



New York City Campaign Finance Board

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

tel. 212.306.7100 fax 212.306.7143

www.nyccfb.info info@nyccfb.info

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

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

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

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

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

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

Privacy

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

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

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

Administration

It is important to acknowledge that Intro 410 would present a serious set of administrative challenges to the Board of Elections. This may present an opportunity for the Council to focus again on efforts to improve, strengthen, and modernize the City Board of Elections.

Non-citizen parents were eligible to vote in school board elections for decades in New York City, under the now-defunct Board of Education. But those elections were held

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

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

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

Other issues

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

New York City for six *consecutive* months prior to the election, or any six months in the past.

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

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