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**NEW YORK
CITY BAR**

November 14, 2005

**Re: Testimony in Support of the Voting Rights Restoration Act
(Int. No. 628)**

Dear Council Members:

The Immigration and Nationality Law Committee of the New York City Bar Association respectfully submits this testimony with respect to the Voting Rights Restoration Act (Int. No. 628). The Committee supports the reinstatement of the ability of foreign-born residents of New York City to exercise their right to choose the individuals who represent them in city government.

As immigration lawyers who work directly with New York City's foreign-born residents on a daily basis, we recognize the strengths and diversity that this population brings to our city. We know that many of these individuals are long-term residents of the city who participate in a variety of civic activities, including Parent-Teacher Associations, community and church groups, and other citywide and local events. Many are parents of New York City schoolchildren, some are business owners, and others do volunteer work. All have a stake in the governance of the city in which they reside. The ability to participate in municipal elections, however, has remained elusive.

Our comments focus on the protection of immigrants. We urge that the legislation be drafted to protect immigrants' interests and to assure that voting in municipal elections will not put their immigration status at any risk. Although we recognize that the language in the bill does provide some protections, we urge you to consider the following points.

Under Federal immigration law, voting unlawfully in federal or state elections or making false claims to citizenship in order to vote or register to vote can negatively affect a person's immigration status. For example, a foreign national who properly registers as a municipal voter, but who mistakenly votes in a state or federal election, may lose eligibility to become a U.S. citizen, and might even become deportable. Because of the potential risks to municipal voters, careful implementation of the law will therefore be crucial. In particular, where elections are not exclusively municipal, there must be adequate safeguards to prevent against the possibility that a municipal voter might participate in a federal or state election.

Section 1064 of the bill commendably provides that the municipal voter registration form will contain “notice that individuals registering on municipal voter forms will be registered to vote in municipal elections only, and expressly state that municipal voters are NOT qualified to vote in state or federal elections.” To minimize the possibility of confusion amongst municipal voters, we urge the Council to ensure that this notice be clearly visible on the form and translated from English into the principal foreign languages spoken by New York’s immigrant population. We also urge a requirement that signs be placed at voting sites during federal and state elections. These signs should explicitly state that municipal voters are not eligible to vote during these elections, and should be in English and translated into the principal languages spoken in New York’s immigrant communities. In addition, we ask for assurances that no voter information guides will be mailed to municipal voters during federal and state elections.

We would also like to confirm that under Section 1077, “violations of this chapter,” a person who believes that he or she is “lawfully present in the United States” would not be considered to knowingly or willfully violate the provisions of this chapter.

In section 1074, “transitioning to citizenship,” the language should read “Municipal voters who are registered to vote under this provision and are granted U.S. citizenship or obtain proof of United States citizenship will remain qualified under this provision...” because in some cases US citizenship status is obtained other than through naturalization.

We applaud the confidentiality provisions in the legislation. These provisions are necessary to ensure that non-citizen voters will exercise their right to vote secure in the knowledge that any information collected about their immigration status will remain confidential. These provisions are appropriate in New York, and reflect the spirit of Executive Order 41, which protects the confidentiality of immigration status-related information in other contexts.

Respectfully submitted,

Claudia Slovinsky, Esq.
Chair
Committee on Immigration and Nationality Law
New York City Bar Association