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### NEW YORK CITY

# Non-Citizen Voting: The Evolving Case of New York City

## The Case of Local Law 11

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## Introduction

Introduced in the New York City Council in January 2020, Intro 1867 revived the issue of non-citizen voting in New York City. With its passage in December 2021, Intro 1867 became Local Law 11, a law allowing legal permanent residents and non-citizens with work authorization to vote in municipal elections. It is estimated that between 800,000 and 1.2 million non-citizen New Yorkers could be enfranchised under this law. Although the impact of non-citizen voting on electoral outcomes remains debated and difficult to quantify (Mollenkopf, interview with authors, 2023), New York City would become the largest locality in the United States to permit non-citizen voting at a time when the practice becomes increasingly polarizing. Local Law 11 has yet to be implemented. In June 2022 a State Supreme Court Justice in Staten Island ruled that the Law violated the New York State Constitution. The case is set for a lengthy court challenge. It is currently pending at the State's Second Appellate division but both sides are expected to appeal the decision.

As discussed in the first Working Paper of this series, non-citizen voting has a long, often forgotten, history. In this Working Paper we examine why non-citizen voting came back on the City Council's agenda in 2020; how Intro 1867 was developed and who were the main actors pushing for it and opposing it; and what accounts for the adoption of Local Law 11 when so many previous initiatives failed.

Our research is based on City Council and court documents, archival materials, informational interviews, news articles, and a burgeoning literature on non-citizen voting. Partly because of the ongoing legal challenges, our access to council members and officials who spearheaded the law (or the fight against it) was restricted. While this is a significant limitation of our research, we rely on publicly available written and oral statements as evidence of their positions.

In Section I, we begin with the recent legislative history of non-citizen voting in New York City from the 1990s to the early 2010s. We then turn to the development and passage of Intro 1867 in Section II. We focus on the process by which the “municipal voter” came to be defined, the selection of a specific residency requirement, the question of whether or not to put the measure to a referendum, and the debates on the merits of non-citizen voting. Section III examines the factors that led to the passage of Local Law 11: long-term demographic trends, grassroots organizing, and a political window of opportunity. Section IV concludes with the legal challenges and the uncertain future of Local Law 11 for New York politics and beyond.

## Section I: The Recent Legislative History of Non-Citizen Voting in New York City

Some non-citizen New Yorkers were enfranchised within their communities as recently as twenty years ago. As discussed in the first Working Paper of this series, from 1968 to 2003, non-citizen parents could vote in school board elections and even hold office. Growing out of the civil rights movement, New York's decentralized school boards became the first place in the United States where a form of non-citizen voting was restored after it had been last practiced in 1926 (Hayduk, 2006). As such, school board elections became a key referent for New York's contemporary non-citizen voting campaign.

While non-citizen voting in school boards could not serve as a legal precedent for municipal voting<sup>2</sup>, it did provide activists and proponents of the bill with a recent historical example that aimed at “denaturalizing”

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<sup>2</sup> New York's school boards were not subject to the same election laws as municipal non-citizen voting (Jimenez et al., 2014).

the link between citizenship and voting. Not only did it challenge common imaginaries and narratives associated with voting but, by employing the parent/child “sovereign space” argument (Hayduk, interview with authors, 2022),—the widely accepted belief that parents have a right to participate in public decisions that affect their children—this historical precedent underscored the importance of local enfranchisement. The example of the school boards was frequently invoked by the leading coalition supporting non-citizen voting, Our City, Our Vote. It was highlighted in nearly all testimonies in favor of Intro 1867 presented at the City Council hearings. As Fulvia Vargas De-Leon, Senior Counsel at LatinoJustice PRLDEF (a member of Our City, Our Vote), explains:

It did bring the point home to people because there was a recognition from the school boards that parents should have a say in their children’s education no matter their immigration status. In the same rhetoric, we would say these are your community members, they live here, they work here, they pay taxes here, and they should have a say in the local government. We’re talking about the local level that is most directly associated to you. We tried to emphasize that it was more about re-enfranchising people. We didn’t argue against [non-citizen voting] at the school board level, so it wouldn’t make sense to argue against it at the local level. (Interview with authors, 2023)

The specific genealogy of Local Law 11 can be traced back to legislative efforts in the City Council in the late 1990s, mid-2000s, and early 2010s (See Appendix A: Proposed Non-Citizen Voting Legislation in New York City Council). Hayduk (2006) offers a thorough analysis of the efforts to enfranchise non-citizens in this period, on which the following description is based. The growing number of immigrants and especially of non-citizens (who did not naturalize for various reasons, including increasing backlogs in naturalization applications) as well as protests in Washington Heights in 1992 spurred activists to organize to expand immigrant voting rights. Two bills enfranchising non-citizens in local elections were proposed in the State Assembly in 1993. Both were introduced by Democrats representing districts in New York City. One of the bills went so far as to give non-citizens the right to vote in all elections - local, state, and federal.<sup>3</sup> However, Republicans, who controlled the State Senate, opposed the bills on ideological and political grounds. They argued that non-citizen voting would devalue citizenship, which, as we will see, remains a common argument against the practice. Similarly, opposition from Republicans and Democrats alike was widespread due to fears that non-citizen voting would cost politicians their seats and that it would divide ethnic groups. The bills, like similar initiatives in 1997 and 2003 in the state legislature, thus languished in committees.

The emergence of new efforts at the state level and in other municipalities across the country mobilized advocates in New York City. Councilwoman Una Clarke, a naturalized Jamaican immigrant, introduced a resolution in 1993 to hold hearings on extending non-citizen voting to all municipal elections. With 11 co-sponsors, the resolution also failed to make it out of committee.

Non-citizen voting gained momentum for the second time in the mid-2000s. The rise of anti-immigrant sentiment, detentions, and deportations after 9/11 propelled immigrant rights advocates to renew their efforts. The latter were also directly linked to the growth of the sanctuary movement (Hayduk, interview with authors, 2022). Hayduk recounts the formation of the New York Coalition to Expand Voting Rights, the first iteration of a non-citizen voting coalition in New York City, in early 2004. After the Immigrant Workers Freedom Ride in 2003, a loose coalition of several organizations including immigrant rights groups, civic and civil rights organizations, labor unions, and public officials led by New Immigrant Community Empowerment (NICE) came together to

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<sup>3</sup> These bills required a change in New York election law to permit non-citizen voting. However, Hayduk does not delve into the debates surrounding the constitutionality of this specific bill in Albany.

push for non-citizen voting. The coalition formally launched its campaign on Tax Day, April 15, 2005, a symbolic date meant to highlight one of the group's core arguments—"no taxation without representation."

The New York Coalition to Expand Voting Rights approached allies in the City Council. Shortly after the campaign launch, Councilmember Bill Perkins, a long-time civil rights advocate representing Harlem, introduced Intro 0628, a bill to "restore" the right of certain non-citizens to vote in local elections. Intro 0628 created a new political subject: the "municipal voter," defined as:

A person who is not a United States citizen, but is lawfully present in the United States, and has been a resident of New York City, as defined herein, for six months or longer by the date of the next election, and who meets all qualifications for registering to vote under the New York State election law, except U.S. citizenship, and has registered to vote with the New York City Board of Elections under this provision.  
(§1060-a)

The bill extended the right to vote in local elections to all "lawful residents" who had resided in New York City for at least six months—including green-card holders, persons with valid work authorizations, asylum-seekers, persons with Temporary Protected Status (TPS), and non-immigrant students. The category of "municipal voter" became the foundation of subsequent non-citizen voting bills, including Intro 1867 which, however, as we will see, narrowed down the category to lawful permanent residents and persons authorized to work in the United States. Importantly, the bill also diverged from the coalition's initial proposal which called for the enfranchisement of all immigrants, including undocumented ones. This was seen as politically unfeasible, especially in the aftermath of 9/11 (De La Hoz, 2017).

There was hope that the bill would be likely to succeed due to a changing political landscape. While some Black community leaders opposed the legislation in the 1990s, seeing immigrants as political and economic competitors, a number of Black leaders and elected officials (some of whom were directly involved in the Civil Rights and Black Liberation movements) increasingly saw a convergence of interests among these communities and non-citizen voting as an extension of the Civil Rights Movement (Forth, 2004). According to Hayduk (interview with authors, 2022), many Black elected officials (such as Bill Perkins who introduced the bill in 2005, and Charles Barron who did so in 2006) were among the early champions of non-citizen voting. The New York Coalition to Expand Voting Rights had indeed sought the support of Black leaders from early on (Hayduk, email to authors, 2023). It secured the support of Black-led organizations, including the Black Institute led by Bertha Lewis, an organizer and leader of the Association of Community of Organizations for Reform Now (ACORN). These partners indicated that other Black organizations would support the efforts (*ibid.*). Black support for non-citizen voting continued to expand over time, with the exception of a few council members in 2021.

Moreover, advocates were encouraged by the legal analyses from the City Council, the Brennan Center for Justice, and the New York City Bar Association which concluded that a change in State law would not be required to enfranchise non-citizens in local elections (Hayduk, 2006). Asked by the Coalition to provide its legal opinion, a committee of the New York City Bar Association stated that the city could proceed by relying on its municipal home rule powers and election law (Hayduk, email to authors, 2023). A legal memo by the Brennan Center, whose views were also sought by the Coalition, echoed these findings. While attorneys for the City Council were initially skeptical that the city possessed the powers to act on its own, they eventually came

around—perhaps in response to these statements (*ibid.*).<sup>4</sup>

Despite the momentum, Intro 0628 ran into opposition from New York’s political leaders. Mayor Bloomberg was hostile to non-citizen voting, threatening to veto the legislation. He believed the bill to be unconstitutional under the New York State Constitution and argued that non-citizen voting would devalue citizenship (Bloomberg, 2021; Hu, 2004; Saul, 2004).<sup>5</sup> With just ten co-sponsors, City Council members in favor of non-citizen voting were far short of the super-majority required to overturn a mayoral veto. The bill was also met with opposition from City Council Speaker Gifford Miller, who shared the Mayor’s concerns. Ultimately, Intro 0628 was never brought to a vote. Similar legislation was re-introduced in 2006 by Charles Barron (Intro 0245, 12 co-sponsors). It, too, was filed and dropped from the agenda without a vote.

Introduced in 2010 by Daniel Dromm, Intro 0410 built upon these previous efforts. Like Intro 0628 and Intro 0245, it maintained the definition of the “municipal voter ‘defined essentially as lawfully present’ in the United States who has resided in New York City for at least six months” (Gilbert, 2014, p. 224). The New York Coalition to Expand Voting Rights continued to campaign for non-citizen voting, growing to 58 endorsing members and organizations. Garnering support from 35 council members, Intro 0410 even briefly enjoyed a super-majority that could override a likely mayoral veto. In the end, Intro 0410 followed the fate of its predecessors. In light of Mayor Bloomberg and Speaker Christine Quinn’s opposition, the bill was never brought to a vote.

A similar coalition of council members, led by Daniel Dromm, revived the issue in the summer of 2014, hoping that Mayor De Blasio’s support for making municipal ID cards available to all New York City residents regardless of citizenship status would translate into support for non-citizen voting (Gilbert, 2014). But, like his predecessor, Mayor De Blasio opposed non-citizen voting on the grounds that it violated the New York State Constitution and could provide a disincentive for naturalization.

Donald Trump’s election in 2016 further complicated the efforts to enact non-citizen voting (Moran and Klein, interview with authors, 2022). For reasons we will explore in the following paragraph, many immigrant rights advocates in New York City cautioned against pursuing it as a legislative priority; however, activists in other localities such as San Francisco and Hyattsville, Maryland, saw non-citizen voting as an urgent tool of empowerment against the Trump administration (Wong, 2022; Hayduk, interview with authors, 2022). In San Francisco, where non-citizen voting in school board elections was on the ballot for the third time, the campaign’s unofficial slogan became “Power, Not Panic” (Wong, 2022).

In New York City, council members and community leaders pushed back on non-citizen voting during this period. The establishment of a presidential administration that was openly hostile to immigrants led activists and council members to shift their priorities; they increasingly turned their attention to more urgent threats such as the elimination of DACA and skyrocketing deportations. Activists were concerned that

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4 The New York City Charter Revision Commission, a panel appointed by Mayor Bloomberg to study ways to increase voter participation, had briefly debated a draft resolution that granted Green Card holders the right to vote. However, the Commission determined that a referendum would be required to move forward with this measure.

5 Beyond Mayor Bloomberg’s formal statements on non-citizen voting, we might suppose that Mayor Bloomberg’s opposition to the legislation could be attributed to fears that non-citizens would vote against him due to the widespread assumption that immigrants tend to vote for the Democratic party. Although the political and partisan preferences of non-citizens, a non-monolithic group, vary widely, Hayduk notes that surveys examining the preference of naturalized foreign-born voters in the 2000, 2002, and 2004 elections showed that naturalized foreign-born voters leaned Democratic. However, that was not true of all immigrant groups. Hayduk also cites John Mollenkopf’s findings that Mayor Bloomberg got more than a third of Latino votes in New York City’s recent elections and surveys showing that Asian voters are more likely to vote Republican (Hayduk, 2006, p. 147).

non-citizen voting would endanger the privacy and, ultimately, the safety of immigrants (Moran and Klein, interview with authors, 2022). As federal immigration policies became stricter and more punitive, data on their immigration status, which would be publicly available in the voter file, could make non-citizens more vulnerable to abuses by federal immigration officers and even to harassment by xenophobic citizens. They also feared that it would provide ammunition to the Trump administration for claims of electoral fraud (De La Hoz, 2017). Speaker Melissa Mark-Viverito, who was nevertheless a co-sponsor of Intro 0410, did not put the issue on the agenda. Non-citizen voting would have to wait until the end of Donald Trump's tumultuous term to receive renewed legislative attention.

## Section II: The Development and Passage of Intro 1867

The recent legislative history of non-citizen voting in New York City raises a number of questions: Why did non-citizen voting get back on the City Council's agenda in 2020? Why was Intro 1867 finally brought to a vote before the City Council? Why did it become law when all of the previous iterations of the bill failed? Before attempting to answer these questions in the following section, we trace the legislative trajectory and development of Intro 1867. We focus on the reasons why two central provisions—the definition of the “municipal voter” and the residency requirement—were modified compared to previous versions of the bill and examine the contentious issue of whether or not to put non-citizen voting to a referendum. We then turn to the arguments made in favor and against the bill in the City Council.

Intro 1867 was introduced in January 2020 by Councilmember Ydanis Rodriguez. Representing the heavily immigrant Manhattan neighborhoods of Washington Heights, Inwood, and Marble Hill, he had been a green card holder for more than twenty years before naturalizing. Rodriguez partnered with Our City, Our Vote, the newly formed successor to the New York Coalition to Expand Voting Rights, which as we discuss below, was a catalyst for the success of the legislation.

Initially supported by 26 co-sponsors, the bill was backed by a super-majority of 34 council members by the time of the vote in December 2021. It was endorsed by the City Council's Progressive Caucus and the Black, Latino, and Asian Caucuses. The legislation also enjoyed the support of prominent figures and activist organizations, including then-Brooklyn Borough President Eric Adams, Public Advocate Jumaane Williams, Attorney General Letitia James, and the National Association for the Advancement of Colored People (NAACP) New York State Conference.

Intro 1867 was adopted by the Committee of Governmental Operations on December 8, 2021, and brought to a vote of the full Council the very next day. After a heated debate, Intro 1867 was adopted by a vote of 33-14, with two abstaining and two absent. Importantly, the vote was not strictly partisan. Although no Republican council members voted in favor of the bill, a few Democrats voted against it. Though outgoing Mayor Bill De Blasio had expressed concerns about the bill, he did not veto it (Lucente Sterling, 2021).<sup>6</sup> And his successor, Mayor Eric Adams, allowed the bill to pass into law without signing it. Intro 1867 thus became Local Law 11.

The legislation maintained the term “municipal voter” that Intro 0628 had created, albeit with some slight but significant changes.

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<sup>6</sup> “I have mixed feelings. I've been very open about it on this law and I think there are big legal questions, but I also respect the city council. They made a decision,” the outgoing Mayor declared after the passage of the legislation (Colarossi, 2021).

## THE DEFINITION OF THE “MUNICIPAL VOTER”

Whereas the earlier bill would have extended the franchise to all “non-citizens who are lawfully present in the United States,” Intro 1867 restricted the category of “municipal voter” to legal permanent residents and lawfully present residents who were allowed to work in the United States. Like previous versions of the bill, this included green card holders, asylees, persons under TPS status, and DACA recipients but excluded non-immigrant students. For Our City, Our Vote and its legislative allies, restricting the category served a dual purpose: it still included the majority of non-citizens but remained more politically viable than broader alternatives. As Nora Moran, Director of Policy and Advocacy at United Neighborhood Houses (Our City, Our Vote’s co-leading organization), explains:

There was no way this Council or any would pass a bill that included people who were undocumented. Our stance was to get something that would serve at least the majority of folks. And at the same time, we were careful not to spell out a lot of kinds of citizenship statuses, because there are so many that inevitably someone would get left out, in the hopes that it would capture the largest array of people possible.

(Interview with authors, 2022)

Instead, the possession of work authorization became a marker of eligibility because it was a recognition that non-citizens intended to live and work in New York City (Vargas-De Leon, interview with authors, 2023).

## A SHORTENED RESIDENCY REQUIREMENT

Another crucial difference compared to previous versions of the legislation was the reduction of the residency requirement from six months to 30 consecutive days. Although the provision is not unique to New York City<sup>7</sup>, this was a focal point of criticism. Opponents in the City Council decried that this would allow visitors to vote. Some speculated that the shortened residency requirement could facilitate foreign influence in New York City’s elections (Moran, interview with authors, 2022). The bill’s advocates, however, argued that those eligible to become municipal voters had already declared their permanency (Vargas-De Leon, interview with authors, 2023). They insisted that having a longer residency requirement for non-citizens than for citizens (New York only requires 30 days of residency for American citizens to register to vote) would create “two classes of voters and two systems that really discriminated and subordinate [non-citizen voters]” (Hayduk, email to authors, 2022). Mirroring state election law would also make registration more accessible and less confusing (Mohamed, interview with authors, 2023; Moran, interview with authors, 2022).

Together, these two changes to the earlier definition produced the final language of Local Law 11, which defined a municipal voter as:

A person who is not a United States citizen on the date of the election on which he or she is voting, who is either a lawful permanent resident or authorized to work in the United States, who is a resident of New York City and will have been such a resident for 30 consecutive days or longer by the date of such election, who meets all qualifications for registering or pre-registering to vote under the election law, except for possessing United States citizenship, and who has registered or pre-registered to vote with the board of elections in the city of New York under this chapter. (§ 1057-bb)

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<sup>7</sup> Cheverly and Mount Rainier, Maryland, also permit non-citizen voting after 30 days of residency prior to election day

## THE QUESTION OF THE REFERENDUM

An additional controversy arose as to whether non-citizen voting should be adopted through legislation or a referendum. On the day of the vote, Democratic Councilmember Mark Gjonaj introduced a motion to send the legislation back to committee for deliberation on a referendum. The motion was defeated. Had it succeeded, the bill would likely have once again languished in committee as the City Council's 2018-2021 session was drawing to an end.

Opponents in the City Council, and later in the courtroom, argued that the legislation violated section 23(2)(e) of New York's Municipal Home Rule Law and section 38 of New York City's Charter, which provides that a local law shall be subject to a mandatory referendum if it "[a]bolishes an elective office, or changes the method of nominating, electing, or removing an elective officer, or changes the term of an elective officer, or reduces the salary of an elective officer during his or her term of office." Challengers interpreted Intro 1867 and Local Law 11 as a change in the method that would alter the procedures of voting, such as the creation of separate ballots for non-citizens. In her analysis of non-citizen voting in New York City, Professor Lauren Gilbert (2014) identified only a few cases relying on the provision, most of which interpreted the requirement narrowly. Gilbert acknowledged, however, that the absence of a referendum would likely trigger a court battle (2014, pp. 232-233).

To the contrary, legal analysts for Our City, Our Vote coalition argued that the method was not altered by non-citizen voting. Local Law 11 allowed for the expansion of the electorate but did not change the manner of the election (Vargas-De Leon, interview with authors, 2023). For Ahmed Mohamed, Senior Counsel at CAIR-NY (one of the organizations that intervened alongside LatinoJustice PRLDEF in the lawsuit to defend local law 11), "a referendum would be superfluous and inappropriate" (interview with authors, 2022).

The issue of the referendum did not seem to be contentious for members of Our City, Our Vote and their City Council allies (Mohamed, interview with authors, 2022). Yet it is interesting to note that some members of the New York Coalition to Expand Voting Rights (Our City, Our Vote's earlier iteration), supported a referendum campaign (Hayduk, email to authors, 2022). A referendum would have potentially fostered stronger ties with community-based organizations (CBOs) and legislators, generated media coverage, and provided more legitimacy to non-citizen voting (ibid.).

Yet many groups were concerned that they lacked the resources to mount an effective campaign. The legislative route seemed "easier and faster" (ibid.). Moreover, although a slim majority had affirmed support for non-citizen voting in a non-binding advisory referendum in Takoma Park, Maryland, more recent referenda in Portland, Maine, and San Francisco failed, thus raising questions about the extent of popular support for such measures. A poll administered to 2,000 New Yorkers by the New York Immigration Coalition in May 2020 found that non-citizen voting "enjoyed a lot of support" among respondents, except among older white males in certain Queens and Staten Island areas (Thanjan, 2020). However, as mentioned in this series' first Working Paper, a 2021 national poll of American citizens by Leger Opinion and The Atlantic found that 53% of respondents opposed any form of non-citizen voting and just 20% supported non-citizen voting for legal residents in local elections (Leger, 2021). Similarly, only 20% of respondents in urban centers approved of municipal citizen-voting for legal residents (ibid.). The possibility of encountering tepid public support may have deterred non-citizen voting advocates from pursuing the referendum route.

## THE DEBATE: ARGUMENTS IN FAVOR AND AGAINST NON-CITIZEN VOTING IN THE CITY COUNCIL

Beyond the specific provisions of the Intro 1867, the bill sparked a spirited debate on the merits of non-citizen voting. While the measure was broadly defended in the hearings that preceded the vote (out of 58, 53 were in favor of non-citizen voting), the debate on December 9, 2021 was heated. Much of the City Council debate referenced a number of the same arguments described in the first Working Paper (democratic representation, mutual benefits, and civic engagement). However, the democratic representation argument remained the most prominent, followed by the mutual benefits frame. Additionally, in making their arguments, many council members made personal appeals or related stories about those who would stand to be enfranchised by the bill. A last set of arguments focused on the precedent of such legislation, as well as the legality of the City Council's action.

The largest group of arguments fell under the frame of democratic representation. Our City, Our Vote – and many City Council members – responded to the criticism that non-citizens need only become citizens in order to vote by arguing that the naturalization process is a long, complicated, and expensive process. Taking up to six to eight years to complete and costing thousands of dollars, naturalization is neither a fully accessible nor an equitable process. Non-citizens are thus, in their view, effectively excluded from representation because of federal policies – even if they wish to naturalize.

Their shared theme is that non-citizens are contributing to the polity, and therefore should have a say in the governmental decisions that affect them. Additionally, if non-citizens have the same obligations as citizens, they should be entitled to the same privileges. The Our City, Our Vote campaign provides a concise version of these arguments: “We live in a democracy, and yet nearly one million New Yorkers cannot vote. They legally live here, work here, go to school here, and are raising families here, but despite paying billions of dollars in taxes each year, they have no say in the direction of our city” (Our City, Our Vote, 2022a). This was by far the most common refrain in the City Council's hearing testimonies and voting session.

Advocates of non-citizen voting commonly retell historical narratives to emphasize the practice as an “American” tradition (Coll, 2011). In New York City, as in many other localities, the ubiquitous depiction of non-citizens as taxpayers in particular is a strategic framing situating non-citizen voting in the tradition of America's founding principle—“No Taxation Without Representation.” Another legacy slogan that was often referred to was New York's history as a “city of immigrants.” This underlined the historical and continuous importance of immigration to the city's success and a specific form of New York City exceptionalism that makes the city a uniquely positioned place for these efforts.

The indispensable role of immigrants in New York City's success was made more evident by the pandemic, something highlighted in a majority of testimonies in the City Council hearings. In a testimony before the City Council in September 2021, United Neighborhood Houses' Nora Moran shared:

Over half of New York City's frontline workers during the pandemic were immigrants, and 1 in 5 were non-citizens. These New Yorkers have been risking their lives to treat those stricken with COVID-19, stock our grocery shelves, take care of our elderly, and keep this city running in a time of crisis.

These appeals were often more personal than other types of argument. On the day of the vote, Ydanis Rodriguez gave a passionate speech in support of the legislation in which he admitted being “[unable] to control my emotions” as he felt a personal connection to this bill. This was echoed by many other proponents who referenced their family's immigration history as inspiration for their support.

Additionally, in line with the mutual benefits frame, advocates for Intro 1867 argued that non-citizen voting would result in civic improvements for the city as a whole. Citizens, particularly people of color and members of the working class, are affected by many of the same problems as non-citizens. This pluralist civic

improvement argument holds that by giving non-citizens the power to vote, they would become equal partners in coalitions with other groups that share similar interests. The issues affecting the estimated 800,000 to 1,200,000 New Yorkers that would be enfranchised by Intro 1867 are undoubtedly shared by many citizens living in New York.

The mutual benefits argument also serves to counter the accusation that the enfranchisement of non-citizen voters might “dilute” the votes of citizens. As Ydanis Rodriguez succinctly responded on the day of the vote, “That’s not how democracy works.” The purpose of democratic government is to respond to the needs of all that are affected by its action, and in this way, the inclusion of certain non-citizens is righting a wrong and improving overall democratic representation and accountability.

Figuring less prominently in the City Council were arguments that non-citizen voting would allow non-citizens to learn the practice of civic engagement. This civic engagement argument posited that local enfranchisement could serve as an effective form of preparation for the duties associated with citizenship. Historical precedents for non-citizen voting in New York City and the lack of legal barriers to its implementation via a City Council vote make up the last type of argument. Arguing in favor, advocates cited the previous instances of non-citizen voting discussed in the series’ first Working Paper. Non-citizen voting was framed as a restoration of a lost right. The contemporary success of non-citizen voting in other municipalities, especially several localities in Montgomery County, Maryland, where it is most widely practiced, was also referenced in support of Intro 1867.

Advocates also addressed the question of whether non-citizen voting comports with the New York State Constitution. Article II §1 of the Constitution declares:

Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days preceding an election.

In their Memorandum of Law in Opposition to Plaintiffs’ Motion for Summary Judgment, the Defendant-Intervenors supporting Intro 1867’s constitutionality argued that this article only ensures that citizens have the right to vote, not that non-citizens are barred from voting. They support this claim by showing that while Article II §1 “does specifically set forth voting requirements (i.e., age and residency); [it] does not specifically state U.S. citizenship as a requirement.” Legal Scholar Joshua Douglas (2017) explains that the positive granting of a right to vote in the New York State Constitution does not specify that only citizens can vote (Mays, 2022).<sup>8</sup> Additionally, Murad Awawdeh, the Executive Director of the New York Immigrant Coalition, offers: “The State Constitution is a floor, not the ceiling, of who can be enfranchised” (ibid.).

Arguments against non-citizen voting in the City Council can be divided into four groups of arguments: that non-citizen voting is illegal, threatens the value of citizenship by disincentivizing people from pursuing naturalization, favors the voting power of specific ethnic and racial groups while diluting the voice of others, and is logistically difficult to implement soundly and safely.

Opponents of Intro 1867 contended that non-citizen voting violates Articles II and IX of the State Constitution, State Election Law, and Municipal Home Rule law. The question of the bill’s legality was raised by several Democratic and Republican council members in addition to Mayor De Blasio, the city’s Chief Democracy Officer, and the plaintiffs in the Richmond County lawsuit. Ultimately, Justice Porzio struck down the law on

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<sup>8</sup> Douglas (2017, 1070) further adds, “Courts, when faced with a challenge to a local rule expanding the franchise, should defer to the local ordinance with a presumption of validity if there is any room under state law to allow the voter expansion.”

these grounds.

The argument is based on a reading of the State Constitution that interprets citizenship as a ceiling rather than a floor for voting. On the day of the vote, Republican Councilmember Joe Borelli argued that the State Constitution unambiguously distinguishes between “inhabitants” (residents) and “citizens” (who are allowed to vote). Opponents also asserted that the City Council lacked the authority to enact non-citizen voting as the Municipal Home Rule Law requires a referendum to “change the method of nominating, electing, or removing an elective officer” (Section 23(2)(e), Chapter 36-a of the Laws of New York). In fact, Councilmember Borelli drew attention to an underlying tension that proponents of the bill had not addressed. Article II of the State Constitution, which, in his view, restricts the right to vote to American citizens, was adopted by a referendum in 1938. For Borelli, advocates of Intro 1867 not only avoided putting a bill claiming to expand democracy to a democratic test, but they also overrode the people’s will.

The value of citizenship, and the importance of obtaining it through the established naturalization process, also figured prominently in critiques of Intro 1867. Non-citizen voting, opponents argued, would make citizenship pointless: voting is an exclusive right, constitutionally and culturally, conferred by American citizenship. This position was supported by Mayor Bill De Blasio, echoing Mayor Bloomberg’s position, as well as by City Council members on both sides of the aisle. “The right to vote is inherent to citizenship. They cannot be separated from one another,” argued Republican Councilmember David Carr on the City Council Floor in December 2021. If citizenship and voting can be decoupled, so the argument goes, then non-citizens would have fewer reasons to pursue the naturalization process, a process believed to prepare voters for the responsibilities of citizenship and voting. Furthermore, said opponents of the measure, the bill did not specify any requirements that would ensure that non-citizens had gained the knowledge to responsibly participate in the polity.

The thirty-day residency requirement was a particularly thorny provision. Several council members vehemently objected to it when Intro 1867 was brought to a vote on December 9th, 2021. Thirty days were considered insufficient for non-citizens both to learn about the electoral system and to have developed a true stake in the community. For some City Council members, the “transient” nature of at least certain municipal voters raised concerns about their allegiance to the U.S. An extension of this argument was that non-citizen voting would make New York City vulnerable to foreign interference. When arguing for his motion to recommit, Democrat Mark Gjonaj argued that the bill was “dangerous” because it “makes [the city] vulnerable to outside influence, whether it be Russia or China, or any other country that doesn’t share democratic values.” Not coincidentally, in May 2022, Councilmember Holden introduced a bill to prevent the influence of foreign nationals in city elections.

These objections were raised in a particularly heated debate, with narratives of personal immigration stories punctuating the arguments. Opponents recounted the journeys of their immigrant ancestors who worked hard for years to become citizens and enjoy the full range of benefits that came with it. The question of citizenship then went beyond political participation. Citizenship was portrayed, in this frame, as a reward and the endpoint of the American Dream. It is something that must be earned after non-citizens have proven that they have integrated into the American civic ethos. Only after their commitment has been tested and demonstrated—as hard workers with good moral character—were they allowed to fully enter the polity. A similar argument was put forth by Black Democratic council members Laurie Cumbo and Robert Cornegy: Thirty days were fundamentally unfair when contrasted with the long struggle of Black Americans for the franchise.

Concerns over the devaluation of citizenship present an additional question. If citizenship means the exclusive right to participate in making political decisions for the polity, the participation of non-citizens will necessarily dilute the voting power of citizens. This line of argument was implicitly present in the Richmond County lawsuit as plaintiffs decried that Local Law 11 would alter the composition of the electorate and force

City Council candidates to change their campaigning methods.

The bill also faced opposition on the ground of its potential impact on the city's ethnic and racial politics. This argument held that Intro 1867 could disproportionately benefit the ethnic and racial groups that made up a larger proportion of non-citizens (i.e., Latino and Asian non-citizens) while diluting the voice of other groups—particularly Black voters. This issue was mostly brought up by individual council members rather than organizations (Moran, interview with authors, 2022; Vargas-De Leon, interview with authors, 2023).

Majority Leader Laurie Cumbo, who had co-sponsored the bill but later came to oppose it<sup>9</sup>, warned that the legislation could critically shift the power dynamics in New York City but that there was simply not enough information on how it would affect Black communities. Proponents of the bill responded that not only was expanding the franchise simply about reinforcing democracy rather than pitting groups against each other but that this reasoning relied on unfair assumptions about who would be enfranchised and their voting behaviors. They argued in particular that many Black immigrants would also benefit from the bill. In an article published a few days after the vote, Cumbo (2021) cited a study by The Black Institute (a member of Our City, Our Vote) which found that immigrants from the Dominican Republic, China, and Mexico were among the groups that were poised to benefit most from the legislation. Groups from African countries all fell below the top ten.

Cumbo also pointed to the divergent interests that these groups might have, fearing a right-wing shift of Latino voters. The risk, she argued, was even greater considering the sustained attacks on Black voting rights across the country and the displacement faced by Black New Yorkers due to gentrification. This argument found its way into a lawsuit challenging Local Law 11.<sup>10</sup> Plaintiffs in that suit included Black New Yorkers who argued that the legislation violated the 15th Amendment by enhancing the voting power of Hispanic and Asian voters over other racial groups.

Lastly, critics voiced doubts about the implementation of non-citizen voting. Concerns about the practical limits of the bill were raised in the final vote on December 9th. But they were most prevalent in the preceding hearings held by the Committee on Governmental Operations where representatives of the Board of Elections, the New York City Campaign Finance Board, the Mayor's Office of Immigrant Affairs (MOIA), and Democracy NYC were called to testify. Without taking a clear position on the bill, these governmental agencies expressed concern for the ability of the Board of Elections—a body that has faced past City Council accusations of unreliability and unaccountability—to successfully implement a logistically challenging bill. How would it manage the creation of a separate set of ballots required for municipal voters? How would it confirm a person's immigration status? Would poll workers be adequately trained?

Similarly, critics pointed out that Intro 1867 could potentially hurt the very people it tried to empower. These were the concerns raised by the New York Chapter of the American Immigration Lawyers Association

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9 In an article published just days after the vote, Cumbo clarified why she shifted her position on the bill: "On the day of the vote, after seeing the demographic breakdown for whom the bill would impact, I wanted to know more specifically how it would impact African American voters who are the most vulnerable in New York City. However, we were in a rush to get to the finish line and to celebrate this huge victory. (...) In reality, I could have voted yes on Intro 1867 and gone along with the bill as written although I had legitimate concerns and questions and all of the news outlets would have celebrated a huge victory was had by all and I could have ended my term in peace and on a high note. But in reality, underneath the celebrations are unanswered questions and concerns that can't be asked in cancel culture times that often create silent resentment which later manifests itself in other ways. I utilized my 'no vote' as an opportunity to both inspire difficult conversations on issues that have been swept under the rug for far too long but it was also a battle cry to the Nation that we must remember the sacrifice African Americans made for us to get here and to truly tear down the walls of oppression, we must work together."

10 A New York State Court dismissed this lawsuit which was brought by Public Interest Legal Foundation (PILF).

as well as the New York City Campaign Finance Board, MOIA, the Board of Elections, and Democratic Councilmember Mark Treyger. They claimed that there were no strong mechanisms in place to protect critical information, such as one's immigration status, and that the Board of Elections could not be trusted with protecting it. The voter file is, after all, publicly available; the Board of Elections currently keeps track of voters' citizenship status. This could make non-citizens vulnerable to harassment by immigration officers. Moreover, the American Immigration Lawyers Association and MOIA feared that municipal voters could inadvertently commit a crime by voting in state or federal elections, thus potentially hampering their naturalization process and even making them subject to deportation.

## Section III: The Success of Intro 1867

While the legislation contained slight changes compared to previous versions of the bill, those remained contested and controversial. So did the merits of non-citizen voting more broadly. What explains the success of Intro 1867 in the City Council? Why did it garner substantially more support than its legislative predecessors? In this section, we examine three factors that led to the successful passage of Intro 1867: long-term demographic factors, intensified grassroots organizing, and the creation of a political window of opportunity.

### DEMOGRAPHIC TRENDS

The resurgence of non-citizen voting initiatives since the 1990s can be traced back to the mass migration of the last four decades (Hayduk, 2006; Hayduk and Coll, 2018). In New York City, the share of immigrants increased from 28% in 1990 to 36% in 2018 (Kallergis, 2022). Not only did immigration surge in this period, but non-citizens comprised an increasing proportion of all foreign-born persons (non-naturalized and naturalized) (Hayduk, 2006; Hayduk and Coll, 2018), reaching a majority (55%) in the 1990s. (Hayduk, 2006, p. 43). Thus New York City's electorate has gradually become composed of more immigrants—and children of immigrants—of all political orientations (Mollenkopf, interview with authors, 2023).

At the same time, New York City's ethno-racial composition was evolving. Between 2008 and 2020, the city's Black and white populations declined (-1.84% and -1.75%, respectively) due to aging and out-migration (Mollenkopf et al., 2023). Within the Black community, the decline was driven by the growing rates of relocation outside New York City of African Americans of non-immigrant origins and Afro-Caribbeans. However, African immigration (particularly from Ghana, Nigeria, and other parts of West Africa) grew in this period. Meanwhile, there was substantial growth of the Asian (14.5%) and Latino (3.43%) populations driven both by new immigration and their native-born descent (*ibid.*). South Asian groups grew more rapidly than East Asian groups. While Puerto Ricans, who predominated among Latino migrants in the post-World War II period, suburbanized and moved out of the city, new Latino immigrant flows increased, led by Dominican and Mexican-born arrivals.

The impact of these demographic changes seems to have contributed to increasing support for non-citizen voting among council members. We compared the proportion of non-citizens of voting age per City Council district to its representative's vote on Intro 1867 (See Appendix B: Non-Citizens Per City Council District). We found that the proportion of non-citizens was slightly higher (with an average of 14.7% as opposed to 11.15%) in the districts of council members who voted in favor. Importantly, the council members who spearheaded this latest effort represented districts with significantly higher proportions of non-citizens of voting age (ranging from 16% to 31.3%). Where the proportion was higher than 20%, council members always voted in favor of the legislation. Within the districts of those who voted against the bill, however, the proportion

of non-citizens of voting age never exceeded 16.5%.

It is important to note, however, that the specific impact of non-citizen voting on electoral outcomes remains debated. In certain districts, especially in Queens, non-citizen voting could have a major impact on municipal elections. Yet it is difficult to determine whether non-citizens will turn out to vote (Renshon, 2008). The evidence from other localities is mixed. Non-citizen voter turnout in Takoma Park, Maryland has averaged 11.9% fluctuating significantly over the years, from a peak of 35.2% when it was implemented in 1993 to a mere 2.2% in 2007 (Pakdaman, 2019). In 2017, only 20 non-citizen voters (out of 2,079 foreign-born residents) registered to vote in the city's local election (*ibid.*). That same year in Hyattsville, only 33 (out of more than 4,000) did so (*ibid.*). By 2023, however, the voter roll for city-only voters (Hyattsville residents who are not U.S. citizens or who do not wish to register with the state) increased to 231 in May 2023, partly in response to changes in outreach campaigns and methods (Reams, email to authors, 2023). In fact, turnout for city-only voters in Hyattsville is estimated to be 2 to 3 times higher than that of the general voting population (*ibid.*).

The changing makeup of the City Council also contributed to increasing support for non-citizen voting. Many of the council members who supported the legislation were immigrants themselves or children of immigrants. The City Council also became more progressive: the Progressive Caucus grew from 12 members in 2010 to 23 in 2021 (Hogan and Cruz, 2021). For Ahmed Mohamed:

A lot of it has to do with the make-up of the City Council, which changed over the last 10 years. You had younger, progressive individuals who were being elected to office, which goes to show the importance of who's representing the communities. The values changed to some degree. There were more individuals on the City Council who saw the value of immigrants and the need for this. (Interview with authors, 2023)

## GRASSROOTS ORGANIZING: OUR CITY, OUR VOTE

On January 23, 2020, a citywide coalition of 45 policy and immigrant rights organizations rallied in front of City Hall to launch Our City, Our Vote, a campaign to expand the right to vote in municipal elections to New York residents who are legal permanent residents and who have a work authorization. By the time Intro 1867 was passed, Our City, Our Vote ultimately grew to more than sixty members, becoming the largest coalition for non-citizen voting in New York City.

After a period of reluctance during the Trump administration, the New York Immigration Coalition (NYIC), an umbrella organization representing over 200 immigrant and refugee rights groups, and United Neighborhood Houses (UNH), a policy and social change organization representing 46 settlement houses, relaunched the campaign for non-citizen voting in 2019. The co-lead organizations, which used to be members of the New York Coalition to Expand Voting Rights, re-engaged many of the organizations that had supported the previous coalition and bills. According to United Neighborhood Houses' Nora Moran and Tara Klein (interview with authors, 2022), the two organizations decided to relaunch these efforts as it became clear that Donald Trump would not win another term. "When Trump lost re-election, we stopped hearing concerns from folks in our advocacy. It really went away and our messaging changed. It was just a big hurdle that we were able to get passed because we weren't hearing those concerns anymore," explains Klein (*ibid.*).

Our City, Our Vote is composed of a wide array of organizations, including community-based organizations, legal service organizations that work with immigrants, immigrant and refugee rights organizations, organizations representing a variety of ethnic groups, labor organizations, and political clubs, as well as individual politicians who supported the legislation. Our interlocutors who joined the coalition often spoke of a "natural" affinity with the cause of non-citizen voting. Many of them noted that it fit in with their

broader work in civil rights and civic engagement in their communities. Very often, their civic engagement efforts revealed the extent of their community's disenfranchisement. They expressed the belief that non-citizen voting would make politicians more accountable to a large demographic while contributing to civic engagement more broadly and bringing overlooked issues to the agenda.

Our City, Our Vote built on previous iterations of the coalition to expand non-citizen voting rights to create a larger and more diverse coalition. Importantly, as African immigrant groups grew, Our City, Our Vote tried to engage with more groups representing Black Immigrants (Lee, interview with authors, 2022). This diversity, in terms of the types of organizations and the groups that were represented, played a role in mobilizing more support in the City Council.

Our City, Our Vote also shifted its organizing strategies. Members met frequently, at least once per month. The coalition streamlined talking points to create consistent and disciplined messaging. They frequently engaged in activities (such as rallies, pledge card campaigns, legislative meetings, and phone banking) to raise awareness about the legislation and mobilize council members. It is interesting to note that a greater number of members of Our City, Our Vote (27 out of 63) testified in front of the City Council in support of Intro 1867 compared to members of the New York Coalition to Expand Voting Rights (12 out of 58) for Intro 0410. Moreover, organizers sat in front of Speaker Corey Johnson's district office in November 2021 to pressure Johnson to call a vote on the bill before the end of the legislative cycle.

Indeed, grassroots public actions became a focal point for Our City, Our Vote. As Mae Lee, Executive Director of Chinese for Progressive Action explains, "Previous iterations were more about working with the City Council. Now, what was different was that there were more efforts at grassroots organizing, engaging constituents, getting constituents to come to rallies, having events..." (interview with authors, 2022). Similarly, Ahmed Mohamed states, "Especially during the last year of the voting process, we participated in rallies and campaigns and meetings with legislators and tried to get our community members to support the efforts, not just silently support in the backyard but actually show up to organize" (interview with authors, 2023).

## **A WINDOW OF OPPORTUNITY**

In addition to demographic trends that contributed to the mobilization of immigrants and political entrepreneurs and the launch of new grassroots efforts to pass non-citizen voting, contextual factors created a window of opportunity that facilitated the passage of Intro 1867.

About two-thirds of City Council members, including long-standing champions like Ydanis Rodriguez and Margaret Chin, were term-limited at the end of the 2021 legislative session. Not only did this create a sense of urgency, but it is also likely that it made council members more inclined to take a politically risky vote because they would not be running for re-election (Nora Moran and Tara Klein, interview with authors, 2022).

Opposition from the Mayor and the Speaker had prevented all previous versions of the bill from advancing to a vote. With Bill De Blasio stepping down, executive opposition lessened. While Eric Adams had championed the legislation as Brooklyn Borough President, as Mayor he let the legislation become law without signing it or taking a clear stance on it. Importantly, perhaps in response to pressure from Our City, Our Vote, Speaker Johnson became the first Speaker to bring non-citizen voting legislation to a vote before the end of the legislative cycle.

Finally, our interlocutors cited COVID-19 as a pivotal point for the legislation. The pandemic had a disproportionate impact on immigrant New Yorkers. Majority-immigrant neighborhoods had a higher

COVID-19 case rate and a higher death rate than the citywide average (MOIA, 2021). The crucial role that immigrants play in New York City, and their systemic exclusion, became more apparent than ever. The Center for Migration Studies (CMS) estimates that 1.8 million immigrants in New York State, including 458,400 non-citizens, worked in “essential business,” including health, infrastructure, manufacturing, service, food, and safety. As many of the testimonies in favor of Intro 1867 highlighted, one in five of the city’s essential workers were immigrants. As Fulvia Vargas-De Leon explained:

Immigrants have been recognized as heroes, the real fabric of people that kept the city going through COVID, and yet they have no say in it. That really resonated with a lot of people. It resonated that there were not visitors the way that they had been minimized to be, these were our community members. That shifted the conversation in a different way. Because it’s been years and years and years of having these conversations but until people saw who we were talking about when people understood that some teachers were DACA recipients, that some doctors and nurses were green card holders, because there’s the unfortunate assumption that everyone is a citizen, people understood that they knew people and they were impacted by these very people that they were now seeking to shout out. I believe that without COVID there may not have been a strong sentiment to give people a voice. (Interview with authors, 2023)

COVID-19 shifted the narrative around non-citizen voting and created a sense of urgency for the necessity of the legislation.

## Section IV: Legal Challenges and The Uncertain Future of Local Law 11

Just a day after Intro 1867 became law, a group of Republican officials and voters filed a Summons and Complaint to stop the law. Justice Porzio decided in favor of the plaintiffs on June 27th, 2022, ruling that Local Law 11 violated the New York State Constitution. The defendants filed an appeal on July 22, 2022. As of the time of writing, the case is at the second level of the appellate division. Our interlocutors expect that whatever the outcome on appeal, the case will eventually reach New York’s highest court (Klein, interview with authors, 2022; Mohamed, interview with authors, 2023; Vargas De-Leon, interview with authors, 2023).

As we discussed earlier, the plaintiffs argued that Local Law 11 violated the New York State Constitution, New York Electoral Law, and Municipal Home Rule Law. In claiming that the State and National parties had standing due to injury, the plaintiffs said in their Motion for Summary Judgment:

Here, the alteration of the electorate caused by the Non-Citizen Voting Law will require the Plaintiff political parties to change the way they conduct their activities with respect to New York City municipal elections, including creating more non-English-language advertising to target non-citizen communities, recruiting volunteers from non-citizen communities for canvassing and voter turnout efforts, and informing non-citizens about which ballots they are purportedly allowed to cast on Election Day (e.g., municipal election ballots) and which ballots they aren’t (e.g., statewide election ballots).

In response to the lawsuit, LatinoJustice PRLDEF, CAIR-NY, Asian American Legal Defense and Education Fund (AALDEF), and Black Alliance for Just Immigration (BAJI) intervened to defend local Law 11. Individual intervenors, who would have been impacted by the invalidation of Local Law 11, represented community

members. As CAIR-NY's Ahmed Mohamed and BAJI's Abraham Paulos explain, it was important for Our City, Our Vote to ensure that co-counsel was representative of the diverse community interests that would have benefited from non-citizen voting (interview with authors, 2023; interview with authors, 2022).

Neither the lawsuit nor the choice of the venue was surprising for Our City, Our Vote, and their City Council allies (Moran, interview with authors, 2022; Vargas-De Leon, interview with authors, 2023). While the vote in the City Council did not take place along partisan lines, the lawsuit “felt very much like a partisan move” (Moran, interview with authors, 2022). Among the plaintiffs were Republican council members Vito Fossella and Joseph Borelli, and a single Democrat—Robert Holden—who had voted against Intro 1867. Republican State and National Representatives and the Republican National Committee (an important funder for the litigation) were also participating in the lawsuit. The plaintiffs brought the suit in Staten Island's Richmond County Court—a strongly Republican venue.

For our interlocutors, the involvement of the Republican National Convention and Republican Representatives outside the City Council was interpreted as a move to fire up their base. In their view, it was also connected to growing efforts, spurred by the resurgence of non-citizen voting in New York City and other localities, to preemptively bar non-citizen voting. Indeed, since 2019, seven states (Alabama, Arizona, Colorado, Florida, Louisiana, North Dakota, and Ohio) explicitly amended their State Constitutions to prevent non-citizens from voting in state and local elections. In San Francisco, where non-citizen parents have been allowed to vote in school board elections since 2016, conservative organizations filed a lawsuit challenging the practice (Egelko, 2022). While a San Francisco Superior Court judge struck down the law in July 2022, the California First District Court of Appeal reversed that decision in August 2023 (Egelko, 2023).

## Conclusion

After unsuccessful but persistent efforts in the early 1990s, mid-2000s, and early 2010s, non-citizen voting in New York City re-emerged as an issue in 2019. The demographic changes that ignited earlier efforts at the end of the 20th century continued, making an increasingly diverse population of immigrants, non-citizens, and their children steadily more important to the political calculus. Although municipal voting was gaining momentum in the City Council in the early 2010s, Donald Trump's election halted these efforts. As his term was drawing to a close, however, NYIC and UNH reengaged a wide range of organizations that had organized over the past decade to launch Our City Our, Our Vote. The coalition continued, as had done previous iterations of non-citizen voting advocates, to promote the legislation among City Council members. They also pivoted towards more grassroots advocacy and public engagement activities and mounted a diverse but streamlined and consistent campaign

In the City Council, Our City, Our Vote's allies introduced Intro 1867 in January 2020, shortly after the campaign was formally launched. Compared to its predecessors, Intro 1867 specified the definition of the “municipal voter,” slightly narrowing the category down to permanent residents and non-citizens with work authorization. It also decreased the residency requirement from six months to thirty days, a move that sparked widespread criticism among opponents of the legislation. Similarly, the decision not to put the measure to a referendum was criticized, although it was not deemed legally necessary by Our City, Our Vote. After being put to a vote by a Speaker for the first time, perhaps in response to Our City, Our Vote's organizing, Intro 1867 provoked an intense debate about the merits of non-citizen voting and its possible impact on New York City electoral politics. It was, however, ultimately adopted with the support of a super-majority of co-sponsors. In addition to the demographic changes that made non-citizen voting more compelling for the representatives of certain districts, the changing composition of the City Council, which became younger, more progressive,

and more diverse, played a significant role in the passage of the legislation. Moreover, timing was crucial: about two-thirds of the City Council was term-limited, making the vote both more urgent and less politically costly.

At the same time, as Mayor De Blasio was stepping down and Eric Adams was taking over, executive opposition, which had historically halted non-citizen voting initiatives, diminished. Finally, the COVID-19 pandemic created a context that highlighted the systemic exclusion of non-citizens at a time when their contributions to the city became clearer than ever. The pandemic allowed narratives to shift and intensified a sense of urgency.

Despite the promulgation of Local Law 11, the law was struck down on the grounds that it was unconstitutional, and that it violated New York's Election Law and Municipal Home Rule Law. Parties on both sides expect a lengthy legal challenge. Yet, Republican-led challenges point to the emergence of a national movement against non-citizen voting. As the fate of non-citizen voting hangs in the balance in New York City, its consequences on inclusion, representation, and the meaning of citizenship reverberate nationally.

## Appendix

### APPENDIX A: PROPOSED NON-CITIZEN VOTING LEGISLATION IN NEW YORK CITY COUNCIL

Year	Bill	Content	Sponsors	Mayoral Support	Speaker Support	Outcome
1993	Resolution	<b>Resolution calling for hearings</b> about extending non-citizen voting to all municipal elections and to assess the economic contributions of legal permanent residents.	Introduced by Una Clarke 11 co-sponsors.	No	No	The resolution died in committee. Not adopted.
2005	Intro 0628	Would allow <b>non-citizens who are lawfully present</b> in the United States, and have been residents of New York City for <b>six months</b> or longer by the date of the election, to <b>vote in all NYC municipal elections</b> .  Introduces the “ <b>municipal voter</b> .”	Introduced by Deputy Majority Leader Bill Perkins. 10 co-sponsors.	No	No	Filed end of the session, dropped from the agenda without a vote.
2006	Intro 0245	Same definition of “municipal voter” and residency requirement as Intro 0628.  Single poll list for citizens and non-citizens but entries for municipal voters <b>marked with an “M.”</b>	Introduced by Charles Barron and Kendall Stewart. 12 co-sponsors.	No	No	Filed end of session, dropped from the agenda without a vote.

Year	Bill	Content	Sponsors	Mayoral Support	Speaker Support	Outcome
2010	Intro 0410	<p>Would allow <b>non-citizens who are lawfully present</b> in the United States, and have been residents of New York City for <b>six months</b> or longer by the date of the election, to <b>vote in all NYC municipal elections</b>.</p> <p>Introduces the <b>“municipal voter.”</b></p> <p>Single poll list for citizens and non-citizens but entries for municipal voters <b>marked with an “M.”</b></p>	<p>Introduced by Daniel Dromm. 31 co-sponsors; veto-proof majority.</p>	No	No	<p>Filed end of the session, dropped from the agenda without a vote.</p>
2020	Intro 1867	<p><b>More restrictive definition of “municipal voter”, shorter residency requirement.</b></p> <p>Would allow non-citizens <b>who are either lawful permanent residents or authorized to work</b> in the United States, who are residents of New York City, and who will have been such a resident for <b>30 consecutive days or longer</b> by the date of the election to vote in all NYC municipal elections.</p> <p>Single poll list for citizens and non-citizens but entries for municipal voters <b>marked with an “M.”</b></p>	<p>Introduced by Ydanis Rodriguez. 36 co-sponsors; veto-proof majority.</p>	Ambivalent but not firmly opposed	Yes	<p>Passed December 2021. Returned unsigned by Mayor Adams 01/10/2021. Local Law 11 adopted.</p>

## APPENDIX B: NON-CITIZENS PER CITY COUNCIL DISTRICT (2020)

Diaz - D	18	12	Against
Vallone - D	19	12	Against
Grodenschik - D	23	12	Against
Gennaro - D	24	15	Against
Koslowitz - D	29	16	Against
Holden - D	30	17	Against
Ulrich - R	32	11	Against
Cumbo - D	35	9	Against
Yeger - D	44	9	Against
Maisel - D	46	9	Against
Vernikov - R	48	14	Against
Carr - R	50	7	Against
Borelli - R	51	4	Against
Chin - D	1	13	In Favor
Rivera - D	2	9	In Favor
Johnson - D	3	12	In Favor
Powers - D	4	10	In Favor
Kallos - D	5	11	In Favor
Levine - D	7	14	In Favor
Ayala - D	8	12	In Favor
Rodriguez - D	10	21	In Favor
Dinowitz - D	11	13	In Favor
Riley - D	12	12	In Favor
Gibson - D	16	18	In Favor
Salamanca - D	17	14	In Favor
Koo - D	20	30	In Favor
Moya - D	21	31	In Favor
Caban - D	22	14	In Favor
Dromm - D	25	25	In Favor
Van Bramer - D	26	22	In Favor
Miller - D	27	13	In Favor
Adams - D	28	13	In Favor
Koslowitz - D	29	16	In Favor
Levin - D	33	13	In Favor
Reynosos - D	34	13	In Favor
Cornegy - D	36	9	In Favor
Diaz - D	37	14	In Favor
Menchaca - D	38	20	In Favor
Lander - D	39	8	In Favor
Eugene - D	40	14	In Favor
Barron - D	42	9	In Favor
Brannan - D	43	7	In Favor
Louis - D	45	12	In Favor

Source: Redistricting and You: New York City (The Center for Urban Research (CUR) at The Graduate Center of the City University of New York (CUNY). Estimates of non-citizens of voting age are from the 2016-2020 Amer-

ican Community Survey at the census tract level, aggregated by council district for each tract wholly contained within each district plus tracts whose geographic center is within the district. (This data is not adjusted to include incarcerated individuals whose last known address is in NYC.)

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