



Back to the Future of Local Elections: Reestablishing Resident Voting Rights to Strengthen Municipal Democracy

An Empirical Example with Data from Buffalo, New York

A “High Road” society is one in which anti-oppressive, reparative, solidaristic, and prefigurative means¹ are designed and deployed in constant struggles for shared prosperity, ecological health, and participatory democracy.² Concerning the latter of these goals, a democracy is a type of decision-making system in which people who are affected by collective choices actively participate in the shaping and making of those choices.³ In practice, the term is most often used to describe political systems and forms of government, but it can apply to virtually all other domains of society (e.g., the economy, education) and categories of social institutions.⁴ Still, the prevailing public view tends to be that democracy is a way of organizing power relations in a political state or territory.⁵

Whereas the High Road worldview embraces the more penetrating concept of democracy, which “requires that people should be able to meaningfully participate in *all* decisions that significantly affect their lives, whether those decisions are being made within the state or other kinds of institutions,”⁶ the narrower notion of a democratic *government* arguably offers a point of entry for enlisting (more) people in campaigns for High Road systems change. Specifically, even in the present moment of intense political polarization and rising global authoritarianism,⁷ Americans from across the ideological spectrum agree that democratic forms of government are preferable to non-democratic alternatives.⁸ Many political conservatives even claim such a strong commitment to democratic governments that they support U.S. intervention into foreign affairs to promote or help establish such systems across the globe.⁹ (Although most actors on the left presumably oppose the heavy-handed ways in which the U.S. has historically worked to “spread democracy” to other nations,¹⁰ they likewise tend to be in favor of deepening and expanding global democracy – so long as democratization efforts are led and controlled by members of the local communities in which they are undertaken.¹¹)

One implication of the widespread, left-to-right consensus that a democracy is a desirable form of social

organization is that strengthening democratic institutions is an issue that mobilizes people. It accordingly occupies a prominent space on the public agenda. One specific democratic institution that consistently moves people into the political sphere – and which more than nine of every ten American adults agree is critical to a functioning government – is voting.¹²

By itself, voting is not a strategy for systems change.¹³ Long-term social transformation requires building alternative, prefigurative, *democratic* institutions that can collectively form a base of dual power from which to challenge existing, inequitable, hierarchical power structures for legitimacy in society.¹⁴ In that respect, while voting to elect government representatives might not factor into all organizations' theories of systems change,¹⁵ it arguably has a supporting role to play – at least at the local scale and in the near term.

In Jackson, Mississippi, for example, “building radical voting blocs” is one of the “three fundamental...components” of Cooperation Jackson’s (CJ’s) program for attaining self-determination and democratically transforming the city’s economy.¹⁶ Whereas CJ recognizes that “building autonomous power *outside* of [government] structures...is primary, [they] also believe that engaging in electoral politics on a limited scale...[to elect] candidates drawn from [local ranks] is important.” On this point, CJ cautions that “we ignore the power of the state at our own peril.”¹⁷

CJ’s positions on engaging electoral politics are consistent with the three, non-mutually exclusive and concurrent *High Road Policy* strategies for building dual power: Prefiguration, Disruption, and Capture.¹⁸ To be sure, CJ submits that (1) *Prefiguring* democratic institutions – such as inclusive People’s Assemblies that activate community members in agenda-setting via direct democracy – must precede and evolve alongside [electoral] strategies that: (2) *Disrupt* repressive governmental policies by mobilizing radical voting blocs (made up of People’s Assembly members) against them, using mass action protests and related tactics;¹⁹ and (3)

Capture control of public institutions so that they may be reprogrammed to expand the commons, establish more public utilities, and otherwise democratize the local economy.²⁰ In Jackson, this latter strategy reached a high point when a CJ candidate *captured* the city’s executive office in 2013 by winning the Jackson mayoral election.²¹

This brief glimpse at Jackson illustrates that, while participation in electoral politics is not a direct path to the High Road, it might – at least at local scales – play an important part in building infrastructure that leads to the High Road – as long as participation is widely accessible to the communities and persons who are most harmed by existing, oppressive power structures. Along those lines, in a representative (as opposed to direct) form of democracy, there is broad agreement that:

*Because legislative bodies confer rights and make public policy, it is critical to possess the capacity to influence and/or select representatives.*²²

Stated alternatively, the ability to vote is one of the pillars that makes a representative form of government *democratic*. In the words of the conservative Heritage Foundation, the American “system of government and [Americans] very liberty depend on [having] free and fair elections” in which the governed make their voices heard at the ballot box.²³

On that backdrop, it is not surprising that several of the U.S.’s largest and most successful social movements – notably the women’s suffrage²⁴ and civil rights²⁵ movements – organized and campaigned on the issue of voting rights. The ability to cast a ballot in a governmental election is a tangible marker of whether, per the definition that opened this article, people who are affected by collective choices actively participate in the shaping and making of those choices. When

residents of a community are denied this ability, whether through legally codified or informal mechanisms, they exist in the political system as “second-class citizens”: they possess fewer rights than other members of their communities.²⁶

In the U.S., voting is treated as a “discretionary ‘political’ right” rather than an “inalienable ‘natural’ right”,²⁷ meaning that who can vote – and who is a second-class citizen – is subject to variation over time and space. For much of American history, voting was open exclusively to white male property owners, rendering women, persons of color, and the masses of propertyless working people as second-class citizens.²⁸ (The legacies of a governmental system established to empower wealthy white men and their property above the rest of society are still readily apparent today.²⁹) Over time, through mass movements, women and Americans of color secured the right to vote; but several other subpopulations either lack voting rights or have had such rights stripped away from them over time. The balance of this article considers one such subpopulation: non-citizen residents of the United States, or *immigrants*.

What are Resident Voting Rights?

The refrain that voting, to quote a statement from the White House, is “one of the most important rights of American *citizens*”³⁰ is so commonplace in contemporary U.S. society that it is easy to accept the premise without pausing to critically reflect on the reference to “citizens”. Even objective research organizations that investigate partisan divides over who perceives voting as a *right* that “should not be restricted” versus a *privilege* that “can be limited” smuggles the qualifier “U.S. citizens” into survey questions.³¹ Yet, the closing of electoral participation to *non-citizens* is a relatively recent, largely 20th Century phenomenon. As historian Ron Hayduk documents in his influential work on the topic, 1928 was the first year during which

non-citizens were wholly precluded from participating in elections across the nation.³² Prior to that time, for 150 years, some mix of “40 states and federal territories permitted noncitizens to vote in local, state, and even federal elections.”³³ The upshot is that for much of the U.S.’s historical record, voting rights were tied to *residency*, not *citizenship*.

Some Historical Context

While the rationale for non-citizen, *resident*-based voting rights varied from place to place (NB: the U.S. Constitution gives states the power to assign voting rights, and courts have held that the “decision about who holds the franchise...rests with states and localities”³⁴), and while places that granted voting rights to immigrants kept the franchise closed to many other groups (e.g., women and persons of color), one popular justification for allowing non-citizens to participate in elections was that, as “inhabitants”, or “residents”, of a place, they are subject to that place’s taxation rules and should therefore have a say in who represents them. In Hayduk’s words, immigrant suffrage was “a logical extension of the revolutionary cry ‘No taxation without representation’.”³⁵

So it was that, for roughly the first half a century of U.S. history, “voting requirements were not tied to citizenship”,³⁶ and resident-based voting was both “widely practiced and not...controversial.”³⁷ When it became controversial is when it began to threaten the status quo. New York was one of the first jurisdictions to adopt citizenship requirements for voting in 1804, motivated at least in part by the intrastate presence of French Revolution sympathizers who “spread radical ideas that alarmed elites.”³⁸ When the possibility of codifying citizenship requirements for voting into the state’s constitution was raised during its 1821 convention, one delegate, arguing in favor of the proposal, stated that immigrants, like “blacks” (sic), were incapable of exercising the right to vote in ways that were “for the good of the whole community” (note: the measure did not make it into the state’s constitution).³⁹

Prior to the Civil War, southern states that seceded from the union were also aggressively rolling back immigrant voting rights:

...the first plank of the Confederate Constitution explicitly stated that only citizens of the Confederacy would have voting rights, precluding [immigrant] suffrage at all levels of government.⁴⁰

Following the Civil War, though, the South quickly backtracked on this hardline, anti-immigrant voting stance. Losing population and sorely in need of a labor force after the abolition of slavery, southern states – as an attempt to attract residents – followed an early (1842) example from Wisconsin, which granted immigrants voting rights if they formally declared an intent to become U.S. citizens. This practice of *declarant immigrant* voting spread rapidly through the South and was adopted (with Congressional approval) in at least thirteen states that joined the union in ensuing years.

Non-citizen voting was thus “practiced to its greatest extent” post-Civil War, through about 1875.⁴¹ Shortly thereafter, however, the U.S. experienced its largest wave of immigration, adding about 12.5 million immigrants to the population between 1880 and 1910. That sudden change led to the same nativist, racist, anti-democratic impulses that characterized earlier rollbacks of resident-based voting – only this time, the rollbacks stuck.

States and localities met widespread immigration with a combination of literacy tests, poll taxes, burdensome registration procedures, and, eventually, state constitutional amendments to remove non-citizens from the electorate. And the timing was not coincidental. The country’s substantial (early 1900s) population of mostly low-income, increasingly class-conscious immigrants was strengthening

labor’s power relative to capital:

...disenfranchising measures were promoted and enacted by powerful economic and political elites just when the electoral potential for working-class constituencies, progressive social movements, and third party mobilization was growing.⁴²

At the same time, by 1918, World War I helped cultivate even stronger xenophobic sentiments among nativistic Americans, prompting a new round of federal anti-immigration laws. Laws were enacted to exclude immigrants from certain countries (e.g., China), backgrounds (e.g., “paupers”), and political leanings (notably “anarchists”) from entering the U.S. – and they were punctuated by the 1924 National Origins Act (NOA), which drastically curtailed immigration from nations outside of western Europe. Notoriously, the Ku Klux Klan (KKK) “played a role in the passage” of the NOA.⁴³ By 1926, when Arkansas followed a host of other states in amending its constitution to eliminate non-citizen voting, resident voting rights were essentially wiped off the map⁴⁴ – the 1928 election cycle was the first since the nation’s founding that featured zero non-citizen electors or candidates for office.⁴⁵

Contemporary Revitalization

At least two observations stand out from the abbreviated historical context laid out above. First, even though “federal law does not preclude voting by non-citizens, it was eliminated from American political practice and [intentionally] eviscerated from national memory.”⁴⁶ Stated alternatively, the U.S. Constitution affords states and, in jurisdictions where state constitutions do not expressly prohibit them, municipalities, the power to extend voting rights to non-citizens. However, that power is largely unexercised because, for at least five generations, Americans

have been raised and educated to believe that voting is and always has been the exclusive right (or, to some, privilege) of *citizens*.⁴⁷

Second, attacks on resident-based/immigrant voting rights have historically been driven by anti-democratic impulses borne out of racist, classist, xenophobic hostilities. That some of the loudest voices calling for the elimination of non-citizen voting rights included aristocrats seeking to crush working-class political power, the Confederacy, and the KKK is more than revealing.

Grounded in these observations, grassroots campaigns across the country are actively revitalizing immigrant voting rights in the U.S. Places like Chicago, San Francisco, and New York City, as well as municipalities in Maryland and Vermont, have fully or partially restored non-citizen voting rights in local elections;⁴⁸ and local lawmakers in Washington, DC have been attempting to amend the city's election code to reestablish resident-based voting there.⁴⁹ The remainder of this section quickly highlights two of these examples in order to glean some lessons for spreading resident voting rights to other communities, particularly Buffalo, NY.

Takoma Park, Maryland

There are presently eleven municipalities in Maryland that grant non-citizens voting rights in local elections.⁵⁰ At least one of those municipalities, Barnesville, has allowed immigrant voting for almost a century, while the towns of Martin's Additions and Somerset established non-citizen voting rights provisions in 1976.⁵¹ The remaining municipalities are part of the contemporary (1990s and later) immigrant voting rights movement. Takoma Park is among these more recent cases.

As an initial step toward non-citizen re-enfranchisement, grassroots organizers in Takoma Park led a campaign to place a non-binding question on the municipality's 1991 general election ballot, asking if resident non-citizens should have the right to vote in local elections. The question was approved, which

moved the City Council to hold public hearings on immigrant voting. Following public debate, the Council agreed with the voter majority that approved the ballot question – and legislators revised the municipal charter to allow non-citizens voting rights in local elections effective in 1992. Importantly, the charter amendment does not discriminate by immigration status – it enables both documented and undocumented persons to register to vote and participate in Takoma Park's electoral contests.⁵²

New York City's Intro 1867

Similar to Chicago (and, more recently, San Francisco), New York City (NYC) allowed non-citizens to participate in local school board elections from 1970 up until school boards were disbanded in 2003.⁵³ However, in 2021, the city took a large step forward by passing Intro 1867, which "expands voting rights so legal permanent residents and those with work authorizations can vote in municipal elections for NYC offices, including the City Council, Mayor, Public Advocate, and Comptroller, as well as ballot initiatives."⁵⁴

Passage of Intro 1867 in December 2021 marked a "watershed moment" for immigrant voting rights, by making NYC the largest jurisdiction in the U.S. to re-enfranchise non-citizens. Effective in 2023, roughly 800,000 immigrants will be eligible to enter the city's polling places to participate in its local elections.⁵⁵ (Note: Unlike in Takoma Park, NYC's legislation does distinguish by immigration status. Undocumented residents and persons holding short-term visas are excluded from the provisions.⁵⁶)

Key Lessons

Jurisdictions to successfully reestablish non-citizen (resident) voting rights in the past few decades have at least three attributes in common. First, all places have identifiable immigrant populations and [typically immigrant-led] organizations that advocate for those populations. Second, all places have a history of progressive, grassroots organizing. And, third,

many such places passed legislation declaring themselves to be *sanctuary cities* prior to adopting resident-based voting rights.^{57,58}

The term ‘sanctuary city’ describes jurisdictions that formally refuse – usually through local legislation – to deploy local resources (e.g., police) in support of federal immigration agents’ investigations. While there is variation in the exact types of policies enacted in or commitments made by self-declared sanctuary cities, common actions include:

*saying no to federal requests (known as “detainers”) to conduct joint patrols, refusing to jail an individual who has posted bond and a judge has said can be released, or refusing to gather more information – such as immigration status – than is needed to determine if an individual is eligible to receive services.*⁵⁹

Four years before passing Intro 1867 to reestablish local voting rights for non-citizens, the New York City Council enacted legislation barring any city resources from being “used for federal immigration enforcement purposes”, thereby expanding some of the “strongest sanctuary laws in the country.”⁶⁰ In other words, NYC lawmakers (and the grassroots organizations that moved them, including Make the Road NY⁶¹) took affirmative steps to make the city safer for immigrants. Soon afterwards, the policy window was open for expanding the rights of the city’s immigrants. This sequence is the same one that unfolded in Takoma Park. When the municipality enacted non-citizen voting in 1992, its leaders said Takoma Park was merely “following up on its earlier decision to make itself a sanctuary city.”⁶²

The takeaway for grassroots organizers in other communities is that campaigning for sanctuary city status and attendant policies (see, for example, the Local Options for Protecting Immigrants toolkit created by the Immigrant Legal Resource Center⁶³) is a proven pathway for advancing immigrant voting rights in local elections, thereby strengthening municipal democracy.

In cities like Buffalo, NY, where there are large immigrant populations⁶⁴ and evident bases and histories of progressive organizing,⁶⁵ adopting sanctuary city protections thus offers a near term opportunity for making High Road policy change. The next section performs a data-driven thought exercise regarding the size and geographies of non-citizen populations who stand to benefit from sanctuary city policies and resident-based voting rights in Buffalo and justifies why such policies are needed.

Thought Exercise: Resident Voting Rights in Buffalo, NY

Buffalo, NY is an exemplar of what researchers call “shrinking cities”⁶⁶ – places where deindustrialization, suburbanization, natural demographic change, and interacting forces (e.g., erosion of social and civic infrastructure⁶⁷) have led to persistent, prevalent, and severe population loss.⁶⁸ After peaking in 1950 at nearly 600,000 persons, Buffalo’s population fell for six straight decades, reaching around 261,000 persons in 2010 – less than half of its 1950 level.

Taking note of the city’s aging population structure,⁶⁹ where death rates often exceed birth rates, demographers and analysts in the leadup to the 2020 census were expecting Buffalo’s population loss to continue for at least another decade. However, defying those expectations, 2020 decennial census data revealed that the city’s population grew for the first time in 70 years – by more than 17,000 residents relative to 2010 – largely because of increases in Buffalo’s immigrant and refugee populations.⁷⁰

Because the initial 2020 census data release does not include any information on citizenship, one cannot say just how large Buffalo’s collective immigrant population is, nor how rapidly it grew relative to the rest of the population. Using the most recent five-year estimates (2015-19) from the U.S. Census

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American Community Survey (ACS), though, it is possible to show that census tracts – data collection units of analysis that are often employed for “neighborhood scale” research⁷¹ – with higher non-citizen shares of population experienced larger population increases than other tracts, on average (Figure 1).⁷²

As an example, the tract that underwent the biggest population increase between 2010 and 2020 – tract 27.02, shown in the top-right of the graph – had the third highest concentration of

non-citizens at the time of the 2015-19 ACS (26% of population). Based on the large increase, which owes to growth in the local immigrant community,⁷³ the tract likely now leads the city in non-citizen share of population. Conservatively, it seems probable that upwards of one in three residents of the tract are non-citizens.

Tract 27.02 might be the most extreme case of non-citizens making up a substantial share of their neighborhood’s population; but it is not an

% Change in Population, 2010-20 v. Non-citizen Share of Population, by Census Tract

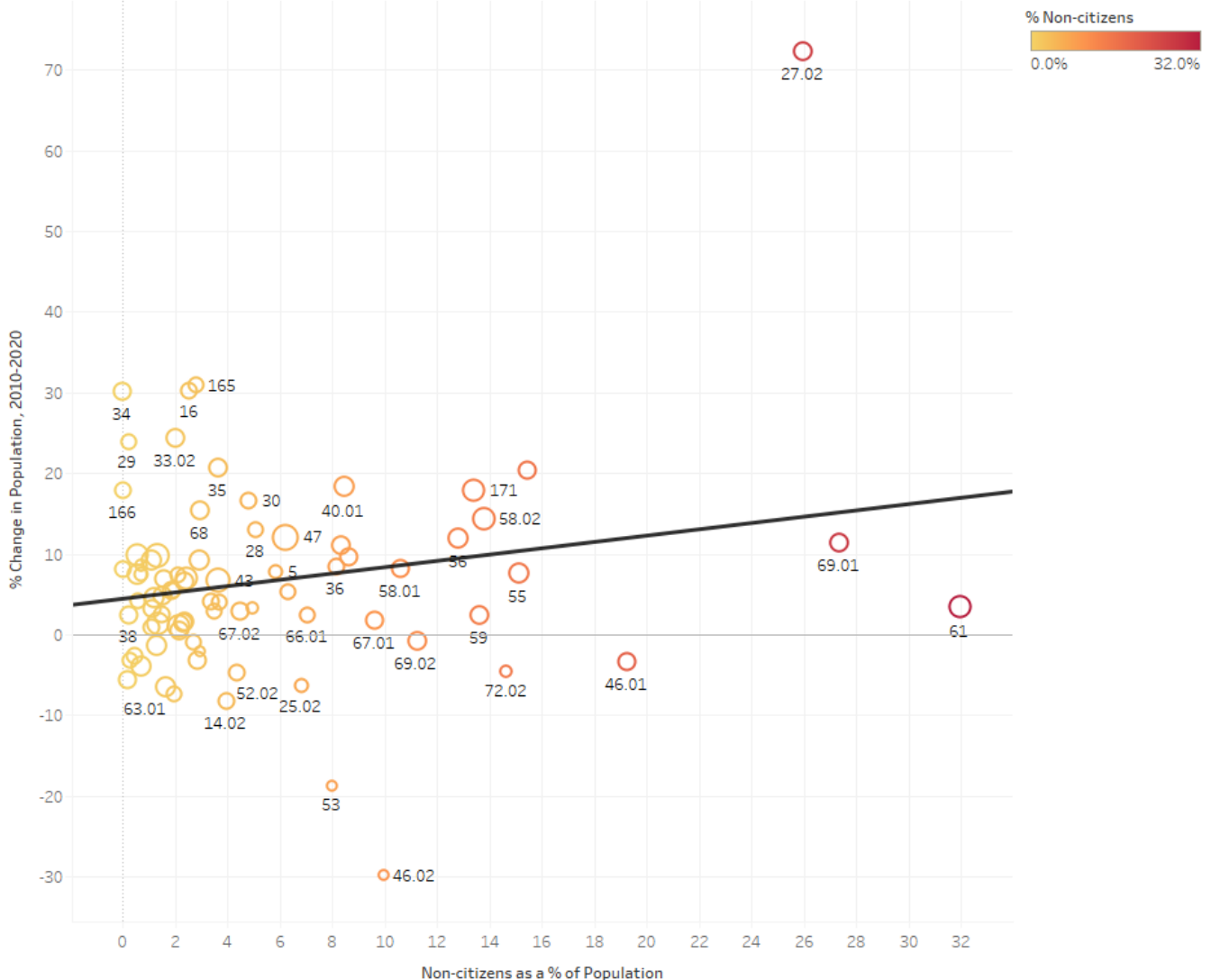


Figure 1. There is a positive, nonrandom correlation between 2010-20 population growth and presence of non-citizens in Buffalo’s census tracts.

isolated one. Per the Census ACS data, non-citizens made up roughly six percent of Buffalo’s population (and voting-age population) between 2015 and 2019. Collectively, ACS estimates show that more than 14,500 non-citizens lived in Buffalo at that time, nearly three-quarters of whom (74.5%) were 18 years or older (i.e., of voting age). These figures certainly increased in light of the population growth patterns reported in the 2020 decadal census. Thus, the 2015-19 ACS estimates offer useful “floor” numbers to illustrate the need for non-citizen, or resident-based local voting rights.

Whereas opponents of non-citizen voting rights might argue that six percent of population is too small a share to justify making sweeping changes to local electoral participation rules and procedures, that argument misses at least two critical points: (1) in a democracy, all persons should have the ability to participate in making the collective choices that will affect them; and (2) **geography matters**.

The first of these points was argued earlier. Concerning the second point, at the scale of a city, capitalist market forces necessarily create neighborhood-level patterns of spatial inequality,⁷⁴ whereby capital flows to “profitable” spaces and is systematically withdrawn from so-called “distressed” spaces.⁷⁵ Those same forces also generate systemic patterns of social inequality,⁷⁶ with immigrants consistently ranking “at the bottom of the social order.”⁷⁷

Expectedly, these patterns map onto and reinforce one another. Population subgroups that benefit the least from, and experience the most harm under, existing market fundamentalist policies and institutions become increasingly concentrated in the most “distressed” geographies.⁷⁸ Such outcomes are evident in Buffalo, where persons of color experience much higher poverty rates – and reside disproportionately in low-amenity neighborhoods with substandard housing stocks⁷⁹ – compared to white residents.

For the city’s voting-age immigrants, who are presently blocked from participating in local

elections, spatial and social inequality are especially pronounced. Figure 2 on the next page depicts the interface of an interactive data portal available at the *High Road Policy* website.⁸⁰ The portal uses current (2015-19) Census ACS data to map Buffalo’s non-citizen voting-age population (VAP) by census tract, alongside summary indicators for (1) voter turnout in the city’s latest (2021) local election and (2) VAP poverty rates by citizenship. Users can explore these indicators for sub-areas of Buffalo by either clicking a census tract on the map or selecting a City of Buffalo “planning neighborhood” from the dropdown menu on the bottom-right of the interface.

As shown in Figure 2, one-in-four voting-age persons in Buffalo (25.3%) lives below the federal poverty line. Crucially, breaking this rate out by citizenship reveals that immigrant voting-age residents of the city are more than twice as likely to live in poverty (48.4%) as citizens (24.0%). At the same time, the non-citizen VAP is spatially concentrated in just a handful of (not coincidentally) high-poverty subareas of Buffalo. Figure 3, for example, filters the data portal to show indicators for census tract 27.02 – the fastest growing tract in Buffalo that was discussed above.

Observe that the local, overall VAP poverty rate for the example census tract is 50.9% (i.e., more than half of adults who reside in the tract live in poverty). But accounting for citizenship reveals that more than three-quarters (75.8%) of voting-age immigrants there live in poverty, compared to just 41.0% of their U.S. citizen neighbors. Similarly, but not pictured in either figure below, the two Buffalo planning neighborhoods with the highest concentrations of immigrant VAP – the Upper West Side, where non-citizens are 21% of VAP; and the West Side, where non-citizens are 16% of VAP – have immigrant VAP poverty rates of 48.5% and 54.4%, respectively. In the latter neighborhood, the West Side, the citizen VAP poverty rate is just 28.1%, roughly half of the rate for non-citizens – suggesting that the neighborhood is characterized by meaningful levels of inequality.⁸¹

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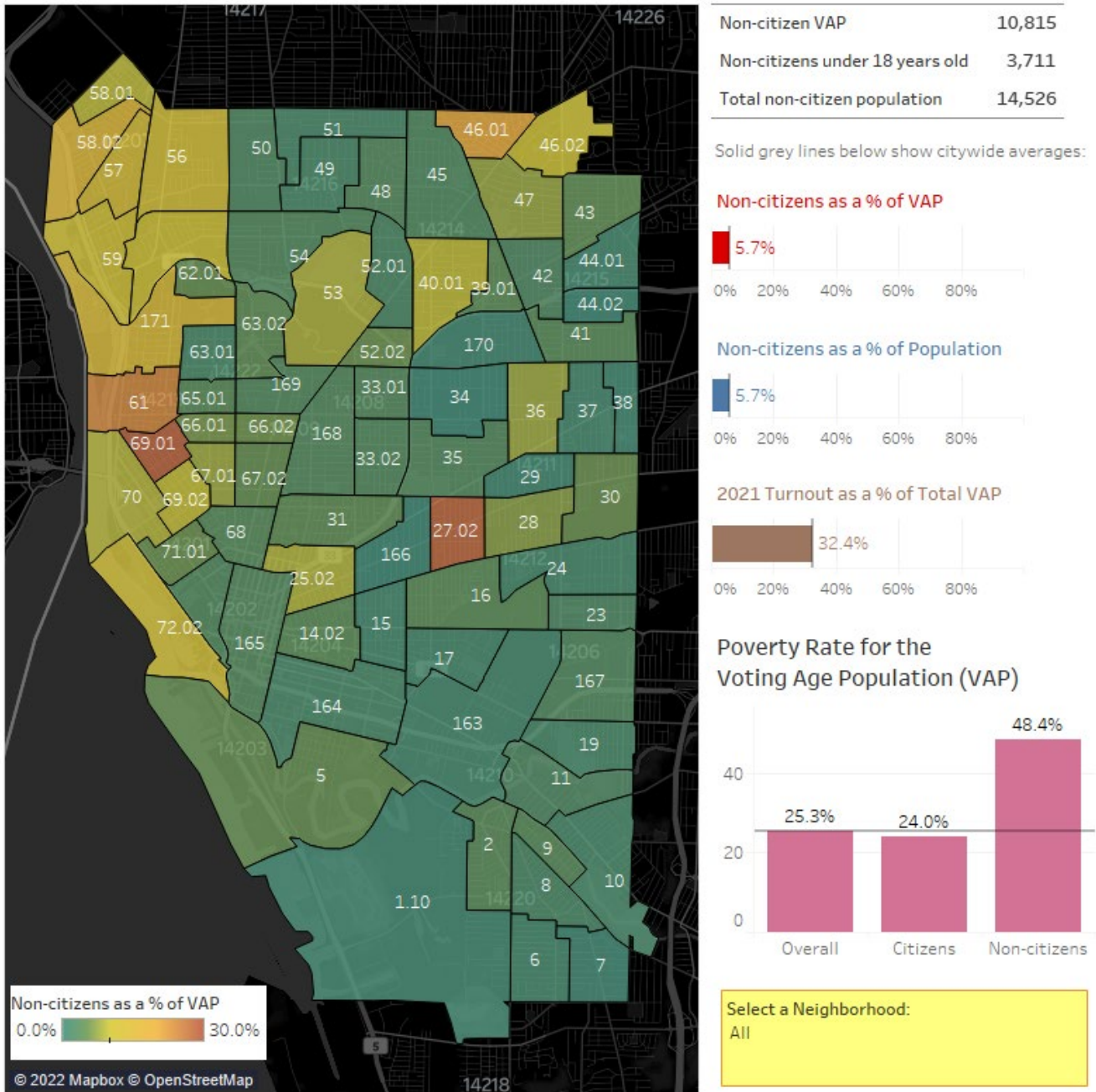


Figure 2. Non-citizen adults in Buffalo are more than twice as likely than citizens to live in poverty. To access this portal and explore indicators for specific neighborhoods or census tracts, visit www.highroadpolicy.org.

In addition to being more likely to live in poverty than their citizen neighbors, non-citizen adults in Buffalo also appear to live in neighborhoods with lower levels of local electoral participation among *registered voters*, on average. Figure 4 illustrates the slight negative relationship

between voter turnout in the most recent (2021) local municipal election and the non-citizen share of VAP. The overwhelming majority of tracts with above-average non-citizen shares of VAP recorded below-average levels of turnout in the 2021 City of Buffalo General Election.⁸²

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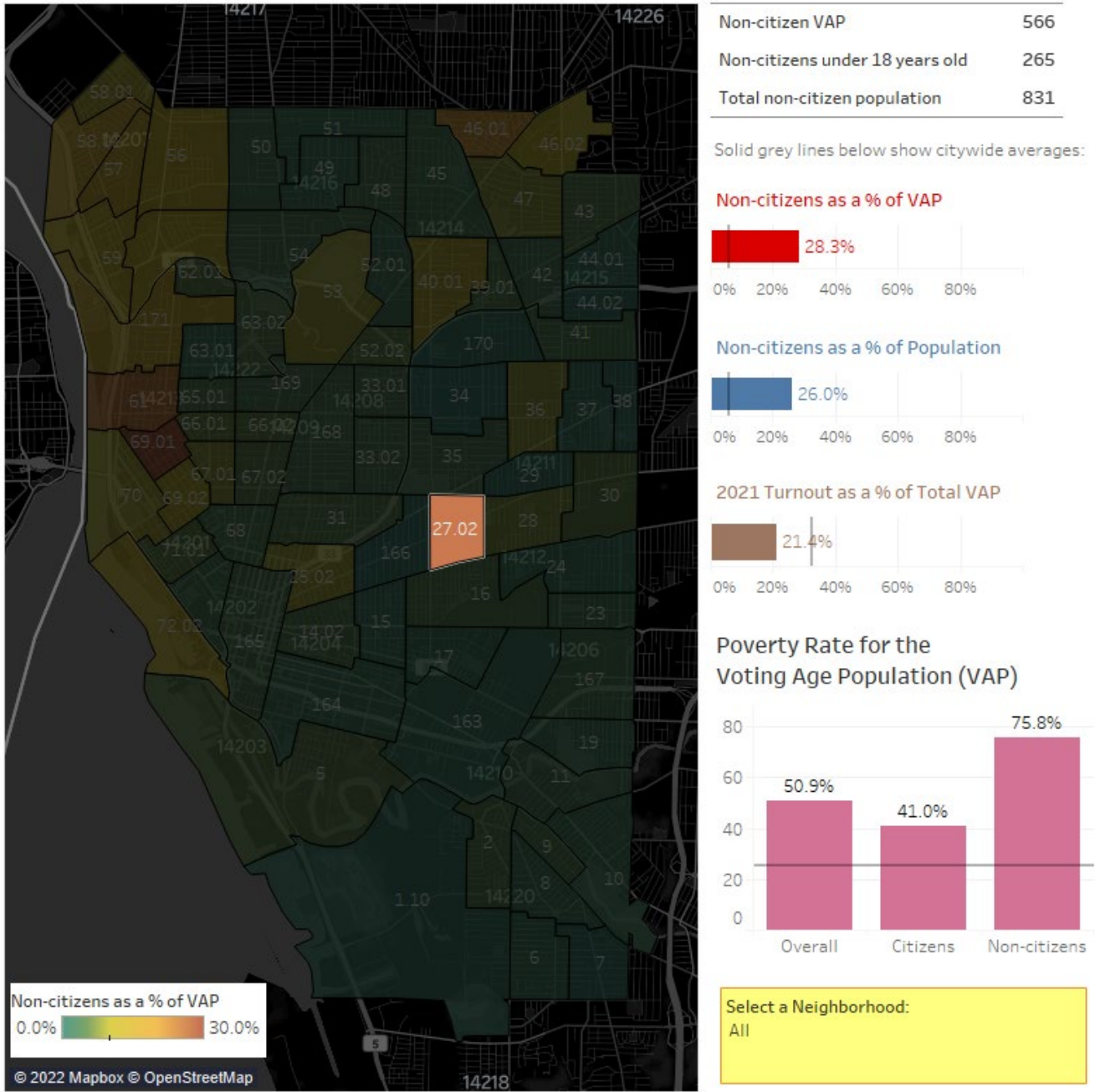


Figure 3. In Buffalo’s fastest-growing census tract, which might have the highest current concentration of non-citizens of any tract in the city, half the VAP, and more than three-fourths of the non-citizen VAP, live in poverty.

Referring back to Figure 3, observe that turnout in the 2021 Buffalo General Election (as a fraction of VAP) in census tract 27.02 was 21.4% – more than ten percentage points below the citywide average of 32.4% (Fig. 2). Consistent with the broader trend shown in Figure 4, not

only can non-citizen adults in Buffalo not participate in local elections. They also dwell in spaces where participation of *eligible* adults is atypically low. Stated alternatively, immigrants appear to be concentrated in neighborhoods with limited political voice.

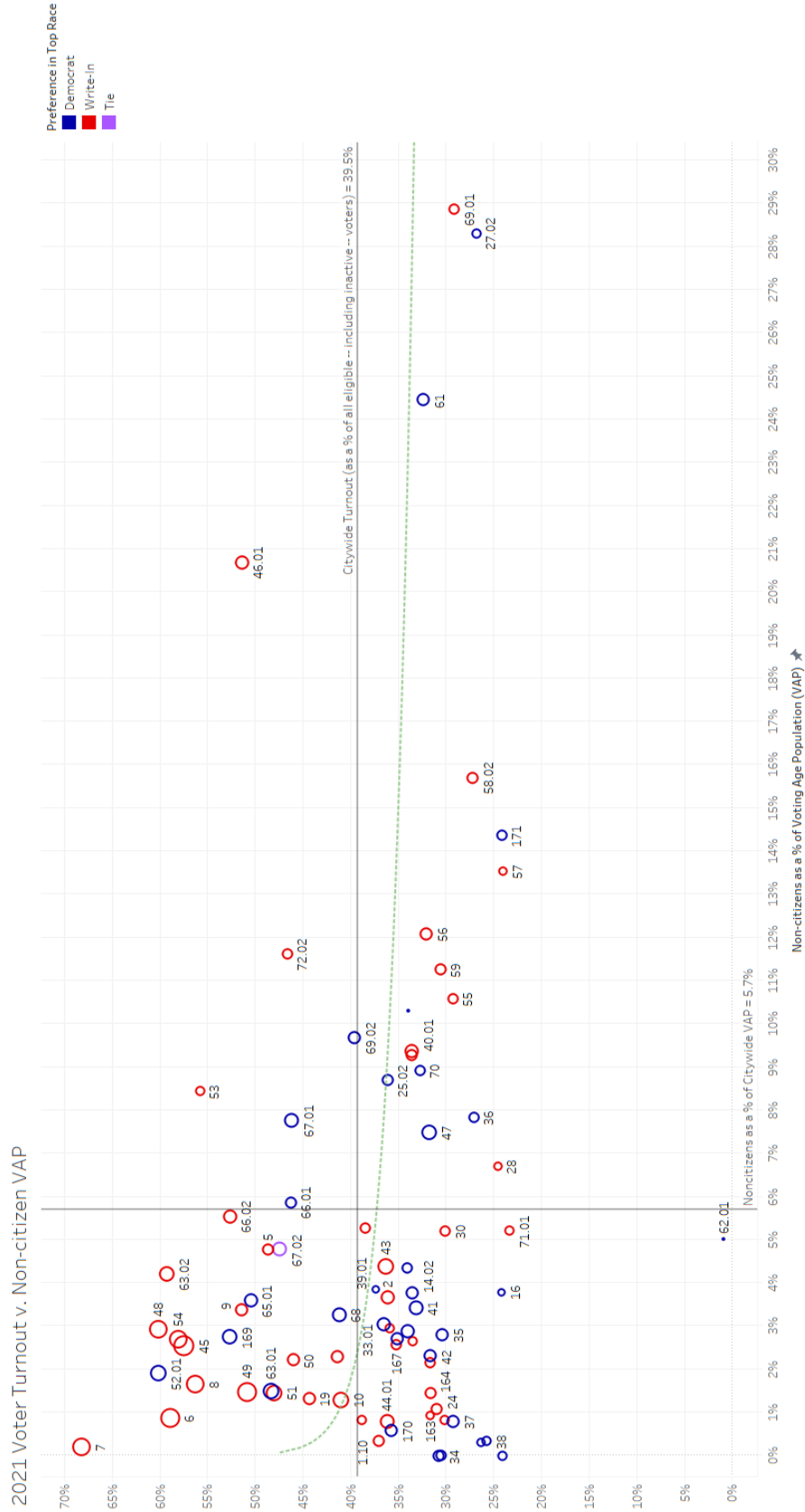


Figure 4. There is a negative, nonrandom correlation between registered voter turnout in the 2021 Buffalo General (local) Election and non-citizen share of VAP in Buffalo census tracts.

Coupling the foregoing data with earlier arguments yields the following conclusions:

- Non-citizens make up a meaningful and growing share of Buffalo's overall population and VAP;
- In several sub-areas of Buffalo – especially the planning neighborhoods on the west side of the city and the fastest-growing census tract on the eastern side of the city – between one-in-four and one-in-three voting-age adults are non-citizens;
- Growth in Buffalo's immigrant and refugee communities was largely the reason the city gained population for the first time in 70 years, as reflected in the 2020 census;
- Non-citizens are disproportionately likely to live in poverty and to be concentrated in low wealth geographies in Buffalo;
- Yet, violating a fundamental premise of democracy, non-citizens lack the capacity to “influence and/or select representatives”⁸³ for their neighborhoods – i.e., they lack access to a celebrated means for integrating their interests and desires into local political decision-making processes;
- At the same time, voting-eligible residents in neighborhoods with above-average shares of non-citizens participate in local elections at below-average rates, suggesting that both immigrant interests *and* their physical communities are un- or under-represented in local political affairs; and
- This lack of representation constrains non-citizens' collective ability to use formal political channels to advocate for better outcomes for themselves and for the neighborhoods where they live.

It follows that Buffalo – like New York City, Takoma Park (MD), and numerous places before it – is in a position to take affirmative steps to strengthen its local democratic institutions by fully including non-citizens in its municipal electoral processes. The concluding section of this article divides this opportunity into two concrete next steps.

Opportunity: Adopt Sanctuary City Legislation and Enact Resident Voting Rights in Buffalo, NY

Although it is possible for a city in New York State to immediately draft and pass a local law that would incorporate into its charter a process for non-citizens to vote in municipal elections, the instructive experiences of peer jurisdictions should inform order of operations. Specifically, recall that most places to successfully revitalize resident-based (non-citizen) voting rights began by first establishing themselves as sanctuary cities through binding legislation.⁸⁴

Further recall that, while the specifics of sanctuary city policies can vary depending on context, in general they provide non-citizens with guarantees that local resources will not be used to help enforce federal immigration laws. To observers of and practitioners in the immigrant voting rights movement, that guarantee is vital – without a binding local commitment to refuse cooperation with federal immigration law enforcement, non-citizen residents of a city might be hesitant to supply their information to government offices for the purposes of local voting.⁸⁵ In simpler terms, absent sanctuary city policies, non-citizens might not participate in local elections even if they were invited to do so,

out of fear that their information would be leaked to federal immigration officials.

Situated on these observations, a concrete first step for the City of Buffalo to strengthen its democratic institutions in pursuit of High Road social change is to **enact sanctuary city legislation**. Because it was operating within the same state policy framework, New York City's 2017 sanctuary city legislation (Intro 1568-2017) is a practicable model for Buffalo. In brief, Intro 1568-2017 was a local law, drafted and passed by the City Council, that amended NYC's administrative code to formally "prohibit City agencies from partnering with the U.S. Department of Homeland Security to enforce federal immigration law."⁸⁶ The law goes onto to specify that "no city resources, including, but not limited to, time spent by employees, officers, contractors, or subcontractors while on duty, or the use of city property, shall be utilized for immigration enforcement."⁸⁷ In other words, NYC's sanctuary city legislation is a promise to the city's non-citizens that they can participate freely in municipal affairs (including, starting in 2023, voting in local elections) without fear that their information will be shared with federal immigration officers.

Importantly, the prospect of sanctuary city status in Buffalo is not new. Advocates and organizations in the city – including the 2021 Democratic nominee for Buffalo Mayor⁸⁸ – are already actively demanding sanctuary legislation. One barrier that has stood in the way of the demand, however, is that the city's Mayor, who was just elected to his fifth term, is opposed to formal sanctuary measures⁸⁹ – and the City Council has not shown any signs that it will challenge the Mayor on that position. Chief among the Mayor's objections are that the Buffalo Police already have an unwritten policy of not cooperating with federal immigration officials, and that "Buffalo has a history of being a welcoming city, of participating in the refugee resettlement program, and being a city that is open to newcomers from across the country and from across the world."⁹⁰

Even if all these claims are true, being "open to

newcomers" and unofficially avoiding cooperation with federal immigration agencies are not the same as formal guarantees that non-citizens can openly participate in municipal affairs without fear of discovery and deportation by federal law enforcement. Consequently, failure to codify sanctuary city protections into municipal law will substantively impair Buffalo's ability to restore resident-based voting rights going forward.

Which gets to step two: after adopting sanctuary city legislation, **reestablish resident-based voting rights that allow non-citizen residents of Buffalo to participate in local elections**. Once again, as a fellow home rule city in New York State, NYC's recent local law (Intro 1867) offers a model for Buffalo.

Following through on its sanctuary city commitments, NYC's Intro 1867 amends the city's charter to define a "municipal voter" as a person who has maintained residency in NYC for a minimum of 30 consecutive days prior to an election and may or may not possess U.S. citizenship. If a resident is not a citizen, then they qualify as a municipal voter if they are either a "lawful permanent resident or authorized to work in the United States."⁹¹ Intro 1867 also augments the NYC charter with a procedure for "municipal voter registration" that specifies the registration form to be used, how that form will be distributed by the city and accessed by prospective municipal voters, deadlines for completing the form, and various rules regarding party affiliation, absentee ballot access, and ultimately casting a ballot in an NYC election.

Looking to precedents set in NYC and Takoma Park (MD), the Buffalo City Council has both the opportunity and power to draft and pass legislation that would update the city charter to include municipal voter definitions and municipal voting provisions. Grounded in the information synthesized above, such legislation would advance municipal democracy most forcefully if it made resident voting rights widely available to all non-citizens who meet residency requirements – as in Takoma Park – rather than to certain categories of immigrants (as in NYC).

That being said, whereas strengthening democracy and bolstering the institution of voting are crosscutting issues that have support across the ideological spectrum, voting alone does not endow people with a comprehensive ability “to meaningfully participate in all decisions that significantly affect their lives.”⁹² As argued throughout this article, resident-based voting rights can and reasonably should be implemented in and beyond Buffalo, NY. However, recognizing that such provisions require amending local municipal charters, it follows that even deeper changes to strengthen municipal democracy are possible. The community rights movement, for example, is organizing to supplant existing, property-privileging city charters with rights-based charters⁹³ that establish People’s Assemblies and vest in them powers to set local policy agendas and allocate public resources.⁹⁴

Unlike voting – which, even at its best is limited to persons 18 years and older – joining People’s Assemblies and engaging in public agenda-setting and participatory budgeting⁹⁵ are open to all members of a community, regardless of citizenship, age, or justice system involvement.⁹⁶ Thus, moving toward a rights-based charter that intentionally creates more opportunities for direct democracy and community self-determination is arguably a longer-reaching goal for High Road systems change. In Buffalo (like most places), however, the most expedient path there runs through the local electoral system.⁹⁷ Hence, until Buffalo and municipalities everywhere (1) embrace sanctuary city policies and (2) reestablish immigrant voting rights to ensure that all voting-age residents are included in local electoral processes, the High Road path to an even stronger municipal democracy is likely to remain blocked off and untraveled.

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About High Road Policy

High Road Policy is a quarterly issue memorandum published by the Cornell University School of Industrial Labor Relations (ILR) through its Buffalo Co-Lab. It aims to contribute actionable insights to contemporary policy and political discourses in and beyond the regions and communities of Upstate New York. Content for memoranda comes in part from the Co-Lab’s Data for Equitable Economic Development and Sustainability (Good DEEDS) program, which democratizes local and regional data for the purposes of: empowering residents and institutions; informing public policy debates; and providing an empirical basis for ensuring that change and development in Upstate communities follows the High Road to shared prosperity for all residents, from the present to all future generations.

Call for Submissions: High Road Policy (HRP) is seeking submissions on policies, proposals, campaigns, governance arrangements, and other practical strategies for advancing a more democratic economy rooted in values of shared prosperity, environmental sustainability, and participatory democracy. Contributions should be approximately 6,000 words or fewer, including references, end notes, tables, and figures. All submissions should be action-oriented and have clear implications for effecting High Road social and community change. Arguments must be persuasive and supported by some combination of empirical evidence, scholarly knowledge, lessons learned from practice, or related material. To discuss a potential contribution and its suitability for HRP, email rcweaver@cornell.edu with the subject line “High Road Policy pitch”.

Notes

- ¹ Weaver, Russell. "A High Road for the 21st Century." *The Solutions Journal* 11, No. 3 (2020a): 118-122.
- ² Weaver, Russell. "Defining and Advancing High Road Policy Concepts, Strategies, and Tactics." *High Road Policy* 1, no. 2SE (2020b).
<https://ecommons.cornell.edu/handle/1813/76887>
- ³ Wright, Erik Olin, and Joel Rogers. *American society: How it really works*, 2nd edition. New York: WW Norton & Company, 2015.
- ⁴ Fung, Archon, and Erik Olin Wright. *Deepening democracy: Institutional innovations in empowered participatory governance*. Vol. 4. Verso, 2003.
- ⁵ *Ibid.* (p. 3)
- ⁶ Wright, Erik Olin. *How to be an anticapitalist in the twenty-first century*. Verso Books, 2019. (emphasis added).
- ⁷ Schiffrin, Nick, and Layla Quran. "How authoritarianism has spread since the coronavirus pandemic began." PBS Newshour. (4 August 2020).
<https://www.pbs.org/newshour/show/how-authoritarianism-has-spread-since-the-coronavirus-pandemic-began>
- ⁸ Weaver, Russell. *Buffalo Niagara's Union Members: Good Neighbors and Active Citizens*. Cornell University, 2019.
<https://ecommons.cornell.edu/handle/1813/73609>
- ⁹ Smith, Jeff M. "In an Age of China Rising, Has U.S. Democracy Promotion Lost Its Edge as a Foreign Policy Goal?" *The Heritage Foundation* (20 April 2021).
<https://www.heritage.org/asia/commentary/age-china-rising-has-us-democracy-promotion-lost-its-edge-foreign-policy-goal>
- ¹⁰ See, for example: Prashad, Vijay. *Washington Bullets*. Monthly Review Press, 2020.
- ¹¹ E.g.: Allard, Ladonna Brave Bull, et al. "We Stand in Solidarity with Rojava, an Example to the World." *Common Dreams* (3 November 2019).
<https://www.commondreams.org/views/2019/11/03/we-stand-solidarity-rojava-example-world>
- ¹² Pew Research Center. "The Public, the Political System and American Democracy." (26 April 2018).
<https://www.pewresearch.org/politics/2018/04/26/the-public-the-political-system-and-american-democracy/>
- ¹³ Weaver, Russell. "Movements Aren't Won or Lost in Elections: Putting India Walton's Campaign for Mayor of Buffalo in Context." *Hampton Institute* (10 November 2021).
<https://www.hamptonthink.org/read/movements-arent-won-or-lost-in-elections-putting-india-waltons-campaign-for-mayor-of-buffalo-in-context>
- ¹⁴ Black Socialists in America. "Dual Power Map." <https://blacksocialists.us/dual-power-map>
- ¹⁵ E.g.: *The Red Nation*. *The Red Deal*. Indigenous Action to Save Our Earth. Common Notions, 2020.
- ¹⁶ Akuno, Kali. *The Jackson-Kush Plan: The Struggle for Black Self-Determination and Economic Democracy*. Cooperation Jackson, 2012.
- ¹⁷ *Ibid.* (p. 7; emphasis added).
- ¹⁸ Weaver (2020b).
- ¹⁹ Akuno, Kali, Ajamu Nangwaya, and Cooperation Jackson, eds. *Jackson rising: The struggle for economic democracy and Black self-determination in Jackson, Mississippi*. Daraja Press, 2017. (p. 234).
- ²⁰ Akuno (2012, p. 7).
- ²¹ Akuno et al. (2017, p. 37).
- ²² Hayduk, Ronald. "Democracy for all: restoring immigrant voting rights in the US." *New Political Science* 26, no. 4 (2004a): 499-523. (p. 500).
- ²³ Heritage Foundation. "Safeguarding the Electoral Process." <https://www.heritage.org/election-integrity/heritage-explains/safeguarding-the-electoral-process>
- ²⁴ Linzey, Thomas. *On Community Civil Disobedience in the Name of Sustainability: The Community Rights Movement in the United States*. PM Press, 2015.
- ²⁵ Moyer, Bill, Joann MacAllister, and Mary Lou Finley Steven Soifer. *Doing democracy: The MAP model for organizing social movements*. New Society Publishers, 2001.
- ²⁶ Wright and Rogers (2015, pp. 322-323).
- ²⁷ Hayduk, Ronald. "Democracy for all: restoring immigrant voting rights in the US." *New Political Science* 26, no. 4 (2004b): 499-523. (p. 29).
- ²⁸ *Ibid.*
- ²⁹ Price, Ben G. *How Wealth Rules the World: Saving Our Communities and Freedoms from the Dictatorship of Property*. Berrett-Koehler Publishers, 2019.
- ³⁰ The White House. "Elections and Voting." <https://www.whitehouse.gov/about-the-white-house/our-government/elections-and-voting/>
- ³¹ Gomez, Vianney, and C. Doherty. "Wide partisan divide on whether voting is a fundamental right or a privilege with responsibilities." *Pew Research Center* (22 July 2021).
<https://www.pewresearch.org/fact-tank/2021/07/22/wide-partisan-divide-on-whether-voting-is-a-fundamental-right-or-a-privilege-with-responsibilities/>
- ³² Hayduk (2004b).
- ³³ Hayduk, Ron. "Political rights in the age of migration: Lessons from the United States." *Journal of International Migration and Integration* 16, no. 1 (2015): 99-118. (p. 100).
- ³⁴ *Ibid.* (p. 114).
- ³⁵ *Ibid.* (p. 102).
- ³⁶ Hayduk (2004b, p. 17).
- ³⁷ *Ibid.* (p. 16).
- ³⁸ *Ibid.* (p. 21).
- ³⁹ *Ibid.* (p. 22).
- ⁴⁰ *Ibid.* (p. 18).

- 41 Ibid. (p. 25).
- 42 Ibid. (p. 29).
- 43 Ibid. (p. 30).
- 44 Ibid. (p. 35).
- 45 Aylsworth, Leon E. "The passing of alien suffrage." *American Political Science Review* 25, no. 1 (1931): 114-116.
- 46 Hayduk (2004a, p. 505).
- 47 Gomez and Doherty (2021).
- 48 BallotPedia. "Laws permitting noncitizens to vote in the United States."
https://ballotpedia.org/Laws_permitting_noncitizens_to_vote_in_the_United_States
- 49 "Councilmember Brienne K. Nadeau Re-Introduces Bill to Allow Permanent Residents to Vote in Local Elections."
<https://www.brianneknadeau.com/updates/press-release/councilmember-brienne-k-nadeau-re-introduces-bill-allow-permanent-residents>
- 50 BallotPedia ("Laws permitting noncitizens to vote in the United States.")
- 51 Hayduk (2004b, p. 21).
- 52 Hayduk (2004a, p. 520).
- 53 Ibid. (p. 501).
- 54 Our City Our Vote. "About Intro 1867."
<https://ourcityourvote.org/intro-1867>
- 55 Calvan, Bobby Caina. "Watershed moment in NYC: New law allows noncitizens to vote." *The Hill* (9 January 2022).
<https://thehill.com/homenews/wire/588903-watershed-moment-in-nyc-new-law-allows-noncitizens-to-vote?rl=1>
- 56 Democracy Docket. "Understanding Voting Rights for Non-citizens." (7 December 2021).
<https://www.democracydocket.com/news/understanding-voting-rights-for-non-citizens/>
- 57 Hayduk (2004b, p. 519).
- 58 A history of progressive organizing is said to be one of at least four precursors to community development in general. Others include dissatisfaction with the status quo, a willingness to experiment, and a well-networked, communicative group of stakeholders. See, for example: Weaver, Russell, and Jason Knight. "Analysis of a multipronged community development initiative in two distressed neighbourhoods." *Community Development Journal* 53, no. 2 (2018): 301-320.
- 59 Tsu, Naomi. "What Is a Sanctuary City Anyway?" *Learning for Justice*. <https://www.learningforjustice.org/classroom-resources/texts/what-is-a-sanctuary-city-anyway>
- 60 Center for Popular Democracy. "Sanctuary City Policy Wins in New York City." (1 December 2017).
<https://www.populardemocracy.org/blog/sanctuary-city-policy-wins-new-york-city>
- 61 Ibid.
- 62 Raskin, Jamin B. "Legal aliens, local citizens: the historical, constitutional and theoretical meanings of alien suffrage." *U. Pa. L. Rev.* 141 (1992): 1391.
- 63 Graber, Lena, Angie Junck, and Nikki Marquez. *Local options for protecting immigrants*. Immigrant Legal Resource Center, 2016. <https://www.ilrc.org/local-options>
- 64 Sitler, Douglas. "Immigrants, refugees drive population growth, improve quality of life in Buffalo, UB expert says." *UBNow*. (28 September 2021).
<https://www.buffalo.edu/ubnow/stories/2021/09/kim-immigrants-refugees.html>
- 65 Wypijewski, JoAnn. "India Walton Didn't Come Out of Nowhere." *The Nation*. (19 October 2021).
<https://www.thenation.com/article/politics/india-walton-buffalo-organizing/>
- 66 Weaver, Russell, Sharmistha Bagchi-Sen, Jason Knight, and Amy E. Frazier. *Shrinking cities: Understanding urban decline in the United States*. Routledge, 2016.
- 67 Weaver, Russell, and Chris Holtkamp. "Geographical approaches to understanding urban decline: From evolutionary theory to political economy... and back?." *Geography Compass* 9, no. 5 (2015): 286-302.
- 68 Beauregard, Robert A. "Urban population loss in historical perspective: United States, 1820–2000." *Environment and planning A* 41, no. 3 (2009): 514-528.
- 69 Weaver, Russell, and Jason Knight. *Engaging the future of housing in the Buffalo-Niagara region: A preliminary exploration of challenges that lie ahead*. Local Initiatives Support Corporation of Western New York (LISC WNY), 2021. <https://www.lisc.org/wny/what-we-do/housing/regional-housing-study/>
- 70 Dewey, Caitlin. "Census shows city grew for first time in 70 years - Gains were driven almost entirely by residents of color, mostly immigrants and refugees." *The Buffalo News*. (13 August 2021).
- 71 Weaver, Russell. "Contextual influences on political behavior in cities: Toward urban electoral geography." *Geography Compass* 8, no. 12 (2014): 874-891.
- 72 The two variables shown in this figure exhibit a weakly positive correlation that does not appear to be explained by chance alone. The correlation coefficient between population change and non-citizen share of population is 0.202 with a p-value of 0.075 – meaning that the relationship is statistically significant at a 90% level of confidence.
- 73 Sitler (28 September 2021).
- 74 Weaver, Russell C. "Urban geography evolving: toward an evolutionary urban geography." (2014).
- 75 Weaver, Russell. *Erasing Red Lines: Epilogue-Where Do We Go From Here?*. Cornell University, 2020.
<https://ecommons.cornell.edu/handle/1813/73618>
- 76 Parenti, Michael. *Democracy for the Few*. Cengage Learning, 2010.
- 77 Hayduk (2015, p. 111).
- 78 Weaver, Russell C., and Sharmistha Bagchi-Sen. "Evolutionary analysis of neighborhood decline using multilevel selection theory." *Annals of the Association of American Geographers* 104, no. 4 (2014): 765-783.
- 79 Knight, Jason, Russell Weaver, and Paula Jones. "Walkable and resurgent for whom? The uneven geographies of walkability in Buffalo, NY." *Applied geography* 92 (2018): 1-11.
www.highroadpolicy.org
- 81 The West Side has been experiencing gentrification pressures for several years. See, for example: Knight, Weaver, and Jones (2018).

⁸² The scatterplot shown in this graph is characterized by a weak inverse relationship that does not appear to be explained by chance alone. The correlation coefficient for the relationship is -0.212 with a p-value of 0.061, meaning that the relationship is statistically significant at a 90% level of confidence.

⁸³ Hayduk (2004a, p. 500).

⁸⁴ Hayduk (2004b).

⁸⁵ See, for example, Raskin (1992).

⁸⁶ New York City Council. "Intro 1568-2017: A Local Law to amend the administrative code of the city of New York, in relation to immigration enforcement."

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3022098&GUID=D0BFA473-FA7C-4FA6-83C4-216E9706EE7A>

⁸⁷ Ibid. (§10-178[c]).

⁸⁸ IndiaWalton.com. "Issues: Immigration".

<https://www.indiawalton.com/issues/immigration>

⁸⁹ "Does Brown get credit for rise in city population? - Immigrant influx led to increase; which candidate will encourage it?." The Buffalo News. (11 October 2021).

⁹⁰ Zremski, Jerry. "Should Buffalo join 'sanctuary city' ranks? - Walton, Brown disagree on illegal migrant policy." The Buffalo News. (3 October 2021).

⁹¹ New York City Council. "Intro 1867-2021: A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections."

<https://legistar.council.nyc.gov/LegislationDetail.aspx?GUID=DF600BDA-B675-41D8-A8BD-282C38DC4C62&ID=4313327&Options=ID%7cText%7c&Search=1867>

⁹² Wright (2019, emphasis added).

⁹³ Price (2019).

⁹⁴ Weaver, Russell. "Chartering an Inclusive, Sustainable, Democratic City." High Road Policy 1, no. 4 (2020c).

<https://ecommons.cornell.edu/handle/1813/102814>

⁹⁵ Weaver, Russell. "Deepening Democracy in Buffalo by Honoring Prior Commitments (And a Legacy)." High Road Policy 1, no. 1 (2020d).

<https://ecommons.cornell.edu/handle/1813/76886>

⁹⁶ E.g., Akuno et al. (2017).

⁹⁷ Weaver (2020c).