

# INCLUSIVE VOTING RIGHTS

## EXTENDING VOTING RIGHTS BEYOND RESIDENT VOTERS<sup>1</sup>

### February 2025

#### Rhode Island Fire District Model for beach communities

#### Voting Electorate in Rhode Island “Beach” Fire District Communities

Fire District	Beach Community?	Town Registered Voters?	Property Owners?	Source
Quonochontaug	Yes	Yes	Yes	<a href="https://www.quonniecentral.org/resources/common/userfiles/file/By-Laws%209-27-15%20.pdf">https://www.quonniecentral.org/resources/common/userfiles/file/By-Laws%209-27-15%20.pdf</a>
Shady Harbor	Yes	Yes	Yes	<a href="https://www.shadyharbor.org/file/document-page/1849202946/Htlw5cnH8Tks ejt3.pdf">https://www.shadyharbor.org/file/document-page/1849202946/Htlw5cnH8Tks ejt3.pdf</a>
Bonnett Shores <sup>2</sup>	Yes	Yes	Yes	<a href="https://bonnetshores.org/wp-content/uploads/2025/02/2024_08_19_Decision_Transcript.pdf">https://bonnetshores.org/wp-content/uploads/2025/02/2024_08_19_Decision_Transcript.pdf</a>
Misquamicut	Yes	Yes	Yes	<a href="https://misquamicutfiredistrict.org/about/charter-by-laws/MFD-Charter.html">https://misquamicutfiredistrict.org/about/charter-by-laws/MFD-Charter.html</a>
Watch Hill	Yes	Yes	Yes	<a href="https://watchhillfiredistrict.org/charter/">https://watchhillfiredistrict.org/charter/</a>
Weekapaug	Yes	No <sup>3</sup>	Yes	<a href="https://www.weekapaug.org/file s/ugd/fe25ea_eb1b56f4532843e0a03bb3584bd4a343.pdf">https://www.weekapaug.org/ file s/ugd/fe25ea_eb1b56f4532843e0a03bb3584bd4a343.pdf</a>

<sup>1</sup> Those Registered to Vote in the Town/Municipality that includes the Fire District

<sup>2</sup> The "fire districts" of Bonnet Shores (Narragansett), Buttonwoods (Warwick), Pojac Point (North Kingstown), North Tiverton, Portsmouth Water & Fire, and Stone Bridge (Tiverton) do NOT provide fire services and the towns where they are located in have a municipal fire department that covers the whole town. The above noted "fire districts", however, provide either water, recreational services or road maintenance in the town where they are located. (Footnote credit: [RI Division of Municipal Finance April 2020](#))

<sup>3</sup> Residents are not called out specifically in governing documents. The actual practice to be confirmed

## **Other US Municipalities Extending Voting Rights**

### **National Conference of State Legislatures**

According to the [National Conference of State Legislatures](#), as of December 21, 2023, eleven states have statutes that permit nonresidents, such as second-home owners or business owners, to vote in local, municipal, and/or special district elections.

Two states allow nonresident voting in municipal or town elections:

- Connecticut: [Conn. Gen. Stat. § 7-6](#)
- Delaware: [Del. Code tit. 22, § 835](#) and example: [Governor Carney signs Rehoboth voting charter changes into law | City of Rehoboth](#)

Ten states allow nonresident voting in certain special district elections. New Mexico and Delaware have provisions allowing nonresidents to vote in special district elections in addition to municipal elections.

- **Arizona:** [Arizona Revised Statutes Title 48. Special Taxing Districts § 48-404 | FindLaw](#)
- **Arkansas:** [Ark. Code § 14-123-302](#) or [Arkansas Code § 14-123-302 \(2023\) - Voting by nonresident bondholders :: 2023 Arkansas Code :: U.S. Codes and Statutes :: U.S. Law :: Justia](#)
- **California:** [Cal. Elec. Code § 12286](#)
- **Colorado:** [Colo. Rev. Stat § 37-20-116](#); [Colo. Rev. Stat § 37-26-103](#); [Colo. Rev. Stat § 37-41-104](#); and [town-of-mountain-village-home-rule-charter.pdf](#) and [Title 1 - Elections - Colorado Revised Statutes 2024](#) and [Copy of Colorado Election Rules \(8 CCR 1505-1\)](#) and [See May vs Town of Mountain View](#)
- **Delaware:** [Del. Code tit. 16, § 1402](#)
- **Nebraska:** [Neb. Rev. Stat. § 31-407](#)
- **New Mexico:** [New Mexico Statutes Section 73-18-30 \(2023\) - Qualifications of electors. :: 2023 New Mexico Statutes :: U.S. Codes and Statutes :: U.S. Law :: Justia](#)
- **Oregon:** [Or. Rev. Stat § 545.207](#) or [https://oregon.public.law/statutes/ors\\_545.207](https://oregon.public.law/statutes/ors_545.207)
- **Tennessee:** [Tenn. Code Ann § 2-6-205](#); and [Can Non-resident Property Owners Register to Vote? | Tennessee Secretary of State](#) and [Non-Resident Property Rights Voting](#)
- **Wyoming:** [Wyo. Stat. § 41-7-832](#)

## **Supporting Legal Publications on the Extension of Voting Rights**

**Joshua A. Douglas** is the Acting Associate Dean for Research, the Ashland, Inc.-Spears Distinguished Research Professor of Law, and a University Research Professor at the University of Kentucky J. David Rosenberg College of Law. He teaches and researches election law and voting rights, civil procedure, constitutional law, and judicial decision making. Attorney Douglas has written 32 Scholarly Articles on voting and elections. In 2024, he was [listed](#) as one of the top 10 most cited U.S. scholars on Election Law.

Link to full BIO: [Joshua A. Douglas](#)

Link to Joshua Douglas [publications on voting rights](#)

### **Relevant Article on expanding voting rights at the local level:**

**George Washington Law Review (2017)/University of Kentucky: ["The Right to Vote Under Local Law" by Joshua A. Douglas](#) . CONCLUSION as published in article:**

*Strong policy arguments support an expansion of the right to vote for local offices. History shows that some individuals initially gained the right to vote through municipal ordinances. Enhanced local voting rights will produce a more representative local government, create a habit of voting for various groups such as younger voters that will ameliorate low turnout, and strengthen local democracy. In some states, supporters of local voting rules must pass a state constitutional amendment or legislative fix. These states should change their laws to give municipalities a say in who can vote for local offices. In states where municipalities already have more control over their elections, any new voting rules may result in legal challenges. Courts should defer to local laws that expand the franchise, while training a more skeptical eye on voter restrictions. This deference best comports with a notion of democracy that favors inclusivity and permits local jurisdictions to experiment with different forms of representation. Technology can solve any issues of implementation. The time is ripe, then, for every jurisdiction in the United States to expand the local electorate—for sixteen- and seventeen-year-olds, noncitizens (who are lawful permanent residents), nonresident property owners, felons, or anyone else that the local population believes has a sufficient tie to the community, stake in local governance, and cognitive ability. Local expansions of the right to vote will help to improve our democracy by including more people in the democratic process*

### **Further Reading:**

- **US Constitution – 10<sup>th</sup> Amendment:** [U.S. Constitution - Tenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](#)
- **Home Rule:** [Home rule in the United States - Wikipedia](#)
- **National League of Cities (pg 64)** [Principles of Home Rule for the 21st Century](#)
- **Montana Special Districts:** [SpecDist\\_StatutoryAuthority.pdf](#)
- **Independent Voter News Article:** [Can Non-Residents Vote in Local Elections Where They Own Property? | Independent Voter News](#)