

National Voter Registration Act

CSS played a national role in supporting and implementing the National Voter Registration Act (NVRA), which establishes agency-based voter registration within welfare, food stamp, and Medicaid offices, among other agencies. In 1994, CSS convened the first national conference on NVRA implementation to ensure that full and fair compliance with the Act was achieved for poor racial and language minorities. CSS also housed the NVRA Implementation Attorney Network that created a clearinghouse on NVRA litigation throughout the country and provided supports for over 50 attorneys in numerous states. Files remain available to legal defense funds in various states.

- **National Congress for Puerto Rican Rights v. Sweeney (1995):** This NVRA case in federal court resulted in a quick consent decree that forced the New York State Department of Labor to provide voter registration at all Unemployment Insurance offices – reaching a minimum of 80,000 applicants per year.
- **League of Women Voters v. Merrill (1995):** This federal case was brought under the National Voter Registration Act in New Hampshire on behalf of groups who sought to force a full NVRA program in their state. At the state’s request, during a presidential election year, Congress passed a special law to exempt New Hampshire from compliance, effectively mooting our suit.
- **Disabled in Action v. Hammons (1996):** This NVRA case was eventually adjudicated in federal court in Brooklyn and went up to the Second Circuit Court of Appeals where it resulted in a partial victory for our claims that all hospitals that processed Medicaid applications were required under the NVRA to also provide a voting registration opportunity. The Court ruled that only certain public hospitals were so required.
- **Cartagena v. Hooks (1996):** CSS joined forces with New Jersey Applesseed to bring this state court challenge under New Jersey’s Freedom of Information laws to obtain documents regarding compliance with the NVRA. The state provided the documentation.
- **Brenda K. v. Hooks (1998):** This NVRA case was filed in federal court in New Jersey to force the state to provide voter registration opportunities to persons with mental disabilities – many on fixed incomes. The state entered into a consent decree that fully complied with the NVRA.

Other Voting Rights Initiatives

CSS has engaged in significant legal proceedings before the U.S. Department of Justice under Section Five of the Voting Rights Act. These administrative proceedings permit CSS to advocate on behalf of poor, racial, and language minority voters who oppose voting changes that impact negatively on their collective voting strength. CSS has engaged in this advocacy around issues of redistricting, school board elections, and various proposed changes to the New York City Charter.

CSS, through its General Counsel, Juan Cartagena, is co-chair of the New York Voting Rights Consortium – a network of voting rights attorneys and professionals who work to ensure the full and fair participation of the city’s racial and language minorities in voting procedures and

practices. Redistricting, in general, is an area of work for the CSS legal unit every decade, as lawyers from CSS engage in counseling Latino and African American communities about their rights to redistricting plans that fairly reflect their voting strength. Finally, the upcoming debate in Congress over the reauthorization of the language minority provisions and Section 5 of the Voting Rights Act are areas where CSS will devote considerable attention in future.

- **United Parents Associations v. New York City Board of Elections (1989):** This was a Voting Rights Act challenge in federal court that enjoined the Board of Elections from canceling the registrations of over 320,000 voters on evidence that the state's non-voting purge laws had a discriminatory effect on black and Latino voters.
- **100% VOTE v. New York State Board of Elections (1990):** This successful state court case enforced Governor Cuomo's executive order that facilitated agency-based voter registration, particularly in agencies serving poor communities.
- **Disabled in Action v. Giuliani (1995):** This state court challenge upheld the right of the Commissioner of the Voter Assistance Commission to obtain annual reports from mayoral agencies on their plans to facilitate voter registration opportunities.
- **Diaz v. Silver (1997):** This federal constitutional case was undertaken by CSS at the U.S. Supreme Court level to assist the Puerto Rican Legal Defense Fund. The case was a *Shaw v. Reno* challenge to the shape and constitutionality of the second Latino congressional district in New York City – currently held by Rep. Velázquez. We represented the defendant – intervenors. The Supreme Court upheld the lower courts that ruled that the district had to be redrawn.

Continued Access to Public Hospitals

CSS provided litigation support to a coalition that successfully challenged the city's proposal to privatize public hospitals. This coalition included Queens Legal Services, New York Lawyers for the Public Interest, Commission on the Public's Health System, Urban Justice Center, NAACP Legal Defense Fund, Center for Constitutional Rights, Puerto Rican Legal Defense Fund, Committee of Interns and Residents, and the Campaign to Save Our Public Hospitals. As advocates, we were concerned about the continuation of access to adequate health care facilities for the poor and uninsured. The courts ruled that the State Legislature could only effectuate such a fundamental change in public health policy.

CSS advocated on behalf of low-income New Yorkers to insure that they would have access to quality health care in the event that public hospitals were privatized. David R. Jones, CSS President and CEO, in his capacity as a former member of the New York City Health & Hospitals Corporation, was a party to one of several lawsuits {*Jones v. City of New York* (1996)} that eventually prevented the city from privatizing several public hospitals, an act which would have jeopardized access to adequate health care facilities by poor and uninsured New Yorkers.

Anguita v. Koch (1988): This state court case challenged proposed middle and upper income housing developments in the Lower East Side on grounds that the site was a former Urban Renewal site and former tenants had a right to return to any housing built on the premises. The city eventually withdrew its development plan.

Donaldson v. State of New York (1989): Led by Legal Services of New York, CSS was co-counsel on this state constitutional challenge that sought to establish a right to counsel in housing court. The claims were never fully adjudicated and were withdrawn after the city provided funding for housing assistance by lawyers in court.

Kaufman v. Carro (2002): CSS represented tenant-intervenors from our Gates Avenue Comprehensive Community Initiative project in Bedford–Stuyvesant who sued to ensure that their interests were accounted for in this suit by a private developer who sought to force the federal Department of Housing & Urban Development to sell the properties to it. After initial briefing by CSS and by HUD, the suit was voluntarily dismissed, and our clients closed on the properties in May 2003.