policy." pp. 381-420 in Immigration, Poverty, and Socioeconomic Inequality, edited by David Card and Steven Raphael. New York: Russell Sage.

The following California counties have the highest percentage of immigrants: Santa Clara (40%), Los Angeles (34%); San Francisco (34%); Alameda (33%); Orange (30%); Contra Costa (25%); Stanislaus (21%); and Fresno (20%). University of California, "California Immigrant Data Portal," Equity Research Institute. USCDornsife https://immigrantdataca.org/indicators/immigration-status?geo=070000000006670000breakdown=by-status.

Sarah Song. "Democracy and noncitizen voting rights." Citizenship Studies 13, no. 6 (2009): 607-620.

National and Global Landscape of the Movement for Immigrant Voting Rights

Although distinctive, San Francisco's innovative immigrant voting program is not unique. Today, 17 jurisdictions allow immigrants to vote in local elections, some for decades: ten towns in Maryland (since the 1990s)⁷; three towns in Vermont (2021 and 2023)⁸; Oakland, California (2022); New York City (1969-2002, 2021); and Washington D.C. (2022).⁹

An additional dozen jurisdictions have considered immigrant voting laws, including five localities in Massachusetts, ¹⁰ six in California, ¹¹ one in Maine, as well as in Rhode Island and Connecticut. ¹² Globally, more than 45 countries allow immigrants to vote at the local, regional, or national level, primarily in the European Union and Latin America, but also in South Korea, Malawi, Australia, and New Zealand. ¹³

Some laws and campaigns provide immigrant voting to all residents – both documented and undocumented immigrants (MD, SF, D.C.)¹⁴ – while other jurisdictions enfranchise only lawful permanent residents (LPRs) and those with work permits (NYC, VT, MA, ME). Some laws empower immigrants to vote in school board elections (SF, Oakland), while other laws empower immigrants to vote for all local offices, from city council member to mayor (VT, NYC, D.C.,

TABLE 1. CONTEMPORARY IMMIGRANT VOTING LAWS AND CAMPAIGNS IN THE U.S.

JURISDICTION	TYPE OF LAW	YEAR	COVERAGE	OUTCOME(S)
San Francisco	Ballot proposal	2004, 2010, 2016	All residents in school board elections	51-49% failed 2004; 54-46% failed 2010; 53-47% passed 2016 Lawsuit, on appeal
Oakland	Ballot measure	2022	All residents in school board elections	67% to 33% passed
San Jose	Proposed	2022-2023	Undecided	Pending
Los Angeles	Proposed	2019	LPRs in school elections	Pending
Pasadena	Proposed	2016-2023	Undecided	Pending
Richmond	Proposed	2021-2023	Undecided	Pending
New York				
NYC schools	Local statute	1969-2002	All residents in school elections	Implemented
City elections	Local statute	2005-2013	Lawful residents	Not enacted
State elections	State statute	2014	All residents	Not enacted
City elections	Local statute	2021	Lawful residents	Enacted, lawsuit on appeal
Chicago, IL	Local statute	1989 to date	Local school councils	Implemented
Maryland	Local statutes	1980s-2020	All residents	10 towns implemented
Montpelier, VT	Ballot proposal	2021	LPRs	Passed
Winooski VT	Ballot proposal	2021	LPRs	Passed
Burlington, VT	Ballot proposal	2023	LPRs	Passed
Washington, D.C.	Local statute	2004-2023	All residents	Enacted
Yellow Springs, OH	Local law	2022	All residents	Passed but not implemented
Massachusetts	Local statutes	1990s, 2000s	LPRs	Passed; needs state action
Portland, ME	Ballot proposal	2010-2023	LPRs	Failed
Connecticut	State statute	2023	All residents	Pending
Rhose Island	Local law	2023	All residents	Pending

 $Source: Immigrant\ Voting\ Rights\ Website,\ \underline{www.immigrantvotingrights.com}$

⁷ Takoma Park, Barnesville, Martin's Additions, Somerset, Garrett Park, Chevy Chase, Chevy Chase Section Three, Chevy Chase Section Five, Hyattsville, Glen Echo, and Mount Rainer. Most of these towns have allowed immigrants to vote in local elections since the 1990s.

⁸ Montpellier, Winooski, and Burlington.

⁹ Since 2021, conservative groups have brought lowsuits challenging the immigrant voting laws in San Francisco, Vermont, New York City, and Washington D.C. The Vermont courts dismissed the lawsuits, while the lawsuits in San Francisco, New York City and Washington D.C. remain in the courts at the time of this report. See Immigrant Voting Rights Website https://www.immigrantvotingrights.com

¹⁰ Amherst, Cambridge, Brookline, and Newton, MA passed local bills but they need state-enabling legislation to implement their "home rule petitions;" Boston also has considered a bill

¹¹ San Jose, Santa Ana, Pasadena, Richmond, Long Beach, and Los Angeles.

¹² Ron Hayduk and Kathleen Coll. "Urban citizenship: Campaigns to restore immigrant voting rights in the U.S." New Political Science 40, no. 2 (2018): 336-352; "Laws Permitting Noncitizens to vote in the United States." Ballotpedia. https://ballotpedia.org/Laws_permitting_noncitizens to vote in the United States#Noncitizen suffrage in local elections; Immigrant Voting Rights Website https://www.immigrantvotingrights.com; For European cases, see https://www.votingrightsforall.net/

¹⁹ Dan Ferris, Ron Hayduk, Alyscia Richards, Emma Strauss Schubert, and Mary Acri, "Noncitizen Voting Rights in the Global Era: A Literature Review and Analysis." Journal of International Migration and Integration Vol. 21, No. 3. (2020); See also https://www.votingrightsforall.net/

¹⁴ Matt Vasilogambros. "Noncitizens Are Slowly Gaining Voting Rights." Stateline, Pew Trusts. July 1, 2021. https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/07/01/noncitizens-are-slowly-gaining-voting-rights

MA, ME). Some laws have been enacted via ballot proposals (SF, VT) while others have been enacted by legislative processes (MD, NYC, D.C.). In nearly every case, campaigns have been contentious and the outcomes have been close. Like in San Francisco, these local election reform programs were enacted to acknowledge immigrant residents as legitimate stakeholders and to affirm their voices in public affairs.

America's History of Immigrant Voting

Current immigrant voting rights programs call forth an extensive tradition in America. In fact, immigrants voted in 40 states at some point in time between 1776 and 1926, not just in local elections, but also in state and federal elections. Moreover, immigrants could also run and hold office. Halien suffrage, as these laws were called, embodied fundamental democratic ideals such as "no taxation without representation" and that just "government rests on the consent of the governed. Moreover, as Hiroshi Motomura has observed, "alien suffrage" was seen as a way to promote citizenship for "Americans in waiting," not a substitute for naturalization and citizenship.

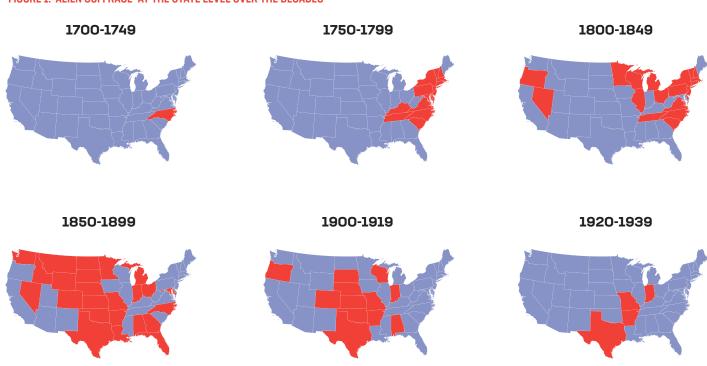


FIGURE 1. 'ALIEN SUFFRAGE' AT THE STATE LEVEL OVER THE DECADES

Source: Kimia Pakdaman, "Noncitizen Voting Rights in the United States" Berkeley Public Policy Journal, Spring 2019.

And it worked. European immigrant voters injected issues into political campaigns and factored into calculations by parties and candidates on salient questions and issues of the day – from anti-slavery and anti-temperance causes to labor rights and social policy – affecting party dynamics, electoral outcomes, and policy. In so doing, alien suffrage played a role in facilitating immigrant inclusion and progress for millions of Europeans, though

¹⁵ Coll, Kathleen. "Citizenship acts and immigrant voting rights movements in the US." Citizenship Studies 15, no. 8 (2011): 993-1009, 995.

^{**}Skirk Harold Porter. A history of suffrage in the United States. University of Chicago Press, 1918; Jamin B. Raskin. "Legal aliens, local citizens: the historical, constitutional and theoretical meanings of alien suffrage."

**University of Pennsylvania Law Review 141 (1992): 1391-1470; Morta Tienda. "Demography and the social contract." Demography 39, no. 4 (2002): 587-616; Alexander Keyssar. The right to vote: The contested history of democracy in the United States. Basic Books, 2000; Ron Hayduk, Democracy for All: Restoring Immigrant Voting Rights in the United States. Routledge, 2006; Hiroshi Motomura. Americans in waiting: The lost story of immigration and citizenship in the United States. Oxford University Press, 2006.

 $^{^{17}}$ Initially, only white men with property could vote, regardless of citizenship status.

¹⁸ Motomura, 2006; Raskin, 1992.

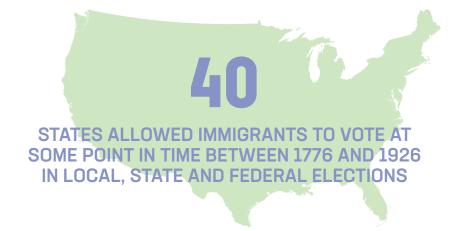
Immigrant voting rights is a means to acknowledge immigrants as legitimate stakeholders, and in San Francisco, to especially center immigrant parents' desire to ensure their children receive quality and equitable education. sometimes at the expense of other marginalized groups. For example, when Congress created new territories, it frequently used the promise of access to land and voting rights to lure European immigrants to settle lands that were brutally taken from Native Americans. Alien suffrage was also sometimes used by dominant political factions to block or delay the enfranchisement of African Americans and women for partisan advantage. In these ways, alien suffrage could serve exclusionary and inegalitarian goals and outcomes in some cases.¹⁹

Alien suffrage was rolled back during periods of nativism, such as during the influx of Irish, German, and Chinese immigrants in the 1840s and 1850s, and the decades surrounding the turn of the twentieth century when large numbers of Southern and Eastern Europeans came to the U.S. The last state to eliminate it was Arkansas in 1926. The elimination of immigrant voting rights accompanied other restrictive electoral reforms that also disenfranchised poor

and minority groups, including poll taxes, literacy tests, felon laws and restrictive registration procedures, which sharply depressed voter turnout by low-income, urban, and minority groups until the 1960s.

During periods of nativism, often pioneered in California, the U.S. adopted racist national immigration policies that sharply limited the entry of non-Western Europeans, such as the Chinese Exclusion Act of 1882 and the 1924 National Origins Act. These changes shaped patterns of the racial and ethnic make-up of the U.S. into the 20th century, buttressing forms of white supremacy into the 1960s. Along with voter restrictions, racist immigration laws contributed to the marginalization of people of color and limited more democratic possibilities for American political development for decades.²⁰

Contemporary immigrant voting advocates draw upon America's extensive practice of providing immigrants voting rights before citizenship, as well as the historical struggles by African Americans, women, and youth for their enfranchisement, to make the case for restoring immigrant voting rights today, not as a colonial settler project, but as a means to acknowledge immigrants as legitimate stakeholders, and in San Francisco, to especially center immigrant parents' desire to ensure their children receive quality and equitable education.



¹⁹ Ron Hayduk, Marcela Garcia-Castanon, and Vedika Bhaumik. "Unpacking the Complexities of 'Alien Suffrage' in American Political History." Journal of American Ethnic History (2024) Vol 43 No 2; Rachel Michelle Gunter. "Immigrant Declarants and Loyal American Women: How Suffragists Helped Redefine the Rights of Citizens." The Journal of the Gilded Age and Progressive Era Vol. 19, No. 4 (2020): 591-606; Roxanne Dunbar-Ortiz. An indigenous peoples' history of the United States. Beacon Press, 2014.

²⁰ Mae Ngai, *Impossible Subjects*. Princeton University Press. 2014; Francis Fox Piven and Richard Cloward. Why Americans Still Don't Vote and Why Politicians Want it that Way. Beacon Press 2000. California did not eliminate literacy tests and other barriers to Asian Americans and other immigrants until the 1970s.

Winning Immigrant Voting Rights in San Francisco

San Francisco is an immigrant city: 34.1% of its residents are foreign-born and 14% are noncitizens of voting age (104,750 people).²¹ Of these voting-age noncitizens, 26,710 are Latinx and 49,890 are Asian alone, who collectively comprise 73% of the voting-age noncitizen population,²² with the remainder being immigrants from Africa, the Middle East, Europe, Russia, Canada and beyond. Nearly one in two children in San Francisco have at least one immigrant caregiver (54%).²³ Moreover, San Francisco's immigrant caregivers are overrepresented in the workforce, are disproportionately the "essential workers" who bore the brunt of the pandemic's deleterious effects, and who contribute significantly to state and local taxes.²⁴ More than half of San Francisco's residents who live in families are either low income (18%) or very low income (36%), with Black and Latinx residents making up a disproportionate amount of the very low-income residents.²⁵ Although immigrants are remarkably heterogeneous, as a group noncitizens score low on most indicators of well-being, including poverty, income, housing, education, and health care.²⁶ Moreover, immigrant students

and students of color comprise a significant portion of the total student K-12 population: 30% are Latinx and 38% are Asian or Pacific Islander, with 27% of all students in SFUSD being English language learners.²⁷ When it comes to reading, students in SFUSD who are Asian American, Filipino, Pacific Islander, Black, Latinx, English learners, and low income have much lower proficiency rates than their white peers.²⁸ Only 17.5% of students in SFUSD who are English learners and 34.2% of Latinx students were reading proficient in the 2021-2022 school year, compared to 80.8% of their white peers.²⁹

IN SAN FRANCISCO: 14% OF VOTING AGE RESIDENTS ARE NONCITIZENS 54% OF CHILDREN HAVE AT LEAST ONE IMMIGRANT PARENT

Advocates believe these disparate outcomes, referred to in terms of educational "achievement gaps," in part, reflect immigrants' lack of political power. They also believe they could more effectively address such gaps if immigrants, who are often coming from marginalized backgrounds, could have a say in public affairs. After all, elected officials can more easily ignore nonvoters. Social scientists have long established that immigrants' lack of access to citizenship, along with patterns of low voter registration and participation by newly naturalized citizens, are highly correlated with underrepresentation in government and biased public policy outcomes. In response to these conditions — and in an effort to create a more inclusive and equitable society — advocates have waged efforts to improve immigrants' lives, from ensuring language access, driver's licenses, and creating sanctuary policies, to obtaining local ID cards, living wages, and winning immigrant voting rights.

During the early 1990s, which saw the rise of harsh anti-immigrant rhetoric and legislation in California, "immigrant

²¹U.S. Census Bureau, "Quick Facts, San Francisco" https://www.census.gov/quickfacts/sanfranciscocountycalifornia; American Community Survey ("ACS") Citizen Voting Age Population by Race and Ethnicity Special Tabulation, https://bit.ly/3Vej7qS

^{22 2020 5-}year American Community Survey ("ACS") Citizen Voting Age Population ("CVAP") Special Tabulation, https://bit.ly/3Vcj7qS.

²⁹ Profile of the Foreign-Born Population in San Francisco, California, Vera Institute of Justice (2020), https://bit.lu/3g0f8VB; https://domnsife.usc.edu/assets/sites/731/docs/SANFRANCISCO_web.pdf

²⁴ Vera Institute of Justice, 2020; Essential Fairness: The Case for Unemployment Benefits for California's Undocumented Immigrant Workers, UC Merced at 1 (Mar. 2022), https://libit.ly/3F54rEB (noting that in California, undocumented workers alone annually contribute \$3.7 billion in state and local taxes).

²⁵ Ryan Fukumori and Simone Robbennolt, "Who is Low Income and Very Low Income in the Bay Area?" Bay Area Equity Atlas. January 27, 2023

https://bayareaequityatlas.org/distribution-of-incomes. Although a growing number of Black residents are foreign-born, the comprise a relatively fewer number of Black individuals in San Francisco.

28 Waters, Mary and Marisa Gerstein Pineau, Editors. National Academies of Sciences, Engineering, and Medicine, and Committee on Population. The integration of immigrants into American society. National Academies Press, 2016; Blau, Francine D. and Christopher Mackie, Editors. 2017. Panel on the Economic and Fiscal Consequences of Immigration, The economic and fiscal consequences of immigration. National Academies of Sciences, Engineering, and Medicine. National Academies Press; Card, David, and Steven Raphael, eds. Immigration, poverty, and socioeconomic inequality. Russell Sage Foundation, 2013.

²⁷ Facts About SFUSD at a Glance, SFUSD, https://bit.ly/3u4ecws

²⁸ SFUSD, "SFUSD Student Performance Analysis" (June 2022) p. 8, https://tinyurl.com/ymwknhmd.

²⁸ Black and Latinx students in SFUSD have higher suspension and chronic absenteeism rates and lower high school graduation, college enrollment, and math proficiency rates than other students. SFUSD, 4-year Reading Inventory Report (Jun. 27, 2022), https://tinyurl.com/2p9xa5vx. San Francisco has seen an increase in white immigrants, particularly from Russia and the Ukraine; of the voting age noncitizens, 23,515 are white, compared to 27,215 for Hispanic/Latinx, according to census data.

³⁰ Piven and Cloward, *Why Americans still don't vote*, 2000.

^{al} Karthick S. Ramakrishnan. Democracy in immigrant America: Changing demographics and political participation. Stanford University Press, 2006; Wong, Janelle. Democracy's promise: Immigrants and American civic institutions. University of Michigan Press, 2006; Mollenkopf, John, and Manuel Pastor, eds. Unsettled Americans: Metropolitan context and civic leadership for immigrant integration. Cornell University Press, 2016; Chen, Ming Hsu. Pursuing Citizenship in the Enforcement Era. Stanford University Press, 2020.

Exthleen Coll. Remaking citizenship: Latina immigrants and new American politics. Stanford University Press, 2010; Els de Graauw. Making immigrant rights real: Nonprofits and the politics of integration in San Francisco. Cornell University Press, 2016; Peter Mancina. In the spirit of sanctuary-city policy advocacy and the production of sanctuary-power in San Francisco, California. Vanderbilt University, 2016; Irene Bloemraad and Kim Voss. "Movement or moment? Lessons from the pro-immigrant movement in the United States and contemporary challenges." Journal of Ethnic and Migration Studies 46, no. 4 (2020): 683-704; Irene Bloemraad, "Claiming membership: boundaries, positionality, US citizenship, and what it means to be American." Ethnic and Racial Studies 45, no. 6 (2022): 1011-1033; Raffaele Bazurli & Els de Graauw. "Explaining variation in city sanctuary policies." Journal of Ethnic and Migration Studies, Vol. 49, No 11. 2023.

groups, civil rights groups, labor and progressive groups mobilized in big ways in response to Pete Wilson and Prop 187 and Prop 209 and other conservative measures that stripped away rights won by civil rights groups," recalled Eric Mar, who was the director of the Northern California Coalition for Immigrant Rights and a social justice activist with the Chinese Progressive Association before becoming a member of the San Francisco Board of Education and the Board of Supervisors where he and other elected officials championed immigrant voting rights legislation.³³ Mar and other advocates saw the struggle for immigrant voting rights as part of the larger movement for immigrant rights and fights for language access, labor protections, affordable housing, good schools, and more responsive public policy. Beginning in 1996, several elected officials (Mabel Teng, Eric Mar, Matt Gonzales, David Chiu) introduced proposals for immigrant voting rights, which resulted in two ballot measures that were narrowly defeated in 2004 and 2010. (See Appendix for details about these efforts.)



FIGURE 2. ADVOCATES AND SUPERVISOR ERIC MAR AT KICK-OFF RALLY FOR PROP N, CITY HALL, SAN FRANCISCO 2016

Finally, in 2016, advocates prevailed when a majority of San Francisco voters adopted a ballot measure (Proposition N), which allows any parent or guardian of a child – regardless of citizenship or immigration status – to vote in local School Board elections.³⁴ (See Appendix for Proposition N, subsequent Ordinances, and related documents.) By passing this ballot measure, San Francisco provided inspiration to cities considering expanding voting rights to immigrants, including several jurisdictions in California.

sa Eric Mar is a retired public interest attorney and professor of Asian American and Ethnic Studies at San Francisco State University, who was elected to serve on the San Francisco school board from 2000 to 2008 as a commissioner and past president, and as a member of the San Francisco Board of Supervisors from 2008 to 2016. Previously, Mar was a shop steward with SEIU Local 790 and served on the Human Rights Committee of the State Bar of California and the Civil Rights Committee of the National Asian Pacific American Bar Association. https://sfbos.org/former-supervisor-mar-district-1

^{10 2016, 203,413} San Franciscans (54.39%) voted to approve Prop N and 170,570 (45.61%) voted against Prop N. San Francisco is a city of approximately 800,000 people, of which 513,573 were registered to vote and 414,528 voted in total. San Francisco Department of Elections, "November 8, 2016 Official Election Results" https://www.sfelections.org/results/20161108/

Summary of Findings

Support for Immigrant Voting: It Removes Barriers and Creates Opportunities for Empowerment

People in all groups — parents, staff at community-based organizations, government officials and academics — report that they were excited about the campaign to win immigrant voting rights. Interviewees see immigrant voting as a means to affirm immigrant voices, to affect decisions on the school board that can improve learning conditions for their children, which can in turn provide benefits for families and the city at large.

The school board exercises considerable power over the education of children and the life of the city. SFUSD is governed by the school board of seven elected members who are responsible for electing a superintendent, creating school policies, developing curriculum, and creating budgets. For example, the 2018-2019 operating budget of the school system was \$889.6 million to fund schools, negotiate teacher salaries and working conditions, and the school board can propose local ballot measures. For immigrant parents, having voting rights offers the promise of power to affect the quality of education for children who they care so dearly about.

Staff who led the fight to win and safely implement the immigrant parent voting program say this work has buttressed their organizations' ongoing efforts to build greater capacity to empower immigrant families. Advocates see San Francisco's immigrant voting program as a concrete means for immigrants to directly engage in the political process and advance their inclusion on equitable terms. For example, the immigrant rights coordinator at CAA said, "By extending the right to vote to noncitizens, San Francisco has led the way in expanding access to democracy and promoting immigrant inclusion. In the face of attacks on immigrants and voting rights across the country, it is crucial to continue defending the right for immigrants to fully participate in and shape their communities." Similarly, Eric Cuentos, program director of Mission Graduates shared, "The ultimate goal is to have immigrant families [be] more a part of the important decisions that impact their lives and that of their kids. And so that's what we're all about with helping families to engage more effectively at their kids' schools. That's exactly what we're doing."

Over and over again, immigrant parents described to us how much they cared about their children's education. They described attending school meetings and getting information on school policies and curricula. They described how important having a say in their children's education is to them. "Our first job is parents," one immigrant from the African Advocacy Network noted. This sentiment was echoed by staff of organizations who work directly with immigrants. "Families care, you know," said Vanessa Bohm of Central American Resource Center - San Francisco (CARECENSF). "They love their children ... They want the best for them. They do want the school system to offer them the best resources and education."

Parents, staff, and elected officials pointed out that American citizens who are not parents have the right to vote in school elections but not noncitizen caregivers, which they thought was unfair. As one immigrant mother from CAA stated, many immigrants come to the United States for the express purpose of providing a better life and education for their children. "So, the fact that they're coming here, and they don't have the ability to vocalize their needs or be represented in the local school district, it's unfair. It's unfortunate," she explained.

Immigrant parents said immigrant voting rights made them feel welcomed and valued. One immigrant mother from Mission Graduates who wished to remain anonymous said immigrant parent voting "made me feel integrated in this society and in this country." Blanca, another immigrant mother from Coleman Advocates for Children and Youth,

described what it felt like to vote for the first time, saying "Oh, I feel like, 'Oh, my God!' They give you that sticker. I would like everybody to see my sticker." Amos Lim, a parent of an elementary school child said, "I voted in these elections because I believe in civic participation and want to exercise my voice in my daughter's education. It is also important for me to show my daughter that voting is an important right and if you have the right to vote, you must participate and vote."



I voted in these elections because I believe in civic participation and want to exercise my voice in my daughter's education.

- AMOS LIM, A PARENT OF AN ELEMENTARY SCHOOL CHILD

Advocates noted that the fundamental principle of democracy is that you should have a say on issues that affect you. As Norman Yee, a former member of the San Francisco Board of Supervisors stated, "If it impacts your life, you should be at the table, not sitting in the back rooms. And that's just the whole idea. If they vote, they get to the table faster. Immigrant parent voting gives immigrants a seat at the table." Elected officials also spoke about the ways in which immigrant parent voting gives immigrants a voice in their children's education, and affects the ways in which elected officials conceive of and treat their constituents.

Moreover, many interviewees pointed out, the ballot measure creating San Francisco's resident voting law (Proposition N) was passed by a majority of voters, and as such, the new law was the will of the people. Others noted that San Francisco was a leader on these issues and that other cities will look to its example, particularly in California.

Academics, advocates, and immigrant leaders express awareness of the consequences of immigrant political exclusion and inclusion. Even though immigrants comprise a sizable portion of the population, their numbers far exceed their political representation and clout. Although noncitizens are counted for districting purposes and pay taxes, they cannot select representatives who enact policies that affect them on a daily basis. Yet, studies also show, increased civic engagement is correlated with greater individual level outcomes as well as societal outcomes, including stronger sense of community belonging, health, and education outcomes, among other indicators.³⁵

In fact, studies show noncitizen voting programs can increase civic engagement, diversify representation, create more equitable policy, and produce better outcomes for immigrant students, families, and communities. In some places, noncitizens have voted in significant numbers (Maryland, NYC) and helped elect more diverse representative bodies that led to improvements in schools (NYC, Chicago, Europe).³⁶ These programs encourage greater parental involvement, which in turn, contributed to improved student achievement, reduced dropout rates, and better school attendance. For example, empirical analysis of New York City's immigrant voting program (1969-2002) demonstrated noncitizen voting produced a higher proportion of racial and ethnic minority representatives on community school boards that correlated with subsequent improvements to school budgets, class sizes, curricula, after-school programs, and student educational outcomes.³⁷ Similarly, research about Chicago's local school council elections shows noncitizen

36 Hayduk and Coll 2018.

³⁵ Song 2016. https://belonging.berkeley.edu/sites/default/files/haasinstitute_wetoobelong_immigrationincarceration_release_may19.pdf

³⁷ Julissa Reynoso. "Dominican Immigrants and Social Capital in New York City: A Case Study." Latino Intersections Vol. 1:1 (2003); Marilyn Gittell, "School reform in New York and Chicago: Revisiting the ecology of local games." Urban Affairs Quarterly Vol. 30, No. 136, (1994); Lauren Gilbert, "Reconceiving Citizenship: Noncitizen Voting in New York City Municipal Elects as a Case Study in Immigrant Integration and Local Governance." Journal on Migration & Human Society (2014); Ron Skinner, Parent Involvement, Education Week, https://www.edweek.org/leadership/parent-involvement/2004/09

voting produced more parent involvement, more effective school governance, and better student success.38 Studies of immigrant voting programs in Europe and in Latin America show similar positive impacts, as well as promoting naturalization and immigrant incorporation, just as America's history of "alien suffrage" did.39

Interviewees repeatedly said voting rights give immigrants a powerful tool to ensure that local school board members understand and address their issues and better serve their children. Indeed, studies show that student achievement is boosted when parents and guardians are actively engaged with their children's school experience.⁴⁰ A study of a California school district found that when caregivers of English learner students are more involved in leadership opportunities, their children see greater improvement in their English proficiency.⁴¹ A mother active in Coleman Advocates for Children and Youth said that immigrant parent voting "made me feel like I had the power in my hands."

Conversely, interviewees know that their exclusion, like that of other groups, is connected to unequal and negative outcomes.⁴² Research shows that children of immigrants, the fastest-growing group of youth in the United States, are more likely to struggle in school and more likely to live in poverty. Children of immigrants have poverty rates more than twice the rate of other children and disproportionately live in low-income families.⁴³ Immigrants are more likely to live in overcrowded and multigenerational homes, work in essential jobs, and rely on public transportation. Evidence also suggests immigrants have had higher death rates from COVID-19.44 English language learners and immigrant students were disproportionately impacted by the pandemic, experiencing heightened academic losses.45

BENEFITS OF NONCITIZEN VOTING PROGRAMS

REDUCED **DROPOUT RATES**

INCREASED STUDENT ACHIEVEMENT

DIVERSITY IN REPRESENTATION

INCREASED CIVIC ENGAGEMENT

CREATION OF MORE EQUITABLE POLICY

MORE EFFECTIVE SCHOOL GOVERNANCE

³⁸ Melissa Marschall. "Parent Involvement and Educational Outcomes for Latino Studies." Review of Policy Research Vol. 23, (2006).

³⁸ Kåre Vernby. "Inclusion and public policy: Evidence from Sweden's introduction of noncitizen suffrage." American Journal of Political Science 57, No. 1 (2013): 15-29; Michaela Slotwinski, Alois Stutzer, and Pieter Bevelander. "From participants to citizens? Democratic voting rights and naturalisation behaviour." Journal of Ethnic and Migration Studies (2023): 1-21; Jeremy Ferwerda, Henning Finseraas, and Johannes Bergh. "Voting rights and immigrant incorporation: Evidence from Norway." British Journal of Political Science 50, no. 2 (2020): 713-730; Cristina Escobar, 2017, "Migration franchise expansion in Latin America." Global Citizenship Observatory. Robert Schuman Centre for Advanced Studies https://cadmus.eui.eu/bitstream/handle/1814/45709/GLOBALCIT Comp 2017 01.pdf; Victoria Finn. "Enfranchising migrants in Chile: a century of politics, elites, and regime changes." Journal of Ethnic and Migration Studies 49, No. 10 (2023): 2561-2581.

politics, elites, and regime changes." Journal of Ethnic and Migration Studies 49, No. 10 (2023): 2561-2581.

**Maria Castro et al., Parental involvement on student academic achievement: A meta- analysis, Educational Research Review 14 (2015) pp. 33-46, https://lingurl.com/bdhkc4a6 (collecting 37 studies over a period of 13 years showing that parental involvement has a positive to moderate impact on academic achievement); Shatkin, G., & Gershberg, A. I., Empowering parents and building communities: The role of school-based councils in educational governance and accountability, Urban Education 42 (2007) pp. 582-615, 601, https://lingurl.com/si36fpy (finding in particular that parent participation in school governance generated significant change in schools by fostering activism around school issues, which in turn led to improved school-community relations and development of community-based social capital); Heather B. Weiss et al., Beyond Random Acts Family, School, and Community Engagement as Integral Part of Education Reform, Harvard Family Research Project (Dec. 2010) p. 5, https://lingurl.com/six163fmr (Protices in California Schools, Public Policy Institute of California (June 2016) p. 9, https://lingurl.com/six163fmr, Anna Maier, Julia Daniel, Jeannie Dakes, and Livia Lam. "Community Schools as an Effective School Improvement Strategy: A Review of the Evidence." Palo Alto, CA: Learning Policy Institute. 2017. https://lingurl.com/six163fmr, Anna Maier, Julia Daniel, Jeannie Dakes, and Livia Lam. "Community Schools Effective REPORT.pdf; Karen L. Mapp and Eyal Bergman." "Dual capacity-building framework for family-school partnerships." Version 2, 2019. https://lingurl.com/six164fmr, Publics: https://lingurl.com/six

^a Rebecca A. London, "Family Engagement Practices in California Schools," *Public Policy Institute of California* (June 2016) p. 9, https://tinyurl.com/5xt83hmr.

^{**}Peter Levine. "The civic engagement of young immigrants: Why does it matter?" **Applied Development Science 12, no. 2 (2008): 102-104; Flanagan, Constance, and Peter Levine. "Civic engagement and the transition to adulthood." **The future of children (2010): 159-179; Schlozman, Kay Lehman, Sidney Verba, and Henry E. Brady. **The Unheavenly Chorus.** Princeton University Press, 2012; Wilkinson, Richard G., and Kate Pickett. **The spirit level: Why more equal societies almost always do better. (Allen Lane, 2009.)

⁴⁸ "Race for Results." The Annie E. Casey Foundation, 2017. https://assets.aecf.org/m/resourcedoc/aecf-2017raceforresults-2017.pdf

⁴⁴ Julia Gelatt and Muzaffar Chishti, "COVID-19's Effects on U.S. Immigration and Immigrant Communities." Migration Policy Institute. June 2022. https://www.migrationpolicy.org/sites/default/files/publications/mpi-covid-us-immigration-lookback_final.pdf

⁴⁶ Julie Sugarman and Melissa Lazarin. "COVID-19 Pandemic Policy Ideas for States and School Districts." Migration Policy Institute. September 2020.

https://www.migrationpolicy.org/sites/default/files/publications/mpi-english-learners-covid-19-final.pdf; These outcomes result in part because immigrant families earn less than native-born workers and because they face unique barriers to government support. Jason DeParle. "Safety Net Barriers Add to Child Poverty in Immigrant Families." New York Times. April 6, 2023. https://www.nytimes.com/2023/04/06/us/politics/child-poverty-immigrants.html

Immigrant voting rights are seen as a way to let immigrants know that they belong in San Francisco's political life and institutions, and to help incorporate them into democratic engagement more broadly. "One of the main motivators to get immigrant parent voting passed was representation," said Myrna Melgar, a member of the San Francisco Board of Supervisors. "We didn't have a lot of school board members of color. Kids see their parents vote, which is really important. If you see your parents vote, you are much more likely to vote too. This is important for our democracy. For many immigrants to see that we can vote and can run for office is so important. These seeds can be planted when kids see this and that can have a big impact." Beyond representation, advocates see immigrant voting as another tool to advance racial justice and issues of importance to working class people of color.



Immigrant parent voting made me feel like I had the power in my hands.

- A MOTHER ACTIVE IN COLEMAN ADVOCATES
FOR CHILDREN AND YOUTH

Factors Affecting Voting: Fear & Legal Issues, Language Barriers & Unique Experiences, Lack of Information & Time Constraints

Despite the excitement and empowerment that surrounded immigrant voting, our research uncovered a number of barriers that make it difficult for immigrant-parents to exercise their new voting rights. First and foremost was the fact that the simultaneous election of Donald Trump in 2016 made implementation of the new law challenging and complex. Nearly every interviewee expressed concerns about immigrants' safety because Trump had campaigned using harsh anti-immigrant rhetoric and policy proposals. The Trump administration's early actions — from the Muslim ban and targeting sanctuary cities to increased detention and deportation of the undocumented — led many parents to refrain from registering and voting because they feared putting their name on a public voter registration roll could negatively affect their status and their children's safety.

Fear and Legal Issues

Nearly all interviewees expressed concerns about how voting could affect an immigrant's status and possibility for naturalization. Many interviewees reported that immigration attorneys often advised immigrant parents not to register or vote, especially for those whose status is precarious and/or who seek to naturalize. Elsa Hernandez, an immigrant parent, said when she consulted an immigration attorney "they told me to abstain because in the future I had to go through a process, for having voted." Deema Hindawi, services coordinator for the Arab Resource and Organizing Center corroborated this experience, noting that "since the beginning, our lawyers have been hesitant about how people vote, just because they do not want to put them at risk of never being able to get citizenship."

Staff of immigrant serving organizations and government officials also expressed strong concerns for immigrants' safety, which contributed to a cautious approach as they worked together to craft an ordinance and begin implementation of the program. As director of elections, John Arntz, said, "The legal and the operational part was challenging, but really the most challenging part was just kind of going through the conversations with a lot of the advocacy folks because they were just so worried about noncitizens being discovered by ICE and then potentially being deported. So a lot of the conversations were really around protecting these individuals from being discerned by ICE, but the suggestions to provide that protection just didn't fit into current election law."

The most frequently reported reason for not registering and voting was fear. Concerns they reported over safety and legal status fell into two camps:

DEPORTATION AND OTHER IMMIGRATION ENFORCEMENT ACTIONS:

Because it was determined by officials that information of immigrants who registered could not be protected (name, address), interviewees worried that immigrants with irregular immigration statuses might end up in ICE's hands.

COMPLICATIONS TO THE CITIZENSHIP PROCESS:

The N-400 form that is required to apply for citizenship has a section where immigrants must attest that they have never voted in a U.S. election. If immigrants state that they have voted in the U.S. before becoming a citizen, their application can be rejected or be delayed.

Elections officials determined that confidentiality of voter's information was not possible – voter registration information must be publicly available by law – making immigrants potentially vulnerable to scrutiny by federal enforcement agencies. In response, advocates and elected officials sought to mitigate safety issues in several ways:

- A notice was added to the Parent Voter Registration Form, to the website of the Department of Elections, and in materials used by SFUSD and CBOs, which discussed concerns around voting, recommending further consultation before registering.
- Ensuring language access in all voter materials based on the 50+ languages mandated by the state that the SFUSD must provide information
- The Department of Elections was required to provide a "right to vote" letter to all those who registered and voted which can be used as part of an N-400 application as an affidavit that the person registered and voted legally.
- Allow advocates to participate in Department of Elections language access advisory committee meetings to (a) provide feedback on outreach plans and materials to "low English proficiency" communities, (b) provide feedback on the poll worker training guide specifically in relation to how poll workers treat immigrant parent voters
- The IPVC worked with the San Francisco Immigrant Legal Resource Center to reach out to the U.S. Citizenship and Immigration Services (USCIS) local office to ensure that adjudicators knew that immigrant voting was lawful for San Franciscans. This included ensuring that adjudicators were trained on the issue.
- Finally, advocates encouraged immigrants to seek consultation with immigration attorneys to assess risks involved in voting.

Despite these safeguards, many immigrants told us they decided not to vote — even though they wanted to — largely because of fear. For example, one immigrant mother from Coleman Advocates for Children and Youth told us, "I did not vote. I was scared. I was afraid because I have two kids. … I just wanted to be sure that I protect myself because I have my kids, and I just want to make sure that they can keep having a mom." In this way, having children in public schools, and wanting what is best for them, was the reason many immigrant parents wanted to vote, but it was also the reason why they were afraid to register and vote.

Even immigrants who have legal status expressed concerns, although their fear was less visceral than it was for undocumented parents. Many immigrants with status expressed anxiety that voting would complicate things for when they applied for citizenship. Thus, even though the city of San Francisco provides immigrant parents a letter explaining that they are legally entitled to vote in San Francisco, voting can add an extra layer of complication to an already complex process for immigrants. This was one reason immigrant parents and staff said immigration lawyers often advise clients not to vote.

"If the risk was not there, for sure everybody would be voting," as one immigrant mother from Coleman Advocates for Children and Youth put it. This belief was borne out by some of the immigrant parents we talked to, who explained that they had not voted in school board elections before they became a citizen, but, after they naturalized, they voted whenever they could.



- AN IMMIGRANT MOTHER FROM COLEMAN ADVOCATES FOR CHILDREN AND YOUTH

These concerns made the process of implementing the immigrant voting program difficult. Richard Whipple, deputy director of San Francisco's Office of Civic Engagement and Immigrant Affairs (OCEIA), said lawmakers and advocates had to contend with the "challenging juxtaposition of a frightening 2016 federal political landscape and an exciting local development for immigrant civic participation." Hong Mei Pang, head of communications and external affairs at SFUSD, said the new president's blatant xenophobia created real harm as well as perceived threats when it came to implementing the new program. "You have people who have been in this fight for decades, from the legal community, from the grassroots community, from philanthropy. … So we have a wealth of knowledge to be able to meet the moment," she said. "But the ambiguity about how the local measure may impact people's immigration and naturalization situations makes it scary. Trump elevated vile rhetoric and we have to be responsive so that hard-fought rights are not being rolled back."

Advocates and elected officials have continued to seek effective ways to thread the needle between the goal of engaging immigrants and protecting them. Chelsea Boilard, a former legislative aid for San Francisco Supervisor Sandra Lee Fewer, said, "Democratic presidents have also been bad on immigration. Trump was more targeted. Ultimately, I think communities need to be able to decide for themselves."

Language Barriers

Language barriers and a lack of language access was another common reason immigrants found it difficult to vote. Filling out registration forms in English can be intimidating for many immigrants, especially when the stakes for checking the wrong box can be so high. Finding information on the candidates in languages other than English can also be challenging. While advocacy organizations offer language support and hold candidate forms in an accessible way for immigrant members, they have limited capacity, cannot reach everyone, and cannot make up for linguistic exclusion in campaigns and systems. Moreover, as staff of advocacy organizations noted, while San Francisco mandates that all public information including elections materials are translated into certain languages, many immigrant speakers of other languages are often left out.⁴⁶

An immigrant parent, Ah Yee, said, "Some parents are not literate or cannot speak English and they would not be able to naturalize, so they choose or cannot naturalize because of language barriers. So in that case, that means they won't ever have the ability to represent their children in the school board because they cannot vote, period." Norman Yee, a former school board member, said of language barriers, "I pushed a lot in terms of translation. Prior to me getting there on the school board, there were no interpreters. If a parent comes, they're on their own and so I pushed that we have translation."

Previous Experiences with Disenfranchisement

Immigrant parents have unique experiences that can affect how they view and behave regarding voting. Parents and staff noted that immigrants often come from backgrounds where voting was not allowed or was penalized. Many fled oppressive governments and have not had positive, safe experiences with bureaucracies. This can make voting a daunting process for many immigrants. Staff at IPVC organizations stressed the importance of accounting for these traumas and not making assumptions about immigrants' individual experiences when it comes to promoting voting. Immigrants with lawful status appear to be more inclined to register and vote than those without status or with a deportation order, though fears were expressed by every group. Clara, an immigrant mother, said, "I am sad that immigrants don't have all of the same rights as citizens in the U.S. It is hard for people with citizenship to understand that immigrants don't have these rights and they need to be careful when doing things like this." She chose not to vote.

Lack of Information & Time Constraints

Members of the IPVC said many immigrant parents reported they did not know they had gained new voting rights when first approached by the organizers despite notices from the <u>school district</u> and information on the <u>Department of Elections website</u>. Our interviews with parents corroborated advocates' experience. One immigrant parent from Coleman Advocates for Children and Youth said, "I don't hear much about it. Everything that I know, I hear from here."

Time constraints pose another challenge to voting. Research shows many noncitizen parents work multiple jobs that have varying hours that often conflict with opportunities to participate in their children's schools or be involved in and learn about immigrant parent voting at the school board level. Asael Perez, an immigrant father, shared, "I have to seek income to support my family and the hours are complicated that there are for these jobs. Well, many times they do not allow me to do other things. I'm very tired."

The Immigrant Parent Voting Collaborative: Implementation & Solidarity

"Power, Not Panic"

Despite these challenges, community groups claimed San Francisco's immigrant voting program as a victory and they insisted on moving forward to implement it effectively, seeking to exercise "power, not panic." Annette Wong, CAA's managing director of programs, said, "One sentiment often shared by CAA staff, as a civil rights organization, is that voting has never been safe for any newly enfranchised group. But it doesn't mean we take away the right to vote. It means we ensure that people are fully informed to make the decision that's best for them and their families." To do so, advocates enlisted thousands of immigrant caregivers, who themselves forged pathways in the school system, to advocate for their children and families. In the end, immigrant parents directly advocated for improvements to schools, which benefited not only their kids and families, but other children and families across the city.



FIGURE 3. IMMIGRANT VOTING RIGHTS ADVOCATES, SAN FRANCISCO

In 2018, eight community-based organizations that work at the intersection of immigrant rights, civic engagement, and education equity formed the IPVC. The organizations in the IPVC have deep roots in their respective communities, serving the Arab, African and Afro-Caribbean, Latinx, and Chinese immigrant communities, and member organizations have language capacity for more than 10 languages and dialects. The IPVC's goals are to: expand noncitizens' access to voting and government representation; promote immigrant participation in democratic processes and civic engagement opportunities; encourage immigrant parent leadership in K-12 issues; make referrals to immigrant legal services; and support immigrants interested in registering and voting with more information on how to do so.

Conflicting sentiments — excitement about winning immigrant voting rights and fear of repercussions by federal authorities — resulted in an approach to implementing the program that featured less than a full-throated invitation to immigrant parents to register and vote. As we detail below, such fears and cautious approach, among other factors, contributed to a general lack of awareness of the program and a relatively low level of immigrant voter participation in the program's early years.

Nevertheless, IPVC staff and community leaders successfully engaged thousands of immigrant parents in other ways, including in their children's classrooms, at school committees, school board meetings, and at public hearings and events (e.g. candidate forums). As we detail below, these outcomes represent "success" as measured by metrics other than merely registration and voting numbers, since immigrant engagement in the school system furthered similar goals as did voting.⁴⁷

Indeed, while the right to vote empowers immigrant parents and gives them a say in their children's education, our research also highlighted that merely passing the right to vote was not enough. A number of groups had to come together and work to ensure that immigrants were educated on their rights, and could realize them. The work of the IPVC was especially critical in this area. For example, John Arntz, director of the Department of Elections, said he and his staff worked "with a set of local immigration support groups to provide advice and information for noncitizens, including those seeking to find out if their status might be potentially harmed by registering to vote."⁴⁸

Similarly, Kevine Boggess, senior policy director of Coleman Advocates for Children and Youth and current president of the San Francisco school board, described the early monthly meetings among advocates and government officials as cordial but a bit "frustrating," as advocates sought to get the Department of Elections "to do things complementary to the way we community groups do things." Advocates asked many questions about how voter registration would work, the language around warnings, and more, he said. "We were trying to find the right balance, trying to figure out the easiest way for parents to register and vote, while the Department of Elections was wondering how this would work in relation to their other responsibilities. Once we got on the same page with the Department of Elections, then things worked better. We found a good balance to reach immigrant parents and to protect them."

The Department of Elections granted \$150,000 to the IPVC to conduct outreach via newspapers and mailers. In addition, the city of San Francisco provided some funding to the collaborative through the OCEIA to conduct voter education and outreach to immigrant communities, as well as resources for free immigration legal services. ⁴⁹ As detailed below, this financial support, even if moderate, enabled the IPVC to provide tens of thousands of parents and students informational packets, conduct educational training, and do extensive outreach at schools and school events.

Engaging Caregivers and Immigrant Communities

During 2018, the IPVC began training their staff and peer educators for outreach. ⁵⁰ The IPVC used a "train the trainer" model to expand their capacity to reach impacted community members. The IPVC "trained peer educators who have daily contact with other immigrant parents who are directly impacted, when they drop their kids off at school, pick them up from school, at school events, or at parent meetings. These are the relationships that other directly-impacted immigrant parents trust, which is why the peer educator model is key to reaching a broad base of community members with this information across schools." It then began outreach and education within the immigrant community, initially to inform noncitizen parents of their new right to vote. IPVC organizations held workshops and made presentations about immigrant parent voting and about the school board and why voting for school board representatives is important. The IPVC provided basic immigration know-your-rights information and access to immigrant legal services as part of all their core curriculum. These activities targeted areas with high immigrant populations such as Chinatown, the Mission district, South of Market, and Excelsior. Collaborative partners worked with citywide institutions to reach directly-impacted immigrant parents with children in public, private, or charter schools through specific school sites, City College of San Francisco, the San Francisco Public Library, and at community parks highly frequented by immigrant families.

^{a7} Anna Maier, Julia Daniel, Jeannie Oakes, and Livia Lam. "Community Schools as an Effective School Improvement Strategy: A Review of the Evidence." Learning Policy Institute. 2017. https://learningpolicyinstitute.org/media/137/download?inline&file=Community_Schools_Effective_REPORT.pdf.

⁴⁶ Chloe Veltman and Vanessa Rancaño. "Noncitizens Allowed to Vote in S.F. School Board Election, But Few Will." KQED PBS Radio. Nov 6, 2018. https://www.kqed.org/news/11680868/voter-registration-for-non-citizens-begins-in-s-f-school-board-election

⁴⁸ OCEIA granted \$125K to the IPVC as a one time contract from May-June 2018. Beginning in July 2018, the collaborative received \$250K per year for two fiscal years (July 2018-June 2020). Since 2018, the IPVC has advocated for increases.

so This section drows upon bi-annual reports provided by the IPVC to the OCEIA from 2018 to 2022 (six reports in total), as well as interviews with members of the IPVC. (IPVC memo to OCEIA, "YEAR 1 (FY18-19) MIDTERM REPORT FORM," January 2, 2019).

Among its products and outcomes, the IPVC created (1) a general brochure about noncitizen voting with a checklist for qualifications to vote, and (2) a FAQ sheet which they distributed widely (see Appendix). These materials were created in six languages: English, Chinese, Spanish, Filipino, Vietnamese, and Arabic. From June 2018 to June 2019, the IPVC distributed 57,876 informational materials to 61,614 people.⁵¹ The collaborative also used various ethnic media outlets (social media, radio) to reach immigrant communities in-language.

According to the IPVC, "Most community members that we spoke to had not heard of this new right and were grateful for more information so that their families could make an informed decision of whether to register and vote given the current political climate. Whether or not they decided to register, community members expressed excitement, and many became more engaged with school board processes." The collaborative reported that "One of the most impactful experiences of this work has been the ability to engage community members in conversations about what it means to be an immigrant in the U.S. and what it means to have and exercise power." For example, CARECEN-SF held workshops on immigrant parent voting that "became spaces for community members to talk about their concerns and fears related to being immigrants and what they felt were priorities for them and their families at this moment. They also became spaces for community members to recognize themselves in other community members, share their own experiences, and build a sense of community around these shared experiences. Through these conversations there grew an appreciation for and deeper understanding of the noncitizen voting law in San Francisco. It also provided an opportunity to discuss alternative ways of being engaged and exercising community members' power as parents who care deeply about their children's education."



FIGURE 4. IMMIGRANT VOTING RIGHTS ADVOCATES, SAN FRANCISCO

One parent who had a child in César Chávez Elementary School thought the new law empowered immigrant communities to promote more equitable education. IPVC reported that she "believes it is essential for our school board to have representatives that look like our community and speak the language," which is why she got involved in the campaign to win immigrant parent voting. During her involvement, she developed "new skills, like public speaking, networking, delivering presentations, planning events" and she "continues to build relationships with other parents." She is committed to "ensure that kids get the education they deserve." The IPVC said that "knowledge is power and we have measured our success by how many people are aware of this new right. Continuing the education of this new right is essential to continue to empower our communities and spread the message of hope and not fear." 52

During the next three-year cycles (2019-20, 2020-21, 2021-2022), the IPVC refined and expanded such activities into additional neighborhoods and schools; increased and improved its "train the trainer" programs, educational workshops, presentations, and staffed resource fairs; producing comparable outcomes over time. During this period, the IPVC engaged 7,347 people and distributed 74,769 materials in 2019-2020; engaged 5,646 people and distributed 2,044 materials in 2020-2021,⁵³ and engaged 11,034 and distributed 13,962 materials in 2021-2022. In doing so, the collaborative was able to forge new partnerships with organizations and institutions that have not traditionally worked together. "Through our work we have been able to bridge

One parent who had a child in César Chávez Elementary School thought the new law empowered immigrant communities to promote more equitable education.

community organizations that have traditionally served immigrant community members from a particular angle, to create a broader network of immigrant-serving organizations," the IPVC reported in a memo to the OCEIA.

Through the campaign for immigrant parent voting and educational efforts during implementation, thousands of parents became effective advocates for themselves and their children, producing improvements for their families. For example, in 2016 one parent, Zhang, joined with other parents of Galileo Academy of Science and Technology in advocating for resources for immigrant students like her daughter. Over time, she realized the lack of support and resources for immigrant students and how language barriers impacted students, especially English language learners and their parents' participation. She started volunteering and participating at community events and joined other immigrant parents in the campaign to win and implement immigrant parent voting in San Francisco. With her growing interest in community work, she participated in CAA's grassroot leadership program and became an active member of CAA's outreach team as well as a proud graduate of CAA's leadership development institute. Looking back on the earlier time when she went to elementary schools to engage with parents, sometimes she hesitated and struggled, worrying that people might ask about her immigration status. However, with the experiences acquired along the way, she has overcome some of the fear, improved her confidence, and became a resource for other immigrant parents. She has taken up a leadership role in community events, such as sitting on a panel on CAA's K-12 education town hall, speaking to over 100 audience members on noncitizen parent voting outreach, providing testimony on her personal experience as an immigrant parent at the school district and how crucial it is to have noncitizen voting to immigrant parents at city hall.

Zhang kept reiterating "how great it would be if there were someone that immigrant parents can talk to when they have questions about school parent engagement, SFUSD school board as well as non-citizen voting."⁵⁴ Lead parent organizer of Coleman Advocates for Children and Youth, Mirna Vasquez, stated, "I think this work is really important, because basically we work with a really big group of noncitizen parents and have the opportunity to educate them on what are their rights and how they can get involved, how they can make their voices heard. And it's really important because I was a parent for a long time as a noncitizen, and I never knew about this, and now I'm excited because I see this thing."

⁵² IPVC memo to OCEIA, "YEAR 1 (FY18-19) MIDTERM REPORT FORM," January 2, 2019.

⁵³ The onset of the COVID-19 pandemic curtailed the capacity of the IPVC to conduct outreach, contributing to a drop-off during this period.

⁵⁴ IPVC memo to OCEIA, "YEAR 1 (FY19-20) MIDTERM REPORT FORM," December 23, 2019

Value of IPVC - Solidarity

A salient theme we heard from members of the collaborative revolved around the quest to build immigrant power and solidarity within and across groups (Latinx, AAPI, African, Arab, African Americans). Not only was this expressed as a goal of the effort to win immigrant voting rights, but also of the IPVC. Some talked about how immigrant voting and the collaborative augmented ongoing their base-building efforts and other community organizing and civic engagement work. Several members spoke passionately about how the IPVC provides a space that nurtures mutual understanding and solidarity and that supports collaboration on other issues of common concern. Some said the IPVC helps keep each other engaged and accountable.

Kevine Boggess of Coleman Advocates for Children and Youth said, "The IPVC creates a useful and powerful space to empower members and work together. We have a robust coalition." Lucia Obregon of Mission Economic Development Agency said that collaboration led to better problem solving. "I think that the collaborative tries to be super thoughtful. And what I really like about this collaborative and my participation in it is that it was really a partnership between all of our members, and really thinking together around how to address our community during a time of fear in a time of a lot of mistrust – and it took all of our brains. I think that when something similar to the pandemic happens, it forces us to unite."

[IPVC] was really a partnership between all of our members, and really thinking together around how to address our community during a time of fear in a time of a lot of mistrust.

- LUCIA OBREGON, MISSION ECONOMIC DEVELOPMENT AGENCY



FIGURE 5. THE IMMIGRANT PARENT VOTING COLLABORATIVE AT A 2019 EVENT

Voter Turnout & Immigrant Engagement Beyond Voting

Data from past elections show relatively low levels of registration and voting:

- 2018 65 noncitizens registered to vote, and 59 voted either by mail, at City Hall, or at their local polling station.
- 2019 6 noncitizens registered to vote, 2 voted
- 2020 36 noncitizens registered and 31 voted: 6 voted provisionally at the polls and 25 voted via vote-by-mail ballots, received by mail or at the voting center
- 2022 February Recall Election 328 noncitizens registered, 235 voted (170 were vote-by-mail, 63 were provisional, 2 voted in person at a polling place)
- 2022 November Election 83 noncitizens registered and 32 voted (31 cast vote-by-mail ballots and 1 voted at a polling place.)

Interviewees interpret these relatively low levels of registration and voting differently. Some see the low levels as a reflection of limited public awareness and limited outreach, while others attribute low turnout to the impact of fear generated by immigration enforcement during the previous administration. Different explanations have implications for what strategies to pursue going forward to bolster turnout.

Hwaji Shin, a mother, shared her first experience voting with us and the difficulties that come along with this process. "I didn't know what to do, how am I supposed to behave, what is protocol. I went to city hall to vote with my white, U.S. citizen husband, in case someone thought I was a crazy foreigner, so I would not be turned away. I was turned away by the first volunteer when I asked where a noncitizen could vote. My husband intervened so I could vote." Another mother, Veronica Cab, said, "One way to protect ourselves is to share information that is true and real, since many times the misinformation that exists does not allow us to advance in this country. There is still a lot of fear among the immigrant community and we prefer to stay on the sidelines instead of raising our voices." 56

Immigrant Engagement Beyond Voting

Advocates emphasize the number of immigrants who registered and voted (hundreds) does not reflect the number of immigrants who were engaged (tens of thousands) in school-based activity by the IPVC, forms of engagement that seek to achieve goals aligned with immigrant voting. Members of the IPVC reported tens of thousands of immigrants did engage in a range of educational venues to accomplish similar goals, including at the school level, at school board meetings, at public hearings, at candidate forums, and in their communities. California education law allows immigrant parents to participate in parent advisory committees, school site councils, and site-based management leadership teams.⁵⁷ In fact, in some years the IPVC engaged as many as 60,000 parents in educational activities in such venues, activity that achieves similar goals as voting. As such, advocates argue, engagement of immigrant parents was more "successful" than the number of registrants and voters might suggest.

⁵⁵ San Francisco Department of Elections, https://sf.gov/results.

⁵⁶ Nonprofits and residents can apply to become a "host" for a polling place from the Department of Elections. https://www.sfelections.org/tools/pollapp/

⁵⁷Educ. Code § 51101(a)(14).

One immigrant parent, Veronica Cab shared, "I have been involved in the English Language Advisory Committee (ELAC), School Site Council (SSC), and Parent Teacher Association (PTA) of the school and I do my best to attend school meetings since it is vitally important to be aware of what is happening with my children." Many of the immigrant parents that we interviewed were involved at their children's school sites and worked hard to educate those around them in their everyday lives about the importance of immigrant parent involvement and voting. Similarly, Annette Wong of CAA shared how their organization sees parents get involved. "We've seen a lot more parents get engaged as a part of our work in the Immigrant Parent Voting Collaborative leading up to all of the elections. We've done candidate forums and we see a lot of people come out for the forums that wouldn't necessarily have before. Anywhere between 30 to over one hundred folks come out to these forums. And we often provide legal consults afterwards. ... But they came. They're engaged. They're asking questions. They're raising their concerns."



It is clear that there may not be all of us, but we see many of us who are interested in integrating as citizens, in participating and exercising our citizens' rights, even though we still do not have the permission to do so.



Immigrant parents that voted said that experience spurred them on to take further action. For example, Amos Lim was inspired to volunteer and assume leadership positions in school committees and councils after he voted for the first time in a school board election. Similarly, Hwaji Shin reported she gained confidence to speak up and to share opinions and suggestions during school meetings. Asael Perez, an immigrant father who chose to register and vote, shared the importance of his decision and the weight it carries. "It is clear that there may not be all of us, but we see many of us who are interested in integrating as citizens, in participating and exercising our citizens' rights, even though we still do not have the permission to do so. So in small opportunities, such as this one, to participate in the school board, we want to take advantage of them in such a way that if there were others like it, I, personally, would not hesitate to integrate."

Recommendations for San Francisco and other jurisdictions

We asked all interviewees what recommendations they would make to stakeholders in San Francisco and for other jurisdictions seeking to expand immigrant voting rights. Our interviewees were uniformly in agreement that immigrant voting should be protected in San Francisco and pursued in cities beyond. Below, we summarize some of the recurring and major recommendations that came out of our interviews. We believe that they present important perspectives that should be taken into account as immigrant voting legislation and implementation continues to advance across the country.

Center immigrants and immigrant-serving organizations in pursuing immigrant voting rights.

Interviewees from across different groups highlighted the importance of centering immigrants and immigrant-serving organizations in pursuing and expanding immigrant voting. Interviewees noted that it is important to start with listening to directly-impacted individuals and groups and to build campaigns, policies, and programs from the needs they expressed. As Mirna Vasquez of Coleman Advocates for Children and Youth emphasized, it is critical to "first to hear what the community needs." Similarly, Norman Yee, a former member of the Board of Supervisors, argued "If you are going to do this, you need to have people at the table who are affected. They should be part of the process from the start, rather than being top down about this. This would have energized more people from the grassroots to be involved and promote it. I found parents want to be involved in their kids' education and in the school board. That has not changed over the decades." Eric Mar, a former member of both the school board and the Board of Supervisors, said you need to "continually support the base-building of groups that allow immigrants to tell their own stories and develop their own agendas for what they want in the future." Immigrant parent Asael Perez shared that, "I think one of the ways to help us, and above all to keep this opportunity to vote, is that they make us present, that is, that they visualize us."

Interviewees noted that cities that are pursuing immigrant voting should build upon existing work being done in the community, by immigrant-serving organizations. These groups are the ones with the closest ties to immigrants and their needs, and can ensure that they are centered in the process. Moreover, as discussed, immigrant voting is closely connected to much of the other work that immigrant-serving organizations do. By involving them, cities can ensure that immigrant voting work is carried out in conjunction with service-provision and other base-building efforts championed by local organizations.

Coordinate a critical mass of stakeholders across sectors and communities.

Successful passage and implementation of immigrant voting requires the involvement of individuals and groups from across sectors that represent diverse communities. Interviewees regularly noted that the success of immigrant voting in San Francisco was due to the coordination of the IPVC, who represent diverse immigrant groups. Kevine Boggess, president of the school board and senior policy director of Coleman Advocates for Children and Youth, encouraged leaders to "make sure that we're pushing and supporting everyone together" (i.e. Latino groups, African American groups, Asian groups, everyone). Similarly, Chelsea Boilard, legislative aide to former San Francisco Supervisor Sandra Lee Fewer, noted that, "There is power in numbers. If we can grow the power of immigrants and parents, in the lives of their kids in schools ... it's a powerful thing to do in movement building."

Interviewees also pointed to the fact that San Francisco adopted an outside and inside strategy, where community organizations worked with each other, but also closely collaborated with city legislators and officials. This close coordination helped ensure that community needs and voices were being represented in the implementation process, and also connected community groups with political power and resources. As Eric Mar stated, "I think you need at least a critical mass of some elected officials and organizations that will be immediately part of a coalition that you're trying to broaden and build. But you need a kind of structure of a number of forces, not just one politician or one grassroots organization. It has to be broad because you have to do an electoral campaign, reach out to get endorsements, get some level of funds, etc." Mar also suggested approaching labor unions, especially service sector unions, such as health care and

teachers, because many of their members are immigrants and would likely be supportive. Similarly, Richard Whipple, deputy director of OCEIA, said, "The biggest piece of advice would be to have a comprehensive, intentional strategy that is driven by — and inclusive of — impacted stakeholders, and that collaborates deeply with community and city partners from the onset. Also, I think identifying a local champion such as a city official is super important."

Fund CBOs to conduct voter education and outreach alongside government agencies to strengthen multicultural democracy.

Successfully engaging immigrant voters requires funding. Many of our interviewees recommended that other cities that are interested in pursuing immigrant voting ensure that they set aside funds for CBOs to do voter education and outreach. They also believed that San Francisco should provide more money to CBOs to expand the work they are currently doing. As David Chiu, San Francisco's city attorney, said, "How can we increase engagement? Invest more in CBOs. That is not only a way to engage parents, it is also a way to increase members in CBOs and grassroots capacity." Christina Wong of SFUSD said, "It's important to put some systems in place where you know people can actually evaluate their own situation and get access to correct information. ... Also, everyone knows that we need more funding, and they understand and value the work that all the community organizations are doing." Annette Wong of CAA echoed the call for robust funding and coordination across sectors. "Make sure that there's funding for community education and outreach ... work with the Department of Elections, work with the school district, develop collaborations."

This type of voter engagement and engagement work does not need to occur in a vacuum either. Interviewees noted that city efforts to reach immigrant voters should be part of a broader push to educate and engage all voters. "We do want to make sure we're specifically targeting immigrant parents," Kevine Boggess said. "But really, what does it look like for us to educate all of our families, and the particular needs that they have on the things they need to know to really participate?"

Develop effective communication and media strategies in multiple languages accessible to community members implemented by a broad range of government agencies, civic groups, and media outlets.

Interviewees noted that getting the word out about immigrant voting, and helping immigrants learn about the specifics of school board elections, was still a challenge in San Francisco. Gabriel Medina, executive director of La Raza Community Resource Center, encouraged other jurisdictions considering enacting an immigrant voting program to focus messages on "improving schools because it is much more tangible for both parents and non-parents to understand. We all want good schools. No matter who."

Others pointed to the crucial role that government agencies can play in providing vital information and legitimating the process. "We can get the school district to send out notices to let people know they have the right to vote," said Norman Yee. "The media could have talk shows in Chinese and Spanish media. The Mayor could get on the media and promote it. City College teaches citizenship classes. Thousands of people are taking classes that are not citizens yet, so we could reach out to them there. We could put up big signs/bulletin boards, as well as use social media." Hwaji Shin said, "It really matters who is sharing info and engaging us. It should not just be the CBO and PTA; it should be the SFUSD. Make the school site the voting site."

Improving language access was also pointed to by interviewees as a way to help increase engagement and counter confusion and fear among immigrant voters. Interviewees pointed to the need to have more information about the candidates for school board in language. As Myrna Meglar stated, "The main thing is to get people registered [to vote] is to work with the school district to get the word out in-language and with a culturally-competent model."

Develop better protections for immigrants to register and vote with greater confidence of their security, particularly for the undocumented and those from mixed status families.

Interviewees acknowledged that greater legal protections were needed, beyond increased resources for CBOs and better outreach by city agencies, to engage parents. One such step the IPVC took was working with the San Francisco Immigrant Legal Resource Center to reach out to the USCIS local office to ensure that adjudicators knew that immigrant voting was lawful for San Franciscans. This also included ensuring that adjudicators were trained on the issue.

Some interviewees believe policy changes at the state or federal level could help insulate immigrants, particularly the undocumented, including changes to state election law that would keep immigrants' information safe, such as is done for victims of domestic violence or police officers. Maria Isabelle Granados, an immigrant caregiver, said, "Having legal immigration reform [is crucial] to be able to participate without fear, and that our children feel safe that their parents will not be taken from them, so that they continue studying and be successful in this country with a career."

Some advocates argued that the onus is on government officials to figure out effective mechanisms to safeguard immigrants and better implement immigrant voting laws. Advocates believe "if there is the political will, there is the technological way," similar to advocates of reducing the voting age to 16 or 17, such as in Oakland and Berkeley, California where voters passed ballot measures in 2016 enacting youth voting laws but who have since been stymied by administrative challenges in implementation. See "Common Objections" in Appendix.)

Ultimately, some interviewees suggested broader structural changes were needed to better implement immigrant parent voting and empower immigrants. Kevine Boggess observed, "A lot of our government services are leveled off at a minimal level. The bigger question is how can we move beyond the level of community-based organizations and promotoras and move to the institutional level so we can do this – and other engagement efforts – to a bigger degree?"

44

[Focus messages on] improving schools because it is much more tangible for both parents and non-parents to understand. We all want good schools. No matter who.

- GABRIEL MEDINA, EXECUTIVE DIRECTOR OF LA RAZA COMMUNITY RESOURCE CENTER

The Future of Immigrant Voting

Our research sought to understand the fight for, and impacts of, immigrant voting in San Francisco. We found that noncitizen voting serves to empower immigrants, and is closely connected to the broader work of expanding immigrant rights and striving for social justice. Our report also highlights the work of the immigrant-serving organizations who helped win and actualize these rights, as well as real barriers to noncitizen voting that still exist in San Francisco.

We conclude this report with a look towards the future. While immigrant voting has been celebrated as a win by advocates, it has been threatened since its inception. A recent lawsuit and court case could nullify the right of immigrants to vote, not only in San Francisco, but also in municipalities across the state. Despite this, California also presents unique opportunities on the road ahead, given its dense network of immigrant advocacy organizations and millions of immigrant families in the state.

Lawsuit

In 2021, James V. Lacy, who heads two organizations, the United States Justice Foundation and the California Public Policy Foundation, brought a lawsuit challenging San Francisco's immigrant parent voting law. (Lacy also filed a lawsuit against Oakland's immigrant voting law in 2022.) Lacy argues San Francisco's immigrant law violates the state constitution, and he contends citizens' votes are being "diluted" by noncitizen voters. "When noncitizens vote in an election, the voting rights of citizens are wrongly diluted." Although the California Superior Court ruled in Lacy's favor in 2022, the claim that San Francisco's law violated the state constitution is refuted by the San Francisco city attorney who filed an appeal challenging the lower court ruling. The City and County of San Francisco argues that prohibitions on noncitizen voting have been removed from California's constitution, and that charter cities can decide the manner in which school board members are elected, and finally, that the City's immigrant voting program protects election integrity and voting rights. (The appellate court has not yet ruled on this case at the time of this writing.)

In addition, in response to the lawsuit, the IPVC said "the idea that increasing the scope of eligible voters would dilute the vote of others is rooted in white supremacist logic and practices." The IPVC argues the "concept of vote dilution and zero-sum game thinking are what fuel the expansion of voter suppression tactics" and that the "history of expanding the franchise in America has always been followed by backlash." The IPVC also notes that San Francisco's and Oakland's immigrant voting laws were passed as ballot measures by a majority of the citizen voters in each city, arguing that the lawsuit goes against the will of the voters as well as fundamental principles of democracy.



FIGURE 6. IMMIGRANT VOTING RIGHTS ADVOCATES OUTSIDE CITY HALL AND STATE COURTHOUSE, SAN FRANCISCO 2022

Ultimately, the IPVC points out "we all have common interests in working to ensure good schools, safe streets, affordable housing, accessible healthcare, and responsive and effective government. Instead of diluting the votes of citizens, noncitizen voters inject important issues into campaigns and help decide who will lead us and what direction we collectively move towards the future. Immigrant communities are not a monolith, but rather represent a broad range of communities across race, ethnicity, age, gender, political preference, etc. Rather than diluting the voices of certain groups or issues, immigrant voting highlights important perspectives across communities. Our democracy is strengthened when everyone is able to participate in processes that govern how our systems are run. Everyone should have a voice, particularly historically marginalized groups who have been systematically excluded from enfranchisement. An election is the democratic way of reflecting the will of the people. There is nothing about noncitizen voting that circumvents fair and transparent elections."

Although the appeals court ruled in late 2022 that San Francisco can continue to implement its immigrant parent voting law while the appeal proceeds, the lawsuit and lower court ruling appear to have dampened immigrant engagement. As City Attorney David Chiu said, the lawsuit "has created significant public confusion. One day, immigrant parents can vote. The next day, they can't vote. And then they hear, 'yes you can.'"

Furthermore, the lawsuit and lower court's ruling have had chilling effects on momentum in other cities that were considering enacting immigrant voting laws of their own, including in San Jose, Richmond, Santa Ana, and Pasadena. San Francisco is not the only place singled out by opponents of immigrant voting. Conservative groups have banned the practice in seven states — Colorado, Florida, Alabama, North Dakota, Arizona, Ohio and Louisiana⁶⁰ — and similar actors have brought lawsuits challenging local laws in other municipalities, including New York City, Vermont, and Washington, D.C. (The lawsuits challenging local laws in Vermont were unsuccessful.)⁶¹

Opposition to Immigrant Voting Rights

Opponents of immigrant voting rights argue it dilutes citizens' votes, reduces the value of citizenship, reduces incentives to naturalize, creates divided loyalties, and increases vote fraud.⁶² Advocates rebut each of these objections. (See "Common Objections and Responses by Advocates" in the Appendix.)

In a related vein, advocates see such objections and lawsuits against immigrant voting as intimately connected to broader voter suppression efforts enacted in many states. For example, in response to a lawsuit challenging San Francisco's immigrant voting law, CAA issued the following statement: "San Francisco is part of a larger movement permitting noncitizens to vote in local elections including in New York and Vermont. This lawsuit coincides with a larger effort by Republicans across the country, which includes more than 500 bills introduced since the 2020 elections, to engage in voter suppression tactics such as expanding voter identification, limiting voting options, and increasing voter roll purges. If this lawsuit succeeds, it would discourage many and prevent some immigrant voters from having their voices heard on important matters that impact their children."

⁶⁰ The Washington Post reports a network of rightwing groups have undertaken a nationwide campaign to change state constitutions or laws in the following states: Alabama, Colorado, Georgia, lowa, Kentucky, Maine, Michigan, Missouri, North Carolina, Nebraska, Nevada, Ohio and West Virginia. Amy Gardner Alice Crites. "Secret donors and Trump allies: Inside the operation to push noncitizen voting laws in Florida and other states." Washington Post, July 22, 2019. https://www.washingtonpost.com/politics/secret-donors-and-trump-allies-inside-the-operation-to-push-noncitizen-voting-laws-in-florida-and-other-states/2019/07/21/e0604e2e-a359-11e9-b8c8-75dae2607e60_story.html

El Ballotpedia, "Citizen Voters, Inc." https://ballotpedia.org/Citizen Voters_ Inc; Immigrant Voting Rights website, https://www.immigrantvotingrights.com/. These developments and actors parallel a host of related anti-immigrant legal changes at the state and local levels. Huyen Pham and Pham Hoang Van. "The Immigrant Climate Index" (ICI) 2021. https://ypham415.github.io/ICI/

⁶² Stanley Allen Renshon. Noncitizen voting and American democracy. Rowman & Littlefield, 2009.

ES Richard L. Hasen. "The 2016 US Voting Wars: From Bad to Worse." William & Mary Bill Rights Journal. 26 (2017): 629; Brennan Center for Justice. "Voting Laws Roundup: December 2022." December 19, 2022. https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2022; Shannon Portillo, Domonic Bearfield, and Norma M. Riccucci. "The disenfranchisement of voters of color: Redux." Public integrity 23, no. 2 (2021): 111-128; Lorraine C. Minnite. The myth of voter fraud. Cornell University Press, 2019; Margaret Groarke. "The impact of voter fraud claims on voter registration reform legislation," Political Science Quarterly 131, no. 3 (2016): 571-595; "Republicans lead charge to ban noncitizen-voting-ban-local-elections." The Guardian, December 23, 2022 https://www.theguardian.com/us-news/2022/dec/22/republicans-noncitizen-voting-ban-local-elections.

⁶⁴ Chinese for Affirmative Action, "CAA Stands with Noncitizen Parents' Right to Vote: Lawsuit Constitutes Voter Suppression." June 22, 2022. https://caasf.org/press-release/caa-stands-with-noncitizen-parents-right-to-vote-lawsuit-constitutes-voter-suppression/

Yet, it is not only conservative groups who oppose immigrant voting. Some advocates oppose efforts to expand voting rights to immigrants because they worry such efforts might provoke harsh responses by anti-immigrant groups that could endanger ongoing campaigns to protect or empower immigrants. In addition, efforts to expand immigrant voting rights has periodically sparked opposition by members of other marginalized groups. For example, an African American city council member in New York City expressed concern that immigrant voting would "dilute" the voting power of African Americans. Such objections are akin to those who have brought lawsuits, which seek to divide racial and ethnic group solidarity by "triangulating" newcomers from "deserving" groups (i.e. Black citizens).

Strategy Session



FIGURE 7. STAKEHOLDERS FROM ACROSS CALIFORNIA CONVENED TO DISCUSS THE FUTURE OF IMMIGRANT VOTING

To address these challenges and opportunities, CAA and the IPVC convened a broad range of immigrant voting stakeholders on March 27-28, 2023 to strengthen and shape the movement for immigrant voting.⁶⁷ They brought together 75 stakeholders from a dozen cities in California, including representatives from San Jose, Santa Ana, Oakland, Richmond, Long Beach, Pasadena, and Fresno to pursue these goals:

- Connect leaders in municipalities advocating for immigrant voting to get to know one another, share information, and understand local landscapes in relation to immigrant voting
- Understand the opposition landscape, and the impact of their efforts, statewide and nationally
- Develop a shared analysis of the movement for immigrant voting, including how the immigrant voting movement intersects with other movements for justice (immigrant rights, voting rights for young people and formerly incarcerated, voter protections, and social justice more broadly)

Advocates pledged to actively continue to organize together to advance efforts to retain and/or win immigrant voting rights both locally and statewide. Coming out of the statewide strategy session, advocates identified a handful of strategies that would support local and statewide efforts including: developing shared messaging, cross-racial, and cross-sector coalition building and organizing; legal research and analysis; and legislative organizing and strategizing.

es Erin Durkin, "New York is about to let noncitizens vote. It could reshape local politics forever." Politico. March 2, 2022. https://www.politico.com/news/2022/03/02/new-york-noncitizen-voting-00012970

⁶⁶ Claire Jean Kim. "The racial triangulation of Asian Americans." Politics & Society 1999, 27, no. 1: 105-138.

⁶⁷The convening featured more than 60 staff members from immigrant advocacy organizations in California, as well as several elected officials and government staff, a few academics, and representatives from New York City and Maryland. The event was sponsored by the Walter & Evelyn Haas Jr., Fund.

A steering committee has emerged to meet regularly to advance these efforts on a statewide level. In addition, advocates supported the creation of a website devoted to immigrant voting rights (www.immigrantvotingrights.com) to share information and facilitate networking. In sum, advocates see immigrant voting rights as means to diversify representation in elected bodies and as a tool to advance racial justice on a range of public policy issues important to people of color and low-income groups. 68

Immigrant Voting Rights: The Suffrage Movement of Our Time

California is home to over 4.6 million noncitizens who are at least 18 years old, accounting for 15.1% of the state's votingage population.⁶⁹ Moreover, in some cities in California, more than 20% of voting-age adults cannot vote because they are noncitizens, including municipalities that have campaigns for immigrant voting.70

TABLE 2. NUMBER AND SHARE OF RESIDENTS WHO ARE NOT U.S. CITIZENS, BY SELECT CITY, CALIFORNIA, 2021

CITY	NUMBER	SHARE OF RESIDENTS
Los Angeles	728,719	19%
San Jose	165, 841	16%
San Francisco	108,287	13%
Santa Ana	74,127	24%
Oakland	61,505	14%
Long Beach	56,872	12%
Fresno	46,881	9%
Bakersfield	46,837	12%
Pasadena	19,404	14%

Source: University of Southern California Equity Research Institute, 2021 5-year American Community Survey microdata, IPUMS USA.

What do these conditions mean for such basic democratic principles as "one person, one vote," "no taxation without representation," and that a just "government rests on the consent of the governed"? The level of immigrant political exclusion in these cities approximates that of African Americans, women, and youth before laws were changed to incorporate them into the electorate (in 1920, 1965, 1971 respectively).71 Contemporary immigrant advocates contend these conditions challenge the ideals of a modern democracy, cutting to the heart of our political practice.⁷²

Stephen Menendian et al. "We Too Belong: A Resource Guide of Inclusive Practices in Immigration & Incarceration Law and Policy." Othering and Belonging Institute, University of California, Berkeley, May 2016. https://belonging.berkeley.edu/sites/default/files/haasinstitute_wetoobelong_immigrationincarceration_release_may19.pdf

ntps://beingh.goerkeley.eou/sites/peroutrines/naosistuite_wetooleolog_immigrationincorcerduon_release_mayls.par

**In the United States, as of 2022, there were 44.1 million foreign-born persons in the U.S., of which 22.5 million were naturalized (had become citizens of the U.S.). Of the remaining 21.7 million, about half were "legal
permanent residents" or have one of more than a dozen visas to reside legally in the U.S. (e.g. employment, student), with the remaining approximately 10.7 million being undocumented. "Citizenship and Immigration
Statuses of the U.S. Foreign-Born Population." Congressional Research Service. July 18, 2022. https://bysp.cs.org/crs/homesee/lF1806.pdf. See also Nicole Ward and Jeanne Batolova. "Frequently Requested Statistics
on Immigrants and Immigration in the United States." Migration Policy Institute. March 14, 2023. https://www.migrationpolicy.org/pirnt17/664

*More than 22% of voting-age adults in Los Angeles can't vote because they are not U.S. citizens and a quarter of adults over 18 years old in Cupertino and Anaheim are disenfranchised. That percentage exceeds one-third of the voting age population in the Salinas Valley, and 40% in Bell Gardens and Huntington Park, and 50% in some Central Valley towns, including San Joaquin (54.6%), Mendota (58.4%), and Huron (60.5%). Coyote Codornices Marin. "Democracy Deserts." Independent California Institute. https://docs.google.com/spreadsheets/d/jisc9aamSTP6ig04espa0K2TZRCZZGfEZYy_U4AzNhCA/edit#gid=546159616

⁷¹Parallels exist for several other disenfranchised groups who similarly seek voting rights: the 4.5 million mostly Black and Latino ex-offenders who are denied voting rights by state felony disenfranchisement laws; the approximately 5 million residents in U.S. Territories who cannot vote in U.S. federal elections; and approximately 10 million young people aged 16 and 17.

⁷² Joaquin Avila. "Political Apartheid in California: Consequences of Excluding a Growing Noncitizen Population." Chicano Studies Research Center, UCLA. https://www.chicano.ucla.edu/files/LPIB_09Dec2003.pdf

Advocates align themselves with voting rights advocates who support the enactment of laws that expand opportunities to vote (e.g. vote by mail, automatic voter registration), as well as to restore voting rights to those formerly incarcerated and to allow 16- and 17-year-olds to vote. In the end, advocates see restoring immigrant voting rights as a logical step to reduce barriers and create a more inclusive and racially just society. Gabriel Medina of La Raza Community Resource Center said, "Immigrant voting is the next step" to advance "not just economic rights, but actual civil rights." This is "something that our agency stands for" as an "important part is the movement for civil rights."

Imagine if the more than 4 million adult noncitizens in California could vote? Representation would likely change to better reflect the diverse electorate. Elected officials would feel greater pressure to grapple with issues of these new voters as those of other people of color, which could produce more responsive public policy. In short, it could help empower immigrants to fight against systemic racism and advance their equitable inclusion.

At the same time, advocates know that gaining voting rights will not eliminate the palpable fear and distrust that many immigrant communities have of their government. Nor do they see immigrant voting a panacea to the problem of political apathy or as a guarantee to obtaining equity and social justice.

Nevertheless, advocates believe immigrant voting rights removes a key barrier and gives immigrants greater capacity to advance their legitimate interests and their equitable inclusion. By implementing a system whereby government officials need and vie for all their constituents' support, immigrant voting rights give vulnerable communities more of an equal footing where they have a vital stake. As Congressman Jamin Raskin, who as a law professor wrote a seminal law review article that spurred on immigrant voting rights advocates, said in 1992, "immigrant rights are the civil rights" of the day, and "by that logic, noncitizen voting is the suffrage movement" of our time.⁷⁴

Imagine if the more than 4 million adult noncitizens in California could vote?

⁷⁸ Stephen Menendian et al. "We Too Belong: A Resource Guide of Inclusive Practices in Immigration & Incarceration Law and Policy." Othering and Belonging Institute, University of California, Berkeley, May 2016. https://belonging.berkeley.edu/sites/default/files/haasinstitute_wetoobelong_immigrationincarceration_release_may19.pdf

[&]quot;Jamin B. Raskin, 1992. Debarah Sontag. "Noncitizens and Right to Vote; Advocates for Immigrants Explore Opening Up Balloting." New York Times. July 31, 1992. https://www.nytimes.com/1992/07/31/nyregion/noncitizens-right-vote-advocates-for-immigrants-explore-opening-up-balloting.html

Appendix

The following resources are available on https://caasf.org/immigrant-voting. If you wish to obtain a copy of any item – or find out more – please contact Chinese for Affirmative Action at info@caasf.org.

- 1. Common Objections by Opponents and Responses by Advocates
- 2. The Fight to Win Immigrant Voting in San Francisco: 1996, 2004, 2010, 2016
- 3. San Francisco immigrant parent voting materials
 - a. 2016 Proposition N Ballot Measure Language
 - b. Implementation Ordinance (2018)
 - c. Legislative Amendment (2021)
 - d. IPVC outreach materials in multiple languages
 - i. IPVC Brochure (last updated 2021)
 - ii. IPV Bus Ad (2018)
 - iii. IPVC Kiosk Ad (2018)
 - iv. IPV FAQ (2018)
 - v. SFUSD Immigrant Rights Handout (2019)
 - vi. IPV Voter Outreach Flier (2022)
 - vii. IPV Voter Outreach Card (2022)
 - viii. IPV Voter Outreach Videos (2022)
 - e. San Francisco Department of Elections voter guides