

**Interested Party Testimony of Mark Heller, Attorney, Agricultural Worker and Immigrant Rights Program, Advocates for Basic Legal Equality, Inc. (ABLE), to the Ohio House of Representatives State and Local Government Committee**

May 24, 2022

Mr. Chairman and members of the House State and Local Government Committee, my name is Mark Heller. I am an attorney with Advocates for Basic Legal Equality, or ABLE, a non-profit law firm that represents low-income individuals in civil cases, including agricultural workers statewide and other immigrants in thirty-two counties in western Ohio. ABLE's Agricultural Worker and Immigrant Rights Program focuses on immigration, civil rights, and employment cases.

ABLE is opposed to H.J.R. 4, a bill that would move toward an Ohio constitutional prohibition of Ohio governmental entities expanding voting rights to persons who are not United States citizens.

**1. Universally prohibiting noncitizens from voting encourages discriminatory policy.**

Although not homogeneous in Ohio, immigrants as a group tend to score low on many social indicators of wellbeing, including income, poverty, hunger, and education. In fact, many of my clients for decades have been “essential workers” in low-wage work in agriculture, health care, and food processing. This prohibition of local authority is a direct attack on the importance of those essential workers, not because I believe that many Ohio governmental entities will give them voting rights, but because it needlessly calls them out. This prohibition is almost entirely a solution seeking a problem.

**2. Amendments to the Ohio Constitution should reflect public policy that encourages civic participation and respect for all Ohio residents.**

Allowing noncitizens to vote potentially promotes policy that benefits society as a whole. Allowing the affected populations in the state to decide who votes enhances local control of issues of importance. All Ohio residents share the same interest in respect for people of all races and nationalities, good schools, affordable housing, jobs that support families, and the provision of health care. Noncitizens have chosen Ohio as their residence, pay taxes, work locally, make purchases which often drive the local economy or rejuvenate neighborhoods, and have children attending local schools, among other activities. If a local government or the State of Ohio decides that justifies expanding the voting franchise to noncitizens that should be their call. At a time when people of color, including immigrants of color, are targeted for violence this seems an inappropriate time to pass this restriction as it conjures up immigrants as not being part of the Ohio community and potentially targets them to violence. Rather than undermining democracy, local decisions allowing noncitizens to vote could ensure that all affected parties in the community have a voice on policies that affect them. Noncitizens have a real stake and interest in their local communities and Ohio.

Joshua A. Douglas, a law professor at the University of Kentucky and an expert on voting issues, has said that

Local laws and policies affect noncitizens every day. Efforts to give legal noncitizens voting rights are significant because they help provide a voice to those with a vested stake in their communities, as well as a sense of belonging. Allowing noncitizens to vote in local elections could actually increase the likelihood that they seek full citizenship. Meanwhile, federal law prohibits noncitizens from voting in federal elections, so granting voting rights for only local elections will not deter them from seeking their citizenship and the full rights it entails.

*See generally, Joshua A. Douglas, The Right to Vote Under Local Law, 85 Geo. Wash. L. Rev. 1039 (2017).*

**3. Barriers to naturalization make prohibition on voting difficult or unjust.**

Almost 300,000 immigrants living in Ohio have naturalized, but more than a quarter of a million immigrants living in Ohio have not. <https://www.migrationpolicy.org/data/state-profiles/state/demographics/OH>.

Applying to naturalize – the process for becoming a United States citizen – can be very expensive and many people lack the income to go through the process. The current filing fees payable to the United States are \$725 per person and for lower income persons can be as much as \$405. Low-income “essential workers” cannot afford the costs of hiring an attorney and paying both an attorney and the filing fees. Additionally, many immigrant families have multiple persons in the household eligible to naturalize which makes naturalization unattainable to many. For those legally eligible to naturalize this financial barrier prevents them from naturalizing and being fully integrated into the community.

Respectfully submitted,

*/Mark Heller*

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