



AGENDA REPORT

DATE: June 2, 2022
TO: City Councilmembers and members of the public
FROM: Councilmembers Dan Kalb & Treva Reid
SUBJECT: **Non-Citizen Voting Measure**

RECOMMENDATION

Councilmembers Dan Kalb and Treva Reid recommend that the City Council adopt the following:

RESOLUTION ON THE CITY COUNCIL’S OWN MOTION SUBMITTING TO THE VOTERS AT THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION, AN AMENDMENT TO ARTICLE XI (ELECTIONS) OF THE CHARTER OF THE CITY OF OAKLAND TO ADD SECTION 1107 TO PROVIDE FOR VOTING BY NONCITIZEN RESIDENTS WHO ARE THE PARENTS, LEGAL GUARDIANS, OR LEGALLY RECOGNIZED CAREGIVERS OF A CHILD RESIDING IN OAKLAND TO VOTE FOR THE OFFICE OF SCHOOL BOARD DIRECTOR ON THE OAKLAND UNIFIED SCHOOL DISTRICT BOARD, AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS ITEM TO THE NOVEMBER 8, 2022 GENERAL ELECTION

SUMMARY

This proposed amendment to Article XI (Elections) of the City Charter, adding Section 1107, would authorize the City Council by ordinance to allow non-citizen parents who are residents of Oakland and have minor children eligible to attend Oakland Unified School District (“OUSD”) schools to vote for the office of OUSD School Board Directors.

Section 1107 of the City of Oakland Charter would read as follows:

Section 1107. Noncitizen Voting In School Board Elections. Notwithstanding anything to the contrary in this Charter, the City Council, by adoption of an ordinance, may authorize Oakland noncitizen residents who are the parents, legal guardians, or legally recognized caregivers of a minor child as defined by the Family Code who have completed an affidavit, of a qualifying minor child with such qualifications to be determined by City Council ordinance, residing in

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Oakland, who are otherwise eligible to vote under state law, to vote for the Office of School Board Director.

(“Family Code” refers to the California Family Code.)

BACKGROUND

Citizenship has not always been a determining factor for whether a person can vote. It wasn't until the 20th century that nationalism and anti-immigrant rhetoric on a large scale led to the weakening of non-citizen rights and privileges such that by 1928 no states allowed non-citizens to vote. Despite not being able to vote, non-citizens continue to contribute billions of dollars in local, state, and federal taxes.

Federal law does not prohibit non-citizens from voting in state and local elections. However, no state has allowed non-citizens to vote since the 1920s. There are many places where this prohibition is undergoing reexamination. At a time when 19 states have passed more restrictive voter laws to make it more difficult for U.S. citizens to cast a ballot, there is a push to expand voting rights in local elections to non-citizens in cities, both large and small, across the country.

This push for non-citizen voting is gaining traction in several cities including San Francisco, California, and San Jose, California. Additionally, New York City will allow non-citizens to register to vote in December 2022 and to vote in local elections beginning in June of 2023. Here in Oakland, a growing number of people support a narrower version: allowing non-citizen parents of children who are eligible to attend OUSD schools to vote in OUSD School Board Director elections.

ANALYSIS

Research shows that parent involvement in school matters. Specifically, children whose parents are more involved in their education have higher levels of academic performance than those whose parents are involved to a lesser degree. The influence of parent involvement on academic success has been noted among researchers and policymakers. In this instance, policymakers are proposing legislation that would allow non-citizen parents to participate in their children's education through school board elections with the goal of increasing the academic performance of those students. Bringing immigrant parents into conversations about curriculum, staff, and language used in class will lead to better academic outcomes for students.

This research is supported by the opinion of many eligible Oaklanders who are eligible to vote. Citywide support for a non-citizen voting measure is currently strong, with 68% of voters supporting such an initiative. Importantly, a near majority of voters report that they would *strongly* support such an initiative.

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PUBLIC OUTREACH/INTEREST

This ordinance was created through collaboration with various organizations with ties to various non-citizen communities.

Meetings were held with representatives from the League of Women Voters, Centro Legal de la Raza, Oakland Kids First, GO Public Schools Oakland, OUSD's Office of English Language Learner, and Multilingual Achievement, Brotherhood of Elders, African American Latino Alliance, Unity Council, East Bay Youth Coalition, Priority Africa Network, Black Alliance Just Immigration, and Center for Empowering Refugees. The feedback from those organizations was overwhelming support for the ultimate outcome of the legislation. That said, representatives from those organizations are aware of the delay in Measure QQ implementation (passed November 2020) and expressed concern that this legislation would experience a similar delay in implementation. Nevertheless, there was no recommendation from supporters that this proposed Charter should not go forward. The implementation details would be worked out in the Ordinance and through discussions with the City Clerk and the County Registrar of Voters.

COORDINATION

This legislation is being reviewed by the Office of the City Attorney.

FISCAL IMPACT

The anticipated cost of this ordinance is the cost of any expense incurred by Alameda County and the City of Oakland related to eventual implementation should this resolution and the subsequent ballot measure pass.

SUSTAINABLE OPPORTUNITIES

Economic: Economic impacts, if any, of this ballot measure have not been evaluated yet.

Environmental: There are no impacts on environmental opportunities associated with this report.

Race and Equity: The current exclusion of non-citizen parents from voting for OUSD School Board Directors solely because they are non-citizens is rooted in racism and xenophobia. Therefore, this measure would ameliorate some of that racism and xenophobia by allowing this population that holds a vested interest in OUSD School Board Director elections the opportunity to participate in elections that affect them and their children.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA"), including under section 15061(b)(3) of the State

CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

For questions regarding this report, please contact Deidra Moss at dmosso@oaklandca.gov or Haley Hester at hhester@oaklandca.gov.

Respectfully submitted,



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