

AGENDA: 1/11/2022

ITEM: 3.4



TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Magdalena
Carrasco

Councilmember Sylvia Arenas

SUBJECT: SEE BELOW

DATE: 1/7/22

APPROVED

DATE: 1/7/22

SUBJECT: Additional Measures and Charter Amendments related to Voting & Elections that improve accountability, representation, and inclusion.

RECOMMENDATION

1. Accept the memorandum from Mayor Liccardo, Councilmember Jones, Jimenez, Cohen and Foley.
2. Direct the City Clerk, City Manager, and City Attorney to add the following additional Charter Review recommendations to the special study session:
 - a. Amending City Charter Section 1602 Election Procedure to:
 - i. Extend municipal voting rights to all residents of the City of San José.
 - b. Amending City Charter Section 1600. Municipal Elections to:
 - i. Move odd-numbered districts to align with Presidential Election Cycles
 - ii. Move even-numbered districts to align with Gubernatorial Election Cycles
3. Direct the Office of the City Clerk to work with the Santa Clara County Registrar of Voters to determine the systems needed to support the extension of municipal voting rights to all residents of the City of San José.

BACKGROUND

We want to sincerely thank the Charter Review Commission for their incredible dedication throughout the year, taking on this transformative work that will affect our city for decades to come. Their recommendations and analysis are well received. Additionally, we appreciate all the varied and insightful speakers brought in by the Commission that helped lead intelligent conversations. Likewise, we want to thank the public who added their perspective through public comment; the engagement and dedication from everyone are truly exemplary.

The proposed recommendations regarding voting and elections do a great job at adding value to the vote. Working in the spirit of the charter review's desire and task to improve accountability, representation, and inclusion in voting and elections, there remains a need to add measures that expand the voting rights of those living in the margins and who are most affected by the decisions made by citywide elected positions. Those who reside in the margins – our undocumented immigrant community - have always added to the legacy and growth of San José and should have every right to be part of the democratic process that informs what is done with their taxpayer money. In that same vein, we should continue to seek out actions that will directly translate to a higher voter turn-out for those communities, such as moving odd-numbered districts to align with Presidential Election Cycles and moving even-numbered districts to align with Gubernatorial Election Cycles.

According to County data, Santa Clara County is home to a non-citizen population of 366,567. Of that number, it is estimated that 208,691 non-US Citizen immigrants hold some form of legal protection such as TPS, DACA, and Legal Permanent Residence. There are 157,876 Santa Clara County residents who are truly undocumented, meaning they have no form of legal protection. To give a picture of the diversity of our undocumented population, a report done by the Migration Policy Institute shows that Santa Clara County is home to an undocumented population consisting of 3,000 individuals from Korea, 7,000 individuals from Vietnam, 23,000 individuals from India, and 69,000 individuals from Mexico/Central America.

According to New American Economy, it is estimated that in 2018, immigrants in the San José Metro Area - a portion of which are undocumented - brought in \$5.3 billion in state and local taxes alone. Federally, the immigrant contribution is \$12.9 billion. The cumulative total stands at \$18.2 billion in taxes. More so, the economic power that our undocumented immigrant community adds to the California GDP is remarkable. According to a report done by the Center for American Progress, if removed, it is estimated that the GDP in California would fall by \$103 billion annually, roughly a 5 percent drop. As shown during the COVID-19 pandemic, our most critical essential workers were our farmworkers, many of whom are undocumented immigrants. And this is in the background of a USC study, which found that “Latino/a immigrants of working age are 11 times more likely to die from COVID than US-born men and women who are not Latino/a. Put simply; our undocumented immigrant community was those essential workers who risked their lives to allow for others to shelter in place, keep the lights on and keep food on the table.

And these are the same folks that for decades have been taxed without representation and must go out of their way to get their children or anyone with the ability to vote to consider them when casting their ballot. Furthermore, the children of those same essential workers are the next generation of Californians who will take on the responsibility to vote and give voice not only to themselves, but also their parents. We have an opportunity to join a growing list of cities and

municipalities that are giving voice to those who have been shut out of participating in decision-making that affects their everyday lives.

For context, during the first 150 years of U.S history, 40 states allowed non-citizens to vote in local, state and federal elections at different points, coming to an end as rampant xenophobia and racism narrowed the scope of voting rights to privilege those in power. Historically, too, the United States Constitution gives States power over voting rights, and currently, no state law in California prohibits non-citizens from voting in local elections. Rather, the California Constitution's home rule law gives local jurisdictions the power to regulate city elections.

There are currently 14 municipalities across the U.S. that permit non-citizens to vote in local elections. 11 of these municipalities are in Maryland, two in Vermont and one in California.

In 2016, voters in San Francisco approved Proposition N, which permits non-citizen parents of children in public schools to vote in school board elections. Currently, the city of Richmond, California, is directing the city attorney to conduct a sweeping review of the city's charter along with legal research to determine whether it can allow non-citizens to participate in local elections. Now, New York City Council has approved a bill, Intro 1867, that allows legal permanent residents and those with work authorizations to vote in municipal elections and register as members of political parties, giving voting rights to approximately 900,000 legal non-citizens of New York City. Reflected in these measures is the understanding that when done right, democracy is challenging and even uncomfortable to those content with the status quo.

To inform those who may not know, the costs and time needed to naturalize are a major deterrent. Most legal permanent residents (LPR's) must be residents in the United States for five years to be eligible for naturalization. The cost of an application is \$725. The threat of regulations raising that price further and the average processing time of 11.5 months correlates to a high number of LPR's never naturalizing. According to the latest available DHS estimates there were 13.1 million legal permanent residents residing in the United States as of January 1, 2013, of whom 8.8 million were eligible to naturalize but did not do so. To further add to this list of pitfalls, USCIS referred 22 percent more naturalization cases to its Fraud Detection and National Security Directorate in FY 2019 than in FY 2018, showing that the lens with which they process applications is becoming arbitrarily more stringent and pointing to xenophobia and racism within their system.

The road to U.S. citizenship is a broken one, and the Federal Government has failed our people. The system is broken; there is no "line" to wait in. We have seen time and time again that it is up to local jurisdictions to impact change. We improve the quality of life for residents, and it is at the local level that we lead. We are the ultimate safeguard for our folks.

To say that our undocumented immigrant community is our strength is not doing them justice. They are the foundation upon which we have built our nation and city, and as the tenth-largest city in the United States, we can lead on ensuring representation for them and providing them the same privileges as citizen voters in local San José elections. Likewise, understanding that as a nation we are having a reckoning regarding voting rights, seeing as the national government is grappling with the Voting Rights Act, we have an opportunity to meet the moment, expand representative democracy, and add to the legacy of justice. Ultimately, reflecting on the spirit of being a Sanctuary City emphasizes our commitment to that undocumented, immigrant

community that has built and maintained our city through various challenges such as the Great Recession, the racist agenda of President Trump, and the ongoing COVID-19 pandemic.

DEFINITIONS:

Municipal election. The term "municipal election" means the designation, nomination and election process for the offices of mayor, city council member, and school board. Municipal elections include all primary, special, general and run-off elections for such offices, and all municipal ballot measures.

Municipal voter. The term "municipal voter" means a person who is not a United States citizen on the date of the election in which they are voting, who has been a resident of the city of San José for 30 consecutive days or longer by the date of such election, who meets all qualifications for registering to vote under the election law, except for possessing United States citizenship, and who has registered to vote with the determined agency.

Municipal voter registration. The term "municipal voter registration" means the method by which the determined agency registers and maintains new municipal voters.

Resident of the City of San José. The term "resident of the City of San José " means a person over the age of 18 who resides within any of the 10 districts of San José, not including county pockets.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

Exhibit A – New Americans in San José Metro Area, 2018 Data

New Americans in San José Metro Area

A Snapshot of Demographic and Economic Characteristics of Immigrants in the Metro Area¹

New American Economy | State & Local

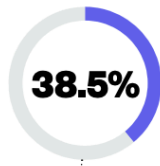


Since the onset of the COVID-19 pandemic, local leaders in communities across the country have been working tirelessly to ensure that all community members have access to the services and support they need. The immigrant population is both essential to our country's rapid response efforts and especially vulnerable to gaps in our social safety nets. Understanding this population will help better inform local leaders as they aim to implement inclusive emergency response policies.

OVERVIEW

Immigrant Residents, 2018

762,784



Immigrant Share of Population, 2018

396,217

Immigrants who were **Naturalized** U.S. Citizens, 2018



Naturalized Share of Immigrants, 2018

157,876

Undocumented Immigrants, 2018



Undocumented Share of Immigrants, 2018

82,748

Immigrants who were Likely **Refugees**, 2018²



Share of Immigrants who were Likely **Refugees**, 2018

15,884

DACA-Eligible Immigrants, 2018



DACA-Eligible Share of Immigrants, 2018

SPENDING POWER & TAX CONTRIBUTIONS³

Given their income, immigrants contributed significantly to state and local taxes, including property, sales, and excise taxes levied by state and local governments.

\$53.9B

Immigrant Household Income, 2018

\$35.7B

Total Spending Power

State & Local Taxes Paid \$5.3B⁴

Federal Taxes Paid \$12.9B⁵

Total Taxes Paid \$18.2B

LANGUAGE

Top Five Languages Immigrants Spoke at Home Other than English

SPANISH	23.0%
CHINESE ⁶	16.4%
VIETNAMESE	11.6%
HINDI & RELATED	10.5%
FILIPINO, TAGALOG	7.0%

Top Five Languages of Immigrants with Limited English language Proficiency

21.6% of immigrants, or 164,862, living in the metro area had limited English language proficiency.⁷ Among them, the top five languages spoken at home other than English were:

- SPANISH (43.4%)
- VIETNAMESE (22.6%)
- CHINESE (17.6%)
- FILIPINO, TAGALOG (3.0%)
- HINDI & RELATED (3.0%)

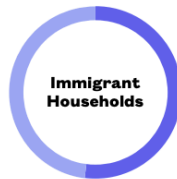
FRONTLINE WORKERS

Immigrants serve in essential industries and carry out vital roles that keep the country functioning. In the metro area, immigrants are working in frontline and essential industries during the Covid-19 crisis.

Number of Immigrants	Industry	Share of Workforce
6,953	AGRICULTURE	68.1%
3,019	FOOD PROCESSING	62.9%
7,447	MEDICAL EQUIPMENT & SUPPLIES MANUFACTURING	54.5%
2,609	PHARMACEUTICAL & MEDICINE MANUFACTURING	53.9%
1,993	FOOD WHOLESALE TRADE	53.7%
27,627	RESTAURANTS & FOOD SERVICE	49.9%
1,422	PHARMACIES & DRUG STORES	45.3%
34,767	HEALTHCARE	43.5%
7,327	TRANSPORTATION & WAREHOUSING ⁸	42.9%
5,868	GROCERY STORES & SUPERMARKETS	38.1%

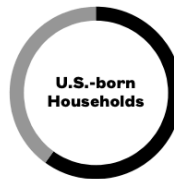
HOUSING CONDITIONS

The COVID-19 economic upheaval has highlighted the need for stable housing.



Among immigrant households in 2018...

- 52.1% Owned their own Homes (159,759)
- 47.9% were Renters (146,666)



Among U.S.-born households in 2018...

- 59.9% Owned their own Homes (205,858)
- 40.1% were Renters (137,792)

ENTREPRENEURS

While all Americans are struggling to adapt to their new reality in a time of economic shutdown, **entrepreneurs within particularly vulnerable industries in the metro area face severe challenges posed by the crisis.**

8.4% of all employed immigrants are entrepreneurs

Number of Entrepreneurs	Industry	Share of Entrepreneurs who are Immigrants
3,068	HOSPITALITY	67.4%
10,861	GENERAL SERVICES ⁹	58.3%
5,423	RETAIL TRADE	58.2%
8,855	CONSTRUCTION	47.9%
3,813	MANUFACTURING	47.7%
5,877	HEALTHCARE	43.4%
22,859	PROFESSIONAL & BUSINESS SERVICES ¹⁰	40.5%

ENDNOTES

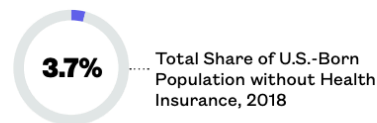
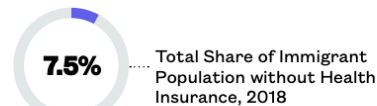
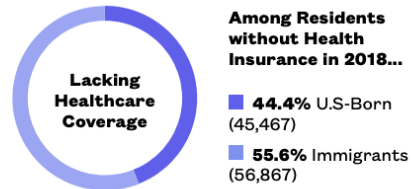
- 1 Unless otherwise specified, data comes from 5-year samples of the American Community Survey from 2018 and figures refer to San Jose Metropolitan Statistical Area, California.
- 2 New American Economy. 2017. "From Struggle to Resilience: The Economic Impact of Refugees in America."
- 3 Our calculation is based on data from the 1-year sample of the 2018 American Community Survey.
- 4 Institute on Taxation and Economic Policy. 2018. "Who Pays? A Distributional Analysis of the Tax Systems in All Fifty States."
- 5 U.S. Congressional Budget Office. 2019. "The Distribution of Household Income and Federal Taxes, 2016."
- 6 The Chinese language category includes multiple dialects. Mandarin is the most common Chinese language spoken in SJ Metro Area, followed by Cantonese based on available data.

HEALTHCARE COVERAGE

Access to healthcare and medical services remains critical during this pandemic.

102,334

Number of Residents without Health Insurance, 2018



- 7 Limited English proficiency refers to an individual in the 2018 ASC who is reported to speak English "less than well."
- 8 These industries include rail, water, truck, and pipeline transportation, bus and public transit, postal service, couriers and messengers, warehousing and storage.
- 9 General services include personal services (e.g. laundry services, barber shops, and repair and maintenance), religious organizations, social services, and labor unions.
- 10 Most of these industries include professions that require a degree or a license, such as legal services, accounting, scientific research, consulting services, etc.