



The Municipal Right to Vote

The Future of Voting Rights

Website: www.fairvote.org/righttovote

Introduction

FairVote's Right to Vote Initiative advocates a constitutional amendment guaranteeing every United States citizen an affirmative right to vote. The need for such an amendment became clear to many Americans in the wake of the 2000 presidential election, both with the realization of how antiquated and ineffective our voting processes could be without federal oversight and with the *Bush v. Gore* decision, in which the majority stated that citizens have no right to vote in presidential elections.

The U.S. currently administers federal, state, and local elections through a decentralized patchwork of regulations, with local election officials holding great discretion over important decisions such as who gets to vote, polling hours, ballot design, voting equipment purchases, machine allocation and selection of polling locations. As a result, voters in different states and even different counties or cities can have their votes for the same office counted differently, and sometimes not at all. Well meaning or not, some local officials make decisions that disenfranchise Americans without being held accountable. Their discretion is particularly broad for local races when held at times separate from federal elections.

But amending the constitution is not easy, even for so basic a principle as to make the right to vote equal to other fundamental rights enshrined in our Bill of Rights. It requires a two-thirds vote in both the House and Senate and passage by 38 states. Even as we seek a constitutional right to vote, we can use that campaign to secure a meaningful right to vote in municipal elections – city by city.

Necessity of the Municipal Right to Vote

Many citizens believe that their right to vote is already protected by the U.S. Constitution; unfortunately, this is a false notion. The U.S.

Constitution merely prohibits discrimination against people on account of age (if at least eighteen years old), race and gender. Cities, states and the federal government continue to follow a loose set of capricious guidelines when deciding their election laws. Consequently, every election year as many as ten million votes can be lost due to discrimination at the state and local level, lack of facilities, or voter confusion. For example, a particular state may choose to disenfranchise those convicted of a felony, collectively taking some five million citizens off the rolls even though they could vote if living in other states. They can require photo identification at the polls, purchase inefficient voting equipment, and poorly manage their voter rolls.

Municipalities don't have to accept the status quo. They instead can seek to undo these anti-democratic policies for their city elections. The Municipal Right to Vote project calls on local governments to take steps to protect every citizen's right to vote in local elections, not only to bring standards up to those of federal elections but to go beyond those standards as if we truly did have a constitutional right to vote. Notably, while some federal regulations exist, such as with the Help America Vote Act's (HAVA) provisions for disabled voters, most do not apply to local elections. As long as they don't run afoul of the Voting Rights Act, local jurisdictions might have four-hour polling days, old voting equipment rejected by HAVA, stringent photo ID requirements and mismanaged voter rolls. Hence, the case for starting reform at the city level becomes stronger. The Municipal Right to Vote calls for inclusion of affirmative voting rights for all citizens in city charters and ordinances, while pushing for municipal policies and laws to enact a set of reforms that will ensure uniform standards and greater responsibility.

Issues Addressed by the Municipal Right to Vote

The breadth of issues that could be addressed through a Municipal Right to Vote are infinite, though research must be done to ascertain what powers a particular state has granted to cities for election administration. Nevertheless, it seems clear that at least some cities could use a Municipal Right to Vote to pass felon re-enfranchisement, election day or universal voter registration, paper ballots, early and weekend voting, foreign language ballots, and other such ordinances for city elections.

Strategy for the Municipal Right to Vote

The movement for a federal constitutional amendment is moving forward; however, it is a long-term process. Conversely, city charters are changed quite frequently and have various methods of reform. FairVote has done extensive research on charter reform and has come up with the four best methods to approach adding the Municipal Right to Vote to a city charter:

- A *draft resolution* allows local groups to aid in the pursuit of major goals by constructing a document indicating a city's support for both a federal right to vote amendment and an examination of its own practices, then garnering support from the local population. Once a critical mass of supporters exists, introduction and passage at the city council level can begin the process of both endorsing the national right to vote effort and reforming city elections.
- A *task force* utilizes a legislative commission approved by government authority to conduct an inquiry on the value of an affirmative right to vote in the municipal charter. The study will look for ways in which local election practices can be more supportive of an equal right to vote.
- A *city charter review* is one common avenue for reform. Cities and counties regularly create charter revise commissions to meet in a public forum to discuss any issues the public may have with the governing of the city. A Municipal Right to

Vote resolution can be brought up in this forum for discussion and a vote for recommendation by the charter review commission. Significant improvement also likely can take place by ordinance.

- A *ballot measure* supporting a Municipal Right to Vote can also advance this effort. Many cities have a clause in their charter allowing for an amendment to be placed on the ballot as long as a percentage of the population is in favor of the motion.

Actions to Ensure the Municipal Right to Vote

The Municipal Right to Vote can best be understood in terms of the municipality to which it is applied. Each city has its own unique history of voting rights that must be understood for local projects to be pursued in the best manner. Once local research is done, the relevant right to vote material contained on our website must be considered. Subsequently the material should be fed to other advocacy organizations, volunteers and media outlets. Then, one of the four suggested courses of reform must be put into action. Each of these methods requires a great deal of local activism such as regularly attending council meetings, charter review commission hearings, and other avenues of discussion.

Conclusion

Through the continuous effort of volunteers, donors and employees, FairVote can make the Municipal Right to Vote project a reality. By focusing on cities in key states around the nation where voting rights are suffering, FairVote has set a course that is both ascertainable and comprehensive. With the passage of time, successes in cities could lead to a nationwide movement for the passage of the Right to Vote in other cities, and this momentum can then be used to influence Congress to pass a Right to Vote Amendment guaranteeing every citizen the right to vote in every public election. Setting up a uniform, clear and cohesive election system will allow the U.S. to become a model of democracy.