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## June 26 Roundtable Update

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## **N.Y. CENSUS & REDISTRICTING ROUNDTABLE UPDATE**

### **NON-CITIZEN VOTING LITIGATION**

#### ***Fosella v. Adams*: Appellate Division Hears Arguments to let Non-Citizens Vote in NYC**

Last year, a state supreme court judge in Staten Island invalidated a New York City law (Local Law 11) that would have permitted non-U.S. citizens who have work permits, are legal permanent residents, or who have green cards, to vote for New York City offices (including city council, borough president, public advocate, comptroller, and mayor). Last week, four judges on the Appellate Division court in Brooklyn heard the appeal.

After the law was passed, Borough President Vito Fosella and others challenged the law in state court alleging that the law was unconstitutional.

Justice Ralph Porzio ruled in favor of the challengers, holding that the city law violated the state constitution's language referring as "citizens" as being able to vote.

A lawyer for New York City argued before the appellate court that the decision should be reversed because the state constitution did not prevent localities from determining their own local election rules.

Fulvia Vargas de Leon, senior counsel for LatinoJustice PRLDEF, told the judges that the state constitution regulates minimal regulations for voter qualification but doesn't prevent local governments from adding additional voting criteria.

### **CENSUS**

From the Census Project:

#### **Initial Steps in FY 2024 Process Portend Challenges for Funding Census**

On June 15 and 22, the U.S. House and Senate Appropriations Committees, respectively, voted to allocate funding to their 12 subcommittees. This initial, yet critically important, step in the appropriations process must occur before individual spending bills can be drafted and debated.

In the House, [allocations to the subcommittee](#), which the Committee approved by a vote of 33 to 27, are \$119 billion below the nondefense cap that Congress and the White House agreed to as part of the recently enacted debt limit law (Fiscal Responsibility Act of 2023). In the Senate, the Committee voted 15-13 [to approve allocations](#) consistent with the nondefense and defense caps that were agreed to in the debt ceiling law.

What does this mean for the Census Bureau and its funding outlook? The Commerce, Science, Justice (CJS) Appropriations Subcommittee, which is responsible for funding the Census Bureau, received a slightly higher allocation in the Senate (\$69.6 billion) than its House counterpart (\$58.6 billion). While the Senate CJS allocation is \$11 billion more than the House number, both numbers are below what the subcommittees received in FY 2023. As a result, the CJS subcommittees have less overall funding to distribute to agencies under their jurisdiction. Census stakeholders are continuing to urge the CJS subcommittees to provide the Bureau with \$2 billion in FY 2024. The Bureau needs robust funding next year to not only sustain its ongoing surveys and programs, but also to ramp up preparations for the 2030 Census, including designing and releasing an initial operational plan.

The House and Senate CJS appropriations subcommittees will consider or “mark up” their FY 2024 bills before the middle of July. Leaders in the House of Representatives anticipate taking the CJS appropriations bill to the House floor for consideration before the chamber adjourns in August. The Senate has not yet announced a tentative floor schedule.