

New York State General Election Ballot Proposals October 2014

In the General Election on November 4, 2014, voters will have the opportunity to vote on three Ballot Proposals. Proposal One revises New York State's Redistricting Procedure; Proposal Two permits electronic distribution of State Legislative Bills; Proposal Three is to authorize the creation of state debt and the sale of state bonds in the amount of up to two billion dollars (\$2,000,000,000) to provide money for the single purpose of improving learning and opportunity for public and nonpublic school students in New York. You can read the full text of the Proposals at the Board of Elections website: <http://www.elections.ny.gov/ProposedConsAmendments2.html>

The most controversial of the Proposals is Proposal One, on Redistricting Procedures. There are supporters on each side of the issue, with the League of Women Voters and Times Union supporting approval of this proposal; Common Cause and NYPIRG are among those opposing this Proposal. The New York Times said in their editorial urging a "no" vote: "This amendment is not a reform. It is another way to maintain the status quo, and does not deserve voters' support."

From: http://www.nytimes.com/2014/07/08/opinion/new-yorks-mapmaking-scandal.html?_r=0

Redistricting is required by the Constitution after each national Census, every 10 years. The district lines for the State Legislature and Congress must be redrawn to reflect the new population figures. The current procedure for redistricting in New York State gives the power to choose those districts to the New York State Legislature. That means that those in power in the State Senate and the State Assembly have the opportunity to choose districts that protect their incumbents, and help keep them in power. Instead of the voters choosing their elected officials, the elected officials get to choose their voters.

This Proposal would establish a redistricting commission to determine lines for state legislative and congressional districts. Each decade beginning in 2020, a 10-member redistricting commission would be established. Eight members would be appointed by the four state legislative leaders and those eight members would choose the two remaining members. These remaining two members cannot, in the preceding five years, have been enrolled in either of the two major political parties in New York State.

The proposed amendment would establish qualifications for the members of the commission. They must be registered to vote in New York. They cannot be the spouse of a statewide elected official, of a member of the United States Congress, or of a member of the State Legislature. They cannot be or have been within the preceding three years a member of the New York State Legislature, United States Congress, or a statewide elected official; a state officer or employee or a legislative employee; a lobbyist registered in New York; or a political party chairman. The proposed amendment would require that, to the extent practicable, appointments to the commission reflect the diversity of the residents of New York and result from consultation with outside groups. The proposed amendment would establish principles to be applied in creating districts, which must be drawn consistently with the requirements of the federal and state constitutions and federal statutes. These principles include:

No district lines may result in the prohibited denial or abridgement of racial or language minority voting rights. Districts cannot be drawn to have the purpose of or result in the denial or abridgement of such rights. To the extent practicable, districts must contain as nearly as may be an equal number of inhabitants. The commission must provide a specific public explanation for any deviation that exists. Each district must consist of contiguous territory and be as compact in form as practicable. Districts cannot be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. Maintenance of cores of existing districts, of pre-existing political subdivisions, and of communities of interest must be considered.

While preparing its redistricting plan, the commission must hold at least 12 public hearings throughout the state. The public must be notified of the hearings and be able to access and review the commission's draft redistricting plans, relevant data, and related information before the first public hearing. The commission must report the findings of the public hearings to the Legislature when the commission submits its redistricting plan.

The commission must submit its redistricting plan for the Assembly and the Senate in one bill and the Legislature must vote upon that single bill without amending it. If the plan does not pass the Legislature and get the Governor's approval or a veto override, the commission must submit another plan. If the second plan does not pass the Legislature and get the Governor's approval or a veto override, the Legislature can amend the second plan as it deems necessary. The Legislature's amended plan must comply with the same principles as the commission's plan. When an amended plan is approved by the Legislature, it is presented to the Governor for action.

This Proposal keeps control of the redistricting process in the hands of the leaders of the state legislature. They appoint most of the members of the redistricting commission, and if the state legislature does not approve two redistricting plans by the commission, they then have the power to amend the plan.

The language of the Proposal was challenged in court; Judge McGrath ruled that the word "independent" could not be used on the ballot to describe the commission. From http://www.nytimes.com/2014/09/18/nyregion/proposed-redistricting-panel-cant-be-called-independent-on-ballot-new-york-judge-rules.html?_r=0

"In his decision, Justice Patrick J. McGrath of State Supreme Court in Troy wrote that while the proposed commission could "independently create its own plan" without legislative interference, the plan could still be set aside by leaders of the Assembly and Senate, so would "not actually choose the district lines." Justice McGrath ordered the State Board of Elections not to include the term "independent commission" on the measure, Proposition 1, when it appears on the November ballot. "Legislative semantics do not change the reality that the commission's plan is little more than a recommendation to the Legislature, which can reject it for unstated reasons and draw its own lines," he wrote."

Proposal One improves upon the current redistricting procedure in that it bans gerrymandering, and mandates that the districts have populations as equal as possible. Currently, the districts devised by the State Legislature can have a 10% discrepancy in size, as they allow for 5% over or under the average number of residents in a district.

If this Proposal is approved, it would take a Constitutional Amendment to change it; that requires that it be passed by the State Legislature two consecutive years, and then be approved by the voters of New York State in a referendum. Is this new redistricting procedure enough of an improvement over the current method to place this change in the New York State Constitution?

For some opinions on this Proposal:

http://www.nytimes.com/2014/07/08/opinion/new-yorks-mapmaking-scandal.html?_r=0

<http://www.voteeyes4progress.org/times-union-commentary-voting-yes-on-prop-1-a-good-start/>

<http://www.voteeyes4progress.org/>

<http://www.timesunion.com/local/article/Ballot-measure-on-redistricting-firmed-up-5663797.php>

<http://www.noprop1ny.com/>

<http://readme.readmedia.com/NO-TO-FAKE-REDI>