



Legislation Details (With Text)

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Title: A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents in New York city to vote in municipal elections

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Indexes: Council Appointment Required, Report Required

Attachments: 1. Summary of Int. No. 1867, 2. Int. No. 1867, 3. January 23, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 1-23-20, 5. Minutes of the Stated Meeting - January 23, 2020

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|-----------------------------|--------|
| 1/23/2020 | * | City Council | Introduced by Council | |
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Int. No. 1867

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

A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents in New York city to vote in municipal elections

Be it enacted by the Council as follows:

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

Chapter 46-A. VOTING BY LAWFUL PERMENANT RESIDENTS

§ 1057-g Definitions.

§ 1057-h Registering to vote.

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

§ 1057-j Poll administration.

§ 1057-k Municipal voter registration forms.

§ 1057-l Party affiliations.

§ 1057-m Availability of municipal voter registration forms.

§ 1057-n Absentee ballots.

§ 1057-o Registration deadlines.

§ 1057-p Municipal voter notification.

§ 1057-q Notification of ability to cancel registration.

§ 1057-r Notification for individuals applying for citizenship.

§ 1057-s Change of address procedures.

§ 1057-t Confidentiality.

§ 1057-u Community participation.

§ 1057-v Transitioning to citizenship.

§ 1057-w Challenges.

§ 1057-x State and federal elections.

§ 1057-y Violations.

§ 1057-z Advisory group.

§ 1057-g Definitions. For purposes of this chapter, the following terms have the following meanings:

Municipal election. The term "municipal election" means the designation, nomination and election process for the offices of mayor, comptroller, public advocate, city council member, and borough president. Municipal elections include all primary, special, general and run-off elections for such offices, and all municipal ballot measures.

Municipal voter. The term "municipal voter" means a person who is not a United States citizen on the

date of the election on which he or she is voting, who is either a lawful permanent resident or authorized to work in the United States, who has been a resident of New York city, as defined herein, for 30 consecutive days or longer by the date of such election, who meets all qualifications for registering to vote under the election law, except for possessing United States citizenship, and who has registered to vote with the New York city board of elections under this chapter.

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

New York state board of elections voter registration. The term "New York state board of elections voter registration" means the method currently used by the New York state board of elections to register voters under the New York state election law.

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

§1057-h Registering to vote. All municipal voters shall have their names entered on the city board of election's list of registered voters and may thereafter vote in any municipal election.

§1057-i The role of the New York city board of elections. The New York city board of elections shall create a municipal voter registration form for use by municipal voters, register potential municipal voters, adopt all necessary rules and carry out all necessary staff training to carry out the provisions of this chapter. Municipal voters shall be entitled to the same rights and privileges as citizen voters with regard to municipal elections.

§1057-j Poll administration. For each municipal election, the New York city board of elections shall produce a single poll list that combines municipal voters and other voters registered under the New York state election law for each election district. Municipal voters shall not be required to form a separate line or vote in a separate location from citizens registered under the New York state election law. Poll list entries for municipal voters shall be marked with an "M". Municipal voters shall vote using the same voting methods as citizen

voters.

§1057-k Municipal voter registration forms. The New York city board of elections shall design and distribute municipal voter registration forms. Such forms shall include, but need not be limited to, the following:

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

b. Information on the qualifications to vote at the state and federal levels according to the New York state election law, and information on how individuals who meet such qualifications can register.

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

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

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

f. Notice that political party enrollment is optional, but that in order to vote in a primary election of a political party, a voter must enroll in that political party.

g. Notice that a voter notification form will be mailed to each applicant whose completed form is received.

h. The telephone number of the relevant borough office of the New York city board of elections and of the state board of elections that an individual may call to obtain answers to questions regarding registration, if one exists.

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

1. Space to indicate the name.

2. Space to indicate the address where the applicant resides.

3. Space to indicate the address where the applicant receives mail.

4. Space to indicate the date of birth of the applicant.

5. Space to indicate whether the applicant is a citizen of the United States.

6. Space to indicate the gender of the applicant, including notice that providing such information is optional.

7. Space to indicate whether the applicant wishes to enroll in a party and, if so, which party.

8. Space to indicate the telephone number of the applicant, including notice that providing such information is optional.

9. Space for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following form of affirmation: "AFFIDAVIT: I swear or affirm that I will have been a resident of New York City for a minimum of 30 consecutive days by the time of the next election, am either a lawful permanent resident or authorized to work in the United States, and, to the best of my knowledge, I meet all of the requirements to register to vote in New York State except for United States citizenship. This is my signature or mark on the line below. All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to \$500 and/or jailed for up to one year."

§1057-l Party affiliations. Individuals who enroll in a political party using a municipal voter registration form shall be considered qualified members of that party for the purposes of municipal election primary elections and candidate nomination processes.

§1057-m Availability of municipal voter registration forms. Municipal voter registration forms shall be made available at every location where New York state board of elections voter registration forms are made available by an agency.

§1057-n Absentee ballots. The New York city board of elections shall develop an absentee ballot and absentee voting procedures for municipal voters.

§1057-o Registration deadlines. Registration deadlines for municipal voters in each election shall be the

same as the deadlines set by the New York state board of elections for citizen voters in that election.

§1057-p Municipal voter notification. The New York city board of elections shall create and implement a municipal voter notification system consistent with the requirements of New York state election law with respect to citizen voters.

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

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

§1057-s Change of address procedures. The New York city board of elections shall create a process, consistent with the process used by the New York state board of elections for citizen voters, by which a municipal voter can change or update his or her address.

§1057-t Confidentiality. a. No inquiry shall be made as to the immigration status of a potential municipal voter or municipal voter, other than to ascertain whether he or she qualifies to vote under this chapter. If such information is volunteered to any city employee, it shall not be recorded or shared with any other federal, state, or local agency, or with the public, except as otherwise required by law.

b. All federal, state, and city confidentiality policies that pertain to citizen voters shall also apply to municipal voters.

c. No municipal voter shall be asked to produce photographic identification or proof of address as a

prerequisite for voter registration, except as required by state or federal law.

d. Lists of municipal voters shall not be published, distributed or otherwise provided to the public separately or distinctly from the complete voter registration list of all qualified voters in New York city or a political subdivision thereof.

§1057-u Community participation. The New York city board of elections shall consult regularly with appropriate organizations, including advocacy groups and community associations, in the implementation of this chapter. The board shall work with such organizations to carry out community education programs regarding requirements for eligibility to vote pursuant to this chapter, including such eligibility of individuals who have applied for United States citizenship.

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

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

§1057-x State and federal elections. Nothing in this chapter shall be construed so as to confer upon

municipal voters the right to vote for any state or federal office or on any state or federal ballot question.

§1057-y Violations. a. Any person who knowingly and willfully violates any provision of this chapter shall be guilty of a misdemeanor.

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

c. Any person convicted of a misdemeanor under this section shall be punished by imprisonment for not more than one year, or by a fine of not less than \$100 or more than \$500, or a combination of fine and imprisonment.

§1057-z Advisory group. a. There shall be an advisory group to provide recommendations regarding any problems or potential improvements with respect to the voting process implemented pursuant to this chapter.

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

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

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

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

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

d. Members of the advisory group shall be appointed within 90 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

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

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

g. No later than December 1, 2021, and annually thereafter, the advisory group shall prepare a report of its findings and recommendations with respect to the voting process carried out under this chapter and submit such report to the mayor and speaker of the council.

§2. This local law takes effect on January 1, 2021.

JB
LS 5290
1/17/20