

Summary of the email discussion on the question of how to register only legal, permanent residents.

The question posed by the Commission at the 2/25 meeting was whether or not there was a way to limit non-resident voting to legal, permanent residents. Anna raised the suggestion that the Charter change should include only a description of the group to be targeted and not a list of specific documents and Linda agreed with her. Pam reported that Beth Stickney reiterated that there are many different types of documents that can prove legal resident status, not just a green card (see Beth Stickney's memo). Anna asked about letting immigrants attest to their status in a simple affidavit. Linda and Elizabeth agreed that that was possible. Gary agreed that it was possible on election day, but said it was better to have proof for pre-election registrations and expressed concerns that just using the affidavit for pre-election day registration would put too much burden on the Clerk's office to verify questionable affidavits.

Here is a collection of the emails with the most recent first.

>>>>> **Linda Cohen: Mon, March 9, 2010**

Hi,

We will be using the same voter card as we do for everyone else, so we won't be able to add that language about legal immigrant. When someone checks off "no" for citizen, we should just ask them if they know they can only vote in the municipal election, and then ask to see one of the documents on the list. That will be consistent. If we work with the immigrant community and educate them regarding what they need to bring and the fact that, if they do not speak English, they will have to bring someone with them to register and on Election Day to go in the booth with them, we will have prepared them beforehand.

LC

>>>>> **Gary Wood, Date: Mon, 08 Mar 2010 09:41:31 -0500**

Subject: Re: one more thought on non-citizen voting

to be consistent with the argument that we are out from under title 21-A sec 111 for municipal elections, I have to say that we can set up different evidentiary requirements for legal immigrants like the affidavit in lieu of a document that being said, I do not think accepting just an affidavit for pre-election day registration is a good idea.

I know the Clerk's office will not have the time to verify questionable affidavits. State law requires written documentation of voter status (age, residency, identity) as a general rule. The affidavit is the exception and only comes in to play on election day as a last minute process for forgetful procrastinating voters.

we do not require proof of citizenship..we just let someone check the box where it says they are a citizen so I suppose we could just have a box to check that says "legal immigrant". The person has to sign the registration card under penalty of law so if they lie and we find out about it we can go after them but as a practical matter what we would do is take them off the list...after giving them the benefit of some procedural protections and possibly a hearing in an extreme case

If legal immigrants want to vote it seems to me that it is very reasonable to ask them to bring one of what sounds like a long list of acceptable documents to prove their status to the Clerk's office prior to election day...they have to go to that office any ways so there shouldn't be an intimidation factor,and it helps deflate the argument that illegal immigrants could be voting

.>>> Gary Wood 3/4/2010

I agree with the affidavit approach on voting day
prior registration should require proof of status

It sounds like Beth Stickney can give us a check list of documents that we should accept as sufficient

>>>>> Anna Trevarrow 3/4/2010

Gary,

What to your mind would legally prevent us from registering legal, non-citizen residents by oath or affidavit prior to election day, and doing as Liz has suggested, adding a statement that we would reserve the right to verify legal status? We could then supplement this with having on file a checklist of acceptable legal status identifying documents?

Either way, it seems we could do it... I'm just thinking in terms of what would be simplest for the Clerk's office.

Also, it sounds like election day registration would require extra vigilance, but would be doable. If the Commission decided that we only wanted to register non-citizens prior to voting day, would this create any legal concerns?

Anna

>>>>>>>On Mar 4, 2010, at 3:47 PM, Linda Cohen wrote:

Yes, I hadn't thought about people going to the polls on Election Day to register.
This would require

extra vigilance on the part of the Deputy Registrar to make sure the voting certificate they issue alerts

the Election Clerk that the voter only gets a municipal ballot. All along, I've been thinking about the

process to register voters in the office.

Linda C. Cohen, MMC

>>> **Gary Wood Thursday, March 04, 2010 3:38 PM >>>**

I agree with the affidavit approach on voting day

prior registration should require proof of status

It sounds like Beth Stickney can give us a check list of documents that we should accept as sufficient

>>> **Elizabeth Boynton 3/4/2010 2:03 PM >>>**

I think this is probably all you can do on Election Day registration, unless you also want the warden to challenge the ballot they way we do when there is no proof of identity (the voter still votes the regular way, and the challenge is only applicable if there is a recount). For non-election day registrations, it is up to the Commission as to whether we require some proof of legal resident status if they are a non-citizen. If we don't require any proof of legal resident status at any time, then a statement could be added reserving the right to verify status. Proof of identity and proof of residency in the City of Portland would still be required as it is of everyone. I am including Gary Wood on this e-mail in case he has any other thoughts (Gary, scroll down...).

>>> **Linda Cohen 3/4/2010 10:02 AM >>>**

It would work for me, if Elizabeth thinks it is okay. Right now, if you move into Maine on Election Day and you have proof of Identity like a Massachusetts Driver's License, but you don't have anything that proves residency, Maine law allows you to swear an oath that you are a resident of the community in which you are applying to vote. What you are suggesting, Anna, would be similar to that.

>>> **Anna Trevorrow <ajtrev@zwi.net> Wednesday, March 03, 2010 7:51 PM >>>**

What about drawing up some kind of simple document whereby a legal, non-citizen resident could attest to his/her legal status? Anyone that checked "no" in the "are you a citizen of the United States" box, would then have to attest to his/her legal permanent status. Would this be possible?

Anna

>>> **<Ppplumb@aol.com> Wednesday, March 03, 2010 10:39 AM >>>**

Linda and Anna,

I spoke with Beth Stickney yesterday on this issue. Her concern is that there are many different documents that people may have that prove that they are legal, permanent residents in addition to or in lieu of a green card. She mentioned filing receipts, passport stamp, court order, among others, plus I 94 cards or letters, work permits with special codes for asylum seekers. The complexity of documents is part of her reason

for suggesting that residency be the only requirement. I asked her to put her comments in writing for the Commission, which she will do over the weekend.

Just wanted to give you a heads up.

Pam

>>>>> **Linda Cohen, In a message dated 3/2/2010 3:29:36 P.M.** Eastern Standard Time, LCC@portlandmaine.gov writes:

I agree.

>>> <Ppplumb@aol.com> **Tuesday, March 02, 2010 3:24 PM >>>**

Linda,

I was talking with Anna and she wondered if it wouldn't be better to have the language in the Charter be more descriptive about the group of non-citizen voters that the Commission is wishing to target and then say in the charter that the Council needs to define the specific documents that are permissible, so that it is more flexible if the Federal Government changes the titles of the documents or if future Councils want to include different classes. She asked that I run the idea by you. What are your thoughts?

Pam