



FOR THE RECORD

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

WILLIAM M. HEINZEN
DEPUTY COUNSELOR TO THE MAYOR

May 9, 2013

Hon. Gale Brewer
Hon. Daniel Dromm
New York City Council
250 Broadway
New York, NY 10007

Re: Introduction No. 410

Dear Chairpersons Brewer and Dromm:

I am writing on behalf of Mayor Michael R. Bloomberg regarding Introduction 410, which would amend the City's Administrative Code to allow certain non-United States citizens to vote in municipal elections, and direct the Board of Elections to take various actions to accommodate this new class of voters, including the preparation and distribution of special municipal registration forms.

Although the Administration supports the goals of increasing voter participation and further including non-citizen New Yorkers within the fabric of civic life, we also believe that non-citizens should be encouraged to seek U.S. citizenship in order to participate in the full range of privileges and responsibilities that come with it, including voting rights. Moreover, we have serious concerns about Intro. 410's legality and believe that it is barred by New York's Constitution. We note that, even if it were not barred, Intro. 410 would require approval by the City's voters in a referendum, and it would also require preclearance under the Voting Rights

Act. Because Intro. 410 is legally infirm, its most likely result would be expensive litigation without actually allowing non-citizens to vote.

As a general matter, the United States Constitution permits states and localities to restrict voting privileges to United States citizens. Sugarman v. Dougall, 413 U.S. 634, 647-649 (1973). The New York State Constitution does not permit non-citizen voting, in municipal elections or otherwise. Article II, § 1 of the State Constitution provides that “Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days next preceding an election.” Section 5-102(1) of the State’s Election Law implements the citizenship criterion in the Constitution by providing that “No person shall be qualified to register for and vote at any election unless he is a citizen of the United States and is or will be, on the day of such election, eighteen years of age or over, and a resident of this state and of the county, city or village for a minimum of thirty days next preceding such election.”

Article II § 1’s restriction of the voting franchise to citizens is applied to elections for local office by the Home Rule provisions of Article IX of the State Constitution, which requires local legislative bodies to be “elective by the people” of the local government and further states that other local elective officers are to be “elected by the people of the local government...” Article IX §1(a),(b). Significantly, the “people” are defined as “[p]ersons entitled to vote as provided in section one of article two of this constitution” (Art. IX §3 (d)(3)), that is, “citizens.”

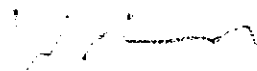
Thus the State Constitution's limitation of the franchise to "citizens" has been incorporated directly into its provisions concerning election of local officers.

Even if there were no state constitutional bar to non-citizen voting, the new election-related procedures and requirements of Intro. 410 could not be enacted by Council action alone, but would require a referendum of the current City electorate for implementation. Both the Municipal Home Rule Law and the Charter require a referendum for any local law that "changes the method of nominating, electing or removing an elective officer..." Municipal Home Rule Law § 23 (2)(e); Charter §38 (4). A substantial alteration in the composition of the electorate by local legislative action, accompanied by new procedural requirements, would fall within both the plain language of these referendum requirements and their intent that significant changes in local election schemes be approved by the electorate. Intro. No. 410, however, does not provide for a referendum.

Finally, an expansion of the franchise to non-citizens would require Department of Justice preclearance for those counties within New York City that are subject to section 5 of the Voting Rights Act (42 U.S.C. §1973c), and would also be required to satisfy the standards of section 2 of that Act. 42 U.S.C. §1973.

For all of these reasons, the Administration respectfully opposes Intro. 410.

Sincerely,



William Heinzen

Northern Manhattan COALITION FOR IMMIGRANT RIGHTS

**TESTIMONY OF NORTHERN MANHATTAN COALITION FOR IMMIGRANT RIGHTS
New York City Council Committee on Immigrant Affairs
Hon. Daniel Dromm, Chair**

Int. No. 410-2010

A Local Law to amend the New York city charter, in relation to allowing immigrants lawfully present in New York city to vote in municipal elections.

May 9th, 2013

Good Afternoon. I want to thank the members of the City Council for this opportunity to speak. My name is Angela Fernandez and I am the Executive Director for the Northern Manhattan Coalition for Immigrant Rights (NMCIR), a 30 year old community based organization that serves thousands of immigrants a year. The majority of individuals served by our organization are legal permanent residents of the United States who reside primarily in the Bronx and the Northern Manhattan neighborhoods of Hamilton Heights, Washington Heights, and Inwood.

NMCIR serves 6,000 immigrants annually, a large proportion of them being legal permanent residents who pay hundreds of thousands of dollars in income, sales, city and state taxes, yet they do not have the ability to vote for those who administer and control their taxes. Many of the legal permanent residents we serve are enlisted in the US military and fight our wars, they work for the NYC Department of Education, are employed by our city hospitals, or own businesses, yet they do not have the right to vote. Their economic contribution to the city of New York runs in the millions, yet they do not have the right to vote.

In addition to providing high quality legal services we promote civic participation and responsibility to educate and prepare our members for eventual citizenship. We can not think of a better way to increase government accountability through civic participation than by enfranchising legal permanent residents who are so deeply woven into the fabric of our economy and community.

Currently, noncitizens vote in Chicago and in six towns in Maryland for a total of seven jurisdictions nationwide. In Massachusetts four towns have passed local laws but await state enabling legislation to implement. More than a dozen other cities are considered restoring immigrant voting rights, including San Francisco and Portland, Maine. And in 40 countries around the world, immigrants have had the right to vote for decades. New York City, the immigrant city, should be a leader in immigrant voting rights.

I commend the co-sponsoring City Council members of this bill for their vision in embracing universal enfranchisement. Thank you.

Statement for the hearing on Thursday May 9, 2013 of the City Council of New York by Peter A. Geffen

I am a New Yorker. I was born in 1946 at Beth Israel Hospital. I was raised in Rego Park, Queens. I went to outstanding public schools including Forest Hills High School and Queens College. I have lived here all of my life. I left only to travel and for two extraordinary experiences as a civil rights worker in Orangeburg, South Carolina in the summers of 1965 and 66. I worked for Dr. King's Southern Christian Leadership Conference's SCOPE project. And what was my work? In 1965, attempting to register local African-Americans to vote. In 1965 they were consistently denied that right. By 1966, with the voting rights act passed we assisted them in the process of legal registration. I had never fully appreciated the importance and the power of the right to vote until those powerful encounters in the South. And I have never forgotten.

In my professional life in our wonderful city I have worked as a Jewish educator. A universalist in a particularist world. I am the Founder of the Abraham Joshua Heschel School on our Upper West Side here in Manhattan. Rabbi Heschel, as some of you may know and/or remember, was a remarkable prophetic religious leader. He and Dr. King became fast friends from the moment of their meeting in 1963 until King's tragic assassination in 1968. Both were profoundly committed to securing basic human rights for all people. It was my privilege to learn from both.

Now I travel with college-aged students to many parts of the world, studying the various religions and culture of our richly diverse world. I listen to young people all over the world speak, often with envy, of the absolute right to vote inherent in the American dream. They look to us as beacon of their future. A future of human rights that center around the right to vote. To express your opinion and to be fully represented in the halls of government.

With this background I come before you today with a very simple purpose: to lend my small voice to the ground-swell of support for the expansion of voting rights here in our great international city to the many resident aliens who do not have the right to vote for their local representatives. Who cannot have their needs and their aspirations heard in the decision-making halls of our local government. They live amongst us. They work with us. They pay their taxes. They spend their often hard-earned money in our stores and businesses. They send their children to our schools, participate in our PTA's, attend our churches, mosques, Temples and Synagogues, volunteer in our many not-for-profit organizations...in other words they are fully functioning "as-if" citizens...but they cannot vote. The most essential and elementary human right is not theirs.

Those of you who support this proposed legislation have my deep appreciation. But for those who are not yet sure how you will vote, and certainly to those who are determined to oppose it, I ask you to reach deep down inside your heart, in the privacy of your own conscience and think of those who ride the buses and subways with you each day but cannot vote for you, or cannot ask you to represent their needs, their wishes...I ask you to join in extending the voting rights for which we all fought decades ago for one segment of our society, to ALL who live within our community. Thank you.



70 West 36th Street, Fifth Floor, New York, NY 10018
Tel: 212-967-0322 Fax: 212-967-0792
www.unhny.org

Testimony of United Neighborhood Houses
Before the New York City Council
Presented by Kevin Douglas, Policy Analyst

Committee on Immigrant Services; Honorable Daniel Dromm, Chair
Committee on Governmental Operations; Honorable Gale Brewer, Chair

Intro 410: Allowing Immigrants Lawfully Present in New York to Vote in Municipal Elections

May 9, 2013

Good afternoon Chair Dromm, Chair Brewer and members of the Immigrant Services and Governmental Operations Committees. My name is Kevin Douglas and I am a Policy Analyst with United Neighborhood Houses (UNH). UNH is New York City's association of 38 settlement houses and community centers, spanning the five boroughs with over 400 program sites. Rooted in the settlement house model of providing neighborhood based, comprehensive and asset-styled programming, our members provide culturally competent services to over 500,000 children, youth, immigrants, adult learners, and older adults each year. We appreciate the opportunity to testify this afternoon in support of Intro 410, "A Local Law to amend the New York City charter, in relation to allowing immigrants lawfully present in New York City to vote in municipal elections".

From Jackson Heights to the Lower East Side to Sunset Park, our members provide services in some of the most ethnically diverse neighborhoods across the city, and as a result, serve large numbers of "new New Yorkers". While these services often consist of the same types of programming native-born residents benefit from, such as access to affordable childcare, safe afterschool youth programming, and quality case management for homebound older adults, these programs also have a strong integration element- including literacy and legal service supports designed to help immigrant New Yorkers more readily assimilate into the American culture and formal systems.

Despite the provision of these services we recognize that for an individual or family to fully partake in our society, they must also be afforded one of the essential hallmarks of our nation- the right to participate in, and influence the democratic processes and outcomes that impact one's life, family and community. The right of individuals to vote for the leaders responsible for

the apportionment of tax revenues, and the setting of policies and laws by which individuals must abide, provides a fundamental safeguard against tyranny, oppression and neglect of the needs of a people. By granting the right to vote in municipal elections to legal permanent residents, New York City will enjoy greater civic participation among a significant portion of our population, resulting in better informed and more responsive government.

While the argument has been made that voting is, and should remain a sacred privilege reserved only for citizens, given the historical record of discriminatory denial of voting privileges to certain groups, this argument should not guide the consideration of whether New York City should enfranchise permanent residents in municipal elections. It is also important to note that our nation's immigration system imposes significant roadblock and delays on the path to citizenship that results in the unjust withholding of voting rights from long-time permanent residents.

The denial of the right to vote for legal permanent residents is especially troubling in NYC given that we are the quintessential city of immigrants, with 36% of all residents being foreign-born, and fully two-thirds of the children in our public school system either being first or second generation immigrants. Despite the fact that these residents constitute 43% of the City's workforce, 49% of entrepreneurs and generate over \$215 billion in economic activity annually, nearly one million are denied the right to vote in municipal elections that have significant consequences on their lives and those of their families. In contrast, as recently as 2003, NYC actually permitted all residents, regardless of status, to vote in school board elections. Unfortunately, with the abolishment of these boards, so too was the right for these residents to have a say in their children's education abolished.

Intro 410 would restore voting rights for some of these individuals, allowing legal permanent residents to vote in important municipal elections such as races for the office of Mayor, Public Advocate and Comptroller as well as City Council elections. In fact, if and when NYC adopts these new voting guidelines, it will join a long list of countries around the world, as well as six towns within Maryland that already permit some form of democratic participation for non-citizens. As a matter of basic fairness and recognition of the fact that immigrants- our friends, families and neighbors- form the backbone of the City's economy, add the vibrant diversity that makes NYC a cultural hub and international destination, and deserve to have a voice in the decision making processes that affect their lives, United Neighborhood Houses strongly supports the adoption and enactment of Intro 410, with an effective date that will allow for meaningful participation in this fall's primary and general municipal elections.

Thank you for the opportunity to testify.

BARBARA J. BRANDES & ASSOCIATES

ATTORNEYS AT LAW
SUITE 900
225 BROADWAY
NEW YORK, NY 10007-3001
212 406-0150

IMMIGRATION AND NATIONALITY LAW

Ms. Brandes is a graduate of Benjamin Cardozo School of Law where she graduated cum laude and Brooklyn College where she graduated summa cum laude. She has been a member of AILA (the American Immigration Lawyer's Association) since 1980, has participated on numerous panels, authored several articles on Immigration Law. In addition to the representation of her in-house clients, Ms. Brandes participates in pro bono/ low-bono community-based immigration law clinics and has mentored many law students and practicing attorneys in the area of immigration law and criminal immigration law issues. She is currently serving on AILA's Rapid Response Team which is providing feedback on the immigration reform bill before Congress.

Ms. Brandes is admitted to the U.S. Supreme Court, the New York State Bar, and has appeared before the Second, Fifth and Third Circuit Courts of Appeals from which she received a published precedent decision.

Ms. Brandes is the managing attorney of Brandes & Associates, a firm which practices exclusively in the area of Immigration Law. The firm represents clients with nonimmigrant visas, immigrant family/employment-related visas/adjustment of status, asylum, removal, appeals, criminal, citizenship, and other immigration law issues. The firm specializes in complex immigration issues such as special immigrant juveniles (who are estranged from one or both parents), battered spouse/ victims of crimes cases, the recapture of Western hemisphere priority dates (where the parents, even though deceased entered the US before 1/1/77, surviving relative and military family cases, complex criminal immigration and naturalization issues.

The firm assists clients from almost every country and the in-house staff is multilingual, and services clients fluent in the Spanish, French, Hindi, Chinese, Punjabi, and Russian languages.

**Testimony of Michele Wucker,
President, World Policy Institute
“Voting for All Citizens of the City”
New York City Council
May 9, 2013**

Thank you for the opportunity to testify on why New York City should allow non-citizens who reside legally in this city to vote in municipal elections. My name is Michele Wucker. I am President of the World Policy Institute (www.worldpolicy.org), a non-partisan think tank which includes migration and citizenship among our core issues. I was awarded a Guggenheim Fellowship in 2007 to research and write about changing global views of citizenship. I am the author of *LOCKOUT: Why America Keeps Getting Immigration Wrong When Our Prosperity Depends on Getting It Right* (PublicAffairs 2006/2007) and a chapter on citizenship in *GETTING IMMIGRATION RIGHT: What Every American Needs to Know* (Potomac Books, 2009). I was a co-founder of the Immigrant Voting Project dedicated to documenting and analyzing initiatives to enfranchise non-citizens around the United States and the world.

You’ve heard important testimony today about rights, democracy, and the ways that non-citizens would benefit from being given a voice in the city’s affairs. I’m here to answer the question that many New Yorkers who are U.S. citizens might have: “What’s in it for **me**?”

All New Yorkers should care whether or not non-citizen New Yorkers can vote in city elections for the same reason that we care whether *anybody* votes at all. We can only hope that voter turnout this Fall will be better than the last mayoral election in 2009, when the 29% turnout was the lowest in 40 years.ⁱ Municipal voter participation reflects how much residents care about the city where they live and how much of a stake they feel they have. The authors of *Freakonomics* argued in *The New York Times Magazine* ~~article argued~~ that, given that the likely benefit to any one individual of casting a vote is tiny, it’s a wonder that anyone votes at all.ⁱⁱ If an individual is willing to put more effort into civic duty than he or she receives in return, why wouldn’t we want to encourage that selfless behavior?

A decade ago, the Los Angeles community of Lynwood, where 44% of voting-age residents were not citizens, discovered the hard way what happens when a large part of the community is disenfranchised. Taxpayers were funding Lynwood City Council members’ exorbitant salaries,

fancy meals and junkets to Rio de Janeiro and Hawaii. The whole city suffered because the local government was not accountable to *all* of its residents.

When a city fails to create engaged local citizens, the consequences can be devastating. In Washington, D.C.'s Adams Morgan neighborhood in 1991, ethnically charged riots inspired several suburbs to respond by granting local voting rights to noncitizen residents as a way of making sure that their concerns were addressed before they reached a breaking point.

When I first heard about the idea of noncitizen voting rights, my reaction was similar to the one I often got in the early days of the Immigrant Voting Project and the New York Coalition to Expand Voting Rights a decade ago. Why would someone bother to become a citizen if they already enjoyed the right to vote? While it is an understandable reaction, because Americans are far more likely to vote in national elections than local ones, it also is mistaken. I've been gratified to see that this knee-jerk view is giving way to a greater understanding of the incentives for becoming a citizen, and the benefits of voter engagement.

The New York movement to allow non-US citizens to vote, like many similar ones across the country, only involves city-level voting rights. You still must be a citizen to vote for, say, President of the United States. Studies have shown that the ability to vote is low on the list of reasons people naturalize.

Adopting a new nationality is an emotional and very personal decision. Legal residents must wait five years before they can even apply to become a naturalized citizen, a long and often frustrating process. For many immigrants, the big hurdle in deciding to apply for naturalization is emotional: when they say the Pledge of Allegiance, they want to mean it. They want to feel like they belong to a place before they do the paperwork and undergo a process that is more complicated and frustrating than most Americans realize. Giving incipient Americans a voice in their communities is a way to create involved, educated citizens at the local level, which will encourage many of them to go on to become U.S. citizens as well.

At the same time, by cultivating all immigrants as citizens of this great city, New York will benefit immensely by welcoming into our civic life even those individuals who may not ever naturalize. Becoming a "citizen of the city" is very different from being a citizen of a nation. While it is only logical to think long and hard before changing their nationality, people become



Testimony of FairVote – The Center for Voting and Democracy Drew Spencer, Legal Fellow

Presented to the Government Affairs and Immigration Joint Committee, May 9, 2013

About FairVote

I am a legal fellow at FairVote – The Center for Voting and Democracy. FairVote is a non-partisan, non-profit thinktank and advocacy organization working since 1992 on reforms ranging from election administration to electoral systems. Based in Maryland, FairVote works locally, statewide and nationally. FairVote has advised non-governmental organizations and policy-makers at all levels on the conduct of elections.

Analysis of Non-Citizen Resident Voting

FairVote has long advocated for an amendment to the United States Constitution explicitly affirming that voting is a fundamental right. We also advocate for local legislation expanding voting rights to youth after they turn 16. Although we do not have a position on voting rights for non-citizen residents, we believe commitment to a right to vote demands openness to expansion of suffrage rights to all members of a community with a stake in the outcome. When it comes to the right to vote, strict scrutiny should be applied to decisions to deny voting rights. As more communities debate FairVote's Promote Our Vote resolutions to support a constitutional right to vote and commit to local actions to encourage voter turnout and uphold suffrage rights, we believe more communities will join New York City in debating this change.

Resident voting was common earlier in our nation's history, and it remains in place today in many towns and cities. Towns in Maryland that permit non-citizens to vote include Chevy Chase Section 3, Garrett Park, Somerset, Martin's Addition, Barnesville, and Takoma Park (where FairVote is headquartered). These towns have made a decision that if a resident pays taxes and either pays rent or owns property within their borders, that person deserves a voice in city government. Even a town as small as Garrett Park, which only has about 20 non-citizens registered to vote, understands the value of suffrage enough to maintain a separate voter roll for those individuals, so that they will be able to participate in this most patriotic activity.

In interviews I conducted with several of these towns' clerks and town managers, I heard universal approval of including all residents of voting age in elections. Though the issue may seem like one that would provoke controversy, no town reported any opposition to legal resident voting or any attempts at repeal; indeed, Takoma Park elected officials seem wary of the possibility of consolidating local elections with congressional elections precisely because doing so might make voting rights for non-citizen residents too challenging to administer. Nobody I spoke to reported any special attention being paid to the issue; it seems that in these places non-citizen voters are treated just like any other voters. Most maintained a separate roll for non-citizen voters, but in local elections these rolls are merged, so that no one asked or knew which voters were citizens and which were legal residents.

One lesson from Takoma Park is that non-citizen voting will be most meaningful when combined with steps a city can take to encourage voter participation of all its residents. Recent citywide elections in Takoma Park have had voter turnout of registered voters of less than 20%, with low numbers also for non-citizen residents. Looking at new ways to engage city residents about the importance of local government and the value of participation will be important – and we suspect all the more valuable if twinned with expansion of suffrage rights.

Again, FairVote has no position on suffrage for non-citizen residents, but we can say that the evidence so far suggests that where a legal resident lives in a particular town or city and wants to vote, including that person in the activity of voting is not hard to administer and does not cause controversy. We are delighted to see the issue gaining more attention in more cities, and we look forward to conducting a more detailed analysis that we can provide to other places considering suffrage to non-citizen residents.



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2012-2013**

Executive Committee

ELIZABETH M. BARNA
Chair
305 Broadway, Suite 305
New York, NY 10007
Tel: 212-732-0497
Fax: 212-406-2271
Email: emb1029@aol.com

ELIZABETH BRETTSCHEIDER
Vice Chair
Daryanani & Bland PC
430 W. 14th St., Suite 305
New York, NY 10014
Tel: 212-431-5576
Fax: 212-431-6468
Email: erb@dbvisa.com

NEENA DUTTA
Secretary
Dutta Law Firm, P.C.
11 Broadway, Suite 615
New York, NY 10004
Tel: 646-253-0512
Fax: 212-480-8560
Email: ndutta@duttalawfirm.com

AMY FALLON
Treasurer
Fragomen, Del Rey, Bernsen & Loewy, LLP
7 Hanover Square
New York, NY 10004-2756
Tel: 212-230-2846
Fax: 212-480-9930
AFallon@fragomen.com

Past Chapter Chairs

David Katona
Alexis S. Alexrad
Janet Henner
Jan H. Brown
Gayle Oshrin
Cheryl R. David

May 9, 2013

The New York City Council
250 Broadway
New York, New York 10007

Dear New York City Council:

We are submitting this testimony on behalf of the New York Chapter of the American Immigration Lawyers Association (AILA), the nation's largest professional organization of immigration lawyers. We thank you for the opportunity to contribute to this forum.

The New York Chapter of the American Immigration Lawyers Association applauds and supports the proposed bill Int. No. 410, which would grant immigrants lawfully present in New York city the right to vote in municipal elections.

Non-Citizen residents make up an enormous part of the New York community. These residents work, pay taxes in full, live within the community and all without having a voting voice. Being able to participate in municipal elections would give these new immigrants the power to be heard and to be able to make a difference by using their vote. It would also give these individuals the ability to affect the local political process and decisions which affect them personally and deeply. The current visa backlogs mean that many individuals are not eligible for U.S. citizenship, and therefore the right to vote, for as long as fifteen years or more in some cases, even though the individual has maintained legal status, paid taxes and been a resident of New York City.

We are in the midst of a historic year for immigration, with the most significant immigration reform currently being debated by the Federal government. Should the current bill pass, there will be a colossal change to the current system with many unknowns. Federal law governs immigration law, and it is this Federal aspect which can sometimes unfortunately negatively impact a great local initiative.

To be clear, AILA-NY is supportive of the introduction of this law and the ability



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2012-2013**

to vote locally, however, we have some serious concerns about the administration of the law and the practical ramifications. There are two major concerns: defining who falls into the category of Non-citizen resident and the effects on current penalties for immigrants who vote in state and federal elections.

Under Chapter 46-A, § 1057-b, Definitions, a “municipal voter” is defined as a person who is not a United States citizen but who is lawfully present in the United States on the date of the election in which he or she is voting and has been a resident of New York City for six months or longer. Certainly, similar to those eligible for work authorization, legal permanent residents and asylum grantees would qualify. Also, under current Federal law, there are many categories of working visas which is very clear cut. Issues which are more ambiguous are the people who are in legal status and who might have physical presence but who might not be considered residents. For example, tourist or business visitors who have extended their stay after the initial six month period, people who arrived on one status and have applied to change their status but whose cases are currently pending, people whose cases are in appeal. As we as immigration lawyers have experienced in practical circumstances, such as clients who go to the DMV and have a difficult time proving their status, we urge the Council to consider detailed training for those who will handling registration of these voters. We also urge that the Council sponsor routine information sessions for potential voters in order to clarify eligibility.

Our second concern is the increased likelihood of non-U.S. citizens voting in State and Federal elections, thereby making themselves ineligible for any immigration application in the future. INA §212(a)(10)(D), 8 U.S.C. §1182(a)(10)(D), 22 C.F.R. §40.104 states that a person who has voted in violation of any federal, state or local constitutional provision, statute, ordinance or regulation is inadmissible and/or deportable. Inadmissibility means that if you were previously here as a legal permanent resident, asylum seeker or nonimmigrant visa holder, but traveled outside of the country and are now seeking to return, you will not be allowed to enter the US. Deportability means that if you are physically present in the United States, removal proceedings will be initiated against you, and you will be removed from the United States. The individual’s relief is extremely limited, and the only exceptions to this rule are if the individual’s parents are U.S. citizens, the person permanently resided in the U.S. prior to turning sixteen or if the person reasonably believed at the time of the violation that he or she was a U.S. citizen.



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
NEW YORK CHAPTER
2012-2013**

Finally, the penalties for making a false claim to US Citizenship, even by checking the wrong box by mistake on a voter registration form, carries the same penalties as unlawful voting, with one much bigger consequence – a permanent ban from the United States, with no possibility of obtaining a waiver.

We know from our experience with the New York City Council that it is certainly not the Council's intention to introduce something which would purposefully harm or negatively impact an immigrant's life. However, the penalties for voting violations for immigrants are so high, it is imperative that the Council consider this when voting and should it pass, when implementing the law. An individual who accidentally votes in a prohibited election could be deported, separating families and removing an otherwise law-abiding citizen. We urge the Council to make sure that elections are therefore clearly signposted.

Our concern is for all non-Citizen residents, but more so with the vulnerable communities of these individuals. Those whose command of English is not yet fluent, those who are perhaps did not have the opportunity to participate fully in the education system, or due to circumstances are illiterate and therefore may not fully understand the ramifications of voting in the incorrect election and mostly those who might be at the mercy of the criminals who would engage in the unauthorized practice of law and take advantage of the new law by convincing people that it confers some benefit which it does not.

We support the Council's brave decision to move forward with this initiative and we as the American Immigration Lawyers of the New York Chapter pledge to help in any way we can to make this a success should the law pass.

Thank you for your consideration.

Sincerely,

Neena Dutta
Secretary, AILA NY Chapter

5/9/13

Voting Rights Restoration Act (Intro 410)

FOR THE RECORD

Members of the New York City Council:

My name is Edward Gajadar. I am a New Yorker and a first generation American. I was born on 59th & 9th. I attended PS 33, IS 70, & the High School for the Humanities, all located in Chelsea. I completed my undergraduate studies at St. John's University & attained a Jurist Doctor degree from the St. John's Univ. School of Law. I am also a member of the Guyanese-American Workers United.

I have been able to achieve these things because my parents wanted something more for their child. They saw an opportunity to come to "AMERICA." For more than 200 years, this has been the land where ALL PEOPLE come to fulfill their dreams.

The foundation of our country is rooted in the issue presented before you. TAXATION WITHOUT REPRESENTATION. We have approximately 1.3 million LEGAL residents, who contribute billions of tax dollars to the New York City government, who do NOT have the right to vote.

On many occasions, this issue of taxation without representation has arisen at various functions that have included Guyanese-Americans, as well as, other members of the New York City Caribbean community.

Intro 410 will ONCE AGAIN allow these TAX-PAYING, LEGAL RESIDENTS, the right to vote in local elections.

Many are unaware that from 1789 up until 1926, this same category of LEGAL residents, were allowed to vote in the City of New York.

We ONLY seek to restore this right & to be more inclusive of all who come to OUR nation, in search of what my parents wanted for me. Intro 410 does this by providing these LEGAL residents with a voice in our democracy.

Thank You

Thursday, May 9, 2013

Testimony on New York City Council Intro 410

Jose Schiffino, Chairperson; Committee on Immigration

NYC Chapter of the Labor Council for Latin American Advancement

I am here today to give testimony in the name of the New York City Chapter of the Labor Council for Latin American Advancement. Our organization has been involved with the Resident Immigrant Voting Rights initiative for many years and we are gratified to see it come to a hearing in the council. We would like to thank Councilmember Dromm and the members of this committee as well as all the cosigners for bringing this intro to a hearing and giving us this opportunity to speak on this issue.

LCLAA is an organization of Latino and Latina labor leaders from a broad sector of the New York City labor movement. We have within our membership both native born and immigrant workers. We also have many associate members who are unorganized but are committed to justice in the American workplace. Over many years we have joined in alliances with many other immigrant rights and social – economic justice organizations to promote policies of justice and inclusion for all workers regardless of ethnicity. We are very proud to be here today with so many of these allies to ensure passage of Intro 410 into law.

Unfortunately, our President Sonia Ivany can not be here today due to a prior commitment outside of the city. She has entrusted me as Chair of the NYC-LCLAA Committee on Immigration to speak on our behalf.

It is the belief and fervent hope of the New York City Chapter of the Council for Latin American Advancement that this committee and this council will make Intro 410 into law. I know that we speak for the House of Labor in this, for it is in our house and through our organizations that many of the individuals that will benefit from this law participate in the social and economic life of this, our great city. They participate in a limited way through collective bargaining and by their activism on issues. Many have even participated in electoral politics through their unions.

But this is not enough. Immigrants account for a majority of the constituents in many of our council districts with foreign born residents comprising over 60 percent of the homeowners in the city as of 2008. The ten neighborhoods with the highest immigrant populations also show some of the highest economic growth in our city. Immigrants to our city overwhelmingly have shown us that they are here to work, to earn a better life for their families and to contribute to the economic growth of this their chosen city.

Our unions swell with the ranks of immigrant workers. As of 2010 in the maintenance and hospitality industries 83% of all maids and

housekeepers and 64% of all janitorial and building cleaning staff are immigrants. 79% of all food preparations workers, 77% of all cooks 74% of all chefs and head cooks are immigrants. You would be hard pressed to have a meal in a NYC restaurant that does not have the hands of an immigrant involved in its preparation. And this is served to us by wait staff that are 64% foreign born.

When it comes to the Child Care, we entrust the care of our children to a workforce that is 64% immigrant. When it comes to educating them we turn to a workforce in our elementary and middle schools that is 21% foreign born immigrant.

The participation of immigrants in the city's health care workforce, having always been strong, has now reached truly epic proportions with an estimated 72% of all nursing, psychiatric and home health care aides being immigrants to this country as are more than 50% of our licensed practical, vocational and registered nurses. Physicians and surgeons that are foreign born constitute 46% + of the workforce at this time. In the constantly changing and developing landscape of our city 73% of all construction laborers are immigrants adding by their labor to the engineering and architectural wonder that is New York City

They have come to work and to participate in the economic growth of the city and New York City has prospered because of their vitality and energy. This city owes immigrants a place at the table where

decisions are made that affect their work life, their family life and their place and status in our society. They have earned that right as our coworkers, neighbors and friends to experience the blessing of the democratic society that we so proudly proclaim and to participate as equals in the governing of our, no of their city.

It is right and proper, that in this a city of immigrants, built on the labor and aspirations of countless individuals and families that have arrived to this city in their millions over the last two hundred years in hope and with a willingness to strive for something better for themselves and their children, that this historic and just proposal be made law and we as the house of labor, the voice of the workers urge this council to take action in this historic moment to make the brave and just decision to grant the rights of suffrage to these lawful and deserving residents of our city.

Figures and percentages cited above were obtained from the report
"The Role of Immigrants in the New York City Economy – Jan., 2010"
Office of the New York State Comptroller Thomas DiNapoli
<http://www.osc.state.ny.us/osdc/rpt17-2010.pdf>

TESTIMONY OF LATINOJUSTICE PRLDEF

By

Jackson Chin, Senior Counsel

In Support of Intro. No. 410

a Local Law to amend the New York City Charter,

in relation to allowing immigrants lawfully present in New York City

to vote in municipal elections.

Before the Committee on Immigration and Government Affairs,

The City Council of the City of New York

Thursday, May 9, 2013 at 1:00 PM



LATINOJUSTICE PRLDEF
99 Hudson Street 14th Fl.
New York, NY 10013-2815
PHONE: 212.219.3360
TOLLFREE: 800.328.2322
FAX: 212.431.4276
www.latinojustice.org

Good afternoon. I am pleased to provide testimony in support of Intro. 410. My name is Jackson Chin. I am Senior Counsel at LatinoJustice PRLDEF. We are a non-partisan not-for-profit national civil rights litigation and advocacy organization which promotes the aspirations of Latinos in America. We promote civil engagement and leadership, and defend equality under the law through impact litigation, advocacy and education. Since 1972, LatinoJustice's civil rights cases have made history and set landmarks.

Today, nearly 40 % of New York City's population (that is, over 3 million out of 8 million plus) was born outside of the United States; the majority of our City's residents—almost 60 %—are either immigrants or the children of immigrants. For generations, our City has been renewed in its social and cultural diversity acting as a gateway for newcomers who bring their unique heritage to our nation.

LatinoJustice supports ***Intro. No. 410*** because it is a rational initiative based on sound social and political policy which advances inclusion and democratic values. This bill will: a) promote civic engagement and reduce marginalization in local governance; b) support inclusion and help draw upon the knowledge, skills, and motivation of City residents; and, c) promote the quality of life of New York through advancing political and non-political processes that engage and contribute to the common good.

First, we recognize that a significant number of the City's immigrant residents - our families, neighbors, co-workers, and friends - are true stakeholders that share common goals in preserving the good economy, health,

and stability of our City. Immigrants are, without a doubt, subject to all of our laws, pay taxes, work in and/or own businesses, repair and build homes, send their children to schools, serve in the military, and provide valued daycare services. They watch over our vulnerable and the elderly. Altogether, the lives of immigrant residents demonstrate that they are participants in all aspects of this City's daily social and economic life on the same basis as citizen residents.

Second, non-citizen immigrant residents often share the same desire to have a voice in local issues. Granting the right to vote in local elections and to petition their municipal representatives reinforces the dynamism and contributions of immigrant residents. Along with our diverse immigrant communities, this City's Latino population has consistently grown in past decades. Immigrant newcomers have come from Mexico, the Dominican Republic, Central and South America. (And, Latinos from the Commonwealth of Puerto Rico are U.S. citizens.)

Despite enormous work and family responsibilities, many immigrants do make time to become civically involved. Very often, they may be drawn into action with others around issues that affect the well-being of their families. Problem-solving over such issues are vital to attract immigrants and broad enough to bring together people from different backgrounds and the native-born.

Third, the enfranchisement of immigrant taxpayers in local elections follows fundamental principles of fairness and mutuality. Our City is a global economic center. The backbone of its workforce is immigrant labor. Small

business job creation depends on immigrant entrepreneurship and creativity which have played a role to drive the City's growth over the past several decades.

Mayor Bloomberg proudly identified immigrants as the "lifeblood" of the City and who make significant contributions to the City's economic strength and cultural vitality. The Mayor has, however, also observed: "Yet immigrants are generally underrepresented in the city's civic fabric..."¹

Intro 410 would grant the right to vote in municipal elections to eligible "municipal voters" defined as a non-U.S. citizen resident within the five boroughs who acquires 6 months of residency, has legal status in the U.S., and otherwise satisfies the state's voter eligibility requirements. Enacting such a law would go far in filling a clear gap in the civic life of this City.

True opportunity is rarely possible without fair and equal treatment for all members of society. Laws and policies need to address barriers to integration, such as, workplace justice, housing discrimination, and educational access. It is well-known that policies that impede immigrants' ability to integrate also harm the broader society. The failure to pass this initiative on non-citizen voting actually will diminish Latino voting strength

LatinoJustice's current civil rights agenda deals with redressing anti-immigrant legislation, wage-theft and poor working conditions through our *Latinas at Work Project*, the abuse of immigrant workers by employment referral agencies. Our companion federal lawsuit challenges the New York Police

¹ A Blueprint for Immigrant Integration: One NYC One Nation (2013) at p.3.
www.nyc.gov/html/imm/downloads/pdf/.../civic-engagement-digital.pdf

Department's "Stop and Frisk" practices affecting tenants and visitors in privately owned buildings. Our voting rights and redistricting lawsuits protect Latino voters by marshaling the U.S. Constitution and federal Voting Rights Act. These are some issues which can invite robust debate at the polling booth through engaging Latinos and other immigrant communities once the law is passed.

Intro. 410's broader inclusion of immigrant voters and Latinos enhances our City and broadens our civil rights discourse on how public policy and laws can address concerns that Latinos and other immigrants have. Before it was repealed, New York City had a unique law for over 30 years which gave eligible non-citizen parents the right to vote in local school board elections. This important experience provided various success stories it provided opportunity to new generation Dominicans and other immigrant parents a voice, and, a taste for political participation. Immigrant parents gained experience in waging campaigns, voting for representatives that appealed to their concerns, and, became more familiar with decision-making on school budgets and educational policies.

Finally, there is no prohibition in the U.S. Constitution to extend the franchise to resident aliens. States have the authority to determine the membership of their electorates,² so long as these voting conditions do not impede or violate the Constitution and federal laws. From colonial times through other periods of our nation, the right to vote was extended to non-citizen

² Article I, Sec. 2; Article II, Sec. 1 and the Naturalization Clause of Article I, Sec. 8 of the U.S. Constitution.

immigrants. Such laws now exist in other municipalities, such as, Cambridge, Massachusetts, Tacoma Park, Maryland, and elsewhere.

As civil rights advocates, LatinoJustice urges this Committee and the full City Council to make a prescient and bold commitment to our City by passing Intro. 401. This law will have the effect of bringing together immigrant newcomers and citizen residents to reap positive outcomes. Ultimately, increasing civic participation can only build communities and revitalize democratic traditions in the City, the State and the United States.

Thank you.

SUMARIO DEL TESTIMONIO DE LA ORGANIZACIÓN LATINOJUSTICE RESPALDANDO AL PROYECTO DE LEY No. 410

LA ORGANIZACIÓN LATINOJUSTICE RESPALDA EL PROYECTO DE LEY NO. 410 POR SER UNA INICIATIVA RACIONAL LA CUAL ESTÁ BASADA EN UNA POLÍTICA SOCIAL Y DE AVANCES DE VALORES DEMOCRÁTICOS.

Este proyecto de ley servirá: a) para promover la participación ciudadana y reducir la marginación en gobiernos locales; b) incluye apoyo y ayuda para poder aprovechar los conocimientos, habilidades y motivación de los residentes de la ciudad; c) promoverá la calidad de vida de Nueva York a través de procesos políticos y no-políticos que participan y contribuyen al bien común.

En primer lugar, reconocemos que un número significativo de los inmigrantes residentes - nuestras familias, vecinos, compañeros de trabajo y amigos - son los verdaderos interesados en compartir objetivos comunes para preservar buena economía, salud y estabilidad de nuestra ciudad.

Los inmigrantes sin duda alguna, están sujetos a cumplir todas nuestras leyes, a pagar impuestos, a trabajar y/o sus propios negocios, reparan y construyen casas, envían a sus hijos a las escuelas, sirven en el servicio militar y proporcionan valiosos servicios de guardería. Ellos cuidan nuestros seres más vulnerables y a los ancianos. En resumen, las personas inmigrantes residentes demuestran que son participantes en todos los aspectos de la vida cotidiana social y económica de la ciudad de la misma manera como cualquier ciudadano residente.

El alcalde Hnr. Michael Bloomberg orgullosamente los ha identificado a los inmigrantes como el "alma" de la ciudad, quienes contribuyen significativamente con el impulso económico y la riqueza cultural de la ciudad. El alcalde, también ha observado que "sin embargo los inmigrantes no tienen representación adecuada en el ambiente cívico de la ciudad..."



El proyecto de ley No. 410 concederá el derecho a votar en las Elecciones Municipales, los requisitos para ser un "votante municipal" son: No tiene que ser ciudadano de Estados Unidos *pero* tiene que tener un estatus legal y que por lo menos tener 6 meses viviendo en uno de los cinco condados (Bronx, Queens, Brooklyn, Staten Island y Manhattan), y además deben cumplir con las leyes de estado de votante. Promulgar dicha ley se llenaría un vacío evidente en la vida cívica de esta ciudad.

La actual agenda de los derechos civiles de LatinoJustice está enfocada en lidiar la legislación anti-inmigrante, disputando robo de salarios y malas condiciones de trabajo a través del "Proyecto Latinas en el Trabajo", y pelear por el abuso a los trabajadores inmigrantes por agencias de referencia de empleos. Nuestro demanda en la Corte Federal que desafía las prácticas de "Detener y Registrar" (Stop-and-Frisk) del Departamento de Policía de la Ciudad de Nueva York, que afectan a los inquilinos y visitantes en edificios de propiedad privada.

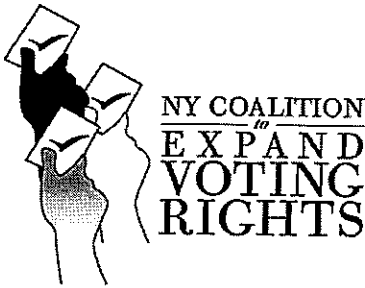
También, nuestro demanda sobre el derecho al Voto y Revisión Legislativa de Distritos (redistricting) protege a los votantes Latinos para aclarar Constitución de Estados Unidos y La Ley Federal de Derechos del Votante (Voting Rights Act). Estos son algunos puntos que pueden invitar a un fuerte debate en los colegios electorales a través de la participación de los Latinos y otras comunidades de inmigrantes una vez que se aprueba la ley.

El proyecto de ley No. 410 amplía la presencia de inmigrantes votantes y Latinos, realiza nuestra ciudad y extiende nuestro diálogo sobre los derechos civiles y podemos ver cómo la política pública y leyes pueden dar a conocer las preocupaciones que tienen los Latinos y otros inmigrantes.

LatinoJustice solicita a este Comité y al Concejal de la Ciudad de Nueva York para hacer un compromiso visionario y audaz en beneficio a nuestra ciudad de Nueva York. Aprobando el proyecto de ley No. 410 vamos a tener un efecto de acercamiento entre personas, inmigrantes recién llegados y ciudadanos americanos para poder cosechar resultados positivos.

En definitiva, aumentando la participación cívica de la gente podemos construir comunidades y revitalizar las tradiciones democráticas en la ciudad, en el estado y en la Nación de los Estados Unidos.

LatinoJustice PRLDEF
(212) 219-3360
www.LatinoJustice.org



A coalition of individuals and organizations working to amend New York City law so that documented immigrants will be able to vote in local elections.

Endorsing Members and Organizations

African Refugees • Alianza Dominicana • American Services Committee
 American-Arab Anti-Discrimination Committee New York (ADC-NY)
 Asian American Legal Defense & Education Fund (AALDEF) • Andolan
 Asociacion Tepeyac de New York
 Breakthrough: Building Human Rights Culture • Barey Relief Alliance (BRA)
 CAACF • Center for Constitutional Rights
 Center for Law & Social Justice at Medgar Evers College
 Centro Hispano "Cuzcarlan"
 CHHAYA CDC • Community Service Society • Community Voices Heard
 Council of Peoples Organization • CUNY Professional Staff Congress (PSC)
 Cypress Hills LDC • Democratic Club of Northern Manhattan
 Desis Rising Up and Moving (DRUM) • Dominican Bar Association
 Dominico-American Society • Ecuadorian International Center
 El Centro de Hospitalidad • Filipino American Human Services, Inc. (FAHSI)
 Guyanese-American Workers United
 Humanist Party • Jacob Riis Neighborhood Settlement • La Fuente
 Latino Commission on AIDS • Make the Road NY
 Minkwon Center for Community Action • Myanmar Youth Association
 National Association of Korean Americans (NY Chapter)
 National Latina Institute for Reproductive Health
 National Institute for Latino Policy • New American Democratic Club
 New Immigrant Community Empowerment (NICE)
 New Jersey Immigration Policy Network • New York City Labor Against War
 New York Committee for Occupational Safety & Health (NYCOSH)
 NYC LCLAA, Labor Council for Latin American Advancement
 NYU Law Students for Human Rights • Peruanos En Accion
 Puerto Rican Legal Defense & Education Fund
 Queens Community House
 Restaurant Opportunities Center of New York (ROC-NY)
 Sikh Coalition • St. Pat's for All Parade • Sukhi NY
 The Latin American Workers Project
 United Neighborhood Houses of New York • Urban Justice Center
 VOCAL New York • Voter Enfranchisement Project (Bronx Defenders)
 Women of Color Policy Network • World Policy Institute

www.ivotenyc.org
ivote



LET ALL NEW YORKERS VOTE!

www.ivotenyc.org

Intro 410: FAQ's about Implementation

How will we know that non-citizens are voting ONLY in municipal elections? What stops them from filling out a ballot for state or federal elections?

Due to the fact that municipal elections are typically held on odd number years and state and federal elections on even numbered years, the likelihood of them both being on the same ballot is minimal. In the event that this does happen, the Board of Elections would be able to provide a separate ballot for non-citizen voters, and ensure that the right ballots go to the right people.

How will poll workers know who is a citizen and who is a non-citizen?

The legislation indicates that a "municipal voter registration form" will be created specifically for non-citizen residents and their status as municipal voters will be clearly indicated on the poll lists used by poll workers. All other aspects of voter registration and poll administration will be identical to those of citizen voters. The issues of absentee ballots, party affiliations, and voter notification are addressed in Articles 1057-c through 1057-k of the legislation.

What happens if someone does fill out the wrong ballot and ends up voting for something that they are not legally allowed to vote for?

Voter fraud, whether intentional or unintentional, is extremely rare. A report by the Brennan Center for Justice at NYU School of Law indicates that "Proven voter fraud, statistically, happens about as often as death by lightning strike". If a non-citizen voter is found to be knowingly and willfully using the wrong ballot, however, or otherwise voting for something they should not be, they will be charged with a misdemeanor. If found guilty, penalties will follow the guidelines of Article 1057-r of the legislation.

What about other potential costs and complications of implementing the new law?

Democracy has evolved over time and election practices have changed as a result. During the past decades, the NYC Board of Elections has been asked to implement such changes and has faced the challenges such change entails. From the inauguration of the Community School Board Elections in 1969, to the Americans with Disabilities Act (1990), to the expansion of the New York City Council from 35 to 51 members (1992), to the National Voter Registration Act (1993), to the ongoing inclusion of additional languages for translation of voting materials (registration forms, ballots, etc.) — all these required extensive changes to election practices. The Board has responded to the challenges each change required, and there is no reason to think Intro 410 would be any different.



New York City Campaign Finance Board

40 Rector Street, 7th Floor, New York, NY 10006

tel. 212.306.7100 fax 212.306.7143

www.nyccfb.info info@nyccfb.info

Testimony of Eric Friedman, Director of External Affairs New York City Campaign Finance Board

City Council Committees on Immigration and Governmental Operations May 9, 2013

Good afternoon, Chair Dromm and Chair Brewer, and members of the Immigration and Government Operations Committees. I am Eric Friedman, Director of External Affairs for the New York City Campaign Finance Board. With me are Onida Coward Mayers, Director of Voter Assistance, and Giovanni Mejia, Associate Counsel. As you know, the City Charter gives the Board the mandate to encourage and facilitate voter registration and voting by all residents of New York City who are eligible to vote, and to identify groups or categories of such residents who are underrepresented among those registered. We are pleased for the opportunity to testify today about Intro No. 410.

For so many immigrants, New York City is their entry point to the American experience. On their way to becoming citizens, many stay and put down roots in the five boroughs. They take jobs, pay taxes, enroll their children in public schools, and in many ways participate fully in the social and civic life of New York. According to the most recent U.S. Census estimates, some 1.3 million New Yorkers of voting age are non-citizens. They are indeed, quite literally, an under-represented population among those who are registered to vote.

We are supportive of efforts to expand voting to more New Yorkers, and we applaud the Council for holding this hearing. We have some concerns with the bill as written. To

ensure the rights of non-citizen New Yorkers are protected throughout the voting process, we believe the bill can and should be improved before it is enacted.

Privacy

The section of the bill that deals with confidentiality of municipal voter information, §1057-m, should be strengthened.

Clearly, the bill's authors recognize the importance of this issue, and it does contain some protections that information about voters' citizenship status will not be used for any other purpose. Those who have been around election campaigns also understand that voter lists do not live exclusively in a government office, where they can be easily protected and their use can be carefully monitored. There are copies of voter lists in every poll site. Campaigns, political parties, and other groups obtain them in order to conduct voter outreach. Private companies compile them and connect them with other sources of data.

The bill must strike the right balance between clarity and privacy. Poll workers must be able to distinguish who can vote legally, but non-citizen New Yorkers should also feel secure that their citizenship status will not inadvertently become public information if they register to vote in municipal elections. We urge the Council to consider clarifying and strengthening the bill's language as regards confidentiality.

Administration

It is important to acknowledge that Intro. No. 410 would present a serious set of administrative challenges to the City Board of Elections (BOE). This may present an opportunity for the Council to focus again on efforts to improve, strengthen, and modernize the BOE.

Non-citizen parents were eligible to vote in school board elections for decades in New York City, under the now-defunct Board of Education. But those elections were held separately from other elections for local, state, or federal office, in May. While most municipal elections are held in odd-numbered “off-years”, separately from most state and federal elections, in those years there are generally also elections for offices not covered by this legislation, like judges and district attorneys. The last decade has seen elections for municipal office on the ballot on Election Day in November four out of six even-numbered years. In years with both state and local offices up for elections, multiple sets of ballots will need to be printed, and ballot scanners will need to be programmed separately to receive the ballots of two different sets of voters.

In short, poll site operations must be modernized. Basic use of available technology could help surmount some of these logistical obstacles. A system that employs electronic poll books would be one way to help streamline administration of the requirements of this legislation. There must be better-trained poll workers at every poll site, especially considering the sensitive nature of the information in the municipal poll books.

New Yorkers have the right to expect elections that are reflective of the choice and convenience they are used to in their everyday lives. We urge you to consider the administrative issues thoroughly before Intro. No. 410 is enacted.

Other issues

- You should consider clarifying the definition of “municipal voter” in §1057-b. Many people with temporary or limited connections to New York City may have “resided” in New York City for six months or longer, and you may wish to clarify the intent of the legislation *vis a vis* diplomats, or students on short-term student visas, for instance.
- In order to avoid confusion about the classes of people covered by the legislation, the residency requirement set forth in §§1057-b(1) and (2) should also be

clarified, for instance, to say whether a non-citizen must have been a resident of New York City for six *consecutive* months prior to the election, or any six months in the past.

- The bill states in §1057-b(1) that municipal voters, aside from the U.S. citizenship requirement, must meet “all qualifications for registering to vote under the New York state election law.” One requirement to register to vote in New York is to “not claim the right to vote elsewhere.” Municipal voters may likely be citizens of some other country, and may have voting rights in other countries that they must, in effect, repudiate in order to exercise their rights in New York City. You may wish to consider this issue.
- The definition of “municipal election” in §1057-b(3) is limited to municipal officers. If the goal is to permit non-citizens to participate in local elections implicating their interests, it may make sense to also allow them to vote for district leaders, or other party positions.
- The affidavit requirement in §1057-f(i)(7) requires registrants to swear or attest that they “will be lawfully present in the United States...by the time of the next election.” It may be better to word the affirmation in terms of intent (e.g., “I swear or affirm that I *intend* to be lawfully present...), as circumstances outside the registrant’s control may cause them to breach the attestation.

We thank you for the opportunity to testify, and we welcome any questions you may have.



FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT
MARIA GUASTELLA
MICHAEL MICHEL
SIMON SHAMOUN
J.P. SIPP

COMMISSIONERS

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
www.vote.nyc.ny.us

EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
Fax: (212) 487-5342
E-Mail:
srichman@boe.nyc.ny.us

VIA E-MAIL & FIRST CLASS MAIL

May 7, 2013

Hon. Gale A. Brewer,
Chair, Committee on Governmental Operations
250 Broadway
New York, NY

Hon. Daniel Dromm
Chair, Committee on Immigration
250 Broadway
New York, NY

Re: **Int. No. 410 - In relation to allowing immigrants lawfully present in New York City to vote in municipal elections.**

Dear Chairs Brewer and Dromm:

The Commissioners of Elections in the City of New York at their public meeting held today directed me to convey the following information and concerns presented by Board staff relating to Int. No. 410. Please note, that the Commissioners chose not to make a formal recommendation with respect to what action should be taken regarding Int. No. 410, citing the role of the Board of Elections in the City of New York ("Board") as a ministerial agency. The Commissioners did indicate their view that this

proposed legislation creates another unfunded mandate which will present enormous problems in implementation.

This proposed amendment to the New York City Charter, if enacted, requires the Board to provide all the information and materials it issues, including ballots, to allow non-citizens lawfully present in New York City to vote in Municipal Elections.

As currently written, Int. 410 raises significant legal issues. For example, the residency requirement for municipal voters in the proposal is six months, whereas the Election Law requires citizens to reside in the state/county/city for thirty days prior to an election in order to be registered to vote [See: §5-102(1) of the New York State Election Law]. These different standards may support an argument that municipal voters are being treated differently and unfairly. It is also unclear exactly what is meant by the phrase "lawfully present in the United States." Enactment of Int. 410 may also cause confusion on such issues as whether the new "municipal voters" can run, sign petitions, and/or vote for party positions elected within the City of New York. The ambiguous terminology and unaddressed consequences of the proposed charter amendment leaves the Board and the City of New York open to litigated challenges with respect to our compliance.

In the Board's opinion, Int. No. 410 as currently written is unclear. The proposed charter amendment leaves unknown such fundamental factors as the number of people who may participate and who is eligible to participate, and ignores the potential overcrowding of poll sites that would require a substantial number of relocations, extra scanners, and poll workers. Regardless, passage of Int. 410 would require the Board to modify its current operational plans. Without answers to these fundamental questions, an intelligent and comprehensive analysis of the potential costs, personnel, space, equipment, and supplies cannot be made at this time. Moreover, enactment of Int. 410 will significantly increase the amount of City funds necessary to administer elections at a time when the City's resources are already stretched to the limit, and agencies are being asked to reduce their expenses.

As stated in the Board's 2013 Recommended Revisions in the New York State Election Law, the Board estimates a minimum annual operating

cost of \$25 per voter. These standard operating costs include, but are not limited to, ballot printing, rental fees for leased poll sites, poll worker training, and payroll. The Board does not have the ability to determine how many "municipal voters" would be added to the voter rolls, and, therefore, cannot calculate the additional operating costs that would be created by the enactment of this proposal.

Additionally, the Board is sure to incur significant costs for the development and implementation of this amendment. These include modifications to the voter registration and election administration systems, designing and printing of new municipal voter registration forms in all of the legally required languages, design and production of new election day materials, an initial voter education campaign, and new poll site voting equipment (scanners, Ballot Marking Devices, privacy booths etc.) to accommodate the additional voters.

Given the already long hours worked on each Election Day, poll workers will have the added challenge of managing at least two or more types of ballots for each Election District for a general election; twelve distinct ballot types are possible in a multi-party Primary Election. The risk of error increases by adding this additional burden to the already long list of responsibilities. Further, training will have to be modified to include the process for determining a voter's status to ensure they are given the correct ballot. This will have an impact on the training of other critical poll worker functions.

Additional time will be required for ballot layout, design, proofing, and production. The time needed for the legally required pre-election testing of each scanner and Ballot Marking Device with the multiple versions of the ballot will increase, as will all post election activities including the re-canvass, scanner audit, and certification. The additional time to complete these activities becomes even more problematic given, for example, the two week window between the Municipal Primary Election and a potential Run-off Primary.

Given the foregoing information and concerns noted by the Commissioners and staff of the Board, the Commissioners have also directed that a copy of this letter be sent to the following officers of the City of New York: the Mayor, the Speaker of the City Council, the Chair

of the Council's Committee on Finance, the Director of the Office of Management and Budget, and the Corporation Counsel.

Please note that the Commissioners wish to convey their thanks for once again providing the Board of Elections in the City of New York with the opportunity to share our information and concerns on this proposed legislation.

Very truly yours,

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK

By: 

STEVEN H. RICHMAN, General Counsel

Copy: Hon. Michael R. Bloomberg, Mayor of the City of New York
Hon. Christine C. Quinn, Speaker of the Council of the
City of New York
Hon. Domenic Recchia, Chair, Committee on Finance,
Council of the City of New York
Michael A. Cardozo, Corporation Counsel of the City of New
York
Mark Page, Director, Office of Management and Budget,
City of New York

The Commissioners of Elections in the City of New York
Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Raphael Savino, Deputy General Counsel
John J. Ward, Finance Officer
Steven Denkberg, Counsel to the Commissioners
Kenneth Moltner, Counsel to the Commissioners

Testimony on The New York City Voting Rights Restoration Act (Intro. 410)
by Cheryl Wertz, founding member of the NY Coalition to Expand Voting Rights
May 9, 2013

Thank you for taking the time to attend this important hearing this afternoon. My name is Cheryl Wertz and I am one of the founding members of the New York Coalition to Expand Voting Rights. My role here today is to give you some basic information about the New York City Voting Rights Restoration Act and then to let you hear from the more eloquent speakers and issue experts that are here this afternoon.

The New York City Voting Rights Restoration Act, or Intro. 410, is basic civil rights legislation that would reinstate municipal voting rights for non-citizens who have been legally present in New York City for six months or longer.

The right to vote in this country has rarely, if ever, been about citizenship. It has always been about controlling who has a right to have a say. At this country's founding, the right to vote belonged to white men with property. White women and poor white men, although clearly citizens, were disenfranchised.

Over time, each and every state passed legislation that actively removed the right to vote from non-citizens. Always a hotbed of immigration, New York has also always been a hotbed of anti-immigrant backlash. Some of the first citizenship voting restrictions were passed here in 1804. But Arkansas, the last state to disenfranchise immigrants, didn't do so until 1926. This seemingly universal concept of citizenship voting requirements is less than ninety years old.

Even now, 45 countries around the world have some form of non-citizen voting. In six towns in Maryland, non-citizen residents are currently voting in municipal elections and in Chicago non-citizens are voting in school board elections. Of course, non-citizen parents voted in school board elections here in New York City until 2003 when Mayoral control ended school boards.

The expression "no taxation without representation" is particularly relevant here. There is no special tax bracket for being a non-citizen. Non-citizens pay all of the same taxes that citizens do. In New York State, non-citizen residents pay \$229 Billion in combined state income taxes, sales taxes and real estate taxes. Their economic output represents about one fifth of the state's GDP. But most non-citizens don't qualify for social security, Medicare, Medicaid, food stamps or the dozens of other programs that they are helping to pay for.

But this campaign isn't just about taxation. It's about civic participation and the right to have a say. In New York City, a full 20% of the adult population can't participate in our civic process. That's 1.3 million people. In some communities in Queens, almost one half of the population is excluded from the voting process. That rivals the exclusion of African-Americans, women and young people from the voting process.

Beyond individual voting rights, this campaign is about supporting our neighborhoods. When one fifth of our neighbors can't participate in the civic process, our entire community suffers. Immigrant New Yorkers are more likely to be poor, people of color and non-English speakers. They are more likely to have unaddressed health care needs, be under employed, attend public schools and pay a higher portion of their salary in rent, but these are issues that elected officials can safely ignore when immigrants can't vote. By holding elected officials accountable for serving their entire community, non-citizen voting serves the needs of the entire community.

As a part of my introduction, I want to answer the very specific and concrete questions about who would be enfranchised by the New York City Voting Rights Restoration Act and what offices they would be enfranchised for. The New York City Voting Rights Restoration Act pertains only to New York city municipal elections, specifically City Council, Comptroller, Public Advocate, Borough Presidents, and the Mayor. The legislation would pertain to all primaries, general and special elections for those offices, but it does not cover county elections for district attorneys or judges.

The New York City Voting Rights Restoration Act would enfranchise individuals who are legally present and have lived in New York City for 6 months or longer. Individuals who are not legally present would not be included. Individuals with tourist visas are excluded, both because of the 6 month time frame and the residency requirement. Individuals with any other kind of visa, including student visas, H1-B visas (professional employment), K visas (relatives), E visas (employment), J visas (exchange visitors, including doctors), L visas (intercompany transfers), U visas (trafficking victims), and the alphabet soup of other visas created by the U.S. Department of Homeland Security would all be included.

A quick note on the legal details, which, again will be covered by other experts here today. The legislation leaves the details on the voter registration and poll administration processes up to the professionals at the Board of Elections. Rather than dictating how they do their job, Intro. 410 gives them the freedom to do their work effectively and make sure that New Yorkers are able to exercise their appropriate and legal right to vote.

New York State election law is quite clear on protecting the right to vote for citizens. But there is nothing in the law that prevents municipalities from expanding that franchise. As a friend of mine used to put it, New York State's election law is a shield, protecting the rights of citizen voters, rather than a sword, preventing others from being enfranchised as well.

I want to end my testimony today with a personal note of thanks. The idea that individuals should simply become citizens has certainly been raised. But becoming a citizen takes an average of eight to ten years and a huge number of New Yorkers, including a large number of documented individuals who have lived here for years, have no viable path to citizenship. The national immigration reform debate may result in a path to citizenship for some people, which is great, but as Washington is debating who to exclude, and a fair number of people will be excluded, the New York City Council has set a national example of inclusion. This hearing is a testament to our healthy civic life. We are about to become the most representative, democratic city in the nation.

As of today, 3⁴ of you have co-sponsored Intro. 410. When myself and a collection of activists in Queens, many of whom are here today, started thinking about campaigns that could truly impact that way that community members interacted with government, we knew this was a great idea, but we were ready for a long haul. From the Seneca Falls Convention to the adoption of the 19th Amendment, women's suffrage took seventy years. But with your leadership, we are looking at a real possibility of enfranchising 1.3 million New Yorkers in less than ten years. That is astonishing, but it is also a testament to your leadership and vision.

Thank you.

If you have any questions, I am happy to answer them or, more likely, direct you to the other experts that will be testifying here later today.



TESTIMONIO de Cesar Palomeque

A favor del Intro #410

mayo 8 del, 2013

Buenos días mi nombre es, César Palomeque Andrade. Soy inmigrante Ecuatoriano y miembro de la Junta Directiva de Se Hace Camino Nueva York. Gracias por la oportunidad de testificar el día de hoy. También agradezco a los Concejales Danny Dromm, Melissa Mark Viverito, y varios otros por su iniciativa sobre este asunto. Creo que esta propuesta es una buena propuesta y espero que lo podamos pasar lo mas rapido posible.

Yo era residente permanente en New York City por muchos anos antes de ser ciudadano, y yo se que esta propuesta significaria mucho para mi comunidad y otras. Creeme, habia momentos en el pasado cuando yo pense que algo asi deberia ser una ley.

Quiero compartir la perspectiva que yo escucho de miembros da mi comunidad sobre este tema.

Los residentes permanentes, tienen obligaciones pero no tienen ciertos derechos, a pesar que trabajan fuerte para sostener a sus familiares, pagan impuestos y cumplen con todas las normas para vivir en este país, se sienten excluidos como en el caso de las votaciones, que es un asunto realmente muy importante en la decisión de poder elegir a quien nos representan.

Cada vez que hay elecciones son electos nuestros representantes que tomaran decisiones, en la salud, vivienda, educación, transporte, seguridad, etc. Pero en realidad es como si representaran los intereses solamente de los Ciudadanos, sin tomar en cuenta que en esta Ciudad existen más de un millón de residentes, usando todo tipo de servicios públicos. Ellos tienen voz, pero no voto, y es mas dificil a veces cambiar ciertas injusticias que ellos estan enfrentando.

Nosotros queremos participar en decisiones sobre trabajadores, escuelas, vivienda, taxes, y mas. En nueva York se necesita practicar lo que se predica – la democracia – y democracia existe solo si todos participamos en la toma de decisiones, como son las elecciones.

Yo como inmigrante que he pasado 16 años sin poder ejercer el derecho al voto, apoyo esta iniciativa porque será de beneficio para todos los que vivimos en esta Ciudad. Juntos vamos a seguir trabajando para que seamos una comunidad más fuerte y que todos tengamos los mismos derechos. Gracias.

Good morning my name is Cesar Palomeque Andrade. I'm an ecuadorian immigrant and a member of the Board of Directors of Make the Road New York. Thank you for the opportunity to testify today. Also, thank you to Councilmembers Dromm, Melissa Mark Viverito and many others for their initiative on this issue. I think this a great proposal and believe we should pass it as quickly as possible.

I was a permanent resident in New York City for many years before becoming a citizen, and I know what this proposal would mean to my community and others like me. Believe me, there were times in the past when I wished residents could vote. I'm happy we're discussing it today.

I also want to share the perspective that I have heard from members of my community about this subject.

Permanent residents have obligations but do not have certain rights, even though they work hard to sustain their families, pay their taxes, and abide by the rules to live in this county, but they feel excluded in the case of elections, which are a topic that is very important when we decide who will represent us.

Every time there are elections our representative make decisions about health, housing, educacion, transport, security, etc. But the reality is that it is as if they only represent the citizens without taking into account that there are over a million permanent residents here, using all types of city services. They have a voice, but not a vote, and it is more difficult to address some of the injustices that they are confronting.

We want to participate in decisions about workers, schools, housing, taxes, and more. And in order for New York City to really practice what it preaches – that it is a democracy – we all need to participate in such important events as elections.

As an immigrant I spent 16 years without being able to exercise the right to vote, and I support this proposal for all the good it would do for those that live in this city. Together we are going to keep working until we all have the same rights. Thank you.

Testimony Of Susan Lerner
Executive Director, Common Cause/NY
Before the New York City Council
Committees on Immigration and Governmental Affairs
Re: Int. No 410
May 9, 2013

Good afternoon. I am Susan Lerner, Executive Director of Common Cause/New York. Common Cause/New York is a nonpartisan citizens' lobby and a leading force in the battle for honest and accountable government. Common Cause fights to strengthen public participation and faith in our institutions of self-government and to ensure that government and political processes serve the general interest, and not simply the special interests. For more than 30 years, we have worked at both the state and municipal level to bring about honest, open and accountable government. Consonant with our overall mission we have consistently worked for election reform advocacy, working to improve accessibility, accuracy, transparency, and verifiability in our democratic process at the city, state and national level.

I want to commend the sponsors of this bill and the Council Committees for raising this important topic and giving New Yorkers an opportunity to comment on it. Common Cause is currently examining this issue and developing its policy on voting by noncitizens who are legal residents. Accordingly, we do not take a position on Int. No. 410, the bill before the Committees today. However, we think that it is important for any discussion of this issue to be based on fact, not misinformation or sensationalism, and so our testimony today will discuss the history and experience in the United States and New York of noncitizen voting.

The idea of allowing noncitizens to vote – of making residency and not citizenship the key qualification – is not a new one. Citizenship was not a requirement in most of the original states at the founding of the country. North Carolina had no citizenship requirement as of 1835. Vermont didn't impose a citizenship requirement until its 1828 constitution. 18 states between 1848 and 1876 permitted noncitizens who declared their intention to become U.S. citizens to vote. By 1926 all of them had eliminated that ability.

Currently, certain municipalities are granting or seeking to grant limited rights to vote to documented and undocumented residents. More locales appear to be comfortable with granting the right to vote to parents of school aged children, regardless of status. Other places are providing documented immigrant residents the right to vote in local elections. Maryland has seven municipalities that permit resident voting for local elections: Takoma Park, Barnesville, Martin's Additions, Somerset, Garrett Park, and Chevy Chase sections 3 and 5. Chicago allows parents to vote in school board elections, regardless of immigration status. Several towns in Massachusetts have voted in favor of noncitizen voting (Brookline,

Amherst, Cambridge, Newton), but the state legislature must approve the measures before they go into effect. The initiatives appear to be stalled at the approval stage.

Of course, we have our own experience with non-citizen voting here in New York City. Until the Boards of Education were abolished in 2002, parents who were noncitizens were allowed to vote for local school boards.

A number of locales have recently considered noncitizen voting in some form but have not adopted it.. New Haven's mayor announced a push for noncitizen voting, but the bill does not appear to have gone anywhere. In addition, Portland, Maine's initiative to give documented immigrants suffrage failed to pass in 2010. Similarly, an initiative in San Francisco that would provide all parent voting rights in school board elections also failed to pass in 2010.

Policy Considerations

Documented immigrants have specific responsibilities to the United States. Green card holders are required "to support the democratic form of government and not to change the government through illegal means" Giving the right to vote to immigrant populations would allow them to promote democratic governance through direct action. Male immigrants with green cards between the ages of 18 and 25 are required to register for the Selective Service. The United States specifically amended the constitution to protect the right to vote via amendment for all people of age for the draft, and therefore extending the right to immigrants would be in line with past practice.

Allowing local voting rights requires effective education of immigrant populations. Non-uniform voting requirements may cause confusion about which elections immigrants are eligible to register for and vote in. Because immigrants have no right to vote in federal elections, if an immigrant registers or votes at the federal level their immigration status or ability to pursue citizenship could be put in jeopardy. The distinction between voting in a local election and a federal one must be made clear to prevent harm immigrant populations caused by exercising their right to vote. In addition, if a jurisdiction draws jury pools from voter registration lists, an additional step may be needed to ensure that citizens alone serve. These are serious considerations, given our disappointing record of voter engagement and education.

We look forward to further discussions regarding this issue and will inform the Council and the public when we complete our analysis and examination of this issue and will announce what formal position Common Cause adopts.

**Public Testimony on NY City Council Intr. 410 before a Joint Hearing of the
Governmental Operations and Immigration Committees**

May 9, 2013

My name is Irma Rodriguez and I am the Executive Director of the Queens Community House, an organization that serves 25,000 Queens residents a year in 11 different Queens neighborhoods. Our program sites stretch from Jackson Heights through Corona, Elmhurst, Rego Park, Forest Hills, Kew Gardens and into South Ozone Park and Jamaica. Everyone knows that Queens is the most diverse county in the United States. At QCH we live this diversity daily. In our school based programs; in our Queens Childcare Network, a in-home provider network consisting primarily of immigrant women entrepreneurs; in our teen leadership and senior center programs; and perhaps most acutely in our adult education program, where only 1 out of 4 applicants wins a seat in an ESOL program that sees nearly 600 students daily. We develop community leaders and try to engage our participants, from the youngest to the oldest, in many aspects of civic engagement. Our participants helped develop a Green Agenda for Jackson Heights and participated in many campaigns for affordable housing in the borough. Our young people have surveyed their communities and brought issues of concern and solutions to elected officials.

We live diversity, and we have seen firsthand how diversity has kept neighborhoods in Queens from falling into decline – it has kept them strong, dynamic, developing, and economically healthy.

I want to thank the members of the City Council Committees on Governmental Operations and Immigration, and their chairs Gale Brewer and Danny Dromm, for holding this hearing. I want to also thank Danny for his leadership on this very important issue.

Our support for Intro 410 grows from our experience as an organization and from our deep belief in the importance of expanding our democracy. Most of our program participants are immigrants or first generation New Yorkers. They bring vibrancy to our communities – New Yorkers boast about the fabulous food and cultural events our immigrant communities offer and depend on so many of their

small businesses and workers. We go to other cities and states and encourage immigration reform. Yet this “city of immigrants” has not taken the step to expand the participation of our own residents in civic matters. People have a desire to participate fully in the decisions that affect their communities – local elections may be the most important form of this involvement. We worry about the decreasing numbers of voters who come out for local elections. We worry because we suspect that people feel their involvement doesn’t matter. We know it does.

It has been suggested that extending voting rights may discourage residents from seeking citizenship. Putting aside the many barriers, length of time, and costs of attaining citizenship – which do serve to discourage – we believe that passage of intro #410 and its implementation would actually encourage residents to seek citizenship and greater involvement in civic affairs. Many years ago a colleague did a study that looked at community involvement in a particular neighborhood in Brooklyn. Among her many findings were two that strike me as applicable here. She discovered that the more involved individuals are in local affairs, the more positive they felt about their neighborhood, and issues such as crime, graffiti, and garbage seemed less intractable. Her other finding was a phenomenon well known to community organizers: the more involved an individual already is, the more involved they became. In other words, they continued to find more time for civic duties because they recognized its value and importance.

How can we continue to ignore a vibrant resource that is our immigrant community? Noncitizens, of course, can be and are involved in many ways already (such as serving on our Board of Directors), but the right to vote, the right to be involved in how our taxes and resources are allocated, to make decisions on issues that will impact their children and their neighbors, is a right still denied to them. We all know that with rights come responsibilities. The inverse is also true – without rights, there can be little sense of responsibility. Denying participation in local elections to 20% of our population is a situation in which we all lose.

NEW YORK MUNICIPAL VOTING RIGHTS

INTRO 410

NYC City Council Hearing

May 9, 2013

Arturo Ignacio Sanchez, Ph.D.

Chairperson Newest New Yorker Committee, Community Board 3

My name is Arturo Ignacio Sanchez and I am here today as a former professor of immigration studies and as the current chairperson of the Newest New Yorker Committee of Community Board 3, in Queens County.

Community Board 3, as most of you know, includes a subset of the most ethnically diverse immigrant neighborhoods in New York City. And as a Colombian immigrant and as an activist on immigrant and social justice issues, I fully and fervently support INTRO 410 which would provide noncitizen residents with municipal voting rights.

And now, if this august body would permit me, I'd like to take this opportunity to place this transcendental initiative in a historical context. In effect, from 1776 through 1926, forty states and federal territories in the United States granted non-citizen residents the right to vote in local, state, and federal elections. Contrary to conventional wisdom, immigrant voting rights have long been a central component in the U.S. political landscape. In this regard, the U.S. Constitution does not establish an obligatory connection between citizenship and voting rights. Moreover, the Supreme Court has upheld voting by non-citizens.

New York City – as an iconic city of immigrants – illustrates the value added benefits associated with re-instituting immigrant voting rights. Implementing immigrant voting rights would socialize our newest New Yorkers in the civic and political obligations of U.S. citizenship while maximizing voter involvement and government accountability. When one considers that the average wait-time for obtaining U.S. citizenship has increased from 8 to 10 years, non-citizenship voting is an important element in increasing immigrant incorporation, strengthening our fragile democracy, and cultivating the social capital and accompanying

neighborhood stability generated by residential engagement in civic and community affairs.

At present, more than 1.3 million adult immigrant New York City residents are denied the opportunity to vote in local elections. This inequitable scenario is compounded by the crucial contributions that immigrants make to the local and regional economy. In New York State, immigrants generate \$229 billion in economic output which accounts for 22.4% of the state's gross domestic product. In addition, documented immigrants pay \$18.2 billion in taxes which represents 15.5% of the state's income tax receipts. This is a socially unjust and untenable situation.

According to the latest U.S. Census, 36% of the city's population is foreign-born, with over one-quarter having arrived in the year 2000 or later. Although the Census 2010 – according to Mayor Bloomberg – dramatically undercounted the recent growth in immigrants and their off-spring, they nonetheless play a crucial role in the allocation of scarce federal resources because funding is calculated on the basis of population. Yet, non-citizen residents are denied the opportunity to participate in the political decisions that structure their life chances as New Yorkers.

In addressing this undemocratic process, the chairperson of the NYC Council's Committee on Immigration – Councilperson Daniel Dromm (CD 25) – is leading the political movement to amend the New York City Charter by championing Int. No. 410. This legislation would authorize non-citizen residents to vote in municipal elections. And if New York's City Council does the right thing and approves Intro 410, they will send a clarion message to the rest of the country: That New York City is a socially and politically just city, and its progressive model of immigrant political incorporation is a beacon call that locates our great city on the side of the angels and of history! Thank you.

Statement for the hearing on Thursday May 9, 2013 of the City Council of New York by David Andersson

On behalf of the New York Coalition to Expand Voting Rights, thank you to council members Gale Brewer and Daniel Dromm for your leadership and for giving us the opportunity to have these hearings on Resident Voting Rights.

I would like to speak today on the legislation's role in expanding democracy in New York City. If we are not continually focused on expanding the right to vote, on bringing it to higher ground, we will in fact see a weakening of our democracy. This has already happened in NYC with the abandonment of local school board elections. We have also seen it, in recent years, in the efforts in many states to suppress or make more complicated access to voting, through the requirement of photo IDs, proof of citizenship, and so on. It would be a "natural" step for NYC to reject this regressive trend, to instead expand the right to vote, and in doing so politically empower the vibrant immigrant community that has played such a role in keeping this city alive and economically vibrant over the past 30 years.

For many years now, the administration has been very proud to sell the city as the 'diversity capital of the world,' but in reality little has been done to enfranchise its newest and poorest residents. NYC ranks among the top cities in the world for income disparity. Those with economic power control more and more of the political establishment and little has been done to strengthen our democracy. The city's housing situation is one reflection of that; how can a city with an annual budget of 70 billion justify a lack of resources for new affordable housing? This is clearly not a fiscal problem but a resource distribution problem. The majority of people are not represented. An expanded voting base would be a counterweight to that disparity. After all, what is the future we want for NYC? Do we want a democracy representative of its population where every day is a new fight to reduce discrimination, poverty, illiteracy, and violence, or do we want a city with a small voting population, and an ever growing number of disenfranchised and marginalized people?

Even though our democratic system is a reference for many around the world, we have not yet reached the apex of democracy; our system needs to be improved and developed. The question is: will this council seize this opportunity to move the historic process of democracy one step forward? Many other countries have implemented the enfranchisement of their immigrant populations, with different forms and at different levels, and the number of these countries is growing. Today, 65 nations have provisions granting the exercise of voting

rights to foreigners, at at least some level and/or for certain categories of residents (see table). We are now living in a global world and there is recognition that new models need to be found that reflect this new reality.

We all know that what happens in New York has repercussions far beyond the border of the United States. Passing this legislation would be a beacon and would provide an enormous boost to a process already in motion in many places. What a nice way for New York to give back and keep its title of World Capital.

Thank you for this opportunity and thank you so much for your attention.



STATEMENT SUBMITTED BY

**Fahd Ahmed, Legal and Policy Director
DRUM – Desis Rising Up & Moving**

Hearing on Intro 410

**NEW YORK CITY COUNCIL
Committee on Immigration
Committee on Government Operations**

MAY 9, 2013

We thank you for holding this critical and timely hearing on allowing immigrants lawfully present in New York city to vote in municipal elections. My name is Fahd Ahmed and I am the Legal and Policy Director of DRUM- Desis Rising Up & Moving. I am honored to submit this testimony on behalf of our nearly 2,000 South Asian members in strong support of Intro 410, which will tremendously empower our community.

Since 2000, DRUM has been a leading community organization in New York City with a membership of nearly 2,000 low-income South Asian immigrant families, workers, and youth, many of whom are also Muslims. DRUM has been mobilizing thousands of South Asian immigrant New Yorkers for the past 12 years for immigrant rights, workers rights, educational reform, and for civil rights. Being firmly rooted in our communities, DRUM has directly seen and experienced how communities can be effectively engaged in civic participation and for social change.

There are over 800,000 South Asians who call New York their home. While for New York City as a whole, almost half of all the households have one or more foreign-born members, in the South Asian community that number is significantly higher. Within DRUM's own membership, nearly 75% of the households consist of one or more non-citizens. The South Asian community is also one of the fastest growing populations in New York City, particularly among Bangladeshis and Nepalis. As an immigrant myself who was a non-Citizen for years, having had such an opportunity to vote in local elections would have made a great difference to my ability to be active in social



and economic change. Today, I serve as a Community Organizer and attorney in immigrant communities, because I see the immense potential and need for engaging in civic & social reform in these communities by generations to come.

For the past 12 years, DRUM has been organizing our members for civic engagement and for social change. Our members have been involved in reforming immigration policies locally and nationally, worked to improve the NYC public school system, improve the quality of education, secured unpaid wages and rights for low-wage workers in the city, and advocated for the civil rights of all New Yorkers through legislations such as the Community Safety Act. This has meant our immigrant members have had constant engagement with city agencies such as the Department of Education, the local offices of the Department of Homeland Security, the Department of Labor, and of course, members of the City Council.

Yet through years of engaging to improve our city by thousands of immigrants, they themselves have not had the ability, until now, to even vote and choose their local representatives. As full tax payers and important contributors to the fabric of New York City, non-citizens deserve the right to engage fully in our city. New York is known globally as an international city and we are proud that members of our City Council have led this historic legislation as a model nationally as our nation advances immigration reform to secure the full rights and participation of millions of non-citizens.

The passage of Intro 410, and the ability for residents to be able to vote will be critical for the development and expansion of democracy in this city. It will improve the engagement of immigrant communities. Many in our communities have already being carrying out their responsibilities as New Yorkers, it is about time that they also have their rights as New Yorkers.

Testimony in favor of Intro 410 -- Restore Resident Voting to New Yorkers

Ron Hayduk, Professor of Political Science Queens College
Legislation Committee of the Professional Staff Congress PSC-CUNY
Co-Founder, Coalition to Expand Voting Rights

I speak as a representative of The Professional Staff Congress, the faculty and staff union of the City University of New York (CUNY) which has 25,000 members who serve the 265,000 students – many of who are immigrants or the children of immigrants; I also speak as a member of the Coalition to Expand Voting Rights, a coalition of community based organizations; and lastly I speak as a Professor of Political Science at Queens College and author of two books on elections, including *Democracy for All: Restoring Immigrant Voting in the United States* (Routledge, 2006).

I'm grateful for the opportunity to speak with you today and I wish to strongly urge you to pass Intro 410. It's the right thing to do and, New York City is the perfect place to do it, and there is no better time than the present to pass Intro 410.

Currently, one out of five (22%) adult New Yorkers are counted for districting purposes, pay billions of dollars in taxes and contribute in countless ways the life of the city, but they can't vote because they are not U.S. citizens. In some districts, the proportion of adult noncitizens is higher – one third to one half of the resident population in many of the 51 city council districts are adult noncitizens. That approximates the political exclusion of women, African-Americans, and youth before laws were changed to incorporate them into the electorate (in 1920, 1965, 1971 respectively). What do these conditions mean for such basic democratic principles as "one person, one vote," "government rests on the consent of the governed," and "no taxation without representation"? Immigrant political exclusion challenges the ideals of a modern democracy, cutting to the heart of our political practice. Restoring immigrant voting rights would help address these incongruities.

It was wrong to exclude women, people of color, and young people from the vote and it's wrong to exclude immigrants today. After all, we know what happens when groups are disenfranchised—discrimination, exploitation and marginalization. That's why blacks, women and young people fought for voting rights and that's why immigrants similarly seek voting rights today. A system where taxpaying residents are disenfranchised is unfair, undemocratic, and un-American.

Allowing legal immigrants voting rights in local elections, as the proposed bill would do, would restore what was a common and widespread practice in earlier times. More recently, from 1969 to 2002, noncitizens voted in New York City's 32 Community School Board elections. Noncitizens also ran and held office in those bodies. They did so successfully and to good ends. Voter participation of minority groups increased and produced more diverse and representative outcomes. Most recently, The City Council's Participatory Budgeting initiative similarly has increased the civic engagement and voter participation of underrepresented groups.

Resident voting—aka, immigrant voting, municipal voting, stakeholder voting—is one of the best and proven ways to facilitate voter participation, immigrant incorporation, and government accountability. Thankfully, we have a chance to restore this effective way to boost civic engagement and improve our democratic representative governance

Although the idea of allowing noncitizens to vote may sound odd to many Americans, resident voting has a long track record in U.S. history and contemporary practice.

In considering resident voting there are three main points I wish to make:

1. ***It's legal.*** The U.S. Constitution does not preclude it and the courts – including the Supreme Court -- have upheld voting by noncitizens. New York City has the authority to restore voting rights to noncitizen residents as it did for the Community School Board Elections from 1969-2002. Noncitizens have enjoyed voting rights for most of U.S. history and continue to do so today.
2. ***It's rational.*** There are moral and practical reasons to restore immigrant voting -- including notions of equal rights and treatment – as well as mutual benefits that accrue to all community members, citizen and noncitizen alike.
3. ***It's feasible.*** Resident voting is being revived in many parts of the U.S.—noncitizens currently vote in Chicago school elections and in municipal elections in six towns in Maryland—and it is practiced in 45 countries worldwide.

History

Americans are usually surprised to learn that immigrants enjoyed voting rights for most of our history and throughout the vast majority of the country. In fact, *from 1776 to 1926, forty states permitted noncitizens to vote in local, state and even federal elections. Noncitizens also held public office, such as alderman, coroner, and school board member.* Voting by noncitizen immigrants is as American as apple pie and is older than our national pastime (baseball). In practice, voting and holding office promoted civic education and citizenship while also facilitating the political incorporation of immigrants. Noncitizen voting affirmed the hallowed principle of the American Revolution: “no taxation without representation.” Our forefathers embraced alien suffrage as a logical way to encourage newcomers to build a stake in America’s emerging democracy. And it worked. As America’s experience during the nineteenth century demonstrated, immigrants were allowed voting rights because it encouraged acquisition of knowledge about the U.S. and hastened civic integration and eventual citizenship. Yet this sensible policy became a casualty of the anti-immigrant backlash and wartime hysteria during the early twentieth century. In short, the notion that noncitizens should have the vote is older, was practiced longer, and is more consistent with democratic ideals than the idea that they should not.

Thus, as history shows, voting is not intrinsically tied to citizenship. Women and blacks were historically denied voting rights not because they were not citizens, but because of sexism and racism.

Civil Rights -> Immigrant Rights

The Civil Rights Movement swept away poll taxes and literacy tests but the movement for universal suffrage remains incomplete. An alarmingly large part of the population remains disenfranchised. Today, after more than three decades of high immigration, *over 1 million New Yorker noncitizens—one out of five residents—cannot vote*. These newest New Yorkers are lawfully present, pay taxes, work in every sector of the economy, own businesses, send their children to school, have revitalized neighborhoods, contribute to the social and cultural life of the city in countless ways, serve in the military and even die defending this country. Yet they cannot vote on issues that affect their daily lives.

What does it mean that more than 22% of the population is excluded from being able to select representatives who make laws and public policy? It certainly raises troubling questions about the nature of our democracy.

In at least 22 of the 51 New York City Council districts, more than 20% of the voting-age population cannot vote due to their citizenship status. In several City Council districts this proportion rises to more than 30% to 40% of the resident population. (See attached map).

We do not have a truly functioning democracy when such a sizable portion of the voting-age population can't vote. Haven't we learned from the consequences of political exclusion? Haven't we seen the multiple benefits of enabling all community members to contribute to American society?

These newest New Yorkers are by no means marginal to the vitality of New York City. Take the economy. New York's immigrants are responsible for \$229 billion in economic output in New York State, according to 2007 report by the Fiscal Policy Institute. That's 22.4 percent of the total New York State GDP, a share slightly larger than immigrants' share of population, and slightly smaller than their share of the workforce. Moreover, legal immigrants in New York pay \$18.2 billion in taxes or 15.5 percent of the state's tax income, according to the Urban Institute. Importantly, most of New York's immigrants live in New York City. Excluding such a significant portion of the population from political participation undermines the health, representativeness and legitimacy of our laws and public policies. By restoring resident voting, New York City would acknowledge the multifaceted contributions that immigrants make to the life of the city and at the same time produce greater democratic outcomes.

Proven Pathway to Progress

The political exclusion of immigrants closes off a proven pathway to political engagement and assimilation. Noncitizen voting is a logical and proven practice that facilitates political incorporation, as reflected in America's founding principles and practice of over 150 years. It gives people a stake in their communities and a sense that they can make things better. Far from being a substitute for citizenship, allowing the newest New Yorkers to vote is the best way to promote civic education and political engagement.

Most immigrants want to become citizens but cannot for little reason other than red tape. The average wait time to obtain citizenship is 10 years (up from 8 years in 1960), according to the U.S. Census, more than the length of two-term elected officials from the mayor on down.

Furthermore, many legally residing immigrants are not eligible for U.S. citizenship, such as students and holders of long term work visas. The pathway to citizenship is restricted to certain categories of individuals, such as family members, asylum seekers, and military personnel. Thus, it is not only undocumented immigrants who are not eligible for citizenship but also hundreds of thousands of documented immigrants who may possess any one of the nearly two dozen types of visas that also are precluded from becoming citizens. Intro 410 would allow these New Yorkers to participate in the life of their new home and at the same time improve the quality of our democracy.

Contemporary Revival of Immigrant Voting in the U.S. and Globally

New York City restored the right of non-citizens to vote in local community school board elections in 1969, a move that affirmed parent's stake in the education of their children. (In 2002, the Department of Education was created that centralized our education system under mayoral control, which eliminated the Board of Education and the Community School Board elections with it.

Chicago followed our lead and immigrants have been voting every two years in even number years during April in school elections since 1989.

During the 1990s, several communities have embraced noncitizen voting as a way to bring community members closer together. Currently, six towns in Maryland allow noncitizens to vote in municipal elections (Takoma Park, Barnesville, Martin's Additions, Somerset, Garrett Park, and Chevy Chase Section 3). In both Chicago and Maryland, both documented and undocumented immigrants are eligible to vote, as was the case in the New York City Community School Board Elections.

In the 2000s, four towns in Massachusetts -- Amherst, Cambridge, Newton and Brookline -- approved noncitizen voting, though they await state enabling legislation to implement the law.

Similar initiatives have been launched in a dozen other places from coast to coast, most recently in San Francisco and Portland Maine in 2010 (both ballot proposals were narrowly defeated).

Globally, more than forty five countries permit voting by resident immigrants. The Maastricht Treaty in 1993 granted all Europeans the right to vote in European Union countries other than their own, expanding what has been practiced for years in Ireland (1963 and 1975), Sweden (1975), the Netherlands (1975), Denmark (1977), and Norway (1978). In the 1980s, the Netherlands, Venezuela, Ireland, Spain, and Iceland enacted legislation enfranchising resident aliens; several Swiss cantons (e.g., Neuchâtel and Jura) have permitted noncitizen voting for over a century; Finland and Iceland allow Nordic citizens voting rights, while Estonia allows noncitizen voting at the local level. Belgium and Rome have more recently joined the fold. Noncitizens vote in countries in Latin America, the Caribbean, the Middle East, North Africa, and New Zealand. Thus, the trend to expand the franchise is hardly unique to the United States.

Thus, it is a contemporary trend to allow residents a greater say in elections.

Legal

Is it legal? Yes. The City has substantial independent authority over municipal elections. It is a Charter City which gives it special independence. This is the basis, for example, for how the City can exercise unique power over campaign financing practices of all municipal candidates, including the ones who do not volunteer to be in the City's highly regarded campaign finance program. Many legal experts agree that the proposed law is legal. The Brennan Center for Justice issued a memo stating New York City has proper authority to enact such a change to its charter on its own. Similarly, the New York City Bar Association's Election Law Committee came to the same conclusion.

Election Administration

Can it be implemented effectively and safely? Yes, the New York City Board of Elections is capable of designing and implementing a system to accommodate noncitizen voting in local elections. Indeed, the technology is available and in place, including the computerization of voter registration rolls and poll lists.

Noncitizen voting will not compromise the integrity of any election. Maryland and Chicago currently do it without problem and New York City has experience doing it when we had noncitizen voting in Community School Board Elections.

Moreover, because municipal elections take place during odd number years—totally separate and apart from state and federal elections, which occur in even number years—a clean separation between these elections is assured. A firewall can be built between city and other elections, so as to allay concerns of any comingling (save special elections which can no doubt be sorted out effectively).

Invigorate democracy

No one believes that resident voting is a panacea to the problem of political apathy and low voter turnout; however, it is a critical step toward creating a local governance process that is more inclusive, accessible and accountable. Resident voting will not eviscerate the palpable fear and distrust that many immigrant communities have of government. Nevertheless, by implementing a system whereby government officials need and vie for their support will give these vulnerable communities more of an equal footing in a City in which they have a vital stake. Resident voting will not guarantee that everyone eligible for Child Health Plus, Medicaid and Food Stamps will enroll in these programs but it will help to develop a culture of more civically and politically engaged communities. Resident voting will not ensure that government is truly accountable to all New Yorkers but by giving residents a direct recourse in the ballot box will go a long way toward increasing accountability.

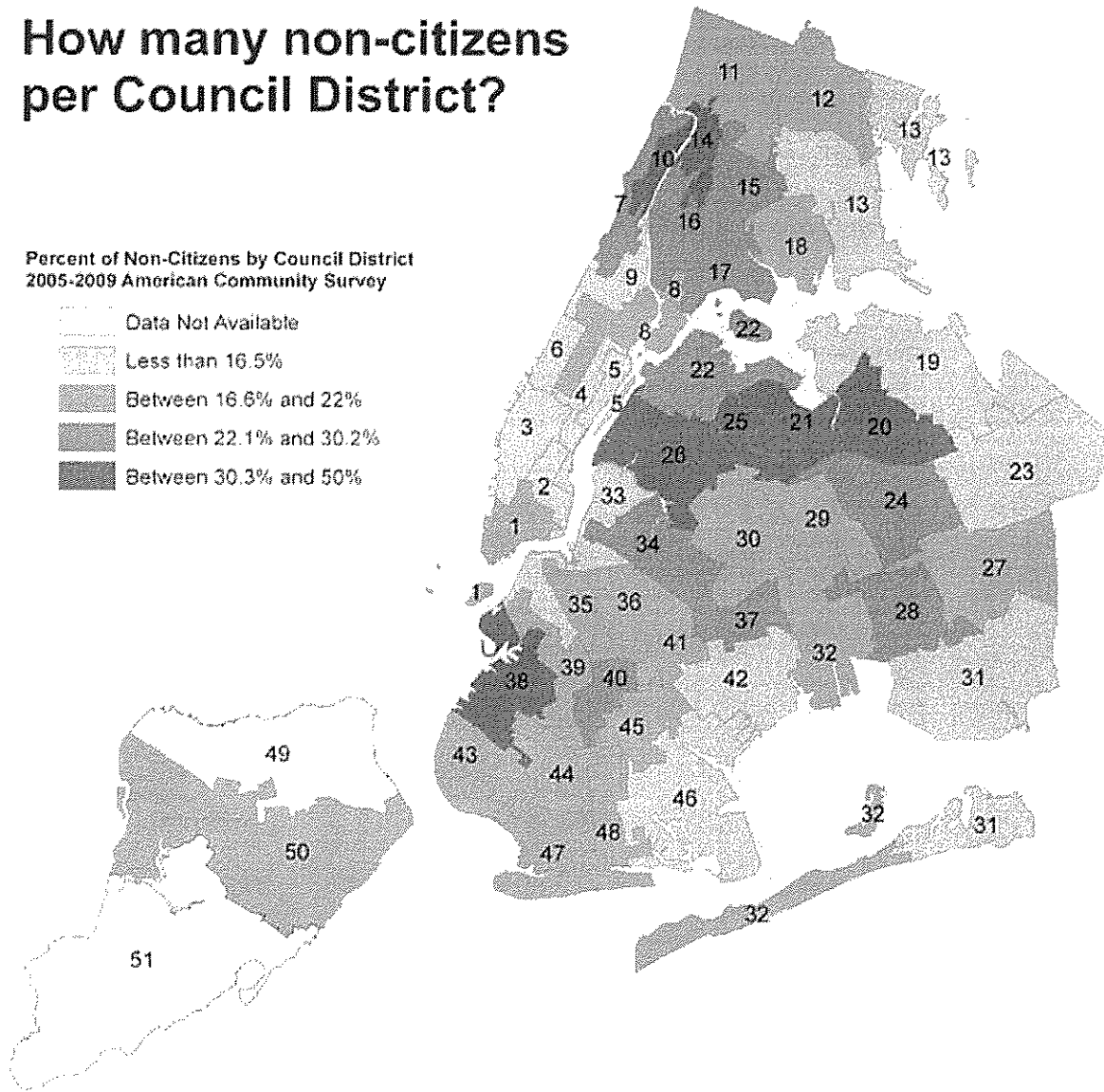
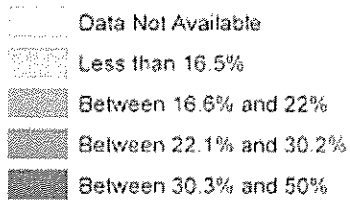
The vote is a tried and true mechanism to keep government representative, responsive and accountable to the people. Resident voting will help immigrants be more empowered to fight for cleaner and safer streets, affordable housing and higher quality schools and hospitals just like everyone else.

Research shows us that immigrant residents vote in municipal elections in the same manner and in the similar proportions as their citizen neighbors. Elected officials will have greater participation from their constituents and therefore a greater mandate. Local government will be more accessible and accountable and ultimately, our democracy will be more democratic. Most New Yorkers support restoring immigrant voting rights, according to a public opinion poll conducted by Baruch College (April, 2011).

In conclusion, immigrant rights are the civil rights of the day, and thus, noncitizen voting is the suffrage movement of our time. The burgeoning movement to create a truly universal suffrage calls forth America's past and future as an immigrant nation. Restoring voting rights to all its residents would update our democracy for these global times. New York, home of the Statue of Liberty and Ellis Island, symbolizes America's past and future as an immigrant nation. How appropriate it would be to affirm this leadership role by restoring noncitizen voting in city elections. By doing so, we will be making history, again.

How many non-citizens per Council District?

Percent of Non-Citizens by Council District
2005-2009 American Community Survey

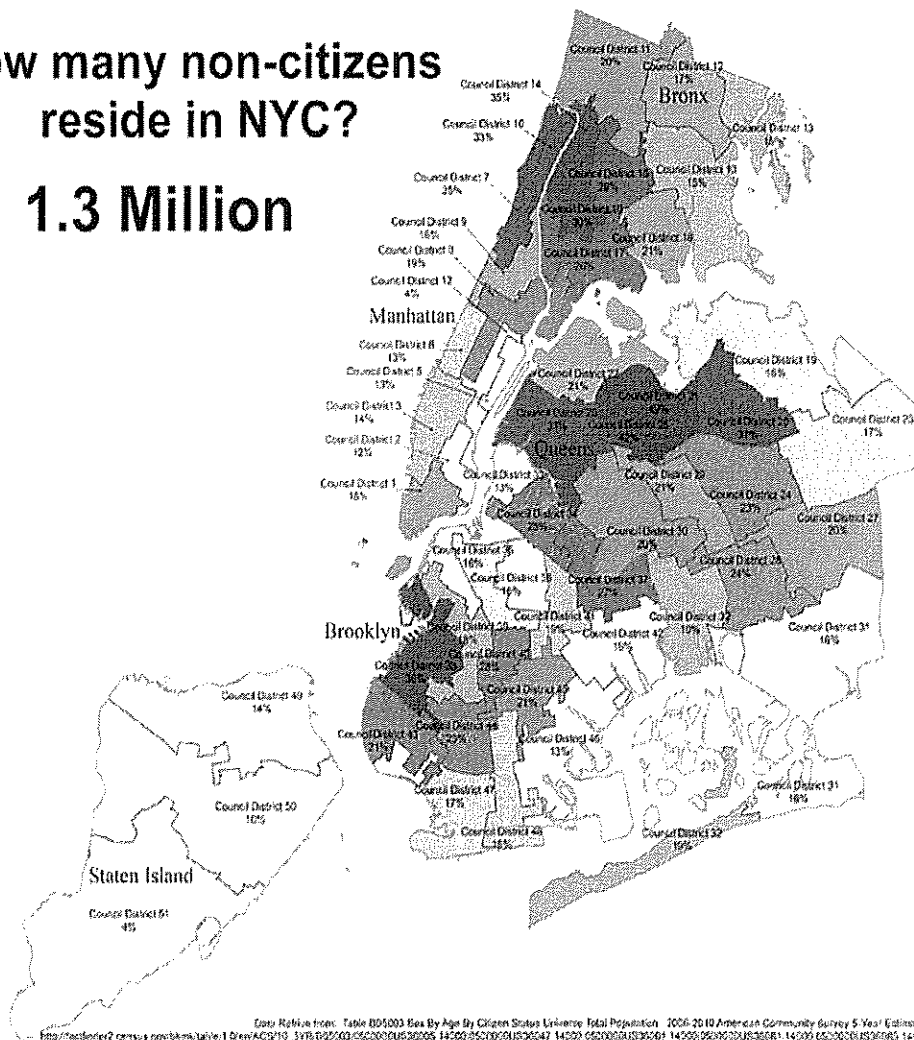


Legend

Council District #	Council Member Name	Non-citizens Residents Aproximate Population
1	Margaret Chin	24,900
2	Rosie Mendez	16,280
3	Christine C. Quinn	21,125
4	Daniel R. Garodnick	18,125
5	Jessica S. Lappin	18,125
6	Gale A. Brewer	20,250
7	Robert Jackson	36,375
8	Melissa Mark-Viverito	27,000
9	Inez E. Dickens	22,625
10	Ydania Rodriguez	36,125
11	G. Oliver Koppell	24,000
12	Andy King	22,375
13	James Vacca	20,625
14	Fernando Cabrera	38,750
15	Joel Rivera	32,250
16	Helen D. Foster	39,875
17	Maria del C. Arroyo	32,125
18	Annabel Palma	23,375
19	Daniel J. Halloran	19,000
20	Peter Koo	41,750
21	Julissa Ferreras	71,600
22	Peter F. Vallone	23,125
23	Mark Weprin	19,250
24	James F. Gannaro	26,250
25	Daniel Dromm	63,500
26	James G. Van Brammer	41,000
27	Leroy G. Comrie Jr.	24,500
28	Ruben Willis	25,875
29	Karen Koslowitz	24,000
30	Elizabeth Crowley	25,000
31	Donovan Richards	17,875
32	Eric Ulrich	21,875
33	Stephen Levin	17,125
34	Diana Reyna	29,500
35	Letitia James	18,750
36	Albert Vann	17,500
37	Erik Martin Dilan	31,250
38	Sara M. Gonzalez	45,750
39	Bradford Lander	22,000
40	Mathieu Eugene	27,875
41	Darlene Mealy	20,250
42	Charles Barron	17,875
43	Vincent J. Gentile	27,875
44	Simcha Felder	26,750
45	Jirnaane Williams	25,625
46	Lewis A. Fidler	17,125
47	Domenic Recchia, Jr.	19,625
48	Michael C. Nelson	20,125
49	Deborah Rose	15,125
50	James S. Oddo	12,250
51	Vincent Ignizio	4,500

How many non-citizens reside in NYC?

1.3 Million



Data Refused from: Table 005003 Res By Age By Citizen Status Livewise Total Population 2006-2010 American Community Survey 5-Year Estimates
http://act.census.gov/kids/table1DrawACD10_3176/020503/062000US30005/14200/052000US30647/14300/062000US30601/14500/060000US30608/14400/060000US30605/14200

Professional Staff Congress PSC-CUNY Delegate Assembly Resolutions

April 25, 2013

Resolution to Re-enfranchise Legal Non-citizen Residents in Local Elections

Whereas over 1.3 million non-citizen residents of voting age live in New York City (one in five); and

Whereas non-citizen residents contribute to the economic vitality of New York City, by paying taxes, purchasing goods and services, and working in every sector of the economy; and

Whereas non-citizen residents contribute to the social and cultural vitality of NYC by sending their children to schools, developing and participating in the life of their communities through churches, synagogues, mosques, and community groups; and

Whereas non-citizen residents are excluded from participating in the selection of representatives who make laws and public policy affecting their lives on a daily basis; and

Whereas excluding such a significant portion of the city's population undermines the health, representativeness and legitimacy of our laws and public policies; and

Whereas the average time it takes to attain citizenship is ten years; and

Whereas non-citizens voted in local, state and national elections in the U.S. from the Founding until the 1920s and in forty states and federal territories, until it fell casualty to nativism and elite reaction to the potential power of growing working class movements and electoral strength (which also brought literacy tests, poll taxes, restrictive residency and voter registration requirements); and

Whereas the Civil Rights Movement ushered in noncitizen voting in NYC school board elections from 1969 to 2003 (when school boards were eliminated); and

Whereas nearly a dozen other jurisdictions in the U.S. have more recently extended voting rights to non-citizens or are currently considering such legislation, including in Chicago, Maryland, San Francisco, and Portland, Maine; and

Whereas more than forty countries in the world currently permit resident aliens to vote; and

Whereas non-citizen voting is a proven practical means to political incorporation, citizenship and participation as reflected in America's previous practice with it and as evidenced in contemporary jurisdictions in the U.S. and globally that allow noncitizens to

vote—all of which shows voting gives newcomers greater incentives to develop ties to local communities and facilitates civic education and political participation; and

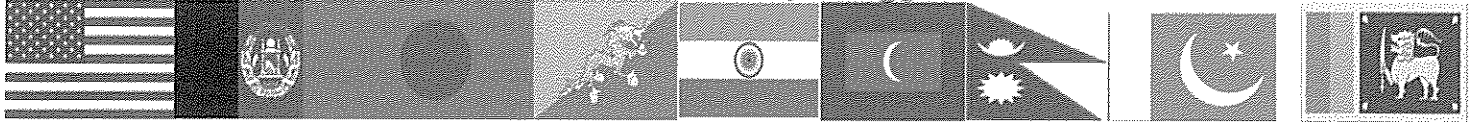
Whereas non-citizens, such as permanent legal residents, comprise a significant proportion of the membership of the PSC and the student body of CUNY who understand the value of the franchise and would be empowered to participate in the democratic process; therefore be it

Resolved, that PSC-CUNY urge its members to support legislation by the City Council (Introduction 410) which would allow noncitizens legally residing in New York to vote in New York City elections, including for Mayor, Comptroller, City Council, Borough Presidents, District Attorneys, and Judges.

ALLIANCE OF SOUTH ASIAN AMERICAN LABOR (ASAAL)

P.O. BOX 1698, NEW YORK, NY 10008

E-mail: womenofasaal@gmail.com



5/9/13

“Voting Rights is the vital instrument of democracy”

To Honorable Government officials and Community Activists,

My name is Mazeda A. Uddin. I am one of the directors of Service, Health, Education, Bread and Aid (SHEBA) that helps teaching English to immigrants as well as searching for jobs. I am also the Woman’s Coordinator for the Alliance of South Asian American Labor (ASAAL), an organization that aids those workers who are underrepresented in both the voting booths and labor unions. Not only that, a human rights activist, stands against social discrimination, religious persecution, economic exploitation, and political repression

New York City comprises five boroughs: Bronx, Manhattan, Queens, Brooklyn, and Staten Island, which are home to more than two-fifths of the state's population. New York City, with a Census-estimated population of over 8.3 million in 2012, Alone, it makes up over 40% of the population of New York state. As many as 800 languages are spoken in New York, making it the most linguistically diverse city in the world.

Our New York Community is very pleased to work with elected officials to reintroduce the **Voting Rights Restoration Act**. This Legislation will grant non-Citizens the right to vote in local elections. *More than 1 million adult New York City residents can't participate in local elections. That is 20% of adult New Yorkers and more than the population of 11 states! Is this really democracy? Thinking isn't knowing and knowing is not doing.* Let’s work together to pass “intro 410” Bill.

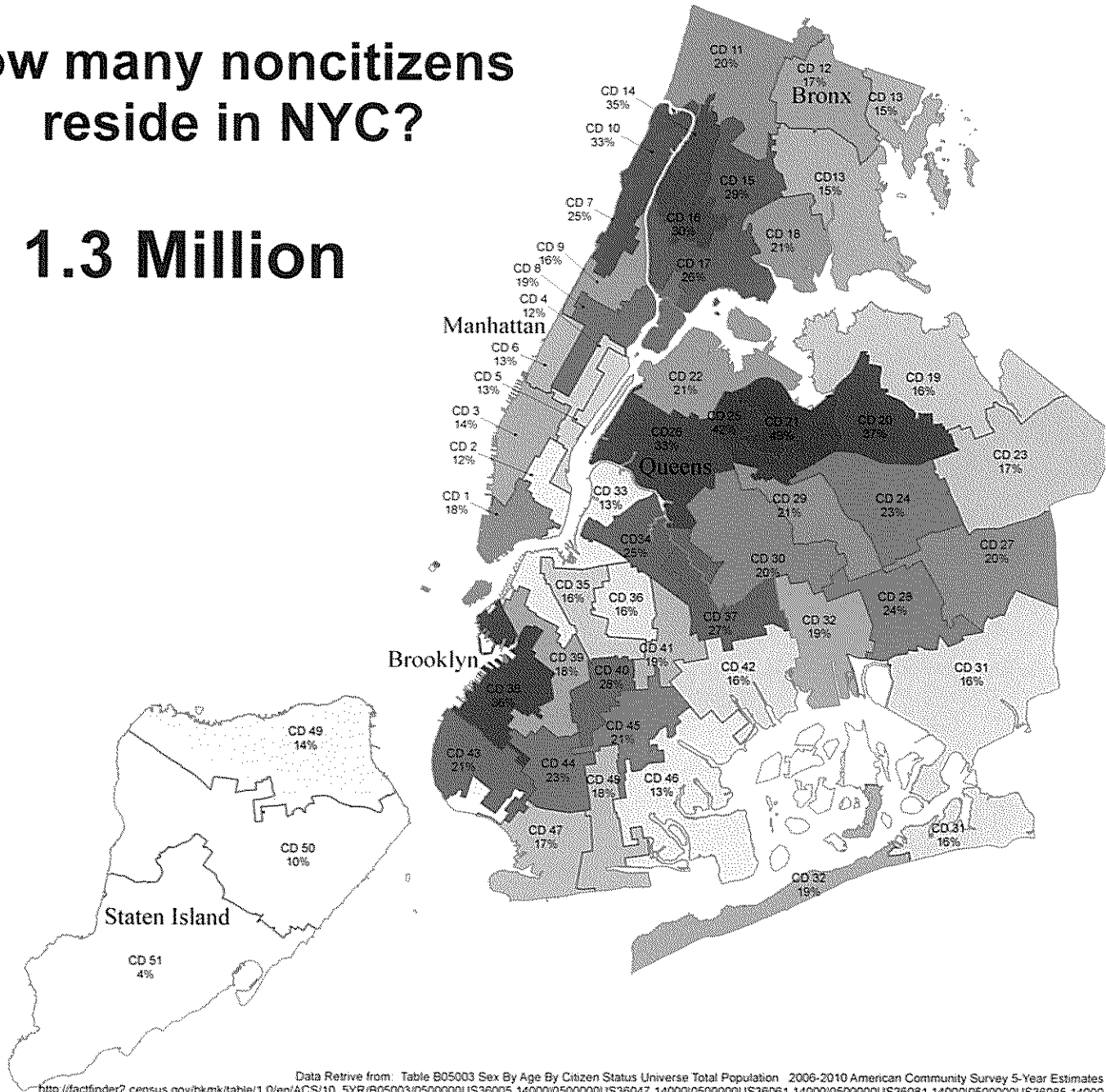
ASAAL strongly support “Intro 410” and urging all City Council to pass the bill as soon as possible. It is an important step forward by allowing immigrants of all races, ethnicities, and nationalities with legal status the right to vote in local elections. New York City’s democracy is only as strong as the ability of its people to vote. New York’s immigrant communities pay taxes, and work hard to provide for their families, but far too many do not have the right to vote. “Intro 410” will strengthen our democracy and the lives of immigrants who each day are contributing to the city’s vitality We all are New York City resident. Democracy is better served, and everyone benefits. Thanks, More than half of the NYC Council now supports immigrant voting rights marks a momentous opportunity for us to emphasize the growing support for the expansion of democracy throughout New York City. They pay taxes like us they should enjoy same right like us. They are 1.3 million strong noncitizen resident and they bring \$229 billion in economic output in our state. Over 70% of the city’s Asian Americans are immigrants. Many are long-time, hard-working, taxpaying residents who not yet eligible to vote. They are long-time green card holders, professionals here on extended visas, or simply citizens who have not registered. Half of the people in some neighborhoods are allowed to make decisions for the entire community. our democratic process is in crisis. Immigrants pay more than \$18.2 billion dollars a year in New York State income taxes. Is they are not human like us? If they are they should be treated like us! As a Alliance South Asian American labor’s women’s Coordinator I am emphasizing to all Government official that this is about Human Rights and we must all agree that Intro 410 Bill will serve as an instrument in building a better City, State and Nation. *There is nothing in either the U.S. or the New York State Constitution that prevents us from changing the law to allow immigrants to vote.*

Legend

CD #	Council Member Name	Noncitizens Residents Aproximate Population
1	Margaret Chin	24,500
2	Rosie Mendez	16,250
3	Christine C. Quinn	21,125
4	Daniel R. Garodnick	18,125
5	Jessica S. Lappin	18,125
6	Gale A. Brewer	20,250
7	Robert Jackson	36,375
8	Melissa Mark-Viverito	27,000
9	Inez E. Dickens	22,625
10	Ydanis Rodriguez	36,125
11	G. Oliver Koppell	24,000
12	Andy King	22,375
13	James Vacca	20,625
14	Fernando Cabrera	38,750
15	Joel Rivera	32,250
16	Helen D. Foster	39,875
17	Maria del C. Arroyo	32,125
18	Annabel Palma	23,375
19	Daniel J. Halloran	19,000
20	Peter Koo	41,750
21	Julissa Ferreras	71,000
22	Peter F. Vallone	23,125
23	Mark Weprin	19,250
24	James F. Gennaro	26,250
25	Daniel Dromm	63,500
26	James G. Van Bramer	41,000
27	Leroy G Comrie Jr.	24,500
28	Ruben Wills	25,875
29	Karen Koslowitz	24,000
30	Elizabeth Crowley	25,000
31	Donovan Richards	17,875
32	Eric Ulrich	21,875
33	Stephen Levin	17,125
34	Diana Reyna	29,500
35	Letitia James	18,750
36	Albert Vann	17,500
37	Erik Martin Dilan	31,250
38	Sara M. Gonzalez	45,750
39	Bradford Lander	22,000
40	Mathieu Eugene	27,875
41	Darlene Mealy	20,250
42	Charles Barron	17,875
43	Vincent J. Gentile	27,875
44	Simcha Felder	26,750
45	Jumaane Williams	25,625
46	Lewis A. Fidler	17,125
47	Domenic Recchia, Jr.	19,625
48	Michael C. Nelson	20,125
49	Deborah Rose	16,125
50	James S. Oddo	12,250
51	Vincent Ignizio	4,500

How many noncitizens reside in NYC?

1.3 Million



Data Retrieve from: Table B05003 Sex By Age By Citizen Status Universe Total Population 2006-2010 American Community Survey 5-Year Estimates
http://factfinder2.census.gov/bkms/table/1/0/en/ACS/10_5YR/B05003/0500000US36005.14000/0500000US36047.14000/0500000US36061.14000/0500000US36081.14000/0500000US36085.14000

Countries that Grant Some Voting Rights to Foreign Residents (65 of 193 Member States of the United Nations)

EUROPE: 30/44		<u>Denmark</u>	<u>Ireland</u>	Macedonia	Poland	Serbia	ASIA: 3/46		Nepal	
		Spain	<u>Iceland</u>	Malta	Portugal	<u>Slovakia</u>	Afghanistan	India	Oman	
Albania	Belarus	<u>Estonia</u>	<u>Italy</u>	Moldova	Czech Rep.	<u>Slovenia</u>	Saudi Arabia	Indonesia	Uzbekistan	
Germany	Bosnia & Herz.	<u>Finland</u>	<u>Latvia</u>	Monaco	Romania	Sweden	Armenia	Iraq	Pakistan	
Andorra	Bulgaria	France	Liechtenstein	Montenegro	United Kingdom	Switzerland *	Azerbaijan	Iran	Philippines	
Austria	Cyprus	<u>Greece</u>	<u>Lithuania</u>	<u>Norway</u>	Russia	Ukraine	Bahrain	<u>Israel *</u>	Qatar	
<u>Belgium</u>	Croatia	<u>Hungary</u>	<u>Luxembourg</u>	<u>Netherlands</u>	San Marino		Bangladesh	Japan	Singapore	
							Bhutan	Jordan	Sri Lanka	
				AFRICA: 8/54		Liberia	Sao Tome and Principe	Burma	Kazakhstan	Syria
AMERICAS: 22/35			South Africa	Ivory Coast	Libya	Senegal	Brunei	Kyrgyzstan	Tajikistan	
Antigua and Barb.	Dominican Rep.	Panama	Algeria	Djibouti	Madagascar	Seychelles	Cambodia	Kuwait	Thailand	
Argentina*	Dominica	<u>Paraguay</u>	Angola	Egypt	<u>Malawi</u>	Sierra Leone	<u>China *</u>	Laos	East Timor	
Bahamas	<u>Ecuador</u>	<u>Peru</u>	Benin	Eritrea	Mali	Somalia	North Korea	Lebanon	Turkmenistan	
Barbados	United States *	St. Kitts & Nevis	Botswana **	Ethiopia	Morocco **	Sudan	<u>South Korea</u>	Malaysia	Turkey	
Belize	Granada	<u>St. Lucia</u>	<u>Burkina Faso</u>	Gabon	Maurice	South Sudan	U.A.R.	Maldives	Vietnam	
<u>Bolivia</u>	Guatemala	St. Vincents	Burundi	Gambia	Mauritania	Swaziland	Georgia	Mongolia	Yemen	
Brazil	Guyana	El Salvador	Cameroon	Ghana	Mozambique	Tanzania				
Canada	Haiti	Suriname	<u>Cape Verde</u>	<u>Guinea</u>	Namibia	Chad	OCEANIA 2/14	Micronesia	Solomon Isl.	
<u>Chile</u>	Honduras	Trinidad and Tob.	Central African	Guinea-Bissau	Niger	Togo	<u>Australia</u>	Nauru	Samoa	
<u>Colombia</u>	Jamaica	<u>Uruguay</u>	Comoros	Equatorial Guinea	Nigeria	Tunisia	Fiji	<u>New Zealand</u>	Tonga	
Costa Rica	Mexico	<u>Venezuela</u>	Congo	Kenya	<u>Uganda</u>	<u>Zambia</u>	Kiribati	Palau	Tuvalu	
Cuba	Nicaragua		Dem. R. of Congo	Lesotho	<u>Rwanda</u>	Zimbabwe	Marshall Is.	Papua NG	Vanuatu	

Legend:

65 countries, on 6 continents, have provisions granting the exercise of some voting rights to foreigners and/or for certain categories of foreign residents.

The 31 countries whose names are underlined grant the right to vote to all foreign residents, regardless of nationality, throughout their territory.

The 22 countries whose name appears in **bold** grant the right to vote in national elections for foreigners.

The countries with an asterisk (*) do not grant the right to vote to foreigners throughout their territory, but have varying provisions by geographic entities.

The countries in white with two asterisks (**) have constitutional provisions opening the vote to foreign residents, but these provisions are not yet implemented. They are not counted among the 65 states currently.

Sources: Constitutions and electoral laws of different states, official election commissions. See also: <http://tel.archives-ouvertes.fr/> and <http://suffrage-universel.be/wiki> and <http://immigrantvoting.org>.

**Testimony of José Davila,
Vice President of Policy & Governmental Relations for the Hispanic Federation,
Before the NYC Council Immigration and Governmental Affairs Committees
Regarding Intro. 410: Immigrant Municipal Voting Rights**

May 9, 2013

Good afternoon. My name is José Davila and I am the Vice President of Policy and Governmental Relations for the Hispanic Federation. I would like to thank Chairs Daniel Dromm and Gale Brewer and members of the Committees on Immigration and Governmental Affairs for inviting us to testify in support of Intro. 410, to allow lawfully present immigrants residing in New York City to vote in municipal elections.

The Hispanic Federation supports this bill and calls on the New York City Council to pass Intro. 410 to ensure our non-naturalized immigrant residents, neighbors, parents and workers are able to play a meaningful role in who represents their interests in City Hall.

As you may know, the Hispanic Federation is one of the leading Latino organizations in the nation and is dedicated to promoting the social, political and economic well being of the Hispanic community. Since 2007, the Federation has supported the expansion of voter rights to lawful immigrants in New York City.

New York City's elected officials are chosen by the people, for the people. Yet more than 1.3 million New Yorkers who financially, socially and culturally contribute to New York City's thriving society are unable to vote in city elections due to their lack of U.S. citizenship. Although these hard working immigrants fuel our economy, with a contribution of \$229 billion in economic output in New York State, they are unable to vote for elected officials who make decisions that have a direct impact on their life. In fact, 48% of business owners in NYC are immigrants. Immigrants own 62% of construction and 40% of engineering companies, 84% of small grocery stores, 69% of restaurants and 63% of clothing stores. These business owners generate revenue for their communities and provide residents with essential needs, yet those who lack U.S. citizenship do not have the ability to choose those who represent them on the city level.

The municipal officers of New York City make decisions that affect the everyday life of all New Yorkers. They decide educational policies that directly influence the schooling and futures of NYC's children, healthcare policies that affect families, legislation that affects affordable housing and so much more. It is proven that communities that vote in high numbers have better resources. Our immigrant communities deserve a chance at fair representation in New York City's legislature and a voice in their futures.

Voting is the most effective way to voice concerns and aspirations regarding the actions taken by those in public office. It is the best way to hold those in office accountable for their actions. Expanding the right to vote in municipal elections would give 1.3 million lawfully present residents of New York City a say in who makes the decisions that directly affect the best interest of their families, businesses, happiness and overall quality of life.

New York City is a unique example of a melting pot of immigrants from all over the world. We honor our history and the contributions immigrants have made to our quality of life. Expanding our electorate and allowing more people to participate in the political process is the most effective way to protect the rights of New York City's residents.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Algha Muhammad Salol.

Address: 57-11 28 Ave # 18. ASTORIA

I represent: SUKHI NY.

Address: #3-19A 37th Lane, JACK HEW #

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Drew Spencer

Address: 1836 Metzcott Rd Unit 704, Adelphi, MD

I represent: Fair Vote

Address: 6930 Carroll Ave Ste. C10, Takoma Park, MD

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: James Hong

Address: 136-19 41st Ave. 3rd Floor, Flushing

I represent: Minkwon Center for Community Action NY 11355

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/9/2013

Name: LEANDRA REQUENA (PLEASE PRINT)

Address: 35-27 81st STREET Apt. 4J JACKSON HEIGHTS

I represent: PERUVIANS IN ACTION

Address: SAME ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/9/13

Name: Pedro Alvarez (PLEASE PRINT)

Address: 50 E 160th ST #807 Bronx NY 10452

I represent: Bronx Merchant Assoc.

Address: 23 E 170th St Bronx NY 10452

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Mazeda A. Uddin (PLEASE PRINT)

Address: 161-17 85th Ave

I represent: ASAAL

Address: @ 646-318-4617

◆ Please complete this card and return to the Sergeant-at-Arms ◆

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 410-219 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Angela Fernandez

Address: 506 A. WASHINGTON Ave 3D NYC

I represent: NORTHERN MANHATTAN COALITION

Address: FOR IMMIGRATION RIGHTS

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 401 Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: JERRY VATTAMALA

Address: 99 HUDSON STREET, 12TH FLOOR, NYC NY 10013

I represent: AALDEF

Address: SAME

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: May 9 2013

(PLEASE PRINT)

Name: Eric Friedman

Address: 401 Rector St 7th Fl NY

I represent: NYC Campaign Finance Board

Address: New Agenda

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: IRMA E. RODRIGUEZ
Address: 49-16 39th AVENUE WOODSIDE
I represent: QUEENS COMMUNITY HOUSE
Address: 108-25 62nd DR. FOREST HILLS

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JACKSON CHIN
Address: 99 Hudson St, 14 fl.
I represent: Latina Justice PRLDEF
Address: (same)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cheryl Wertz
Address: 454 15 St. #12, BK, 11215
I represent: NY Coalition to Expand Voting Rights
Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BARBARA J. BRANDES ESQ

Address: 225 Broadway Suite 900 NY NY 10007

I represent: immigrants for more than 30 years.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAVID ANDERSSON

Address: 50-54 41st STREET

I represent: N/C COALITION TO EXPAND VOTING RIGHT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: PETER SEFFEN

Address: 300 CENTRAL PARK WEST NYC 10024

I represent: Coalition for Voting Rights

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: Edward Gajadar

Address: 1224 Walton Ave. #4F, Bx, NY 10452

I represent: Guyanese-American Workers United

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: May 9/13

(PLEASE PRINT)

Name: Arturo I. Sanchez

Address: 33-27 91st Street, Apt 4.F W.P.

I represent: Community B6 3, Queens

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: Jose Schiffino

Address: 24-46 74th St Jackson Hts

I represent: WMC Labor Council for Latin American Advancement

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 8/9/2013

(PLEASE PRINT)

Name: NEENA DUTTA / AILA-NY

Address: 11 BROADWAY, St 615 NYC

I represent: AILA NY.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kevin Douglas

Address: _____

I represent: United Neighborhood Houses

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: May 9 2013

(PLEASE PRINT)

Name: Michele Wucker

Address: 314 West 94th St #4D NY 10025

I represent: World Policy Institute

Address: 108 W 39th St Rm 1000 NY 10018

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: Becetria Aguirre

Address: 3422 Crescent St Astoria

I represent: JACOB RIIS SETTLEMENT STUDENTS

Address: 10-25 41st St LIC 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: CESAR PALOMEQUE

Address: 41-19 48 St Queens NY 11104

I represent: MAKER ROAD NEW YORK

Address: 9240 Roosevelt Av. NY 11372

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 5/9/13

(PLEASE PRINT)

Name: FAHD AHMED

Address: 74-10 35th Ave, # 653 W

I represent: DRUM - Deis Rising Up & Moving

Address: 72-18 Roosevelt Ave, Jackson Heights, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

SA

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: 5/9/18

(PLEASE PRINT)

Name: Susan Turner

Address: 74 Trinity Pl

I represent: Common Cause/NY

Address: 74 Trinity Pl

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 410 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ron Handuk

Address: 35-45 79th St # 21 Jackson Heights

I represent: PSC - CUNY ; Coalition for

Address: Expand Voting Rights

▶ Please complete this card and return to the Sergeant-at-Arms ◀