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## THE COUNCIL

# **COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS Division**

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**COMMITTEE ON GOVERNMENTAL OPERATIONS**

*Hon. Fernando Cabrera, Chair*

#### December 9, 2021

**Int. 1621-A:** By Council Members Dromm, Kallos, Rivera, Chin, Powers, Gibson, Cornegy, Brannan, Rosenthal, Reynoso, Rodriguez, Louis, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Miller, Perkins, Rose, Treyger, Ayala, Vallone, Lander, Koo, Adams, Salamanca, Moya, Cumbo, Barron, Cabrera, Dinowitz, Riley and the Public Advocate (Mr. Williams)

**Title:** A Local Law in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee

**Int. 1867-A:** By Council Members Rodriguez, Menchaca, Dromm, Cabrera, Chin, Kallos, Miller, Van Bramer, Levin, Reynoso, Rivera, Ayala, Lander, Cornegy, Adams, Ampry-Samuel, Levine, Louis, Powers, Rosenthal, Cumbo, Eugene, the Public Advocate (Mr. Williams), Perkins, Koo, Salamanca, Riley, Barron, Dinowitz, Gibson, Brooks-Powers, Feliz , Moya, D. Diaz, Brannan and Cabán

**Title:** A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections

**Charter**: Adds a new chapter 46-A

**Int. 2459-A:** By Council Members Feliz and Kallos (by request of the Mayor)

**Title:** A Local Law to amend the New York city charter, in relation to establishing an office of information privacy

**Charter**: Amends section 8(h)

# **Introduction**

On December 8, 2021, the Committee on Governmental Operations, chaired by Council Member Cabrera, held a second hearing and vote on the following legislation: Proposed Int. 1621-A, sponsored by Council Member Dromm, in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee; Proposed Int. 1867-A, sponsored by Council Member Rodriguez, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections; and Proposed Int. 2459-A, sponsored by Council Member Feliz (by request of the Mayor), in relation to establishing an office of information privacy. Each bill was approved by the Committee, with Proposed Int. 1621-A receiving six votes in the affirmative, zero votes in the negative, and one abstention, Proposed Int. 1867-A receiving six votes in the affirmative, one vote in the negative, and zero abstentions, and Proposed Int. 2459-A receiving seven votes in the affirmative, zero votes in the negative, and zero abstentions.

# **Background**

1. ***Nuclear Disarmament and Nuclear Weapon-Free Zones***

 Nuclear disarmament is the process of reducing and eradicating nuclear weapons while also ensuring that countries without nuclear weapons are not equipped to develop them.[[1]](#footnote-1) The nuclear disarmament movement seeks to eliminate the possibility of nuclear war due to its potentially catastrophic consequences.[[2]](#footnote-2) These consequences, most notably demonstrated by the United States’ (U.S.) bombing of Hiroshima and Nagasaki in Japan during World War II, can be devastating and fatal, impacting populations and environments for decades.[[3]](#footnote-3) Understanding this, the basic tenet of the nuclear disarmament movement is that there is never a legitimate use for nuclear weapons, and that world peace will only come with complete nuclear disarmament.[[4]](#footnote-4) There have been a number of treaties that either slow or stop the use and generation of nuclear weapons. The most important of these are the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the Treaty on the Prohibition of Nuclear Weapons (TPNW).

 Nuclear-Weapon-Free Zones (NWFZ) are specified regions in which countries commit themselves not to manufacture, acquire, test or possess nuclear weapons.[[5]](#footnote-5) According to the U.N., the establishment of NWFZs is a regional approach to strengthen nuclear non-proliferation and disarmament norms.[[6]](#footnote-6) The NPT affirms the right of countries to establish NWFZs, providing that nothing in that treaty affect the right of any group of countries to form NWFZs. This provision ensures the total absence of nuclear weapons in their territories.[[7]](#footnote-7) U.N. general resolution 3472 (1975) defines a NWFZ as “any zone recognized as such by the General Assembly of the United Nations, which any group of States . . . has established by virtue of treaty or convention whereby: (a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined; [and] (b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.”[[8]](#footnote-8)

 Five NWFZs exist today, with four of them covering the entire southern hemisphere.[[9]](#footnote-9) The regions currently covered are Latin America and the Caribbean (the 1967 Treaty of Tlatelolco), the South Pacific (the 1985 Treaty of Rarotonga), Southeast Asia (the 1995 Treaty of Bangkok) Africa (the 1996 Treaty of Pelindaba) and Central Asia (the 2006 Treaty of Semipalatinsk).[[10]](#footnote-10) Additionally, Mongolia’s self-declared nuclear-weapons-free status has been recognized by adoption of a U.N. General Assembly resolution. [[11]](#footnote-11) Other treaties deal with denuclearization of the Antarctic, outer space, the moon, and the ocean floor.[[12]](#footnote-12)

The U.N. recommended guidelines and principles for the establishment of NWFZs, which include the recommendation that NWFZs should not prevent the use of nuclear science for its peaceful use in support of the socio-economic, scientific and technological development of countries.[[13]](#footnote-13) The U.N. also recommends that countries with nuclear weapons be consulted during the negotiations of each treaty, and its relevant protocols, in order to facilitate such countries’ signature to a ratification of the relevant protocol, through which such countries make legally binding commitments not to use or threaten use of nuclear weapons against countries that are party to such NWFZ.[[14]](#footnote-14) Each treaty establishing a NWFZ includes a protocol for the five nuclear-weapon countries recognized by the NPT.[[15]](#footnote-15)

The U.S. has ratified such a protocol to the Treaty of Tlatelolco, covering Latin America and the Caribbean, but has declined to ratify similar protocols to any remaining NWFZ treaties.[[16]](#footnote-16) While the U.S. also signed the protocol for the Treaty of Pelindaba, covering Africa, it did so with conditions, reserving the right to respond to a chemical or biological weapons attack by a member of the zone with all options, implying the possible use of nuclear weapons.[[17]](#footnote-17) None of the nuclear-weapon-owning countries has signed the relevant protocol for the treaty creating a zone in Southeast Asia.[[18]](#footnote-18)

According to a 2018 U.N. report, the U.N.’s High Representative for Disarmament Affairs facilitates cooperation and consultation between existing zones, encourages nuclear-weapon-owning countries to adhere to the relevant protocols to the treaties establishing NWFZs, and supports the further establishment of NWFZs, including in the Middle East.[[19]](#footnote-19) The New York City Council has a demonstrated history of opposing nuclear weapons,[[20]](#footnote-20) which includes its adoption on April 26, 1983 of Resolution 364 declaring the City a Nuclear Weapons Free Zone. That resolution prohibited the production, transport, storage, placement or deployment of nuclear weapons within the territorial limits of the City.[[21]](#footnote-21)

1. ***Non-Citizen Voting Legislation in New York City***

Int. 1867-A, sponsored by Council Member Ydanis Rodriguez, would allow certain residents of the City who are not United States citizens to vote in local elections. An earlier version of this bill was introduced during the Council’s 2010-2013 session as Int. No. 410. On May 9, 2013, the Committees on Governmental Operations and Immigration held a joint hearing on Int. 410. During that hearing, the Committees received testimony from a variety of stakeholders, including the Mayor’s Office, the BOE, the CFB, advocates, and interested members of the public. Although many of those who testified expressed support for bill’s aims, others cited potential implementation challenges, as well as possible legal and policy concerns.

During the current 2018-2021 session, a revised version of the bill was reintroduced as Int. 1867. This revised version of the bill was heard by the Committee on Governmental Operations on September 20, 2021.

1. ***The Mayor’s Office of Information Privacy***

Local Law 245 of 2017 established the position of Chief Privacy Officer to develop citywide protocols for responsible data collection and disclosure and to ensure agency compliance with applicable data privacy laws. In 2018, the Mayor issued Executive Order No. 34, which established the Mayor’s Office of Information Privacy (MOIP) and made the Chief Privacy Officer the head of such office. Today, MOIP works to safeguard New Yorkers’ personally-identifying information while promoting data sharing across city agencies where permitted by law.[[22]](#footnote-22) In doing so, MOIP aims to increase access to city services and encourage policy innovations throughout the city that advance equity and opportunity.[[23]](#footnote-23)

# **Legislative Analysis**

**Int. 1621-A**

Int. 1621-A (Dromm), would establish an advisory committee to examine New York City’s position on nuclear disarmament and issues related to recognizing and reaffirming New York City as a nuclear weapons-free zone. The advisory committee would consist of seven members, three of whom would be appointed by the Speaker, and four of whom, including the chairperson, would be appointed by the Mayor. The chairperson would be required to be the head of a mayoral office or agency, and the other six members would be required to have demonstrated understanding and experience of nuclear disarmament policy, or advocacy or activism relating to nuclear disarmament policy.

The advisory committee would be required to conduct a review of the City’s current stance on nuclear weapons and, in consultation with a diverse group of individuals, draft a resolution declaring support for the City to remain a nuclear weapons free zone. In addition, the advisory committee would be responsible for establishing a working definition for how a nuclear weapons free-zone might be defined in New York City, recommending mechanisms for encouraging community input related to designating New York City as a nuclear weapons free zone, and making educational materials available and hosting discussions regarding nuclear disarmament and the consequences of nuclear weapons. The committee would be required to meet at least four times per year and would be obligated to publish its meeting minutes. In addition, the committee would be required to submit an annual report to the Mayor and the Speaker that contains its findings and conclusions and any recommendations for policy or legislation. The committee would automatically dissolve upon the submission of its fifth annual report.

This local law would take effect immediately.

**Int. 1867-A**

 Int. 1867-A would create a new category of voters, called “municipal voters," and would allow such voters to vote in municipal elections. The bill defines a “municipal voter” as any individual who (i) is not a United States citizen, (ii) is either a lawful permanent resident or otherwise authorized to work in the United States, (iii) has been a resident of New York City for at least 30 consecutive days, (iv) meets all the qualifications for registering or pre-registering to vote under the Election Law other than United States citizenship, and (v) has registered or pre-registered to vote as a municipal voter with the New York City Board of Elections (BOE). Under the bill, registered municipal voters would be entitled to vote in any “municipal election,” which the bill defines as any primary, special, general, or run-off election for Mayor, Comptroller, Public Advocate, City Council Member, or Borough President, and any city referendum. The bill would not authorize municipal voters to vote in any elections other than municipal elections, such as state or federal elections.

 The BOE would be responsible for adopting all necessary rules and carrying out all necessary staff training to carry out the provisions of this bill. For each municipal election, the BOE would be required to produce a poll ledger or computer-generated registration list that combines municipal voters and other U.S. citizen voters for each election district or poll site and includes a distinguishing “M” next to the name of each municipal voter. The BOE would be prohibited from requiring municipal voters to form a separate line or vote in a separate location. In the event that a local election occurs on the same date as a state or federal election, municipal voters would be given a separate ballot that only includes the races in which they are eligible to vote.

 The BOE would be required to create a municipal voter registration form that would allow an individual to apply to register as a municipal voter. Such form would be required to include:

* Notice that individuals registering or pre-registering using municipal voter forms will be registered or pre-registered to vote in municipal elections only, and that municipal voters are not qualified to vote in state or federal elections;
* Information on the qualifications to vote at the state and federal levels according to the Election Law, and information on how individuals who meet such qualifications can register or pre-register;
* Notice that individuals who have been residents of New York city for less than 30 consecutive days by the time of the next election do not qualify to register to vote as municipal voters;
* Notice that registration and enrollment is not complete until the municipal voter registration application form is received and accepted by the BOE;
* Notice that it is a crime, along with the attendant penalties and possible immigration consequences, to obtain a false registration or to furnish false information to the BOE; and
* The following notice in conspicuous type: “IMPORTANT NOTICE FOR NON-UNITED STATES CITIZENS. Any information you provide to the Board of Elections, including your name and address, may be obtained by Immigration and Customs Enforcement (ICE) and other agencies, organizations, and individuals. In addition, if you apply for naturalization, you will be asked whether you have ever registered or voted in a federal, state, or local election in the United States. You may wish to consult with an immigration attorney, an organization that protects immigrant rights, or other knowledgeable source before providing any personal information to the Board of Elections and before registering to vote in New York City. You can find a list of nonprofit organizations that specialize in protecting the rights of immigrants on the website of the New York City Campaign Finance Board. Individuals in New York City applying for United States citizenship through naturalization may request notice of their eligibility to register and to vote in New York City.”

The municipal voter registration form would also be required include a space for applicants to indicate whether they are a legal permanent resident or authorization to work in the United States, a space for applicants to indicate whether or not they have voted or registered as a municipal voter in the past, and a space for the applicant sign the following affirmation:

“AFFIDAVIT: I swear or affirm that I am a resident of New York City and will have been a resident of New York City for a minimum of 30 consecutive days by the time of the next election, am either a lawful permanent resident or authorized to work in the United States and will only vote at an election at which I maintain such status, and, to the best of my knowledge, I meet all of the requirements to register to vote in New York State except for United States citizenship. This is my signature or mark on the line below. All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to $5,000 and/or jailed for up to four years.”

In addition, the municipal voter registration form would be required to include all other relevant information required to be included on voter registration forms under the Election Law.

Municipal voter who enroll in a political party would be considered qualified members of that party only for the purposes of municipal elections. Municipal voter registration forms would be required to be made available wherever New York State Board of Elections voter registration forms are made available, and would be required to be translated into any language that New York State Board of Elections voter registration forms are translated into under state and federal law.

The bill would also require the BOE to develop an absentee ballot application form for municipal voters. Such forms would need to be translated in a manner consistent with the registration forms for municipal voters.

Under this bill, the registration and enrollment deadlines for municipal voters in each municipal election would be the same as the deadlines provided in the Election Law for U.S. citizen voters in such elections. Municipal voters would be deemed qualified or registered voters, and enrolled voters where they have chosen to enroll in a political party, for purposes of signing and witnessing petitions in relation to designation and nomination for municipal offices and in relation to municipal referenda.

 The bill would require the BOE to create and implement a notification system for municipal voters that is consistent with the requirements of section 5-210 of the Election Law and section 1057-d of the Charter with respect to U.S. citizen voters. When sending notifications through such system, the BOE would be required to provide each individual with information regarding the legal qualifications for municipal voting along with a form allowing the individual to cancel their municipal voter registration in the event they need or wish to do so. In addition, the BOE would be required to create procedures by which a municipal voter may change or update their address. City agencies that have contracts with private organizations requiring such organizations to assist New Yorkers with United States citizenship applications would be required to request that such organizations provide notice of municipal voting eligibility to their clients.

The bill would prohibit inquiries into the immigration status of any potential or registered municipal voter other than to ascertain whether an individual is qualified to vote as a municipal voter. City employees would be prohibited from sharing any information regarding an individual’s immigration status unless required by law. Under the bill, all federal, state, and city confidentiality policies that pertain to citizens would pertain to municipal voters as well. The bill would prohibit requiring photographic identification or proof of address as a prerequisite for municipal voter registration, unless required by state or federal law. It would also prohibit the publishing or public distribution of any municipal voter registration list as distinct from the complete voter registration list of all qualified voters in the City or a political subdivision thereof.

The bill would require the BOE and the NYC Campaign Finance Board (CFB) to regularly consult with community-based organizations on the implementation of municipal voting and collaborate with such groups on community education programs regarding eligibility. In addition, the CFB would be required to maintain on its website a list of nonprofit organizations that specialize in protecting the rights of immigrants and are able to provide potential municipal voters with information about the immigration and other consequences of registering to vote as a municipal voter.

Int. 1867-A would create an advisory group that would provide recommendations regarding any problems or potential improvements with respect to the municipal voting process. The advisory group would be made up of five members, each appointed to a two-year term. The advisory group would be chaired by the New York City Public Advocate and include two representatives of community-based organizations appointed by the Mayor, and two representatives of community-based organizations appointed by the Speaker of the City Council. The bill would grant the Mayor the authority to designate one or more agencies to provide staffing or administrative support to the advisory group, as needed. The group would be required to meet no less than semiannually, solicit public feedback through the creation of a dedicated website, and prepare an annual report of its findings and recommendations related to municipal voting, submitted to the Mayor and Speaker of the Council.

Under Int. 1867-A, individuals who are registered as municipal voters would retain municipal voter status until they no longer meet the qualifications or, if they have naturalized, until they register to vote as a citizen voter under the Election Law. In addition, the BOE would be required to provide any pre-registered municipal voter, registered municipal voter or formerly-registered municipal voter with a letter confirming the dates during which such individual was registered or pre-registered as a municipal voter, and explaining the rights and privileges afforded to municipal voters pursuant to this chapter.

The bill would also provide the opportunity for challenges to a voter’s qualifications to register to vote, altering the “Qualification Oath” provided in the Election Law to read:

"You do swear (or affirm) that you are eighteen years of age or older, that you are a lawful permanent resident or authorized to work in the United States, that you are a resident of New York City, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement and that all the statements you have made to the board have been true and that you understand that a false statement is perjury and, if you make such a false statement, you will be guilty of a misdemeanor."

The bill would apply a misdemeanor charge to any individual found to have knowingly and willfully violated any provisions of the bill, including any public officer who fails to perform a requirement under the bill. Such a misdemeanor would be punished by imprisonment for up to one year and/or a fine between $100 and $500.

No later than July 1, 2022, the BOE would be required to submit to the Mayor and Speaker a report containing a plan for achieving timely implementation of this bill for applicable elections held on or after January 9, 2023.

 Under this bill, eligible non-citizens would be allowed to begin registering to vote as municipal voters on December 9, 2022, and registered municipal voters would be eligible to begin voting in local elections on January 9, 2023.

**Int. 2459-A**

 Int. 2459 (Feliz) would require the Mayor to establish an Office of Information Privacy and would require such office to be headed by the Chief Privacy Officer designated pursuant to section 8 of the Charter. The bill would also add to the existing powers and duties of the Chief Privacy Officer. Specifically, the bill would give the Chief Privacy Officer the power and duty to: (i) advise the Mayor and senior city officials and provide guidance to city agencies on issues related to privacy; (ii) establish citywide privacy policies, standards and requirements; (iii) issue guidance to support city agency compliance with privacy laws, policies, and best practices; (iv) advise city agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use or disclosure of identifying information; (v) collaborate with other city officials to advise on any necessary actions regarding such incidents; (vi) train city employees and contractors on privacy laws, policies, and best practices; (vii) advise city agencies on data sharing initiatives and data sharing agreements; and (viii) promulgate rules as necessary to carry out the power and duties of the office.

 This bill would take effect immediately.

Int. No. 1621-A

By Council Members Dromm, Kallos, Rivera, Chin, Powers, Gibson, Cornegy, Brannan, Rosenthal, Reynoso, Rodriguez, Louis, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Miller, Perkins, Rose, Treyger, Ayala, Vallone, Lander, Koo, Adams, Salamanca, Moya, Cumbo, Barron, Cabrera, Dinowitz, Riley and the Public Advocate (Mr. Williams)

..Title

A Local Law in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee

..Body

Be it enacted by the Council as follows:

Section 1. Advisory committee on nuclear disarmament and a nuclear weapons-free zone. a. There shall be an advisory committee to examine New York city’s position on nuclear disarmament and issues related to recognizing and reaffirming New York city as a nuclear weapons-free zone.

b. The advisory committee shall consist of the following members, all of whom, except for the chairperson, shall have demonstrated understanding and experience of nuclear disarmament policy, or advocacy or activism relating to nuclear disarmament policy:

1. Four members appointed by the mayor, including a chairperson designated by the mayor who shall be the head of an agency appointed by the mayor or the head of an executive office of the mayor. Such chairperson may delegate the responsibilities of serving as chairperson to a person in such chairperson’s agency or in the executive office of the mayor; and

2. Three members appointed by the speaker of the council.

c. The advisory committee shall conduct a review of New York city’s current stance on nuclear weapons and, in consultation with a diverse group of individuals, including but not limited to victims of nuclear weapons and faculty members of academic institutions, shall draft a resolution declaring support for the city to remain a nuclear weapons free zone. The advisory committee shall also:

1. Establish a working definition for how a nuclear weapons-free zone might be defined in New York city;

2. Recommend mechanisms for encouraging and increasing community input with regard to education related to the nuclear weapons-free zone;

3. Make available educational materials or host discussions related to nuclear disarmament and the catastrophic humanitarian and environmental consequences of nuclear weapons production, testing, use and deployment; and

4. Where applicable, provide a summary of all related activities of the advisory committee and any relevant updates through the minutes of committee meetings.

d. The advisory committee shall meet no less than four times per year until its dissolution pursuant to subdivision f of this section.

e. The advisory committee shall, no later than one year after the effective date of this local law, and annually thereafter until its dissolution, submit to the mayor and the speaker of the council and post online a report that contains its findings and conclusions and any recommendations for policy or legislation.

f. The advisory committee shall dissolve upon submission of the fifth report required by subdivision e of this section.

§ 2. This local law takes effect immediately.

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Int. No. 1867-A

By Council Members Rodriguez, Menchaca, Dromm, Cabrera, Chin, Kallos, Miller, Van Bramer, Levin, Reynoso, Rivera, Ayala, Lander, Cornegy, Adams, Ampry-Samuel, Levine, Louis, Powers, Rosenthal, Cumbo, Eugene, the Public Advocate (Mr. Williams), Perkins, Koo, Salamanca, Riley, Barron, Dinowitz, Gibson, Brooks-Powers, Feliz , Moya, D. Diaz, Brannan and Cabán

..Title

A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections

..Body

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter forty-six-a, to read as follows:

Chapter 46-A. VOTING BY LAWFUL PERMANENT RESIDENTS AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES

§ 1057-aa Definitions and applicability of the election law.

§ 1057-bb Municipal voter qualifications and registration.

§ 1057-cc The role of the board of elections in the city of New York.

§ 1057-dd Poll administration.

§ 1057-ee Municipal voter registration application forms.

§ 1057-ff Party affiliations.

§ 1057-gg Availability and accessibility of municipal voter registration application forms.

§ 1057-hh Absentee ballot procedures.

§ 1057-ii Registration and enrollment deadlines.

§ 1057-jj Municipal voter notification.

§ 1057-kk Notification of ability to cancel registration.

§ 1057-ll Notification for individuals applying for citizenship.

§ 1057-mm Change of address procedures.

§ 1057-nn Confidentiality.

§ 1057-oo Community participation.

§ 1057-pp Transitioning to citizenship.

§ 1057-qq Challenges.

§ 1057-rr State and federal elections.

§ 1057-ss Violations.

§ 1057-tt Advisory group.

§ 1057-uu Petitioning.

§ 1057-vv Registration confirmation letters.

§ 1057-aa Definitions and applicability of the election law.

a. For purposes of this chapter, the following terms have the following meanings:

Municipal election. The term "municipal election" means any general, primary, or run-off election for a municipal office, any special election for a municipal office including but not limited to any election in which all candidates are nominated by independent nominating petition pursuant to the charter, and any municipal referendum.

Municipal office. The term “municipal office” means the offices of mayor, public advocate, comptroller, borough president, and council member.

Municipal referendum. The term “municipal referendum” means an election for the approval of a local law, as defined in section 2 of the municipal home role law, submitted to the voters of the city of New York.

Municipal voter. The term "municipal voter" means a person who is not a United States citizen on the date of the election on which he or she is voting, who is either a lawful permanent resident or authorized to work in the United States, who is a resident of New York city and will have been such a resident for 30 consecutive days or longer by the date of such election, who meets all qualifications for registering or pre-registering to vote under the election law, except for possessing United States citizenship, and who has registered or pre-registered to vote with the board of elections in the city of New York under this chapter.

Municipal voter registration. The term "municipal voter registration" means the method by which the board of elections in the city of New York registers or pre-registers new municipal voters pursuant to the provisions of this chapter.

Municipal voting. The term "municipal voting" means the processes required under this chapter that facilitate municipal voter registration and voting by municipal voters in municipal elections.

New York state board of elections voter registration application. The term "New York state board of elections voter registration application" means the application used by the New York state board of elections to register or pre-register voters under title two of article five of the New York state election law.

Resident of New York city. The term "resident of New York city" means a person who resides within the city of New York.

U.S. citizen voter. The term “U.S. citizen voter” means a person who meets all qualifications for registering or pre-registering to vote under the election law including possessing United States citizenship.

b. Municipal voting, as set forth in this chapter, shall be governed by applicable provisions of the election law, except that the provisions of the election law set forth in this chapter, as amended from time to time, and any successor provisions, shall apply as modified herein. References to the sections modified in this chapter shall be deemed to refer to such sections as they are so modified when and to the extent that they apply to municipal voting. References to provisions of the election law in this chapter shall be deemed to refer to any successor provisions. Provisions of the election law not specified in this chapter shall apply to municipal voting, provided however that such provisions shall not be construed to prevent or impede the application of this chapter.

§1057-bb Municipal voter qualifications and registration.

a. Consistent with the provisions of this chapter, eligible municipal voters shall have the right to vote in municipal elections and shall be entitled to the same rights and privileges as U.S. citizen voters with regard to municipal elections. All registered municipal voters shall have their names entered in the registration records maintained by the board of elections in the city of New York under article 5 of the election law for the purposes of registering and voting in municipal elections and may thereafter vote in any such election. Registrations for municipal voters entered in such records shall not contain United States citizenship data as required under 5-500 of the election law and shall be designated with an “M”. Municipal voter registration records shall be filed with the state board of elections with such designation, to be included in any appropriate list or database in accordance with law.

b. Section 5-102 of the election law shall apply to municipal elections, except that the qualification of United States citizenship shall not apply to municipal voters registering to vote in municipal elections and the municipal voting processes implemented pursuant to this chapter.

c. References to voter qualification or voter eligibility in the election law shall be construed to include municipal voter qualifications with respect to the municipal voting processes implemented pursuant to this chapter.

§1057-cc The role of the board of elections in the city of New York. The board of elections in the city of New York shall adopt all necessary rules and carry out all necessary staff training to carry out the provisions of this chapter.

§1057-dd Poll administration.

a. For each municipal election, the board of elections in the city of New York shall produce a poll ledger or computer generated registration list that combines municipal voters and other U.S. citizen voters for each election district or poll site. Municipal voters shall not be required to form a separate line or vote in a separate location from U.S. citizen voters. The poll ledger or computer generated registration list entries for municipal voters shall be marked with an "M".

b. Whenever a municipal election occurs on the same date and in the same district as an election in which a municipal voter is not eligible to vote, the board of elections in the city of New York shall produce separate municipal ballots to be distributed only to municipal voters appearing to vote on such date and in such district. Such municipal ballots shall be, as nearly as practicable, in the same form as those to be voted in the district by U.S. citizen voters during early voting or on election day as provided in title 1 of article 7 of the election law, except that such ballots shall be limited to municipal elections. Such municipal ballot shall contain the words “Municipal Ballot”, endorsed thereon and any other markings or unique coloration the board of elections in the city of New York deems appropriate.

§1057-ee Municipal voter registration application form.

a. The board of elections in the city of New York shall design and distribute a municipal voter registration application form that will allow municipal voters to apply for registration, pre-registration, and change of enrollment in the manner that U.S. citizen voters may so apply to such board. Such form shall include, but need not be limited to, the following:

1. Notice that individuals registering or pre-registering using municipal voter forms will be registered or pre-registered to vote in municipal elections only, and expressly stating that municipal voters are not qualified to vote in state or federal elections.

2. Information on the qualifications to vote at the state and federal levels according to the election law, and information on how individuals who meet such qualifications can register or pre-register.

3. Notice that individuals who have been residents of New York city for less than 30 consecutive days by the time of the next election do not qualify to register to vote as municipal voters.

4. Notice that registration and enrollment is not complete until the municipal voter registration application form is received and accepted by the board of elections in the city of New York.

5. Notice that it is a crime, along with the attendant penalties and possible immigration consequences, to procure a false registration or to furnish false information to the board of elections.

6. The following notice in conspicuous type that contrasts in typography, layout or color with all other words on such form: “IMPORTANT NOTICE FOR NON-UNITED STATES CITIZENS. Any information you provide to the Board of Elections, including your name and address, may be obtained by Immigration and Customs Enforcement (ICE) and other agencies, organizations, and individuals. In addition, if you apply for naturalization, you will be asked whether you have ever registered or voted in a federal, state, or local election in the United States. You may wish to consult with an immigration attorney, an organization that protects immigrant rights, or other knowledgeable source before providing any personal information to the Board of Elections and before registering to vote in New York City. You can find a list of nonprofit organizations that specialize in protecting the rights of immigrants on the website of the New York City Campaign Finance Board. Individuals in New York City applying for United States citizenship through naturalization may request notice of their eligibility to register and to vote in New York City.”

7. The following spaces to be filled in by the applicant:

(a). Space to indicate whether the applicant is a lawful permanent resident or is authorized to work in the United states and the statement “If you checked “no” in response to this question, do not complete this form.”

(b). Space for the applicant to indicate whether or not he or she has ever voted or registered to vote as a municipal voter before and, if so, the approximate year in which such applicant last voted or registered as such and his or her name and address at the time.

(c). Space for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following form of affirmation: “AFFIDAVIT: I swear or affirm that I am a resident of New York City and will have been a resident of New York City for a minimum of 30 consecutive days by the time of the next election, am either a lawful permanent resident or authorized to work in the United States and will only vote at an election at which I maintain such status, and, to the best of my knowledge, I meet all of the requirements to register to vote in New York State except for United States citizenship. This is my signature or mark on the line below. All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to $5,000 and/or jailed for up to four years.”

b. Such form shall contain all information required to be included on the statewide application form for U.S. citizen voters under subdivision 5 of section 5-210 of the election law, except as modified in this section. Such form shall not contain the notice concerning citizenship required pursuant to paragraph (g) of such subdivision or the information required to be included under subparagraphs (i), (vi) and (xii) of paragraph (k) of such subdivision.

c. Titles eight and nine of article five of the election law shall not apply to municipal voter registration.

 §1057-ff Party affiliations.

a. Individuals who enroll in a political party using a municipal voter registration form shall be considered qualified members of that party only for the purposes of municipal elections.

b. References to political party member qualifications in the election law shall be construed to include municipal voter qualifications with respect to voting in municipal elections as set forth in this chapter.

§1057-gg Availability and accessibility of municipal voter registration application forms.

a. The board of elections in the city of New York and the campaign finance board shall coordinate efforts to ensure that municipal voter registration application forms are available at every location where New York state board of elections voter registration application forms are made available pursuant to programs of city agencies, including but not limited to programs implemented pursuant to section 5-211 of the election law and section 1057-a of the charter.

b. The board of elections in the city of New York shall translate the municipal voter registration application form into languages served by such board pursuant to state and federal law in a manner that is consistent with translations of the statewide application form.

§1057-hh Absentee ballot procedures.

a. The board of elections in the city of New York shall prescribe a standard municipal voter absentee ballot application form that will allow a registered municipal voter to cast an absentee ballot for municipal elections. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing. Such application form shall contain all information required to be included on the absentee ballot application form for U.S. citizen voters under section 8-400 of the election law, except as modified herein. Such form shall contain the following modifications to section 8-400 of the election law with respect to municipal voting:

1. Paragraph (b) of subdivision 3 of such section shall apply to municipal voting, except that the statement required in such paragraph shall be deemed to be a statement that the applicant is a qualified and registered municipal voter.

2. Paragraph (d) of subdivision 3 of such section shall apply to municipal voting, except that the application requirements in such paragraph shall be deemed to only permit application for an absentee ballot for municipal elections.

3. Subdivision 4 of such section shall apply to municipal voting, except that the application requirements in such paragraph shall be deemed to only permit application for an absentee ballot for municipal elections.

b. Upon receipt of a municipal voter absentee ballot application form, the board of elections shall forthwith determine upon such inquiry as it deems proper whether the applicant is qualified to vote and receive an absentee ballot under the election law as modified by this chapter, and if it finds the applicant is not so qualified it shall reject the application after investigation as provided in section 8-402 of the election law as further modified by this chapter.

c. The board of elections in the city of New York shall translate the municipal voter absentee ballot application form into languages served by such board pursuant to state and federal law in a manner that is consistent with translations of municipal voter registration application form.

d. Whenever a municipal election occurs on the same date and in the same district as an election in which a municipal voter is not eligible to vote, the board of elections in the city of New York shall produce separate municipal absentee ballots containing only municipal elections to be distributed only to municipal absentee voters on such date and in such district. Such municipal absentee ballots shall be, as nearly as practicable, in the same form as the municipal ballot to be voted in the district during early voting and election day as required by section 1057-dd, except that such municipal absentee ballot need not have a stub, and shall have the words “Municipal Absentee Ballot”, endorsed thereon.

e. Section 7-122 of the election law shall apply to absentee ballots and municipal absentee ballots mailed to municipal voters, except that the affirmation of United States citizenship in subdivision six of such section shall not apply to an inner affirmation envelope included with an absentee ballot or municipal absentee ballot distributed to a municipal voter and shall be replaced with an affirmation stating that the undersigned is qualified to vote under this chapter.

f. The board of elections in the city of New York may prescribe a separate absentee ballot for military voters who are municipal voters consistent with section 7-123 of the election law, but omitting the otherwise required affirmation of United States citizenship and replacing it with an affirmation that the military voter meets the qualifications of a municipal voter under this chapter.

§1057-ii Registration and enrollment.

a. Registration and enrollment deadlines for municipal voters in each municipal election shall be the same as the deadlines in the election law for U.S. citizen voters in such elections.

b. Section 5-214 of the election law shall apply to registered municipal voters, except that with respect to municipal voters, the registration card under such section shall be marked with an “M” and contain a statement that it is for municipal voting only.

§1057-jj Municipal voter notification. The board of elections in the city of New York shall create and implement a notification system for municipal voters that is consistent with the requirements of section 5-210 of the election law and section 1057-d of the charter with respect to U.S. citizen voters.

§1057-kk Notification of ability to cancel registration. The board of elections in the city of New York shall, simultaneously with providing written confirmation of registration to vote as part of the notification system created and implemented under section 1057-jj, provide written notice of municipal voter qualifications and a form with the name and address of the registrant which may be returned to the board by the registrant to cancel the registration.

§1057-ll Notification for individuals applying for citizenship. Any city agency that has entered into a contract with an organization that includes, as part of such contract, provision of assistance to individuals in New York city regarding applying for United States citizenship through naturalization, shall request any such organization to provide notice to such individuals of their eligibility register and to vote in New York city pursuant to this chapter.

§1057-mm Change of address procedures. The board of elections in the city of New York shall, consistent with section 5-208 of the election law as modified by this section, transfer the registration and enrollment of a municipal voter for whom it receives a notice of change of address to another address in New York city, or for any municipal voter who submits a municipal ballot in an affidavit ballot envelope which sets forth such a new address.

§1057-nn Confidentiality.

a. No inquiry shall be made as to the immigration status of a potential municipal voter or municipal voter, other than to verify the identity of the municipal voter and ascertain whether he or she is qualified to vote under the election law as modified by this chapter. If such information is volunteered to any city employee, it shall not be recorded or shared with any other federal, state, or local agency, or with the public, except as otherwise required by law.

b. All federal, state, and local confidentiality laws and policies that pertain to U.S. citizen voters shall also apply to municipal voters.

c. No municipal voter shall be asked to produce photographic identification or proof of address as a prerequisite for voter registration, except as otherwise required by this chapter or state or federal law.

d. Lists of municipal voters shall not be published, distributed or otherwise provided to the public by the board of elections in the city of New York or any other governmental agency separately or distinctly from a complete voter registration list of voters qualified to vote in a municipal election in New York city or a political subdivision thereof.

§1057-oo Community participation.

a. The board of elections in the city of New York and the campaign finance board shall consult regularly with appropriate organizations, including advocacy groups and community associations, in the implementation of this chapter. Such boards shall work with such organizations to carry out community education programs regarding requirements for eligibility to vote pursuant to this chapter, including such eligibility of individuals who have applied for United States citizenship.

b. The campaign finance board shall maintain on its website a list of nonprofit organizations that specialize in protecting the rights of immigrants and are able to provide potential municipal voters with information about the immigration and other consequences of registering to vote as a municipal voter under this chapter.

§1057-pp Transitioning to citizenship. Municipal voters who are registered to vote under this chapter and who subsequently become United States citizens shall remain qualified to vote under this provision until such time as they no longer meet the qualifications set forth in this chapter or until they register to vote on a New York state board of elections voter registration form. Upon filing of an individual's New York state voter registration form, such individual's existing municipal voter registration shall become invalid.

§1057-qq Challenges. Any municipal voter's qualifications to register to vote under this chapter may be challenged according to the terms of the election law, except that "The Qualification Oath" in section 8-504 of the election law shall not be administered to municipal voters, and shall be replaced with the following “Municipal Voter Qualification Oath” to read: "You do swear (or affirm) that you are eighteen years of age or older, that you are a lawful permanent resident or authorized to work in the United States, that you are a resident of New York city, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement and that all the statements you have made to the board have been true and that you understand that a false statement is perjury and, if you make such a false statement, you will be guilty of a misdemeanor."

§1057-rr State and federal elections. Nothing in this chapter shall be construed so as to confer upon municipal voters the right to vote for any state or federal office or political party position or on any state or federal ballot question.

§1057-ss Violations.

a. Any person who knowingly and willfully violates any provision of this section of the charter which violation is not specifically covered by section 17-168 or any other provision of article seventeen of the election law is guilty of a misdemeanor.

b. A public officer or employee who knowingly and willfully omits, refuses or neglects to perform any act required of such public officer or employee by this chapter, who knowingly and willfully refuses to permit the doing of any act authorized by this chapter, or who knowingly and willfully hinders, or delays or attempts to hinder or delay the performance of such an act is, if not otherwise subject to section 17-128 of the election law or any other law, guilty of a misdemeanor.

c. Any person convicted of a misdemeanor under this section shall be punished by imprisonment for not more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

§1057-tt Advisory group.

a. There shall be an advisory group to provide recommendations regarding any problems or potential improvements with respect to municipal voting.

b. The advisory group shall consist of five members appointed for a term of two years as follows:

1. The public advocate, who shall be the chairperson of the advisory group;

2. Two members appointed by the mayor, chosen from among individuals representing community based organizations; and

3. Two members appointed by the speaker of the council, chosen from among individuals representing community based organizations.

c. Membership in the advisory group shall not constitute the holding of a public office, and members of the advisory group shall not be required to take or file oaths of office before serving on the advisory group. No person shall receive compensation for service on the advisory group, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

d. Members of the advisory group shall be appointed within 60 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

e. The mayor may designate one or more agencies to provide staffing and other administrative support to the advisory group.

f. The advisory group shall be required to meet no less than semiannually and shall create a dedicated website to enable ongoing solicitation of public feedback.

g. No later than December 1, 2023, and annually thereafter, the advisory group shall prepare a report of its findings and recommendations with respect to the voting process carried out under this chapter and submit such report to the mayor and speaker of the council.

§ 1057-uu. Petitioning. Municipal voters shall be deemed qualified or registered voters, and enrolled voters where they have chosen to enroll in a political party, for purposes of signing and witnessing petitions in relation to designation and nomination for municipal offices and in relation to municipal referenda but shall not be otherwise be so deemed pursuant to applicable provisions of the election law or any other law.

§ 1057-vv Registration confirmation letters. The board of elections in the city of New York shall, upon request, provide any pre-registered municipal voter, registered municipal voter or formerly-registered municipal voter with a letter confirming the dates during which such individual was registered or pre-registered as a municipal voter, and explaining the rights and privileges afforded to municipal voters pursuant to this chapter.

§ 2. No later than July 1, 2022, the board of elections in the city of New York shall submit to the mayor and speaker of the council a report containing a plan for achieving timely implementation of this local law for applicable elections held on or after January 9, 2023. Failure by such board to submit such a report within 30 days of July 1, 2022 shall create a rebuttable presumption that such board is declining to implement this local law.

§ 3. Section one of this local law takes effect on December 9, 2022 and shall apply to municipal elections held on or after January 9, 2023, provided that before such date, the board of elections in the city of New York and any other governmental agency may take such actions as are necessary or appropriate to implement this local law. Section two of this local law takes effect immediately.

JB

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Int. No. 2459-A

By Council Member Feliz (by request of the Mayor)

..Title

A Local Law to amend the New York city charter, in relation to establishing an office of information privacy

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision h of section 8 of the New York city charter, as added by local law number 245 for the year 2017, is amended to read as follows:

h. The mayor shall [designate the head of] establish an office of information privacy. Such office may be established within the executive office of the mayor or as a separate office or within any [of such] other agency or office headed by a mayoral appointee as the mayor may determine. [to act as] Such office shall be headed by the city's chief privacy officer, who shall be appointed by the mayor or by the head of such other agency or office. All city agencies shall cooperate with the office so as to ensure the efficient performance of its duties. For the purposes of this subdivision, identifying information has the same meaning as set forth in section 23-1201 of the administrative code. Consistent with the provisions of subdivision g of this section, [such] the chief privacy officer shall have the power and duty to:

1. promulgate, after receiving the recommendations of the committee established pursuant to section 23-1204 of the administrative code, policies, and protocols regarding the collection, retention, and disclosure of identifying information by agencies, contractors, and subcontractors, provided that particular policies and protocols may apply to all agencies, contractors, and subcontractors or to a subset thereof;

2. provide guidance and information to the city and every agency thereof on federal, state, and local laws, policies, and protocols related to the collection, retention, and disclosure of identifying information and direct agencies to make any changes necessary to achieve or maintain such compliance;

3. review, in collaboration with the committee established pursuant to section 23-1204 of the administrative code, agency identifying information reports submitted pursuant to section 23-1205 of the administrative code;

4. specify types of information, in addition to identifying information as defined in section 23-1201 of the administrative code, that shall be subject to protection by agencies, as required by such officer, based on the nature of such information and the circumstances of its collection or potential disclosure;

5. advise the mayor and senior city officials and provide guidance to city agencies on issues related to privacy, and on strategies, legislative proposals, and city and agency policies and best practices for advancing privacy protections;

6. establish citywide privacy policies, standards, and requirements, and modify or expand them as necessary to meet the evolving privacy protection needs of the city and its agencies;

7. issue guidance to support agency compliance with privacy laws, policies, and privacy best practice standards and requirements;

8. advise agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use, or disclosure of identifying information, working together with the office of cyber command and the department of information technology and telecommunications and other city officials responsible for managing the technical aspects of the city’s incident investigation, response, and recovery processes;

9. in collaboration with the office of cyber command, department of information technology and telecommunications, the law department, relevant agency counsel, and other city agencies and officials as needed, advise on any necessary actions regarding identifying information in response to such actual and suspected incidents;

10. train or cause to be trained city employees and contractors on privacy laws, policies, and best practices;

11. advise city agencies on privacy strategies and required or appropriate privacy provisions for data sharing initiatives, and assist in the development of privacy policies and contract terms for data sharing agreements, in coordination with relevant agencies and the law department as appropriate; and

12. promulgate rules as necessary to carry out the powers and duties of the office.

§ 2. This local law takes effect immediately.

1. Brionne Frazier. Dotdash. ThoughtCo. Humanities. History & Culture. *What is Disarmament?* Available at: <https://www.thoughtco.com/nuclear-disarmament-4172458>. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. *Id.* [↑](#footnote-ref-4)
5. Arms Control Association, Nuclear-Weapons-Free Zones (NWFZ) At a Glance, <https://www.armscontrol.org/factsheets/nwfz> (last accessed Jan. 7, 2020) [↑](#footnote-ref-5)
6. United Nations, Office for Disarmament Affairs, Nuclear-Weapon-Free Zones, <https://www.un.org/disarmament/wmd/nuclear/nwfz> (last accessed Jan. 7, 2020). [↑](#footnote-ref-6)
7. *Id*. [↑](#footnote-ref-7)
8. *Id*.; U.N, Nuclear-Weapon-Free Zones, *supra* note 36. [↑](#footnote-ref-8)
9. Nuclear-Weapons-Free Zones At a Glance, *supra* note 35. [↑](#footnote-ref-9)
10. *Id*. [↑](#footnote-ref-10)
11. U.N, Nuclear-Weapon-Free Zones, *supra* note 36. [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. *Id*. [↑](#footnote-ref-13)
14. *Id*. [↑](#footnote-ref-14)
15. Nuclear-Weapons-Free Zones At a Glance, *supra* note 35. [↑](#footnote-ref-15)
16. Arms Control Association, Fact Sheets & Briefs, <https://www.armscontrol.org/taxonomy/term/2> (last accessed Jan. 7, 2020). [↑](#footnote-ref-16)
17. Nuclear-Weapons-Free Zones At a Glance, *supra* note 35. [↑](#footnote-ref-17)
18. *Id*. [↑](#footnote-ref-18)
19. United Nations Office for Disarmament Affairs, *Securing our common future: An agenda for disarmament,* at page 23 (2018). Available at: <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/06/sg-disarmament-agenda-pubs-page.pdf#view=Fit>. [↑](#footnote-ref-19)
20. *See e.g.* International Disarmament Institute (Pace University), New York City Council Resolutions on Nuclear Weapons. Available at: <http://disarmament.blogs.pace.edu/nyc-nuclear-archive/new-york-city-council-resolutions-on-nuclear-weapons/>. [↑](#footnote-ref-20)
21. Resolution language available at *id*. [↑](#footnote-ref-21)
22. NYC Mayor’s Office of Information Privacy, Welcome to the Mayor’s Office of Information Privacy, <https://www1.nyc.gov/site/moip/index.page> (last visited December 7, 2021). [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)