

## VOTER REGISTRATION FOR NEW AMERICANS: THE USCIS HAS NEW GUIDANCE ON VOTER REGISTRATION AT NATURALIZATION CEREMONIES

In early October 2011, the United States Citizenship and Immigration Services (USCIS), the division of the Department of Homeland Security responsible for naturalization of new citizens, revised its guidelines for all USCIS employees and offices regarding the conduct of naturalization ceremonies.<sup>1</sup> The revised memorandum includes new guidelines regarding voter registration activities at naturalization ceremonies.

For the first time ever, USCIS has committed to providing the opportunity to register to vote to every single naturalized citizen at every single administrative naturalization ceremony in the country.<sup>2</sup> This new guidance, as explained below, has major repercussions for new citizens, elections officials, USCIS staff that work at naturalization ceremonies, and organizations that undertake or wish to conduct voter registration activities at naturalization ceremonies.

In brief, according to the USCIS, “All newly naturalized citizens will have the opportunity to receive a voter registration application at administrative naturalization ceremonies.” The agency’s first preference is for state or local election officials to provide voter registration services—including distributing voter registration forms, helping new citizens to fill them out, collecting them, and transmitting them to the appropriate election office—at the ceremony. The next alternative, if that is not possible, is for a non-governmental organization (NGO) that conducts voter registration to provide such services at the ceremony. If neither of these options is available, the USCIS has committed to providing voter registration applications to each and every newly-naturalized citizen after he or she has taken the oath of citizenship. The guidance states: “In the absence of the above options, USCIS will provide voter registration applications to all new citizens”.

The clarity this new rule provides creates the space for elections officials and voter registration groups to engage more broadly in registering new citizens at naturalization ceremonies. It is a signal that both groups should take advantage of all opportunities to go to naturalization ceremonies and provide new citizens with their first step in taking part in our democratic system of elections. Elections officials, non-governmental organizations, and USCIS officials should all work collaboratively to ensure that their activities are coordinated so as to truly fulfill the promise of providing voter registration to every newly naturalized citizen.

### WHAT THE GUIDANCE MEANS FOR NEW CITIZENS

USCIS’s realization of its duty to introduce our newest Americans into the voting system is to be applauded. New Americans have not been participating in elections on par with their native-born counterparts. In 2008, a year of historic turnout generally and enormous interest in the election, the turnout numbers for naturalized citizens barely improved relative to previous elections.<sup>3</sup> Nationwide, turnout among the native born was 64.4 percent, while among naturalized Americans it was only 54 percent.

In 2006, there was a 12-point disparity in turnout, 49 percent of native-born citizens versus an incredibly low 37 percent of naturalized Americans,<sup>4</sup> and in 2004, there was an 11 point gap.<sup>5</sup>

The significant difference in turnout rates between native-born and naturalized Americans is due, in large part, to the significant disparities between the number of native-born and naturalized Americans who are *registered* to vote, a threshold requirement to casting a ballot in all but one state (North Dakota). For example, in 2004, 72.9 percent of native-born Americans were registered, compared to only 61.2 percent of naturalized citizens.<sup>6</sup> In 2006, just over half (54.3 percent) of naturalized citizens were registered to vote by Election Day, while native citizens were registered at a rate of 68.6 percent – a nearly 15 point discrepancy.<sup>7</sup> In 2008, 71.8 percent of native born Americans were registered, while just 60.5 percent of naturalized Americans were registered to vote.<sup>8</sup>

It is not that new Americans don't want to participate – once they are registered, naturalized citizens vote at high rates, reinforcing the need to facilitate voter registration. In fact, in one recent election year, new citizens had a higher rate of voter turnout than the native-born. Overall, the turnout rates among *registered voters* since 2000 have been virtually equal between native-born and naturalized citizens.

The new USCIS guidance, which ensures that each new American will be encouraged and able to apply to register to vote the moment he or she becomes a citizen, has the potential to greatly ameliorate this disparity and increase the number of new Americans who are registered to vote. This in turn will hopefully mean an increase in their power at the ballot box, lead to further civic engagement in their communities, and give them a voice regarding national and local public policy.

#### **WHAT THIS MEANS FOR STATE AND LOCAL ELECTIONS OFFICIALS**

Many elections officials do make the effort to attend naturalization ceremonies and provide voter registration services. Many do not or cannot. The new guidance issued by USCIS is a call for election administrators to increase their activities in this area and commit to providing as much staff as possible to cover as many ceremonies as possible. USCIS has now expressly welcomed and encouraged such involvement and presence; indeed the policy states that this is the number one option. This new guidance should serve as a call to state and local officials to take the agency up on its offer.

It is not surprising that USCIS would indicate that election administrators are its first choice for providing registration services. Presumably, election workers are well trained in how to conduct registration, and it greatly simplifies matters that these officials can simply collect the registration forms and take them back to their offices for processing.

A major responsibility of elections officials is to ensure that every American who wishes to register to vote has the opportunity to do so. This guidance provides a method for officials to proactively and in a very efficient and effective way carry out this mandate for new Americans who have just taken the oath of citizenship. There can hardly be a more important statement about the meaning of citizenship in a democracy than ensuring that all newly naturalized citizens are equipped to fulfill the civic responsibility of voting.

#### **WHAT THIS MEANS FOR VOTER REGISTRATION GROUPS**

This guidance makes clear that nonpartisan organizations that adhere to USCIS rules have the right to be present at naturalization ceremonies and to provide voter registration assistance. This is in itself a milestone. Nonpartisan organizations, working with election officials and USCIS, are encouraged to undertake registration services at as many ceremonies as they have the capacity to attend, in as many parts of the country as possible.

The new guidance also sets up a more detailed regime for what groups must do to be approved for ceremony

registration and to maintain USCIS approval for doing so. First, “All interested organizations seeking to offer voter registration services at the conclusion of a USCIS administrative naturalization ceremony must submit a request in writing to the local Field Office Director to be considered. Field Leadership will provide a written response, only after consultation with the USCIS Office of Chief Counsel’s Ethics Office, within 60 days from receipt of the organization’s written request.”<sup>9</sup> USCIS will grant approval via a letter and then work with groups to determine which naturalization ceremonies they will cover. Further discussion between the groups and USCIS is needed to fully explain this process and ensure that access by registration groups is not arbitrarily or unnecessarily impeded.

The guidance also lays out a code of conduct for registration groups. This includes the requirement that the groups be nonpartisan, trained, and not collect voter information outside of the purpose of registering the voter.<sup>10</sup> Leadership of NGOs must work with their volunteers and staff in conjunction with USCIS to ensure that the rules are understood and are applied fairly and without bias and that groups are not denied or excluded from naturalization ceremonies without clear justification.

### **WHAT THIS MEANS FOR USCIS**

USCIS has now pledged that voter registration applications will be available at all administrative naturalization ceremonies. In the case where neither elections officials nor registration groups can be present, or when there is insufficient room for such groups to operate, USCIS will undertake responsibility for ensuring that all new citizens receive voter registration forms. While USCIS staff is not obligated to do anything more than provide the forms, this responsibility must be taken seriously. USCIS staff should also, at a minimum, advise new citizens of how to submit the registration form to ensure it is properly processed.

USCIS offices and staff around the country must be notified of their obligations under this new policy and be trained to make it a routine part of their duties when conducting naturalization ceremonies. USCIS officials should also endeavor to make the matter of voter registration a part of the naturalization ceremony, such as through an announcement during the proceedings, so that participants are well aware of the importance of registering to vote and that the opportunity to register will be available on site immediately after the ceremony. USCIS also should find ways to work collaboratively and cooperatively with election officials and nonpartisan organizations. These three groups need to communicate and coordinate activities, so that USCIS will have some advance sense of whether election officials and/or NGOs will be available to provide voter registration services. USCIS should conduct the outreach necessary to ensure that this guidance is carried out in such a way as to truly achieve its promise of registering new Americans in a uniform and broad-based manner.

### **CONCLUSION**

Inviting new Americans to participate actively in our civic life has been a long-standing goal of the USCIS. Voter registration is clearly consistent with the vision and mission of USCIS, which includes “[enriching] the vitality of the American dream by promoting the integration of immigrants into the fabric of our nation,” through, in part, “resources that welcome immigrants, promote English language learning and education on the rights and responsibilities of citizenship, and prepare immigrants for naturalization and active civic participation.”<sup>11</sup> The division should be applauded for seeking to expand the franchise to newly-naturalized citizens. This new policy, if implemented properly and monitored for compliance, will go a long way toward serving that purpose. That said, as important as this step is, USCIS should view it as the first phase of a longer process. Ultimately, USCIS should aim to integrate a comprehensive voter registration program into all of its administrative ceremonies by agreeing to take on the responsibilities of a designated voter registration agency under Section 7 of the National Voter Registration Act (NVRA), including provision of registration forms, assistance with the forms’ completion, and acceptance of finalized forms for transmission to election officials. Until that time, voter registration groups, election officials, and the USCIS should make every effort to work collaboratively to ensure that the

new guidelines are administered smoothly and effectively. Future plans aside, USCIS has taken an important step forward in strengthening one of the most fundamental rights of our democracy, the right to vote. Working together, USCIS staff, state and local election officials, and nonpartisan voter registration groups can strengthen our democracy by ensuring that new Americans are able to fulfill this core civic responsibility.

## ENDNOTES

1. Model Plan for Administrative Naturalization Ceremonies; Revision to Adjudicator's Field Manual (AFM) Chapter 75.3; AFM Update AD10-53
2. The guidance only applies to those naturalizations that are conducted by the USCIS, not by a federal court as is done in some jurisdictions.
3. Compare United States Census Bureau, "Voting and Registration in the Election of November 2008," Table 2, May 2009, p. 4 with United States Census Bureau, "Voting and Registration in the Election of 2006, June 2008, p. 6
4. United States Census Bureau, "Voting and Registration in the Election of 2006, June 2008, p. 18
5. United States Census Bureau, "Voting and Registration in the Election of 2004, March 2006, p. 2
6. U.S. Census Bureau, Current Population Survey, November 2004, Chart 13 at 2004: [www.census.gov/population/socdemo/voting/cps2004/tab13.xls](http://www.census.gov/population/socdemo/voting/cps2004/tab13.xls)
7. "Voting and Registration in the Election of November 2006" US Census Bureau, June 2008. Available at: <http://www.census.gov/prod/2008pubs/p20-557.pdf>
8. U.S. Census Bureau, Voting and Registration in the Election of November 2008 - Detailed Tables, Table 13 at [www.census.gov/hhes/www/socdemo/voting/publications/p20/2008/tables.html](http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2008/tables.html)
9. Model Plan for Administrative Naturalization Ceremonies; Revision to Adjudicator's Field Manual (AFM) Chapter 75.3; AFM Update AD10-53, pg. 8
10. Model Plan for Administrative Naturalization Ceremonies; Revision to Adjudicator's Field Manual (AFM) Chapter 75.3; AFM Update AD10-53, pg. 9
11. Office of Citizenship Vision and Mission at <http://www.uscis.gov/portal/site/uscis/menuitem>.

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