

- The amendment's general wording gives great flexibility to the New York courts to interpret and apply the provisions. More details regarding enforcement and definitions, duties and obligations related to environmental rights are required.
- Courts could require NY cities and counties to make expensive changes to brick & mortar facilities, or to move, or renovate them. It could be called another "Unfunded Mandate."

PROPOSAL NUMBER THREE

Eliminating Ten-Day-Advance Voter Registration Requirement

Description of Proposal: Section 5 of Article 2 of the New York Constitution now requires that a citizen be registered to vote at least ten days before an election. The proposed amendment would delete that requirement. If this amendment is adopted, the Legislature will be authorized to enact laws permitting a citizen to register to vote less than ten days before the election.

Question as it Will Appear on Ballot:

The proposed amendment would delete the current requirement in Article 2, § 5 that a citizen be registered to vote at least ten days before an election and would allow the Legislature to enact laws permitting a citizen to register to vote less than ten days before the election. Shall the proposed amendment be approved?

PROS:

- More voters will be enfranchised by shortening or eliminating the deadline to register to vote.
- This proposal would allow the Legislature to implement same-day voter registration. Twenty states currently allow for same-day voter registration.
- Same-day registration can increase voter turnout and participation by ensuring all eligible voters can cast their ballot.
- On election day voter rolls can be updated and corrected allowing eligible voters who have moved, or been removed in error from the official rolls, to update their registration records.

CONS:

- Should same-day voter registration be implemented after passage of this amendment, election officials may have difficulty determining how many ballots are needed at each poll site.
- Implementing same-day voter registration has the potential to allow for in-person election fraud if a voter illegally registers at multiple sites and votes.

PROPOSAL NUMBER FOUR

Authorizing No-Excuse Absentee Ballot Voting

Description of Proposal: The purpose of this proposal is to eliminate the requirement that a voter provide a reason for voting by absentee ballot. The proposed amendment would do so by deleting the requirement currently in the Constitution that restricts absentee voting to people under one of two specific circumstances: (1) those who expect to be absent from the county of their residence, or from New York City for residents of that city, on Election Day, and (2) those who are unable to appear at their polling place because of illness or physical disability.

Question as it Will Appear on Ballot:

The proposed amendment would delete from the current provision on absentee ballots the requirement that an absentee voter must be unable to appear at the polls by reason of absence from the county or illness or physical disability. Shall the proposed amendment be approved?

PROS:

- Any voter would have the ability to request an absentee ballot for a primary and/or general election thereby increasing voter access to elections.
- Absentee voting was heavily utilized during the COVID-19 pandemic. Removing the cause for requesting an absentee ballot would ensure voters can request to vote by absentee ballot should another pandemic occur.
- Thirty-four states and Washington, D.C., do not require an excuse from those who wish to vote absentee or by mail.
- Has the potential to take pressure off poll sites by reducing the number of in-person voters.

CONS:

- The proposed amendment would provide less protection against potential absentee ballot voter fraud. The number of absentee ballots would increase, but the proposed amendment offers no suggestions for increasing protection against potential fraud.
- There is potential for loss of anonymity with more absentee voting.
- Additional reliance on absentee voting can slow election results and reporting.
- An increase in absentee voting can cost municipalities additional money for printing of ballots, envelopes, and for postage.
- The civic experience of voting with neighbors at a local school, church, or other polling place no longer exists.

PROPOSAL NUMBER FIVE

Increasing the Jurisdiction of the New York City Civil Court

Description of Proposal: The purpose of this proposal is to amend Article 6, Section 15 of the New York Constitution to increase the jurisdiction of the New York City Civil Court. The New York City Civil Court is currently limited to hearing and deciding claims for \$25,000 or less. The proposed amendment would allow the New York City Civil Court to hear and decide claims for \$50,000 or less.

Question as it Will Appear on Ballot:

The proposed amendment would increase the New York City Civil Court's jurisdiction by allowing it to hear and decide claims for up to \$50,000 instead of the current jurisdictional limit of \$25,000. Shall the proposed amendment be approved?

PROS:

- In 1983, the Constitution was amended to raise the jurisdictional limit of the New York City Civil Court from claims of \$10,000 to \$25,000, where it has remained. This was done to adjust for inflation, and to help lift a burden off of a backlogged New York State Supreme Court. This proposal will raise the jurisdictional limit of New York City Civil Court to \$50,000.
- This proposal will reduce backlogs and delays by relieving some of the burden placed on New York Supreme Court judges who hear civil cases with claims above \$25,000.

CONS:

- The Civil Court of the City of New York consists of 3 Parts: General Civil, Housing, and Small Claims. General Civil cases include matters where parties are seeking monetary relief up to \$25,000. The Housing Part hears landlord-tenant matters and cases involving maintenance of housing standards. The Small Claims Part hears cases where parties are seeking monetary relief up to \$10,000. This proposal may place an additional burden on the New York City Civil Court by increasing the number of cases they may receive.

Please Join Us

Membership is open to women and men. There are over 47 local Leagues across NY state. Joining at any level automatically confers membership at every level: local, state and national. Membership enables you to support the League and receive publications from all three levels, and provides the opportunity to be involved in local, state and national issues.

Visit www.lwvny.org and click on JOIN LWVNY. To find a local League in your area, click on FIND A LOCAL LEAGUE. Or support the League's efforts with a donation at www.lwvny.org.



www.vote411.org

Your one-stop shop for nonpartisan election information. Find out: How to register to vote; where to vote; what candidates are on the ballot in your district; what the candidates' positions are on issues; and information on any ballot proposals.



Countdown to Election Day 2021

General Election – November 2

- Oct. 8 – last day to postmark voter registration form or register in person at BOE
- Oct. 23 – early voting is available through Oct. 31
- Oct. 26 – last day to postmark application for absentee ballot
- Oct. 31 – early voting ends
- Nov 1 – last day to apply in person for absentee ballot
- Nov. 2 – last day to postmark ballot for general election
- Nov. 2 – last day to deliver absentee ballot in person to BOE

For more information on your ballot including candidates and ballot proposals go to www.vote411.org

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League of Women Voters of NYS

@LWVNY

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Support provided by Craig Newmark Philanthropies

2021 VOTERS GUIDE

Part II ~ Ballot Proposals



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Election Day 2021

Tuesday, November 2, 2021
Polls are open 6 a.m.-9 p.m.

For whom/what will I be voting on in the 2021 election?

- Some village, town, or county positions
- State ballot proposals and constitutional amendments on voting, redistricting, clean air and water, and NYC Civil Court Jurisdiction
- Some local ballot proposals
- Go to www.vote411.org for all ballot info

Who can vote?

To vote, you must:

- be a United States citizen
- be 18 years old by the date of the general, primary or other election in which you want to vote (16 and 17 year olds may pre-register)
- live at your present address at least 30 days before the election
- not be in prison for a felony conviction
- not be adjudged mentally incompetent by a court
- not claim the right to vote elsewhere
- be registered to vote

How do I register?

- Online through NYS Department of Motor Vehicles website: voterreg.dmv.ny.gov/MotorVoter (must have a valid NYS driver's license, Learner Permit or Non-Driver ID)
- In-person on any business day at your county Board of Elections (BOEs) or any state agency participating in the National Voter Registration Act (including State University and City University campuses)
- By mail by completing a voter registration form available at BOEs, libraries, town halls, post offices and the League of Women Voters

How do I make sure I am registered to vote?

- Visit Voter Registration Search site on the NYS Board of Elections website, <https://voterlookup.elections.ny.gov/>
- Call your county BOE

Where do I vote?

- Check postcard sent by county BOE prior to election with polling site location, dates of election and more
- Visit Voter Registration Search site on the NYS Board of Elections website, <https://voterlookup.elections.ny.gov/>
- Call your county BOE
- Visit www.vote411.org

Three ways to vote

- Vote in person on primary or election day at assigned polling place
- Submit absentee ballot application and vote by absentee ballot
- Vote early in person during nine days leading up to election days

How do I vote by absentee ballot?

- Meet one of the qualifications: **1.** Absent from your county or, if a resident of New York City, absent from the five boroughs on Election Day **2.** Unable to appear at the polls due to temporary or permanent illness or disability (temporary illness includes being unable to appear due to risk of contracting or spreading a communicable disease like COVID-19) **3.** Unable to appear because you are the primary care giver of one or more individuals who are ill or physically disabled **4.** A resident or patient of a Veterans Health Administration Hospital **5.** Detained in jail awaiting Grand Jury action, trial, or disposition of a case but not yet convicted **6.** Confined in prison after conviction for an offense other than a felony
- Complete and mail absentee ballot application to your county BOE office <https://www.elections.ny.gov/NYSBOE/download/voting/AbsenteeBallot-English.pdf>
- Apply for an absentee ballot online at <https://absenteeballot.elections.ny.gov/>

Do I need identification to vote?

- NO! Your signature is your identification to vote
- First time voters may be asked for ID, such as a driver's license, lease or utility bill

Where do I find ballot and candidate information?

- Go to www.vote411.org, the League's electronic voter guide

BALLOT PROPOSALS

This Voter Guide will help you evaluate the proposals that will be on the November 2021 ballot.

PROPOSAL NUMBER ONE

Amending the Apportionment and Redistricting Process

Description of Proposal: The purpose of this proposal is to amend the portions of Article 3 of the New York Constitution that relate to the way district lines for congressional and state legislative offices are determined.

The proposal would do the following:

- Amend and repeal portions of the state constitutional amendment adopted by voters in 2014 that created a redistricting commission.
- Allow the redistricting commission to appoint two co-executive directors by simple majority vote, without consideration as to the party affiliation of the individual being appointed. Furthermore, this amendment would eliminate the alternative process currently in place that allows for the appointment of co-executive directors and co-deputy executive directors by the legislature should the redistricting commission fail to appoint co-executive directors, and remove the requirement that the two co-executive directors of the redistricting commission be members of different political parties.
- Freeze the number of state senators at the current number of 63. Currently, under the state constitution, the number of senators was originally set at 50 and thereafter increased over time to 63.
- Require that state assembly and senate district lines be based on the total population of the state, and require the state to count all residents, including non-citizens and Native Americans if the federal census fails to include them.
- Provide for incarcerated people to be counted at their place of last residence, instead of at their place of incarceration, for the purpose of redistricting. This practice is already established by state statute for Senate and Assembly districts.

- Revise the procedure for drawing and approving Congressional and state legislative districts scheduled to be first applied in 2022. The proposed amendment would alter the redistricting procedure in the following ways:

--- Change the redistricting map approval procedures for the redistricting commission and legislature by making changes to the voting thresholds needed to approve/adopt a plan. Under this proposal:

- Approval of a plan by the redistricting commission would require at least seven votes, out of the ten commissioners, in favor thereof. There would no longer be a requirement that at least one commissioner appointed by each of the legislative leaders vote in favor of a plan in order to approve it. A plan approved by at least seven commissioners must be approved by a majority of each house of the legislature to be approved.

- However, in the event that the redistricting commission votes on but does not have the seven votes needed to approve a plan, the commission is required to send the legislature the redistricting plan or plans that garnered the most votes. The legislature would be able to adopt such plan with a 60% majority. This amendment would repeal the requirement that in the event the speaker of the assembly and the temporary president of the senate are members of the same political party, approval shall require the vote in support of its passage by at least two thirds of the members elected in each house. If the commission fails to vote on any plan or plans by the deadline, all plans, including draft plans in the commission's possession are sent to the legislature, and each house of the legislature can introduce and adopt such a plan with or without amendments.

- The redistricting commission voting requirements and legislative vote thresholds for approving the commission's plan would no longer vary depending on the political affiliation of the Temporary President of the Senate and the Speaker of the Assembly.

--- Require the redistricting commission that draws the lines to submit its redistricting plan and implementing legislation to the Legislature two months earlier than called for under the current procedure the timeline set forth in the 2014 state constitutional amendment. (For the redistricting cycle due to proceed in 2022, the time frame would be condensed to meet election-related deadlines).

- Remove certain restrictions on how Senate district lines are drawn, including the "block on border" rule that require placing of blocks on the border of districts in certain districts.
- Delete certain provisions that the United States Supreme Court has deemed unconstitutional.

Question as it Will Appear on Ballot:

This proposed constitutional amendment would freeze the number of state senators at 63, amend the process for the counting of the state's population, delete certain provisions that violate the United States Constitution, repeal and amend certain requirements for the appointment of the co-executive directors of the redistricting commission and amend the manner of drawing district lines for congressional and state legislative offices. Shall the proposed amendment be approved?

PROS:

- The current New York State law requiring incarcerated individuals to be counted as living in their last place of residence, and not prison, for purposes of redistricting would be constitutionalized.
- In case the Federal Census fails to include non-citizen and Native American residents in its count, New York State would be required to count them for purposes of redistricting.

- The proposed amendment simplifies commission voting rules and legislative voting procedures that are currently based on which political party controls the Senate and Assembly.

- The proposed amendment removes a partisan basis for voting procedures.

- The amendment moves the timeline for the commission to submit their draft mapping plans to the legislature. The current timeline will potentially prevent candidates from collecting petition signatures for election because district maps may not be signed into law in time.

CONS:

- The proposed amendment would unfairly empower the majority party by preventing the minority party from having input into the final proposed maps.
- The amendment repeals the special legislative voting rules in place in case one party controls both legislative houses, which require plans to be approved by at least two-thirds of the members of each house. Instead, a simple majority will be needed to approve the commission's plans, or a 60% majority if the commission is unable to obtain seven votes to approve a redistricting plan on time.
- The amendment takes away the voting rights of minority party-appointed commission members in appointing the two co-executive directors of the commission.
- The proposed amendment significantly reduces the role of the commission in the entire process. Proposed subdivision (g-1) of section five-b provides that if the commission does not reach a decision by November 1, 2021, its draft plans will be submitted to the Legislature that can then (according to proposed changes to section four-b) introduce its own redistricting plans.

PROPOSAL NUMBER TWO

Right to Clean Air, Clean Water, and a Healthful Environment

Description of Proposal: The purpose of this proposal is to protect public health and the environment by adding the right of each person to clean air and water and a healthful environment to the Bill of Rights in Article 1 of the New York Constitution.

Question as it Will Appear on Ballot:

The proposed amendment to Article 1 of the New York Constitution would establish the right of each person to clean air and water and a healthful environment. Shall the proposed amendment be approved?

PROS:

- This amendment will require state and local governments and businesses to consider the environment and its citizens' relationship to it in all decision making.
- Advocates in favor of the amendment believe it will create a mechanism for combating environmental racism and rebalancing the inequities communities of color and low-income communities face from disproportionate exposure to pollution and other environment-harming practices.
- Forty-three states have some form of expression of environmental values in their Constitutions; but only Montana and Pennsylvania have recognized protecting environmental rights as an unchallengeable right, putting environmental rights on par with other political and civil liberties. New York would be the third state to adopt this measure.

CONS:

- The amendment's broad language could lead to complications, including frivolous lawsuits against companies with facilities sited under existing environmental rules.