



**POLICY BRIEF 2022**

# **Municipal Voting Status for Permanent Residents**

*Amy Min Byol Kim*

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the *xʷməθkʷəyəm* (Musqueam), *Sḵwxwú7mesh* (Squamish) & *səlilwətaɣ* (Tseil-Waututh) Coast Salish peoples.

#### GRAPHIC DESIGN

And Also Too

#### COVER ILLUSTRATION

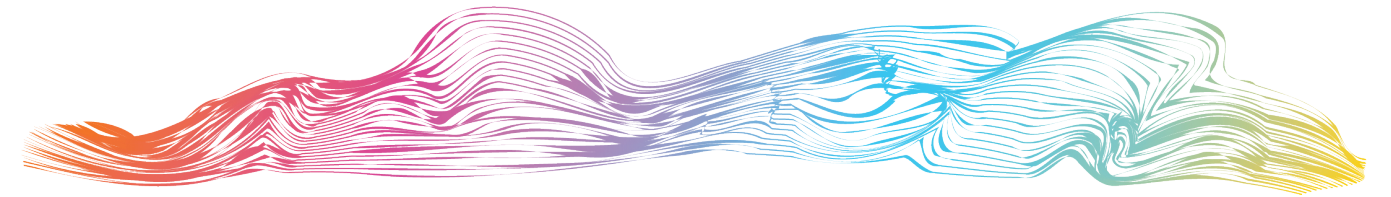
Yaimel López

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Mike Wells

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# About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

### LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL BIPOC Granting

### About the LEVEL Youth Policy Program (LEVEL YPP)

The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous and racialized Newcomer youth are dispropor-

tionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.<sup>1</sup> As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the *həŋq'əmin'əŋ*-speaking Musqueam peoples, of the Halkomelem-speaking Tseil-Waututh peoples, and of the *sníchim*-speaking *Sḵwxwú7mesh* (Squamish) peoples.

1. <https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>

# Biography

Amy Min Byol Kim



*Amy immigrated to so-called “Canada” with her family at the age of 10, and their eight-year journey to find permanent residency was met with bureaucratic and language barriers. They all worked tirelessly, but there was difficulty in adapting to a new culture. It was many years after her university education that Amy learned the truth about “Canada” and the ongoing genocide that is still taking place today. Since then, she began reorienting herself and using her energy to fight against colonialism, capitalism, and for migrant rights.*

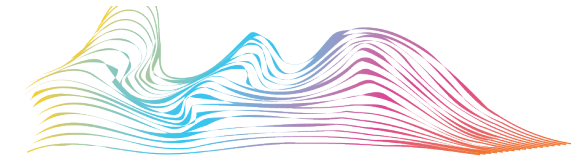
*In her spare time, Amy enjoys watching esports and playing various genres of video games. She hopes to exercise her passion in finding a career in the gaming industry.*

# Executive Summary

*A resolution was passed by the Union of British Columbia Municipalities in 2019 to call for voting status of Permanent Residents in municipal elections.*

The Province of British Columbia responded, but it has yet to start a conversation around the implications.

Upon addressing some legal and constitutional implications, the policy brief recommends that Permanent Residents receive municipal voting eligibility by amending section 65 (1)(b) of the Local Government Act of BC to include “.. or a permanent resident.”



***This policy brief recommends that Permanent Residents receive municipal voting eligibility after living in Canada continuously for 12 months along with any other qualifications that British Columbia imposes upon citizens.***

# Issue/Purpose

*A resolution was passed by the Union of British Columbia Municipalities in 2019 to call for voting status of Permanent Residents in municipal elections.*

For many years, Canada attributed its economic success to immigrants due to its aging population. Recently, Immigrant, Refugee, and Citizenship Canada (IRCC) stated that “[i]mmigration...will be particularly important during Canada’s post-pandemic recovery.”<sup>1</sup> As statistics suggest, over one quarter of the working age population (from ages 25 to 54) in Canada is made up of immigrants,<sup>2</sup> and they also account for one out of four health-care sector workers.<sup>3</sup>

This certainly does not exclude BC. Approximately 48.9% of the population in the Metro Vancouver area self-identify as visible minorities.<sup>4</sup> This shows a great possibility that an average citizen in Metro Vancouver has personal relationships with immigrants. They are the people that residents of Metro Vancouver care about.

Yet, when immigrants want to contribute politically, there is no avenue available in any Canadian political system via voting. Immigrants face a different degree of the law, unlike your everyday citizen who received status by birth, from a democratic system that welcomed their productivity but not expression.

Motion B109,<sup>5</sup> which allows Permanent Residents the right to vote in municipal elections, was passed at the Union of British Columbia Municipalities (UBCM) Conference in 2019. Then, the Province of British Columbia issued a response seeking a deeper understanding of “the legal and constitutional implications of any proposed changes.”<sup>6</sup> Since then, any further conversations from exploring the implication of these changes has not been initiated by the Province. It has been two years, and as our society moves toward being more just and equitable with motivations inspired by the pandemic, it is imperative to answer the call of the resolution.

The purpose of this policy brief is to start the conversation and bring the possible legal and constitutional implications to the surface. Through the analysis of these implications, this policy brief recommends that Permanent Residents receive municipal voting eligibility by amending section 65(1)(b) of the Local Government Act of BC to include “..or a permanent resident.”



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# Background

Before the motion was brought forth to UBCM in 2019, the call for voting status among Permanent Residents in Metro Vancouver and the Fraser Valley had already begun by organizers. Multiple organizations such as Lead Now<sup>7</sup> and Fresh Voices<sup>8</sup> mobilized the public with a petition, and the petition is still active with the most recent signature added in September 2021. Further, it should be noted that the public’s response was positive in multiple surveys,<sup>9</sup> the most recent of which was an article published in November 2020.



The above information is not a surprise as immigrants contribute to, and engage in, the political, social, and cultural society of BC as much as citizens do,<sup>10</sup> so the call for Permanent Resident voting status in municipal elections among the public still continues.

The response was published in 2019, and yet there has been no further correspondence,

and/or efforts to consult on the implications from the Province. With the 2022 municipal elections around the corner, this is the best time to grant municipal voting status for Permanent Residents, enhance democracy in local communities, and become the first province to grant non-citizens voting status.

**Ballot from the riding of Palliser in Regina, Saskatchewan for the 2008 federal election in Canada. Photo by Dean Shareski, Wikimedia Commons.**



**With the 2022 municipal elections around the corner, this is the best time [for BC] to grant municipal voting status for Permanent Residents, enhance democracy in local communities, and become the first province to grant non-citizens voting status.**

# Discussion

The response from the Province reinforces the way citizenship is understood commonly among governments as “a fundamental democratic right of citizenship.”<sup>11</sup> It shows that citizenship is what grants one to vote, which is in agreement with the Local Government Act of BC and the Charter of Rights and Freedom.

There are no opposing legal or constitutional implications in allowing Permanent Residents to vote in municipal elections, and it does not affect a citizen’s right to vote at any level of government. In fact, many civil liberties associations<sup>12</sup> showed support for Permanent Residents having municipal voting status. The burden of amending the Local Government Act would fall to the Province, but it is such a small price to pay as the Province is moving toward affirming human rights, starting with ending the Canadian Border Services Agency (CBSA) contract to detain immigrants and refugee claimants at the border.<sup>13</sup>

Also, the Supreme Court interprets democratic rights in the Charter as having the “right to play a meaningful role in the democratic process.”<sup>14</sup> Again, this does not challenge Permanent Residents gaining municipal voting rights nor does it diminish citizens’ right to vote.

Further, in the United States, many state constitutions do not have non-citizen voting rights enshrined, and among those states, few cities have allowed non-residents local voting status, i.e., Maryland.<sup>15</sup>

The essence of any democratic process calls for dissent from everyone, and to disenfranchise a large group of residents that are permanent strays far from any democratic principles.



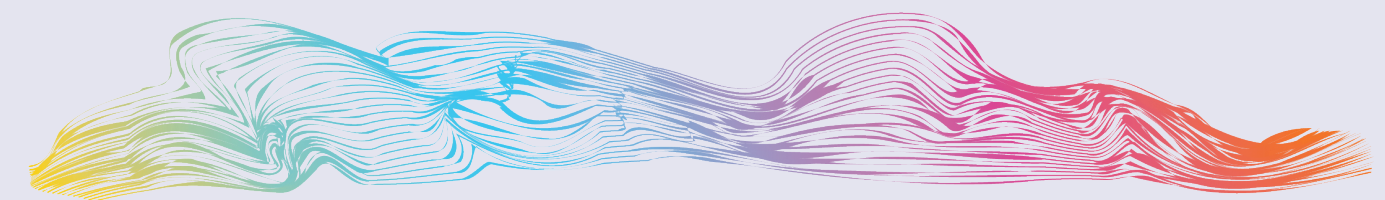
***The burden of amending the Local Elections Act would fall to the Province, but it is such a small price to pay as the Province is moving toward affirming human rights.***

# Policy Recommendations

**This policy brief recommends the Province to include Permanent Residents as an elector by amending the Local Government Act. They will be subjected to the same qualifications that BC imposes upon citizens as well** (for example, you must live in the city in which you are voting, you must live in BC at least six months before the registration date, etc.). It also seems to pose no problem in New Zealand, another commonwealth country, as it implemented non-citizen voting status since 1975. In terms of administrative work, a qualification check for permanent residents is simple to perform as municipalities are already verifying among citizens.

**In consideration of implementing the policy, there needs to be Indigenous consulting groups to further guide unforeseeable implications that aligns/misaligns the affirmations of Indigenous self-sovereignty:** the United Nations Declarations of Rights of Indigenous Peoples Act (UNDRIPA), and the 94 calls to action from the Truth and Reconciliation Commission (TRC). It is also strongly recommended that they receive appropriate compensation for their time, knowledge, and energy.

# Conclusion



The trajectory of a contemporary political scene is heading toward diversity of people in ideas, backgrounds, values, and needs. Considering the UBCM resolution, this is an opportunity for the Province of BC to embrace a new route of inclusivity. Permanent Residents who found homes in BC should have a say in what their future holds within their local communities.

***Permanent Residents who found homes in BC should have a say in what their future holds within their local communities.***



## ENDNOTES

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Vancouver Foundation is Community Inspired. We are a community foundation that connects the generosity of donors with the energy, ideas, and time of people in the community. Together, we've been making meaningful and lasting impacts in neighborhoods and communities since 1943. We work with individuals, corporations, and charitable agencies to create permanent endowment funds and then use the income to support thousands of charities. We recognize that communities are complex and that collaboration between multiple stakeholders is needed to help everyone thrive and evolve. Vancouver Foundation brings together donors, non-profits and charities, government, media and academic institutions, local leaders, and passionate individuals to build meaningful and lasting change in the province of British Columbia. We see young people, their voices and experiences as part of that vision to building meaningful change.

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