

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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May 9, 2013
Start: 1:21 p.m.
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HELD AT: Council Chambers
City Hall

B E F O R E:
GALE A. BREWER
Chairperson

COUNCIL MEMBERS:

Council Member Inez E. Dickens
Council Member Peter F. Vallone, Jr.
Council Member Daniel Dromm
Council Member Mathieu Eugene
Council Member Ydanis Rodriguez
Council Member Jemaane D. Williams
Council Member Brad Lander

A P P E A R A N C E S (CONTINUED)

Cheryl Wertz

Member

New York Coalition to Expand Voting Rights

Ron Haddock

Representative

Professional Staff Congress of CUNY

Jerry Vatamala

Staff Attorney and Democracy Program

Asian American Legal Defense and Education Fund

Eric Freedman

Director of External Affairs

New York City Campaign Finance Board

Nina Data

Representative

American Immigration Lawyers Association, New York
Chapter

Andrew Spencer

Legal Fellow

Fair Vote, The Center for Voting and Democracy

Barbara Brandeis

Immigration Lawyer

Member of AILA

Susan Lerner

Representative

Common Cause New York

Irma Rodriguez

Executive Director

Queens Community House

Michelle Walker

President

World Policy Institute

A P P E A R A N C E S (CONTINUED)

Angela Fernandez
Executive Director
Northern Manhattan Coalition for Immigrant Rights

Peter Geffen
Founder
Abraham Joshua Heschel School

Cesar Palamenque Andrade
Member, Board of Directors
Make the Road, New York

Kevin Douglas
Representative
United Neighborhood Houses of New York

Landra Raquina
Representative
Make the Road, New York

Mr. Ahmad
Legal and Policy Director
- - Rising Up and Moving

Jose Shufino
Chair, Immigration Committee
New York City Chapter of the Labor Council for Latin
America Advancement

Aga Mohammed Salai
Representative
Social Uplift through Knowledge and Hope Initiatives,
SUKI

Mazira Ehrudi
Women's Coordinator
Talents of South Asian Labor Association

Jackson Chin
Representative
Latino Justice

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2 CHAIRPERSON DROMM: Okay, good
3 afternoon ladies and gentlemen. My name is Daniel
4 Dromm and I'm Chair of the committee on
5 Immigration. Before I, [off mic] got to bring the
6 gavel twice. All right, good afternoon everybody.
7 My name is Daniel Dromm and I'm the Chair of the
8 Immigration Committee. I'd like to introduce my
9 colleagues who are here with us today, Council
10 Member Ydanis Rodriguez is here, Council Member
11 Peter Vallone is here, Council Member Brad Lander
12 is here, and I know that we will be joined by
13 other Council Members including Council Member
14 Gale Brewer who is on her way but we're going to
15 get started because we do have a very long list of
16 people who want to testify today. So, let me just
17 get started then and say I'd like to thank my
18 collage, Gale Brewer, Chair of the Committee on
19 Governmental Operations for co chairing this
20 hearing with me and giving the opproutnity for
21 intro number 410 to be heard and considered by the
22 Committee. If enacted Intro 410 would allow
23 immigrants lawfully present in New York City to
24 vote in municipal elections. This bill is of
25 great important to me, my constituents and many

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2 other New Yorkers. I believe that this bill
3 speaks to something that the founding fathers of
4 this country considered of utmost importance, no
5 taxation without representation. Passage of this
6 bill would be a natural step in our nations
7 journey related to voting rights. The history of
8 voting in this country has been a turbulent one.
9 When this nation was founded only white property
10 owners were permitted to vote. As time progressed
11 voting rights were granted to non property owners,
12 to African American's and to women but this did
13 not occur overnight and not without a fight. The
14 demographics of voters have changed over time and
15 this bill would just be the natural step in our
16 nations voting history. This legislation is not
17 about undocumented immigrants so that should not
18 even be raised as a concern in opposition to its
19 passage. This is about immigrants who are legally
20 here in this country, whether they are here under
21 some kind of humanitarian visa or have chosen to
22 make New York City their home or those who have
23 been here for ten or 20 years and are still
24 waiting to be naturalized. They have played an
25 instrumental role in enriching the fabric of this

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2 city. These individuals pay taxes, participate in
3 their communities whether it is being active in a
4 church, a synagogue or a mosque or active in their
5 local schools and community centers while business
6 owners and consumers. Whether they are in
7 Washington Heights, Wakefield, Castleton Corners,
8 New Springfield, Flatbush or my neighborhood of
9 Jackson Heights, these are New Yorkers who want to
10 make sure that their interests are adequately
11 represented since they too are committed to their
12 neighborhoods and to their city. I believe that
13 there is precedent for this legislation. For
14 example, up until 2001 all immigrants regardless
15 of status were permitted to vote in school board
16 elections in New York City. The number of
17 eligible voters under this legislation we believe
18 is between 750,000 and 800,000 people. We know
19 this because there are approximately 1.3 million
20 non residents, non citizens that call New York
21 City their home and approximately 500,000 of them
22 are undocumented. These non citizens are
23 taxpayers who contribute to society but are
24 ultimately disenfranchised because they cannot
25 vote. Passage of this legislation would encourage

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2 community involvement and civic engagement and
3 promote democracy as intended by our forefathers.
4 This would change the way that candidates campaign
5 for office because they could no longer ignore
6 immigrants and communities of color. I would like
7 to thank my colleagues who have cosponsored this
8 important bill, and there are 34 of them. This
9 bill has been introduced and considered before but
10 it now has more cosponsors than ever before, which
11 is a clear indication that this legislation is of
12 much importance to us as elected officials. I
13 could also like to say how proud I am with the
14 coverage of this issue has received by everyone
15 from El Diario to New York One News. I would like
16 to point out that El Diario run an editorial in
17 support of this bill which I am also thrilled
18 about. Now, I'm looking forward to hearing
19 testimony from everyone here today on this very
20 important issue. We will have to limit most of
21 the people to three minutes because we have a very
22 long list of people who want to give testimony and
23 we also have questions to ask and questions that
24 need to be asked. So, we are going to limit
25 people to that. I want to give an opportunity for

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2 my colleague, Council Member Ydanis Rodriguez to
3 also offer an opening statement and I want to
4 thank him personally for all the work that he has
5 done on this issue, for helping me gather sponsors
6 and for organizing the press conference. And I'm
7 very pleased and proud to be able to work with
8 you, Council Member Ydanis Rodriguez.

9 COUNCIL MEMBER YDANIS RODRIGUEZ:

10 Thank you. Thank you our Chairman on Immigration
11 Committee, a great leader, an advocate for
12 immigrant right, Danny Dromm and also Gale Brewer,
13 who is not here. And also for the - - and the
14 rest of my colleague. You know, it is interesting
15 that we are having, first of all, I used to be a
16 Social Studies teacher before being elected for 13
17 years. I love history. I love to see how great
18 city we have. As an immigrant that I am who come
19 in in 1983 at the age of 18, one of the thing that
20 I respect the most to the city that walking
21 through some avenue, like, 3rd Avenue, that it had,
22 like, five and six road. I say, when were this
23 road built? They were build decades ago when six
24 road was no needed. Probably they only needed one
25 or two. However, the men and woman who build the

1 road, the road with their vision for the next
2 hundred years. And that's one of the great thing
3 of this city and this nation, having men and women
4 with a vision, men and women that is looking to
5 correct thing they can do better. When we end the
6 segregation it wasn't only black and Latino who
7 joined the movement, it was also the youth, the
8 white community who say, segregation is wrong. We
9 have to correct it and we had to change it. Here
10 we have a great opportunity. People from all
11 nationality to see how can we improve a democratic
12 process in our city? I came in '83. I was 18.
13 First job, washing dishes at O'Hare [phonetic]
14 restaurant, 6th Avenue and 4th Street. No one asked
15 me if I had a right or not but I was paying taxes.
16 I had my green card. Then I became doing, I
17 joined another corporation providing sandwich,
18 food, Concert Corporation [phonetic] on the 96th
19 Floor to World Trade Center, paying taxes, yes,
20 having my green card. My brother joined the Army,
21 he only had green card, but no one asked when they
22 recruiting from the Armed Forces if they have, if
23 they can know, I mean, green card, people are
24 allowed to join the Armed Forces with green card.
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2 Therefore, today we have a great opportunity to
3 provide that opportunity to 850,000 New Yorker's
4 that has green card, that pay taxes that are
5 raising family, that are preparing the next men
6 and women to be the workforce for the future.

7 Intro 410 provide us that opportunity, provide us
8 this opportunity to allow a sectors of New Yorkers
9 to be part of the democratic process, to elect the
10 Council Member, to elect the public advocate they
11 may or that they control. So, I congratulate all
12 my colleague, the 34 Council Members that has
13 signed this. I also congratulate the Speaker for
14 being open, for having the - - to look at this
15 bill. I also congratulate some of the other
16 colleague who are looking to get many in citywide
17 office, like, Bill Thompson, like, Bill Deblasio
18 [phonetic] who also has expressed that they are
19 open to consider this bill. So, New Yorkers, we
20 have a great opportunity to write another chapter
21 in our history that will have an impact for this
22 decades to come. This is going to be your Council
23 Member, Mayor and Comptroller, this is about
24 providing 150 New Yorkers that pay taxes, that
25 have the same responsibility as people that are US

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2 citizen to also have the opportunity of elect the
3 local official. Thank you.

4 CHAIRPERSON DROMM: Thank you,
5 Council Member Ydanis Rodriguez. And now I would
6 like to turn it over to Council Member Gail
7 Brewer, co Chair, Chari of the Council's Committee
8 on Government Operations and the recently most
9 successful Council Member in terms of passing
10 another piece of legislation of vital importance
11 to immigrant New Yorkers and that's the Paid Sick
12 Bill. Council Member Gail Brewer. [cheering and
13 applause]

14 CHAIRPERSON BREWER: Thank you.
15 Thank you Danny Dromm. Danny Dromm is wonderful
16 and I am here with many colleagues to chair the
17 Committee on Governmental Operations and the bill
18 is actually in our Committee and it's really an
19 honor to be here with Danny Dromm in particular.
20 I think we've been joined by Council Member Mark-
21 Viverito.

22 CHAIRPERSON DROMM: Council Member
23 Mathieu Eugene is here.

24 CHAIRPERSON BREWER: Wait, okay.
25 So, I'm not going to be long. This city is

1 obviously a place where immigrants have always
2 come, some stay for a short period of time, some
3 for a long time but one in five adult New Yorkers
4 are not allowed to vote in our city because
5 although they are documented immigrants and here
6 legally, they are not citizens. And those are the
7 individuals, who in my opinion, should be voting
8 in our municipal elections. They pay taxes, they
9 own businesses, they contribute to the cultural
10 and social fabric of our great city but they're
11 not allowed to vote for their representatives and
12 that's wrong. It takes maybe eight to ten years
13 to gain citizenship, if you're lucky sometimes.
14 And there's no reason why these hardworking New
15 Yorkers have to wait that long to be a part of how
16 our streets should be safe or what the quality of,
17 is and what the quality of schools is and what is
18 entailed in making sure they are high quality.
19 And it's also important to note that non citizen
20 voting has a history in New York City. Non
21 citizens were permitted to vote in school board
22 elections. I voted in them from 1970 on until
23 2002 when they were abolished. We all worked,
24 those of us who had kids in the school system at
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2 that time. so, the legislation today would
3 restore voting rights to non citizens who legally
4 reside in our city. And it would apply only to
5 individuals who have lived in the city for at
6 least six months who are here legally and that
7 would apply only to elections for municipal
8 office, like Mayor, City Council, Board
9 Presidents, and so on. It's fair, it's equitable
10 and I certainly support it. It's not an easy
11 matter to pull this off but I know the New York
12 City Board of Elections could do it. And they
13 have figured out how to address significant
14 challenges in the past and they could do it again.
15 The Board is not here. Later on we will read
16 their statement. I'm proud to be a cosponsor and
17 I always enjoy doing anything with Council Member
18 Danny Dromm. [off mic]

19 CHAIRPERSON DROMM: Okay, the
20 feeling is mutual. Thank you, Council Member Gail
21 Brewer. And with that, I'd like to bring up our
22 first panel, and that will be Ron Haddock
23 [phonetic] for PSC CUNY, Cheryl Wertz [phonetic]
24 from the New York Coalition to Expand Voting
25 Rights, and Jerry Vatamala [phonetic] from Asian

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2 American Legal Defense and Education Fund. And
3 Cheryl would you sit to here and start us off?
4 Yeah? Whenever you're ready. Put that mic on
5 too. You have to push the red button.

6 MS. CHERYL WERTZ: Yeah?

7 CHAIRPERSON DROMM: Yeah.

8 MS. WERTZ: Okay. Thank you so
9 much to all of you for taking the time to attend
10 this important hearing this afternoon. My name is
11 Cheryl Wertz and I'm one of the founding members
12 of the New York Coalition to Expand Voting Rights.
13 My role here today is to give you some basic
14 information about the New York City Voting Rights
15 Restoration Act and that you hear from the other
16 more eloquent speakers and experts that are here
17 this afternoon. The New York City Voting Rights
18 Restoration Act, or Intro 410, is basic civil
19 rights legislation that would reinstate municipal
20 voting rights for non citizens who've been legally
21 present in New York City for six months or longer.
22 As Council Member Dromm just eloquently pointed
23 out, the right to vote in this country has rarely
24 if ever been about citizenship. It has been about
25 controlling who has the right to have a say. At

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2 this country's founding the right to vote belonged
3 to white men and with property. White woman and
4 poor white men, although clearly citizens, were
5 disenfranchised. Over time each and every state
6 has passed legislation that actively removed the
7 right to vote from non citizens. Always a hot bed
8 of mitigation, New York has also been a hot bed of
9 anti immigrant backlash. Some of the first
10 citizenship voting restrictions were passed here
11 in 1804, but Arkansas, the last state to
12 disenfranchise immigrants didn't do so until 1926.
13 This seemingly universal concept of citizenship
14 voting requirements is less than 90 years old.
15 Even now, 45 countries around the world have some
16 form of non citizen voting. Six towns in
17 Maryland, non citizen vote residents are currently
18 voting in municipal elections and in Chicago, non
19 citizen residents are voting in school board
20 elections. Of course, non citizen parents voted
21 in school board elections right here in New York
22 City until 2002 when mayoral control ended school
23 boards. The expression, no taxation without
24 representation is particularly relevant here.
25 There is no special tax bracket for being a non

1 citizen. All non citizens pay the same taxes that
2 citizens do. In New York State, non citizen
3 residents pay \$229 billion in combined state
4 income taxes, sales taxes and real estate taxes.
5 Their economic output represents about one fifth
6 of the State's GDP. But most non citizens don't
7 qualify for Social Security, Medicaid, Medicare,
8 food stamps or the dozens of other programs that
9 they're helping to pay for. But this campaign
10 isn't really about taxation, it's about civic
11 participation and the right to have a say. In New
12 York City a full 20 percent of the adult
13 population can't vote in our civic process, that's
14 1.3 million people. And as you can see from our
15 map, which is also included in your packets, we
16 can map out very specifically where those
17 individuals are in New York City and what issues
18 are being impacted. Beyond individual voting
19 rights this campaign is about supporting our
20 neighborhoods. When one fifth of our neighbors
21 can't participate in the civic process our entire
22 community suffers. Immigrant New Yorkers are more
23 likely to have unaddressed healthcare needs, be
24 underemployed, attend public schools and pay a
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1 higher portion of their salary in rent. But
2 elected officials can safely ignore these issues
3 when immigrants can't vote. By holding our
4 elected officials accountable for serving their
5 entire community, non citizen voting serves the
6 entire community. As a part of my introduction i
7 want to just touch on the concrete questions about
8 who would be enfranchised as we've said before.
9 This legislation is only for New York City
10 municipal elections. It does not cover County
11 Offices of District Attorney's or Judgeships. The
12 New York City Voting Rights Restoration Act would
13 enfranchise individuals who are legally present
14 and have lived in New York City for six months or
15 longer. It's important to note that individuals
16 with tourist visas are specifically excluded from
17 the legislation, both by virtue of the six month
18 time frame and the residency requirement.
19 Individuals with any other kind of visa, including
20 student visas, H1B visas, K visas, E visas, J
21 visas, L visas, U visas and the alphabet soup of
22 other visas created by the US Department of
23 Homeland Security are all included. A quick note
24 on the legal details which again, will be covered
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2 by other experts here today. The legislation
3 leaves the details on voter registration and poll
4 administration processes to the professionals at
5 the Board of Elections rather than dictating how
6 they do their job, Intro 410 gives those
7 professionals the freedom to do their work
8 effectively and make sure that New Yorkers are
9 able to exercise their appropriate and legal right
10 to vote. New York State election law is quite
11 clear on protecting the right to vote for citizens
12 but there is nothing in the law that prevents
13 municipalities from expanding that franchise. As
14 a friend of mine used to put it, New York State
15 election law is a shield protecting citizens right
16 to vote rather than a sword preventing other
17 individuals from being enfranchised as well. I
18 want to end my testimony today with a personal
19 note of thanks. The idea that individual should
20 simply become citizens has certainly been raised
21 as part of this discussion. But as we've already
22 noticed, becoming a citizen takes a ridiculously
23 long time and there are a large number of
24 documented individuals who have lived here for
25 years with no viable path to citizenship. The

1 national immigration reform debate may result in a
2 path to citizenship for some individuals but
3 certainly a large number of people will be
4 included. And as individuals in Washington
5 continue to endlessly debate the issue the New
6 York City Council has an opportunity to set a
7 national example of inclusion. This hearing is a
8 testament to our healthy civic life. We are about
9 to become the most representative, democratic city
10 in the nation. As of today 34 of you have eco
11 sponsored 410. When myself and a collection of
12 activists in Queens, many of whom are here today,
13 started thinking about campaigns that could truly
14 impact the way that our community members
15 interacted with government we knew this was a
16 great idea but we were ready for a long haul.
17 From the Seneca Falls Convention to the adoption
18 of the 19th Amendment, women suffrage took 70
19 years, but with your leadership we're looking at a
20 real possibility of enfranchising 1.3 million New
21 Yorkers in less than ten years, that's
22 astonishing. But it's also a testament to your
23 leadership and to your collective vision. So,
24 thank you and I'm happy to take questions.
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2 CHAIRPERSON DROMM: Ron, your
3 testimony is very long so if you could just
4 summarize it if you can.

5 MR. RON HADDOCK: I certainly will.
6 [crosstalk] I know - - no, I won't. thank you for
7 the opportunity to speak with you today. My name
8 is Ron Haddock. I am a proud representative of
9 the Professional Staff Congress of CUNY, the
10 faculty and staff union, 25,000 members strong who
11 service the 270,000 students in CUNY, many of whom
12 are immigrants or the children of immigrants. I'm
13 also a member of the coalition to expand voting
14 rights and lastly, I'm a professor of Political
15 Science at Queens College. I'm the author of a
16 book called Democracy For All, not for some, but
17 for all, and the subtitle is, Restoring Immigrant
18 Voting in the United States. I strongly urge you
19 to pass intro 410. It's the right thing to do.
20 New York City's the perfect place to do it and
21 this is the right time. One out of five people,
22 adults, who are counted for districting purpose,
23 pay billions in taxes and contribute in countless
24 ways, socially, culturally, economically, to the
25 life of this city but they can't vote because

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2 they're not US citizens. In some districts that
3 rises to one third to one half. That approximates
4 the political exclusion of women, African
5 American's and youth before laws were changed to
6 incorporate them. What do these conditions mean
7 for such basic democratic principle's such as
8 government rests on the consent of the governed,
9 no taxation without representation, one person,
10 one vote? Immigrant political exclusion
11 challenges the ideals of a modern democracy and it
12 cuts to the heart of our political practice. It
13 was wrong to exclude women, people of color and
14 young people from the vote and it's wrong to
15 exclude immigrants today. After all, we know what
16 happens when groups are disenfranchised;
17 discrimination, exploitation, marginalization
18 follow. That's why blacks, women and young people
19 fought for their voting rights and that's why
20 immigrants today similarly seek the right to vote.
21 Immigrant voting is part of a broader struggle for
22 the immigrant rights movement and for the movement
23 for human rights and dignity. Allowing immigrants
24 to vote in local elections would restore what was
25 a common and widespread practice in earlier times

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2 and most recently here in the community school
3 board elections. Resident voting, immigrant
4 voting is one of the best and proven methods to
5 facilitate voter participation, immigrant
6 incorporation and government accountability.

7 There's three main points I want to encourage you
8 to consider in your deliberations. One, is this
9 is totally legal and there's precedent for us to
10 do this. The City has the authority and we have
11 strong historical precedent. It's rational.

12 There are moral and practical reasons to restore
13 immigrant voting including notions of equal right
14 and equal treatment and because it brings mutual
15 benefits to all community members. And lastly,
16 it's feasible. It's politically and
17 administratively feasible. It's possible and we
18 have experience doing it. Immigrants vote in
19 Maryland and you'll hear of from someone today in
20 Maryland about how they do it there, in Chicago
21 and we did it in the school board elections. Not
22 is immigrant voting particular to the United
23 States and New York City. It's a contemporary
24 phenomena world wide and it's a contemporary
25 trend. It makes a lot of sense in this era of

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2 globalization. So, a little bit about their
3 history. Americans are usually surprised to learn
4 that immigrants enjoyed voting for the majority of
5 our history, from 1776 to 1946, that's 150 years,
6 not just in part of the country but in 40 states
7 and federal territories it was common practice,
8 not just in local elections which is what we're
9 talking about now but also in State and Federal
10 elections. Immigrants can also run for office and
11 held office such as Alderman, Coroner and School
12 Board Member. Our forefathers embraced the alien
13 suffrage as a logical way to encourage newcomers
14 to build a stake in America's emerging democracy
15 and it worked. It hastens civic integration and
16 eventual citizenship. Immigrant voting is as
17 American as apple pie and is older than our
18 national pastime, baseball, one of my favorite
19 sports. Another takeaway point is that voting is
20 not naturally or inevitably or intrinsically
21 connected to citizenship. Of course, this is why,
22 you know, women and blacks who are post
23 emancipation have, were citizens but were denied
24 the right to vote not because they weren't
25 citizens but because of racism and sexism. Sadly,

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2 this sensible policy of immigrant voting became a
3 casualty of the anti immigrant backlash in wartime
4 hysteria during the turn of the 20th Century. This
5 is also a time, I want to point out, when other
6 barriers to the franchise were erected such as
7 poll taxes, literacy tasks, grandfather clauses,
8 restrictive residency and voter registration
9 procedures, all of which combine to disenfranchise
10 millions of voters. Thankfully, the Civil Rights
11 movement swept away many of the obstacles to
12 voting, poll taxes, literacy tests but the
13 movement for universal suffrage remains
14 incomplete, an alarming and large proportion of
15 the population remains disenfranchised. Most
16 immigrants want to become citizens but because of
17 red tape the average time to naturalize and obtain
18 citizenship is eight to ten years, according to
19 the US census. More than a two term mayor, City
20 Council members. Furthermore, many legally
21 residing immigrants are not eligible to become
22 citizens, such as students, long term holders of
23 work visas. Intro 410 would allow these New
24 Yorkers to participate in the political life of
25 the city, their new home, and at the same time

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2 improve the quality of our democracy. I'm going
3 to skip over the contemporary situation because we
4 have some other folks who will talk about how it
5 works in other places. But just to note that this
6 trend, the last 30 to 40 years for places to
7 restore voting rights, New York City was the first
8 place to restore voting rights to immigrants in
9 the school board elections was part of the civil
10 rights movement, the community control movement.
11 Chicago followed our lead and still, to this day,
12 every two years and even number of years in April,
13 just past, immigrants vote in school elections in
14 Chicago. They do so in Maryland, six towns, for
15 all elections locally. In Massachusetts there's
16 four set towns that have enacted immigrant voting
17 at the local level. They wait state enabling
18 legislation to implement those laws. There's been
19 similar initiatives in San Francisco and
20 Portland, Maine in 2010 and a dozen other places
21 around the country. So, New York's not alone in
22 trying to restore voting rights for allowing
23 immigrants to vote. And globally, again, in the
24 last 30 to 40 years, this trend is increasing. I
25 was glad to hear Chairwoman Brewer say that the

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2 Board of Elections can do this, that they have,
3 certainly, experience doing it. And, you know,
4 the Board of Elections is capable of making
5 changes when they've been challenged in the past,
6 whether it's for the Community School Board
7 elections, which they had to do historically or
8 adding protected language groups, the American's
9 For Disabilities Act, the National Voter
10 Registration Act, HAVA [phonetic], new voting
11 machines, you name it. The technologies available
12 and in place including computerization of voter
13 registration rolls and poll lists, other
14 jurisdictions do it and they can inform us how to
15 do it. A firewall can be built between the City
16 and other elections so to allay any concerns of
17 comingling. And thankfully, because municipal
18 elections take place in an odd year, as opposed to
19 even years when the State and Federal elections
20 happen, that's another built in separation. You
21 know, if there's the political will there's the
22 technological and technical way. To conclude, no
23 one believes that immigrant voting is going to be
24 a panacea to our problem of typical apathy and low
25 voter turnout. However, it's certainly a critical

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2 step in creating local governor process that's
3 more inclusive, accessible and accountable and
4 certainly will increase the turnout. Resident
5 voting will not eviscerate the palpable fear and
6 distrust that many immigrant communities have for
7 government, nevertheless, by implementing a system
8 whereby government officials need to vie for their
9 support will give these vulnerable communities
10 more of an equal footing in the city in which they
11 have a vital stake. Resident voting will not
12 ensure that government is truly accountable to all
13 but New Yorkers will have recourse to the ballot
14 and that goes a long way to increasing
15 accountability. The vote is a tried and true
16 mechanism to keep government representative,
17 responsive and accountable. Elected officials
18 will have greater participation from their
19 constituents and therefore a greater mandate.
20 According to a public opinion poll conducted by
21 Baruch College in 2011, most New Yorkers support
22 the idea of restoring voting rights to immigrants,
23 so it's not just us advocates. In conclusion,
24 immigrant rights are the civil rights of today and
25 thus, non citizen voting is a suffrage movement of

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2 our time. restoring voting rights to all its
3 residents would update our democracy for these
4 global times. New York is the home of the statue
5 of liberty, Ellis Island, we embrace our immigrant
6 nation, we are a city as an immigrant city. How
7 appropriate would it be for us to reaffirm this
8 leadership roll by restoring immigrant voting and
9 city elections? By doing so, we would make
10 history again. Thanks for your time.

11 COUNCIL MEMBER DROMM: Thank you.

12 Jerry?

13 MR. JERRY VATAMALA: Good afternoon
14 and thank you for the opportunity to address this
15 body and this Committee. My name is Jerry
16 Vatamala. I am a Staff Attorney and Democracy
17 Program and the Asian American Legal Defense and
18 Education Fund, AALDEF. ALLDEF is s 39 year old
19 national civil rights organization that protects
20 and promotes the civil rights of Asian American's
21 through litigation, advocacy, education and
22 organizing, AALDEF works with Asian American
23 communities across the country to secure human
24 rights for all. Today I'm going to testify on the
25 issue of whether New York City has authority to

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2 extend the franchise and local elections to non
3 citizens. In short, it is our view that the City
4 does have the authority and does not require
5 authorization from the New York State Legislature.
6 Municipal authority to extend the franchise to non
7 citizens is supported by the terms and goals of
8 New York's Home Rule Law and by section 1-102 of
9 New York's Election Law. Local governments, such
10 as New York City, have authority to pass local
11 laws not inconsistent with the provisions of the
12 constitution, including any general law relating
13 to what's property, affairs or government and any
14 law related to the mode of selection of the
15 government's officers. Although there are
16 exceptions to the Municipal Home Rule Law the
17 selection of electors is not among the 12 topics
18 identified in the law as one on which a local law
19 which supersedes a State statute, cannot be
20 enacted. The City's broad power to define the
21 franchise for local elections is consistent with
22 the goals of the home rule doctrine in New York.
23 Home rule was intended to empower local
24 governments on matters of acute local concern,
25 like local elections. My colleagues had mentioned

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2 that the New York City Constitution, the Federal
3 Constitution as well as the New York State
4 Constitution does not ban non citizen voting.
5 Indeed, New York Constitution, it guarantees
6 citizens the right to vote but does not limit the
7 electorate to citizens. So, in other words, the
8 New York State Constitution is a floor, not a
9 ceiling. Going onto the New York Election Law.
10 New York Election Law section 5-1021 states that
11 no person shall be qualified for. registered and
12 vote at any election unless he is a citizen of the
13 United States and is or will be on the day of such
14 election. And it goes on, so, at first blush it
15 would seem that the New York Election Law
16 prohibits non citizens from voting. However,
17 section 1-102 of the Election Law provides that
18 whereas specific provision of law exists in any
19 other law, which is inconsistent with the
20 provisions of this chapter, such provisions shall
21 apply unless a provision of this chapter specifies
22 that such provision of this chapter shall apply
23 notwithstanding any other provision of law. What
24 does that mean? What it means is that if local
25 jurisdiction such as New York City passes a law

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2 such as this bill, which is inconsistent with a
3 provision of the election law which I just read,
4 section 5-102, the local election law will prevail
5 and supersede the inconsistent provision in the
6 election law. The only time this will not be the
7 case is if the inconsistent provision, in this
8 case the provision that says only citizens can
9 vote, explicitly states that that provision will
10 supersede the local law that is passed, and it
11 does not say that. The City's power to institute
12 non citizen voting for local elections depends on
13 whether section 1-102 allows the City to bypass
14 the restrictions I just read in section 5-102.
15 Section 1-102 allows municipalities to fashion
16 electoral rules that are different from and even
17 inconsistent with the rules chosen by the State.
18 Under section 101-102, New York's Election Law
19 Operates in Elections for Local Offices as a set
20 of default laws, which can be modified as needed
21 for particular elections. This default rule
22 structure is not unusual formulation in New York
23 Law and one can just think of the Uniformed
24 Commercial Code, the UCC, they are a set of
25 default rules in place under the UCC and parties

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2 can agree to modify those rules. This is very
3 similar. And there's a very, I'll give you one
4 example here, the New York Supreme Court in New
5 York County was called on to interpret the scope
6 of section 1-102 while the 1988 Porter Revision
7 Commission changed the City's special elections to
8 a non partisan format. The charter provision that
9 had been imposed had conflicted with election law,
10 section 6-114 which allowed parties to place their
11 candidates party labels on the ballot. The
12 Supreme Court, nonetheless, held that election law
13 gives way to inconsistent local law provisions
14 relying on election law section 1-102. So,
15 there's an example where section 1-102 trumped the
16 contrary section in election law for special
17 elections. Now, there's no material difference
18 between a change in the electorate and the change
19 in the format of the ballot from partisan to non
20 partisan for purposes of section 1-102. So
21 therefore, the City's experience with nonpartisan
22 ballot in special elections demonstrates,
23 illustrates for this commission that section 1-102
24 allows local laws to supersede provisions of the
25 election law. So, in summary, New York Election

1 Law bars non citizens from the franchise.

2
3 However, it appears that and it's our belief that
4 election law gives local government the power to
5 override section 5-1021 in the context of local
6 elections. In light of the City's broad home rule
7 powers and the language of section 1-102 of the
8 New York Election Law AALDEF believes that the
9 City has the authority to extend the franchise to
10 non citizens without seeking special authorization
11 from the New York State Legislature. Thank you,
12 and I'd be happy to answer any questions.

13 CHAIRPERSON BREWER: Thank you very
14 much. I want to make sure that we thank David
15 Seiser [phonetic] who's an attorney here and Tim
16 Matisoff [phonetic] who was certainly a great
17 policy analyst. I want to make a couple other
18 questions. Ron, when you were speaking you
19 mentioned some towns in Massachusetts that were
20 not able or do you know why they weren't given the
21 green light to do immigrant voting?

22 MR. HADDOCK: Yes, I do.

23 CHAIRPERSON BREWER: You mentioned
24 it, I don't think you talked about it 'cause you
25 were kind enough to summarize.

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2 MR. HADDOCK: I was trying to get
3 through it. You know how us academics can be a
4 little longwinded. But it's all in the book and
5 my testimony.

6 CHAIRPERSON BREWER: We're not
7 reading the book right now, Ron - - .

8 MR. HADDOCK: The four towns
9 Amherst, Cambridge, Newton and Brookline passed
10 local legislation. Maryland requires that, it's
11 called a home rule petition, they file home rule
12 petition that they petition the State Legislature
13 to allow the home rule petition to go into effect.
14 They petitioned but they have not received the
15 grant to that petition. So, it's in the election
16 law committee in the State Legislature right now.

17 CHAIRPERSON BREWER: Oh, so it has
18 to go to the State. I want to thank Council
19 Member Dickens, Council Member Williams, for being
20 here. So, I'm just wondering, for any of you, do
21 you have any idea as to the universe of potential
22 voters in our city who might be added to the rolls
23 of this wonderful law if it is to pass?

24 MR. HADDOCK: If I understand--

25 CHAIRPERSON BREWER: [interposing]

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How many people would be eligible to vote?

MR. HADDOCK: There's different estimates. It's just a guess, it's just an estimate. I mean, the best science we have, the US Census and a number of other entities have different ranges, some say 1.3 million, some say 750,000. I always like the middle, ballpark figure of a million. Maybe Cheryl can help elaborate.

MS. WERTZ: The specific number that the New York Coalition to Expand Voting Rights uses is 1.3 million. To let you know where we arrived at that number that's the US Census figure for the number of adult non citizens living in New York City. That number is, of course, a flawed number. Any number coming from the US Census is, of course, a flawed number that undercounts low income communities, communities of color and non English speaking communities. That number also does theoretically include individuals that are undocumented because there is no check mark on the census form for your immigration status, it only asks your citizenship status. Given the very low number of people that are

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2 undocumented that answer census forms and the very
3 high undercount of particular communities in the
4 census, we feel like the 1.3 number from the
5 census rounds itself out as a very legitimate
6 number. The reality is, of course, that there is
7 no actual number, therefore the census number is
8 the best that we can come to.

9 MR. HADDOCK: If I can add, the Pew
10 Hispanic Trust estimates and the Urban Center
11 estimates there's about 500,000 undocumented
12 individuals in New York City.

13 CHAIRPERSON BREWER: Okay, the next
14 question is, the Board of Elections. In other
15 municipalities in Maryland, do they vote in the
16 same manner as other voting in municipal
17 elections? Do you have any sense of how it works
18 in those particular locations?

19 MS. WERTZ: [off mic] One of the
20 other panelists that's going to be here addressing
21 you later today is actually from Maryland and
22 Landon is going to be able to answer those
23 questions really specifically and in detail for
24 you.

25 CHAIRPERSON BREWER: Okay. So you

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would you know--

MS. WERTZ: [interposing] The answer is no, that they're not treated differently.

CHAIRPERSON BREWER: Okay, 'cause you don't know, for instance, I mean, in New York is big, however, and with all due respect to the Board of Elections, it's a challenge for citizens to vote. So, my question would be that I should just ask Maryland if, I would like to ask you, though, just to get a sense in that we are so big, do you think it would make sense in order, if we were to move any quicker to have a different, I don't know if this is right or wrong, I'm just asking, I, as Governmental Operations oversee the Board of Elections so it's a challenge. So, one question would be whether you think it would make sense to have people sign in with the different system or should all be the same that the regular New Yorkers are voting in terms of the municipal elections.

MR. HADDOCK: That's a good question. I think there will be a couple of other answers. Jerry might want to weigh in. So, the

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2 legislation calls for people to sign and initially
3 in terms of a new municipal voter registration
4 form that the Board of Elections will have to
5 design.

6 CHAIRPERSON BREWER: Go around.

7 MR. HADDOCK: Are you referring to
8 the poll?

9 CHAIRPERSON BREWER: No, I'm
10 talking when you actually go to the polls.

11 MR. HADDOCK: At the polls?

12 CHAIRPERSON BREWER: When you
13 actually go to the polls. No, I know about that.
14 We're, I was just wondering if you think, I know,
15 for instance, you can, obviously we'd love to have
16 early voting in New York, we don't have it yet, at
17 least I would love to have early voting.

18 MR. HADDOCK: Me too.

19 CHAIRPERSON BREWER: And something
20 that would give people something similar at the
21 polls in order to expedite people who are not
22 citizens voting. I don't know if, just have any
23 ideas that you think that it should be?

24 MR. HADDOCK: I think it should be
25 one poll list. I think it should, they should be

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2 integrated and the way that they do it in Maryland
3 is they integrate them on a single poll list on
4 election day and they separate them again for
5 subsequent elections. It's clean and simple.

6 CHAIRPERSON BREWER: Okay.

7 MR. HADDOCK: You can build a
8 firewall between the two.

9 CHAIRPERSON BREWER: Okay.

10 MS. WERTZ: And just to sort of add
11 to that, I can very easily create an Excel
12 document that lists people with markers in it so
13 that they can be sorted in and back out again. If
14 I can do it in an Excel document I don't think
15 it's too much to ask the Board of Elections to be
16 able to manage that, otherwise certainly
17 appreciate your question, Council Member, and
18 realize that it will, in fact, be a challenge,
19 although I am also happy to volunteer to be the
20 first person to testify in front of your
21 Committee, the Gov Opps Committee, in four years
22 after we've done, been through this process once.
23 I'm happy to testify about how we can help make it
24 better and tighter.

25 CHAIRPERSON BREWER: A little

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complicated but thank you very much.

MR. VATAMALA: You know, I just wanted to add also, I think the Board had raised concerns about having Chinese on the ballot or Korean or Bengali or whatever these new language requirements were required of the Board. We heard similar reasons why it couldn't be on but in the end it does get done. And we have a cooperative relationship with the Board and we are confident that they be able to get this done.

CHAIRPERSON DROMM: And just to also add to that discussion, you know, for the most part, City elections, Municipal elections are held in the odd years and the State election, Federal elections are held in the even years. so, even that would help them in terms of the sorting of who is eligible to vote during certain times. And there are some exceptions which is when you might have a special election or something like that. But I think that could be handled a little - - . I just want to go back to Jerry, you said that, if I'm wrong in summarizing what you said, but you said that you basically believe that the State Constitution does not specifically state

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2 that the City is prohibitive from allowing non
3 citizens to vote and it's on that basis that you
4 believe that non citizen voting is legal. Am I
5 right.

6 MR. VATAMALA: Well, that's one of
7 the reasons. Because the New York State
8 Constitution does not forbid it, it does not
9 consent it to sealing. So, what it says is that
10 at the minimum citizens are protected their right
11 to vote but it does not limit the other electorate
12 as it is possible in this case, would be non
13 citizens. It's a home rule provision and section
14 1-102 of election law that allows for non citizens
15 to vote.

16 CHAIRPERSON DROMM: And so is that
17 the reason why parents are allowed to vote in
18 school board elections and do you know if that had
19 ever been challenged?

20 MR. VATAMALA: Well, I'm glad you
21 brought that up because the school board
22 elections, okay, the State Legislature acted, all
23 right? So, when the argument is made that the New
24 York State Constitution prohibits non citizens
25 from voting, okay, go to example number one,

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2 school boards, the New York State Legislature
3 acted in accordance with the State Constitution to
4 allow for non citizens to vote. But we
5 shouldn't--

6 CHAIRPERSON DROMM: [interposing]
7 So, there's precedent for that?

8 MR. VATAMALA: --there's precedent
9 but I do want to make it clear, we don't want to
10 extrapolate that and say that only the State can
11 authorize non citizens to vote. It was nice that
12 the State Legislature did that but the City has
13 independent of the State, the authority to allow
14 non citizens to vote in local elections. We do
15 not need State authorization to do so.

16 CHAIRPERSON DROMM: Okay, thank
17 you. And I think we have some Council Members
18 that want to ask questions?

19 CHAIRPERSON BREWER: Council Member
20 Lander?

21 COUNCIL MEMBER LANDER: Thank you
22 very much to both Chairs and especially to Council
23 Member Dromm for sponsoring this legislation and
24 for your advocacy and championing of it. I find
25 it really intriguing and very enthusiastic about

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2 the idea of really expanding and deepening our
3 democracy. One legal question and one substantive
4 one. On the legal one, and I think this goes to
5 what we were just saying, so, when the City
6 Charter Review Commission and separately the Mayor
7 quite a few times have proposed modifications to
8 our election system like instant run off or non
9 partisan voting, in particular, their lawyers have
10 found that the City would have the power to do
11 that without a change in the authorizing State
12 election law, am I correct?

13 MR. VATAMALA: Well, there are
14 certain provisions in the home rule statute and
15 that prohibit local law from superseding State
16 law. And for example, New York City could not,
17 under home rule, say we're going to change the
18 date of the general election and that's explicitly
19 stated in the home rule legislation. And the
20 same, the same vein, certain provisions in the
21 State election law have to explicitly state that
22 the provision in the State election law supersedes
23 local law. So, in instances where the City said
24 they did not have authority, instances where it is
25 explicitly stated in State election law that that

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provision will supersede any local law.

COUNCIL MEMBER LANDER: All right, that's helpful. And I'm relying here in part, I have a, I don't know, it's not Professor Haddock's book but a 20 page memo from the Brennan Center for Justice [phonetic] at NYU which found a very strong arguments that, against what the Mayor and others have said here, that we don't have the power, that under the charter, under State law and under the Federal Constitution that we seem to have the power to do this. And one thing that I found especially interesting was that the 2003 Charter review commission, when they were looking to adopt non partisan elections said that we do have this power, almost exactly the same powers, cited the - - and City of New York versus, the City of New York versus the Board of Elections, to support their position. So, I have that right?

MR. VATAMALA: Yes, yes.

COUNCIL MEMBER LANDER: That the Mayor, presumably in his charter review commission found that we had the power to adjust the elections to do non partisan voting?

MR. VATAMALA: That's right, and

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the court upheld that.

COUNCIL MEMBER LANDER: And as I read it, this is, as you say, because there isn't a specific bar on this practice, it's essentially in the same category of things that would be up to a city under the Barum [phonetic] and the City of New York cases?

MR. VATAMALA: Absolutely.

COUNCIL MEMBER LANDER: Are you aware that the City in this three page, not that detailed letter, or in any other place has given a reason why they think the things are different or why - - voting [crosstalk]

MR. VATAMALA: No, we are looking for that as well. We have not identified a document that explicitly states their reasoning. And it is a bit confusing 'cause the, it seems pretty strong in our view and some other legal organizations such as Brennan that New York City does have the authority to enact legislation and--

COUNCIL MEMBER LANDER:
[interposing] And I was just interested, it's not only, sort of, your case against their case but even the case that they've made about the powers

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2 that the City has seems to support our power to
3 pass this law and that they have not made any
4 distinction between their previous argument that
5 we have this set of powers and the one here today.
6 I also note, I guess - - be read to the record a
7 little later that the Board of Elections
8 testimony, I don't know if you saw, it seems to
9 say that it's a lot of work to hold elections.
10 And I guess it's a fair point, I mean, I don't
11 know, I found it a lot of work to hold elections,
12 but does it seem like the fact that it's a lot of
13 work to hold elections and enfranchised voters
14 seem like a good reason not to hold elections and
15 enfranchise voters to any of you? That's a
16 rhetorical question.

17 MR. VATAMALA: An unfunded mandate
18 is what they call it.

19 COUNCIL MEMBER LANDER: Yes,
20 democracy is so...

21 MR. HADDOCK: It's an active,
22 participatory sport that takes some time and
23 effort and I know, as you guys know about the
24 participatory budgeting, it really has incredible
25 dividends that are hard to measure but are

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2 palpable. And yeah, of course, it's going to take
3 a public education campaign. There's going to be
4 a need for some significant investment for a
5 public education campaign and, you know, there's a
6 lot of coalition partners, the government groups,
7 voting rights organizations, the City University
8 of New York, the professional staff congress, at
9 least, can join in helping to pull off what would
10 be a modest proposal. And certainly something
11 they've done in the past as well as other changes.

12 CHAIRPERSON DROMM: I did want to
13 note, we've head these arguments before in the
14 past with language access and translation that's
15 required under Federal and Local law. And in the
16 end through cooperation and sometimes litigation
17 they've been able to comply or at least
18 substantially comply. So, they can get it done.

19 COUNCIL MEMBER LANDER: So, my last
20 question is a little more substantive and it is
21 one that I've heard, I've been talking with people
22 a lot about this over the last few days. And I
23 wonder if you could go just a little more deeply
24 into the different categories and make the case
25 kind of across the board. I mean, I think most

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2 people that I have talked to have said, okay,
3 permanent legal residents, you know, who are here
4 and who are on that path to citizenship and it's
5 going to take them eight or ten years to get here,
6 I get why that set of people, it really makes
7 sense to have a vote. And people have said, but
8 I'm not so sure about students. So I speak a
9 little more to the categories and make the
10 argument for why it should be expansive and how
11 you think about that set of issues.

12 MS. WERTZ: Sure, so, I'm from
13 California. I moved to New York City in 1999. I
14 moved to Queens and within 30 days of my arrival
15 in Queens I registered to vote. There was no
16 promise included in that in any way, shape or form
17 that I was going to stay in New York. I'm here, I
18 don't know, whatever, 15 years later but I may not
19 always be here. I may decide to move back to
20 California at any moment in time and there's
21 nothing about my voter registration status in New
22 York City that makes that a permanent promise. My
23 voting in New York City says, I'm a part of this
24 community right now, I contribute to this
25 community right now and, you know, this is my

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2 home. The same thing is true of anybody else who
3 comes to the United States for any other reason.
4 One of the reasons that we, in sort of conceiving
5 of this campaign, wanted to be very, very careful
6 about naming specific categories and allowing
7 people to vote in some categories but not in
8 others, was that the United States Department of
9 Homeland Security is a bureaucratic and capricious
10 beast. And it changes the requirements and
11 categories for various visa statuses at a whim and
12 we didn't feel like an individuals right to
13 participate in the local government should be
14 based on, you know, a bureaucratic whim that
15 changes when what used to be a B visa gets renamed
16 as a W visa, suddenly we need to change a New York
17 State election law. That's not, we wanted to
18 support legislation that enfranchised people that
19 were part of communities and I a real organic way.
20 and that's individuals that are living here for
21 whom this is their home no matter what their
22 future plans or their, or sort of status. And so
23 that's why we felt very strongly in advocating for
24 this legislation that it needed to be for as broad
25 a group of people as possible. We, of course,

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2 obviously also didn't want people that are
3 visiting New York City to have a right to vote and
4 that's the reason for the residency requirement and
5 the six month timeframe is to sort of address that
6 issue. But we wanted to support various broad
7 legislation that really got to the heart of what
8 we wanted to do which was enfranchise people who
9 live here, and not make it part of a, sort of,
10 bureaucratic this, that, sort of process. We
11 wanted to say, if you live here you should have
12 the right to participate in a very simple way.

13 COUNCIL MEMBER LANDER: Thank you.

14 CHAIRPERSON DROMM: Thank you.

15 CHAIRPERSON BREWER: Council Member
16 Williams?

17 COUNCIL MEMBER WILLIAMS: Thank
18 you, Madam Chair and thank you Mr. Chair and
19 particularly shout out to Council Member Dromm for
20 the work he's been doing on this. And I thank you
21 for testifying. I'm sorry I walked in in the
22 middle but I walked in as Professor Haddock was
23 speaking. And I'm glad I did. I signed onto the
24 bill because I thought it was the right thing to
25 do and it sounded right but I was always struck

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2 when people brought up this thing of citizenship
3 and people were positing, well, this is what a
4 citizen was supposed to do. And I'm absolutely
5 fascinated by reading your testimony. I head you
6 say it's not intrinsically a citizen thing. I
7 read your testimony and based on history you're
8 correct. And I'm hoping that the advocates will
9 start using this more in a the talking points. I
10 think if we start talking about restoring non
11 citizens votes it's just like when I run for
12 election I'll say, reelect, does something with
13 the psyche, we're actually doing something again.
14 So, I think it will be fascinating to begin
15 pushing that these are rights that were taken away
16 and now we're just bringing it back 'cause I think
17 there is a belief. I kind of had it in the back
18 of my head, citizens equal voting and I think this
19 will help with the public if they start thinking
20 of it differently. I had a couple questions. Is
21 this something, is there anything intrinsically
22 different between school board elections and
23 mayoral elections or we just feel like it's
24 different 'cause one is more, is much bigger than
25 the other? Anyone - - ?

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2 MR. HADDOCK: Well, I don't see any
3 big difference myself. The school boards were
4 created, you know, in 1969 as a part of the
5 community control movement. The idea there was
6 both registered voters, citizens, and any parent
7 of a kid in the schools could vote in those local
8 community school board elections. And people
9 exercised that right pretty substantially. It was
10 actually 20 years ago this month that there was a
11 community school board election. I was the
12 coordinator for the Voter Assistance Commission
13 and then Mayor Dinkins gave us a \$6,000 to send a
14 notification to every registered voter in the city
15 letting them know that they could vote. And voter
16 participation jumped from seven percent the
17 previous election to almost 13 percent, so almost
18 doubled. And I think, you know, the sort of, the
19 basic principle, you have a kind in a school, you
20 should have a say about how that kids education is
21 going to, you should have a say about education
22 policy that that's the basic principle, we have
23 - - . We had that in Wisconsin in our laws and
24 elections for a long time and this is an attempt
25 to basically restore that and extend it to other

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areas, other public policy areas.

COUNCIL MEMBER WILLIAMS: Again, for everyone, are there any changes that you would make to the bill as written? Okay...

MR. VATAMALA: No, before we move on I just want to address, in case it wasn't clear when I said it previously, the School Board elections and allowing non citizens to vote in the School Board elections, that was done through State action, okay? And we believe that it's not required. We did it but it's not required. So, I this instance when we are allowing non citizens to vote in local elections it's without state authority and it's not required.

COUNCIL MEMBER WILLIAMS: And one thing I hear often, if it was addressed after I came, I apologize, do you believe the bill would disincentives or otherwise diminish the importance of going for citizenship?

MR. HADDOCK: If history is a guide it actually does the opposite. So, to give people a sense that they can make their place better, their adoptive home encourages people to make that leap to become a citizen. Most people, you know,

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2 that are here are attempting to become a citizen.
3 Those that aren't should still have a say about
4 the policies that affect them on a daily basis.
5 And historically say, for example, congressional
6 legislation enacted said that if you declare your
7 intent to become a citizen we'll give you the
8 right to vote as an incentive to provide civic
9 education, civic engagement and ultimate
10 incorporation, and it worked.

11 COUNCIL MEMBER WILLIAMS: Okay.

12 MS. WERTZ: and just to add to that
13 quickly, people make citizenship decisions for a
14 huge number of practical and emotional reasons.
15 It's about where it is that they feel like they
16 belong and other, sort of, big picture issues.
17 There's a total of ten rights and freedoms that
18 come with the right to become a citizen, including
19 the ability to travel freely, the ability to have
20 a US passport, the ability to apply for and get
21 certain jobs. These are all tangible reasons that
22 people choose to become a citizen, in addition to
23 sort of the emotional basis for that. I don't
24 think that allowing people to have a right to say
25 in this, the public advocates race is going to

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2 have that kind of impact on people's lives. What
3 we do here at a New York City municipal election
4 level is critically important to our communities
5 but I don't think it represents the reason that
6 people choose to become citizens.

7 COUNCIL MEMBER WILLIAMS: and just
8 two more questions from me. Do you believe that
9 New York City has the legal authority, I'm sorry,
10 do you believe this legislation should apply to
11 all non citizens who are here legally or only
12 permanent residents?

13 MS. WERTZ: The legislation as it's
14 currently written, which is what, and it has been,
15 you know, written with the support of the
16 community of advocates that support this work,
17 enfranchised as individuals who've been legally
18 present in New York City for six months or longer.
19 Those of us that are the advocates working on this
20 issue feel like at this, that that's the right way
21 to phrase this legislation. We're, they have been
22 working very closely with Council Member Dromm's
23 office and with his staff and strongly support
24 this legislation and it's currently written by his
25 office.

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2 COUNCIL MEMBER WILLIAMS: Thank
3 you, and I agree with my collage Lander on some of
4 the Board of Ed stuff that I read here. They did
5 seem to have one legal thing that I wanted to
6 bring up was that there'd be differing
7 requirements for voters. I think now they say
8 that, for example, the residency requirements for
9 - - and proposals was six months whereas the
10 election law requires citizens to reside in the
11 city, state, country, for 30 days. Is there any
12 problem you see between those two requirements?

13 MR. HADDOCK: Yeah, we don't see
14 any conflict or any potential for a violation of
15 law by having the different requirements.
16 However, if this did turn to a larger issue I'm
17 not sure what, you know, we could maybe go back to
18 30 days. But it, we do not see an issue at this
19 time having those different requirements.

20 MR. WILLIAMS: Well, thank you, and
21 again, thank you for your testimony. I'm very
22 happy I was here to hear about the issue. Both of
23 my parents are immigrants. I'm really hoping
24 advocates will really push the rest of the - -
25 part when we're talking to the public. And I'm

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2 glad we will be able to debunk many things that
3 the administration has been saying. I've learned
4 that they kind of just make stuff up nowadays.
5 But I'm glad, I'm happy when I have the tools to
6 push back. So, thank you very much.

7 CHAIRPERSON BREWER: Thank you.

8 Council Member Rodriguez?

9 COUNCIL MEMBER RODRIGUEZ: Thank
10 you, Chairman. So, in your testimony you justify
11 that the right, you made it clear is in favor of
12 the New York City Council to have the right on
13 voting on this legislation, right?

14 MR. HADDOCK: That's correct.

15 COUNCIL MEMBER RODRIGUEZ: Correct.
16 And you testify that people with green card, it's
17 green card, we're not talking about different
18 groups, you're not talking about student visa,
19 you're not talking about anybody else, but people,
20 the group of 850 New Yorkers, that hold green card
21 should have the right to vote in local election,
22 right?

23 MR. HADDOCK: That's correct.

24 COUNCIL MEMBER RODRIGUEZ: Okay,
25 and those, well, is that legal, in that particular

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2 group of voters will appear in a separate book in
3 a vote, election? Let's say when we go to vote,
4 right? In election days, in that day we go and
5 the poll workers, they look for us like, AD, ED,
6 and they follow, they have those book with the
7 address. Would that be okay if, I mean, I think
8 about question about the logistic that some people
9 putting on the table. If that be - - legal if
10 this group of voters the other voter that - - hold
11 green card are organized in a separate book.

12 MR. HADDOCK: I have another book
13 that I wrote, it's called Gatekeepers to the
14 Franchise, Shaping Election Administration in New
15 York. The Board of Elections can be a facilitator
16 of voter participation, it can also block or throw
17 roadblocks for participation. The Board of
18 Elections has lots of experience doing both.
19 Putting one single poll list at a polling place,
20 treating people the same would be a simple
21 solution, in my humble opinion. There's others
22 that can work at the Board of Elections to figure
23 it out.

24 COUNCIL MEMBER RODRIGUEZ:

25 [crosstalk] I'm sorry, I agree with you but from

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2 the legal point of view, would that be legal, on
3 the Board of Election, you know, for that group of
4 voter that they are allowed to vote by holding
5 green card to be fine and organize in a separate
6 book?

7 MR. VATAMALA: At first blush,
8 without doing a full analysis it would appear to
9 be legal. We do discourage the Board of Elections
10 from having separate lists for limiting this - -
11 voters or newly naturalized voters or whatever the
12 case may be. But it, on it, without doing the
13 full analysis at first blush it does appear that
14 it would be legal.

15 COUNCIL MEMBER RODRIGUEZ: Okay, I
16 just want to ask, I wanted to ask this questions
17 because, you know, this is the first hearing we
18 have and we are committed to work in passing this
19 bill. And I know that when I read the borough
20 election letter most of the election is based on
21 the logistic. Even though the borough election
22 has to claim their - - that they have in house as
23 it is today and we had to be no looking and
24 passing legislation that we have, the Council,
25 looking to improve the Board of Election. But I

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2 think that all I heard from some people is about
3 concern and rejection based on the logistic, not
4 on the merit. So, I think that if we are saying
5 that it is the legal thing to do that it is the
6 right thing to do, that people with green card
7 should have the same opportunity to vote on local
8 election. So, I am calling on any friend or
9 people who had the opposition to work on fixing
10 question regardless of the logistic and focus on
11 the merit on this bill.

12 MR. VATAMALA: Yeah, and I think we
13 are on strong legal footing and as you know, the
14 letter came from Steve Richmond who's an attorney
15 and I do believe that if there was some kind of
16 legal deficiency in our bill I think it would have
17 been addressed.

18 COUNCIL MEMBER RODRIGUEZ: Okay.

19 MR. VATAMALA: Or at least alluded
20 to in the letter, and it was not.

21 COUNCIL MEMBER RODRIGUEZ: What
22 about the major objection on, based on that we
23 need to have a referendum in order to move on this
24 initially?

25 MR. VATAMALA: No, we do not need a

1
2 referendum. The City Council, under the home rule
3 law, and under section 1-102 has the authority to
4 pass a local law enfranchising non citizen voting.

5 COUNCIL MEMBER RODRIGUEZ: Thank
6 you.

7 CHAIRPERSON BREWER: Council Member
8 Mark-Viverito?

9 COUNCIL MEMBER MARK-VIVERITO:
10 Thank you, Chairs. And I think it can't be said
11 enough in terms of thanking Council Member Dromm
12 and Ydanis Rodriguez for their leadership on this
13 and pushing it forward. A couple of quick
14 questions. The other thing about the letter, the
15 two, three page letter from the administration, I
16 mean, first of all I find it, I don't know, a
17 little bit dismissive, right, although the
18 administration supports the goals of increasing
19 voter participation and further including non
20 citizen New Yorkers within the fabric of civic
21 life we also believe that non citizens should be
22 encouraged to seek US citizenship in order to
23 participate in the full range of privileges, it's
24 a little dismissive as of, nobody's really
25 thinking about that, right? But it further

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2 states, and we all talked about all the arguments
3 that they try to make about the State Constitution
4 and us not having the ability but then they also
5 say at the end that an expansion of the franchise
6 to non citizens would require a Department of
7 Justice preclearance for those counties within New
8 York City that are subject to Section 5 of the
9 Voting Rights Act. Now, do you believe in any way
10 that this bill, the proposed passage law, would
11 not get that clearance?

12 MR. VATAMALA: No, I mean, we're
13 enfranchising not disenfranchising, and
14 particularly groups that are protected under the
15 Federal Voting Rights Act. So, it would be just
16 the opposite. I think they would be precleared
17 and approved by the Department of Justice.

18 COUNCIL MEMBER MARK-VIVERITO: Now,
19 in light of, let's say we, you know,
20 hypothetically we're going to pass this. There's
21 some hope we're going to pass this, let's say, the
22 Mayor vetoes it, we override the veto. More
23 likely than to it's going to get challenged in
24 court, right? I mean, do you?

25 MR. VATAMALA: Possibly.

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COUNCIL MEMBER MARK-VIVERITO:

Whether it's the Administration or not there might be a group out there that doesn't believe in what we are trying to do and may decide to take this to court and challenge it. Do you have any idea if that happens what length of time we'd be talking about to get a decision from a court on whether or not we can proceed?

MR. VATAMALA: Well, you can,

yeah--

COUNCIL MEMBER MARK-VIVERITO:

[interposing] I know it's not an easy question but...

MR. VATAMALA: Yeah, estimating a

court decision is always very difficult. However, I think once the law is passed if it's through, you know, overriding the Mayor's veto, it would then have to be submitted for preclearance and the preclearance period is a maximum of 60 days. You could ask, request for expedited action on it but the timeframe is 60 days and after that is when, I guess, a potential litigation would be initiated. We would have, at that point, assuming that it is precleared, that sort of encouragement that the

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2 Department of Justice precleared this law and
3 believe it to be constitutional.

4 COUNCIL MEMBER MARK-VIVERITO:

5 Right, so that would actually be helpful?

6 MR. VATAMALA: Yes.

7 COUNCIL MEMBER MARK-VIVERITO: In a
8 court case. And then the other thing that I just
9 had a questions about is just, you know, maybe I
10 don't believe it was asked before but in terms of
11 the logistical aspects, I know that the question
12 was asked about when people actually go to vote
13 but I'm talking about prior to that point, right?
14 We implement this law, now we are able to register
15 those that are, that fall under this law. So, the
16 registration aspect, has there been thought given
17 to how a process like that, in terms of setting up
18 a parallel process would look like, whether or not
19 it creates complications and who has oversight
20 over that? I'm assuming Board of Elections but
21 I'm not, - - either other entities involved. Just
22 talking a little bit about that aspect of it and
23 whether there's, the experience, maybe, of whether
24 municipalities or other areas that have done this.
25 I mean, we're talking about a much larger scale,

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obviously, here.

MR. VATAMALA: Well, you know, I think it, you correctly state that it would be the purview of the Board of Elections. And I think it would be our understanding that it would be, it would have to be a separate registration form, not the standard form that is used by citizens. And I guess I can't speak to the different jurisdictions that would do it.

MR. HADDOCK: Yeah, we're going to hear from Maryland come and talk about how they do it there.

COUNCIL MEMBER MARK-VIVERITO:
Okay.

MR. HADDOCK: But the City Council has the pro voter law where it sort of a - - voter idea through City agencies. We would hope that the municipal voter registration forms would be distributed through those mechanisms as well, try to make them as available to a many people who are eligible as possible.

COUNCIL MEMBER MARK-VIVERITO:
Understood. Yeah, I guess we'll wait to hear from Maryland in terms of how that process of the

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2 actual voter registration card and that process
3 itself. So, I appreciate your testimony. I
4 appreciate everyone that has come out today to be
5 - - the steps and here. I think we have an
6 incredible opportunity now before us for us as
7 immigrant communities to exercise our power and
8 make this a priority. And hopefully we can help
9 our colleagues, those of us that have signed on to
10 expedite this, get a vote, and hopefully pass it
11 into law. So, thank you for your advocacy.

12 CHAIRPERSON BREWER: Thank you all
13 very much. We appreciate it. The next panel is
14 Eric Freedman [phonetic] Campaign Finance Board.
15 [off mic] Go right ahead.

16 CHAIRPERSON DROMM: You have to
17 push the mic.

18 MR. ERIC FREEDMAN: Good? Ah,
19 there we go. Good afternoon Chair Dromm and Chair
20 Brewer and colleagues. I am Eric Freedman,
21 Director of External Affairs for the New York City
22 Campaign Finance Board. With me are Anita Carrit
23 Mayers [phonetic], Director of Voter Assistance
24 and Giovanni Mejia [phonetic] Associate Counsel.
25 As you know, the City Charter gives the Board the

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2 mandate to encourage and facilitate voter
3 registration and voting by all residents of New
4 York City who are eligible to vote and to identify
5 groups or categories in such residents who are
6 under represented in those registered. We are
7 pleased for the opportunity to testify today about
8 Intro 410. For so many immigrants New York City
9 is their entry point to the American experience.
10 On their way to becoming citizens many stay and
11 put down roots in the five boroughs and take jobs,
12 pay taxes, enroll their children in public schools
13 and in many ways participate fully in the social
14 and civic life of New York, yet voting non
15 citizens are indeed quite literally an
16 underrepresented population among those registered
17 to vote. We are supportive of efforts to expand
18 voting to more New Yorkers and we applaud the
19 Council for holding this hearing. To ensure the
20 rights of non citizen New Yorkers are protected
21 throughout the voting process we believe the bill
22 can and should be improved. This section of the
23 bill that deals with confidentiality of municipal
24 voter information should be strengthened. Those
25 who have been around the election campaigns, as

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2 many of you have, also understand that voter lists
3 do not live exclusively in the government office
4 building where they can be easily protected and
5 used to be carefully monitored. There are copies
6 of voter lists in every poll site. Campaigns,
7 political parties and other groups obtain them in
8 order to conduct better outreach, private
9 companies compiled it and they connect them with
10 other sources of data. This is only one piece of
11 the larger issue but it's important to strike the
12 right balance here between clarity and privacy.
13 Poll workers must be able to distinguish who can
14 vote privately in which election but non citizen
15 New Yorkers should also feel secure that their
16 citizenship status will not inadvertently become
17 public if they register to vote. We urge the
18 Council to consider clarifying strengthening the
19 bills language as regards confidentiality. It is
20 also important to acknowledge that Intro 410 would
21 present a serious set of administrative challenges
22 for the Board of Elections. Non citizen parents
23 who are eligible to vote in school board elections
24 for decades in New York City under the now defunct
25 Board of Election but those elections were held in

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2 May, separate from other elections from, for
3 Local, State or Federal office. While most
4 municipal elections are held in odd, off years, in
5 those years there are generally also elections for
6 offices not covered by this legislation, like,
7 judges and District Attorney's. In even numbered
8 years when most State and Federal elections are
9 held over the last decade we have had municipal
10 offices on the ballot somewhere in the City, four
11 out of six election days. So, in most years
12 multiple sets of ballots will need to be printed
13 and ballot scanners will need to be programmed
14 separately to receive the ballots of two different
15 sets of voters. In short, two to four poll site
16 operations must be modernized. Basic use of
17 available technology could help surmount some of
18 these logistical obstacles. A system that employs
19 electronic poll books, for example, would be one
20 way to help streamline administration of the
21 requirements of this legislation. There must be
22 better trained poll workers at every poll site,
23 especially considering the sensitive nature of
24 this new information in the municipal poll books.
25 New Yorkers have the right to expect elections

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2 that are reflective of the choice and convenience
3 they are used to in their every day lives. And we
4 urge you to take the time to consider the
5 administrative issues thoroughly before Intro 410
6 is elected. There are some more specific
7 suggestions that I'll leave in the written
8 testimony and just thank you for the opportunity
9 to testify and we welcome any questions you may
10 have.

11 CHAIRPERSON BREWER: Eric, why
12 don't you make those specific 'cause I think it's
13 good for the public to hear them. So, I'm asking
14 you, if you had any other issues?

15 MR. FREEDMAN: Well, you know, I
16 think some of the other issues that we raised
17 talked about clarifying the language, and I don't
18 think there's anything here that is a bar to going
19 forward. It's, you know, it's clarifying the
20 definition of who exactly is a municipal voter to
21 ensure that the people who are part of this
22 population know precisely whether or not is it
23 appropriate for them to step forward and register.
24 You know, the residency requirement, you know,
25 could be more specific about the six months,

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whether it is--

CHAIRPERSON BREWER: [interposing]

How does that work given earlier, I moved from California? I've never been to California but I know there's a California.

MR. FREEDMAN: It's nice.

CHAIRPERSON BREWER: It is nice.

From California to New York and I've been here six months. How is it done normally to clarify that, if at all?

MR. FREEDMAN: You know, I, how that applies to regular voter registration in can't quote to you off the top of my head. I think the more clarity, because this is a new area, but the more clarity, think, that the Council can offer in this regard, you know, the better to ensure that there is no confusion on the part of these people who, you know, folks who are non citizens, you know, stepping forward to give their name to the government agency to a poll book and get the right to vote. The more clarity here the better.

CHAIRPERSON BREWER: Okay, are there any other of these wonderful bullet points

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that you want to clarify or enhance?

MR. FREEDMAN: You know, one thought that came up in our initial analysis is just the question that of how stepping forward to claim the right to vote in New York City will impact voting rights in their country of origin. And that is an issue that, again, the New York City can't define it. I really don't claim a special expertise in but in this case it's a question we would like to put into the conversation and make sure that, again, for the sake of clarity that it's considered. You know, the definition of municipal elections covers, you know, actually covers the offices that the campaign finance program covers, Mayor, Public Advocate, Comptroller, City Council, Borough President, right? And as I mentioned in the testimony, there are, during those municipal elections years other positions on the ballot, you know, often we're voting on judges, we're voting on District Attorney's and some counties we're voting on party positions. And, you know, the Council may want to consider for the sake of clarity in this administration broadening the

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scope of the bill to include those office as well.

CHAIRPERSON DROMM: Okay, I just want to say thank you for the constructive criticism on this. I think that you raised some very valid points that we definitely would want to look at. And I say constructive as well, your support on the overall objective of the legislation. And an interesting bullet point that you did put in here that I don't think you mentioned, though, was to allow them to vote for district leaders or other party positions. Well, being a district leader I think that's important information and I just want to say thank you for coming in and for offering this very important but constructive criticism of what we need to look at, thank you.

MR. FREEDMAN: Thank you for that.

CHAIRPERSON BREWER: One other question, Eric, would be what, how do you suggest dealing with the keeping the lists private or do you have some suggestions about that? It's a good idea.

MR. FREEDMAN: You know, we, I, we don't have specific recommendations on that at

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2 this time. It's something that in our initial
3 review of the bill was something that felt like it
4 could be strengthened. And we're happy to work
5 with you going forward on ideas to make that
6 stronger.

7 CHAIRPERSON BREWER: Any other - -
8 Council Members? [off mic]

9 COUNCIL MEMBER RODRIGUEZ: I mean,
10 this is great to hear those recommendation. This
11 is what we need but knowing that in principle you
12 are supporter this is great thing and we applaud
13 and looking to continue with my colleague Danny
14 Dromm and - - and the rest of the team. So, thank
15 you.

16 MR. FREEDMAN: Thank you.

17 CHAIRPERSON BREWER: What kind of
18 fortunate immigrant who is voting, how would they
19 donate to campaigns, if at all?

20 MR. FREEDMAN: That is an
21 interesting question. And the, you know, Federal
22 law requires that citizens, you need to be a
23 citizen to, or rather, foreign nationals can't
24 donate to candidates. And we have generally taken
25 that as a guide. I think a little bit more

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2 analysis would need to be done to speak
3 definitively to that question.

4 CHAIRPERSON BREWER: Well, they
5 could be lucky. They wouldn't have to donate but
6 they could participate. I think that's great.
7 All right. Thank you very much. I'm going to
8 read while we're calling up the new panel, do you
9 want to call the panel?

10 MR. FREEDMAN: Thank you very much.

11 CHAIRPERSON BREWER: Thank you very
12 much. You people are very ecstatic about your
13 testimony over here.

14 CHAIRPERSON DROMM: Okay, so I'd
15 like to call for our next panel, Drew Spencer from
16 Fair Vote, [off mic] Anina Data [phonetic] from
17 AILA [phonetic] and Barbara Brandeis [phonetic]
18 from Immigrants for More than 30 Years?

19 CHAIRPERSON BREWER: While the
20 panel is coming up I just want to share a bit of
21 the letter that came from the Board of Elections
22 that was alluded to earlier. It is sent to Chairs
23 Brewer and Dromm and it states in short that the
24 Commissioner of Elections held a meeting and they
25 want to be able to indicate the following. I'm

1 just going to look at some of this. They said
2 that this proposed amendment to the New York City
3 Charter if enacted requires the Board of Elections
4 to provide all the information and materials it
5 issues including ballots to allow non citizens
6 lawfully present to vote in municipal elections in
7 New York. And they say these are the following
8 legal issues that are raised. For example, the
9 residency requirement for municipal voters in the
10 proposal is six months, whereas the election law
11 requires citizens to reside in the state, county,
12 city, for 30 days prior to an election in order to
13 be registered to vote. These different standards
14 may support an argument that municipal voters have
15 been treated differently and unfairly. It is also
16 unclear exactly what is meant by the phrase,
17 lawfully present in the US. Enactment of 410 may
18 also cause confusion on such issues on such as
19 whether the new municipal voters can run, sign
20 petitions and/or vote for party positions elected
21 within the city. The ambiguous terminology and
22 unaddressed consequences of the proposed charter
23 amendment leaves the Board and the city open to
24 legal, open to litigation. In the Board's opinion
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1 the law is unclear as written, the proposed law.
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3 The proposed charter amendment leaves unknown such
4 fundamental factors as the number of people who
5 may participate and who is eligible to participate
6 and ignores the potential overcrowding of poll
7 sites that would require relocations, extra
8 scanners and poll workers. The Board would have to
9 modify its current operational plans and there's
10 lots of issues regarding that. As stated, the
11 Board's 2013 recommended revisions to the State
12 Election Law, the Board estimates a minimum annual
13 operating cost of \$25 per voter. These standard
14 operating costs include but are not limited to
15 ballot printing and rental fees and so on. And
16 the Board doesn't have the ability to determine
17 how many municipal voters would be added to the
18 rolls. Additionally, the Board is sure and I'm
19 shortening this, additionally the Board is sure to
20 incur significant cost for the development and
21 implementation of this amendment and they go
22 through printing, design, production and so on.
23 They talk about long hours that poll workers work
24 on election day and they'll have added challenges.
25 They say additional time will be required for

1 ballot layout, design, proofing and production.
2 They talk about the issues with the ballot
3 scanners and the ballot marking devices and
4 multiple versions of the ballot will increase and
5 they talk about the fact that given the foregoing
6 information and concerns that they are, wish to
7 convey their thanks for once again providing the
8 opportunity to discuss this bill but they do not
9 have a lot of, they have more questions than
10 answers, leave it at that. So, that's what's from
11 the Board of Elections. We also have a letter
12 that was alluded to earlier from the Mayor. It is
13 from the Deputy Councilor to the Mayor and it
14 basically says that they are, although the
15 Administration supports the goal of increasing
16 voter participation they talk, they do not have,
17 they have serious concerns with Intro 410's
18 legality and I think that was mentioned earlier.
19 So, these two pieces of correspondence will be
20 entered into the record. Thank you very much.

21 [off mic]

22 CHAIRPERSON DROMM: Also in their
23 testimony which was provided, the letter states,
24 which I don't know Gail, which comes from - - it
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2 mentioned that the Commissioners did indicate that
3 their view that this proposed legislation creates
4 another unfunded mandate which will present
5 enormous problems and limitation and I will have
6 something to say about unfunded mandates later on
7 but I just wanted to make sure that that was also
8 read into the record. So, we're going to begin
9 over here with the testimony of the next panelist,
10 for the next people. So, would you like to start
11 off, yes?

12 MS. NINA DATA: Good afternoon. My
13 name is Nina Data. Thank you so much to the
14 Council for listening to our testimony. I am
15 representing the American Immigration Lawyers and
16 Association, the New York Chapter. And we applaud
17 and support this bill 410 which would grant
18 immigrants lawfully present in New York City the
19 right to vote in municipal elections. Non
20 residents make up an enormous part of New York
21 City's community. These residents work, pay taxes
22 in full, live in the community and all without
23 having a voting voice. Being able to participate
24 in municipal elections would give these new
25 immigrants the power to be heard and to be able to

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2 make a difference by using their vote. It would
3 also give these individuals the ability to affect
4 the local political process and decisions which
5 affect them personally and deeply. The current
6 visa backlogs mean that individuals who are not
7 eligible for US citizenship and therefore the
8 right to vote for sometimes as long as 15 years or
9 more in some cases, even though the individual has
10 maintained legal status ever since entering the
11 US, paid taxes and been a resident of New York
12 City. We are in the midst of a historic year for
13 immigration with the most significant immigration
14 reform bill currently being debated by the Federal
15 government. Should the current bill pass there
16 will be colossal changes to the system with many
17 unknowns. The Federal Government governs
18 immigration law and it is this Federal aspect
19 which can sometimes, unfortunately, negatively
20 impact a great local initiative. To be clear,
21 AILA New York is supportive of the introduction of
22 this bill. However, we have some serious concerns
23 about the administration of the law and the
24 practical ramifications. There are two major
25 concerns defining who falls into the category of

1 non citizen resident and the effect on the current
2 penalties for immigrants who vote in State or
3 Federal elections. In the definitions of the law
4 a municipal voter is defined as a person who is
5 not a US citizen but who is lawfully present in
6 the United States on the date of the election in
7 which he or she is voting and has been a resident
8 of New York City for six months or longer.

9 Certainly, similar to those eligible for work
10 authorization, legal permanent residents and
11 asylum grantees would qualify. Also, under the
12 Federal Law, there are many categories of working
13 visas which are very clear cut. Issues which are
14 more ambiguous are those who are in legal status
15 who might have physical presence but might not be
16 considered residents. For example, tourist or
17 business visas who have extended their stay beyond
18 this initial six month period, people who have
19 arrived in one status and who have applied to
20 change their status but those cases are currently
21 pending or those people whose cases are currently
22 in appeal. As well as immigration lawyers
23 experiencing practical circumstances such as
24 clients who go to the DMV and have a difficult
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1
2 time proving their current status. We urge the
3 Council to consider detailed training for those
4 who will be handling the registration of voters.
5 We also urge the Council to sponsor routine
6 information sessions for potential voters in order
7 to clarify eligibility. Our second concern is the
8 increased likelihood of non US citizens voting in
9 State and Federal elections. And I know that
10 earlier we spoke that they're on alternate years
11 but this is still a great concern for us. Under
12 the Immigration and Nationality Act the person who
13 was voted in violation of a Federal, State, Local
14 Constitutional Provision, Statute, Ordinance or
15 regulation is inadmissible and/or deportable. And
16 the ramifications of those are extremely serious.
17 I see that my time is fast running out. We know
18 that from our experience with the New York City
19 Council that is certainly not the Council's
20 intention to do something that would negatively
21 impact an immigrants life. And so we are very
22 grateful for putting this bill forward. However,
23 we are very concerned about the different
24 categories and making things more defined and also
25 the ramifications for those who may inadvertently

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register over it.

MR. ANDREW SPENCER: Good afternoon. My name is Andrew Spencer. I am from Maryland. I am a legal fellow at Fair Vote, the Center for Voting and Democracy. So, I'd like to talk for just a little bit about Fair Vote and our position on that and then about the experience of Maryland. So, Fair Vote is a non partisan, non profit organization that works principally on electoral reform of all sorts of different types of electoral reform. We're based in Maryland, in Takoma Park, Maryland, but we work locally, statewide and nationally. One thing we advocate for is understanding that the right to vote is a fundamental right and we've long advocated for an amendment to the United States Constitution stating that explicitly. And one thing we have been doing with towns and cities across the United States is advocating for Promote the Vote Resolution. This is a resolution that calls for a right to vote in the US Constitution and makes a commitment to both expand suffrage and expand access to voting. So, although we don't actually have a position on this particular issue yet we do

1 think that as more places begin considering
2 Promote the Vote Resolutions this will be a debate
3 that comes up more often and we're very glad to
4 hear the conversations taking place. We do think
5 that because the right to vote is fundamental any
6 law that restricts voting rights should be held to
7 strict scrutiny. So, really in many ways this is
8 a question of whether restriction still satisfies
9 that kind of scrutiny rather than a question of
10 expanding suffrage. So, there are several towns
11 in Maryland that do conduct non citizen voting
12 currently. Those towns include Chevy Chase
13 section three, Garrett Park, Somerset, Martin's
14 Addition, Barnesville and Takoma Park where Fair
15 Vote is located. I conducted short interviews
16 with the town clerks of several of those places.
17 I wasn't able to get through to all of them and
18 the universal thing that I heard was that this is
19 not difficult to administer and it is not
20 controversial. When I asked, for example, if the
21 town clerks had heard opposition or if there were
22 any repeal attempts many of them actually kind of
23 laughed at the idea. They said that no one would
24 think to bring up opposition to this. And this is
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1
2 really where Fair Vote is coming from. Once you
3 understand voting as a fundamental right it
4 becomes very difficult to argue for taking
5 suffrage away from somebody unless you have a
6 really good reason to. So, they do have a
7 separate voter registration form, so non citizens
8 fill out that form. They are then added to a
9 separate roll but for the purposes of local
10 elections those rules are completely merged.
11 Several of the people I talked to emphasized that
12 on election day nobody knows who is a citizen and
13 who is not a citizen as long as they're registered
14 to vote. If the person owns property in the town
15 or pays rent in the town they can register to vote
16 and then they are treated exactly the same as a
17 citizen voter. There, yeah, nobody reported any
18 special attention being paid to this particular
19 issue and these places, again, the gist of the
20 conversation I had with people is that they're
21 treated exactly the same as they should be for
22 these purposes, their opinion, and there were very
23 few issues with the administration. Thank you - -
24 .

25 MS. BARBARA BRANDEIS: Hi, I'm

1
2 Barbara Brandeis. And

3 COUNCIL MEMBER DROMM:

4 [interposing] Can you turn that mic on, Barbara?

5 MS. BRANDEIS: Oh, okay. Is it,
6 is, okay good. I never needed a mic before. Hi.
7 I'm Barbara Brandeis and I'm here on the
8 suggestion of Councilman Dromm and as an
9 immigration lawyer practicing on 34 years and as a
10 member of AILA since 1980, before I was born.
11 Anyway, I have witnessed, of course, in my time of
12 representing immigrants, countless numbers of
13 immigrant and immigrant families who would benefit
14 from voting. I mean, I see that they're paying
15 taxes that full members of society in every single
16 way except for the right to vote. And after
17 hearing the previous panel, which was very
18 informative to me as well, I suggest that when you
19 pass this bill that it be more wide open rather
20 than status dependent based on my immigration
21 experience, almost like wehre and when they think
22 of state versus out of state tuition because of
23 adjudicating and going through the immigration
24 laws and having a clerk try to decide who was
25 lawful and who was not under the immigration laws

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2 is hard even for a practitioner with 34 years of
3 experience, very often time. I mean, you have
4 very many different types of statuses from non
5 immigrant statue to lawful permanent residents and
6 then you have other quasi lawful statuses under
7 the code of law, such as a asyly's [phonetic] TPS
8 applications with persons granted relief under the
9 convention against torture, withholding of
10 removal, legalization applicants, people granted
11 TPS from countries from which they fled either,
12 you know, hardship, circumstances of was or
13 earthquakes, et cetera, et cetera, special
14 immigrant juveniles and U visa holders are given
15 the kind of provisional prima facie status of
16 individual approval. So, to those nuances, I
17 think, would be beyond local election people. So,
18 that if you instead, what if you would institute
19 this law to kind of, you've been residing in New
20 York City for a certain amount of time and you
21 could prove that, that should be the basis. In
22 that way I think it would limit the liability
23 under, you know, that provision that you have in
24 there that I just read that 18, 1057R, you would
25 get what, because that could be very detrimental

1 to a person if they willfully violate the law.
2
3 There may be many, many people in those that
4 aren't even sure of their own statuses in
5 situations like that and I don't think anybody
6 intends to violate the law by voting. But the
7 ramifications for somebody if they do that under
8 immigration law can have very severe consequences
9 such as inadmissibility or even a denial of
10 citizenship later on. I forgot to mention, of
11 course, everybody knows that the registered
12 provisional immigrant status bill is out of the
13 Committee in Congress. It's not passed yet so I,
14 those people who may be here for ten years under a
15 provisional status would be especially the kind of
16 people that I'm sure you would want to have the
17 right to vote. And I'm here to, you know, answer
18 any questions. I, but I also would say is that
19 some of these by voting or false statements on
20 applications can be considered cause of moral
21 turpitude that would contribute to the
22 deportability, determinability or necessitate the
23 need for a waiver in conjunction with the
24 adjustment of status applications so in my
25 esteemed opinion, the more open it is and the less

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2 it is tied to the immigrant status of somebody,
3 adjudicating somebody's status, the better it will
4 be more open for your, for the City needs as well
5 as taking into consideration the interests of the
6 immigrant community.

7 CHAIRPERSON DROMM: Well, thank
8 you. I want to state that that's part of the
9 purpose why we left it for those legal, in the
10 legislation saying for those who are legally
11 present in the United States for, or the
12 municipality, actually, for more than six months
13 and it kind of leaves it open so that the clerk
14 doesn't have to determine a status visa, what
15 ever, et cetera, so forth.

16 MS. BRANDEIS: Also, one other
17 thing that year or more or up to a year is very
18 problematic because what you have in Federal law,
19 Federal criminal law, immigration law is Federal
20 law, misdemeanors are year and a day or more. In
21 New York State Law misdemeanors include up into a
22 year and while I'm regulating time after time in
23 Federal Court and in Immigration Court and to the
24 Board of Immigration Appeals that when they
25 brought the law down to a year or more they meant

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2 a year and a day or more and I'm winning on case
3 law, many people are losing it in the Immigration
4 Courts thinking that the one year, since our
5 misdemeanor includes a year, and there is coupled
6 provisions in immigration law that refer to the
7 year, I would at least bring that down to no more
8 than six months because there is a petty offence
9 exception for somebody who does no time and yet
10 the maximum crime that could be is six months.
11 So, I would absolutely lower that if part of the
12 bill.

13 CHAIRPERSON DROMM: So, just to
14 address a question that Nina Data brought up. The
15 Federal Government is more concerned, right, about
16 misrepresenting one's self as a US citizen than
17 they are about whether or not someone voted in the
18 election. I know that on the application for
19 citizenship it does ask, have you ever voted in an
20 election? I don't know, maybe if it is a Federal,
21 State or City election. However, there's room to
22 explain on the application if you answer the
23 question yes that you voted that you vote in a
24 legal, that you are legally allowed to vote--

25 MS. BRANDEIS: [interposing] Yes.

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2 CHAIRPERSON DROMM: --in that
3 election. Am I right?

4 MS. BRANDEIS: Yes.

5 MS. DATA: That is true but it, a
6 lot of times what happens is people aren't well
7 enough informed and so the slippery slope is much
8 more open.

9 CHAIRPERSON DROMM: But immigration
10 officials could also be told that in New York
11 City, for example, that participation in the
12 municipal elections is allowed?

13 MS. DATA: Correct, yes.

14 CHAIRPERSON DROMM: Okay. So that
15 would--

16 MS. BRANDEIS: [interposing] That's
17 2012A10D says, any alien who votes in violation,
18 I've - - and so I [crosstalk].

19 CHAIRPERSON DROMM: [interposing] -
20 - in violation?

21 MS. BRANDEIS: And so I understand
22 it's just like Ms. Data said is that the public
23 and immigration and everybody is very well
24 informed and that would--

25 CHAIRPERSON DROMM: [interposing]

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2 Do you remember the other panel so I just want to
3 ask Drew Spencer as well, have you heard of any
4 instances if immigrants applying for citizenship
5 and encountering problems because they participate
6 in local elections in Maryland?

7 MR. SPENCER: I didn't hear
8 anything like that. [off mic]

9 CHAIRPERSON BREWER: I know it's
10 off topic but I could stretch it to state, do you
11 think immigrants who are 16 should be voting? I'm
12 a big supporter of 16 and 17 year olds voting,
13 immigrant and non immigrant. Have you had any
14 luck with that because I tried here and we were
15 not successful.

16 MR. SPENCER: Are you asking me?

17 CHAIRPERSON BREWER: I am.

18 MR. SPENCER: We have supported
19 voting rights for youth after they turn 16. We
20 don't have a position on immigrant voting so we
21 don't have a position on 16 year olds - - voting
22 either.

23 CHAIRPERSON BREWER: Okay, I'm just
24 being a little facetious. I have a larger
25 question which is, in Maryland you indicated that

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2 there were non problems in terms of the logistics
3 of the board of elections according to the clerks.
4 What, how long has it existed and so then do you
5 have any sense of how many elections have taken
6 place? And I know they're smaller locations but
7 they're good examples.

8 MR. SPENCER: They are smaller
9 locations. I'm actually not sure how long those
10 have been in place, I'm sorry. But I can
11 certainly provide that for you after
12 supplementally. And I'm sorry, what was the other
13 question, how long?

14 CHAIRPERSON BREWER: No, I just
15 want to know how long they've had experience doing
16 this but it doesn't matter, I was just curious.

17 MR. SPENCER: Okay.

18 CHAIRPERSON BREWER: Thank you.
19 Thank you very much panel, thank you. [off mic]
20 Susan Lerner, Irma Rodriguez [phonetic] and
21 Michelle Walker. Go ahead, whomever would like to
22 go for the very powerful panel.

23 MS. SUSAN LERNER: Okay. Thank you
24 very much. I'm Susan Lerner from Common Cause New
25 York. I want to thank you for introducing this

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2 bill and for raising the, and holding the hearing,
3 giving the public an opportunity to address this
4 very important topic. At Common Cause, as you
5 know, we were active on issues relating to
6 election reform and we're very supportive of all
7 attempts to encourage greater voter participation
8 but I do want to say at the very outset that
9 organizationally we do not have a position on non
10 citizen voting. And actually this introduction
11 gives me an opportunity to get my organization at
12 the national level focused on this issue. My
13 testimony, my written testimony focuses on the
14 historical antecedents, much of which has already
15 been discussed, so I'm not going to go into that
16 detail, except to say that there are plenty of
17 examples in our history locally and around the
18 country of non citizen voting being permitted and
19 different ways to handle it. But what I'd like to
20 focus on in my, just my oral comments are the
21 source of questions that I'm going to be
22 encouraging us at Common Cause to look at and
23 formulating a policy and I think that they're
24 relevant in terms of the City Council's enquiry as
25 well. Obviously, at the very top are the

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2 questions of fairness and appropriate
3 representation, how do we define an appropriate
4 stakeholder? Obviously it is valid to define a
5 stakeholder as somebody who is a citizen. It's
6 also valid to define a stakeholder as has been
7 done in other jurisdictions and previously as a
8 resident to somebody who pays taxes. So, I think
9 that this is a very appropriate discussion for us
10 to be having, especially in the context that we
11 have right now and overheated immigration
12 questions. So, one of the things that we are most
13 interested in is that this be a factually based
14 discussion and not one that's emotional and
15 sensational and that's why I think history is
16 important. I think if the actual experience in
17 the jurisdictions that have it, including New
18 York's experience is very important. What kind of
19 voter turnout did we have? And I don't have the
20 answer to that question. It's something we're
21 going to be looking at with the school elections.
22 I would like to also echo what the Campaign
23 Finance Board said. It's easy to be flip about
24 the difficulties of running elections in the
25 largest jurisdiction and we certainly have plenty

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2 of examples of how we feel our board of elections
3 is not up to the task. But that doesn't minimize
4 the fact that there would be some significant
5 administrative requirements here which should
6 carry with them, as we argue in any instance,
7 where there's an expansion, they should carry some
8 budgetary additions. The Campaign Finance Board
9 raised the issue of electronic poll books, it'
10 something that we're going to be advocating for
11 vigorously. It's a capital expense but it does
12 improve the ability of any board of elections to
13 track who the voters are and handles a lot of
14 administrative problems once it's been set up
15 correctly. It's easy to talk about Excel sheets
16 but anybody who has tried to handle an Excel sheet
17 with over a million entries, which I actually have
18 had the experience of doing, you can't do it. You
19 have to have systems which are set up to deal with
20 this. And that's why an electronic poll book is
21 a sophisticated technological response. You can
22 mark somebody in an electronic poll book as being
23 eligible to vote only in certain elections. I
24 think we also shouldn't minimize the amount of
25 education that's necessary. We are now running

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2 regular registration drives geared to
3 disadvantaged communities, younger populations and
4 the amount of misinformation or lack of
5 information which people who may or may not be
6 eligible to vote have about what the requirements
7 are is kind of limitless. It's really amazing how
8 with the lack of what used to be called civics
9 instruction in schools people just really don't
10 have a clue. So, not only do I think that if this
11 bill is adopted ultimately by the City Council
12 that there should be provisions made in the budget
13 for additional costs for the Board of Elections, I
14 think there should be specific provisions made for
15 voter education through the Voter Assistance
16 Commission, which is now part of our Campaign
17 Finance Board. And I think that's very important
18 if we are, if the Council feels that this is a
19 very important initiative then it should be
20 adequately supported. I think the entire question
21 of voter acceptance is an important one and one
22 that we will be looking at. It's unfortunate
23 that, you know, the, we have some recent instances
24 where it has been placed in front of the voters
25 and not accepted and I think that that is

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2 something that we should be factoring in when we
3 look at it. I think the question of potential
4 impact on naturalization is one that requires
5 further discussion. And, you know, it's
6 interesting, some of the commentators talking
7 about this, and there is an extensive legal
8 discussion on law review articles and others about
9 the legality and the history but one thing that
10 has been suggested is the phasing, makes it more
11 acceptable to the general population. I don't
12 know that that's practical in our situation but I
13 pass that on. And I cannot help but mention that
14 the number of co sponsors is significant and
15 encouraging and certainly in line with a unrelated
16 issue that we take up, we believe that measures
17 would have these numbers of co sponsors should be
18 entitled to a vote. So, I hope that we continue
19 this discussion in public, that there is
20 thoughtful commentary and that ultimately the
21 Council will have an opportunity to vote on this.
22 And when we do arrive at a formal position
23 regarding non citizen voting we will share it with
24 you.

25 MS. IRMA RODRIGUEZ: My name's Irma

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2 Rodriguez and I'm the Executive Director of Queens
3 Community House, an organization that serves
4 25,000 residents a year that live in different
5 neighborhoods in Queens. Our program sites
6 stretch from Jackson Heights through Corona,
7 Elmhurst, Rigo Park, Forest Hills, Kew Gardens,
8 and into South Ozone Park and Jamaica. Everyone
9 knows that Queens is the most diverse county in
10 the United States but at Queens Community House we
11 live that diversity daily. In our school based
12 programs in our Queens child care network which is
13 an in home provider network consisting primarily
14 of immigrant women entrepreneurs. In our team
15 leadership and senior center program and perhaps
16 most acutely in our adult education program where
17 only one in four applicants wins a seat in our
18 ESOL program that seems nearly 600 students a day.
19 We develop community leaders and try to engage our
20 participants from the youngest to the oldest in
21 many aspects of civic engagement. Our
22 participants help develop the green agenda for
23 Jackson Heights and participated in many campaigns
24 for affordable housing in the borough. Our young
25 people have surveyed their communities and brought

1
2 issues of concern and solutions to elected
3 officials. We live diversity and we have seen
4 first hand how diversity has kept our
5 neighborhoods in Queens from falling into decline.
6 It has kept them strong, dynamic, developing and
7 economically healthy. I want to thank the members
8 of the City Council Committees on Governmental
9 Operations and Immigration and their Chairs, Gail
10 Brewer and Danny Dromm for holding this hearing.
11 I want to also thank Danny for his leadership on
12 this very important issue. Our support in Intro
13 410 grows from our experience as an organization
14 and from our deep belief in the importance of
15 expanding our democracy. Most of our program
16 participants are immigrants or first generation
17 New Yorkers. They bring vibrancy to our
18 communities. You know, New Yorkers boast about
19 the fabulous food and the cultural events and our
20 immigrant communities offer and depend on so many
21 of their small businesses and workers. We go to
22 other cities and states, in fact our Mayor does
23 that quite frequently, and encourage immigration
24 reform yet this city of immigrants has not taken
25 the step to expand the participation of our own

1 residents and civic matters. People have a desire
2 to participate fully in the decisions that affect
3 their community. Local elections may be the most
4 important form of this participation. We worry
5 about the decreasing numbers of voters who come
6 out for local elections. We worry because we
7 suspect that people feel their involvement doesn't
8 matter yet we know it does. It's been suggested,
9 and this is what I'm really here to talk about
10 today, it's been suggested that extending voting
11 rights may discourage residents from seeking
12 citizenship. Putting aside the many barriers, the
13 length of time, the cost of obtaining citizenship,
14 which do serve to discourage, we believe the
15 passage of Intro 410, then it's implementation
16 would actually encourage residents to seek
17 citizenship and greater involvement in civic
18 affairs. I'm actually sorry that Council Member
19 Lander left 'cause this actually occurred in his
20 district. But many years ago a colleague of mine
21 did a study in a Brooklyn neighborhood and it was
22 a dissertation for, a study around community
23 involvement for a dissertation. And she
24 discovered a bunch of things but among the things
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1
2 that she discovered were two things that I think
3 were applicable to this issue. She found that
4 people who were involved in civic affairs in the
5 community were, felt more positively about their
6 community and they also felt that issues like
7 crime, graffiti, garbage, seemed less intractable
8 to solve, that those problems were solvable. The
9 other finding was one that is way more
10 understandable to old community organizers like
11 me. And that finding was that the more people get
12 involved the more they get involved. And that, in
13 fact, they could continue to find even more time
14 for civic engagement and for civic duties because
15 they recognized its value and importance. How can
16 we continue to ignore a vibrant resource that is
17 our immigrant community? Non citizens can and are
18 involved in many, many ways, such as serving on my
19 Board of Directors. And we've had forums in our
20 community and many of our community residents and
21 participants in our programs have been hugely
22 engaged in lots of different parts of the
23 political process. But they don't have the right
24 to vote and they don't have the right to be
25 involved in how our taxes and resources are

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2 allocated to make decisions on issues that will
3 impact their children and their neighborhoods. We
4 all know that with rights come responsibilities,
5 the inverse is also true. Without rights there
6 can be little responsibility. Denying
7 participation in local elections to 20 percent of
8 our population is a situation in which we all
9 lose. Thank you.

10 MS. MICHELLE WALKER: Great. Thank
11 you for the opportunity to testify today on why
12 New York City should allow non citizens who reside
13 lawfully in the city to vote in municipal
14 elections. My name's Michelle Walker. I'm
15 President of the World Policy Institute. We're a
16 non partisan think tank. Migration and
17 citizenship are one of our core issues. In 2007 I
18 received Guggenheim Fellowship to write about
19 changing views of citizenship around the world and
20 I've written about non citizen voting both in my
21 book, Look Out, that came out in 2006 and in
22 another book that came out in 2009 called Getting
23 Immigration Right. I am a co founder of the
24 Immigrant Voting Project, which is dedicated to
25 documenting and analyzing non citizen voting

1
2 around the world. We're heard a lot to day about
3 rights and democracy and benefits to non citizens
4 themselves from being represented. But I want to
5 answer the question many New Yorkers are likely to
6 ask which is, what's in it for me? All New
7 Yorkers should care about whether or not non
8 citizen New Yorkers can vote in city elections for
9 the same reason that we care whether anybody votes
10 at all. I can only hope that this fall voter
11 turnout will be better than it was in 2009 when it
12 was a 40 year low. Economists note that it's
13 actually irrational to vote because the effort
14 that it takes to study the candidates, to go and
15 wait in line is much more than the marginal
16 benefit that any individual voter might get back.
17 And so, my question is, you know, if an individual
18 is willing to put more into the city than they get
19 out why wouldn't we want to encourage that sort of
20 behavior. I moved up from the Upper West Side to
21 Washington Heights several years ago, briefly, and
22 it was a majority non citizen neighborhood. I
23 found that the train didn't work right, that, you
24 know, there were crack dealers on the corner,
25 there were noise, there were lots more problems

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2 and a big part of it was that many of the people
3 who lived there couldn't call up their City
4 Council Member, couldn't call the Mayor's office
5 and say, I am a voting constituent. They couldn't
6 answer yes to that question. I want to finish by
7 talking a little bit about the relationship
8 between the incentives for becoming a citizen and
9 the right to vote. There have been some studies
10 of the reasons why people choose to naturalize and
11 it's fairly far down the list, the possibility to
12 be able to vote or not. In addition, when people
13 think about voting they think about voting for
14 President, they don't think about voting for City
15 Council. So, it's not a disincentive that someone
16 would be able to vote for City Council without
17 becoming a citizen of the United States. The word
18 citizen, it's worth reminding, is, comes from the
19 word city. And by cultivating all immigrants and
20 citizens of this city the United, the New York
21 City will benefit immensely. And becoming a
22 citizen of a city is very different from being a
23 citizen of a nation. The minute that someone
24 comes here and takes a job, signs a lease, enrolls
25 their children in schools or begins a school

1 semester they become a citizen of the city.
2
3 Everyone has an interest in securing safe and
4 clean streets, good schools, reliable and
5 affordable transportation and healthcare and city
6 officials have immediate and tangible effects on
7 the daily life of every single resident. I also
8 want to emphasize the importance of not
9 discouraging the next generation of immigrants
10 children. I remember it was, when I was a child I
11 got so excited about voting day when I, you know,
12 cling onto my mothers skirts and go behind the
13 curtain of the ballot box and ask my parents about
14 the elephants and the donkeys and it was so
15 exciting. And I would hate to see generation of
16 children growing up without that experience. So,
17 I think that, you know, all of these reasons show
18 that there's a lot in it for new Yorkers as well
19 in cultivating the next generation of New Yorkers,
20 people who have been steeped in the culture of, by
21 voting and participating in municipal elections to
22 give more to the city than they get back, and
23 that's the best for all of us. Thank you so much.

24 CHAIRPERSON DROMM: Well, thank you
25 everybody on the panel, all points very, very well

1
2 made. You know, Ms. Walker, I was a New York City
3 public school teacher for 25 years before being
4 elected to the City Council and I always had a
5 little bit of guilt in the back of my mind when I
6 would teach civics and elections in the classroom
7 and a kid would raise his hand and tell me that
8 his parents couldn't vote because they're
9 immigrants. And that was a major discouragement
10 to their participation as well in the process.
11 And you bring up a very valid point when you talk
12 about that. And Irma, I think the point that you
13 made in terms of the connection between community
14 empowerment and the right to vote is especially
15 important to me, you know, I represent the
16 community of, 68 percent immigrant community,
17 mostly all recent immigrants, many of whom, I'm
18 sure, if not the overwhelming majority of whom
19 would fit into the category that it is that we're
20 talking about today. And I really do believe that
21 the opposite affect of what some of the critics
22 are saying in terms of wanting to become citizens
23 and participation in our society would occur, we
24 would have many, many more people in the community
25 who would come out and who would participate and

1
2 who would become civically engaged if, in fact,
3 they had the right to vote. They had told me
4 directly that I can't vote so what does it matter,
5 you know? And I think that this would really
6 change that attitude. And Susan, of course we love
7 you too and we think that everything you did and
8 the words that you said were very, very well
9 spoken as well. And some of the concerns that you
10 raised have been raised also prior and I think
11 those are issues that I think definitely we need
12 to look into moving forward. We're open to those
13 changes and the suggestion that you made as well.

14 CHAIRPERSON BREWER: Council Member
15 Rodriguez?

16 COUNCIL MEMBER RODRIGUEZ: First of
17 all, thank you to all members of the panel,
18 especially Common Cause for always, like, helping
19 also in getting the best knowledge when it came to
20 educating our New Yorkers to, on the importance of
21 participating in voting election. And always,
22 like, trying to bring more reform to the election.
23 I - - say, like, I think that my concern or
24 interest right now is only to look at the merit of
25 this and I hope that the - - is just look at, not

1 based on the logistic because I question if those
2 people if green cards should have the right to
3 vote in voting election. You should know that the
4 logistic problem that we have with the Board of
5 Election, the number of poll worker that is
6 needed, everything that has to be in place, should
7 not be the reason why we should not - - the right
8 if they would have the right to voting. Like, I,
9 you know, we are, we always had to celebrate what
10 we are. And it is interesting, you know, like, we
11 had the great, great grandfather who was
12 immigrant, who came from another places. As I say,
13 even myself now, now I can celebrate that the
14 first not immigrant who settled New York City was
15 an Dominican, Juan Rodriguez. And we can name in
16 some area of Broadway after his name. So, that's
17 historically for us to know that, you know, this
18 is what we are. Like, and when it comes to
19 immigrant people to become a US citizen, as I said
20 before, we were - - , 13 brothers and sisters in
21 my family. We came with green card. Today, all
22 of us are US citizens. And now we raising the
23 second and third generation having two daughter
24 born here as American as anyone that whose great

1
2 grandfather was a - - immigrant. But you, we went
3 through the whole process. We can in the '60 and
4 the '70's when my father and brothers and sisters,
5 myself in '83. And today all the 13 of us are US
6 citizen and we participated in the voting process,
7 in the democratic process. So, the question is,
8 people that has green card, we pay the same taxes,
9 as I say, driving taxes, working any place, like,
10 we pay the same taxes. There's no different type
11 of taxes for people that are US citizens and those
12 that have green card. We pay the same percentage
13 and we contribute at the same level. Even
14 Washington Heights, as you say, no, I was born, I
15 came to that neighborhood and in the '80's and the
16 '90's it was that new group of immigrant who would
17 stay there when the neighborhood was infected by
18 drugs because of the location of that community
19 being under the George Washington Bridge. And
20 that community, when many people left, stay there,
21 and paid their due, and many of them they came
22 with green card today, it's a different story.
23 When I came in my airplane through the DR,
24 different from the '80's - - was people with green
25 card--

2 CHAIRPERSON BREWER: [interposing]
3 Council Member, do you have a question though for
4 them, question?

5 COUNCIL MEMBER RODRIGUEZ: Well,
6 it's more a comment on--

7 CHAIRPERSON BREWER: [interposing]
8 Okay.

9 COUNCIL MEMBER RODRIGUEZ: --first
10 of all thinking and hoping that you contribute
11 with your analysis and also get the best bill at
12 the end before we make these things happen. Thank
13 you.

14 CHAIRPERSON BREWER: Thank you.

15 CHAIRPERSON DROMM: Okay, so we're
16 ready for our next panel. Thank you, panel. And
17 I'm going to call up Peter Geffen [phonetic] from
18 the Coalition for Voting Rights, Kevin Douglas
19 from the United Neighborhood Houses, Cesar
20 Palomeque from Make the Road and Angela Fernandez
21 from Northern Manhattan Coalition for Immigrant
22 Rights. And, okay. [off mic] Yeah, pull up a
23 chair. Let, if we don't manage this Angela is
24 going to just quickly do her thing and then go.

25 MS. ANGELA FERNANDEZ: That's

1
2 right. I very much apologize. I have a 4 o'clock
3 meeting.

4 CHAIRPERSON DROMM: Okay.

5 MS. FERNANDEZ: And I have no way,
6 able to change it. So, thank you very much for
7 the opportunity. Good afternoon. I want to thank
8 the members of City Council for this opportunity
9 to speak. My name is Angela Fernandez and I'm the
10 Executive Director of the Northern Manhattan
11 Coalition for Immigrant Rights, a 30 year old
12 community based organization that services
13 thousands of immigrants a year. The majority of
14 individuals served by our organization are legal
15 permanent residents of the United States who
16 reside primarily in the Bronx and the Northern
17 Manhattan Neighborhoods of Hamilton Heights,
18 Washington Heights and Linwood. And MCIR serves
19 6,000 immigrants annually, a large proportion of
20 them being legal, permanent residents who pay
21 hundreds of thousands of dollars in income, sales,
22 city and state taxes yet they do not have the
23 ability to vote for those who administer and
24 control those taxes. Many of the legal permanent
25 residents we serve are enlisted in the US Army and

1
2 fight for our wars and also die because of the
3 wars. They work for the New York City Department
4 of Education and are employed by our city
5 hospitals and also own businesses yet they do not
6 have the right to vote. Their economic
7 contribution to the City of New York runs in the
8 millions yet they do not have the right to vote.
9 In addition to providing high quality legal
10 services we promote civic participation and
11 responsibility to educate and prepare our members
12 for eventual citizenship. We cannot think of a
13 better way to increase government accountability
14 through civic participation than by enfranchising
15 legal permanent residents who are so deeply woven
16 into the fabric of our economy and community.
17 Currently non citizens vote in Chicago and in six
18 towns in Maryland for a total of seven
19 jurisdictions nationwide. In Massachusetts four
20 towns have passed local laws but await state
21 enabling legislation to implement. More than a
22 dozen other cities are considered restoring
23 immigrant voting rights including San Francisco
24 and Portland, Maine. And in 40 countries around
25 the world immigrants have the right to vote and

1
2 have had that right for decades. New York City,
3 the immigrant city, should be a leader in
4 immigrant voting rights. I commend the co
5 sponsoring City Council Members for this bill, for
6 their vision in embracing universal
7 enfranchisement. Thank you very much. And I'm
8 sorry that I ended up repeating a lot of what
9 other folks have said, but thank you very much.

10 CHAIRPERSON DROMMN: You got it in
11 three minutes. [laughter] Great. Mr. Geffen.

12 MR. PETER GEFFEN: My name is Peter
13 Geffen. I am a native New Yorker. I was born in
14 1946 at Beth Israel Hospital. I was raised in
15 Rigo Park, Queens. I went to outstanding public
16 schools including Forest Hills High School in
17 Queens College. I have lived here all of my life.
18 I left only to travel and for two extraordinary
19 experiences as a civil rights worker in
20 Orangeburg, South Carolina in the summers of 1965
21 and '66. I worked for Dr. King's Southern
22 Christian Leadership Conference's Scope Project.
23 And what was my work? In 1965, attempting to
24 register local African American's to vote. By
25 1966 with the Voting Rights Act Passed we had

1
2 assisted them in the process of legal
3 registration. I have never fully appreciated the
4 importance and the power of the right to vote
5 until those powerful encounters in the South and I
6 have never forgotten. In my professional life in
7 our wonderful city I have worked as a Jewish
8 educator, a universalist in a particularist world.
9 I am the Founder of the Abraham Joshua Heschel
10 School in the Upper West Side here in Manhattan.
11 Rabbi Heschel, as some of you may know and/or
12 remember was remarkable, prophetic religious
13 leader. He and Dr. King became fast friends from
14 the moment of their meeting in 1963 until King's
15 tragic assassination in 1968. Both were
16 profoundly committed to securing basic human
17 rights for all people. It was my privilege to
18 learn from both. Now I travel with college age
19 students to many parts of the world studying the
20 various religions and cultures of our richly
21 diverse world. I listen to young people all over
22 the world speak often with envy of the absolute
23 right to vote inherent in the American dream.
24 They look to us as beacons of their future, a
25 future of human rights that center around the

1
2 right to vote, to express your opinion and to be
3 fully represented in the halls of government.

4 With this background I come before you today with
5 a very simple purpose, to lend my small voice to
6 the groundswell of support for the expansion of
7 voting rights here in our great international
8 city, to the many non citizen residents who do not
9 have the right to vote for their local

10 representatives, how cannot have their needs and
11 their aspirations heard in the decision making
12 halls of our local government. They live amongst
13 us. They work with us. They pay their taxes.

14 They spend their often hard earned money in our
15 stores and businesses. They send their children
16 to our schools, participate in our PTA's, attend
17 our churches, mosques, temples and synagogues,
18 volunteer in our many not for profit

19 organizations. In other words, they are fully
20 functioning as if citizens but they cannot vote.

21 The most essential and elementary human right is
22 not theirs. Those of you who support this

23 proposed legislation have my deep appreciation but

24 for those who are not yet sure how you will vote

25 and certainly to those who are determined to

1
2 oppose it, I ask you to reach deep down inside
3 your heart and the privacy of your own conscience
4 and think of those who ride the buses and subways
5 with you each day but cannot vote for you or
6 cannot ask you to represent their needs and their
7 wishes. I ask you to join in extending the voting
8 rights for which we all fought decades ago for one
9 segment of our community, for one segment of our
10 society, extend those to all who live within our
11 community. I thank you.

12 [Spanish Language 2:11:16 -
13 2:13:54]

14 MR. CESAR PALAMENQUE ANDRADE: Good
15 afternoon. I will be translating this statement
16 that's - - . Good morning. My name is Cesar
17 Palamenque Andrade [phonetic], an Ecuadorian
18 immigrant and a member of the Board of Directors
19 of Make the Road, New York. Thank you for the
20 opportunity to testify today. Also, thank you to
21 Council Members Dromm, Rodriguez and Mark-Viverito
22 and many others for their imitative on Intro 410.
23 I think this is a great proposal for the residents
24 in this city and believe we should pass it as
25 quickly as possible. I was a permanent resident

1
2 in New York City for many years before becoming a
3 citizen. And I know what this proposal would mean
4 to my community and others like me. Believe me,
5 there were many times, there were times in the
6 past when I wish residents could vote. I'm happy
7 we are discussing it today. I also want to share
8 the perspective that I heard, have heard from many
9 members in my community about this subject.

10 Permanent residents have obligations but do not
11 have certain rights. Even though they work hard
12 to sustain their families, pay their taxes and
13 abide by the rules to live in this country but
14 they feel excluded in the case of elections, which
15 are a topic that are very important when we decide
16 who will represent us. Every time there are
17 elections our representatives make decisions about
18 health, housing, education, transportation,
19 security, et cetera. But the reality is that it
20 is that they only represent the citizens without
21 taking into account that there are over a million
22 permanent residents here using all types of city
23 services. They have a voice but not a vote, and
24 it is more difficult to address some of the
25 injustices that they are confronting. We want to

1
2 participate in decisions about workers, schools,
3 housing, taxes and more. And in order for New
4 York City to really practice what it preaches that
5 it is a democracy, we all need to participate in
6 such important events as elections. As an
7 immigrant I spent 16 years without being able to
8 exercise the right to vote and I support this
9 proposal for all the good it would do for those
10 that live in this city. Together, we are going to
11 keep working 'til we all have the same rights in
12 New York City. Thank you.

13 CHAIRPERSON DROMM: Kevin?

14 MR. KEVIN DOUGLAS: So, good
15 afternoon, Chair Dromm, Chair Brewer and Council
16 Member Rodriguez. I really want to thank you for
17 holding this hearing and giving us the opprountnity
18 to testify. My name is Kevin Douglas and I'm with
19 the United Neighborhood Houses of New York. Many
20 of you are familiar with this probably from our
21 budget advocacy related to social services and the
22 city budget. And as Melissa Mark-Viverito said
23 earlier, we're very happy to have the opprountnity
24 to not just be here to talk about lack of funding
25 but to affirm the democratic right for non

1
2 citizens to vote in our city here. So, one of the
3 things about United Neighborhood Houses is that
4 our members serve communities all across the city
5 whether they are permanent residents, citizens,
6 regardless of status. And it kind of ranges the
7 gamut from early childhood education to after
8 school programs, senior centers and these are
9 things that benefit communities regardless of
10 their status. But a particular subset of our
11 services are really designed to help immigrants
12 integrate into the society so that includes adult
13 literacy classes, basic equation in native
14 language and legal services that help people
15 pursue the best legal status for them. And we
16 really owe a debt of gratitude for the Council for
17 providing the funding to do that whether it's the
18 immigrant opportunities initiative or other
19 funding streams. However, despite the work of our
20 members and it is very good work, they know that
21 regardless of the however many legal services they
22 provide, how much literacy service they provide,
23 they can't truly help the people in the
24 communities integrate as long as the fundamental
25 right to vote is withheld from them. So, we're

1
2 really happy that the Council is looking at the
3 proposal to expand voting rights and we're happy
4 to be here in support of it today. This was said
5 earlier but voting is, it's so important and it's
6 to prevent tyranny, it's to prevent oppression and
7 most importantly it's to make sure that everyone
8 in a community has their voices heard and their
9 concerns recognized in local processes, whether
10 that's how tax revenues are portioned, school
11 board policies, that sort of thing. So, this is a
12 very critical right for people and it's kind of
13 unfathomable that this hasn't been done sooner in
14 New York City. I know we had the Board of
15 Elections thing but that, I'm sorry, the
16 Department of Education where people could
17 participate through the school boards. But the
18 fact that we're here now is that we're very
19 grateful at this point in time. And I want to
20 quickly talk about some of the arguments people
21 have raised against non citizen voting and really
22 just kind of discount them. One of them is this
23 idea that voting should remain for citizens and
24 it's just something they should have and you
25 should work toward your citizenship and therefore

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2 it shouldn't be expanded. And this is really
3 faulty for a couple of reasons; one, as was
4 earlier mentioned, the link between citizenship
5 and voting has not always necessarily been clear
6 and we know in our history that there's been many
7 instances of discriminatory withholding of the
8 right to vote regardless of someone's citizenship
9 status. So, to assume that that status should
10 inform whether someone has a right to vote or not
11 really doesn't make a lot of sense. The other
12 part is to just really recognize that in our
13 country right now there is recognition that our
14 immigration system, whatever you want to call it,
15 is really flawed and there's attempts to reform it
16 and we're certainly hopeful those take place. But
17 in the interim we know that there are many people
18 who are here legally, they contribute to the
19 society and they don't have a voice. And even if
20 this reform passes it doesn't necessarily mean
21 that it's going to speed up the process for those
22 people to become citizens and be able to vote.
23 So, it's critical that New York act now to give
24 these people a voice. One of the other things
25 that's really important is that immigrants aren't

1 this kind of separate group that's in New York
2 City and need some special privileges. Immigrants
3 make up this city and they do a really good job of
4 supporting our economy. We know that over a third
5 of the residents of New York City are foreign
6 born, two thirds of the students in our school
7 system are either first or second generation and
8 even though they are about a third of the
9 population the immigrants make about 43 percent of
10 our workforce. They make up 49 percent of
11 entrepreneurs in the City and they generate about
12 \$215 billion in economic productivity every year
13 in the city. So, they're critical to the economic
14 life of the city, the social life and the cultural
15 life and they're really what makes New York an
16 international destination. So, it's really
17 important to remember that immigrants are not an
18 aside, they are a critical part of the city and
19 they deserve as much right to participate as
20 anyone else. So, in conclusion, really, I want to
21 thank Council Member Dromm for your leadership on
22 this as well the other Council Members that have
23 signed on. We're really happy to be here to
24 affirmatively support the right to vote and we
25

1
2 certainly will do what we can to work with the
3 Council to advance this. Thank you.

4 CHAIRPERSON BREWER: Thank you very
5 much. We really appreciate your being here and
6 waiting. I'm sorry it's so long. And next panel,
7 it's James Hong [phonetic] David Anderson, Landra
8 Raquina [phonetic] and Ahot Ahmad [phonetic],
9 Bahol Ahmad [phonetic], sorry, Bahol Ahmad. Go
10 right ahead, whomever would like to begin.

11 MS. LANDRA RAQUINA: Good
12 afternoon. My name is Landra Raquina. I'm a
13 member of - - in Action and also Make the Road New
14 York. Thank you for Daniel Dromm, your Council
15 Member for Jackson Height and I live there. Thank
16 you for lead this bill that is very important for
17 us. I thank you other - - for the Council Members
18 that I, they already sign it and I hope they, it
19 was extended for the rest of the Council Members
20 to support this bill, this very important. I am
21 going to give my testimony. It's about my
22 experience like immigrant people. I came in 1979
23 and when I came here the first thing that I heard
24 was that you had to pay the taxes because they
25 give me an example of, Al Capone went to the jail

1
2 because he avoid to pay taxes, not for the crimes
3 that he did. And since I was immigrant the first
4 time I find to pay my taxes. During the five
5 years I was here legally and I pay my taxes when I
6 get to my green card, that's my tax, I was a
7 taxpayer, it was easy for me to get my legal
8 paper. And finally, I was in thinking, how in my
9 country we get the first and we have the card,
10 that tributary tax, when we went 21 years with
11 this we have the right to vote, we have the right
12 for everything because we are taxpayers. When I
13 came here, when I get my green card, well, this is
14 my license but green card, there, I become
15 citizen, right? I gave my green card. And I
16 have, I pay the taxes and I always say, my husband
17 pay, have the second woman is the IRS because most
18 of you work, most of you gain, most they get it
19 from you. But whether you receive during 20
20 years, because after 20 years I become a citizen,
21 I said, during those 20 years I live in a
22 community of Jackson Heights, I am, in that
23 occasion I said, I don't know, I didn't
24 interesting in the politics around me. Why?
25 Because I didn't have any rights. I just was a

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2 taxpayer. I was a consumer and I see I have two
3 sons who was born here. I said, they are citizens
4 but mother who I am not citizen, I don't have the
5 right to vote, to concern in their lives from
6 them. And I was asking why? Why we have, it
7 looks like it considered a second class of people.
8 But we have the same right like I heard, we pay
9 the taxes, like I said, Ydanis Rodriguez, is that
10 we pay the taxes and the money, the taxes, the
11 money is no difference between the citizens and a
12 legal resident. And that's why I encourage, I
13 demand, to pass this bill, this very important for
14 the life of many people, especially because in our
15 community, Jackson Heights, there is hundreds of
16 people who was passing maybe the same thing that I
17 was passing the immigrant people here. And I
18 encourage all of you to pass this bill. This is
19 very important, is our right to have the right to
20 vote for the rest of the people. Thank you so
21 much.

22 MALE VOICE 1: So, on behalf of the
23 New York Coalition to expand voting rights I would
24 like Council Member Gail Brewer and Danny Dromm
25 for your leadership and giving us the opprountnity

1
2 to have this discussion today on resident voting
3 right. I would like to speak today on the
4 legislation vote to expand the vote - - in New
5 York City. If you are not continually focused on
6 the right to expand the vote, on bringing it to
7 the higher ground we will, in fact, see a
8 weakening of our democracy. This has already
9 happened in New York City with abandonment of
10 local school board election. We are also seeing
11 recent years in the effort of in many state to
12 suppress or make more complicated access to voting
13 through the requirement of photo ID's, proof of
14 citizenship and so on. It will be a natural step
15 for New York City to reject this regressive trend
16 to instead extend the right to vote and doing so
17 politically empower the vibrant immigrant
18 community that has played such a role in keeping
19 the city alive and economically vibrant for the
20 past 30 years. For many years now the
21 Administration has been very proud to sell the
22 city as a diverse capital of the world. But in
23 reality little has been done to enfranchise and
24 it's newest and poorest resident. New York City
25 is among the top city in the world in income

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2 disparity. Those with economical power control
3 more and more of the political establishment and
4 little has been done to strengthen our democracy.
5 The city - - situation it's one reflection of
6 that. How can a city with an annual budget of \$17
7 billion justify a lack of resources for new
8 affordable housing? This is clearly not a fiscal
9 problem but a resource - - problem. The majority
10 of people are not represented and the expense in
11 voting bills would be a counterweight to that
12 disparity. After all, what is the future we want
13 in New York City? Do we want a democracy
14 representative of this population where every day
15 it's a new fight to resist discrimination,
16 poverty, illiteracy and violence or do we want a
17 city where a small voting population and an ever
18 growing number of disenfranchised and marginalized
19 people? In - - our democratic system is a
20 reference for many around the world. We have not
21 yet reached the apex of democracy. Our system
22 need to be improved and developed. The question
23 is, will this - - save the opportunity to move the
24 process of democracy one step forward. Many other
25 country have implemented enfranchisement. And the

1
2 immigrant population with different forum and
3 different level is the number of this country is
4 growing. Today 65 nation have - - granting the
5 exercise of voting right to foreigners and at
6 least at some level and some categories of
7 resident and you have a table in your
8 documentation with a list of the country. We are
9 not living in the - - world and there is
10 recognition that the new model need to be found
11 that reflect the new reality. We all know what
12 happened in New York as repercussion far beyond
13 the border of the United States. Passing
14 legislation will be a beacon and will provide an
15 enormous boost to process already in motion in
16 other places. What a nice way for New York City
17 to give back and keep it title of world capital.
18 Thank you for your opportunity and thank you so
19 much for your attention. Thanks.

20 Mr. AHMAD: Good afternoon. Thank
21 you for holding this very important, critical and
22 timely hearing on Intro 410. My name is - -
23 Ahmad, I'm the Legal and Policy Director of - -
24 Rising up and Moving and I'm Honored to Represent
25 this testimony on behalf of our nearly 2,000 South

1 Asian Members. Since 2000 DRUM has been a leading
2 community organization in New York City with a
3 membership of almost 2,000 low income South Asian
4 immigrant families, workers, youth, many of whom
5 are also Muslims. DRUM has been mobilizing
6 thousands of South Asians, immigrant New Yorkers
7 for the past 12 years for - - rights, workers
8 rights, educational reform and for civil rights.
9 And being firmly rooted in our communities DRUM
10 has directly seen and experienced how communities
11 can be effectively engaged for civic engagement,
12 participation and social change. There are over
13 800,000 South Asians who call New York City their
14 home. While for New York City as a whole almost
15 half of the households have some foreign born
16 individuals within them. From the South Asian
17 community that number is significantly higher.
18 Even within DRUM's own membership almost 75
19 percent of our households have one or more people
20 that are non citizens. And the South Asian
21 Community is currently one of the fastest growing
22 communities in New York City, particularly for the
23 Bangladeshi and the Nepali communities. As an
24 immigrant myself who was a non citizen for many
25

1
2 years having had such an opportunity to vote in
3 local elections would have made a great difference
4 in my ability to be active and social and economic
5 change. Today, I serve as a community organizer
6 and an attorney in immigrant communities because I
7 see the immense potential and the need for
8 engaging in civil and social economic reform in
9 these communities for the generations to come.
10 For the past 12 years DRUM members have been
11 involved in reforming immigration policies locally
12 and nationally, worked to improve New York City
13 public school systems, improve the quality of
14 education, secure unpaid wages and rights for low
15 wage workers in the city and advocated for the
16 civil rights of all New Yorkers, such as the
17 community safety act or the student safety act.
18 This has meant that our immigrant members have had
19 constant engagement with City agencies like the
20 Department of Education, the Department of Labor,
21 the local offices of the Department of Homeland
22 Security as well as the local City Council
23 Members. Yet through the years of engaging to
24 improve our city by thousands of immigrants they
25 themselves have not had the ability, perhaps until

1
2 now to vote or choose a local representatives or
3 to hold them accountable. As full tax payers and
4 important contributors for the fabric of New York
5 City non citizens deserve the right to engage
6 fully in our city. New York City is known
7 globally as an international city and we are proud
8 that members of our City Council have led this
9 historic legislation as a model nationally and as
10 our nation advances immigration reform to secure
11 the full rights and participation of millions of
12 non citizens. The passage of Intro 410 and the
13 ability for residents to be able to vote will be
14 critical for the development and expansion of
15 democracy in this city. It will improve the
16 engagement and the empowerment of immigrant
17 communities. And earlier statement was made that
18 with responsibilities come rights and we would
19 like to flip that, with rights come
20 responsibilities, we flip that. Immigrant
21 communities have been carrying their
22 responsibilities, not only as taxpayers but as
23 civically engaged people in these communities.
24 Many in our communities have already been carrying
25 out the responsibility as New Yorkers, it is high

1
2 time that they also have their rights as New
3 Yorkers. Thank you.

4 CHAIRPERSON DROMM: Okay, well,
5 thank you very much. I don't have any questions
6 and since I know all of you, if I do I'll ask you
7 in the neighborhood. Thank you.

8 MR. AHMAD: Thank you.

9 CHAIRPERSON DROMM: Thank you.
10 Okay, next, Aga Mohammed Salai [phonetic] from
11 SUKI [phonetic] New York, Jose Shufino [phonetic]
12 from the New York City Labor Council for Latin
13 American Advancement, Mozedo Udein [phonetic] from
14 ASAL [phonetic] Jackson Chin from Latino Justice
15 and Pedro Alvarez from the Bronx Merchants
16 Association.

17 CHAIRPERSON BREWER: This is the
18 Danny Dromm fan club. I'm in it too.

19 CHAIRPERSON DROMM: This is my
20 immigrant community.

21 CHAIRPERSON BREWER: Yeah.

22 CHAIRPERSON DROMM: Jose, you want
23 to start?

24 MR. JOSE SHUFINO: Yes, thank you.
25 I am here today to give testimony in the name of

1
2 the New York City Chapter of the Labor Council for
3 Latin American Advancement. Our organization has
4 been involved with the Resident Immigrant Voting
5 Rights Initiative for many years and we are
6 gratified to see it come to a hearing in the
7 Council. We would like to thank Chairs Danny
8 Dromm and Gail Brewer for allowing us and the
9 members of the Committee as well as the cosigners
10 for bringing this Intro to a hearing and giving us
11 this opportunity to speak on the issue. - - is an
12 organization for Latino labor leaders from a broad
13 sector of the New York City labor movement. We
14 have within our membership of native born and
15 immigrant workers. We also have many associate
16 members who are unorganized but committed to
17 justice in the American workplace. Over many
18 years we have joined in our lives as many other
19 immigrant rights and social and economic justice
20 organizations to more policies of justice and
21 inclusion for all workers regardless of ethnicity.
22 We are proud to be here today with so many of
23 these allies to assure passage of Intro 410 into
24 law. Unfortunately, our President, Sonya Ivani
25 [phonetic] could not be here today due to a prior

1
2 commitment outside the city and she has entrusted
3 me as Chair of the Immigration Committee to speak
4 on our behalf. It is the belief and fervent hope
5 of the New York City Chapter of the Council for
6 Latin American Advancement that this Committee and
7 Council will make Intro 410 into law. I know that
8 we speak for the House of Labor in this for it is
9 our house and through our organizations that many
10 of the individuals that will benefit from this
11 law, participate now in the social and economic
12 life of this, our great city. They participate in
13 a limited way through collective bargaining and by
14 their activism on issues. Many have even
15 participated in electoral politics through their
16 unions. But this is not enough, immigrants
17 account for the majority of the constituents in
18 many of our Council Districts with foreign born
19 residents comprising over 60 percent of the
20 homeowners in this City together since 2008. The
21 ten neighborhoods with the highest immigrant
22 populations also show some of the highest economic
23 growth in our city. Immigrants to our city
24 overwhelmingly have shown that they are here to
25 work, to earn a better life for their families and

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2 to contribute to the economic growth of district -
3 - city. Our unions swell with the ranks of
4 immigrant workers. As of 2010 - - and hospitality
5 industries, 82 percent of all maids and
6 housekeepers and 64 percent of all janitorial and
7 building clearing staff are immigrants. 79
8 percent of all food preparation workers, 77
9 percent of all cooks, 74 percent of all chefs and
10 head cooks are immigrants. You would be hard
11 pressed to have a meal in a New York City
12 restaurant that does not have the hands of an
13 immigrant involved in its preparation. And this
14 is served to us by a wait staff that are also 64
15 percent foreign born. When it comes to childcare
16 we entrust the care of our children to a workforce
17 that is 64 percent immigrant. When it comes to
18 educating them we turn to workforce in our
19 elementary and middle schools that is 21 percent
20 foreign born immigrants. The participation of
21 immigrants in the city's healthcare workforce,
22 having always been strong, has now reached truly
23 epic proportions with an estimated 72 percent of
24 all nursing, psychiatric and home healthcare aids
25 being immigrants to this country as more than 50

1 percent of our licensed practical and vocational
2 and registered nurses, physicians and surgeons
3 that are foreign born constitute 46 percent of the
4 workforce at this time. In the constantly
5 changing and developing landscape of our city, 72
6 percent of all construction laborers are
7 immigrants, adding by their labor to the
8 engineering and architectural wonder that is New
9 York City. They have come to work and participate
10 in the economic growth of this city and New York
11 City has prospered because of their vitality and
12 energy. This city owes immigrants a place at the
13 table where decisions are made that effect their
14 work life, their family life and their place and
15 status in our society. They have earned that
16 right and their coworkers and neighbors and
17 friends to experience the - - of the democratic
18 society that we so proudly proclaimed and to
19 participate as equals in the governing of our, no,
20 of their city. It is right and proper that this,
21 in a city of immigrants built on the labor and
22 aspirations of countless individuals and families
23 that have arrived to this city in their millions
24 over the last 200 years in hope and with a
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2 wiliness to strive for something better for
3 themselves and their children that this historic
4 and just proposal be made law and we at the House
5 of Labor, the voice of the workers urge this
6 Council to take action in this historic moment, to
7 make the brave and just decision to make the - -
8 of suffrage to these lawful and deserving
9 residents of out city. Thank you.

10 MR. AGA MOHAMMED SALAI: Good
11 afternoon, honorable Council Members, Chairman
12 Dromm and the Members of the Committee. It's a
13 great honor and privilege and historic day for me.
14 My name is Aga Mohammed Salai. I came to the
15 United States in 1996 sponsored by my wife who won
16 the diversity immigration visa lottery. I was
17 reluctant, I was scared to move from a place of
18 birth where I have struggled with my people for
19 the human rights and democracy since my early
20 childhood. The day I came to this country and I
21 realize that the picture she showed me over the
22 phone convinced me to join her here that this is
23 the greatest democracy and you must live and
24 experience the greatest democracy of the world in
25 this country. The day I came here I remember that

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2 the elections for following in the coming years
3 and I realized that being legal, lawful resident
4 of this country, taxpayer, I do not have a voice
5 to be heard. I do not have a personality to be
6 counted in the system and that makes me feel bad.
7 And it looks me long to understand this. It was a
8 dream, perhaps, this democracy of the United
9 States may go into an ideal democracy towards
10 everyone should have a voice to heard. It was a
11 dream, it was a nightmare almost in those days and
12 I never had an idea that one day I'll be sitting
13 for the same dream in a hearing and addressing my
14 concerns being a person who lived through the
15 shadows of hopes and darkness's in this country
16 which is a great nation. And everyone knows this
17 nation is a nation of immigrants. This nation is
18 a nation of immigrants and this honorable
19 Committee is sitting under the goals of Abraham
20 Lincoln who says, a government of people, by the
21 people, for the people. What does it mean what
22 our Constitution says? Human dignity, equality,
23 and that's what we stands for. And recently we
24 form an organization which is SUKI New York, SUKI
25 stands for Social Uplift through Knowledge and

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2 Hope Initiatives and working for the empowerment
3 and equality in the New York City. And I urge
4 this Committee to take these things and I was
5 really today hearing, reading this Mayor's
6 concerns on this legislation and Board of
7 Elections concern on this legis--, if there is a
8 will there is a way. thank you very much.

9 MS. MAZIRA EHRUDI: [phonetic]

10 Thank you, everyone. Thanks for me to hear also.
11 Voting right is the vital instrument of democracy.
12 To our honorable government official I am urging
13 to approve Intro 410. My name is Mazira Ehrudi
14 and I am the one of the Director of Service,
15 Health Education, Bread and - - , that help - -
16 English and immigrant adult - - for job. I am
17 also Women's Coordinator Talents of South Asian
18 Labor Organization an organization that is those
19 workers who are unrepresented in both votes and
20 labor unions. Not only that, human rights
21 activist - - discrimination, religious persecution
22 and economics explosion and quality - - . New
23 York City is comprised five boroughs, boroughs
24 Manhattan, Queens, Brooklyn and - - Island which
25 are home to more than two fifth of the - -

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2 population of New York City. With the Census
3 estimated population of over 8.3 million 2012,
4 alone it makes up over 40 percent of the
5 population of New York State as many as 800
6 language are spoken in New York making it the most
7 linguistically and diverse city in the world. Our
8 new city community is very pleased to work with
9 all elected official to reintroduce the voting
10 right Intro 410 registration act. The legislation
11 will give non citizen the right to vote to local
12 election more than one million out of New York
13 City residents cannot participate in local
14 election, that is 20 percent of - - New Yorkers
15 and the population of - - is this really
16 democratic? Thinking is not knowing and knowing
17 is not doing. Let's work together to pass into
18 410 - - . - - strongly support Intro 410 asking
19 all City Council to pass the bill as soon as
20 possible. It is an important - - by our immigrant
21 or - - - - the right to vote in local election.
22 New York City democracy is only as strong as the
23 ability of these people to vote. New York City's
24 immigrant communities pay taxes and work hard to
25 provide for their families but far too many do not

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2 have the right to vote. Intro 410 will strengthen
3 our democracy and the lives of immigrants who each
4 day are contributing to the city vitality - - all
5 of the New York City is - - . Democracy is better
6 serviced and everyone benefits, hence more than
7 half of the New York City Council now support
8 immigrant voting rights, - - . Opportunity for us
9 to emphasize in the growing support for the
10 expansion of democracy throughout New York City
11 that pay taxes like us, they should enjoy same
12 like us. They are 1.3 million strong, non citizen
13 resident and they bring \$229 billion of economic
14 output in our state. Over 30, 70 percent of the
15 City - - American's immigrate. Many are long tiem
16 hard working, tax paying resident who not have
17 eligible to vote. They are long time green card
18 holder, professionals here to extend visas simply
19 by citizen who have not registered. Half of the
20 people of some neighborhood are allowed to make
21 decision for the entire community. Our democratic
22 process is crisis. Immigrants pay more than \$18.2
23 billion a year in New York City income tax. Is
24 they are not human like us? If they are they
25 should be treated like us also. As the Alliance

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2 of South Asian American Labor, Women's Coordinator
3 I am - - to our government official that is about
4 human - - and all must all agree to Intro 410 B.
5 - - as an instrument building a better community,
6 better city, instead a nation. There is nothing
7 is either US or the - - Constitution that
8 prevents us from changing the law to allow
9 immigrants to vote. Thank you.

10 CHAIRPERSON DROMM: Thank you, Mr.
11 Chin, definitely last but not least. So,
12 definitely not least.

13 MR. JACKSON CHIN: Well, certainly
14 the last speaker. I'm a little disappointed to
15 see that most of the Chamber is emptied now but I
16 do understand. My name's Jackson Chin and good
17 afternoon. I am very pleased to provide my
18 comments on behalf of my organization, Latino
19 Justice, which is a national non partisan civil
20 rights organization that has been based in this
21 city for the last 40 years. just a personal note,
22 I am a child of immigrants, low wage working
23 parents who sweated and sacrificed like so many of
24 our friends and families and neighbors that we see
25 here today. And I, based on 28 years of legal

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2 experience as an immigration lawyer, as now a
3 civil rights and voting rights litigator I would
4 like to share some of my experience having
5 represented hundreds of immigrant clients in
6 Federal Courts as well as in the Immigration
7 Courts. I'm going to depart from my comments
8 because I feel like it would be repetitive and I'm
9 sure a lot of the good social policy and public
10 policy comments that I've provided in the written
11 testimony have been repeated earlier. I think
12 that universal suffrage is the trend as you've
13 heard. I think that also that there is great
14 suffering when there is no suffrage. There is
15 great suffering when there is no suffrage because
16 people live in fear when they feel that they don't
17 have a voice. I have represented victims of
18 crime, victims of domestic violence and now,
19 certainly, Latino's of various stripes from
20 various countries, including Puerto Ricans, who
21 are US citizens. They have no, many of them have
22 no voice and yet they are the backbone of our
23 labor force. This global city and it's the
24 comment made earlier. If we pass this legislation
25 other cities, other towns, will look to us as the

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2 model of an advanced democracy that truly believes
3 that everyone should have a voice in their local
4 community, in the governance, in the choices that
5 are made on day to day bread and butter issues.

6 How should my schools be renovated or not? Where
7 does this money go? Why am I not getting certain
8 services? And these are the same type of issues
9 that every single one of us in this city, whether
10 you are a US citizen or not shares and has the
11 common goal of trying to find a solution to
12 address many of these day to day issues. I think
13 that as we know more than 20, 40 percent of our
14 city's population is born outside of the United
15 States and then the majority of our city's
16 residents, almost 60 percent are either immigrants
17 or the children of immigrants and I count myself
18 in that group. I'm sure many of you are also part
19 of that class. Latino Justice supports Intro
20 number 410 and I'm going to just depart and say
21 that [Spanish Language 2:49:16 - 2:49:36] which in
22 English means that we support this very important
23 initiative because it is a sound and rational one.
24 It is prescient. We want to restore some of the
25 experience that we've had with community board

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2 elections where we allowed immigrant parents to
3 have some say on these community boards. And
4 unfortunately, for 30 years that went well and
5 then it was dismantled. We think that this bill
6 will more than promote civic engagement and reduce
7 marginalization in local governance and in our
8 neighborhoods. It will support inclusion and help
9 draw upon the vast knowledge, skills and
10 motivations of our city's residents. And then it
11 further promotes the quality of life of our New
12 York City through advancing these political and
13 non political processes which would engage and
14 contribute to the common good. Now, I want to
15 tell you a little bit of something about what
16 Latino Justice does. We, for the last 40 years
17 we've been engaged in landmark litigation, in the
18 advancement of defending the rights, civil rights
19 and constitutional rights of Latino's and we have
20 been involved with voting rights, redistricting
21 litigation, we use the constitution and Federal
22 laws to defend our clients, Latinos, in terms of
23 access to education, employment discrimination,
24 workplace justice, these are some of the very
25 things that we all may take for granted but we as

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2 an organization deal with these issues day to day
3 on behalf of the Latino community. And oftentimes
4 we do things that end up benefitting the rest of
5 the city and that's what civil rights is. And
6 this is a very important civil rights piece of
7 legislation no matter how you look at it and as I
8 said before, there is suffering with out suffrage
9 and this is not just a dramatic appeal, I think
10 this is something that I see through my clients
11 eyes and I know it. I think you know it and
12 that's why I commend these two committees and the
13 Chair's and the various officials who've sponsored
14 this. I think the time is right. Now, speaking
15 about some of the other issues, before I do that,
16 Puerto Rican Legal Defense and Education Fund was
17 our previous name and so I think some of the other
18 generations will recognize that and our history
19 and our fantastic record. We now have in our
20 litigation agenda a companion case in the Federal
21 Courts, stop and frisk. This affects our
22 communities, the youth, men in our Latino
23 communities as well as others. We have litigation
24 on the State Senate plan and the redistricting
25 maps. We have a Latina's at work project which

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2 deals with wage theft and also with workplace
3 rights and justice issues. And we also have a
4 numerous types of advocacy and other issues that
5 concern the community. So, I'm happy to have this
6 opportunity to speak about why we need fair and
7 equal treatment for all members of our society and
8 I think that when we have laws and policies which
9 deal with stop and frisk or police practices, for
10 example, or deal with how employers and employees
11 have to negotiate what is fair and many other day
12 to day things, economic justice, how we have used
13 resources, in fact, to build or not to build
14 affordable housing. I mean, these are the various
15 kinds of issues that all people in this city need
16 to be involved with and I think this bill allows
17 others with a significant majority of people who
18 are affected by our laws. So, the civil rights
19 agenda of our office is consistent with what this
20 bill is speaking to create and it is again, I say,
21 it's prescient, it is visionary, it is important
22 and there should be no way that we should retreat
23 from this very important bill. The advantage of
24 coming last, as I've been listening to some of the
25 questions you've raised with your earlier

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2 panelists and I can perhaps offer some comments
3 and extemporariness because it's not in my
4 prepared remarks. As an immigration lawyer and as
5 an immigration lawyer as well as a litigator on
6 civil rights matters, we in 2005 sued the New York
7 State commissioner of motor vehicles because at
8 that point they were attempting to suspend
9 250,000, 300,000 drivers licenses because of
10 immigration status, et cetera. Now, as a result
11 of that litigation we have clarity. One of the
12 questions you asked is will our Board of Elections
13 be overwhelmed with these, you know, registration
14 matters and looking at documents and I think the,
15 one of the ways to understand it is that you can
16 piggyback on the screening and eligibility kind of
17 vetting that takes place at the DMV because the
18 DMV requires that you have proof of legal status.
19 And so that will cover quite a lot of these
20 various immigration categories that you're
21 concerned about and trying to understand and I do
22 understand there are some categories that are not
23 common, like, we've talked about green card
24 holders, that's the most basic, common knowledge
25 category of immigrants but there are many other

1 categories so people are going to worry about
2 well, what kind of documents do I present, how do
3 I know if these are real or not? The DMV can be
4 your ally in handling a good number of that. My
5 concern only is that, as you may know, with the
6 DMV they work on six point system, so you have to
7 have the necessary type of documents. So, it may,
8 in fact, leave out a certain portion of immigrant
9 residents who would normally qualify for this
10 eligibility to vote under your law. So, I can see
11 that there are a sector of immigrant statuses that
12 may get, you know, they may be unable to meet the
13 six points that are required by the DMV because
14 they don't have a credit card. They may not have
15 certain type of documents that the DMV would
16 require. Another issue comes up, my friend and
17 colleague Ms. Brandeis talks about the concern
18 that some people might vote in violation of the
19 law and therefore risk removal under the
20 immigration laws. And I can only say that the key
21 there is willfully violate the law. And if
22 someone is not willfully violating this law then
23 there should be no threat or risk of true
24 deportation on that front. But certainly if they
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2 are not US citizens, which is not this
3 requirement, then they're not at risk in terms of
4 saying I'm a citizen when I'm not. So, I just
5 think the other concern that I feel like you've
6 raised is whether you have the legal authority to
7 enact this law and I would concur with my previous
8 colleagues in the earlier panel that you have, I
9 believe, under the home rule and other authority,
10 the right to determine membership in the political
11 communities of New York City. You can determine
12 that locally. I really believe that. And so, I
13 just kind of wanted to say that, you know, this
14 law will mitigate the fear of authority, the fear
15 of engagement. I think people would love to and
16 they already do in many ways, participate in civic
17 engagement but the most pressing and the most
18 fundamental feature of a democracy is their right
19 to vote, which is the one thing that we do not
20 have under the current laws for our immigrant
21 brethren, families and friends and neighbors that
22 we live with day to day. And this bill, Intro
23 410, will meet that gap. Thank you.

24 CHAIRPERSON DROMM: Well, thank you
25 very much. And actually, it wound up very good

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2 that you were our last speaker and it was quite
3 informative and I thank you. I thank all of the
4 panelists on the last panel as well. I will say
5 to the people who are remaining here in the room
6 that much work remains to be done and I'm sure
7 because of this hearing we can now hear a lot of
8 what the opponents to this type of legislation
9 will have to say and that's why I say that much
10 more work remains to be done. So, I look forward
11 to working with you as we move forward on this and
12 thank you all for coming.

13 MR. CHIN: Well, Chairman Dromm, if
14 I may just indulge you for one moment. I was not
15 aware before coming today that the Mayor's Office
16 and others are opposing this--

17 CHAIRPERSON DROMM: [interposing]
18 Neither was I.

19 MR. CHIN: --legislation. And I
20 want to make one further comment which is in my
21 testimony which I failed to acknowledge and which
22 is that this Mayor, Mayor Bloomberg, has indeed
23 said, proudly said that immigrants are the
24 lifeblood, quote, unquote, of this city and make
25 significant contributions to the city's economic

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2 strength and cultural vitality. Moreover, this
3 Mayor has also observed, quote, yet immigrants are
4 generally under represented in this city's civic
5 fabric. So, I think it would be very consistent
6 for this Intro 410 to pass so that immigrants are
7 indeed part of the basic civic fabric of our city.

8 CHAIRPERSON DROMM: I mean, I
9 couldn't agree. I tried to be somewhat neutral in
10 the hearing today but I have to tell you, I don't
11 understand why anyone would oppose those who are
12 living in this community, in this city, you know,
13 our neighborhoods.

14 MR. CHIN: Mm-hmm.

15 CHAIRPERSON DROMM: Or try to deny
16 anybody the right to participate in that
17 democracy. If you truly believe in democracy, all
18 right?

19 MR. CHIN: It's a very odd
20 situation, he's saying one thing and then--

21 CHAIRPERSON DROMM: [interposing]
22 Exactly.

23 MR. CHIN: --nothing, he's doing
24 something else.

25 CHAIRPERSON DROMM: Exactly.

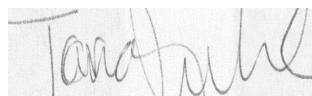
2 MR. CHIN: But thank you very much
3 for your persistence.

4 CHAIRPERSON DROMM: Thank you,
5 thank you. And I guess, with that, this meeting
6 is adjourned. Thank you.

C E R T I F I C A T E

I, Tara Jul certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A rectangular box containing a handwritten signature in cursive script, which appears to read "Tara Jul".

Date 5/26/13