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Appeal for Expanded Voting Rights in U.S. Territories Makes Its Way to Ninth Circuit

Ninth Circuit reviews appeal on voting rights for U.S. territory residents

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On Monday, the Ninth Circuit Court of Appeals heard arguments in a case that seeks to challenge the way former residents of U.S. states are treated when it comes to voting.

Currently, people who move from a state to a foreign country or the Northern Mariana Islands may vote for President using absentee ballots, while those who relocate to the U.S. Virgin Islands or other territories cannot. *Borja v Nago* argues that the differentiated treatment is discriminatory and violates the Constitution's equal protection clause.

The plaintiffs are appealing following a 2022 judgment from the U.S. District Court for Hawaii which rejected their claims.

“I hope the court will recognize that my right to vote is as fundamental as any other U.S. citizen. I served my country, I deserve to be treated the same as everyone else,” said Benny Borja, lead plaintiff in the matter, who was absent from court on Monday due to medical reasons. Mr. Borja, who had to relocate from Hawaii to Guam some years ago, believes that if he is eligible for the draft, he should likewise be eligible to vote.

USVI attorney Pamela Colon, who was in Hawaii for the arguments, called the disparity in treatment between someone who moves from the mainland to the British Virgin Islands and someone who resettles in the U.S. Virgin Islands “astonishing.”

According to Neil Weare, co-counsel in the case and co-director of Right to Democracy, “discrimination of the right to vote should not be permitted just because it happens to affect people in U.S. territories.”

Right to Democracy, an organization founded to advance democracy, equity, and self-determination in U.S. territories, joined Mr. Borja and five other plaintiffs who moved from Hawaii to Guam or the USVI, to challenge what they say are discriminatory federal and state voting laws governing former residents who move to U.S. territories.