

# **VOTERS GUIDE**

# **New York 2017**

A Guide to the Proposed Questions  
Regarding the New York State Constitution  
that will be on the Ballot this  
November 7, 2017

**New York Public Interest Research Group/NYPIRG**  
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# **VOTERS GUIDE**

TO THE PROPOSED QUESTIONS REGARDING THE NEW YORK STATE CONSTITUTION THAT WILL  
BE ON THE BALLOT THIS NOVEMBER 7, 2017

## **Summary**

This Election Day, New York voters will be offered three questions related to the New York State Constitution that will be included on the ballot. This guide offers an independent look at the proposals in an effort to educate New York's voters.

## **Background**

Tuesday, November 7, 2017 is Election Day, and polling places are open from 6 A.M. to 9 P.M. statewide. United States citizens who are 18 years or older and have lived at their New York State residence for at least 30 days before the election date are eligible to vote in New York. College students have the right to choose their campus address as their voting residence: [www.lwvny.org/advocacy/vote/RTVCollegeStudents.pdf](http://www.lwvny.org/advocacy/vote/RTVCollegeStudents.pdf).

You must also be registered with the New York State Board of Elections in order to vote; voter registration forms must be postmarked by October 13th and received by the Board of Elections by October 18th in order to vote this November 7th. See the Board's "Register to Vote" page at [www.elections.ny.gov/VotingRegister.html](http://www.elections.ny.gov/VotingRegister.html) – or visit your county board of elections office. For address and contact information for your local county board of elections, visit here: <http://www.elections.ny.gov/CountyBoards.html>.

You can also visit a local NYPIRG campus office for forms, information and non-partisan registration assistance: <http://www.nypirgstudents.org/contact/>.

If you are already registered, the location of your current polling place can be found at <https://voterlookup.elections.state.ny.us/votersearch.aspx>. Play it safe and check: Don't assume your polling place is the same location as the last time you voted.

On this year's ballot, in addition to candidates running in races for local public offices, New Yorkers have the opportunity to vote on three questions related to the New York State Constitution. The following is the link to the state-approved summaries of the proposed constitutional questions. (You can review the summaries, the abstracts of the proposals and the full text of the questions here:

<http://www.elections.ny.gov/NYSBOE/Elections/2017/proposals/2017CertificationofBallotProposals.pdf>.) In addition, NYPIRG offers its own summaries that follow.

# **PROPOSAL ONE**

## **CONVENING A CONSTITUTIONAL CONVENTION**

*Form of Submission of Proposal 1*  
*[The way you will see question on the ballot, as drafted by the*  
*New York State Board of Elections]*

“Shall there be a convention to revise the Constitution and amend the same?”

### **Background on the Constitutional Convention Question**

New Yorkers have a big decision to make this upcoming Election Day: a decision whether to overhaul our state constitution. New York’s Constitution requires that every 20 years voters be asked to decide whether they want to rewrite the state’s foundational document.<sup>1</sup> This November, voters will get that vote.

Having such a provision is unusual, but not rare in America. Fourteen other states have similar mechanisms in place to periodically ask voters about convening a convention to revise their state’s governing charter.

NYPIRG has no recommendation on *how* New Yorkers should vote on this proposition, but we believe that voters should not overlook or ignore this important question. Instead, we urge that New Yorkers learn about this opportunity and cast an informed vote either way. This is our job as citizens in a democracy.

Not surprisingly, since it only occurs once every 20 years, the vast majority of New Yorkers don’t know about the vote. In a recent poll, a sizable majority of New Yorkers were unaware of the upcoming vote to revamp New York State’s Constitution.

The collective decision on whether to convene a convention will likely turn on two issues: (1) How New Yorkers feel about the state of their state; and (2) How concerned they are about provisions of the current constitution that could be put at risk if a convention is convened. If voters are unhappier with the direction of New York than they are worried about jeopardizing current constitutional provisions, then they’ll vote yes.

The process for convening a constitutional convention contains four basic steps:<sup>2</sup>

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<sup>1</sup> Article XIX, section 2, New York State Constitution. You can read the entire provision here: <http://codes.findlaw.com/ny/constitution-of-the-state-of-new-york/cns-art-xix-sect-2.html>.

<sup>2</sup> For an illustrated “road map” to the constitutional convention, see: <http://www.nypirg.org/goodgov/concon/>.

- (1) New Yorkers vote on whether they want to convene a convention. That vote will happen this November. If a majority of voters decide no, then the process ends. If a majority of voters approve the convention, then steps 2-4 kick in.
- (2) New Yorkers choose delegates to the convention at the November 2018 election. The Constitution says that voters will choose three delegates for each of the state's 63 senate districts and then vote on 15 statewide delegates for a total of 204 delegates.
- (3) Those delegates will convene the Convention in the following spring. The delegates can recommend whatever changes they want to the Constitution, there are no restrictions.
- (4) Finally, any changes drafted and agreed upon by the delegates go to the voters for final approval. There is no deadline for delegates to put their plan to voters.

The vote on whether to convene a convention is a contentious one, with organizations lining up to battle over the pros and cons. Under New York law, politicians and interest groups that raise or spend campaign donations must periodically report their activities. Recently, New Yorkers got a peek into the efforts to influence the upcoming question to be put to voters on whether they want to convene a state constitutional convention.

**Opponents:** A coalition of groups urging a “no” vote on the Constitutional Convention has organized under the name “New Yorkers Against Corruption.” Supporters include Planned Parenthood, the United Federation of Teachers, the Rifle and Pistol Association, the Conservative Party, and many environmental organizations. In addition, the majority party leaders of the New York State Senate and New York State Assembly have urged opposition. The Senate Democratic minority leader is opposed, and Governor Cuomo has expressed support for the question in the past, but has also expressed concerns about the process of selecting delegates.

**Proponents:** The “Committee for a Constitutional Convention” is urging a “yes” vote. The coalition includes civic organizations, such as Citizens Union of the City of New York and the League of Women Voters of New York State. The New York State Bar Association has also taken a position in support of a convention. Again, NYPIRG is *neutral* on this question. (For more information, visit <http://www.nypirg.org/goodgov/concon/>.) In addition, the leader of the Republican Assembly minority has urged support for the convention. Governor Cuomo has expressed support for the question in the past, but has also expressed concerns about the process of selecting delegates.

**Proponents** argue that Albany's a mess – corrupt, operating in secret, costing too much and that only a convention can fix it. In addition, they argue that the State's basic document is old, anachronistic, and contains provisions that are now considered unconstitutional under the U.S. Constitution. A convention could modernize the state constitution.

**Opponents** argue that the current State Constitution includes provisions that protect the Adirondack and Catskill Parks, require a sound, basic education for children, require that the poor are protected, and enshrines protections for workers in the state. And, they contend, those protections should *not* be put at risk.

# **PROPOSAL TWO**

## **ALLOWING FOR THE REDUCTION OR REVOCATION OF PENSIONS OF CORRUPT PUBLIC OFFICIALS**

### *Form of Submission Proposal 2*

Allowing the complete or partial forfeiture of a public officer's pension if he or she is convicted of a certain type of felony. The proposed amendment to section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the public pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's existing duties. Shall the proposed amendment be approved?

### **Background**

Question 2 would amend the Constitution to allow judges to reduce or revoke the state pension of a public officer convicted of corruption, defined as a felony conviction stemming from a corrupt act that occurred during his or her official duties. Public officers include state and local government elected and appointed officials and staff.

Under current law, public officials can put their pension at risk if they are convicted of corruption only if they took office after 2010. Under New York's Constitution, public pensions cannot be altered once the individual is in the system. Therefore, under current law, changes can only be made for future public employees – those entering the pension system post 2010.

Question 2 would make a constitutional change to allow for the reduction or removal of a public pension from a public official who was in the system prior to 2011 if that individual was convicted of a crime relating to his or her public office. If approved, the amendment applies to any crimes that occur on or after January 1, 2018.

# **PROPOSAL THREE**

## **CREATION OF A LAND BANK IN THE ADIRONDACK AND CATSKILL FOREST PRESERVES**

### *Form of Submission Proposal 3*

#### Authorizing the Use of Forest Preserve Land for Specified Purposes

The proposed amendment will create a land account with up to 250 acres of forest preserve land eligible for use by towns, villages, and counties that have no viable alternative to using forest preserve land to address specific public health and safety concerns; as a substitute for the land removed from the forest preserve, another 250 acres of land, will be added to the forest preserve, subject to legislative approval. The proposed amendment also will allow bicycle trails and certain public utility lines to be located within the width of specified highways that cross the forest preserve while minimizing removal of trees and vegetation. Shall the proposed amendment be approved?

### **Background**

Question 3 is a proposal to amend the State Constitution to allow the creation of a 250 acre land bank to be used in the Adirondack and Catskill forest preserve state parks. If approved, the land bank would allow local governments in these areas to request the use of land in the forest preserves for development projects in exchange for the state acquiring 250 acres to be designated for the Parks.

The reason that this question is on the ballot is that the Adirondack and Catskill Park forest preserves are protected under the “Forever Wild” clause of the New York State Constitution, which limits development in these areas to protect their natural wilderness character. As a result, the Parks are protected as wild forest land, thus prohibiting the lease, sale, exchange, or taking of any forest preserve land.

Question 3 would allow counties and townships in the “Forever Wild” regions that have no viable alternative to use forest preserve land to address specific public health and safety concerns. If approved, here is how the program would work:

- New York State would purchase and add 250 acres of new land to the relevant forest preserve.
- Adirondack and Catskill communities would then be able to use up to a total of 250 acres of existing forest preserve land to complete projects without having to obtain approval through the constitutional amendment process each time, as required under current law. In addition, any community that uses land from the bank would also have to pay the State fair market value for the land or donate land of comparable size and value to the land bank.
- Because it is expected that most of these community projects require small parcels of forest preserve, it is expected that the 250-acre land bank would meet localities’ needs for decades.