

To: Winooski City Council  
From: Liz Edsell, Chair, Winooski Charter Commission  
CC: Jessie Baker, Charter Commissioners and School Board liaisons  
Date: 7/30/2020  
Re: Recommended Charter Changes for November Election

## **Background**

The City Council established a Charter Commission a year ago (7/15/19) to examine options to present to Winooski voters with a charter change that “would enable non-citizen residents to vote in Winooski municipal elections, protect Winooski voter information, align the School and City’s charters, and consider additional governance changes identified by the Council, staff, and public.”

Our task-oriented commission was appointed in October and first met in November. Our membership includes 5 voting members, 2 alternates, 2 school board liaisons, and 2 city council liaisons all with different backgrounds, perspectives and community affiliations that have informed our work. Through 15 formally warned meetings, we held important substantive conversations on the charge you gave us—centering on the principles of equity and inclusion to the best of our ability throughout the process. The onset of COVID-19 interrupted our outreach plans substantially, but we’ve done our best to conduct meaningful outreach since reconvening ‘virtually’ in June.

## **Summary**

This report summarizes our recommendations, on some of which we had unanimity, on others majority support of members voting in our final meeting on 7/27/2020.

In short, the Charter Commission recommends that the City Council place on the November ballot changes to the charter as outlined in the “Proposed City Charter Amendments July 2020” document prepared by Bob diPalma, Esq. We recommend the changes be separated and grouped in categories. Specifically, the All-Resident Voting question should be presented as a stand-alone ballot item. Administrative and home rule changes can be presented as one or two other ballot questions. The Commission did not come to a final decision on how other items should be grouped, and so left that to the City Council to determine.

## **All-Resident Voting Question**

### **Recommendation**

We recommend giving Winooski voters the option to change Section 19-202 “Qualified Voters” of the City Charter to include the following language:

- Any person may register to vote in any City meeting or municipal election who, on election day:
  - (i) Is a legal resident of the City;
  - (ii) Has taken the voter's oath; and
  - (iii) Is 18 years of age or older.

## **Considerations**

We discussed two components of this language at length early in our process. Whether to use the term “all-resident” or “non-citizen” and whether to specify “legal” in the language.

On the first, we discussed the importance of using inclusive language in both the fact sheet that the Commission developed and ballot language. We concluded that defining people by what they are not (i.e. non-citizens) rather than what they are (i.e. residents of Winooski) did not align with the City’s commitment to equity and inclusion. We intentionally stopped using the term “non-citizen” in fact sheets, presentations, and recommended ballot language. One of the two alternate voting members disagreed and preferred using ‘non-citizen’, expressing concerns that ‘all-resident’ was not transparent enough to the general public. Our fifth regular voting member concurred with the term all-resident, but was not present on the 7/27/20 meeting where final votes were cast. Hence, the motion to recommend this ballot language passed 4-1.

On the second, we opted to use the qualifying language of ‘legal’ resident of Winooski for two main reasons.

1. To assuage concerns that some residents had about people without documentation who might vote in Winooski elections.
2. Knowing that the voter file must be a public record (further discussion of protecting voter information in the next section), and wanting to avoid those registering and voting locally from being targeted by individuals or agencies concerned about illegal immigration.

While excluding residents who are living in Winooski without federally-sanctioned documents could be considered going against the goals of inclusion, the Commission felt that this initiative should be centered on the further engagement and inclusion of our diverse population, not a debate on immigration itself. We assumed that the vast majority of residents who would be motivated to vote in local elections are current with legal residence documentation. Thus, we would not be excluding any potential new voters.

## **Voter List Protection**

### **Recommendation**

We recommend the City Council add language that has since been drafted by the City Attorney (19-202(d)) that would provide the equal protection to Winooski’s municipal voter file that the state voter file has. The state checklist is protected from being used for commercial purposes, and from being released to Federal agencies.

### **Discussion**

We discussed voter list protection early in our process and only recently learned that we were mistaken in an earlier assumption—that the municipal voter file had the same legal protections as the state voter file. The voter file is, of course, a public record and must remain so. That was where our discussion was left for many months, because we’d believed the protections to the state checklist applied to the municipal list. We’ve since learned that this was not accurate. In a vote on intent, not specific language, 4 of 5 commissioners supported asking the City’s lawyer to draft language for the Council that would extend the same protections to our municipal checklist

that is afforded to the state checklist. Again, that is now included in Section 19-202(d) of the Proposed City Charter Amendments document.

We also recommend, as written in the amended charter change, that the municipal checklist be maintained separate from the state and federal list, but organized in the same manner. If a member of the public requests the municipal voter file it will be available and organized as usual with name and address, not citizenship status.

### **Inclusive Language Updates**

#### **Recommendation**

The Commission recommends updating the charter to replace the word “citizen” with another relevant term where citizenship status is not a requirement for the statement to be true. These edits are reflected in changes: 19-105; 19-304(c)(7); 19-602. These changes had majority support of voting members on 7/27/2020.

### **Administrative and Home Rule Changes**

#### **Recommendation**

The Commission was presented with an initial slate of administrative and home rule changes. We voted to approve all of the changes presented to the Commission on 7/27/2020, with two additional changes. An amendment to correct terminology of a land use category in 19-717 as well as to clarify the substance of section 19-907. These edits are reflected in the Amendments document provided to you.

#### **Discussion**

A few of these items were discussed at greater length at points throughout the Commission's work. Of note, are:

- Eliminating the requirement for a member of the City Council to resign their seat if they choose to run for mayor (19-206). After some discussion of various scenarios for changing the timing of the required resignation, we opted to remove the requirement and have the City utilize the same process (19-306(c)) used for any vacant seat to fill a City Council seat if said person is elected Mayor.
- Opting to continue requiring an ordinance update process for fee changes (19-407(7)). There is no change to the charter, but we discussed the matter and chose to keep the more rigorous public process. This was among the items we received public comment on, with the view of keeping a rigorous review process.

### **Our Process and Policy Consensus**

Through November-February, the Commission meetings centered on the key policy questions surrounding All-Resident Voting, with a goal of crafting a fact sheet that could be used for public outreach. We weighed two approaches for the fact sheet:

- An open-ended summary of policy options; or
- Policy recommendations of the Commission on which we could provide more tangible and specific feedback.

Our policy discussions were informed by participation for voting commissioners, alternate members, school liaisons, city council liaisons, the City Manager, and the public. Ultimately, the five core voting members came to consensus on the major policy points and opted to go the second route of listing these policy recommendations in the Commission's fact sheet and getting direct feedback from the public and stakeholders on that proposal.

The hiatus in the Commission's work from mid-March to late-May due to COVID and ongoing limitations to safely conduct outreach means that the sample size of direct responses is relatively small. We acknowledge that more responses and formal Commission events would be better. We have done what we can in a short time and have ongoing outreach and feedback planned. Knowing that education and outreach can continue between now and Election Day, we present here a summary of what feedback we have compiled so far.

### **General Outreach**

The English language version of the fact sheet ([here](#)) was completed just in time for Town Meeting Day in March. Two commission members spent high traffic time outside the polls and distributed nearly 400 fact sheets, engaging in conversations with residents who were generally appreciative of the information and the Commission's work. The fact sheet has been a useful and effective tool for education and outreach. It is our main set of talking points for presentations, which has allowed multiple members of the Commission and others assisting with outreach to communicate consistently what the proposal entails. Additional public meetings include a Channel 17 Q&A, Zoom presentations with Winooski Peace Initiative members, Our Lady of Providence residents, and individual outreach. Outreach still underway includes a survey of residents living in Winooski Housing Authority operated residences and public hearings in the fall.

To gather feedback, we set up a Contact Report Form. Those doing outreach utilize the fact sheet, ask for questions or feedback, and then complete a report form. Some additional group presentations and conversations have been held, but not reported on via the Contact Report Form. Thankfully, with additional work from multi-lingual liaisons who work with the Winooski School District, we have had over a dozen new reports from conversations with our key stakeholder groups in the last week alone. More details in the next section.

### **Key Stakeholder Outreach**

A major missing piece of previous All-Resident Voting efforts has been getting direct input from the people who would be newly allowed to vote in local elections. Our Commission has had the tremendous benefit to have three members who identify or have family who identify as part of this stakeholder group. Their voices have been instrumental to our policy discussions and their volunteer service demonstrates how much the hundreds of neighbors living in Winooski who aren't currently eligible to vote have to offer when included in City work and decision-making.

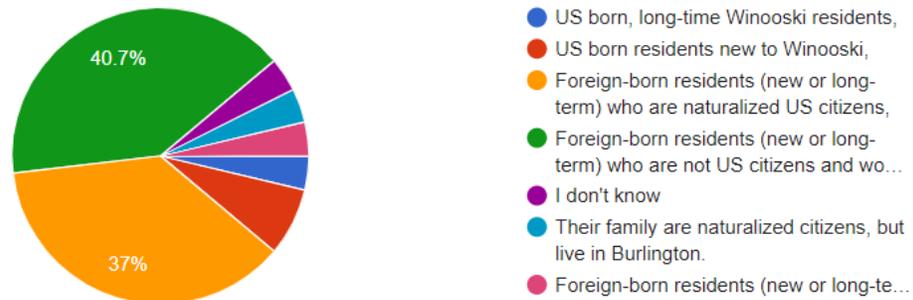
The Commission's fact sheet was translated into seven additional languages in March around the same time COVID hit. Our outreach plans came to a halt for a couple months while the City focused on efforts to try to keep our community safe. As we reconvened in June, we distributed

some translated fact sheets at local grocery stores and to key stakeholders with contacts in the New American community. Just in the past couple weeks, the additional paid support by school liaisons helped with outreach and has been a game-changer and should be continued if possible.

Of the 27 submissions using the Contact Report Form, 19 reports have been submitted by the school liaisons, all with feedback from the two key foreign-born stakeholder groups — naturalized citizens and residents who are not US citizens.

If known, with which stakeholder group would the person(s) you spoke with identify?

27 responses



Primary questions, concerns or feedback from stakeholder outreach include:

1. Whether voting would be a problem later during a citizenship interview
2. Education & interpretation - specific comments include:
  - a. “we like to vote but often times we don't get the information” (from naturalized citizen)
  - b. “reaching out to us will be great otherwise we won't know that voting is happening”
  - c. “I can't read or write; will the city provide an interpreter?”
3. General support as long as it won't create problems for citizenship and the city reaches out to educate voters and provide interpreters.

A report from the Mayor and City Councilor following a meeting with a group of Nepali community members, provides a succinct summary of considerations for the City.

1. If a non-citizen votes in a federal election, it is a crime, we need to be very careful that people don't get confused and commit a crime. The citizenship application asks if you've ever voted in an election so people need to know how to answer that question and not ruin their application. Concern about how this will affect citizenship applications.
2. There are so many potential pitfalls, issues of language, confusion about what they are voting on, lack of understanding about the system – these supports would need to be in place, can't just simply be a flip of the switch.

An additional report from the Mayor's conversation with a member of the Somali community emphasized the need for more work from the City to educate current citizens.

1. Mohamed supports a lot of folks in the Somali community and he shared that they just do not feel connected to the city and don't know what it can do for them or how to work together. He shared that a lot of Somalis that already are citizens don't vote because they just don't even know what's going on or where to get the information on the ballot items and candidates, so opening up voting to non-citizens would not be helpful without additional support.

From general outreach with long-time residents, responses and questions were mixed. Key takeaways include:

1. A helpful component of the fact sheet was the section on the barriers to citizenship. This topic and stories shared generated robust conversation and learning moments. Providing specific examples of neighbors who are not citizens, helped long-time residents understand why or how their neighbors may have an interest in local voting and why they may not yet be (or ever become) a US citizen.
2. For some people, US Citizenship and voting, at any level, are inseparable. Whether legal or not for Winooski to allow it, some people will oppose this measure no matter what.
3. Some felt that the fact sheet was too favorable toward All-Resident Voting or taking issue with some of the context provided.

There were additional questions or comments made not included for brevity.

### **Next Steps & Additional Considerations**

You have the official votes and language recommendations from our Commission earlier in this text. Our commission's role in future education and stakeholder outreach is still an open question. You may decide that you would like us to do more work on this before sending the All-Resident Voting issue to the voters, which we would of course do.

Our Commission has not had a lot of time to discuss next steps, but I'll take my privilege as chair to share my personal opinion that the general election, with the highest level of voter participation, attention, and engagement, is the right time to bring this question to the voters. This November, we have the added benefit that all registered voters will be mailed their ballot. Since this charter change will elicit questions and debate, it will be helpful for voters to have the time at home to learn more, tune into hearings or presentations, ask questions, and make up their minds with the ballot language in front of them.

If you do decide to put the All Resident Voting charter change on the ballot, here are my thoughts on some additional next steps.

- Continue to conduct targeted stakeholder group outreach to get feedback and questions specifically on All Resident Voting. If possible, continue to employ school liaisons, who have established relationships in the New American community, to aid in outreach. Their involvement has been critical in recent weeks.

- Gather more stories of willing residents who are not citizens that help educate the community on barriers to citizenship.
- Convene a diverse, broad-based network of city officials, community groups, school liaisons, and residents to conduct a robust education and outreach effort this fall. Education on charter changes could be combined with general information about how to vote by mail. Education efforts should include:
  - Dedicated stakeholder outreach with interpreters, translated ballots, fact sheets, and more information on how to access or get involved in City government.
  - At least 3 public hearings (may be virtual, but options for smaller in-person community meetings should be explored)
  - Collaboration with the school to involve teachers and students in the education campaign.
- Get legal guidance on the question of whether one's citizenship status would be at risk if they vote in a municipal election.
  - \*\*\*As a personal note, we did not discuss this as a commission, I do not think that the need for better legal precedent or clarity should delay moving the question forward to the ballot. If local voting will affect citizenship applications, that absolutely must be disclosed and a key part of voter education and new voter registration. However, some residents may never apply for US citizenship for whatever reason and could be enfranchised in the meantime while the larger legal matter is further discussed.

I look forward to answering any questions you all have. It's been an honor to serve as Chair of the Charter Commission and I look forward to continuing to collaborate on this important work.

**Sincerely,  
Liz Edsell**