

JOINT LEGISLATIVE PUBLIC HEARING  
ON 2026-2027 EXECUTIVE BUDGET PROPOSAL  
PUBLIC PROTECTION TESTIMONY TO THE JOINT FISCAL COMMITTEES OF THE  
NEW YORK STATE SENATE AND  
NEW YORK STATE ASSEMBLY

February 12, 2026

Dear Chairpersons Krueger and Pretlow, members of the Senate Finance and Assembly Ways and Means committees, and members of the New York State Legislature:

Thank you for the opportunity to testify today. My name is Erica Smitka and I'm Executive Director of the League of Women Voters of New York State. The League is a nonpartisan, grassroots organization with a mission to educate the public to become engaged members of their communities and informed voters. We have long advocated for a more representative, ethical, and transparent state government.

In this testimony we will be responding to provisions set forth in the Article VII bills on Public Protection and General Government.

**Part L, Article VII**

The League supports the passage of Part L, which would protect certain locations from civil immigration enforcement actions absent a valid federal judicial warrant. These sensitive locations include schools, colleges, childcare and youth service facilities, health care facilities, and houses of worship.

However, we also suggest that the Senate and Assembly think about including or strengthening legislation to protect poll sites from external interference, especially civil immigration enforcement.

Federal and state law already prohibits non-citizens from voting in federal and state elections, and voter registration systems require individuals to attest, under penalty of perjury, that they are U.S. citizens. There is no evidence of widespread non-citizen voting; to the contrary, repeated investigations<sup>1</sup> and academic studies have found such instances to be exceedingly rare<sup>2</sup>. There is therefore no justification for the presence of federal civil immigration enforcement officers at or near poll sites. While there has historically been no precedent for ICE activity at polling places, and in fact there are federal and state laws protecting poll sites from interference, recent rhetoric and actions by the administration have raised concerns that such activity could be contemplated during the 2026 elections.

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<sup>1</sup> <https://www.cato.org/blog/shedding-light-incidence-illegal-noncitizen-voting>

<sup>2</sup> <https://www.brennancenter.org/our-work/analysis-opinion/noncitizen-voting-already-illegal-and-vanishingly-rare>

The presence of civil immigration enforcement at or near poll sites would be inherently intimidating and could disenfranchise or deter eligible voters from participating in elections. New York State already struggles with low voter turnout, consistently ranking among the bottom ten states in recent years. Any action that further suppresses participation would exacerbate this ongoing challenge and could disenfranchise eligible voters.

The dramatic expansion and escalation of federal immigration enforcement underscores the need to explicitly protect poll sites from ICE activity. Across the country, ICE and the Department of Homeland Security have engaged in aggressive enforcement tactics that have undermined due process, violated constitutional rights, and spread fear throughout communities, including among citizens and lawful voters. With unprecedented federal funding, expanded deputization of local law enforcement, and increased use of border agencies for interior enforcement, these actions have created an atmosphere of intimidation that suppresses civic participation. Permitting immigration enforcement near polling places would further deter eligible voters, disrupt election administration, and erode public trust in our democratic system. Voting must remain a safe, neutral, and accessible civic act, and that all voters are able to cast their ballots free from fear, coercion, or government intimidation.

#### **Part M, Article VII**

The League is supportive of the passage of a revised version of the proposed New York State Bivens Act. In light of the recent actions of the Federal government, New York State needs to ensure there is valid recourse for all residents when their Constitutional rights are violated. The recent use of intimidation, surveillance, and lethal force against individuals exercising their constitutional rights is unacceptable. Democracy cannot endure when its government uses violence to silence dissent and evade accountability.

Recent U.S. Supreme Court decisions have created a gap, which must be addressed. The proposed Bivens Act would restore accountability and allow individuals to seek damages and equitable relief when their federal constitutional rights are violated by federal officials acting under color of law. We ask that revisions are made so that the law applies immediately to federal, state and local officials, rather than relying on a future contingency.

The League reaffirms that the rights outlined in the Constitution belong to all people, without exception. We will not accept policies or practices that suppress civic participation, weaponize enforcement, or undermine fundamental rights and human dignity. Is it critical that New York State has measures in place to defend these rights.

#### **Part U and Part Z, Article VII**

Parts U and Z of the Public Protection and General Government Article VII create two new fees for COELIG's lobbyist training and registration requirements. Part U imposes a \$25-per-day late fee for missed ethics trainings, generating \$750,000, while Part Z raises registration fees from \$200 to \$250 and requires payment in both years of the biennial cycle, producing \$300,000 in revenue.

COELIG staff explained that \$750,000 of the new revenue would fund critical technology upgrades. Modernizing COELIG's financial disclosure and lobbying filing systems would benefit lobbyists, strengthen enforcement, and enhance public transparency.

We strongly support allocating \$750,000 for COELIG's tech modernization and urge the Legislature to include this funding, along with the full \$9.1 million in operating funds, to ensure COELIG can fulfill its mission efficiently.

### **Part R and S, Article VII**

We have commented on these sections in our submitted testimony under Local and General Government.

### **Conclusion**

In conclusion, the League urges the Legislature to take decisive action across these priorities: explicitly protect poll sites to safeguard voter participation, enact strong legislation to ensure accountability for constitutional violations at all levels of Government, and invest in COELIG's technology and operations to strengthen transparency and enforcement. Together, these measures will protect the integrity of our democracy, empower voters, and uphold the fundamental rights of all New Yorkers.