



NEW YORK STATE SENATOR

James Tedisco

## Tedisco, Walsh, Jordan, Jacobs, & Ritchie Join County Clerks Hayner, Merola & Kearns, Sheriff Zurlo to Prevent Those Here Illegally from Getting Driver's Licenses

SENATOR JIM TEDISCO May 7, 2019

| ISSUE: **DRIVERS LICENSE**



Senator Jim Tedisco (R,C,I,REF-Glenville), Assemblywoman Mary Beth Walsh (R,C,I-Ballston), Senator Daphne Jordan (R,C,I,REF-Halfmoon), and former county clerks Senator Chris Jacobs (R,C,I-60<sup>th</sup> Senate District), and Senator Patty Ritchie (R,C,I-Heuvelton) today joined with Saratoga County Clerk Craig Hayner, Rensselaer County Clerk Frank Merola, Erie County Clerk Michael Kearns, and Saratoga County Sheriff Michael Zurlo to call for passage

of legislation, the “County Clerks Protection Act” to help stop those here illegally from obtaining driver’s licenses.

This is in response to reports that legislation **is gaining momentum** in the state legislature to grant more than 200,000 people here illegally with New York State driver’s licenses. Senator Tedisco, who as Assembly Minority Leader, **led the effort in 2007 to stop a plan by then Governor Eliot Spitzer** to issue driver’s licenses to those here illegally, said it was a “bad idea then and it’s a bad idea now.”

Among the concerns with giving driver’s licenses to those here illegally is that it would create a double standard for American citizens applying for a standard license. For example, a citizen with a Social Security number would have to provide it, along with verifiable ID documents while those here illegally would not. It also prohibits the Department of Motor Vehicles (DMV) from sharing any information with law enforcement, thereby creating a roadblock for searching traffic records during routine stops and allowing scofflaws to thwart multiple traffic violations to obtain a license after their actual license has been revoked.

Tedisco, Walsh, Jordan, Jacobs and Ritchie’s legislation (**S.3868/A.6317**) would indemnify County Clerks in New York State who are charged with overseeing local county DMVs and issuing driver’s licenses, from facing lawsuits or removal by the governor when these officials act in good faith and with a reasonable belief they are upholding their oath of office and the Constitution of the United States, by refusing to issue driver’s licenses to those here illegally.

“We are a state and a nation of laws, whenever we exempt people from those laws, it creates chaos. We support immigration but it has to be legal immigration because if we don’t have a process for becoming a citizen, New York State will become a magnet for those here illegally. My colleagues on the other side of aisle aren’t fooling anyone on this issue. Their

endgame is to allow non-citizens voting rights. If that happens the United States of America will become the United States of Non-Citizens,” said Senator Jim Tedisco.

“No American citizen in my district expects to break the law and be rewarded for it, especially for breaking the law twice: once when they come into our country illegally and a second time for driving a vehicle. Giving driver’s licenses to those here illegally sends the wrong message to honest, law-abiding citizens and those who are trying to do the right thing and have been in line for some time to become American citizens. We need an improved path to citizenship on the federal level for people who want to be a part of our magnificent melting pot of a republic, but it should not be done in an unfair, ham-handed way at the state-level that hurts our security and makes a mockery of what it means to be a citizen,” said Senator Tedisco.

“Affording drivers licenses to undocumented immigrants appears to be one of the next items on the Democrats’ long list of progressive priorities for this year, and I am very concerned with the adoption of this measure,” said Assemblywoman Mary Beth Walsh. “The last time this idea was advanced was over a decade ago, and it was met with strong opposition from county clerks, law enforcement and legislators of all party affiliations, and ultimately this proposal was blocked. With the shift in the Senate Majority last year, I fear the outcome will be different, and that is why I am sponsoring legislation with Senator Tedisco to protect county clerks from retribution should they opt-out of issuing licenses to undocumented immigrants. If county clerks believe that the adoption of this practice would violate the law or their oath of office, then they should not have their employment threatened in any way.”

“Senator Sepúlveda and Senate Democratic Majority members are giving a green light to fraud and danger by pushing legislation that would give illegal immigrants driver’s licenses. Senator Sepúlveda has also introduced legislation that essentially threatens County Clerks with removal if they honor their oaths and refuse to issue driver’s licenses to illegal

immigrants. It's shocking and sad to see this type of bullying and intimidation tactic by a member of the Senate Democratic Majority. County Clerks are dedicated, duly elected officials serving their communities and deserve the important state protection that this legislation, the County Clerks Protection Act, would provide. I'm proud to co-sponsor the County Clerks Protection Act and will work with Senator Tedisco, and all my Senate Republican colleagues, to protect and support our hard-working County Clerks who stand for the rule of law. I'll also continue advocating to defeat the Senate Democrats' reckless legislation, Senate Bill S.1747, the so-called 'Green Light Bill,' that gives driver's licenses to illegal immigrants because it would make our roadways and state less safe," Senator Daphne Jordan said.

"As a former Erie County Clerk I am opposed to the ill-advised policy of granting drivers licenses to people who have entered the country illegally" said State Senator Chris Jacobs. "The idea of granting licenses to people who are here illegally is not only unfair to law abiding citizens, but it ties the hands of law enforcement and state agencies obligated to protect the public at large. Any County Clerk upholding their oaths of office and refusing to grant such licenses should be protected under the terms of this legislation."

"As a former County Clerk, I have serious concerns about the position other County Clerks could soon find themselves in if they are required to issue driver licenses to undocumented immigrants," said Senator Patty Ritchie. "Through this measure, we are ensuring that County Clerks, who are performing their state duties in good faith and with reasonable belief they are upholding their oath of office and the law, are protected."

"As the Erie County Clerk, I will deny providing driver's licenses to unlawfully present aliens. As a result of this important decision to protect our communities, County Clerks statewide may have to defend against civil actions and possible removal by the Governor. Additionally, in satisfying the Real ID Act passed by Congress after 9/11, many of our local Auto Bureaus

are processing record amounts of transactions which require original documentation such as an original social security card. Therefore, I want to thank Senator Tedisco and his colleagues for supporting County Clerks statewide and law-abiding citizens with his legislation,” said Erie County Clerk Michael P. Kearns.

“Thank you Senator Tedisco, Senator Jordan and Assemblymember Walsh for looking out for County Clerks across New York State. Your proactive, common sense legislation will help County Clerks should the Democrats in Albany pass their misguided bill that will force County Clerks and DMV employees to break their Oath of Office, which is to uphold the Constitutions of the United States and the State of New York. It erodes the mission of the DMV, which is to issue secure identity documents, deliver essential motor vehicle and driver related services, and administer motor vehicle laws enacted to promote safety and protect consumers. Senator Tedisco, Senator Jordan, Assemblymember Walsh and their colleagues understand that undermining DMV security processes would be a disservice to all New Yorkers,” said Saratoga County Clerk Craig Hayner.

“My hope is once again County Clerks from across the state join Senator Tedisco, Senator Jordan and their colleagues in opposition to this ill-conceived attempt to diminish the value of our present driver’s license,” said Rensselaer County Clerk Frank Merola.

“Issuing driver’s licenses to illegal aliens is a threat to public safety because law enforcement will not have access to traffic records during routine stops to help us stop serial traffic scofflaws who put people’s lives at risk when they get behind the wheel of a vehicle. I want to thank Senator Tedisco and Assemblywoman Walsh for their leadership on this public safety legislation,” said Saratoga County Sheriff Michael Zurlo.

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RELATED LEGISLATION

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## 2019-S3868

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Allows a county clerk to employ an attorney-at-law to defend against certain civil actions; and relates to the removal of public officers by the governor

February 20, 2019

In Senate Committee [Local Government](#)

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Do you support this bill?

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