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# 2024 IMPACT ON ISSUES



LEAGUE OF  
WOMEN VOTERS OF NEW YORK

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## INTRODUCTION

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*LWVNYS Impact on Issues* is a guide for League leaders on the LWVNYS public policy positions. Every two years, local Leagues participate in the LWVNYS program planning process by reviewing existing positions and making recommendations for the future. Member agreement on issues (consensus or concurrence) follows in-depth study and is developed into the formal positions presented in this publication. These positions are the basis for action.

Included is a Summary of LWVNYS Policy Positions, followed by the full LWVNYS position statements in bold type, together with background and actions that have been taken over the years under the positions. This document is updated for legislative action as of the end of the 2024 legislative session. Some sections have an “Action Taken under LWVUS Positions” section to describe how LWVNYS action has been taken under national positions. Therefore, this guide can be used as a companion book to *LWVUS Impact on Issues* when analyzing what action can be taken on an issue using national positions.

For the first time, some history of actions in previous decades has been moved to a separate document called *Impact Archives* to help member access to what had become a very cumbersome history. But our history is still extremely important in understanding the development and nuance of our positions. For the most in-depth understanding of any particular position please go back and look at *Impact Archives* on that position.

Over the last few years, the state Board has received input from local Leagues and members asking that we make it easier to access and understand our public policy positions. Part of the reason for this difficulty is that the state League acts under a combination of LWVUS and LWVNYS positions. Over the years LWVUS has organized its positions into four broad categories: Representative Government, International Relations, Natural Resources and Social Policy. Three of these categories are also categories under which LWVNYS has also developed positions. Summary of Policy Positions is now organized to more closely follow LWVUS positions. We hope this will make the Summary somewhat easier to follow and connect with LWVUS positions.

Leagues at the local and Inter-League Organization (ILO) level should use national and state League positions to take action in their own communities. It is the responsibility of the local or ILO League board to determine whether member understanding, and agreement exist; whether the specific action to be taken is clearly covered under the position(s); and whether the action makes sense in terms of timing, need and effectiveness. An effective action partnership between national, state and local levels of League will benefit all three.

Sally Robinson  
LWVNYS Vice President Issues and Advocacy  
December 20, 2024

## SUMMARY OF POLICY POSITIONS

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*League of Women Voters of New York State 2024*

### REPRESENTATIVE GOVERNMENT

Promote an open governmental system that is representative, accountable and responsive.

#### UNDER LWVUS POSITIONS ON VOTING RIGHTS

*Support* of measures to protect, extend and encourage the use of the franchise, including Election Day registration, no-excuse absentee voting and in-person early voting. Restore integrity to the election process – specifically support for uniformity in election laws and procedures in their implementation and enforcement; promote measures that ensure the integrity of all ballots; support ballot access and fair campaign practices.

#### UNDER LWVUS POSITIONS ON THE ELECTION PROCESS

*Support* of comprehensive campaign finance reform, including public financing of campaigns.

#### LWVNYS SPECIFIC POSITIONS ON ELECTION LAW

*Support* extending the right to vote to all currently incarcerated individuals.

*Support* the continuation of fusion voting in New York State.

*Opposition* to term limits for members of the New York State Legislature.

*Opposition* to term limits for New York State statewide elected officials.

#### UNDER LWVUS POSITIONS ON CITIZEN RIGHTS

*Support* of citizen rights, including reproductive rights.

*Support* of effective regulation of lobbying and ethics.

#### LWVNYS SPECIFIC POSITIONS ON GOVERNMENT

*Support* of standards to ensure equitable representation in the State legislature and Congress.

*Support* of improved measures to provide representation for legislative districts in case of a vacancy.

*Support* of responsive and responsible legislative processes which increase the role of the individual member and the committee system.

*Support* of procedural reforms in the constitutional convention process to promote openness and nonpartisanship.

*Support* of the consolidation of government/shared services when it promotes effective and efficient operation of government.

### NATURAL RESOURCES

#### UNDER LWVUS POSITIONS ON NATURAL RESOURCES

*Support* for protection and management of New York's natural resources in the public interest, including energy conservation and energy options from renewable sources.

*Support* for climate goals and policies ensuring a stable climate system for future generations.

#### LWVNYS SPECIFIC POSITIONS ON NATURAL RESOURCES

*Support* for measures to achieve watershed protection including limiting pesticide use and applying Best Management Practices.

*Support* for a state-established, intergovernmental system for land resource management.

*Support* for a proactive role for New York State in regional land use planning, containing urban sprawl and protecting sensitive areas.

*Support* of reconditioning of the New York State Erie/Barge Canal System and its development for

recreational uses.

**Support** for preserving and enhancing the environmental integrity and quality of the Great Lakes-St. Lawrence River Ecosystem.

**Support** for policies that promote: the reduction of waste, the reuse of products and materials over disposal, and the responsible management of waste that can't be reused.

## **SOCIAL POLICY**

### **UNDER LWVUS POSITIONS ON SOCIAL POLICY**

**Support** for equality of opportunity, meeting basic human needs, childcare, energy-efficient and environmentally sound public transit, gun control and high-speed, affordable internet access.

### **LWVNYS SPECIFIC POSITIONS ON EQUALITY OF OPPORTUNITY**

**Support** for equity in employment laws and practices and equal pay for jobs of comparable worth.

### **LWVNYS SPECIFIC POSITIONS ON EQUALITY FOR ALL**

**Support** of measures that hold marriage to be an economic partnership with a presumption of equality between the spouses.

**Opposition** to measures that contain a presumption of joint custody of the children.

**Support** of measures to reduce the incidence and effects of domestic violence

### **LWVNYS SPECIFIC POSITIONS ON MEETING BASIC HUMAN NEEDS**

**Support** measures to meet the needs for affordable and accessible housing through use of state funds and incentives to localities

**Support** of a livable wage for all localities in New York State

### **LWVNYS SPECIFIC POSITIONS ON STATE FINANCES**

**Support** reforms for greater equity in education financing (K-12) for both pupils and taxpayers.

**Support** raising funds to provide New York's children with a sound basic education through increases in the New York State personal income tax, implemented in a progressive fashion.

**Support** for the replacement of the existing local residential property tax relief programs in which relief goes to all with programs based on need, with annual cost of living adjustment.

**Oppose** in principle the use of public funds to support non-public schools (K-12).

**Support** the funding of public higher education and the existing formula for financing the community system, 1/3 tuition, 1/3 state aid, and 1/3 county support.

**Support** a uniform equitable assessment and property tax system.

**Support** of measures to provide for openness and accountability in the operation of the New York State public authority system.

**Support** of a timely and responsive state budget.

### **LWVNYS SPECIFIC POSITIONS ON HEALTH CARE**

**Support** equitable access to quality care, public health investments, health and safety standards that protect patients and providers, cost-effective payment and delivery alternatives, and regular public evaluation.

**Support** of measures that enable individuals to assume responsibility for their own health and to participate in decisions, including extraordinary life-extending procedures.

**Support** for the option of medical aid in dying for the terminally ill.

**Support** single-payer public financing as a viable and desirable approach to implementing equitable access, affordability, and financial feasibility.

### **LWVNYS SPECIFIC POSITIONS ON JUDICIAL ISSUES**

**Support** of a unified state court system with improved provisions for judicial selection.

### **LWVNYS SPECIFIC POSITIONS ON CRIMINAL JUSTICE**

**Support** of a criminal justice system that is just effective, efficient and transparent.

**Support** of statewide guidelines for law enforcement at all levels to prevent racial and economic profiling.

**Support** of alternatives to incarceration.

**Support** of measures to improve pretrial procedures in the criminal courts.

**Support** of measures to promote a fair and efficient jury system.

**Support** the rights of indigent defendants to representation at public expense.

**Support of** legislation and changes in public policy to stop human forced labor and sex trafficking.



# REPRESENTATIVE GOVERNMENT

## VOTING RIGHTS

The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed. Statement of Position on Citizen's Right to Vote, as Announced by National Board, March 1982. (LWVUS *Impact on Issues*, 2024-2026, p. 27)

Although the right of every citizen to vote has been a basic League principle since its inception, this tenet was made a position following the conscious effort of the League to emphasize the extension of voting rights under the Voting Rights Act of 1965 and its subsequent amendments. (See Voting Rights in the Apportionment section below.)

## APPORTIONMENT

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The League of Women Voters of the United States believes that congressional districts and government legislative bodies should be apportioned substantially on population. The League is convinced that this standard, established by the Supreme Court, should be maintained and that the U.S. Constitution should not be amended to allow for consideration of factors other than population in apportionment. Statement of Position on Apportionment, as announced by the National Board, January 1966 and Revised March 1982. (LWVUS *Impact on Issues*, 2022-2024, p. 35)

The apportionment of election districts was a state issue until the 1962 and 1964 Supreme Court rulings, requiring that both houses of state legislatures must be apportioned substantially on population transferred the issue to the national arena. These rulings, which spelled out the basic constitutional right to equal representation, prompted introduction in Congress of constitutional amendments and laws to subvert the Supreme Court's 1954 one-person, one-vote decision. Leagues in 33 states already had positions on the issue when, in 1965, the LWVUS council adopted a study on apportionment. By January 1966, the League had reached national member agreement on a position that both houses of state legislatures must be apportioned substantially on population. The 1972 convention extended the position to cover all voting districts.

In New York, provisions of the state constitution for allocating representation to the people and areas of the state were already being challenged in the federal courts when delegates to the 1963 LWVNYS convention added Apportionment to the program.

By January 1965 the League Membership had agreed on standards for establishing legislative districts and announced the following position:



**APPORTIONMENT**  
**Statement of Position**  
**As announced by the State Board, January 1965**

The League of Women Voters of New York State supports the following standards for establishing legislative districts that conform to federal constitutional requirements for equality:

- 1) Districts should follow existing political subdivisional boundaries, especially county lines, as far as practicable. Counties are recognizable political units that define some communities of interest. As a unit of party organization, they also affect representation through their function in nominating candidates.
- 2) Districts should be of contiguous territory with the smallest perimeter possible. Compactness limits opportunities for gerrymandering within political subdivisions, particularly cities.
- 3) The constitution should prescribe the limits within which the size of the legislature can vary at each redistricting. The size should be flexible enough to allow the other standards to be used in conjunction with population equity.
- 4) Each Senate and Assembly district should be represented by one legislator with a single vote. Single member districts improve the quality of representation by fixing responsibility. Weighted voting is opposed because it distorts representation.
- 5) Districts should be based on current census statistics.
- 6) Districting standards should be established in the state constitution.

An extra year of study found Leagues unable to agree on what governmental institution should draw the lines; i.e., the legislature, a commission, the governor, etc. Consensus was reached, however, in two additional areas regarding the procedures for redistricting:

**APPORTIONMENT**  
**Statement of Position**  
**As announced by the State Board, 1966**

The constitution should provide for an alternative districting procedure if the responsible agency fails to draw the lines within the limits specified.

Whoever is responsible for districting should utilize an impartial commission for drawing the lines.

## **Recent League Activity**

### **2024**

A lengthy and expensive litigation was brought by the national Democratic party in 2023 on procedural grounds to force the IRC to redraw the congressional lines in the hopes that ultimately the legislature could make major changes to shift the competitive balance in New York back more strongly toward Democrats. Plaintiffs in this case, Hoffman, successfully reopened Congressional redistricting before the 2024 elections and gave the IRC and the legislature a second chance. The League filed an amicus brief in the case against mid-decade redistricting and in favor of respecting the constitutional process and deadlines per Harkenrider.

The Court of Appeals in Hoffman required the IRC to redraw the congressional lines by February. 28, 2024. The League continued to be involved in two aspects of redistricting:

1. The Redistricting Research group, a coalition of organizations, is investigating potential changes to the redistricting process for the future. The State League received a \$5,000 grant for our participation in this effort.
2. The new redistricting coalition, same organizations, developed a three-prong action on the redistricting of the congressional maps in 2024:
  - Educational campaign
  - Media campaign
  - Peoples' hearing

In early 2024, the state League issued a statement and the coalition of organizations sent a letter to the IRC requesting them to schedule hearings and hold open meetings on mapping for the new lines. No hearings were held and the League, with the coalition, organized a People's Hearing to allow the public to weigh in on concerns and comments on redistricting of congressional lines. On February 28, 2024 the state legislature passed a new congressional map that did not significantly shift the lines drawn by a special master used in 2022. The legislature did reject a proposal of lines passed by the IRC (unlike in 2022 when the IRC deadlocked on a second proposal), but in the end it made less significant changes to the competitive balance between Democrats and Republicans than widely expected (other than in Syracuse). Republicans who had been threatening for months to sue recognized that the new map advantaged Democrats but accepted that it could have been much worse. The state League received \$15,000 in grant funding for its work on this project concerning the 2024 redistricting of Congressional lines.

### **2023**

New York's redistricting legal battles continue well past the 2022 election in which the state's Congressional and state senate lines were redrawn by a special master after a finding by the state's highest court that the Congressional maps were a partisan gerrymander and the process used to pass both maps violated the state's Constitution. The assembly maps were challenged in a separate case but there was not enough time to implement a revised assembly map before the 2022 election.

The assembly case ultimately resulted in the Independent Redistricting Commission being reconstituted to draw new assembly maps that were passed by the legislature and signed by the Governor in April of 2023. The League supported the alternative of new assembly maps being drawn by the same special master who drew the Congressional and state senate maps. A different case, Hoffman vs. Independent Redistricting Commission continued and sought to have Congressional redistricting re-opened and new maps drawn by the IRC and approved by the Legislature for the 2024 election. The League strongly

opposed this result and believed there was no basis under the precedent of the Harkenrider decision and the state Constitution to redraw maps before the 2030 census.

## 2022

The League was a strong supporter of the Constitutional amendment on redistricting that was approved by voters in 2014. That amendment established an Independent Redistricting Commission (“IRC”) and adopted a ban on partisan gerrymandering. The IRC initially submitted a set of maps that were rejected by the Legislature. The Constitutional amendment required the IRC to send a subsequent set of maps to the Legislature for a second up or down vote after the initial rejection, but the IRC failed to submit a 2<sup>nd</sup> set of maps. The Legislature then drafted and adopted its own redistricting maps.

Republican voters sued to reject the Congressional and State Senate maps as unconstitutional under the 2014 Amendment. The lower court held a trial in March and found the Congressional map violated the new Constitutional provision against gerrymandering, and in addition voided that map as well as the State Senate and State Assembly maps because the redistricting procedure set forth in the Constitution was not followed.

The defendants appealed to the Appellate Division, Fourth Department. The League filed an amicus curiae (“friend of the court”) brief with the Appellate Division that called for the Court to invalidate the Legislature’s electoral maps, as the constitutionally mandated process for redistricting was violated by both the IRC and the Legislature. The League argued in its brief that, as a result of the violation of the required process, the Constitutional amendment now required that the New York courts, not the Legislature, draw the electoral maps.

The Appellate Division, by a plurality decision on April 21, 2021, rejected the State Supreme Court’s determination that the redistricting process had violated the Constitution, but held that the Congressional map violated the anti-gerrymandering provisions of the Constitution, and ruled that the Legislature would be given until April 30 to enact a constitutional replacement for the Congressional map. The Appellate Division upheld the State Senate and State Assembly maps. One Justice dissented from the plurality opinion’s conclusion regarding the process, stating that the Justice “largely adopt[s] the well-reasoned analysis of the procedural issue offered in the amicus curiae brief filed by The League of Women Voters of New York State.”

The Appellate Division’s decision was appealed to the Court of Appeals, New York’s highest court. The League filed a supplemental amicus curiae brief with the Court of Appeals contesting certain conclusions in the Appellate Division decision and arguing that the Constitution clearly provides for the Judiciary, not the Legislature, to remedy the violations of the process mandated by the 2014 Constitutional Amendment. The League further argued that the 2014 Amendment’s process was carefully designed to further substantive goals and values – accountability, deliberation, and some independence from the worst of the partisan political process – that should be respected by the Court. Our brief concluded:

“To be sure, [the amendment’s] carefully-specified process does not guarantee that the scourge of gerrymandering will be eliminated, but the Judiciary should give that framework a chance to work. The Court would thereby honor the promise of the amendment – an independent redistricting process that conduces to competitive elections rather than protection of incumbents or particular political parties.”

The Court of Appeals met on Tuesday, April 26 for oral argument. The oral argument was livestreamed through a video-link at <https://www.nycourts.gov/ctapps/live.html> . In view of the extraordinary importance of this appeal and, in particular, the procedural process mandated by the 2014 Amendment

to reduce partisan gerrymandering, the League's counsel had requested that the Court permit it the opportunity to provide oral argument.

You can read a copy of the League's initial amicus brief at: <https://lwny.org/wp-content/uploads/2022/04/Exhibit-A-Amicus-Brief.pdf> and a copy of the League's supplemental amicus brief at <https://lwny.org/wp-content/uploads/2022/04/LWV-CoA-Amicus-Letter-Brief-Final-042422.pdf>

The Court of Appeals decided to invalidate the Congressional and state Senate maps drawn by the legislature.

As a result of the Court of Appeals landmark decision invalidating Congressional and state Senate maps drawn by the legislature, the legislative lines for Congress and state Senate were drawn by a special master appointed by the trial court and finalized on May 20, 2022. Primaries for Congress and state Senate were moved to August 23rd, but the state Legislature declined to move the statewide and Assembly races from their scheduled June 28th date. The state League filed two pro bono lawsuits -- one in federal court and one in state court -- to get the primaries consolidated. The federal case claiming infringement of voters' First and Fourteenth Amendment rights under the Constitution was decided against the League, but the judge noted in his ruling that the case was "worth bringing and trying."

The state case was an Article 78 proceeding filed in Supreme Court in Albany to invalidate the Assembly lines that the Court of Appeals said were unconstitutionally drawn but could not be struck down in that case for procedural reasons. This case was decided against the League, but in a separate and parallel state case an Appellate level judge ordered that the Assembly lines be redrawn for 2024. The rationale was that it was too late for 2022.

## **2019-2021**

As the state census count began the League was active in ensuring New York's first Redistricting Commission would be nominated according to the constitutional deadline. The League was given grant funding through LWVUS to participate in a nationwide campaign, People Powered Fair Maps, that is focused on ensuring all new legislative maps are drawn as fairly and nonpartisanly as possible.

In the fall and winter of 2019, the League sent several letters to legislative leaders reminding them of the imminent February deadline to appoint their commissioner picks and urging them to consider the importance of an on-time appointment process so that the commission could begin its work. In mid-February the first 8 commissioners were appointed just before the deadline. The final two commissioners would not be selected until the fall of 2020.

During the 2020-2021 state budget process, the League submitted testimony urging the legislature to provide adequate funding for the new commission and to dissolve the existing Legislative Task Force on Demographic Research & Reapportionment so that the commission would not be undermined by the legislative controlled agency. The League was ultimately successful in lobbying for \$750,000 through the Department of State for the commission to begin its work.

The League partnered with NALEO Educational Fund and the LatinoJustice PRLDEF in the spring of 2020 to urge the seated commissioners to consider the need for greater diversity when appointing the final two commission members. The initial 8-member commission only had one-woman commissioner and no Latinx commissioners. The League sent a letter to all seated commissioners and legislative leaders urging them to prioritize gender and racial diversity when selecting the final commission members. The League and

our partners were successful in our endeavor and the final two commission members were appointed in October of 2020.

When the legislature met for its remote session in July and August of 2020 it held a hearing on the new redistricting process. The League testified in favor of the release of the commission's funds through the Department of State, the need for transparency and accountability throughout the process, and a focus on additional operational support until the commission was fully up and running. The League urged the legislature not to consider amending the new process that voters had approved in 2014 until after it was implemented in the next redistricting following the 2020 census. However, after the hearing the legislature put forward a new constitutional amendment to change the voting structure for both the commission and the legislature when voting on whether to accept proposed maps, effectively cutting off the minority party from having any influence on the redistricting process. The League issued a memo of support opposing the amendment and worked remotely to lobby legislators to oppose the bill. Unfortunately, our efforts were unsuccessful, and the bill had first passage in August of 2020. The League will continue to oppose second passage of the amendment in 2021.

In July of 2020 and January of 2021, the Senate and Assembly passed a constitutional amendment to change New York State's new redistricting process put in place since the last redistricting process. The amendment would effectively cut off all minority party influence on the redistricting process and undermines the role of the Commission. The League opposed this amendment because it would disempower minority party appointees to the Redistricting Commission and limit the input of minority party legislators by changing the voting structure of the Commission and legislature when voting to approve maps. Under the new amendment, if both the Senate and Assembly are controlled by one party, there is no longer a requirement of two thirds vote of support. Additionally, the amendment repeals the requirement for a Commission's redistricting plan to be approved by at least one Commission member appointed by each of the legislative leaders, including the two minority leaders. Lastly, the proposal would take away the voting rights of minority party-appointed Commission members in appointing the two co-executive directors of the Commission.

The League opposed the first passage of this amendment in August of 2020 not only because it would strip away any input from the minority party, but also because it would change the untested process before it even has the chance to function. This is the first time the 2014 amendment establishing the commission will be put into effect for a redistricting cycle. The amendment was put to the voters for consideration and ultimately voted down. During the 2021 election the League worked to conduct voter education on this issue as well as a ballot campaign opposing the amendment. The League was successful in our efforts and the amendment was rejected by New York State voters.

In addition to opposing the amendment, the League worked to secure funding for the new Independent Redistricting Commission. After a major delay in the release of Commission funds, the League partnered with more than 30 diverse stakeholder organizations to call on the legislature to fully fund the Redistricting Commission. The League submitted joint testimony to the Legislative Budget Committees regarding the need to immediately fund the Commission so they can begin their work. The League also encouraged our members to help in our advocacy efforts. We were successful in our efforts and secured \$4 million for the Redistricting Commission to complete their work redrawing our state and congressional district lines.

***Past league activity from 1965 to 2001 can be found in Impact Archives.***

# ELECTION PROCESS (CAMPAIGN FINANCING)

The League of Women Voters of the United States believes that the methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office, and allow maximum citizen participation in the political process. (LWVUS *Impact on Issues*, 2024-2026, p. 48) Statement of Position on Campaign Finance, as Announced by National Board, January 1974 and Revised March 1982.

A clear focus on campaign financing emerged from the LWVUS concern about spending abuses in the presidential and congressional campaigns of 1972. In 1973 an accelerated member study and agreement led to the initial Campaign Finance Position of the LWVUS, first announced in January 1974 and revised in March 1982. It was under this National League position that the LWVNYS took action until April 14, 1991, when the New York State League consensus was adopted.

**CONSENSUS STATEMENT: ELECTION LAW  
CAMPAIGN FINANCING  
Statement of Position  
As announced by the State Board, April 1991**

The League of Women Voters of New York State reaffirms its belief that it is necessary to improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizen participation in the political process. (LWVUS Impact on Issues).

In order to restore public confidence in the political process:

Appropriate limits should be placed on campaign contributions which can be made to each candidate from individuals, corporate funds (in the aggregate where there are subsidiaries), political party monies, donations by PACs and special interest groups.

Funding limits on statewide candidates should be set at a higher level than on candidates running in smaller districts.

Equal access to the political process for candidates should be enhanced by supporting measures which would open the system to challengers and by enacting a public financing law for statewide offices.

The New York State Election Law should enable rather than limit candidates' attempts to gain ballot positions. All qualified candidates aspiring to public office should have access to the ballot through a fair, simplified petition system that is straightforward and that does not present a maze of technical minutiae. Basic safeguards against fraud should not require excessive rigidity.

Enforcement of the election law pertaining to campaign finance requires analysis of the data collected under the established procedures for reporting the receipt and expenditure of funds.

The League calls for centralized computerization of campaign finance records for local and statewide elections. In order for this information to have any meaningful effect, it must be monitored, analyzed, and disclosed. Oversight and enforcement must be vested in a government entity with the independence, power, and adequate resources to enforce the law.

The League supports measures to restore integrity to a system which has become flawed by political partisanship.

The League of Women Voters of New York State supports passage by the legislature of a legally valid Fair Campaign Code. Fair Campaign Practices Committees can play an important role in establishing ethical campaign guidelines at all levels of government and can focus public opinion on the conduct of campaigns. We urge their widespread use across the state.



## Recent League Activity

### 2024

In the final few days of the 2023 session a bill revising the New York State Public Campaign Finance Program was pushed through and passed. The League strongly opposed this bill (S7564/A7760). It would change the public financing law in ways that will undermine the program's core objective of empowering small donors. Instead of matching the contributions up to \$250, this bill would allow for the first \$250 of all contributions to be matched, taking away the power from small donors. The League along with several other good government groups called for the Governor to veto the bill. Read our memo of opposition [here](#). We submitted an op-ed to call for a veto that was published in Newsday. Ultimately, the Governor vetoed the bill in December of 2023.

The Public Campaign Finance Board was awarded their full budget ask of \$114.5M dollars in the 2024 FY. The League supported this budget request in our testimony.

A bill was proposed in the 2024 legislative session to make additional changes to the program. We have opposed any additional changes and joined a memo of opposition with other good government groups to ensure critical changes aren't made to the program just before it goes into effect for hundreds of candidates. In March, Senator Skoufis introduced another bill that would make changes to the program. We again pushed back as there are less than 100 days before the program would be implemented for the first time. The bill was not passed. There was an issue of fraud within the program in June of 2024, which was caught by the Public Campaign Finance Board. Ultimately the program was seen as a success in its first year.

### 2023

In March of 2023, there were signs of outward criticism of the new Public Campaign Finance Program despite a study done by Data for Progress and Stand Up America that showed that New Yorkers overwhelmingly support the program. In fact, 62% of New York voters say lawmakers must give the state's public campaign financing program sufficient funding. You can find the study [here](#) and read more about the pushback [here](#), [here](#), [here](#) and [here](#).

The League was incredibly frustrated to hear pushback on a program we worked for so long to get into place. The new small donor public matching program, in effect for the 2024 State Senate and Assembly elections puts the power in the hands of the people of New York. The system helps candidates spend more time engaging with constituents and fund campaigns without depending on big donors. Together with our partners at the Brennan Center,

*"For decades the League, along with our good government colleagues, has tirelessly worked to reform the pervasive pay-to-play culture that continues to reveal itself in scandal after scandal. New York now has before it a historic opportunity to enact sweeping improvements to our broken campaign finance system which has for far too long undermined democracy and encouraged public distrust in government,"* said Laura Ladd Bierman, Executive Director of the League of Women Voters of New York State.

The State League worked with our coalition partners to send out a press release on the topic. Read the press released [here](#).

In order to be fully operational for the 2024 election, the new public campaign finance board, requested \$114.5 million in funding for FY 2024. Governor Hochul appropriated \$39.5 million in her executive budget. We asked the State Senate and Assembly to fully fund the program in their budgets. There were many rumors that the program would be defunded entirely and that there was a lack of support from

many legislators. Ultimately, in the final budget for 2023 the program was funded at a total of \$39.5 million.

Along with the Brennan Center and the Rockefeller Institute at SUNY Albany we held an informational presentation on the program on March 9, 2023. This presentation, co-hosted by the League of Women Voters New York State, the Rockefeller Institute, and the Brennan Center for Justice, explored how public financing fits into the post-Citizens United landscape and how the reform amplifies the voices of everyday New Yorkers in our elections and government.

In June of 2023, lawmakers introduced a bill (S7564/A7760) to substantially change the public financing law in ways that would undermine the program's core objective of empowering small donors. There were several proposed changes, but the most significant was that the program would now match the first \$250 of any contribution instead of only matching contributions of \$250 or less. We released a statement and a joint memo of opposition with other good government groups. Read the statement [here](#) and the memo [here](#). The bill was passed in both the Senate and Assembly and has not yet been signed by the Governor.

## **2019-2020**

Despite the League's continuing effort to finally pass campaign finance reform during the 2019 legislative session, the legislature and the governor punted the decision to a non-elected Public Campaign Financing Commission whose recommendations would automatically become law unless changed by the legislature.

In September of 2019 the League testified strongly at a public hearing of the Commission that in addition to public financing, any reforms must include lower contribution limits, including on political parties and those doing business with the state, and an independent enforcement agency. The League also worked with the Fair Elections coalition and our good government partners to ensure that the Public Campaign Financing Commission proposed comprehensive campaign finance reforms. We signed onto a letter to the Commissioners asking them to release their interim recommendations in the first week of December. We asked that they uphold a minimum standard in their recommendations and ensure a 6 to 1 match, a reduction in contribution limits, and the creation of an independent oversight agency to oversee the program.

Unfortunately, the Commission's report fell short in several respects, not touching party contributions or pay-to-play and leaving candidate limits still far too high. It also courted controversy by significantly raising signature requirements for third parties to be on the ballot. Not surprisingly, the resulting automatically enacted laws were challenged in the courts and overturned by a lower level court on the basis that the Legislature had unlawfully delegated its law-making to an unelected entity.

Subsequently, during the 2020 budget process the Legislature passed a campaign finance bill mirroring the recommendations of the Commission from last year (which became law automatically) that were successfully challenged in court. The bill allows candidates for statewide office and the Legislature to opt into a system of public financing that incentivizes small dollar donations by matching them with public funds. Candidates for statewide office can now raise a maximum of \$18,000 in a four-year election cycle from an individual contributor, down from about \$70,000; state Senate candidates can raise \$10,000, down from \$19,300; and state Assembly candidates can raise \$6,000, down from \$9,400. Unfortunately, limits on contributions to political parties and those doing business with the state were left untouched in this legislation as well.

The new legislation also put back in place the Commission's controversial changes to party thresholds and ballot access requirements. Statewide candidates now have to get 45,000 signatures from voters to

get on the ballot, up from 15,000. For an automatic ballot line, a party must receive at least 130,000 votes or 2% of the vote, whichever is higher, every two years in a gubernatorial or presidential election, up from 50,000 votes every four years in a gubernatorial election.

## **2016**

Even after the indictment and conviction of the Assembly Speaker and Senate Majority Leader, the legislature once again failed to pass meaningful ethics and campaign finance reforms during the 2016 legislative session. The Senate and Assembly had both created independent ethics bills which they passed during the budget. The two packages were completely different with the Assembly focusing on outside income and lobbying practices while the Senate only passed a bill to limit term limits for leaders. The Senate also restated their support of a pension forfeiture bill they had advanced in 2015. The League issued a memo calling on the two houses to work together and pass a single ethics package to address all of these reforms as well as reforms to campaign financing, restructuring of JCOPE, and strengthening financial reporting.

Although the Governor had stated he planned to institute new ethics reforms, no legislation was proposed until the final days of session. When the Governor finally did put forward an ethics package, it was aimed primarily at independent expenditures and included some problematical disclosure rules for non-profits. On the other hand, the package includes some reforms that we have been fighting for nearly a decade: pension forfeiture of elected officials convicted of corruption, the timely closure of political PACs after a candidate passes, and having political consultants register as lobbyists, all measures the League supports. What we did not support is how the Governor quickly put together this package, without including laws aimed at bigger issues such as closing the LLC loophole and eliminating pay to play by lowering contribution limits, and then the two houses passed the package in the dead of the night (Senate at 2:00am and Assembly at 5:00 am)

## **2015**

The 2015 legislative session was one that saw the leadership of both houses change as the then leaders Sheldon Silver and Dean Skelos were arrested on federal corruption charges in January and May respectively. Unfortunately, even this did not result in any progress being made in the legislature on campaign finance reform. However it ended up being a year in which the League and its good government allies pushed to see the LLC Loophole finally closed. Legislation to do this was introduced in January by Assemblyman Brian Kavanagh and Senator Daniel Squadron. While the Assembly was quick to pass the measure, the Senate Republicans refused to even consider the legislation forcing Senator Squadron to file a motion with the Senate Elections Committee asking the members to honor senate rules and vote on the bill. On the floor of the Senate this motion was deemed non-germane and failed on a straight party line vote.

Going at the problem through a different avenue, advocates also attempted to overturn the 1996 State Board Election's opinion that created the LLC loophole at the April meeting of the New York State Board of Elections, but the effort failed with a 2-2 vote; both republicans voted against, democrats voted for. The GOP Commissioners insisted this type of reform was better left to the legislature. The League and several other good government groups voiced their outrage over the board's gridlock and reiterated the importance of replacing the ill-advised and outdated 1996 advisory opinion that treats limited liability companies (LLCs) like individuals, rather than corporations. At September's meeting of the State Board of Elections, a request for a re-hearing of the 1996 advisory on LLC was raised and again the vote was stalemated at 2-2.

This “5-Point Ethics Package” did not even begin to touch on the issues we have highlighted all session. The League was quick to issue a statement criticizing the legislature for passing the insufficient reforms in the dead of night without public input.

## **2014**

For the first time, Governor Cuomo put Campaign Finance Reform in his proposed 2014 state budget. Because of previous Court of Appeals decisions granting the executive far more control over the state budget, the Governor gambled that the Legislative Branch would not risk delaying the budget beyond the April 1st deadline and therefore the budget would include his proposed Campaign Finance Reform. Despite the grave reservations of some good government groups, consensus was reached that this could be the best opportunity to accomplish Campaign Finance Reform.

Throughout the 2014 budget session, local Leagues and the state League lobbied their local legislators and the leadership offices to ensure that comprehensive campaign finance reform proposal remained as part of the proposed state budget. Unfortunately, the governor and legislature reached an agreement behind closed doors which was significantly watered down and included only a publicly funded pilot program for the Comptroller but did not use his budgetary powers to secure comprehensive CFR and the legislature passed a significantly watered down budget agreement with a governor appointed campaign finance enforcement official, who would provide a fifth vote only on enforcement matters conducted in the enforcement entity.

The League expressed its extreme disappointment that Governor Cuomo and the Legislature failed to seize upon a historic opportunity to pass comprehensive campaign finance reform. We were particularly disturbed that the Governor failed to push more strongly to fully implement the findings of his own Moreland Commission. The budget agreement omitted fundamental and long-sought reforms such as reasonable limits on campaign contributions, banning of housekeeping accounts, limiting party transfers, and the closure of the LLC loophole. The system of public financing limited to candidates for State Comptroller during the current election cycle was woefully lacking in both time and scope to be effective as a pilot program. The current Comptroller declined this deeply flawed and inadequate faux “reform” leaving New Yorkers with a government still susceptible to the corrupting influence of big-moneyed special interests. In a devastating move by the Governor, the day following passage of the State budget, the Moreland Commission was disbanded. For the remainder of the legislative session, much media attention was focused on the political ramifications for the Executive because of his disbanding of his public integrity commission.

Following passage of the budget, the League and good government colleagues continued to lobby the legislature for comprehensive campaign finance reform, however, no legislative action was taken.

## **2013**

In 2013, during a legislative session that saw the indictment of numerous legislators on corruption charges, the League continued its advocacy for comprehensive campaign finance reform and changing Albany’s “pay-to-play” culture. The indictments heightened public interest and support of campaign finance reform and pressure on the governor and legislature to act. Assembly Speaker Silver reintroduced his campaign finance reform legislation (A.4980/S.4705 – The Fair Elections Act) of which the League’s misgivings remained. The Senate Independent Democratic Conference, led by Senate Majority Coalition Co-Leader Klein, introduced a more comprehensive campaign finance reform legislation (S.4897 – The Integrity in Elections Act). The League welcomed the addition of a more comprehensive package to the public discourse. However this legislation had no same as in the Assembly and, given the politics of the Senate during the 2013 session, had very little chance of passing. In June 2013, Governor Cuomo also proposed

his own campaign finance legislation in Program Bills #3 and #12. The League, with NYPIRG, applauded the governor for highlighting campaign finance reform in the closing weeks of the session, but urged the governor and legislative leaders to come together to produce results and actually pass comprehensive legislation.

The League also provided testimony on campaign finance reform before the Independent Democratic Caucus at their “Restoring the Voters’ Trust in New York State Government: Reforming New York State’s Campaign Finance and Election Laws by Increasing Accountability” hearings in both Buffalo and Albany. In addition to working with our good government partners on this issue, the League was also a participant in the Fair Elections Coalition to pass comprehensive reform. While lobbying the issue in Albany, the League continued to support local leagues in holding educational forums on campaign finance reform. While Speaker Silver’s bill was passed in the Assembly, ultimately no campaign finance legislation was passed in the Senate, as the Senate leadership refused to bring it to the floor for a vote.

***Past League activity from the 1980s-2012 can be found in Impact Archives***

## **ELECTION LAW**

### **ACTION TAKEN UNDER LWVUS POSITIONS**

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The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed. Statement of Position on Voting Rights, as Announced by National Board, March 1982, (LWVUS *Impact on Issues*, 2024-2026, p. 27.)

The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed; therefore, its basic mandate is to protect, extend and encourage the use of the franchise. Underlying all League positions is a philosophy that emphasizes participation in the electoral process.

Many of the New York State League’s positions on election law are based on positions taken by the National League. These positions will be referenced in text by indicating the specific page they appear on in the LWVUS *Impact on Issues*, 2024-2026 edition.

The first election law reform advocated by the League of Women Voters of New York State was the one which gave birth to its founding as an organization—the women’s suffrage amendment. Since the 1920s, the League has been in the forefront as a grassroots advocate on behalf of all voters. Its steadfast dedication to the issues and its history as a responsible presence in Albany has earned the League the respect of legislators, governors, boards of election and the public. Many areas of the election law have come under League scrutiny and have been subject to its campaigns for reform.

## RECENT ACTIVITY

### 2024

The League submitted written testimony and testified orally at the Joint Budget Hearing for Local Government. We advocated for funding for local boards of elections (\$10M), funding for NYS to join ERIC (\$51k), support for the Dr. John Flateau Database (\$4.5M), and continued support for the public campaign finance program (\$114.5M) and COELIG (\$8.1M). Our testimony was highlighted in an NPR radio story on election related budget asks. In the final budget, County Boards of Elections received the \$10M we pushed for in our testimony.

The Governor presented her annual State of the State in early January 2024. The Capitol and LOB were both locked down to all non-governmental personnel and media. We did not hear her mention democracy, which was surprising given that it's a high-profile election year. She did include a plan to expand voter access on campuses in her State of the State book.

As they have for the past five years, the Senate immediately introduced a package of bills to address voting rights and election reform. The League was quoted in a press release that went out about the package- [click here to read the press release](#) and we were quoted in a Spectrum story [here](#). Many of the bills were passed in previous Senate sessions and (as in past years) we expect it to be difficult for them to get passed in the Assembly. We were excited to see that the ERIC (Electronic Registration Information Center S6173B Skoufis/A7052C Sillitti) bill was included in this package. Ultimately, the ERIC bill failed to pass in the Assembly, primarily due to time constraints. The Governor made an end of session decision to hold off on the implementation of congestion pricing in NYC, which derailed many bills that we hoped to see passed at the end of session.

In this session we also pushed for Democracy During Detention (S6875 Myrie/A9612 Walker) to allow consistent access to voting in jails, Better Notification of Purge from Voter Rolls (S6168/A6764) to provide clear updates to New Yorkers when they are purged from voter roles, and the Student Voter Empowerment Act to expand access to education for students voting on campus. None of these bills moved forward this session.

### 2023

#### *Automatic Voter Registration and Online Voter Registration Implementation*

The State League met with the State Board of Elections along with the Brennan Center, Citizens Union, Common Cause, NALEO, Brooklyn Voters Alliance and other good government groups to discuss the planned implementation of automatic voter registration and online voter registration in New York State. We also met with the state Board to discuss the timeline for implementation, how to test the system, and to ensuring the board has feedback from our organizations as it relates to the needs of voters. The State Board of Elections rolled out the initial Online Voter Registration system in May of 2023. There are several issues with the system, the largest issue being that individuals need to create a NY State ID account before they can register to vote. Forcing individuals to create an account could be seen as a form of voter oppression due to difficulty of access.

#### *Outcomes of 2023 Legislative Session*

Below is an overview of significant legislative outcomes from the 2023 Legislative session.

#### **Mandatory Training Curriculum for Poll Workers (S587 Comrie/A268 Walker)**

The League worked hard to pass this bill. The bill relates to mandatory training curriculum for poll workers; requires the state board of elections to develop and provide to each county materials for a model poll worker training program which the counties may use to train

individuals to serve as poll workers in state and county elections. This bill was signed by the Governor on September 20, 2023.

**Plain Language Ballot Initiative ([S1381 Comrie/A1722 Zinerman](#))**

This bill will require proposed amendments to the constitution or other ballot proposal to be submitted to a statewide vote be submitted to the people for their approval in plain language. All amendments must be written at no more than an 8<sup>th</sup> grade reading level. The bill was signed by the Governor on November 17, 2023. The State Board of Elections chose to implement some of the guidance included in this bill for the 2023 statewide ballot measures, prior to the Governor signing the bill.

**10-day Voter Registration Implementation ([S5984A Kavanaugh/A6132A Carroll](#))**

This bill would allow for the effective implementation of the 10-day voter registration bill that was passed last session. It would allow voters to complete a conditional voter registration application and cast an affidavit ballot. This bill was signed by the Governor on September 20, 2023.

Additional significant bills that were passed that the League did not advocate for are below:

**New York Early Mail Voter Act ([S7394A](#))** The League does not have a position on this issue and therefore did not support or oppose the bill. This bill was signed by the Governor on September 20, 2023. This bill was later challenged via a lawsuit claiming that it was unconstitutional. In August of 2024, the Court of Appeals upheld a decision from a State Supreme Court, stating that the law was constitutional.

**Even Year Election Bill ([S3505B](#))**: The League does not have a position on this issue and therefore did not support or oppose the bill. This bill was signed by the Governor on December 22, 2023.

**Citizens Released from Jails and Voting Bill ([A4009](#))**: We support this bill, but did not advocate for it during session. It requires information to be distributed on voting for all eligible citizens released from NYS jails.. This bill was signed by the Governor on September 20, 2023.

In the Fall of 2023, the League spoke with Senator Mayer's office about how we can help with the implementation of her newly enacted law that requires schools to adopt policies to promote student voter registration. Our local Leagues are now working directly with their boards of education to ensure they create a plan based on suggestions from the New York State School Boards Association.

## 2022

Early in 2022, the League supported a bill to expand poll sites to college campuses with 300 registered voters or more. This bill was proposed and ultimately passed in the NYS Budget that was approved by the Legislature and Governor Hochul. The final budget also included \$4 million for local boards of elections to reimburse the cost of pre-paid postage for absentee ballot applications and absentee ballots.

As we neared the 2022 mid-term elections, the state League launched an education campaign to provide local Leagues and members with materials that detail how NYS runs secure, reliable, and fair elections. These materials were used as talking points with local news outlets, delivered to county board of elections, and distributed to voters who might have questions about how it all works.



The League also took part in the Election Protection effort (1-866-OUR-VOTE) run by the Lawyers Committee for Civil Rights Under Law and Common Cause. During early voting and on election day we were in the command center working to escalate issues called in from voters across the state to ensure everyone had equal access to the ballot this year. The State League recruited local Leagues to participate in a post-election ballot canvassing observation led by the Lawyers Committee and Common Cause. Volunteers observed the canvassing of ballots to look for inconsistencies and report any sort of disruption at canvassing sites. Volunteers from the League were recruited from the following counties: Kings County, Suffolk County, Orange County, Ulster County, Dutchess County, Putnam County, Rockland County, Onondaga County, Tompkins County. These counties were chosen either because they had seen an uptick in election denialism organizations or had contentious races this season.

In November of 2022, the League of Women Voters of the Mid-Hudson Region along with The Andrew Goodman Foundation (AGF), county-based Dutchess Student Voting Coalition, and the New York Civil Liberties Union (NYCLU) filed a lawsuit against the Dutchess County Board of Elections when they failed to add a poll site to Vassar College campus even after Governor Hochul signed this bill into law in April. The lawsuit was decided in our favor and a poll site was placed on Vassar College campus, even though one of the Commissioners claimed they would be unable to do so given how close it was to the election. The Honorable Christie L. D'Alessio of the Supreme Court of the State of New York granted the entire petition of a lawsuit filed just two days prior, which argued that the Dutchess County Board of Elections (BOE) was in violation of state law. Judge D'Alessio's decision effectively orders the Dutchess County BOE to situate a polling place at Vassar College immediately. In April, New York Governor Kathy Hochul signed new legislation to mandate polling places on college campuses with 300 or more registered students or at a nearby site proposed by the college, and that such designations be made by August 1, 2022. The legislation also prevents the division of college campuses into multiple voting districts as of January 1, 2023. Judge D'Alessio's order cited this "plain language" as a clear and specific mandate to place a polling site on Vassar's campus. The November 3, 2022 decision and order is the first to interpret the new state mandate.

Below is an overview of significant legislative outcomes from the 2022 Legislative session.

- **10-day Voter Registration:** Passed in the Senate on May 31 and in the Assembly on the last day of the session. This bill will reduce the voter registration deadline to the constitutional minimum of ten days. It will be effective on January 1, 2023. This bill was signed by the Governor.
- **Wrong Church:** This bill will be effective on January 1, 2023. This bill requires counting affidavit ballots of eligible voters if a voter appears at a polling place in the correct county and assembly district but in the incorrect election district. This bill was signed by the Governor.
- **John R. Lewis Voting Rights Act of New York State:** This marks a monumental achievement for voting rights in the state of New York and will serve as an example to other states and Congress. The John R. Lewis Voting Rights Act of NYS is a state-level Voting Rights Act would help prevent and redress acts of voter suppression, disenfranchisement, or intimidation; require certain localities to clear local changes to voter access that could infringe civil rights with the NYS Attorney General; designate SUNY as a transparent state steward of election data; and improve language assistance. This bill will be effective immediately, although some sections of the bill won't be active until a year or three years after it's signed into law. The Governor signed this bill on June 20, 2022 on Medgar Evers College campus and the League was there. This bill includes preclearance provisions, but does not include the statewide database we supported. We will advocate for the database bill in the 2023 session.

Additional bills that were passed that the League supported, but did not advocate for are below:

- [A8432A/S7565B](#) – Extends voting by absentee ballot where there is a risk of contracting or spreading a disease that may cause illness to the voter or to other members of the public

- [A1144A/S253A](#) – Counting ballots where the express intent of the voter is unambiguous
- [A1819A/S1851A](#) – Relates to state party names; prohibits a state party from using the word "Independent" or "Independence" in its name.
- [A7748A/S3855A](#) – Authorizes registration records of victims of sexual violence to be kept confidential in certain cases
- [A7933C/S6901B](#) – Includes individuals who do not identify exclusively as a binary gender in eligibility for party positions

Finally, provisions of EL 9-209 became effective in April 2022. This amendment to election law requires an extended canvass period, of absentee, military, and special ballots, **prior** to Election Day (previously this canvass happened post-election day).

In August of 2022, the State League joined the Vote Yes for Clean Water and Jobs Coalition in support of the Environmental Bond Act that was on the ballot in November of 2022. The coalition is led by The Nature Conservancy. LWVNY and many local Leagues took part in webinars, press conferences and other measures to support passage of the ballot. The Act was passed by New York voters.

## 2022

### State Studies

In 2022, the new position on the structure of election administration in New York state sent to local Leagues in January failed to gain the necessary 2/3 approval. Twenty-three Leagues and 11 individuals responded. However, our current positions fully allow us to support needed reforms to election administration that fall short of eliminating the bipartisan constitutional requirement for “qualifying voters, or of distributing ballots to voters, or of receiving, recording or counting votes at elections.”

At the same time as the election administration study, Local Leagues and members were asked to support a new position allowing individuals in prison the right to vote while still incarcerated with a felony conviction. Twenty-three Leagues and 11 individuals responded, and the new position was approved overwhelmingly. The Board adopted the following new position on June 7th.

**Enfranchisement of Individuals Who Are Incarcerated  
Statement of Position  
As approved by the State Board, June 2022**

The League of Women Voters of New York State supports extending the right to vote to all currently incarcerated individuals.

## 2021

In 2021 the League continued to advocate for expansion of early voting and expanded funding for boards of election to carry out new poll site mandates. In 2020, the League supported a new law to mandate county boards of election to have at least one early voting poll site in the county's largest municipality. The bill also increases the maximum mandated cap on early voting poll sites from 7 to 10. The legislation was passed in July of 2020. In 2021, the legislature also passed a law to lower the number of voters designated to early voting poll sites to one poll site per 40,000 voters in each county with at least 500,000 registered voters, and for every full increment of 30,000 voters in each county with fewer than 500,000 registered voters. This provision also extended voting polling site hours of operation during early voting.

As a result of this increased access to early voting, the League focused our efforts on the need to advocate for greater funding for early voting. The League testified before the Joint Budget Committees on Public Protection in 2020 and 2021 and encouraged our members to hold meetings with their Assembly Members and Senators advocating for these funds. Together with our voting coalition partners, the League successfully secured \$2 million for early voting expansions; \$5 million for the State Board of Elections to implement new election programs; and \$20 million for county board of elections to reimburse the cost of technology and equipment upgrades.

The League also advocated for greater access to absentee voting including pre-paid postage for ballot returns, universal ballot drop boxes, and ballot tracking. The legislature did not pass these reforms but did pass a bill to expedite the counting and processing of absentee ballots. The League was supportive of this measure but continues to believe that accurate absentee ballot counts are more important than immediate election results. The League also worked to oppose a measure that would reduce the timeline for a voter to request an absentee ballot by mandating the voter submit their request fifteen days before an election instead of seven days ahead of the election. The League partnered with VoteEarlyNY to oppose this measure but unfortunately it passed late in the legislative session. The League will continue to work on ensuring voters have a fair timeline to request their absentee ballot in the coming legislative session.

Although we failed in opposing the absentee ballot deadline measure, the League was successful in working to pass a law to allow any person on parole to have their right to vote restored automatically upon release from incarceration. The new law states that all individuals will be notified both verbally and in writing that their voting rights will be restored, and that the person will be provided a voter registration form and assistance in filling it out, along with voter education materials by the Board of Elections. Either the person registering or the Department of Corrections will transmit the completed registration application to the local board of the individual's residence. The League worked collaboratively with the Let NY Vote coalition in helping to pass this measure.

Throughout the summer of 2021, the Senate Election Committee toured New York State to speak directly with voters about their experiences voting in New York State. These hearings were held in Rochester, Syracuse, Westchester, New York City, and Albany. The League testified at the Albany hearing and shed light on the issue of inconsistent transparency, accountability, and information at the county level. The League urged the Election Committee to implement uniform standards for all boards of elections, and to give the State Board of Elections the power to punish bad actors. Following these hearings, the Senate Election Committee released a 63 page report with their plans to reform our boards of elections in New York State.

Finally, in 2021 the League successfully advocated for second passage of constitutional amendments to allow for no-excuse absentee voting and to eliminate the 10-day voter registration deadline. These constitutional amendments were put on the ballot for voters in November of 2021. Unfortunately, the two amendments were rejected by New York State voters.

## **2020**

In 2020 the League's election reform advocacy focused on ensuring New Yorkers had ballot access during the coronavirus pandemic. The League successfully urged the Governor use his emergency powers to issue an Executive Order to consolidate the Presidential and State/Congressional primaries to June. Consolidating the Presidential Primary from August to June allowed county boards of elections to prepare for the huge increase in absentee ballot requests for the primary. In addition to consolidating

the primary, using his emergency powers, the Governor issued an Executive Order to allow any voter to apply for an absentee ballot under the “temporary illness” excuse.

After the primary, the League continued to advocate for absentee voting expansions. The Governor’s initial Executive Orders only applied to the June primary and were not extended for the general election. In July and August, the legislature met remotely to pass legislation related to the ongoing pandemic including legislation extending the rules related to allowing all voters to request an absentee ballot using the “temporary illness” excuse. In addition to this limited statute, the legislature also passed legislation to allow voters to apply to vote by absentee ballot more than 30 days ahead of the election; and to allow Boards of elections to process absentee ballots received the day after the election that do not have a visible postmark date. The legislature also passed an automatic voter registration bill that included agencies outside of the Department of Motor Vehicles. This reform will not take effect until 2023.

The League also joined a lawsuit to allow voters to cure deficiencies with their absentee ballots. The League partnered with the Campaign Legal Center and successfully settled a lawsuit that now allows New York State voters to receive notice if there are absentee ballot deficiencies related to their signature, witness declaration, or the sealing of their affirmation envelope. The settlement also removed previous rules that allowed ballots to be challenged if the voter marked outside the designated area, used non-black or blue ink, or sealed their envelope with tape.

Prior to the State of Emergency shutting down the State Capitol and in-person advocacy, the League worked on expanding early voting poll sites, mandating poll sites on college campuses, and allowing for online voter registration in New York City. These reforms passed in the Senate but did not pass in the Assembly.

The League also worked with our civil rights partners to advocate for a New York State Voting Rights Act bill that would reinstate election protections in New York that had been removed from the federal Voting Rights Act following the *Shelby County v. Holder* Supreme Court ruling. The New York State Voting Rights Act would ensure that a voter’s ability to cast their ballot is not biasedly hindered by state, county, local governments, or political subdivision. The League testified in favor of this newly proposed policy and emphasized the importance of provisions to ensure transparency in the electoral process.

## **2019**

In 2019 the League successfully advocated for the passage of a slate of voting reforms to modernize and enhance New York State’s elections procedures. The new laws included early voting, primary consolidation, state-wide voter registration transfer, pre-registration of 16-and-17-year olds, improving the look and layout of ballots, and online voter registration. Most of these laws would take effect as soon as the 2019 election which online voter registration not taking effect until 2022. In addition to these laws, the legislature passed constitutional amendments to allow for no-excuse absentee voting and same day voter registration.

These statutes and amendments passed early in the session, but the League continued to advocate for additional voting reforms including automatic voter registration and funding for early voting. The League testified before the Joint Budget Committees on Public Protection and sent a letter to legislative leaders and the Governor urging them to designate funds for counties to use for New York’s first period of early voting. After heavy grassroots advocacy, the Governor allocated \$10 million to the State Board of Elections to reimburse counties for their expenses related to early voting and \$14 million to purchase new equipment.

Following the first period of early voting, the League conducted a voter satisfaction survey to assess voters' experiences voting early for the first time. The League used these results to guide our advocacy around improvements to the early voting process and to make a case for an increase in funding for county board of elections for early voting poll site expansions.

## 2018

For the 2018 legislative session, the League focused our efforts on including funding for early voting in the 2018-2019 budget. The Governor responded to our advocacy and included \$7 million in his executive budget to fund early voting beginning in 2019. The League commended the Governor for this inclusion and immediately got to work encouraging the Senate and Assembly to include funding in their budgets as well. From January to March we conducted countless lobby visits with Legislators and the Executive, submitted testimony to the Joint Budget Committee on Public Protection, and encouraged our members to meet with their Legislators in their district offices during the spring recess. We worked with our coalition partner Let NY Vote (formerly Easy Elections NY) to organize a rally and lobby visits before the one-house budgets were introduced. Sadly, funding for early voting was stripped from the final budget.

We continued to advocate for voting reforms throughout 2018. Post budget, we shifted our focus to passing a Constitutional Amendment to allow for no-excuse absentee voting. We joined in several rallies and press conferences supporting the reform. We were able to garner bi-partisan support for the amendment in both the Assembly and Senate. Toward the end of the session, a Republican Senator introduced his own version of the amendment. Unfortunately, because Constitutional Amendments require opinion from the Attorney General, there was not a sufficient amount of time to have the bill reviewed and passed.

At the end of session, the League testified before the Senate Elections Committee in support of early voting, closing the LLC loophole, and automatic voter registration. These bills passed in the Assembly but did not pass in the Senate.

## 2017

In 2017, we pushed harder than ever to pass early voting, and for the first time ever the bill moved from the Senate Elections Committee to the Senate Rules Committee. The League was instrumental in making this happen. Our members lobbied their Senators for weeks leading up to its vote in the Senate Elections Committee. On the day the bill was taken up, nearly 20 of our members filled the committee meeting room to watch the Senators vote. Originally the bill was referred to the Senate Local Government Committee, but after a week of intensive lobbying by our members who urged the committee's chair to move the bill, it was sent to Rules. Although we were disappointed that the bill was never taken up in the Rules Committee, this was still a major win.

In May 2017, the Assembly passed their early voting bill for the second year in a row. They also passed electronic poll books, no-excuse absentee voting, the Voter Friendly Ballot Act, and consolidation of primary elections. In total, they passed 11 voting reforms that would make voting easier and more accessible. We were very happy to have so many reforms pass in the house this year and expect to see even more reforms to pass in the Assembly next session.

One of the biggest wins on 2017 was a new coalition partnership the League formed with more than 30 organizations, unions, and good government groups. **Easy Election NY** is a brand new partnership focused solely on making voting easier and more accessible. Our coalition worked together to push for early voting,

no-excuse absentee voting, the revision of strict party change deadlines, automatic voter registration, and consolidation of primaries.

## **2016**

During the 2016 legislative session, the League advocated for many of our long standing election law positions. In the beginning of the session we worked with a Voter Coalition network consisting of several good government and voting groups from around the state. We co-sponsored a forum at the Rockefeller Institute for NYS legislators that brought election administrators from Colorado, a state where they have successfully increased their voter turnout by implementing common sense reforms like early voting that make voting participation easier and more convenient for the voter. Our objective was to show that higher turnout can be achieved without increasing fraud and loss of ballot integrity. We advocated for many of our election law bills and were pleased to see passage of early voting, the Voter Friendly Ballot Act, an amendment for no excuse absentee voting, and a bill to allow for electronic poll books in all counties in the Assembly. Unfortunately, these bills were not considered by the Senate.

## **2015**

In 2015 there were multiple bills regarding voting rights which the League supported. No excuse absentee ballots, early voter registration for 16 and 17 year olds, the Voter Friendly Ballot Act, and allowing email addresses on voter registration were all positions the League had lobbied for in 2014 and 2015. The Voter Friendly Ballot Act and optional email address legislation passed the Assembly but action was not taken in the Senate. Unfortunately, the other legislation proposed by the assembly failed to advance.

The Voter Empowerment Act (VEA) was of particular interest to the League in the 2015 session. The legislation would improve New York's inadequate voter registration system by digitalizing the process. The VEA would modernize New York's voter registration system by providing convenient and secure options for voters to become and stay registered in a way that largely eliminates the errors and frustrations that plague the current system. Not only would this save the state money, it would enhance registration accuracy and reliability, and increase the number of eligible voters who are registered. (This position aligns with the US LWV position regarding access and accessibility for voter registration.)

A second important piece of legislation supported by the League was the Voter Friendly Ballot Act. This act would improve the ballot layout so voters can easily read and mark their ballots with greater accuracy. The League's support of this legislation stemmed from a statewide survey conducted by the League in 2010 and 2012. The League surveyed over 1,000 voters who used the paper ballot optical scan voting machines. A significant number of voters participating in both surveys indicated they had problems using the paper ballot and wanted an improved ballot design. The Voter Friendly Ballot act would force New York State to conform with guidelines created by the United States Election Assistance Commission (EAC). These guidelines for ballots would improve readability, usability, and result in more accurate voting. (This position aligns with the US League's position regarding the Help America Vote Act which would provide an enhanced voting system and improve ballot design.)

## **2014**

LWVNYS Election Law Legislative Priorities for 2014 included: requiring that a single primary election be held in June; improving the paper ballot for readability and clarity, "the Voter Friendly Ballot Act"; allowing 16 and 17 year olds to pre-register to vote; and introducing Early Voting options for New Yorkers. Memos of support for these bills were issued to the appropriate Election Law committees in the Senate and

Assembly. These positions align with the US League's position on increasing access and accessibility for voter registration, the High School Voter Registration Project, and the Help America Vote Act.

In addition, since NYS has complied with the Help America Vote Act mandate to provide accessible voting for New Yorkers, the LWVNYS has opposed the continued use of lever voting machines as an option for local elections, such as school districts, improvement districts, fire district elections, and village and town elections. Lever voting machines cannot meet those criteria. The LWVNYS opposed A.9321-A Schimel which would permit the use of lever machines for certain elections for a one-year period but the bill passed both houses and was signed into law by Governor Cuomo

## **2013**

In 2013, legislation was introduced that would allow 16-17-year-olds to pre-register to vote (A.2042A/S.1992A). The League advocated for the passage of this legislation, but, although the bill was endorsed by the Governor, it did not pass out of committee and come to the floor of the chambers for a vote.

***Past League activity on election law from 1967 through 1988 can be found in Impact Archives***

***Past League activity from 1963 through 2010 can be found in Impact Archives along with action taken on the Primaries and the Division for Servicemen's Voting.***

***Past League activity on absentee balloting from 2016-2023 can be found in Impact Archives.***

***Past League activity from 1973 through 2013 on the Help America Vote Act of 2002 can be found in Impact Archives.***

***Past League activity on the petitioning process and ballot access, simplification of election law, electronic voting equipment, and school elections from 1950s- 1997 can be found in Impact Archives***

# **CITIZENS RIGHTS**

## **CITIZEN RIGHTS**

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The League of Women Voters of the United States believes that democratic government depends upon the informed and active participation of its citizens at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. (LWVUS Impact On Issues, 2024-2026, p. 59.)



As part of its citizen's rights concerns, the League has long worked for the citizen's right to know and for broad citizen participation in government. While initial activities focused on making materials available and meetings open to citizens, current activity has focused more on second-generation issues, including:

- Making legislative processes, including the budgeting process, more open and transparent;
- Opening up enforcement proceedings for violation of a number of good government measures, including ethics and lobbying violations against legislators, other public officers, and lobbyists, campaign finance enforcement proceedings, including proceedings brought for failure to disclose information, and proceedings for judicial misconduct;
- Making materials available electronically on-line in a searchable format and filming open meetings;
- Using all technology and social media tools to ensure that the activities of government are transparent to its citizens and that those citizens have the ability to interact with the governmental bodies which make decisions.

***Past League activity from 1972-2008 can be found in Impact Archives***

## **INDIVIDUAL LIBERTIES**

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The League of Women Voters of the United States believes in the individual liberties guaranteed by the Constitution of the United States. The League is convinced that individual rights now protected by the Constitution should not be weakened or abridged. Statement of Position on Individual Liberties, as Announced by National Board, March 1982. (LWVUS Impact on Issues, 2024-2026, p. 62)

Individual liberties are a long-standing League principle that became an integral part of national program positions in the mid-1970s. This basic League concept has been periodically at the center of the League's attention, especially during times of national tension.

## **PUBLIC POLICY ON REPRODUCTIVE CHOICES**

The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. Statement of Position on Public Policy on Reproductive Choices, as Announced by National Board, January 1983. (LWVUS Impact on Issues, 2024-2026, p.64)

Using this position, LWVNYS has vigorously opposed:

- Attempts to encroach upon a woman's (including a minor) right to control her reproductive health
- Measures that would make reproductive health services more difficult to obtain
- Measures that would defund reproductive health programs or that would exclude reproductive health coverage from medical insurance.

## **Recent League Activity**

### **2023**

Below are the two reproductive health bills we focused on this year. They are both ones that our partners on PowHer have been talking about and are responses to the US Supreme Court's Dobb's decision overturning Roe v. Wade – and to the plethora of anti-abortion bills being passes in many states.

- *Reproductive Freedom & Equity Program*  
Establishes the reproductive freedom and equity program to ensure access to abortion care in the state by providing funding to abortion providers, government entities and non-profit organizations whose primary function is to facilitate access to abortion care. This legislation was passed in the Senate and is in committee in the Assembly. It ultimately was not passed by the Assembly.
- *Reproductive Telehealth*  
Provides certain legal protections for reproductive health service providers who provide legally protected health activities including protection from extradition, arrest and legal proceedings in other states relating to such services; restricts the use of evidence relating to the involvement of a party in providing legally protected health activity to persons located out-of-state. This legislation has passed the Senate and Assembly and was signed by the Governor.

## 2011-2019

LWVNY has for many years supported the Reproductive Health Act and the Comprehensive Contraceptive Care Act. We were present to cheer both houses at their joint press conference when the Assembly and the Senate passed both bills on January 22, 2019 (the anniversary of the Roe v. Wade decision). The Governor signed the law later that same day.

The Reproductive Health Act updated New York's laws by:

- (1) Moving abortion out of criminal code and into health code, so that providers are not afraid of providing services;
- (2) Ensuring that the health of the mother, not just her life, is a factor for access to abortion;
- (3) Protecting a woman from being forced to carry a non-viable pregnancy to term;
- (4) Updating the list of medical providers that can provide abortions so access is not diminished because of a lack of providers.

The Comprehensive Contraceptive Care Act requires that insurance companies in New York State cover a wide range of contraception; including all FDA approved contraceptive drugs, devices, and products; and allow women to access 12 months of contraception at one time (instead of the 1-3 month allotments usually dispensed).

Maternal Mortality Review Board – LWVNY worked in coalition to support the creation and funding, in the budget, of this board to investigate the disparity in pregnancy outcomes for women of color and rural women as compared with the general population.

The League has supported the Reproductive Health Care Act since it was introduced in 2011. Refer to page 50 of Impact on Issues for additional details. League activity in the 2014 legislative session was centered on passage of Women's Equality Agenda. The Senate Leadership Coalition, following the elections of 2014, will determine significantly action on the Women's Equality Agenda.

In 2011 the League supported passage of the Reproductive Health Act, (S.2844/A.6112) developed to update New York's law with respect to reproductive health by enshrining the woman's right to choose articulated in Roe v. Wade in state law. It would:

- Guarantee a woman's right to control her reproductive health
- Ensure that a woman will be able to have an abortion if her health is endangered

- Takes abortion out of the penal code, and regulates it as a matter of public health and medical practice
- Protect the fundamental right of a woman and her doctor to make private medical decisions
- Guarantees everyone the right to use or refuse contraception.

In his 2013 State of the State address, Governor Cuomo included passage of the Reproductive Health Act as part of his 10 point Women's Equality Agenda (later the Women's Equality Act)t. As the 2013 legislative session continued, the reproductive health provision in the Women's Equality Act (WEA), morphed slightly from the RHA. The Women's Equality Act would ensure that a woman can access abortion care in New York State when her health is at risk by:

- Codifying in New York State law the 1973 Supreme Court decision in Roe v. Wade;
- Ensuring that a woman in New York can get an abortion within 24 weeks of pregnancy, or when necessary to protect her life or health;
- Ensuring that physicians operating within their scope of practice cannot be criminally prosecuted in New York for providing such care; and
- Retaining those provisions in state law that allow the state to prosecute those who harm pregnant women.

The League lobbied extensively for passage of the WEA, but it did not pass during the 2013 legislative session. For a complete narrative on the League's advocacy on WEA, please see the *Women's Issues* section

The League has also supported passage of the "public university emergency contraception act"; which requires every college and university of the state university of New York and the city university of New York to provide emergency contraception to any student requesting it. This bill has been introduced in the legislature numerous times since 2007, the latest being 2011.

In addition, the League has supported the passage of the "unintended pregnancy prevention act"; which would increase access to emergency contraception by allowing women direct and immediate access to emergency contraception from a pharmacist, registered nurse or licensed midwife, using a non-patient specific order written by a licensed medical provider.

***Past League activity from 1994-2007 can be found in Impact Archives along with action taken on Medicaid funding of abortions and our role as a plaintiff in Hope v. Perales.***

## **ETHICS AND LOBBYING**

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The League has long felt that the laws of New York State inadequately define, monitor or discipline unethical behavior in the public sector, both on the part of public officials and lobbyists, those who seek to influence the behavior of public officials.

## **Recent League Activity**

### **2024**

Along with the other good government groups, the League was invited to participate in a roundtable discussion regarding the 2024 legislative agenda for the Commission on Ethics and Lobbying in Government (COELIG) in November in NYC. We made recommendations regarding sexual harassment, financial disclosure for candidates, and the legislative ethics commission. We felt the roundtable went well and that commissioners were generally receptive to ideas from the good government organizations. COELIG ultimately made a few small changes to their legislative agenda in response to this collaboration.

In May of 2024, former Governor Cuomo filed a lawsuit against COELIG, claiming it was unconstitutional. Advocates pointed out that this lawsuit was only filed after COELIG began to investigate Cuomo's \$5M book deal. The suit was heard by the Supreme Court and COELIG was declared to be unconstitutional. A stay granted by the Appellate Division means that COELIG is still operating for the time being. The crux of the argument against COELIG's constitutionality is that it violates the separation of powers, since the majority of the commission's members are not appointed by the executive branch, potential nominees are vetted by an unelected review panel of law school deans and the governor does not have the authority to remove members of the commission. The lower court found that this infringes on the executive branch's constitutionally mandated authority. Another Supreme Court case previously found COELIG to be constitutional. We expect the decision to be appealed. Several good government partners filed an amicus brief in support of COELIG. The League did not sign on.

### **2023**

In September of 2022 the new Commission on Ethics and Lobbying in Government (the "Commission" or CELG) started to come together. The League, along with several other good government groups, monitored the nomination process and progress. In early September, we encouraged them to get to work as the New York State Independent Review Committee (composed of the state's law school deans) had approved seven out of eleven commissioners, enough commissioners appointed for a quorum – the legal minimum required to conduct business. We identified the creation of the new Commission as an opportunity to "reset" public and state officers and employees' expectations about state ethics oversight. The Commissioners are urged to do the following:

- Clearly firewall Commissioners from the elected officials (or their representatives) who appointed them (prohibit ex parte communications).
- Fully use the Commission's powers under state law to fulfill the Commission's mission of restoring public trust in state government.
- Pursue enforcement matters promptly, including previous Joint Commission on Public Ethics (JCOPE) matters.
- Reexamine current protocols and procedures regarding advisory opinions to avoid abuse of authority (such as by requiring Commission approval of all opinions regarding agency heads and statewide elected officials).
- Appoint an Executive Director after a nationwide search.
- Ensure state workers feel confident in reporting allegations of misconduct.
- Require trauma-informed harassment training for all Commissioners and senior staff.
- Increase transparency and access to public information through use of open data for financial disclosure reports, improving the lobbying database, collaborating with the Attorney General's New York Open Government portal, and developing clear guidelines regarding disclosing the status of investigations.

- Hold an annual hearing starting in 2022.

## 2022

On February 8<sup>th</sup>, along with seven good government groups, the League submitted a letter to Governor Hochul and Legislative leaders in support of the need for an independent ethics commission to replace the Joint Commission on Public Ethics (JCOPE). New York State government has a significant and ongoing problem with conflicts of interest, the abuse of power and corruption. It is clear that the Joint Commission on Public Ethics is not designed for – nor capable of – enforcing ethics laws fairly and effectively. JCOPE must be replaced by an independent ethics commission. Letter has being posted to state website.

The final budget approved a new state ethics committee- Commission on Ethics and Lobbying in Government- however, it fails to address many of the reasons we called for reform in the first place. On April 22<sup>nd</sup>, the League along with multiple good government groups submitted a letter to Senate and Assembly leaders highlighting the serious deficiencies in the new state ethics law.

The letter focused on the lack of independence in the selection process. There is an obvious conflict between an elected official's duty to select a person who will enforce the law without fear or favor and their self-interest in avoiding or minimizing accountability should they violate the state's ethics laws.

The post-appointment vetting role of the law school deans does nothing to mitigate these conflicts. The deans are limited to reviewing background and expertise; if the deans reject elected officials' appointees, which may take great fortitude, they simply get to appoint another.

The letter highlighted six areas where action should be taken to fix the state's ethics laws:

1. Independence;
2. Transparency;
3. Nonpartisanship;
4. Discriminatory harassment;
5. Reporting misconduct; and
6. Removing preferential treatment of the legislature.

As of July 8th, the Joint Commission on Public Ethics (JCOPE) ceased to exist. The Legislature agreed to replace JCOPE with a new state ethics and lobbying oversight committee- the Commission on Ethics and Lobbying in Government (CELG).

Under state law, New York's statewide officials and legislative leaders appoint the members to the new Commission on Ethics on Lobbying in Government. Instead of elected officials making direct appointments to the Commission, as has historically been the case, the new law created the Independent Review Committee ("IRC") comprised of the Deans of the State's 15 law schools to determine whether or not nominees should be confirmed for appointment. The League along with other good government groups sent the statewide and legislative officials a letter in June asking that they appoint independent members to the new ethics commission. The letter can be read on the state website Our groups separately encouraged law school deans to adhere to procedures that would increase the transparency and independence of the vetting process for ethics commissioners.

As of August 1<sup>st</sup>, most nominations have been submitted. Public comment on candidates were welcomed by the IRC.

## 2021

### *Transparency*

In person restrictions caused by the ongoing pandemic highlighted the immediate need for the state legislature to make its meetings accessible while the Capitol remained closed to the public. The League joined our good government partners to call on the legislature to webcast all meetings and make meeting webcasts accessible to the public.

Although the Senate quickly made accommodations for livestream webcasts, the Assembly was slow to make its meetings available in anything but an audio format. This slow action was even more concerning as the Assembly Judiciary Committee began to discuss the Governor's impeachment investigation. Despite the meeting being held via Zoom for Assembly Members and its lawyers, the public was only able to listen to the meeting through an audio feed. While audio for this meeting was archived on the Judiciary Committee website, audio for other committee meetings had not been archived.

The League and six of our good government partners sent a letter to NYS Assembly Speaker Carl Heastie asking that the Assembly fully webcast all its committee meetings and archive committee videos on its website.

Later in the legislative session, the League signed onto a joint letter to the Governor and Legislative Leaders calling for further pandemic transparency in the reporting of past and future response to the COVID-19 emergency. Our joint organization called for open COVID-19 data, oversight hearings, and an independent assessment of the state's response.

### *JCOPE Reform*

Throughout the pandemic there were several scandals involving high level elected officials, but none of them were as impactful on state ethics reform as the sexual harassment allegations against Governor Andrew Cuomo. After several women came forward with their experiences while working for the former Governor, the legislature finally began to make progress on reforming the Joint Commission on Public Ethics.

On August 25, shortly after the Governor had resigned, the New York State Senate's Standing Committee on Ethics and Internal Governance invited good government groups to testify at a hearing on reforming the state's ethics and enforcement procedures. The League testified in favor of combining the Legislative Ethics Commission with the Joint Commission on Public Ethics to create a single agency. The League also called for total Commission independence and urged the legislature to consider an appointment process that completely removed elected officials as potential appointers. After the hearing the new Governor, Kathy Hochul, expressed interest in championing reform of the two agencies. The League and our partners are continuing to work with the Governor's office on finding a thoughtful solution to the issue of elected officials selecting Commission appointees.

## 2018

In 2018, between January and June, 8 public officials left office after either being indicted for, found guilty of, or accused of corruption. During these six months, four court cases related to public corruption unfolded; including the trial of Governor Cuomo's former top-aide, Joseph Percoco. Each trial resulted in a guilty verdict. The League and our good government partners used these cases to highlight the need for additional ethics reforms in New York State.

Throughout the session, the League advocated for reforms to the state's contract procurement process. In addition to our typical ethics policy agenda, the League advocated for two bills: the Database of Deals

and the Procurement Integrity Act. These reforms would increase transparency and accountability in the contract award process. The Database of Deals would mandate contractors to report on how they have spent their state funds and how many jobs their projects have created. The Procurement Integrity Act would restore oversight authority of state contracts to the State Comptroller.

Both reforms garnered bipartisan support in both the Assembly and Senate. The bills passed in the Senate but stalled in the Assembly. The League worked up until the final days of session lobbying Assembly Members to co-sponsor the common sense legislation. Unfortunately, we were unsuccessful in moving this important legislation.

## **2017**

In 2017 the League turned its attention to state procurement processes. In the fall of 2015, 8 individuals were indicted after the District Attorney of Southern New York uncovered a massive \$800 million bid rigging scheme that involved state employees from SUNY Poly Tec, the Regional Economic Development Council, and several private contracting companies. The scandal resulted from a contracting bidding process that favored specific real-estate companies who had made large donations to Governor Cuomo's previous campaign bid.

Immediately after the news broke, the League partnered with our good government allies to call for stronger oversight in the procurement process. We sent a letter to the Governor urging him to give the Comptroller back his oversight authority of all state contracting. We asked this office to create a "database of deals" that would allow the public to see how all state contracts are awarded and what the money is spent on. The Governor was unresponsive to our requests.

When the legislative session began, we were quick to call upon the legislature to act. The Senate and Assembly introduced two bills that mirrored our requests. We spent much of the session pushing these reforms. Unfortunately, they did not pass before the end of session.

## **2016**

Even after the indictment and conviction of the Assembly Speaker and Senate Majority Leader, the legislature once again failed to pass meaningful ethics and campaign finance reforms during the 2016 legislative session. Although the Governor had stated he planned to institute new ethics reforms, no legislation was proposed until the final days of session. The Senate and Assembly had both created independent ethics bills which they passed during the budget. The two packages were completely different with the Assembly focusing on outside income and lobbying practices while the Senate only passed a bill to limit term limits for leaders. The Senate also restated their support of a pension forfeiture bill they had advanced in 2015. The League issued a memo calling on the two houses to work together and pass a single ethics package to address all of these reforms as well as reforms to campaign financing, restructuring of JCOPE, and strengthening financial reporting.

In total the League held 5 press conferences on ethics and issued both memos and letters to the legislature and Governor. We requested several meetings with Governor Cuomo but did not get to speak with him until the last two weeks of session. During that time he created a bill to reform independent expenditures but did not address any of the other ethics reforms we had been asking for all session. On the final day of session the legislature announced that they had reached a deal on ethics and in the dead of the night passed their package without public review. The reforms included tightening the coordination rules determining what is or is not an independent expenditure, disclosure of political consultants who also act as lobbyists, lowering the threshold for source of funding disclosures for (c)(4) organizations that lobby and (c)(3)s who receive support from (c)(4)s, and pension forfeiture. The package did not



address any of the larger issues we had advocated for all session. Besides being relatively weak reforms, the League was extremely displeased that the bill was passed with such little transparency. In short, very little was accomplished this session regarding ethics.

## **2015**

Good government groups proposed strong reforms similar to their past efforts, but made little advances. New York's leading reform groups asked Cuomo and the legislators to work together and fix Albany's broken ethics system. NYPIRG, Common Cause, Citizens Union, and Reinvent Albany sent letters to the governor and assembly and senate leaders asking for a complete ethics overhaul. The groups suggested several alterations including ethics reforms to JCOPE, better ethics disclosures, stricter oversight of lobbyists, and changes to the campaign finance system.

The groups asked that lawmakers merge the Legislative Ethics Commission into the Joint Commission on Public Ethics (JCOPE). They asked that changes be made to the new JCOPE board, including reducing the number of members, banning elected officials from becoming members, and prohibiting executive or legislative staff from becoming JCOPE staff until after a certain period of time. The groups asked that JCOPE comply with FOIL and Open Meetings Law, and enact a strict requirement that board members are sworn to protect the interests of the public – not the interests of their appointing authorities.

Attention was also focused on lawmaker's financial disclosures and their relationships with lobbyists. The groups said that full disclosure of outside business clients for all lawmakers, including lawyers, should be accounted for. Stricter oversight of lobbyists was proposed by broadening the definition of lobbying to include public relations efforts in support of government actions. Finally, the groups suggested much lower campaign contributions from lobbyists and those receiving government contracts as well as enhanced disclosures of such contributions.

The League agreed with nearly all suggestions put forward by the groups except a ban on outside income for legislators. Instead, the League advocated for stricter disclosure requirements for members and increasing transparency when submitting these disclosures.

In April, the governor announced that he would be creating an ethics review panel to evaluate the performance of the Joint Commission on Public Ethics and the Legislative Ethics Commission. The groups asked that the panel be chosen on a nonpartisan basis and that they conduct their review openly and independently. They urged the new panel to comply with FOIL and open meeting laws, maintain a public website, and supply webcasts or archived videos and materials from its meetings. They asked that the panel hold public hearings across the state and identify the best ethics practices nationwide and apply them to the evaluation. The panel's report is expected to be released November 1st 2015.

In 2015, Governor Cuomo came under fire after a report regarding his office's email retention policy was leaked by a state employee. The email procedure would permanently delete unsaved emails after only 90 days. Instead of immediately addressing the issue, the Governor defended the nearly decade old policy that had been instituted during Governor Eliot Spitzer's administration. Cuomo had expanded the procedure to cover most other state agencies, which previously operated under different guidelines. After severe backlash from the public, Cuomo called for a joint meeting with legislators, the comptroller, and attorney general but most elected officials chose to skip the meeting and little was accomplished.

The League along with NYPIRG, Citizen Union, and eleven other good government groups wrote a letter to the Governor imploring him to issue an executive order requiring state agencies to keep emails for 7 years; a policy that has already been implemented by most federal government agencies. Cuomo's 90 day policy had the potential to inadvertently delete emails containing public records that would be subject to disclosure under the Freedom of Information law.

Eventually the Governor agreed to change the policy but would not follow the model put forward by the federal government. Instead, the staff will delete emails on their own accord and are only required to keep certain important records for a longer period; however no official retention time has been established. The League believes that a more formal retention policy needs to be enacted in order to prevent government documents subject to FOIL rules from being deleted.

Watchdog groups also pushed to see the passage of the “Faster FOIL” bill. This legislation would reduce the total time government agencies in New York State have to appeal a judge’s decision ordering the release of public records to three months from ten, to improve agency compliance. The bill passed both houses and is awaiting Governor Cuomo’s signature.

## **2012-2013**

In June 2012, the League testified before JCOPE on developing guidelines and regulations for new reporting requirements for lobbyists and clients of lobbyists.

In January 2013, the League testified before the NYS Office of the Attorney General on proposed regulations related to disclosure requirements for nonprofits that engage in electioneering. The League commended Attorney General Schneiderman and his staff for taking an important step in providing transparency in political spending and provided suggestions for the improvement and implementation of the regulations. The disclosure requirements, which went into effect in June 2013, require nonprofits to disclose in annual reports to the Attorney General their political spending, donors, and expenditures related to New York.

***Past League activity on Ethics from 1954-2010 can be found in Impact Archives.  
Past League activity on Lobbying from 1995-2005 can be found in Impact Archives.***

# **GOVERNMENT**

## **ACTION TAKEN UNDER LWVUS POSITIONS**

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The League of Women Voters of the United States defines the fundamental goals of the government program and action to:

**Promote an open governmental system that is representative, accountable, and responsive.**  
**(LWVUS Impact On Issues, 2024-20246 p.19.)**

The League works at all levels of government to improve legislative procedures, assure equitable representation, and protect the rights of all Citizens. LWNYS action on Citizen Rights, Ethics and Lobbying, and Reproductive Choices is guided by National positions. LWNYS action is taken in accordance with State positions on Apportionment (Redistricting) Legislative Procedures, Constitutional Convention and Consolidation of Governmental Units and Sharing of Major Governmental Services.

## **AWARDING ATTORNEY'S FEES AS AN INCENTIVE FOR COMPLIANCE**

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For many years, FOIL permitted the courts to award attorney's fees to those denied access only in rare circumstances. To make an award, a court was required to find first that the applicant substantially prevailed; second, that the agency had no reasonable basis for denying access; and third, that the records were of "clearly significant interest to the general public." There have been many cases in which agencies clearly failed to comply with law, but where the records were of significance only to the person requesting them. Moreover, when records individually were not of significant interest to the public, even if the event to which they related was of substantial public interest, the Court of Appeals found that attorney's fees could not be awarded [see Beechwood Restorative Care Center v. Signor, 5 NY2d 345 (2005)]. Despite an agency's recalcitrance, the courts had no authority to award attorney's fees or impose a penalty.

In August 2006, an amendment passed broadening courts' authority to award attorney's fees when agencies engage in stonewalling or foot dragging. A court now may award attorney's fees when an applicant substantially prevails and the agency had no reasonable basis for denying access or when the agency failed to comply with the new provisions requiring timely responses to requests.

As part of its citizen's rights concerns, the League supports lobbying disclosure reform to provide information on the pressures exerted on the policy-making process while at the same time guarantees citizen access to influencing the process. (See **Legislative Procedures**.)

## **LEGISLATIVE PROCEDURES**

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A study of state legislative procedures was adopted in January 2017. At the 2015 State Convention, League members agreed that it was time to update our position on whether or not we should have a full time or part time legislature and how long the terms of state legislators should be.

**LEGISLATIVE PROCEDURES**  
**Statement of Position**  
**As approved by the State Board January 2017**

Terms for legislators in both houses should be 4 years and they should be staggered. Outside income of legislators may be limited, preferably using the federal model of a percentage of base income. Stipends, commonly known as lulus, should continue for committee chairs and leadership positions. Legislators should disclose all financial holdings and sources of income, including all clients and services if the matter involves business before the state whether or not the legislator personally performed services or referred the client.

Members of the state legislature should have a greater impact on legislative proceedings. There should be restrictions on how long a legislator is allowed to serve in any leadership position in both the Senate and the Assembly but not a lifetime ban. Committee chairs should have a restricted tenure but could take on a different committee leadership or be reappointed after a specified period of time.

Legislative staff should be full-time professionals, independent of partisan control, and more equitably distributed among freshmen and more senior members, majority and minority, Senate and Assembly. Information about staff salaries and assignments should be publicly available.

A variety of approaches is needed to reduce the number of bills submitted each year: reducing the number of "home rule" bills on which the legislature must act, consolidating or eliminating individual sponsorship of bills, and requiring active support by sponsors for their own bills.

Lobbying regulation should require reporting by all groups and agents who expend significant funds for lobbying. Sufficient resources as well as strong investigatory and enforcement powers should be provided to the agency or agencies enforcing lobbying and ethics rules. All disclosure filings should be timely, electronic and available to the public in easily accessible form on the Internet as well as in downloadable form.

***Past League activity on legislative terms, legislative operations, C-SPAN for New York, and Executive Order No. 20 from 1989-2013 can be found in Impact Archives***

## **CONSTITUTIONAL CONVENTION**

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### ***2017 CONSTITUTIONAL CONVENTION BALLOT PROPOSAL***

After discussion and review of the process under which the state board applies League positions, and the precedent of how the League board applied the Constitutional Convention position to the 1997 ballot question, the state Board voted in March 2017 to support the 2017 constitutional convention ballot question. Under the Constitutional Convention position, the League does not have a standing position on whether or not a Constitutional Convention should be held. Instead the determination is made by the state board every 20 years given current policy circumstances. The 2017 decision was made on the basis of giving New York voters the opportunity to consider critical reforms that state government has refused to undertake, such as voting reforms, anti-corruption measures, completely independent redistricting,

modernizing the court system, and further guaranteeing personal freedom and meeting basic human needs. In June of 2017 the 2017-2019 state Board affirmed the state League decision to support the ballot measure

A wealth of information on the ballot proposal question on whether to hold a constitutional convention, including articles in favor and against the proposal, was made available on the state League website.

We believe that our pro position gave us a unique voice in this process and gave the state League a significant amount of publicity. Throughout the campaign, the biggest argument in opposition was the fear that a significant number of protections would be stripped from the Constitution. We countered this argument with the fact that this has never occurred at a convention. The other argument was the potential for dark money to influence a convention. We shared this fear but believed that there was no greater risk of dark money's influence than what we already experience at the state legislature. The final biggest argument was that delegates would be selected based on gerrymandered Senate districts and would likely be the same corrupt politicians currently serving. Although we agreed that the gerrymandered Senate districts were a real issue, we believed that this convention would not have the same reform gridlock currently plaguing our legislature. We were able to counter each argument but we were vastly outspent.

After the convention vote failed to be approved by the voters, we put out a press statement reaffirming our commitment to amending our state Constitution and calling for widespread reforms. We continue working in partnership with other reform organizations to advance priority Constitutional amendments through the legislative process.

## Past League activity on the Constitutional Convention from 1992-1999 can be found in Impact Archives.

### CONSTITUTIONAL CONVENTION Statement of Position

As announced by the State Board, February 1993, revised June 2015

The League of Women Voters of New York State does not support or oppose the holding of a constitutional convention.

The League of Women Voters of New York State recognizes that a constitutional convention is an acceptable (legal) method of amending the New York State Constitution and that the provision requiring periodic mandatory submission of the question of calling a convention is a proper procedure.

The impetus for a convention between the mandated twenty-year referenda should come from the public. However we feel that certain principles are essential throughout the process:

- Education and involvement of the public must be an integral part of each phase of the process.
- Planning should be given adequate time and sufficient funding.
- Nonpartisanship is essential.

The League believes that specific conditions should be incorporated in the policies and procedures established for constitutional conventions:

- Pre-Convention Commission: A preparatory commission should be appointed with adequate time to study the issues, establish the agenda and procedures and prepare position papers for the convention. Such a commission should provide ongoing information to the public and solicit its participation.
  - Convention delegates: The League supports the following reforms as positive factors in deciding on support for a constitutional convention. Delegates should be elected by a fair nonpartisan process that complies with federal voting rights provisions and eases ballot access to encourage participation by racial and other minorities. Public financing should be provided for candidates and their positions on issues and convention goals should be widely publicized to enable voters to cast informed votes at their election. Statewide office holders, state or federal legislators, and state judges should not serve as delegates. Revised June 2015.
- Convention process: Procedures must be put in place to reduce partisanship, by assuring that committees and committee chairmanship are beyond party control.

Reasonable time limits must be placed on the length of the convention and its costs.

The issues to be considered must be determined in advance by the pre-convention commission and researched by position papers, which are complete and available at the time of the convention. Meetings of the delegates should be open, held at acceptable convenient hours, with full media coverage.

- Ballot Issues: Widespread public hearings and adequate voter education are necessary prior to the placement of referenda on the ballot. Constitutional amendments recommended by a convention should be submitted to the voters as separate issues.

**Past League activity on the filing of vacancies in the State Legislature, Indirect Initiative, and the consolidation of governmental units and sharing of major governmental services can be found in Impact Archives.**

**CONSOLIDATION OF GOVERNMENTAL UNITS AND  
SHARING OF MAJOR GOVERNMENTAL SERVICES**

**Statement of Position**

**Adopted July 15, 2010**

The League of Women Voters of New York State (League) supports the efficient and effective operation of government. Consolidation<sup>1</sup> of governmental units and the sharing of major governmental services may be a way of promoting the efficient and effective operation of government. In achieving this goal, the League supports a cooperative and transparent process, in which citizens have sufficient and timely information with which to make informed decisions about proposed actions, and well-defined channels for citizen input and review. Administrative and fiscal efficiency should be included in the criteria by which local governments consider whether to consolidate or share major services.

The League supports a system of state-funded grants to local governments to study the feasibility of the consolidation of governmental units or sharing of governmental services.

In determining whether to support a consolidation/shared services proposal at the local level, as a way of making government more efficient and effective, local Leagues must consider both the adequacy of the process and the likely effects of the proposal's implementation.

In determining whether to support a consolidation/ shared services proposal as a way of making government more efficient and effective, local Leagues should apply the following criteria. While it is not necessary that each standard be met, the League recognizes that these standards represent potential benefits of consolidation, leading to more efficient and effective government:

- Will the proposal result in projected cost savings and a positive effect on taxes over the long term;
- Will the proposal either result in an increased quality and/or efficiency of services or, at a minimum, maintain services at existing levels;
- Will the proposal fairly address disparities in employee contracts;
- Will the proposal result in increased social and economic justice;
- Will the proposal result in a reduction in the number of governmental entities?

<sup>1</sup> As used in this position, consolidation refers to both the process of consolidation and the process of Dissolution

# NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION & POLLUTION

### UNDER LWVUS POSITIONS ON NATURAL RESOURCES

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Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest. (LWVUS Impact On Issues, 2024-2026, p. 103)

While much of the action taken by LWVNYS in this area relies on national positions, LWVNYS has developed its own positions on Watershed Protection, Land Use, Urban Sprawl and the Erie/Barge Canal.

### ***Recent League Activity***

#### **2024**

##### *Energy and Climate Change*

The League is supporting legislation that favors the development of laws governing renewable energy policy and practices to reduce greenhouse gas emissions, slow climate change and establish climate justice in communities that are currently disproportionately adversely impacted. This includes maintaining measurement of greenhouse gas emissions using the established twenty-year timeline and establishing a climate change superfund whose resources would come from the largest greenhouse gas emitters to cover costs that would otherwise be carried by taxpayers. The League submitted to the legislature a Memorandum of Support for legislation to ban the use of high volume hydraulic fracturing using CO2 signed onto a group letter directed to Governor Hochul requesting that the legislation be signed into law.

In May, 2023 the NYS, NJ PA state Leagues sent a joint a letter to the Federal Energy Regulatory Commission (FERC) requesting that FERC deny the request for a Permit extension by Transcontinental Gas Pipe Line Company, LLC in connection with the proposed project for a massive methane gas compressor station and a 23.4 mile methane gas pipeline. In May, 2023, the NYS League sent to the New York State Assembly and Senate supporting legislation that would prohibit the discharge of any radiological agent into the waters of New York State; this bill was passed and signed into law by Governor Hochul.

The Climate Change Superfund Bill, which the League supported in 2023 was passed in the tail end of the 2024 session. As of December, 2024, the Governor still has yet to sign the bill into law.



### *Plastic Packaging, Bottle and Can Waste Management.*

The New York Legislature has under current consideration the New York Packaging Reduction and Recycling Infrastructure Act which is a comprehensive extended producer responsibility bill that creates a program substantially reducing packaging (especially plastic), establishes mandatory standards for waste reduction and recycling, reduces use of toxic, endocrine disrupting, so-called “forever, chemicals,” and prohibits incineration. In October 2023, the League presented testimony at the New York State Joint Hearing of the Senate Environmental Conservation and Assembly Environmental Conservation Committees to Examine Legislative Solutions to Reduce Packaging. In addition, during the 2023 legislative session, as well as the 2024 legislative session, the League sent to the New York Senate and New York Assembly a comprehensive Memorandum of Support of the New York Packaging Reduction and Recycling Infrastructure Act. The bill was passed in the Senate in 2024, but did not pass in the Assembly.

The New York Legislature also has under consideration a parallel bill updating New York’s beverage deposit law known as the “Bottle Bill” by expanding the required types of beverages sold in glass and plastic bottles that require deposits to include non-carbonated and alcoholic beverage and increasing the deposit from a nickel to a dime. In October, 2023, the League submitted testimony at the New York State Joint Hearing of the Senate Environmental Conservation and Assembly Environmental Conservation Committees regarding the Examination of Legislative Solutions to increase the Effectiveness of The Bottle Bill urging Governor Hochul to include a necessary expansion of the bottle bill in the Governor’s budget for the next fiscal year, asserting that an expansion of this bill will increase the types of containers allowed to be deposited, increase the redemption rate and increase the deposit rate.

In conjunction with the Joint Legislative Public Hearing on 2024-2025 Executive Budget Proposal Environmental Conservation Testimony to the New York State Senate and New York State Assembly, the NYS League further submitted written testimony urging the Legislature and Governor Hochul to include the proposed Better Bottle Bill in this coming fiscal year’s budget funding to accommodate an expanded and modernized bottle bill. The NYS League supported the original Bottle Bill that was enacted in June 1982 and went into effect in July 1983. While similar bills were introduced during the 2024 legislative session, neither passed.

In addition to working closely with Beyond Plastics and NYPIRG on both of these issues (participating in press conferences, lobby days, memos of support ,etc.) we also hosted a Zoom event on Endocrine Disruptors in Plastics. This event was hosted in conjunction with Beyond Plastics, Beford 2030 and several other non-profit organizations. Beth Radow facilitated the event and it featured Judith Enck (Beyond Plastics), Dr. Peter Meyers (Environmental Health Network), and Dr. Megan Wolff (Beyond Plastics). Our Westchester League did a fantastic job recruiting attendees for this event and we had 950 people registered.

### *Agriculture*

The NYS League is also supporting policies that protect safe food production and distribution in New York State. To the fullest extent possible, the League supports regenerative agriculture and putting food to productive use with a priority to redirect edible excess food to the state’s food insecure population.

In the 2023 legislative session, we worked on the Birds and Bees Protection Act (S01856 Hoylman-Sigal/A03226 Glick). This bill was one of the bigger environmental wins this session. It prohibits the sale of certain pesticides (neonics) or use of seeds coated with such pesticides; requires the department of environmental conservation to review the latest scientific information concerning certain pesticide active ingredients. The bill was signed by Governor Hochul.

## 2023

In the 2023 legislative Session, the NYS League continued its focus on the climate and impacts to human health.

### *Energy and Climate Change*

Consistent with the CLCPA which went into effect on January 1, 2023, the League is supporting legislation that favors the development of laws governing renewable energy policy and practices to reduce greenhouse gas emissions, slow climate change and establish climate justice in communities that are currently disproportionately adversely impacted. This includes maintaining measurement of greenhouse gas emissions using the established twenty-year timeline and establishing a climate change superfund whose resources would come from the largest greenhouse gas emitters to cover costs that would otherwise be carried by taxpayers.

### *Climate Legislation Under Attack*

In early April of 2023, Senator Parker and Assemblymember Barrett, introduced S6030 which would have a disastrous impact on NY State's Climate Leadership and Community Protection Act (CLCPA). The CLCPA measures greenhouse gas (GHG) emissions using a 20-year time frame. Heat trapping methane emissions, which account for approximately one-quarter of global warming effects today, present the greatest planetary harm in the first 20 years after release. This change would delay harmful emissions reductions and prolong unacceptable conditions that pollute, provoke extreme weather and could potentially trigger irreversible climate effects. The role of human generated GHG must be addressed aggressively and cannot be delayed. The NYS League strongly opposes the recently proposed bill and wrote a memo of opposition which you can read [here](#). Later this week, the Governor announced that S6030 would be taken out of budget negotiations, but that does not mean that the bill can't move once the budget has passed. We will continue to monitor this issue.

In the 2023 session we focused primarily on passage of an updated Bottle Bill, a Plastic Reduction Bill, the Climate Superfund bill, the Birds and the Bees bill and the All Electric Building Act.

Members lobbied their representatives on the All Electric Building Act in the pre-budget session and the bill was successfully passed as a part of the budget. The bill provides that the state energy conservation construction code shall prohibit infrastructure, building systems, or equipment used for the combustion of fossil fuels in new construction statewide no later than December 31, 2023 if the building is less than seven stories and July 1, 2027 if the building is seven stories or more.

We worked in coalition with NYPIRG, Beyond Plastics, Sure We Can, Zero Waste, and several other organizations to try to pass an updated Bottle Bill and Plastic Packaging Reduction bill. Neither bill passed this session.

LWVNYS signed on to a letter of support for the Climate Superfund Bill and participated in a press conference in June of 2023 to encourage legislators to pass the bill before the session was over. The bill was not passed.

Lastly, we pushed for the passed of the Birds and the Bees Protection Act, which was passed in the final days of session. This bill will eliminate unnecessary and harmful uses of neurotoxic neonicotinoid pesticides ("neonics") on seeds in New York State. We signed a memo of support on April 27<sup>th</sup> along with 260 other organizations. The full memo can be found [here](#).

Following the unanimous adoption of a resolution declaring climate change an emergency at its June 2021 biannual convention, the League of Women Voters of New York State (the “NYS League”) has followed through with action to address the myriad impacts the climate emergency presents to New York.

In recognition of the Climate Leadership and Community Protection Act of 2019 (the “CLCPA”) passed by the New York State Legislature and to educate New Yorkers about the intent and scope of the CLCPA, the NYS League hosted Environmental Advocates of New York in April for a webinar titled Tackling New York’s Climate Emergency.

To address the potentially harmful and exhaustive use of fossil fuel for cryptocurrency operations, in January 2022, the NYS League wrote a letter to Governor Hochul requesting issuance of an executive order for a moratorium on blockchain transactions that use proof of work authentication methods for cryptocurrency operations; this was followed by a Memorandum of Support of legislation to establish a moratorium on consolidated operations that use proof-of-work authentication methods to validate blockchain transactions; provided that such operations would be subject to a full generic environmental impact statement review. The NYS Assembly and Senate each passed the legislation, imposing a two-year moratorium, pending performance of an environmental impact review. In November 2022, Governor Hochul signed this legislation into law.

Prior to passage of the 2022 state budget, the NYS League signed a group letter urging Governor Hochul to amend the extended producer responsibility (EPR) package in the state budget. The Governor’s resulting budget removed reference to EPR.

With focus on New York’s ambitious goals under the CLCPA, estimated by NYSEDA to cost \$300 billion, the NYS League supported the 2022 Clean Water, Clean Air, Green Jobs Bond Act which was on the ballot for the 2022 mid-term general election to help fund the associated projects; it was voted for by New Yorkers at the ballot box. The Act’s terms require that at least 35% of bond proceeds will be spent in disadvantaged communities, with a goal of up to 40%. Allocation is as follows: (i) Climate Change Mitigation (including funds for electrifying school buses)-\$1.5 billion; (ii) Restoration and Flood Risk Reduction-\$1.1 billion; (iii) Open Space Land Conservation and Recreation-\$650 million; (iv) Water Quality Improvement and Resilient Infrastructure-\$650 million; (v) Unallocated-\$300 million. The 2022 Environmental Bond Act authorizes New York State to raise money for projects directly related to the Bond Act’s legislation by issuance of general obligation bonds to investor/bondholders which the State will repay on the terms and over the period of years as specified in the bond issue.

#### *Comments Objecting to Transco Request for Extension*

In May of 2023, the League of Women Voters of New Jersey, New York, and Pennsylvania asked for 30-day extension to the 15 day public comment period to allow interested organizations and members of the public time to research, prepare, and get comments through the necessary administrative approval processes on the Transco Pipeline. We also ask that their request for a permit extension be denied. This project is for a massive methane gas compressor station and a 23.4 mile methane gas pipeline. The public has just 15 days to submit comments and this pipeline will significantly impact New Jersey and New York communities, as well as the Raritan Bay, Lower New York Bay, and the Atlantic Ocean from Sayreville, New Jersey to Rockaway, New York.

Time is required to share this extension request with the hundreds of citizens who have objected to this project over many years. Additionally, organizations may need extra time to review draft response letters for approval. In its May 15, 2020 “Notice of Denial of Water Quality Certification,” the New York State Department of Environmental Conservation (NYDEC) ruled that under the Clean Water Act,

Section 401, this pipeline failed to meet the state's Water Quality Standards. There has been no indication that the construction and operation of NESE would comply with the water quality standards for which it was denied permits without the use of a 500-foot mixing zone for mercury, copper, PCB's and other metals and toxics.

No action has been taken to address this problem and the problem is fundamental to their building this pipeline both now and in the future. In the past two years during the current extension of their FERC permit, we have seen no good faith efforts to obtain needed certificates and permits from the NYDEC and the New Jersey Department of Environmental Protection (NJDEP) for the NESE Pipeline Project. Nor have they claimed any unforeseen or extenuating circumstances preventing them from meeting FERC's current May 3, 2023 deadline. In fact, we have learned that in the summer of 2021, Transco canceled the lease agreement and payments for the right to use a private road ---the only access -- to the area where they were to build Compressor Station # 206 in Franklin Township, New Jersey. With no action taken or substantive efforts made to address the deficiencies of their application, and no forward action toward building and completing the construction of this Project and making it available for service by the May 3, 2023 deadline, it is hard to see why Transco's request for an additional two-year extension for the NESE Pipeline should be granted.

## **2022**

At its June 2021 biennial convention, members of the League of Women Voters of New York State (the "NYS League") unanimously adopted a resolution declaring climate change an emergency and advising the NYS League's 46 local chapters to urge state and local governments to adopt and publicize Declarations of Climate Emergency. The resolution cited damage to marine ecosystems and food sources, a rise in sea levels resulting in flooding and the displacement of coastal businesses and residences, extreme weather events, adverse impacts on human health, and species extinctions as grounds for state and local governments to declare climate change an emergency and take action. The NYS League joined the state Leagues of Alaska, California, Colorado, Florida, Illinois, Massachusetts and Oregon who have also passed similar resolutions to urge action addressing the climate crisis.

In January 2022, the NYS League wrote a letter to Governor Hochul requesting issuance of an executive order for a moratorium on blockchain transactions that use proof of work authentication methods for cryptocurrency operations; and a Memorandum of Support of legislation to establish a moratorium on consolidated operations that use proof-of-work authentication methods to validate blockchain transactions; provided that such operations shall be subject to a full generic environmental impact statement review.

Following delivery of this letter, during the spring 2022 legislative session, the NYS Assembly (A7389C) and NYS Senate (S6486D) each passed legislation imposing a two-year moratorium, pending performance of an environmental impact statement, on cryptocurrency mining operations that use proof-of-work authentication methods (involving a carbon-based energy source) to validate blockchain transactions on issuing permits to new firms, or renewing permits to existing firm intending to increase electric energy consumption. Governor Hochul has not yet signed this legislation into law. The NYS League continues to monitor implementation of this law.

Prior to passage of the 2022 state budget, the NYS League signed onto a group letter urging Governor Hochul to amend the extended producer responsibility (EPR) package in the state budget. The Governor's resulting budget removed reference to EPR. The NYS League is in support of a (i) comprehensive EPR bill that creates a program substantially reducing packaging (especially plastic), establishes mandatory standards for waste reduction and recycling, reduces use of toxic chemicals, prohibits incineration and provides for third party oversight instead of self-enforcement by the

manufacturing industry; and (ii) a parallel bill updating New York's beverage deposit law known as the "Bottle Bill" by expanding the required types of beverages sold in glass and plastic bottles that require deposits to include non-carbonated and alcoholic beverage and increasing the deposit from a nickel to a dime. The NYS League supported the original Bottle Bill that was enacted in June 1982 and went into effect in July 1983. No legislation on either of these bills was passed during the Spring 2022 legislative session. The NYS League will continue to monitor and support consistent versions of these bills in the next legislative session.

In recognition of the Climate Leadership and Community Protection Act of 2019 (the "CLCPA") passed by the New York State Legislature, the NYS League hosted Environmental Advocates of New York in April for a webinar titled Tackling New York's Climate Emergency. As the CLCPA rolls out, this Committee will continue to review and provide support for legislation and host educational programming that furthers the climate-neutral goals of the CLCPA.

It has been 26 years since New York State last passed an environmental bond. With focus on New York's ambitious goals under the CLCPA, estimated by NYSDERDA to cost \$300 billion, the 2022 Clean Water, Clean Air, Green Jobs Bond Act will be on the ballot for the 2022 mid-term general election to help fund the associated projects. The \$4.2 Billion 2022 Environmental Bond will be enacted if it receives a majority of votes. The Act's terms require that at least 35% of bond proceeds will be spent in disadvantaged communities, with a goal of up to 40%. Allocation is as follows: (i) Climate Change Mitigation (including \$ for electrifying school buses)-\$1.5 billion; (ii) Restoration and Flood Risk Reduction-\$1.1 billion; (iii) Open Space Land Conservation and Recreation-\$650 million; (iv) Water Quality Improvement and Resilient Infrastructure-\$650 million; (v) Unallocated-\$300 million.

In November of 2022, the majority of New York voters voted in favor of the 2022 Environmental Bond Act, which authorized New York State to raise money for projects directly related to the Bond Act's legislation by issuance of general obligation bonds to investor/bondholders which the State will repay on the terms and over the period of years as specified in the bond issue. The NYS League joined the "Vote Yes for the Clean Water, Clean Air, Green Jobs Bond Act" coalition to advocate for this ballot measure. We hosted an educational webinar with The Nature Conservancy, WeAct, the New York State Conference of Operating Engineers, and Delta Sigma Theta Sorority, Inc. attended by over 200 people. We participated in press conferences in Albany, Buffalo, and NYC. We also provided educational material in a toolkit which was made available to all League members statewide.

## **2021**

In 2020 and 2021 The League supported a constitutional amendment that would add a right to clean water, clean air, and a healthful environment to the New York Constitution's Bill of Rights. The measure passed in both houses and appeared as a ballot referendum in the 2021 election. The League is thrilled that voters elected to support this measure. The new provision will be added to the state constitution in January of 2022.

In 2021, the League signed a joint letter to the Department of Environmental Conservation and Governor Cuomo to urge them to deny the renewal of Norlite (Cohoes, NY) Aggregate Air Title V and Part 373 hazardous waste permit applications. Norlite, LLC, was founded in Cohoes in 1956. It manufactures ceramic lightweight aggregates from shale. Norlite mines the shale from an on-site quarry and processes it in a high-temperature kiln. Norlite fuels the kiln using toxic waste and natural gas. Norlite had become a threat to the health and well-being of Capital District residents, especially the residents of a public housing apartment complex home to 70 families that is 100 yards from the site. The letter was also signed by the League's Capital Region chapters.

At its June 2021 biannual convention, the League of Women Voters of New York State's members unanimously adopted a resolution declaring climate change an emergency and advising the League's 46 local chapters to implore state and local governments to adopt and publicize Declarations of Climate Emergency. Declarations of Climate Emergency acknowledge that humanity is in a climate emergency and encourage governments to plan next steps for climate change mitigation. The resolution cited damage to marine ecosystems and food sources, a rise in sea levels resulting in flooding and the displacement of coastal businesses and residences, extreme weather events, adverse impacts on human health, and species extinctions as grounds for state and local governments to declare climate change an emergency and take action.

Following the November election, the League partnered with NYPIRG, the Sierra Club, Environmental Advocates, and other environmental groups to support reforming the New York State Bottle Bill. First enacted in 1982, the law, officially the New York State Returnable Container Act, requires a 5-cent refundable deposit to be placed on eligible beverage containers. The law requires retailers who sell covered beverages to accept returns of empty containers for the products they sell and refund the deposits, and it requires beverage distributors to pay retailers a handling fee for the cost of collecting empty containers.

The Bottle Bill was last expanded ten years ago to include water bottles. Our joint organizations worked to call on Governor Hochul to expand Bottle Bill to:

- Expand the types and number of beverage containers covered by the Bottle Bill. Other states from Maine to California include a diverse range of non-carbonated beverages, wine, and liquor to great success.
- Increase the amount of the deposit to a dime and direct a portion of the additional revenues collected by the state to ensure better compliance and enhance access to redemption entities in currently underserved communities.

The League will continue to work on this issue in the coming legislative session.

## **2020**

After years of deadlock, key legislation that regulates oil and gas waste passed 2020. The League supported a bill to close a longstanding loophole that exempted dangerous oil and gas industry waste from New York's hazardous waste regulations. Since 2010, 600,000 tons of solid and liquid waste of liquid and solid waste from fracking operations, some of it radioactive, has been dumped in landfills in New York.

## **2019**

In 2019 the League joined 90 advocacy groups to call on the State Legislature to support the Green Amendment to amend Article 1 of the State Constitution to include: "Each person shall have a right to clean air and water, and a healthful environment." The amendment would prevent situations or conditions in which water becomes too polluted, air too dirty, land too contaminated, and natural landscapes too decimated to support healthy lives, including a healthy economy.

## **2018**

In 2018, the League submitted recommendations to the Department of Environmental Conservation regarding regulations for implementing the State Environmental Quality Review Act. The League encouraged the strengthening of regulations to allow for public comment and participation and the improvement in government responsiveness.

At the beginning of 2017 and 2018, the League sent a joint letter with the State Leagues of New Jersey, Delaware, and Pennsylvania, advocating for clean drinking water in the Delaware River Basin Commission. The Delaware River Basin provides drinking water to 5% of America's population. The Commission is charged with maintaining and preserving the basin. Our joint letter urged to continue indefinitely the moratorium on gas drilling and hydraulic fracturing in the Delaware River Basin.

During the legislative session the League advocated for several environmental policies including an amendment to article 1 of the New York State Constitution making clean air and water and a healthful environment to a Constitutional right. The League also advocated for a \$5 billion clean water bond act to repair our aging water infrastructure and a ban on the use of coal tar for residential and commercial development.

## **2017**

In 2017 the League testified at a hearing on New York State Environmental Quality Review. The League expressed its support of transparency and optimization of public engagement throughout the environmental review process. The League also supported a review process that includes assessments by impartial experts of actual and potential environmental impacts on both our natural resources and human health. In addition, the League supported consistent enforcement to ensure compliance with the outcome of the review process.

## **2015**

At the end of the legislative session, we sent a letter to Governor Cuomo urging him to ban the importation of both liquid and solid waste produced from high volume hydraulic fracturing and its use or disposal, in any manner, anywhere within New York State. Although the Governor banned hydraulic fracturing in 2015, the state has not enacted adequate regulations to ensure that the waste produced by other states will not be used or disposed of within our state.

In addition to our advocacy work, the League launched an on-line educational resource that engages citizens to preserve natural resources and address the impacts of climate change through their consumer purchases, activities of daily living and advocacy communication with elected representatives. The campaign titled "Be Earthwise" educates about the impacts of animal agriculture, household cleaning products and Americans' penchant for acquiring "stuff." Recommendations are given to become meat free (or eat grass fed meat), be chemical (toxic) free, and reduce, reuse, repurpose, pre-cycle and recycle, in an effort to preserve natural resources and reduce the effects of climate change. Be Earthwise includes extensive information and research on each of the topics, helpful tips on how to get started, recommendations for communicating to elected officials and a pledge that enables the League to contact the participants. Be Earthwise will continue to present educational information, periodically on relevant topics. Be Earthwise is available at <http://lwvny.org/earthwise/>

On June 30th, 2015 DEC Commissioner Joe Martens announced his departure. No replacement for Commissioner Martens has been announced.

Over the last several years the issue relating to the proposed presence in New York and expansion elsewhere of the lifecycle associated with high volume hydraulic fracturing combined with horizontal drilling ("high volume gas drilling") has been a pressing issue so a substantial amount of the efforts of the League's Committee on Energy, Agriculture and the Environment have been focused on that topic. This included educational forums and in 2014 commissioning a study by petroleum geologist Arthur Berman and petroleum engineer Lyndon Pittinger on the economically recoverable shale gas in New York State which we sent to Governor Cuomo and DEC Commissioner Martens. In December 2014, Governor Cuomo announced that based on the results of a health assessment that had been performed by the New

York State Department of Health, New York State would not issue permits for high volume gas drilling in New York State. The Committee considers this a successful outcome to its long-term efforts in this area..

In the 2015 legislative session, the Committee recommended passage and the League supported passage of New York legislation (identical bills: S884 and A6859) which would characterize and require the treatment of waste from gas drilling as "hazardous waste." This bill was not passed but is expected to be reintroduced in the next legislative session.

New York State continues to accept waste from out of state high volume gas drilling operations. In addition, gas pipeline expansion, gas storage and train transport of oil through New York and the potential export of liquefied natural gas present formidable challenges which the League has been taking action to meet.

In January 2015, within weeks of announcing the ban on high volume gas drilling, the League wrote to Governor Cuomo to request that imported waste from these gas drilling operations ("frack waste") be included within the ban. No definitive action was taken on this point in the final EIS issued by DEC. The League will therefore continue to support passage of proposed legislation to ban the importation of this waste which has not yet made it to the floor of the state legislature. The League has also been involved at a municipal level with the passage of local laws (in a dozen or more locations statewide) which prohibit the acceptance from out of state of the hazardous frack waste into our waste treatment facilities, our landfills or for road spreading to melt ice or control dust, as this unregulated material ends up in the very water supplies we seek to protect. New York City currently has a bill to ban frack waste under consideration which is supported by the New York City League. We will continue to pursue the local approach until passage of a statewide ban on frack waste.

If the Port Ambrose Liquefied Natural Gas (LNG) Import Port Final EIS and License Application is released, the New York City League would like to comment and testify on the License Application at a public hearing and perhaps comment on the EIS with the state League. After this public hearing, Governors Cuomo and Christie must decide within 45 days to support or not support this LNG Port. The state League and the New York City League have already asked Governor Cuomo to disapprove this potentially dangerous Port which would be situated among the shipping lanes coming into the Port of New York and New Jersey, in the same area as a proposed wind farm which has been in the developing and regulatory review processes for some time. If either Governor disapproves this LNG Port, this application will be turned down.

## **2014**

In 2014 the League supported PASSAGE of (i) the Hazardous Waste Bill A1046/S674 (ii) a Bill which Suspends Hydraulic Fracturing for the Extraction of Natural Gas or Oil; Suspends the Issuance of New Permits for Such Drilling (S012010); and legislation which encourages the development of solar energy throughout NYS. None of those bills made it to a full vote. The League has supported in our written comments to the draft supplemental generic environmental impact statement (known as the SGEIS) and the proposed regulations, a moratorium for a period of 120 days after completion of the EPA's water study on hydraulic fracturing and its potential impact on drinking water sources as well as the results of New York's health review. The EPA water study and New York's health review are each still in process.

Since fracking was introduced as a topic of importance in New York State, several League chapters throughout New York have been engaged in ongoing public education on the topic by inviting experts to speak on issues relating to potential environmental impacts, health impacts and economic impacts. In certain instances, the League's attention to unconventional gas drilling is addressed at the local level, such as the Algonquin/Spectra and Constitution pipelines-and proposed compressor stations, the proposed



Port Ambrose LNG facility and the interstate transport by rail through Albany of crude oil. This coming year proposed legislation which addresses agriculture and renewable energy will be a focus of the committee on energy, agriculture and the environment.

There is also a robust interstate collaboration. For example, the states of New York, New Jersey, Pennsylvania and Delaware work together on matters impacting the Delaware River Basin and the Susquehanna River Basin, such as joint letters to the respective River basin Commissions. We also coordinated with the national League on issues of national importance relevant to our issues. On September 21, 2014, LWV chapters from across the country joined together for the People's Climate March in New York City to support the national League's goal to curb climate change.

## ***Past League activity from 2009-2013 can be found in Impact Archives***

### **AIR QUALITY**

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*(Further Guidelines and Criteria, LWVUS Impact on Issues, 2024-2026 p. 110)*

#### **1990-2015**

Over the years, the League has lobbied the New York State Legislature to bring New York's laws and regulations into compliance with federal laws. The League was directly involved with defeating the first proposed New York Clean Air Compliance Act (NYCACA); also known as the NY Dirty Air Bill, and the successful passage of the final NYCACA. This brought the state into compliance with the 1990 Amendments to the Clean Air Act (CAAA). However, each year until 2015 regulatory changes will have to be put in place; and League members will have a role to play guaranteeing their timely implementation. The federal Environmental Protection Agency (EPA) will also be releasing rulings on environment standards that New York will need to adopt in a timely fashion. In 1997, the emphasis was on limiting smokestack emissions to reduce ground level ozone and reduction in the size of particles that could be trapped in the lungs. The League and others also argued that southern and midwestern states should not be excluded from the CAAA, as pollution knows no boundaries.

For discussion of clean indoor air, see the **Healthcare** section.

Over several legislative sessions, the League has actively lobbied for burn barrel legislation, which would ban outdoor burning of substances such as leaves, tires, and other toxic materials. This legislation passes the Assembly but has been stalled in the state Senate.

League participated in the development of state air regulations and the State Implementation Plan (SIP); and members served on the Air Toxics Task Force as one of only two environmental groups. The League will continue to give written and oral testimony as needed to protect air quality.

### **WASTE MANAGEMENT**

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## **WASTE MANAGEMENT**

**(Further Guidelines and Criteria, LWVUS *Impact on Issues*, 2024-2026, pp. 113)**

### **STATEMENT OF POSITION**

Members of the League of Women Voters of NYS agree that effective policies concerning waste are integral to ensuring the clean water, clean air and healthful environment guaranteed in the Environmental Rights Amendment to the New York State Constitution. We also agree that we're embedded in an ecosystem, and that the land, water, air, energy, waste, and biota in our ecosystem are dynamically interrelated. We agree that the concept of waste includes greenhouse gases, that waste management practices can themselves emit these gases, and that we urgently need to reduce the production of these gases in society and in waste management in order to preserve and restore the world's climate.

We agree that human health and safety, the wellbeing of wildlife, the preservation and restoration of habitat, and the conservation of primary materials such as timber, minerals, ores, and energy are deeply affected by our practices concerning waste. To protect these resources, the League supports policies that promote: the reduction of waste, the reuse of products and materials over disposal, and the responsible management of waste that can't be reused. We agree that our ultimate goal is a circular economy with zero waste.

The League supports, first, the following policies aimed at minimizing the production of waste:

1. Products and buildings designed to accommodate deconstruction and reuse of component parts;
2. The use of durable materials and designs that prioritize longevity in product manufacturing and construction;
3. Support for repair, rather than disposal, of products;
4. Reduction of single-use plastics and items that cannot be recycled, and promotion of reusable packaging for products;

## **WASTE MANAGEMENT**

**(Further Guidelines and Criteria, LWVUS *Impact on Issues*, 2024-2026, pp. 113)**

### **STATEMENT OF POSITION, Continued**

5. Limitation of greenhouse gas emissions and processes that produce them, such as the burning of fossil fuels, excessive fertilizer use, disposal of items containing refrigerants in a way that causes those refrigerants to leak, reliance on landfills for organic waste disposal; and
6. Regular monitoring of sources of potential greenhouse gas leaks and speedy fixes of leaks in lines carrying greenhouse gases (such as methane and refrigerants), and reduction of fugitive emissions from solid waste landfills, wastewater treatment plants, and appliances.

We also support the following policies aimed at facilitating the transfer of discarded items and components to entities that can use them:

1. The development and strengthening of easy-to-participate-in civic infrastructures for:
  - a. Recycling items to extract useful material for reuse in new products; and
  - b. Collecting, processing, and transferring reusable items to new owners, including excess edible food from restaurants, grocers, and farms to groups addressing food insecurity; and
2. The expansion of community-based operations and facilities (e.g., composting, anaerobic digestion, and biochar pyrolysis) that enable communities to create useful products out of non-toxic organic waste, and the diversion of non-toxic organic waste from landfills (where it can produce fugitive methane emissions), towards beneficial use through these processes.

For items that cannot be reused or redistributed, the League supports waste management policies that promote:

1. An end to the processing of hazardous waste in ways that can spread its toxicity, including the use of incineration for waste that contains toxins;
2. Careful recovery, processing, and safe disposal of hazardous materials in the waste stream, including in biosolids and digestate byproducts of sewage treatment and biodigesters, and at concentrated animal feeding operations (CAFOs);
3. Careful capture and safe disposal of greenhouse gases, including refrigerants from products at time of disposal, and methane and nitrous oxide from large producers, including industrial sites, landfills, and CAFOs;
4. Corporate responsibility with public oversight for the end-of-life processing of products and packaging, including all related costs;
5. Limited miles of waste transport from its source to where it is processed and stored, with communities encouraged to take responsibility for their waste by, as much as possible, locating needed facilities within their boundaries;

## **WASTE MANAGEMENT**

**(Further Guidelines and Criteria, LWVUS *Impact on Issues*, 2024-2026, pp. 113)**

### **STATEMENT OF POSITION, Continued**

6. Collaboration among communities in the siting of regional high-tech waste management facilities as needed to support reuse and recycling;
7. Environmental Justice in the siting of waste facilities and provision of services;
8. Easy resident access to legal and responsible waste disposal methods.

To reinforce these efforts, we also support:

1. Green procurement policies that boost the market for products made with recycled, recyclable, and non-toxic de-constructable content;
2. The expansion of opportunities to purchase items with either reusable, returnable, or purchaser-provided packaging;
3. Adequate monitoring and enforcement of waste regulations;
4. A rapid transition away from fossil fuels to renewables, and away from high global warming potential (GWP) refrigerant gases to low GWP refrigerant gases;
5. The transformation of wastewater treatment plants from simply waste processing centers to facilities that emphasize the capturing of beneficial products (e.g., biogas) while ensuring removal of hazardous waste before returning to the environment;
6. Reduction in the use of CAFOs and promotion of more sustainable farming methods;
7. Opposition to corporate secrecy about the toxicity of their products and processes;
8. The embedding of sustainability principles into public information campaigns, school curricula and licensure certification programs.

The League supports direct involvement of citizens and local governments at all stages of planning, development, operation, and monitoring of waste management plans and projects. The consumer should be educated to exercise care in purchasing, to demand quality products, to participate in reuse policies, to recycle, and to resist throw-away cultural practices. Standards for operation of these facilities should be established and enforced by the public sector, whether actual operations are conducted by private or public entities.

## **Recent League Activity**

### **2022 and 2023**

#### *Plastic Packaging, Bottle and Can Waste Management*

The NYS League is supporting a comprehensive extended producer responsibility bill that creates a program substantially reducing packaging (especially plastic), establishes mandatory standards for waste reduction and recycling, reduces use of toxic chemicals, prohibits incineration; and (ii) a parallel bill updating New York's beverage deposit law known as the "Bottle Bill" by expanding the required types of beverages sold in glass and plastic bottles that require deposits to include non-carbonated and alcoholic beverage and increasing the deposit from a nickel to a dime. The NYS League supported the original Bottle Bill that was enacted in June 1982 and went into effect in July 1983. Similar bills were introduced but not passed during the spring 2022 and 2023 legislative session.

***Past League activity from 1980-2009 can be found in Impact Archives***

## **SUPERFUND**

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### **2001-2003**

Funding for Superfund continued to be an ongoing issue in the legislature. Whether the reliance for cleanup was based on engineering controls (creating hazardous waste landfills) or institutional controls (using deed restrictions), this issue fell off the negotiating table following the September 11, 2001 attacks. Late in October, during a special budget session, \$30 million was restored to keep the program running through the 2001 fiscal year.

In the fall of 2003, New York Governor Pataki signed into law new measures to refinance and reform the State's Superfund and Brownfield programs in an effort to clean-up thousands of contaminated properties, and to encourage new investment and redevelopment for local economies. The legislation provides \$120 million a year to refinance New York's bankrupt State Superfund, and expands the program to include additional sites such as dry-cleaning facilities.

### **2007-2008**

The new Brownfields Program offers liability reform, tax incentives, and a predictable process for cleaning up hazardous waste sites throughout the state. By the summer 2007, the environmental community was concerned that tax incentives to developers in the Pataki law far exceeded the actual benefits of the brownfields clean up. It is anticipated that the new Spitzer administration will revisit this issue with new legislation in the 2008 legislative session.

## **HAZARDOUS WASTE**

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*(Further Guidelines and Criteria, LWVUS Impact on Issues, 2024-2026, pp. 113)*

### **Recent League Activity**

In 2023, League members lobbied for the passage of the Birds and Bees Protection Act. This bill was passed in the final days of session. The act will eliminate unnecessary and harmful uses of neurotoxic neonicotinoid pesticides ("neonics") on seeds in New York State. We signed a memo of support on April 27<sup>th</sup> along with 260 other organizations. The full memo can be found [here](#).

***Past League activity from the 1980s-2001 can be found in Impact Archives***

# RESOURCE MANAGEMENT

## ENERGY

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*(Further Guidelines and Criteria, LWVUS Impact on Issues, 2024-2026, pp. 107)*

### **Recent League Activity**

#### **2015**

In 2015, the League joined other organizations in a letter to Governor Cuomo and speakers of the Assembly and Senate expressing support for the Microbead-Free Waters Act (A. 5896 Schimel / S. 3932 O'Mara). This legislation was not passed in the 2015 session and is expected to be reintroduced in the next legislative session, with bipartisan support. Local ban bills are being passed while the state legislature continues to deliberate on this statewide bill.

Our work also includes ongoing initiatives to make community living more sustainable and resilient through energy choices, conservation and waste management. This includes support for local "solarize" programs, and diverting food waste through public education and community efforts among other things. In the coming year, the League intends to further expand public education on renewable energy options and conservation efforts.

***Past League activity from 1995-1997 can be found in Impact Archives.***

## WATER RESOURCES

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*(Further Guidelines and Criteria, LWVUS Impact on Issues, 2024-2026, pp. 107)*

### **Recent League Activity**

#### **2023**

In May of 2023, Holtec International and its affiliates threatened to discharge radiological agents into the Hudson river due to the decommissioning of the Indian Point Energy Center. LWVNYS lobbied members and sent a [memo](#) to the Senate and Assembly in support of a bill that would prohibit the discharge of any radiological agent into the waters of New York State. This bill was successfully passed at the end of the 2023 session and was signed by the Governor in August of 2023.

***Past League activity from 1965-1998 can be found in Impact Archives***

**NEED FOR MEASURES TO ACHIEVE WATERSHED PROTECTION  
OF DRINKING WATER, INCLUDING PESTICIDE ISSUES.**

**Statement of Position**

**As announced by the State Board, April 1997**

The League of Women Voters of New York State's position is based on the League of Women Voters of the United States water resources position in support of:

- Water resource programs and policies that reflect the interrelationships of water quality, water quantity, ground water, and surface water and that address the potential depletion or pollution of water supplies;
- Stringent controls to protect the quality of current and potential drinking water supplies, including protection of watersheds for surface supplies and recharge areas for ground water.

New York should continue to set standards, determine classifications, and issue permits; in addition, localities may impose more stringent permit limits than the state standard.

The League supports state enforcement compliance with a strong role for county and local government.

In New York State the quantity of water is not an issue; however, there is a need for comprehensive ecosystem management within each watershed. This should include a regional approach to water regulation. League members recognize that management of water supplies will entail higher costs and restrictions.

Additionally, they recognize the need for strengthened contingency plans to provide for alternative supplies of water.

Water quality in New York State is adequate but threatened. Therefore, members support strong regulations to reduce nonpoint source pollution. There is a need for education and technical assistance to address issues of best management practices to control nonpoint source pollution. Best management practices should be applied to all sources of nonpoint pollution.

The League supports:

- A regional watershed approach requiring regulations that cross municipal boundaries;
- Requiring communities to keep their water and sewage infrastructure in good working condition;
- Limiting the use of pesticides, herbicides, and fertilizers; and
- Improving coordination between the various agencies charged to protect our drinking water supplies.

The League is opposed to any proposal by the state for self-monitoring and/or self-determined compliance for water regulations.

## LAND USE

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*(Further Guidelines and Criteria, LWVUS Impact on Issues, 2024-2026 p. 107)*

### **Past League activity from 1975-2001 can be found in Impact Archives.**

League members have been active in their communities in many land use issues. In 1976, the League did a state study that among other things supported establishing a statewide intergovernmental system for land resource management. This position has been re-examined over the years and found to still be valid. As a result of the 1996 Watershed study, “such as watersheds” was added.

#### **LAND USE**

##### **Statement of Position**

**As announced by the State Board, May 1976**

**As amended, (underlined), April 1997**

The League of Women Voters believes that New York State must develop an intergovernmental system for land resource management. Such a system would require:

1. Local governments to adopt local land use plans under minimum state standards with direct or indirect financial and technical help from the state.
2. Review by higher levels of government of those land use decisions which have larger-than-local impact, such as watersheds.
3. The development of land to meet public needs (such as low and moderate-income housing, recreational and open space uses) under a system which fairly distributes the costs and benefits of such uses within a region.
4. The strengthening of county and multi-county regional planning bodies.
5. The use of regional commissions to represent larger-than-local interest in managing unique natural resource areas of the state.

The League of Women Voters is concerned that inadequate planning at the state level wastes resources: natural, social and fiscal.

The state must coordinate functional plans of state agencies with each other, with federal programs, and with the budgetary process. The combined impact of state plans and actions upon land use should be considered.

The state must coordinate standards and guidelines in state programs to reduce inconsistencies, which frustrate citizens and local governments.

## URBAN SPRAWL

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At convention in 1999, delegates voted to review study materials necessary for concurring with a statement pertaining to urban sprawl. That review took place in Spring 2000 and the State Board announced the following new position:



**URBAN SPRAWL**  
**Statement of Position**  
**As announced by the State Board, May 2000.**

In order to conserve natural resources and improve the quality of life for its residents, New York State should take a proactive role in regional land use planning, enhancing urban neighborhoods, containing urban sprawl, and protecting agricultural land, open space, watersheds and other sensitive areas.

The League's natural resources positions on land use are based on positions reached from 1958 through 1986; on water in the 1960's; on equality of opportunity in 1968; and on access to transportation, and on regional and metropolitan planning to prevent haphazard urban growth from 1971 through 1988. The League's urban policy position to promote the economic health of cities and improve the quality of urban life was announced in 1979. In 1976, the state League did a study that led to a position in support of establishing a statewide intergovernmental system for land resource management. The position on watershed protection, arrived at in 1997, is the most recent.

Armed with its new position on Land Use, the League has followed pertinent developments around the state initiated by the governor, the legislature, and civic groups.

**Past League activity from 2000-2009 can be found in Impact Archives.**

## **AGRICULTURE**

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The NYS League is also supporting policies that protect safe food production and distribution which includes in this session support for legislation that would eliminate the use of neonicotinoid pesticides (neonics) in New York State. To the fullest extent possible, the League supports regenerative agriculture and putting food to productive use with a priority to redirect edible excess food to the state's food insecure population.

## **ERIE/BARGE CANAL**

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**ERIE/BARGE CANAL**  
**Statement of Position**  
**As announced by the State Board in 1994**

The League of Women Voters of New York State supports the use of the Erie/Barge Canal for recreation purposes.

In addition, LWVNYS stresses the need for controlled economics and recreational development. Any development should maintain the aesthetic character of the canal in all its projects. Recreational development along the Canal should also balance historic preservation and public access.

The League favors the continuation of the regional planning process with full public participation to monitor and comment on the "Canal Recreationway Plan" as it evolves over time.

At convention in 1993, the delegates voted to study the Erie/Barge Canal System for concurrence with the Rochester Metro League's position statement of: "Support of reconditioning of the New York State Erie/Barge Canal System and its development for recreational uses."

Local Leagues responses, and adoption by the State Board enabled us to support the Recreationway Plan adopted in 1995. Members will continue to monitor its development and implementation. This has the potential to become the longest linear park on the east coast, and a historic asset for the public.

## **GREAT LAKES ECOSYSTEM**

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In September of 2011, the Michigan League of Women Voters contacted LWVNYS, hoping to have New York and other states in the Great Lakes area adopt this position by concurrence. Council in 2012 agreed to put the question to local leagues. All local leagues who responded agreed to concur with the position and the geographic distribution requirements for concurrence were met. Accordingly, the state Board approved the following position in March 2013.

**GREAT LAKES ECOSYSTEM**  
**Statement of Position**  
**As announced by the State Board in 2013**

The League of Women Voters of New York supports preserving and enhancing the environmental integrity and quality of the Great Lakes-St. Lawrence River Ecosystem.

We support the attainment and maintenance of high water quality standards throughout the Great Lakes Basin, with emphasis on water pollution prevention. Water conservation should be a high priority of all governments in the Basin.

**I. Protective Measures**

To achieve protection and improvement of this valuable, international resource, the League of Women Voters of New York supports efforts to:

- Limit uses of "fragile," historical, cultural and scenic shoreline areas.
- Preserve wild and pristine areas within the watershed, with no new development in these special habitats without adherence to strict criteria as prescribed by federal, state, or local governments.
- Provide for appropriate recreational opportunities in and public access to sensitive areas without destruction or harm to the ecosystem.
- Protect the quality of the air and waters of the ecosystem by strict adherence to agricultural, industrial, residential, environmental, and commercial zoning regulations that prohibit the introduction of toxic or polluting discharges or detrimental land use techniques within the Basin.
- Protect the remaining dune formations. Enforce strict regulations of sand dune mining or development on the dunes.
- Strengthen upstream land management to eliminate sources of siltation and pollution.
- Control the invasion and spread of non-native aquatic and terrestrial nuisance species.

**II. Threats to the Ecosystem**

The League of Women Voters of New York opposes the following activities as they can lead to the degradation of the special natural resources of the Great Lakes Ecosystem:

- Inefficient or excessive water uses. Proposals for new or increased withdrawals within the Basin, e.g. for agricultural or municipal uses, should be carefully evaluated before being permitted. Withdrawals should be regularly monitored for potential or actual damage to the ecosystem.
- Destruction of marshes and other wetlands throughout the watershed. Mitigation should be accepted only as a last resort. Mitigation proposals should be rigorously evaluated and projects should be strictly monitored to assure no net loss to the ecosystem.
- New or increased diversions or transfers by any means of Great Lakes waters and adjacent groundwaters to a place outside the Basin. Projects already in place should be carefully monitored and restricted if there is evidence of damage to the ecosystem.
- Dredging and filling of river inlets, harbors, lakes or wetlands except for tightly-controlled, non-degrading and non-repetitive activities.
- Discharge to air or water of toxic pollutants and other material from industrial, agricultural, residential or commercial operations that may damage the ecosystem in violation of laws and ordinances.

**GREAT LAKES ECOSYSTEM**  
**Statement of Position**  
**As announced by the State Board in 2013 (continued)**

**III. Public Participation**

- The League of Women Voters of New York supports informed and responsible action on behalf of the preservation of the Great Lakes Ecosystem. Relevant information should be readily available to the public. Opportunities for public input should be timely, accessible, convenient and well-advertised.

**IV. Role of Government**

The League of Women Voters of New York supports:

- Coordination of functions among various governmental agencies charged with protecting the Great Lakes and elimination of unnecessary overlap.
- Use of area-wide coordinated management plans and techniques in the solving of Great Lakes Ecosystem problems.
- Participation by all affected governments in the Basin in review and decision-making on Great Lakes agreements and projects, facilitated in open meetings and hearings.
- Strengthening of existing mechanisms for intergovernmental discussions and decision-making.
- Separation of responsibility for submitting recommendations for governmental projects from issuing permits for such projects.
- Monitoring and enforcement of treaties, ordinances, laws and master plans.

**V. Research Priorities**

The League of Women Voters of New York believes that research on Great Lakes issues should focus on:

- Effective, non-toxic control and removal of invasive aquatic and terrestrial species.
- Restoration of health to the overall resource.
- Survival of native aquatic and terrestrial species and their nutrient sources.
- Continual testing of Great Lakes water quality for impact from the following: pesticides and fertilizers, resistant bacteria, persistent pharmaceuticals and other chemicals.
- Evaluation of water accountability systems, groundwater monitoring and water use planning and conservation efforts throughout the Basin.

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## **INTER-LEAGUE GROUPS**

### ***LEAGUE OF WOMEN VOTERS LAKE ERIE BASIN COMMITTEE (LEBC)***

LWVNYS is a member of the LEBC, an inter-league organization that represents and works with state and local Leagues in Michigan, Ohio, Pennsylvania, and New York on matters relating to the Great Lakes, in particular to Lake Erie. The purpose of the LEBC is:

To coordinate the activities of the local Leagues of Women Voters in the Lake Erie Basin so that by study, agreement and action in a concerted manner they may have the greatest possible effect on the wise use of the basin's water resources.

## **POSITION STATEMENT**

The goals of the League of Women Voters Lake Erie Basin Committee are:

- To preserve and restore Lake Erie and its tributaries through pollution control, abatement and prevention;
- To improve planning and management of water and related land resources; and
- To achieve the objectives of the 1978 United States-Canada Great Lakes Water Quality Agreement.

Lake Erie Basin Committee positions by consensus are:

### **Position on Water Resources and Water Quality**

1. Support of public understanding and participation in decision making as essential elements of responsible and responsive management of our natural resources.
2. Support of potable, swimmable, fishable domestic water supply as highest priority use of Lake Erie's water.
  - a. Improved municipal and industrial waste treatment; treatment of all water discharged into the lake from municipal and industrial sources; monitoring water quality; adequate training for operating personnel.
  - b. Control of run-off from community development, agriculture and highway use.
  - c. Prohibition of solid waste disposal in Lake Erie or tributaries.
3. Support of improved coordination and regional cooperation between the United States and Canada. Planning and administration along watershed lines and across political boundaries. Modernization and enforcement of legislation and regulations.
4. Support of emphasis on prevention of water pollution from all sources: air, land use, agricultural, dredging, and nuclear and hazardous materials and wastes.
5. Support of education, recognizing that all environmental problems are inter-related, that conservation is an environmental principle and that many jurisdictions are involved—international, national, state and local.
6. Support of adequate financing for pollution abatement, including incentives to governments and industries.

The natural resources position of the League of Women Voters of the United States calls for promotion of an environment beneficial to life through the protection and wise management of natural resources in the public interest by recognizing the interrelationships of air quality, energy, land use, waste management and water resources.

#### *Position on Phosphate Detergent Ban*

1. Support of a ban on phosphorus in home use detergents, for the following reasons:
  - a. Excessive phosphorus loading is a major factor in eutrophication of Lake Erie.
  - b. Nearly all the phosphorus in detergents is biologically available. Addition for clarification: Too great a loading of nutrients into a natural water system can affect all the biota in the system. Increased nutrients result in increased growth of plants, creating dense shade, causing death of vegetation. Additional nutrients will then be released from decomposition of dying plants, encouraging increased growth of algae.
  - c. Costs of phosphorus removal at municipal treatment plants are high.
  - d. Reduction in the amount of sludge improves the treatment process in terms of more efficient settling, sludge disposal, and energy conservation.
  - e. Nonphosphate detergents are widely available to the public at comparable cost.

#### *Position on Drilling for Gas and/or Oil in Lake Erie*

1. Support of a ban on drilling for gas and oil in Lake Erie for the following reasons:
  - a. Lake Erie's use for drinking water supply must have priority over all other uses.
  - b. Possible economic benefits are offset by inescapable risks of further degradation of water quality in the lake.
  - c. Resolving our nation's energy problem must begin with elimination of waste and over-consumption, more efficient utilization of fuels currently being produced and in the safe, orderly development of alternate energy sources, particularly wind and sun.
  - d. Lake Erie oil and gas reserves ought to be the very last such reserves to be developed.

#### *Nuclear Issues - Power Plants and Radioactive Waste*

The Lake Erie Basin Committee will follow the LWVUS guidelines in memorandum sent to all Leagues in the United States dated April 1, 1980.

## **INTERBASIN TRANSFER OF WATER**

Interstate and interbasin transfers of water have been made in the past to serve municipalities, industries, energy development, and agriculture. However, approval of those transfers was based on less complete information about their effects on aquatic ecosystems than is now available. It is inevitable that requests for such transfers will be made in the future and will require carefully considered responses.

However, construction costs of large-scale water transfers are high and economic losses in the basin of origin may also be high; environmental costs of water transfers may include quantitative and qualitative changes in lake levels, wetlands, and related fisheries and wildlife, diminished aquifer recharge, and reduced stream flows; lowered water tables may affect ground water quality and cause land subsidence.

Therefore, any diversion plan must include an understanding of the fragility and the incomplete knowledge of the ecologic, economic, and social nature of the area of origin, the area through which the water must pass, and the receiving area; must contain methods for reviewing and adapting the plan to protect the affected areas during all stages of development, operation, termination, and post-termination of the interbasin transfer.

As we look to the future, water transfer decisions will need to incorporate the high costs of moving water, the limited availability of unallocated water, and impacts on the affected ecosystems.

Criteria for evaluating both the decision-making process and the suitability of a proposed interbasin transfer project should include:

1. Ample and effective opportunities for informed public participation in the formulation and analysis of proposed projects;
2. Evaluation of all economic, social, and environmental impacts in the basin of origin, the receiving area, and any area through which the diversion must pass, so that decision makers and the public have adequate information on which to base their conclusions;
3. Examination of all short- and long-term economic costs including, but not limited to, construction, delivery, operation, maintenance, and market interest rate;
4. Examination of alternatives including, but not limited to, supply options, water conservation, water pricing, and reclamation;
5. Participation and review by all affected governments;
6. Accord with international treaties;
6. Procedures for resolution of intergovernmental conflicts;
7. Responsibility for funding is to be borne primarily by the user with no federal subsidy, loan guarantees or use of the borrowing authority of the federal government unless the proposal is determined by all levels of League to be in the national interest;
8. An enforceable intergovernmental agreement with supervision separate from implementation and with assurances that any mitigation offered to alleviate any adverse impacts be financed; As the waters of the Great Lakes basin are interconnected, the present and future condition of the Great Lakes' ecosystem should be a primary consideration when weighing the water needs of other areas. The Lake Erie Basin Committee recommends that:
9. Water conservation should be a goal of all concerned governments in the Great Lakes Region;
10. All concerned governments in the Great Lakes region should have water accounting systems and should adopt water use plans as a basis for prudent management of the Great Lakes;
11. Canadian interests must be considered in Great Lakes resource decision-making. At a minimum, existing mechanisms for these international discussions, such as the International Joint Commission, and ad hoc technical task forces should be strengthened;
12. Because the Great Lakes are international, future investment and development in the region should include cooperative United States-Canadian management of the water resource;
13. Since the Great Lakes' waters are currently used for multiple and competing purposes, any proposals for additional diversion decisions must take into account the potential impact on ecological, economic, aesthetic, navigational, energy generation, national security, and general welfare values.

# SOCIAL POLICY

## SOCIAL POLICY

State action on social policy issues is primarily carried out by LWNYS under LWVUS social policy positions. Under this broad position, there are specific positions on childcare, early intervention for children at risk, equality of opportunity, healthcare, meeting basic human needs, urban policy, fiscal policy, gun control, the death penalty, and violence prevention. (*LWVUS Impact on Issues, 2024-2026, pp. 134*). However, LWNYS has developed its own positions on **Housing** (in this section), the **Death Penalty** (under **Judicial**) and **Pay Equity, Domestic Violence** as noted below, as well as its own positions under **State Finances**. **Healthcare** is a separate portfolio for LWNYS and information regarding state League action appears under **Healthcare** in this publication.

### CHILD CARE

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Support efforts to expand the supply of affordable, quality childcare for all who need it. (*LWVUS Impact on Issues, 2022-2024, p. 176*)

The history of recent LWNYS advocacy in this area appears under **State Finances** in this publication.

***Past League activity from 1989-2005 can be found in Impact Archives***

### TRANSPORTATION

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The LWVUS believes that energy-efficient and environmentally sound transportation systems should afford better access to housing and jobs and will continue to examine transportation policies in light of these goals. (*LWVUS Impact on Issues, 2024-2026, (p.170)*)

LWNYS also relies on its **Urban Sprawl** position located in the **Natural Resources** section of this publication, which does not mention transportation explicitly, but which transportation infrastructure does affect in very direct ways.

LWNYS encourages legislators to shape transportation decisions toward a coherent policy that supports energy efficiency and smart growth. Priorities in this area include maintenance and repair of existing transportation infrastructure, provision of capital and operating needs for transit agencies, and creation of a railroad network that provides adequate capacity for both passenger and freight systems. The League will specifically continue to monitor and support high-speed rail corridor development.

### 2014

In 2014, LWNYS Transportation Specialist, Gladys Gifford, urged local leagues to raise the need for upstate funding for public transit. This was accomplished in the budget process, through a change in the formula for distributing NYS sales tax.



## 2016

In 2016, for the first time, the League submitted budget testimony to the Joint Committee on Transportation. The testimony was focused on increasing transportation funding for upstate highways and public transportation authorities. We addressed the need for funding to repair upstate infrastructure and roadways. Later during session, we issued a memo of support for a bill to require greater transparency from the New York State Department of Transportation. The bill would require that the NYSDOT submit Capital Plans in a timely manner and allow for public comment to be considered.

## GUN CONTROL

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LWVUS' Statement of Position on Gun Control, as Adopted by 1990 Convention and amended by the 1994 and 1998 conventions:

The League of Women Voters of the United States believes that the proliferation of semi-automatic/automatic weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education, and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League supports strong limitations on access to semi-automatic/automatic weapons, enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.: (LWVUS Impact on Issues, 2022-2024, p. 153)

## Recent League Activity

### 2014

In 2014, LWVNYS issued a memo of support for "Nicholas' Bill" (A.73283A), which would require the safe storage of all guns not in the immediate possession or control of the gun owner, either in a safe storage depository or with a locking device, to prevent access by children and others who should not have access to them.

Two recent Supreme Court cases make it clear that the Second Amendment protects the individual's right to possess a firearm, unconnected to service in a militia, and to use the firearm for traditionally lawful purposes, such as self-defense within the home.

### 2013

In January 2013, in the wake of the Sandy Hook Elementary School shootings in Connecticut, the legislature passed and Governor Cuomo signed into law the New York Secure Ammunition and Firearms Enforcement Act of 2013 (NY SAFE Act, A2388/S2230). Among the NY SAFE Act provisions are universal background checks on gun purchases, increased penalties for people who use illegal guns, mandated life imprisonment without parole for anyone who murders a first responder, and an assault weapons ban. The bill was passed using a message of necessity. The League joined its good government partners in praising the public safety goal of the anti-gun violence legislation, but criticized the use of a

message of necessity, pointing out that the public interest is best served when public policy making includes robust public discussion and a transparent legislative process.

## ***Past League activity from 1991-2010 can be found in Impact Archives***

### **HUMAN TRAFFICKING**

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In his January 2013 State of the State, Governor Cuomo announced his 10-point Women's Equality Act (WEA), which included provisions to combat human trafficking. The League, already in support of nearly all of the other WEA measures, was eager to take a position on human trafficking. In March 2013, the state board recommended an immediate post-convention concurrence with LWV of Ohio's Human Trafficking position. 2013 Convention delegates approved asking local leagues to vote on the concurrence. In June 2013, the question was put to local leagues. All local leagues who responded agreed to concur with the position, consensus was reached, and the geographic distribution requirements for concurrence were met. Accordingly, the League adopted the following position on human trafficking in 2013.

**HUMAN TRAFFICKING  
Statement of Position  
As announced by the State Board in 2013**

Human forced labor and sex trafficking should be stopped through legislation and changes in public policy. Those who have been commercially sexually exploited or coerced into slave labor, or who are minors, should be considered as victims of human trafficking. Victims of human trafficking should be provided with services to facilitate integration into the community.

During the 2013 legislative session, LWVNY joined the NY Women's Equality Coalition to lobby for passage of Governor Cuomo's Women's Equality Agenda/Act (WEA). The WEA included provisions that would offer better protection to survivors of human trafficking, especially minors, by treating survivors as victims and increasing penalties to punish offenders by:

- Creating an affirmative defense to a prostitution charge that the individual was a trafficking victim;
- Increasing penalties across the board for human trafficking and labor trafficking;
- Creating new offenses, in increasing degrees, of aggravated patronizing a minor; and
- Creating a civil action for victims of trafficking against their perpetrators.

The League lobbied extensively for passage of the WEA, but it did not pass during the 2013 legislative session. For a complete narrative on the League's advocacy on WEA, please see the *Women's Issues* section.

### **RATIFICATION OF THE EQUAL RIGHTS AMENDMENT**

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The League of Women Voters of the United States supports equal rights for all regardless of sex. The League supports action to bring laws into compliance with the ERA: a) to eliminate or amend those laws that have the effect of discriminating on the basis of sex; b) to promote laws that support the goals of the ERA; c) to strengthen the enforcement of such existing laws. Statement of position as adopted by the 1972 Convention and expanded in 2010 (Impact on Issues 2024-2026, pg 140).

### *United States Constitution*

Delegates to the League's national convention in May 1972 voted to support the Equal Rights Amendment (ERA) to the U. S. Constitution and to add to the national League social policy position a specific reference to equal rights regardless of sex. Although New York and 35 other states ratified the federal amendment, the needed 38 were not gained by the June 30, 1992 deadline. ([LWVUS Impact on Issues, 2022-2024, p. 119](#))

### *New York State Constitution*

## **Recent League Activity**

### **2024**

The Equal Rights Amendment was passed by a majority of NY voters in the 2024 November election. The passage of this amendment on November 5<sup>th</sup> means it was added to the NYS Constitution.

LWVNYS had formed a Task Force composed of members from every League to keep all League members informed and enthused about the Equal Rights Amendment NYS Constitution. LWVNYS was a part of the Ballot Initiative Committee, New Yorkers for Equal Rights, and must abide by campaign finance rules.

LWVNYS was included in the Field Organizing Sub-Committee within the New Yorkers for Equal Rights Coalition. The campaign kicked off in earnest in January of 2024 and we have been a part of weekly meetings to move field organizing and advocacy efforts forward. Our LWVNYS ERA Taskforce has continued to grow, and members are very engaged. Out of the 36 kickoff events that will be held statewide, our local Leagues hosted 11. We have representation from 39 of the 42 local Leagues on our statewide taskforce.

We continued to work on the passage of this amendment by hosting dozens of events and doing voter outreach. Strong opposition in addition to mis and disinformation on the ballot initiative made this a difficult campaign. We worked with hundreds of partner organizations on the passage of this measure and formed stronger partnerships.

### **2023**

This proposed Amendment started out being called the Equality Amendment, but as passed in a special July session in 2022 it is called the New York Equal Rights Amendment. The Equality Amendment would amend Article 1, Section 11 of the New York State Constitution. The amendment would prohibit discrimination "on account of their race, color, ethnicity, national origin, disability, creed, religion, or sex including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, reproductive healthcare and reproductive autonomy. It received second passage in the 23-24 legislative session and will go on the ballot for voters in 2024. The League is planning an active education campaign for the Amendment, in collaboration with New Yorkers for Equal Rights (the outgrowth of the informal coalition).

### **2019**

LWVNY has been working in informal coalition to support an equal rights amendment for NYS that guarantees equal rights for women and other groups subject to discrimination. There is disagreement between the Governor, the Senate and the Assembly about the most appropriate wording, which is not expected to move ahead this year.

***Past League activity from 1975-1984 can be found in Impact Archives.***

## EDUCATION

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As explained in **LWVUS *Impact on Issues***, the 1974-76 national program included the phrase “equal access to quality education,” yet the LWVUS has never undertaken a process for determining a common League definition of “quality” that could serve as a basis for action nationwide. When the definition of quality is a key factor in a state or local community, a local or state League must conduct its own study rather than relying on the LWVUS position to take action. Accordingly, LWVNYS has developed positions on quality in education, which appear under **State Finances** in this publication.

The League strives to protect funds for education programs that would aid the disadvantaged. To this end, support is given to budget bills that provide money for opportunity programs, urban centers for vocational training, and pre-kindergarten programs. The League has also supported special aid to urban school districts having problems associated with poverty.

Since 1983, the League has taken a lead in the formation of and participation in the Sex Equity in Education Coalition. Since 1985, the League has actively supported legislation, which would provide equal access for all students and employees in education programs and facilities that receive state financial assistance.

## EMPLOYMENT

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For action on pay equity, please see **Pay Equity** under the **Social Policy** section of this publication.

### ***Recent League Activity***

#### **2013**

During the 2013 legislative session, LWVNY joined the NY Women’s Equality Coalition to lobby for passage of Governor Cuomo’s 10-point Women’s Equality Agenda/Act (WEA). The WEA included employment related provisions that would address discrimination women face in the workplace. These WEA provisions would:

- Extend New York State’s law that prohibits sexual harassment in the workplace to workplaces with fewer than four employees. (Currently, those working for employers with fewer than 4 employees cannot file a complaint with the State because small employers are currently exempt from the provisions of State law that prohibit harassment.)
- Outlaw discrimination against parents in the workplace (Current state law protects against familial status discrimination in housing and credit, but not employment.)
- Address pregnancy discrimination in the workplace by requiring employers to provide reasonable accommodation to pregnant workers

The League lobbied extensively for passage of the WEA, but it did not pass during the 2013 legislative session. For a complete narrative on the League’s advocacy on WEA, please see the *Equality of Opportunity* section.

***Past League activity from 1970-1981 can be found in Impact Archives***

## FISCAL POLICY

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Although the LWVUS has adopted a federal deficit and tax policy, these apply only to fiscal policy at the national level. (**LWVUS *Impact on Issues*, 2024-2026, pp. 154**)

The LWVNYS must oppose any state bills or other actions that would call for a constitutional amendment to balance the federal budget. Subject to this exception, LWVUS fiscal policies cannot be used at the state level without separate League study and membership agreement. LWVNYS's positions on Fiscal Policy are found primarily in the **State Finances** section of this document.

## **WELFARE REFORM**

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***Past League activity on welfare reform from 1970-2007 can be found in Impact Archives.***

## **RURAL CAUCUS COMMITTEE**

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### ***Recent League Activity***

#### **2020-2024**

The League of Women Voters New York State Rural Caucus (NYSRC) was formed in the spring of 2020 at the instigation of the St Lawrence County MAL Unit, and in December of 2022 was made an Issue Committee. Our original idea was to create a space where local Leagues in rural areas, or in counties that include large rural areas as well as more urban ones, could they share their experiences of doing League work in rural communities. We have succeeded in doing that, and a good deal more.

The NYSRC currently includes members of seventeen local Leagues, representing twenty-one counties around the state. Commonly, most League interactions are between the “vertical” levels of the organization, but our bi-monthly zoom meetings have provided a welcome opportunity to connect “horizontally” with our peers around the state to share ideas, information, and encouragement. Since we have had at least one NYSRC member on the LWVNYS Board for the past four years, and three LWVNYS Board Presidents have attended our meetings, the Caucus has also helped to raise awareness of rural affairs at the state League level. Rural issues were mentioned for the first time in the 2023 editions of the LWNYS Legislative Agenda brochure and Pre-Budget Advocacy Packet.

Caucus members have been sharing information and experience concerning the following rural problems:

- How can county government help close the rural “digital divide” by providing universal—and affordable-- access to high-speed broadband service? What government funds have become available as a result of the Covid pandemic, and how can they be accessed? How can public awareness accelerate the process? The Digital Equity position adopted by LWVUS via Concurrence (see below) has been enormously helpful to us as we look for ways to address this continuing problem.
- How to address the crisis in rural health care? Rural ambulance and emergency services are closing down due to the shortage of funds and the lack of volunteers; fiscally driven “consolidation” has created “maternity deserts” by eliminating maternity wards at many rural hospitals. How can we draw attention to this crisis? How can we publicize and support the good work being done in rural areas by Community Health Centers and similar health care providers? Several NYSRC members are also members of the NYS Health Care Committee and we work closely with that Committee on these issues as well as others.
- The endemic shortage of adequate child care continues to hobble economic activity in persistently poor areas, and it was exacerbated by the loss of home-based providers during the

pandemic. This problem demands greater public awareness in general and it affects the overall economy of rural areas in particular. Shortage of home care workers and assisted living options for seniors in rural areas are also at crisis levels and NYSRC members are engaged in advocacy on this aspect of the “caring economy.”

- We all recognize the imperative of replacing fossil fuels with solar energy and wind power. Economic logic dictates that large projects, generating over 25 megawatts, be sited in under-populated areas. These industrial scale projects, however, raise both environmental and financial issues for small towns. The impact of this necessary transition on rural communities needs to be taken into consideration, both in the interest of fairness and to minimize local opposition. Broad public awareness and civil discussion of the issues is especially important in this realm, since solar projects are under state regulatory jurisdiction rather than local laws: in other words, Home Rule does not apply to industrial scale solar power.
- In 2024, NYSRC members turned their attention to the decline in local journalism, which is particularly pronounced in rural areas, and which profoundly impacts the ability of citizens to stay informed about local issues, including local government. Caucus member Leagues called for consideration of the proposed LWVUS Concurrence with LWVWA's position on Local Journalism and Democracy at the 2024 National Convention. We were very pleased that the Concurrence was adopted by the LWVUS. Using the new national position, we can now advocate as the League for state level legislation supporting local newspapers.

Finally, the NYSRC has had a modest national impact. Rural Leagues in Texas have formed a Rural Caucus for that state after learning of the NYSRC. Caucus members worked with League members in other states to form a fledgling National Rural Affairs Caucus (RAC) and Google Group. We began that project with survey of League members in thirty states to determine what they felt were the most important issues facing their rural areas.

One of the top vote-getters was affordable broadband access. The Digital Equity Concurrence that was passed at the LWVUS Convention in 2022 was a direct result of NYSRC members working for months with League members from CT, NM, MA, and VT to craft, promote and present the Concurrence.

## EQUALITY OF OPPORTUNITY

The League of Women Voters of the United States believes that the federal government shares with other levels of government the responsibility to provide equality of opportunity for education, employment and housing for all persons in the United States regardless of their race, color, gender, religion, national origin, age, sexual orientation or disability. (LWVUS *Impact on Issues, 2024-2026*, pp. 154).

### **Recent League Activity**

#### **2022**

##### *New York State Equal Rights Amendment*

See the above section on ratification of the Equal Rights Amendment for more information.

#### **2019**

After many years of advocacy, in 2019, the League was able to successfully pass the Reproductive Health Act and the Comprehensive Contraceptive Care Act which codifies Roe v. Wade into state law. The Reproductive Health Act updated New York's laws by: (1) Moving abortion out of criminal code and

into health code, so that providers are not afraid of providing services; (2) Ensuring that the health of the mother, not just her life, is a factor for access to abortion; (3) Protecting a woman from being forced to carry a non-viable pregnancy to term; (4) Updating the list of medical providers that can provide abortions so access is not diminished because of a lack of providers.

The Comprehensive Contraceptive Care Act expands birth control access by requiring that insurance companies in New York State cover a wide range of contraception; including all FDA approved contraceptive drugs, devices, and products; and allow women to access 12 months of contraception at one time (instead of the 1-3 month allotments usually dispensed).

The League also worked in coalition to support the creation and funding of a Maternal Morality Review Board in the budget. This board was created to investigate the disparity in pregnancy outcomes for women of color and rural women as compared with the general population.

In 2019, the legislature passed legislation to prohibit discrimination based on gender identity or expression and adds transgender New Yorkers to those protected by the state's Hate Crimes Law. The law commonly known as GENDA (Gender Expression Non-Discrimination Act) was supported by the League in prior legislative sessions. The bill will ensure basic protections for all New Yorkers regardless of their gender or sexual orientation.

## **2018**

In 2018, the League continued its fight to codify Roe v. Wade in New York State law. During the 2018-2019 budget negotiations, the Governor invited the League and several other women's organizations to participate in a round table discussion about potential reforms to women's issues that could be included in his executive budget. These reforms included the Reproductive Health Act, Comprehensive Contraceptive Coverage Act, and a ban on employers from asking employee candidates about their previous salary history. In the end, none of these reforms were included in the final budget.

After the budget, the League continued to advocate for these reforms. Unfortunately, all of the above mentioned reforms passed in the Assembly but failed to pass in the Senate.

## **2017**

### *Women's Marches, Reproductive Health Act, and Comprehensive Contraceptive Coverage Act*

2017 started off with a monumental act of unity as men and women from all over the country marched to show their commitment to ensuring all people would be protected from potential threats at the federal level. Women's Marches occurred throughout New York State and our members joined marches in New York City, Albany, Glens Falls, Seneca Falls, Sag Harbor, Hudson, Ithaca, Utica, Rochester, and Syracuse. Some members even made the long journey to march in Washington DC. The passion and enthusiasm of our member carried on long after the marches were through.

At the beginning of the legislative session we joined Planned Parenthood for their annual lobby day. The event drew in more than 1,000 attendees who were all ready to fight to pass the Reproductive Health Act (RHA) and the Comprehensive Contraceptive Coverage Act (CCCA). The CCCA would mandate that insurers cover all forms of birth control, not just those they choose to cover. It would also allow 12 months of birth control to be dispensed at one time. The law would ensure all women and men have adequate contraception that must be paid for by their insurer. The RHA would codify Roe v. Wade in New York so that if federal laws were to change, New York women would still be guaranteed their right to choose.

The two bills passed in the Assembly early in the session. We worked with Planned Parenthood and NYCLU on moving these bills in the Senate for the remainder of the six months. We met with members of the Senate throughout the session, nearly every day, urging them to bring these bills to the floor for a vote. We worked with NYCLU and Planned Parenthood collecting petition signatures to have the two bills taken up in the Senate. Our groups worked up until the very last day of session on lobbying Senators. During the last week of session, Planned Parenthood organized a visual demonstration by dressing their supporters as handmaidens from the popular novel: "A Handmaid's Tale". The handmaidens stood outside the Senate Chamber with signs and flyers urging Senators to vote on the bills. Unfortunately, the two bills were never taken up.

The New York State Department of Financial Services did change their own regulations to require private insurance coverage for medically necessary abortions without a co-payment; including a narrow religious exemption that reflects the current religious exemption in the Women's Health and Wellness Act, and allowing for dispensing of 12 months of contraception. The regulations would also require coverage of contraception without a co-payment of one type of contraception in each of the 18 FDA categories (Federal ACA standard). These regulations mirror the language within the CCCA and we were pleased to see DFS taking proactive steps.

In addition to women's health care, the League focused on new regulations for Paid Family Leave Insurance. We sent several letters to the Workers Compensations Board and Department of Financial Services with recommendations of how the program should be apportioned. We were pleased with the final regulations that were passed. The program will begin in 2018, private sector workers can receive 8 weeks of leave at 50% of their average weekly wage up to a cap. Once fully phased in in 2021, it will provide workers with 12 weeks of leave at 2/3rds of their own wage up to a cap. Paid Family Leave is an insurance program paid for by a 0.126% per week payroll deduction from employees up to a maximum of \$1.65 per week for those with higher incomes. The insurance program pays you while you're out on leave, not your employer, and your health insurance continues with the same arrangement you've had with your employer.

## **2016-2017**

### *Paid Family Leave Insurance*

In 2016 the legislature finally passed Paid Family Leave Insurance in New York State. After years of lobbying for this issue, the League was very happy to finally see the bill included in the 2016-2017 budget. The legislation would allow for up to 12 weeks of paid leave in the event of a pregnancy, sick family member, or to relieve pressure when a family member is called to military service. The law will be slowly implemented beginning in 2018.

### *Contraceptive Coverage Act*

The League also worked with Family Planning Advocates on lobbying for the Contraceptive Coverage Act. The bill would require insurance providers in New York State to cover all forms of contraceptives including vasectomies, hormone implants, birth control pills and IUDs. The bill would also allow doctors to issue 12 months of birth control rather than 1 to 3 month allotments. The bill passed in the Assembly but was not considered in the Senate.

## **2013-2015**

### *Women's Equality Act*

In his January 2013 State of the State, Governor Cuomo introduced his 10-point Women's Equality Agenda, later the Women's Equality Act (WEA), which included a provision to address discrimination in



housing based on domestic victim status and on source of income, discrimination closing tied to gender. The WEA would:

- Prohibit building owners, managers and leasing agents from refusing to lease or sell, or evicting a tenant because of their status as a domestic violence victim
- Create a task force to study the impact of discrimination based on source of income in housing, in particular discrimination against tenants receiving Section 8 rental assistance, with focus on any sex-based impact

In his January 2013 State of the State, Governor Cuomo introduced his 10-point Women's Equality Agenda, later the Women's Equality Act (WEA), which aimed to break down barriers and promote fairness and equity for women across various aspects of their lives, including health, work, and safety. For details of the specific provisions included in the 10-point plan, please see the *Public Policy on Reproductive Choices, Employment, Equality of Opportunity, Human Trafficking, Pay Equity, and Domestic Violence* sections.

Following the State of the State, LWNYS joined the NY Women's Equality Coalition to lobby for passage of Governor Cuomo's 10-point Women's Equality Agenda/Act (WEA). The League lobbied extensively for passage of the WEA. League members throughout the state participated in rallies and press conferences and visited, called, and wrote lawmakers. On Thursday, June 20, the Assembly passed the entire 10-point WEA (A8070). In the Senate, the Independent Democratic Conference (IDC)/Republican ruling coalition refused to bring the full WEA, which included a reproductive health provision that would codify Roe v. Wade into state law, to the Senate floor for a vote, instead opting to break down the provisions into separate bills. On Friday, June 21, Senate Co-Leader and IDC conference leader, Senator Klein, introduced the reproductive health provision as a hostile amendment to S4174, a bill about medical records. After a debate about abortion, all Republican Senators and two Democrats voted that the amendment was not germane to the bill (32-30). Following the hostile amendment maneuver, the remaining nine points of the Women's Equality Act were each introduced in the Senate as separate bills, debated, and passed. The Assembly refused to consider the separate bills before adjourning on Friday evening. Consequently, the WEA was not passed during the regular 2013 legislative session because there was no "same as" bill in either house.

LWNYS and 47 of our local Leagues remained signed on as supporters of the Women's Equality Act in the 2014 legislative session. Once again, the Assembly has passed the entire WEA. We called on the Senate to pass the Assembly's omnibus bill (A.8070). The League, with its coalition partners, continued to advocate for passage of the entire WEA in the 2014 session, but to no avail. The session concluded with no progress on these issues.

On the first day of the 2015 legislative session the Senate passed 9 of the separate bills of the WEA, omitting the Reproductive Services Act (RSA). The Assembly agreed to break the Women's Equality Act into its component pieces of legislation, enabling the passage of 8 of the bills the Senate had approved (the order of protection piece had passed in 2014 in another bill).

The League worked with the Women's Equality Coalition to push for passage of the full WEA package but the Senate refused to pass the RSA, claiming it would increase the number of women seeking abortions. That bill actually ensures our state laws regulating abortion comply with the U.S. Constitution (as interpreted in Roe v. Wade) and will likely be reintroduced next legislative session.

#### *Gender Expression Nondiscrimination Act (GENDA)*

LWNYS continues to work for passage of the Gender Expression Nondiscrimination Act (GENDA). This act would prohibit discrimination in housing, education, and public accommodation based on gender expression or identification and add crimes against transgender individuals to a list of hate crimes.

Although the positions of both the state and national Leagues interpret gender equality to prohibit discrimination based on gender identity or expression, SONDA (see below) did not so define gender. Consequently, discrimination in housing, employment, and public accommodation (like restaurants and movies) based on gender identity or expression is still legal in New York State, except where prohibited under local law, as is the case in many jurisdictions.

LWVNY continued to advocate for passage of the Gender Expression Nondiscrimination Act (GENDA) throughout these years and celebrated its passage in January of 2019. This act prohibits discrimination in housing, education, and public accommodation based on gender expression or identification and adds crimes against transgender individuals to a list of hate crimes.

## ***Past League activity from 1994-2011 can be found in Impact Archives***

### **PAY EQUITY**

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The League has long supported the passage of legislation that would implement a state policy of compensating employees equally for work of comparable value. Job titles disproportionately held by women and people of color have traditionally been undervalued and paid less than comparable job titles with the same level of skill and responsibility as judged by gender neutral job evaluation systems commonly used by employers.

#### ***Recent League Activity***

##### **2024**

Advocating as a part of PowHer, LWVNY issued a MOS supporting legislation known as the Salary Range Transparency bill in 2022. This legislation ultimately passed in January of 2024 with Chapter amendments that weakened the bill. Now PowHer's focus is on strengthening the NYC law on which the NYS law is based, as a step towards strengthening the NYS law.

In 2023 LWVNYS signed on to a letter in support of Raise the Wage which ultimately passed and increased the minimum wage and then indexed it to inflation.

As a part of the PowHer coalition LWVNYS continues to advocate for higher wages for Home Care Workers, and also for Child Care workers – workers who are overwhelmingly women and people of color, and have a legacy of discrimination in the workplace. Budget negotiations are ongoing on these issues.

##### **2022-2023**

###### *Pay Transparency*

Advocating as a part of the PowHer coalition, LWVNY issued a MOS supporting legislation requiring employers to publish the minimum – maximum compensation range for external and internal job openings. (Not knowing what the salary range for a particular position is puts applicants – particularly women – at a disadvantage as they negotiate a proposed salary. This is compounded for women of color, women with disabilities, LGTBQ+ individuals and mothers). This legislation was passed in 2022, but vetoed by Governor Hochul. PowHer is in conversation with the Department of Labor to help them design a section of an existing report to capture compensation by sex and race. An amended version was passed in 2023, and the League sent comments on the proposed regulations for implementation of the new law.

### *Raise the Wage*

LWVNY signed on to a letter in support of Raise the Wage which would increase the minimum wage and then have it be indexed to inflation, based on our support for a living wage and its relationship to the minimum wage. The signed letter can be found [here](#).

### *Fair Pay for Homecare*

In 2023 LWVNY signed on to a letter in support of Fair Pay for Homecare and also in the comments we submitted on the One-House Budgets we communicated our support for continuing the \$3.00 which homecare workers won in 2022, and having their pay rate be 150% of the minimum wage. We also called for protections to guarantee that these increased wages get passed down to the workers and agencies, and not just be absorbed by the insurance companies.

## **2021 -2022**

We worked with PowHer, our coalition partner for gender justice, to craft and then support a Salary Range Transparency Bill A6529 (Joyner)/S5598b (Ramos). The Salary Range Transparency bill requires employers to disclose compensation or range of compensation to applicants and employees upon issuing an employment opportunity for internal or public viewing or upon employee request. The bill passed through the Labor and Codes committees early in 2022. The League issued a MOS to all Assembly Members on the last day of February 2022. This legislation passed both house of the legislature in 2022 and is awaiting the Governor's signature.

### **EMPLOYMENT IN NEW YORK STATE**

#### **Statement of Position**

**As announced by the State Board, November 1982**

The League of Women Voters of New York State supports state policies for both public and private sectors of employment to ensure equal pay for equal work and equally evaluated jobs, to encourage affirmative action in hiring and promotion practices and to eliminate sexual harassment.

To achieve equal access and opportunity of employment for women throughout New York State, the League believes it is necessary to educate the public about existing laws and procedures, to improve the enforcement of laws and to fund these efforts adequately.

The League of Women Voters of New York State supports state legislation and regulations that will establish greater equity in wage compensation for comparable jobs. Comparable worth of jobs should be determined by gender-neutral criteria such as responsibility, effort, skill, education and experience required, and the working conditions.

## **2019 – 2020**

Since 1982 the League has supported the passage of legislation that would implement a state policy of compensating employees equally for work of comparable value. We didn't make any progress in the Senate until 2018 when A.2549/S.3262 – calling for a study of civil service wage disparities related to job titles segregated by gender, race or national origin, when using a gender neutral point system to determine comparable worth – was passed in both houses and signed into law on 12/7/18. For the 2019-20 legislative session LWVNY issued a MOS for A. 0762 –Rosenthal/ S. 0838-Montgomery – which would

establish comparable worth for all public employees, but we also pointed out to Assembly staff that it didn't make a lot of sense to pass this bill until the study required by A.2549 was completed. Now that the Senate is likely to pass the Assembly's pay equity bills, the Assembly is giving the wording of these bills closer scrutiny. LWWNY is working in coalition to refine the wording of the pay equity bills. For 2019 we are supporting a law banning the use of salary histories in hiring.

After several years of advocacy in 2019 the League and its coalition partner, PowHerNY was successful in passing legislation prohibiting all employers - both public and private - from asking prospective or current employees about their salary history and compensation. The law also prohibits businesses from seeking similar information from other sources.

*Paid Sick Leave* was passed in this year's budget bill and will take effect at the beginning of 2021. It provides payment for absence due to personal or family member sickness (40 hours in businesses of 5-99 employees; 56 hours in businesses with 100+ employees). Businesses with fewer than 5 employees must allow up to 40 hours of unpaid sick leave. LWWNY worked in coalition with PowHer to support this legislation, in which employees earn 1 hour of sick time for every 30 hours worked. In addition emergency legislation to respond to the pandemic provides paid sick leave for many in this calendar year.

*Pay Equity* LWWNY sent an action alert to all members that included a toolkit for publicizing the underpayment of women's work, particularly the low wage workers on the front lines of the coronavirus pandemic.

## **2018**

In 2018 the Governor took a special interest in passing a ban on employers asking salary history of potential employees. Early in the session, the bill passed in the Assembly and was looking like it would be brought to the floor for a vote by the Senate. On Equal Pay Day, the Governor introduced his own program bill that highlighted this reform. The Governor's proposal was shorter than the original bill and rooted in Human Rights Law rather than Labor Law. The introduction of the bill caused the issue to stall in both houses. The equal pay coalition, PowHer NY, worked hard to secure new sponsors for the program bill. Unfortunately, there was not adequate time to have the bill move through the two houses and the program bill did not pass.

## **2017**

In 2017, the League worked with PowHer New York on pay equity issues. In 2017 we pushed to pass a bill that would ban employers from asking potential employees about their previous salary history. This legislation would ensure women are not unfairly paid a lower wage because of a previous salary. We lobbied the bill throughout the legislative session and were happy to see it pass in the Assembly.

## **2016**

In 2016 the legislature finally passed Paid Family Leave Insurance in New York State. After years of lobbying for this issue, the League was very happy to finally see the bill included in the 2016-2017 budget. The legislation would allow for up to 12 weeks of paid leave in the event of a pregnancy, sick family member, or to relieve pressure when a family member is called to military service. The law will be slowly implemented beginning in 2018.

The League also worked with Family Planning Advocates on lobbying for the Contraceptive Coverage Act. The bill would require insurance providers in New York State to cover all forms of contraceptives including vasectomies, hormone implants, birth control pills and IUDs. The bill would also allow doctors to issue 12 months of birth control rather than 1 to 3 month allotments. The bill passed in the Assembly but was not considered in the Senate.

On the first day of the 2015 legislative session the Senate passed 9 of the separate bills of the WEA, omitting the Reproductive Services Act (RSA). The Assembly agreed to break the Women's Equality Act into its component pieces of legislation, enabling the passage of 8 of the bills the Senate had approved (the order of protection piece had passed in 2014 in another bill).

The League worked with the Women's Equality Coalition to push for passage of the full WEA package but the Senate refused to pass the RSA, claiming it would increase the number of women seeking abortions. That bill actually ensures our state laws regulating abortion comply with the U.S. Constitution (as interpreted in *Roe v. Wade*) and will likely be reintroduced next legislative session.

In 2016, the League worked with PowHER NY on legislation that would force companies receiving state contracts to disclose wages for all employees. The bill titled "Equal Pay Disclosure With Respect To State Contracts" was aimed at ensuring companies receiving state funds were paying minority groups and women equal wages to their white male colleagues. The League participated in a social media campaign and signed onto a joint memo of support. The bill passed in the Assembly but was not considered by the Senate.

## **2015**

In 2015, on the very first day of session, the Senate passed S.1 (Savino) making equal pay for equal work (for people in the same job title) more enforceable by protecting workers from retaliation if they discuss their compensation with other employees and by increasing liquidated damages to 300% and also tightening the definitions so that it is harder for employers to defend differential compensation. This bill was one of the ones negotiated by Governor Andrew Cuomo as a part of the Women's Equality Agenda. On April 27 the Assembly passed A.6075 (Titus) the bill that is the same as S.1. The governor is expected to sign this and other Women's Equality bills.

Also on April 27<sup>th</sup> the Assembly passed a package of equal pay for job titles of comparable worth pay-equity bills that would cover only employees of the state (A.0437, Rosenthal), or of all public employers (A.01574, Jaffee) or of private and public employers (The NYS Fair Pay Act A.06397, Titus) or require a study of the extent of inequity between job titles and of the cost of making corrections (A.5088, Lifton). The League issued memos of support for all of these bills but the Senate did not take up any of them.

The League was invited to participate in a Roundtable discussion about Equal Pay and Pay Equity that was organized by the Assembly Standing Committee on Labor and the Assembly Task Force on Women's Issues on April 27, 2015, the same day that the Assembly passed the package of pay equity bills. The League and other Women's Equality Coalition participants met with experts from Cornell University who shared new research on pay disparities.

The League will continue to support legislation that advances pay equity, and other issues that enable women to be equal participants in the workforce.

## 2014

In 2014 LWVNY issued memos of support for the three comparable worth pay equity bills, The NYS Fair Pay Act [A05958 (Heastie), S01491 (Krueger)]; A01729A (Jaffee); and A00753A (Rosenthal), S01871A (Montgomery) but these bills weren't acted on by the Legislature which saw them as conflicting with the equal pay provisions of the Women's Equality Act (which the Assembly passed in its entirety, but the Senate did not pass). The equal pay section of the Women's Equality Act would prohibit employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected in the private sector. This would not "Achieve Pay Equity" but would facilitate that objective in the private sector and be an important move toward ending discrimination against traditionally female job titles that have been underpaid for centuries and will continue to be underpaid until equal pay for job titles of comparable worth legislation is in place.

Also in 2014, LWVNY concentrated on building grassroots support for fair pay by participating with other members of the Women's Equality Coalition to have localities issue Proclamations in support of Fair Pay, and to generate letters to the editor on the subject for Equal Pay Day 2014. Leagues succeeded in securing 10 Proclamations, at least 8 letters to the editor, and a great number of Facebook photo posts. (Page down to Proclamations and Photos for the details).

In addition to lobbying for the Women's Equality Agenda LWVNY and NYSPEC will continue to advocate for comparable worth legislation.

## 2013

In his January 2013 State of the State, Governor Cuomo introduced his Women's Equality Agenda, which included under the topic of "Achieve Pay Equity" prohibiting employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected." This section also indicated that current NYS law would be amended to "ensure that women receive the wages they were always entitled to, as well as provide for an additional amount of liquidated damages equal to 300% of the back wages due." Subsequently, LWVNY joined the NY Women's Equality Coalition to work for the principles included in the governor's Women's Equality Agenda (of the 10 points we have positions supporting nine of them).

On the next to the last day of the regularly scheduled Legislative session the Assembly passed A8070 (the omnibus 10 point Women's Equality Act) and the next day (since the Senate Leadership refused to introduce the omnibus bill) the Senate introduced and passed unanimously nine of the points (but not the reproductive choice piece). One of the nine separate bills was S.5872 (Savino) which includes the equal pay provisions described above. The Assembly adjourned without passing any of the individual bills, so there is no "same as" bill to be signed by the Governor.

***Past League activity from 1985-2012 can be found in Impact Archives***

# EQUALITY FOR ALL

## WOMEN AND THE LAW

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The 1979 LWVNYS Convention adopted a study, Women and the Law, which focused on some of the laws in New York State that affect women. Because of the complexity of the issues, the study was divided into two parts: (1) marriage and divorce; and (2) child custody, insurance, pensions and credit.

## **WOMEN AND THE LAW**

### **Statement of Position**

**As announced by the State Board, March 1981**

The LWVNYS believes that marriage is an equal economic partnership. Marital property (property acquired during a marriage) is presumed to belong equally to each spouse. Separate property (as defined in the Equitable Distribution Law {EDL}) remains separate.

During an ongoing marriage, each partner is entitled to participate equally in decisions with regard to marital property, e.g., to spend, to bequeath, to use as a basis for credit.

Couples wishing to end their marriage should be able to divorce by mutual agreement following a waiting period. Fault grounds should be retained as an option for the blameless spouse because proof of fault on the part of one spouse may influence a more favorable settlement for the blameless spouse. This part of the League position is not applicable as fault is not a criterion considered under the EDL for marital property distribution.

In distribution of marital property at divorce, the presumption of equality should prevail. If adjustment is required, the criteria in the EDL should be used.

With regard to maintenance (alimony), the League supports measures to achieve a standard of living as nearly equal as possible for each spouse. Recognition should be given to the contribution of each spouse (as breadwinner and/or homemaker) and to loss of potential earning power by the spouse who had stayed at home during the marriage. Maintenance (alimony) should be awarded according to the criteria in the EDL.

The League supports stronger measures to achieve prompt payment of child support and/or maintenance (alimony) payments. However, neither support payments nor visitation rights should be used as enforcement measures. It should not be possible to withhold support payments because visitation has been withheld nor should the reverse be true. Children should not be used as reward or punishment in adult battles.

In laws governing intestacy (dying without a will), the League supports measures to incorporate the principle of marital property so that one-half of the marital property is recognized as belonging to the surviving spouse and therefore not part of the estate. The remainder of the estate should be divided in such a way that the surviving spouse would receive more than the one-third of the estate presently allotted by law.

***Past League activity from 1990-2010 on divorce can be found in Impact Archives.***

## **CHILD SUPPORT/CUSTODY**

**CHILD SUPPORT/CUSTODY**  
**Statement of Positions**  
**As announced by the State Board, June 1981**

**CUSTODY OF CHILDREN**

In determining the custody of minor children, the League opposes the presumption of joint custody. We believe that the best interests of the child should be the primary consideration; joint custody is, certainly, one option.

The best interests of the child should include the following considerations:

1. principal care giver—the parent who has borne the primary responsibility for caring for the child;
2. degree of interest shown in the child by each parent; and
3. preference of the child (maturity of the child is to be taken into consideration).

**INSURANCE**

The League of Women Voters believes that gender should be eliminated from the factors that are used to set insurance rates and benefits. The use of gender penalizes women unfairly most often, but in a few cases penalizes men. We do not object to the use of other factors, which are gender-neutral such as age, occupation, personal health and accident history, smoking, etc.

Dependent spouses who lose their insurance coverage through the loss of a wage earner by death or divorce should be able to convert the wage earner's accident and health insurance contracts to their own without increase of premium or loss of coverage.

We also believe that disability insurance should be available to homemakers at reasonable rates, so that they will receive income when they are injured and cannot perform their household duties.

**PENSIONS**

The League believes that gender should not be used as a criterion in establishing pension rates and benefits. We recognize there are problems with pensions that are created by different typical work patterns of men and women. Changes are needed in eligibility for pensions benefits, and consideration should be given to earlier pension eligibility and shorter vesting periods.

Also, allowance should be made for breaks in service for child-rearing, just as for military service, and accrued pension credits must be protected so that vested interest is not lost.

All pension plans should provide automatically for survivor's benefits. The worker can waive the survivor provision, but the spouse must be notified and give written acceptance of this waiver.

**CREDIT**

In accordance with our position which holds marriage to be an equal economic partnership with marital property belonging to each spouse, the League believes that credit should be extended to homemakers based on marital property (which includes spouse's income) as well as on a homemakers own separate property.



The items in this position statement were the second part of the Study: Women and the Law, and although titled Child Support/Custody, this is a misnomer. Child Support was included in the first part of the study position announced above (March, 1981). This position statement was announced June, 1981 and deals with Custody of Children, Insurance, Pensions and Credit.

LWVNY continues to monitor legislative and regulatory actions for opportunities to advance these positions and to prevent backward steps on goals already accomplished.

***Past League activity from 1998-2006 can be found in Impact Archives***

## **Insurance, Pensions and Credit**

In 1982, the League supported, successfully, the passage of an amendment to the New York Civil Rights Law to include gender in the kinds of discrimination that are prohibited.

## **DOMESTIC VIOLENCE**

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### **DOMESTIC VIOLENCE**

#### **Statement of Position**

**As announced by the State Board, June 1983**

Domestic violence is a serious crime but because of the special relationship between the parties, the League of Women Voters of New York State believes that it should be possible to bring such cases in Criminal and Family Court.

Special training should be required for judges, police officers, medical personnel, attorneys, social workers, court personnel and others likely to have contact with perpetrators or victims of domestic violence. Both the victim of a violent act and the person who commits it need special services to break this pattern. The LWVNY recognizes that the person who resorts to abuse of an individual needs help and therefore supports existing prevention and treatment programs and the creation of new programs as means of reducing domestic violence. Services such as shelters, counseling, legal services and hot lines are also needed to provide for the safety of the victims of domestic violence because of the ever present physical and psychological danger to them.

Programs to reduce the incidence and effects of domestic violence should be funded by a combination of public and private funds.

***Past League activity from 1983-2013 can be found in Impact Archives***

# BASIC HUMAN NEEDS

## FAIR HOUSING

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Support for measures to meet the needs for affordable and accessible housing through use of state funds and incentives to localities.

League action in housing began in 1968 when the LWVUS added support for equality of opportunity in housing to that for education and employment. LWVNYS reached a position in 1970 providing the basis for action in housing.

### HOUSING

#### Statement of Position

As announced by the State Board, September 1970

Revised to reflect State Convention action, 1999

1. Support for increased state funds for affordable and accessible housing and for rent subsidies.
2. Support for incentives to encourage communities to accept their share of the overall responsibility for providing sufficient housing for low and moderate-income families.
3. Support for the participation of counties in meeting housing needs, through such methods as permitting the establishment of County Housing Authorities.
4. Support for legislation which requires local governments to take affirmative action to provide some of their vacant land for low-income families.

***Past League activity from 1974-1991 can be found in Impact Archives***

## LIVING WAGE-MINIMUM WAGE

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Following guidance from LWVUS that Leagues could support a minimum wage increase for their area (under the national position on meeting basic human needs) after conducting appropriate research, the State League decided to conduct research on minimum wage-living wage in New York State. The Living Wage Committee was created to determine what an appropriate living wage is for our state and its localities and to define the relationship between a living wage and the minimum wage. The League believes that one of the goals of social policy should be to promote self-sufficiency for individuals and families. LWVNYS defines a living wage as one that provides sufficient income without government assistance, for food, clothing, housing, energy, transportation, health care, education, child care, and a small amount of discretionary income. We believe that the minimum wage should be set close to, but not more than, the living wage.

**LIVABLE WAGE**  
**Statement of Position**  
**As announced by the State Board, December 2015**

Support of a livable wage for all localities in New York State determined by using either of the following calculators (or one that may in the future be developed which includes the same items), whichever has been updated most recently. Each of these calculators presents its findings of the costs involved in meeting basic human needs on a county-by-county basis, for families of different sizes and composition, and indicates the wage needed to meet those costs on an hourly, monthly and annual basis.

1. This is the link to the MIT developed calculator for a living wage, which is available by County in NYS: <http://livingwage.mit.edu> Originally done in 2004, it was updated in 2014.
2. The self-sufficiency standard developed by Empire Justice Center/NYS Community Action Association <http://www.selfsufficiencystandard.org/docs/New-York-State2010.pdf> especially pp. 57 to 89, which lists the self- sufficiency standard for different family configurations for each county, and expresses it on an hourly/monthly/annual basis. P 91 compares the self- sufficiency standard to the federal poverty rate.

We further support that the minimum wage, if set state-wide, be set no higher than, but close to, the living wage for a family consisting of one wage earner and 2 children, in the county with the lowest living costs. The League has long supported equal pay for equal work, and does not recommend that the minimum wage be set, or employers pay employees, based on the number of their dependents. On the other hand employees working full-time at the minimum wage should be able to make a living wage for themselves and one to two dependents.

In 2016, after determining our new position, the League quickly took action and came out in support of increasing New York's minimum wage. The League submitted budget testimony to the Joint Committees on Work Force Development encouraging them to follow the MIT developed calculator to determine a proper livable wage. The testimony also supported the implementation of paid family leave for all New Yorkers. We were pleased when Governor Cuomo announced that the legislature had agreed to a budget that raised the minimum wage. This will occur in increments: In NYC it would reach \$15 and in the rest of the state \$12.50 by 2020. After 2020, the DOB gets to decide how many more years it will take the rest of the state to reach \$15.

In 2023, LWVNYS supported efforts to have minimum wage indexed to inflation. These efforts were ultimately successful as the bill was passed in session. See more about the Leagues activities around minimum wage and a livable wage in the *Pay Equity* section of this document.

# STATE FINANCES

## FINANCING EDUCATION (K-12) AND STAR

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LWVNYS involvement in school finances began with the national League position for equal educational opportunity. (*LWVUS Impact on Issues, 2024-2026, pp. 152*) The state League adopted a position in the **1950s** for greater state sharing in school funding.

### 1972

In 1972 the state League's fiscal policies study focused on financing education. A position resulted which favored full state funding of education using a state property tax and a progressive income tax.

### 1983

In 1983, an LWVNYS re-evaluation of financing education in the state dropped the full state funding and state property tax advocacy and called instead for a slight increase, if necessary, in all state taxes to achieve greater equity in school funding. It also supported increased state funding of the state aid formula and called for reduced funding of dis-equalizing forms of aid.

### 1995

Delegates to the 1995 state convention adopted a two-year study of public financing of school education through Grade 12 including examination of alternative sources of funding and distribution formulas. Delegates felt many changes had occurred since the League's 1983 re-evaluation of financing education, and that it was time to re-evaluate our position in an area that affects all citizens. Much had changed since the last study. State aid to education, once the largest part of the state budget, had decreased and represented only 1/5 of the New York State budget. Transportation aid formulas had been changed. Questions were being raised regarding the expenditure of state education aid by cities. Our goal had been to ensure that aid reflects our commitment to both equity and excellence; however, the disparity between wealthy and poor districts continued. Equity in state aid was being challenged in the Court of Appeals in *Campaign for Fiscal Equity v. State of New York* (CFE) and the distribution formula was expected to change. There was new pressure to have aid given to non-public schools. Many areas of the state placed more reliance on property taxes and taxpayer alliances were seeking reductions in taxes. There was renewed interest in finding alternate methods of funding education. At the same time, there were growing challenges to the current assessments.

Under the direction of a state-wide committee, local Leagues throughout the state participated in this study of financing education. Leagues conducted interviews of local school and community leaders. The data and opinions gathered produced a survey of 56 school districts, eight percent of the more than 700 school districts in the state. Suburban, small cities, large cities, and rural school districts were represented in the survey. The purpose of the survey was to learn the components of school finance, the problems in achieving more equitable financial support for all school children and explore the changes being advocated by educators and community activists.

#### Scope:

- Phase I: Examine and evaluate the current distribution formulas for allocating state aid, study alternate methods.
- Phase II: Examine and evaluate the current sources of funding at both the local and state levels, study alternate sources.

## **2005**

In 2005 LWVNYS delegates to the State Convention again determined to study K-12 financing of education. The Court of Appeals had issued a ruling in CFE (see next section), and additionally, since the prior study in 1995, the state had implemented the School Tax Relief (STAR) Program in 1997. Delegates continued to voice concern about the growth of charter schools and public funding of private schools. Accordingly, these two topics were the focus of the new study. The first phase was completed and announced in spring of 2006; the second phase on charter schools was completed and announced in late 2006. The scope of the two-year study was originally to include an analysis of potential increased use of gambling revenues to support education, but this facet of the study was never staffed, because the bulk of member interest was in the first two topics. In 2006, the current position language, including its new position in opposition to STAR, was announced by the State Board.

### ***2005-2006 Statewide Study of K-12 Education: Amendment of Financing Public Education K-12, and Adoption of a Position on Charter Schools***

During the first year of the study (September, 2005 to May, 2006) the League considered how the State should raise the additional funds required to implement the CFE order on a statewide basis and the role of the STAR Program (School Tax Relief) on the funding of education. Local Leagues completed the consensus process in May 2006 and the Board amended Financing Public Education K-12 and Real Property Taxation positions in July 2006 to reflect the consensus results.

Briefly stated, the League amended its Financing Education position (K-12) to support greater equity in education financing for both pupils and taxpayers, removal of education from the political arena by adoption of a foundation approach to education finance, recognition of savings by replacement of the STAR program with a meaningful needs-based circuit breaker program with annual cost of living adjustment, increased stability of education finance by creation of a dedicated education reserve to make up shortfalls in times of economic downturn, and the raising funds to provide New York's children with a sound basic education through increases in the New York State personal income tax, implemented in a progressive fashion.

The League amended its real property tax position to provide for replacement of existing residential property tax relief programs, in which relief was designed to go to all regardless of need (such as basic STAR until 2011), with programs based on need, adjusted annually in accordance with changes in the cost of living.

During the second phase of the study (September to November, 2006) the League considered whether to adopt a charter school position as part of its overall financing education positions. Local Leagues completed the consensus process in November 2006 and the Board adopted a Charter School position in November 2006 to reflect the consensus results, which were then posted on the website. In December 2006, the League cancelled the third phase of its study, the use of gambling revenues to finance education, for lack of sufficient local League interest.

**FINANCING EDUCATION K-12**  
**Statement of Position**  
**As announced by the State Board, June, 1997**  
**And amended in July, 2006**

The State's Obligation

New York State bears a constitutional responsibility for the education of its children. This duty has been defined by litigation of more than a decade's duration, during which the Court of Appeals has held the State must provide all children with a sound basic education, defined as the opportunity for a meaningful high school education, consisting of the basic literacy, calculating, and verbal skills necessary to enable them to eventually function productively as civic participants capable of voting and serving on a jury. Included in the goods and services that constitute a sound basic education are minimally adequate physical facilities and classrooms which provide enough light, space, heat, and air to permit children to learn, minimally adequate instrumentalities of learning such as desks, chairs, pencils, and reasonably current textbooks, and minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, by sufficient personnel adequately trained to teach those subject areas.

This duty extends to all the State's children, and to the extent that children with special needs (students with disabilities, with limited English proficiency, and in poverty) require a greater input of funds to obtain their constitutional due, the State must support that input.

While ultimate responsibility for adequate funding of education rests with the State, it may fulfill its obligation by requiring a local contribution to education that is reasonably correlated to a district's ability to pay.

Means of Raising Money

The State's system of financing education should be progressive, with a higher portion of the cost paid by those having greater ability to pay. The means of raising money should incorporate the principles of simplicity and transparency, stability, insofar as progressivity is not sacrificed, and exportability, either in terms of payment by out-of-state residents or by partially offsetting any increase in State taxes with a decrease in federal taxes. In general, the means of raising money should incorporate principles of horizontal equity, with similar groups of taxpayers being treated equally and similar goods and services being taxed equally, provided that such treatment neither violates other League positions nor renders a tax more regressive.

Additional funds necessary to provide the State's children with a sound basic education should be raised through increases in the State personal income tax, implemented in a progressive fashion. Stability of income tax should be increased by creating a substantial reserve dedicated to education, sufficient to maintain uniform stream of State revenues for funding of education in times of economic downturn.

**FINANCING EDUCATION K-12**  
**Statement of Position**  
**As announced by the State Board, June 1997**  
**And amended in July, 2006 (continued)**

Distribution and Use of Monies for K-12 Education

The goal for distribution of additional state aid should be to narrow the expenditures gap between wealthy and poor districts.

Although additional aid does not preclude a decrease in local real estate tax, the school district is expected to maintain its local tax effort to sustain or improve its performance in meeting educational standards.

Additional state aid should be used not only for basic operating expenses, but also for funding the construction and rehabilitation of school buildings, the acquisition of technology and the fulfillment of state mandates.

Aid for operating costs should enable school districts to provide all their children with a sound basic education and to fulfill educational standards established by the State Education Department. Aid should incorporate a district's ability to pay, regional cost differences, population sparsity, and transitional adjustments to bridge large reductions in aid caused by sudden changes. Extra costs incurred for students with special [learning] needs (i.e., learning disabilities, limited English proficiency and poverty) should be factored into basic operating costs as well, in order to keep categorical grants to a minimum.

The League supports implementation of educational efficiencies in the provision of a sound basic education, provided that the proposed efficiencies do not affect adequacy of education. State aid policies should promote cost-effective measures such as consolidation of services, shared services, shared resources and other management efficiencies.

Property Tax Relief and its Impact on K-12 Education

Local financial support for the schools will continue to depend, in part, upon real estate taxation but several measures are essential to eliminate the inequities that unfairly burden taxpayers.

The League supports reform of the real property assessment system on which school district taxes are based, alleviation of the tax burden for low-income individuals through such measures as an increase in the circuit breaker tax relief benefit, along with automatic annual cost of living adjustments to the maximum income provision and the maximum property value provision of the circuit breaker tax relief benefit. The League supports an equitable redistribution of non-residential real estate taxes to the schools within a region or county.

Major efficiencies should be recognized by replacement of programs that provide residential real property tax relief irrespective of ability to pay with programs that target local residential real property tax relief to those most in need, with lower income individuals receiving the greatest relief.

**FINANCING EDUCATION K-12**  
**Statement of Position**  
**As announced by the State Board, June 1997**  
**And amended in July, 2006 (continued)**

Reform of the present system and administration real property assessment requires that it be:

1. Equitable in its distribution of the tax burden,
2. Based on uniform standards,
3. State assisted, monitored and enforced,
4. Easily understandable and accessible to taxpayers; and
5. Kept current by periodic reassessments.

Use of Public Funds for Non-Public Schools

The League is opposed in principle to the use of public funds to support non-public schools. The League would not deny public funding for existing services to students who attend private schools. However, we believe public funds should be used to support public schools.

Schools as Community Centers

The League supports efforts to utilize schools as community centers to integrate the delivery of social services so long as these services are funded separately from the education budget.

Dependent (Big Five) School Districts

The League believes that the integrity of state education funding applies as well to the Big Five school districts where education and municipal funds are co-mingled in a single budget. State aid should not be used to divert local education dollars to cover other municipal expenses.

## ***Recent League Activity***

### **2024**

In the 2024 Executive Budget, the Governor proposed to revise the Education Foundation Aid formula that is used to distribute aid to our State's school districts, thereby reducing aid to many school districts statewide.

(LWVNYS strongly opposed Governor Hochul's alteration of the formula. The Executive budget altered both the Consumer Price Index methodology and the policy of reducing aid to no district year to year (hold harmless). As a result, nearly half of our State's school districts would have been forced to reduce their 2024-25 school budgets or raise local taxes.

In legislative hearings on February 1, 2024, elected officials on both sides of the aisle were united in their outrage. Calls for action to protest the formula changes came from organizations and individuals came from the legislators themselves. We echoed this protest in our written testimony on the budget submitted during the Primary and Secondary Education Budget hearing. The Governor has withdrawn this proposal but it is expected to return next year.

In July of 2024, the League's Education Finance Issue Specialist, Marian Bott, testified in a series of hearings held by the Rockefeller Institute on education financing. Many of her recommendations were included in the final report that was issued by the Foundation in December of 2024.

### **2023**

The 2022-23 legislative year, in a multi-year perspective, will be remembered by public education supporters as the year when, at long last, Foundation Aid was fully funded in the state



budget. Foundation Aid, for the uninitiated, is an amount of funding, statewide, which is distributed annually to the state's school districts for "foundational" support of operating aid in the classroom. It does not include the cost of transporting students, building or repairing school buildings, or providing extra money for students with specialized educational needs. From the League's perspective, we lobbied for fully-funded Foundation Aid from the very outset of the Campaign for Fiscal Equity lawsuit filed in 1993, so this is a victory since previous administrations and legislatures were unable to provide adequate funding to fulfill the court order. This brief summary is not intended as a full explanation of Foundation Aid or the lawsuit. The main takeaway is that the League will mark this year as the end of a long lobbying process. Or will it?

As with many legislative victories, this one is temporary. It is temporary because federal, state and local sources of revenue have many near-future competing demands. It is inevitable that Foundation Aid's value as a percentage of overall student cost will erode, and without vigilance the differences in per-pupil expenditures between wealthier and poorer school districts will widen. Knowing this is likely to happen, the League is supporting the revision of the calculation of Foundation Aid to reflect changes in regional costs, poverty weightings, and weightings for students with special needs.

The League has been supporting efforts to increase civics education in the schools, in keeping with the principles set forth in the Campaign for Fiscal Equity lawsuit pertaining to the need for an educated citizenry capable of understanding democratic processes and voting procedures. This work will be ongoing, and to that end the League is participating in the Democracy Ready coalition formed by the Center for Educational Equity at Teachers College Columbia University. Among its goals are to see to it that civics curriculum is taught in New York schools throughout New York State.

Charter schools have been an active lobbying issue during this past year, because the Governor introduced legislation to expand the number of charter schools, much to the displeasure of both houses of the Legislature. This was one of the issues that held up the budget for 2023-24. The legislature has agreed to add 14 charter schools in New York City under a provision referred to as the Zombie charter clause. Zombie charters are ones that were closed after having been issued a charter. We opposed an increase in the number of charter schools in this year's budget when we testified in February. We will continue to monitor the operations of these newly authorized schools as well as existing charter schools.

The League did a major study of charter schools in 2005-2007. One of the concerns of those who participated in the study was that two charter school authorizers (SUNY and the Regents) would ultimately conflict with one another. There is evidence that SUNY's procedures and guidelines for charter issuance and renewal differ qualitatively from the Regents' procedures. We are currently watching a bill which would cause SUNY charter applicants to submit to final review by the Regents.

## **2021**

In 2021, the League continued its efforts to fully fund New York State schools in the state budget. The League's Education Financing Specialist, Marian Bott, testified before the Joint Budget Committees on Elementary Education. Marian recommended that the state seek to adjust factors in Title I funding to allow schools greater access to receive these funds. Title I provides federal funds to schools with high percentages of low-income students. These funds pay for extra educational services to help at-risk students achieve and succeed regardless of any disadvantages through no fault of their own. How much funding a school gets is determined by a formula used to measure poverty.

The testimony also discussed education of homeless children, school tax relief, local district funding adjustments, NYC fiscal stabilization grant, elimination of NYC charter facilities aid, and the Smart

Schools Bond Act. Marian also continued to advocate for full funding of Foundation Aid for New York Schools. The League has advocated for Foundation Aid since 2007 immediately following a 2006 state court decision in the case of Campaign for Fiscal Equity v State of New York that assessed whether or not the state was funding schools at a level that ensured all students received a “sound basic education” as required by the state constitution. Foundation Aid takes school district’s wealth and student need into account to create an equitable distribution of state funding to schools.

In 2021 the League was pleased that during the state budget process, the Senate and Assembly agreed to funnel \$1.4 billion more towards Foundation Aid over the next three years. This was a monumental win for education advocates and the League was proud to be part of the fight to secure these funds.

## **2019-2020**

In 2019 and 2020 we testified before the Joint Budget Committees on Finance and Education. We advocated for additional funding for high needs school districts and reminded the Committees about the recent surge of English Language Learners and the need for resources to ensure that these students learn and thrive. We called for a full phase in of Campaign for Fiscal Equity (2006 Court of Appeals decision and recommended fiscal remedy) funding and an increase in Foundation Aid. We also asked the legislature to revisit the Pupil Needs Index which determines the weightings for poverty and ELL’s.

## **2018**

In February 2018 the League testified before the Joint Budget Committees on Education in support of the distribution of state aid to high needs school districts. The testimony used five examples of such districts: New York City, Hempstead, Poughkeepsie, Utica, and Schenectady. The League recommended increasing the fairness of distribution of aid by resisting “share” geographic distribution, improving the treatment of the poorest districts in the State Sharing Ratio, revising the way English Language Learners are weighted, and re-calculating Student Poverty to re-weight Lunch vs. Census Poverty. The League also continued to advocate for a true property tax circuit breaker instead of a STAR rebate.

## **2017**

In 2017, we were pleased that Governor Cuomo did not include the Education Investment Tax Credit in his executive budget proposal. The Senate did add the proposal to their budget language but the proposal was not included in the final budget. After the budget was passed, the Senate introduced a second bill similar to the Education Investment Tax Credit but with a different sponsor and name. The League worked with its fellow education advocacy groups to ensure this bill was not taken up during the session.

## **2016**

The New York Senate kicked off their 2016 legislative session by passing their Education Investment Tax Credit bill on the second day of session. The bill was pushed through the Rules Committee and voted on by the full Senate in the same afternoon. One week later at the State of the State address, Governor Cuomo once again used his executive budget to push his version of the bill. There were heavy lobbying efforts from the Catholic Conference and Charter School organizations but luckily the League and its education partners were able to keep the legislation out of the budget. Over the course of session, we issued countless memos of opposition, held several joint press conferences, and conducted a legislative briefing for Assembly members. We were very pleased that the bill did not move in the Assembly.

Education financing was a major issue during the 2016 budget negotiations. Many members argued for full Campaign for Fiscal Equity (CFE) funding but unfortunately it was not included in the final bill package.

Foundation aid did receive a 4% increase of \$627 million and \$434 million was budgeted to finally fully eliminate the Gap Elimination Adjustment.

## **2015**

The Governor's 2015 State of the State address proposed a linking of formulaic percentage school aid increases to controversial revisions in teacher evaluation policies. Unlike 2014, the Governor also proposed the funding of \$100 million of "education investment tax credit" initiatives, allowing individuals and corporations to receive a state income tax credit in exchange for directed donations. On the day of the State of the State address, in fact delaying it due to heated debate, the State Senate introduced and passed its own Education Investment Incentives Act, which the League had successfully opposed (in similar form) in 2014.

As in 2014, in response the League convened education and civic groups to prepare for a vigorous lobbying campaign. The League moderated three press conferences, and the coalition opposed to this tax giveaway grew to over 40 organizations. We worked with Assembly Speaker Sheldon Silver's staff and, following his sudden resignation as Speaker, that of the newly member-elected Speaker, Carl Heastie, to prevent this measure from being included in the budget passed in early April. After the Governor indicated that this credit would be addressed "post budget," the state and local Leagues continued (until the end of June) to vigorously lobby in opposition of this tax credit scheme.

At the end of 2015 session the Governor and legislative leaders agreed to a STAR Rebate for property owners up to \$250,000 income with a onetime \$185 check to all homeowners in October 2016 with incomes below \$100,000. The League participated in a coalition that instead supports a circuit breaker. In both 2015 and 2014, the League also testified to the Assembly Ways and Means, Senate Finance and Assembly and Senate Education Committees regarding its continued support for a property tax circuit breaker, its opposition to the state's School Tax Relief (STAR) and its opposition to the property tax cap. See: [http://www.lwvny.org/advocacy/education/2015/Testimony-on-joint-hearing-financial-ed\\_020315.pdf](http://www.lwvny.org/advocacy/education/2015/Testimony-on-joint-hearing-financial-ed_020315.pdf)

## **2014**

During the 2014 legislative session the League and its coalition partners successfully defeated the so-called "education investment tax credit" proposal that would support private school scholarships as an indirect form of a tuition voucher. It emanates from ALEC (American Legislative Exchange Council) model legislation. In prior years there was little Assembly support but in 2014, increased pressure from religious groups and charter schools coalesced. Substantial differences existed between the two houses' versions. Until session-end, the League successfully partnered with over two dozen other organizations, hosting several press conferences, and testifying before the Assembly Ways and Means, Senate Finance, and Assembly and Senate Education Committees, to stall the initiative. See [http://www.lwvny.org/advocacy/education/2014/ed-finance-testimony\\_0114.pdf](http://www.lwvny.org/advocacy/education/2014/ed-finance-testimony_0114.pdf)

In 2014, the League also actively opposed legislation related to financing of special education services in private schools in New York City. The League had successfully fought this same bill in 2013 when it was to be implemented statewide. In 2014, it reappeared limited only to New York City. The League along with the New York City League continued to fight this bill because it would impose an additional monetary burden (over \$200 million) on City schools during appeals of special education placements. The legislation passed in the Senate but an agreement to settle this issue administratively was agreed to without legislative action.

## **2013**

In 2013, the League continued to lobby for reforms consistent with our position statement. Lobbying included providing testimony at the joint legislative fiscal hearings on elementary and secondary education

on January 29, highlighting a) inequities in the Governor's budget proposal for state aid distribution, b) our recommendation for a targeted circuit breaker property tax relief program instead of the current STAR program, c) our recommendation that local property tax assessment and collection processes be reformed, d) our opposition to the property tax cap as structured, e) our questioning of \$203 million out of \$889 million of increased funds to be devoted to "fiscal stabilization" unspecified and f) our objection to a proposed program of competitive grants for pre-Kindergarten programs, which we believe should instead be universally funded. At the end of the 2013 legislative session, the League lobbied against the passage of A.7786/S5842, concerning the guidelines for granting tuition vouchers to parents for certain special needs students to attend parochial schools. Following League lobbying efforts, similar legislation had been vetoed by the Governor at the end of the 2012 legislative session.

## **CAMPAIGN FOR FISCAL EQUITY**

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### ***Past League Activity***

#### **1993-2004**

The Campaign for Fiscal Equity (CFE) litigation was commenced in 1993 on behalf of New York City school children who alleged that the state had denied them their state constitutional right to a sound basic education. Subsequently, League members across the State participated in the "Accountable Schools, Accountable Public" and other public engagement projects designed to educate citizens and elicit opinions about the issues. The LWV submitted an Amicus Brief (2002) in support of that suit, premised primarily on the concept that the democratic system rests upon an educated electorate. The brief contended that it is the role of the public schools to prepare students for civic participation and that public schools failed to do so. After ten years of litigation, in a 4-1 Court of Appeals decision, CFE won its lawsuit against the State for under-funding New York City schools. The Court ruled on June 26, 2003 that every public school student is entitled to "the opportunity for a meaningful high school education," which was defined as "one with skills and knowledge to function productively as civic participants in the 21st Century, including being capable and knowledgeable voters and jurors able to sustain employment." The Court also ordered the Governor and Legislature to determine the cost of a sound basic education in New York City, to reform the State's funding formula to ensure necessary resources and to implement an accountability system that would ensure that the opportunity is received. July 30, 2004 was designated as the deadline for instituting these measures. Judge Leland de Grasse, the New York State Supreme Court judge who had rendered an earlier affirmative decision in the case, announced his intention to appoint a master by July 30, 2004 if the legislature fails to produce an adequate remedy by the deadline.

Commencing in 2003 after the CFE decision, the League has testified before legislative and official state commission representatives, making recommendations about the CFE remedy. In the fall of 2004, the League filed a second Amicus brief, following the legislature's and the Governor's failure to resolve the case by the July 30, 2004 deadline imposed by the Court of Appeals. The League testified in opposition to the Governor's proposed 2006-2007 budget because it did not provide the additional state operating aid mandated by CFE.

#### **2006**

In 2006, the legislature addressed the capital needs New York City schools to bring them into compliance with that portion of the CFE order addressing capital funding.

On November 20, 2006, the New York State Court of Appeals reaffirmed the state's responsibility to increase funding for New York City schools. Although its decision established as reasonable an additional funding figure of \$1.9 billion in operating expenses, or \$2.5 billion statewide, adjusted for

inflation from 2004, the court noted that the governor and legislature were best able to arrive at the appropriate figure to provide all New York City students with the opportunity for a meaningful high school education. To that end the Campaign for Fiscal Equity, which the League supported in this litigation, called for additional annual funding of between \$4 and \$6 billion for NYC, a figure previously supported by both Governor Spitzer and former Governor Pataki.

The League's position supports the higher level of funding in two respects. First, it provides that money must be sufficient to enable children to meet all Regents standards in addition to enabling districts to provide a sound basic education, the constitutional minimum. The first Court of Appeals decision in CFE noted that funding need not be at a level sufficient to enable children to meet all Regents standards. While this distinction was relatively unimportant in light of the Appellate Division decision supporting CFE funding in the \$4 to \$6 billion range, it becomes paramount in light of the intervening Court of Appeals decision in support of the lower minimum remedy.

#### *Pre-Kindergarten Advocacy*

The LWVUS has a position in support of early childhood education, including preschool, as part of its social policy position advocating early intervention for children at-risk. Studies have shown that at-risk children enter school without the requisite readiness skills, and they are unable to overcome the initial gap. Quality pre-school education can help to alleviate this gap. In keeping with these positions, the League has joined a number of advocacy groups in calling for implementation of the CFE order statewide at a level higher than the minimum amount.

The League supports a foundation approach to funding education, in which the State provides any shortfall after calculation of a reasonable local share.

## **TUITION TAX CREDITS, VOUCHERS, AND CHARTER SCHOOLS**

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At its 2005 convention delegates voted to study charter schools as part of the larger update of its study on Financing Public Education K-12. At the time, there was no transitional funding to support school districts with growing numbers of charter schools, and standards for evaluating student performance relative to non-charter schools were inadequate. While the League already had a position favoring the targeting of taxpayer funds to public schools, delegates representing areas with high concentrations of charter schools believed that an updated review was warranted. This activity culminated in new position language.

**CHARTER SCHOOL  
Statement of Position  
As announced by the State Board, November 2006**

The League recognizes that charter schools represent an educational experiment whose efficacy has never received appropriate validation. Moreover, a review of the performance of charters in New York State indicates that, while some do an excellent job of educating children, others are less successful than the most substandard traditional public schools. Therefore, The League supports public funding of academic research into the characteristics of charters that lead to student academic success.

Authority to grant, oversee, renew, and revoke charters, other than those granted in public school conversions, should be vested in a single entity. Charters should be subject to more stringent oversight of charter compliance in the renewal/revocation of process, with greater emphasis on positive educational outcomes.

The League supports measures to limit the negative financial impact of charter schools on their home districts, including: transition assistance; home district payment to charters based on the same standard used to pay operating aid to school districts (While the League supports enrollment as the appropriate measure, it believes the measure should be identical for both charters and traditional public schools.); separate levels of reimbursement for elementary and secondary education to charter schools based on what the home districts spend for the level of schooling provided; limitation of the percentage of a school district's budget that could be paid to charter schools. The League is opposed to State provision of capital construction and renovation services and reimbursement of capital expenditures for charter schools.

The League supports limitation of the number of charters issued in New York State. As a general matter, it believes that the number of charter schools should not be increased without prior successful implementation of the improvements outlined in this position.

Any increase in the cap on charter schools should be tied to amendment of the Charter School Act so that charters are required to prove positive educational outcomes for all children (disaggregated by special needs) exceeding those in traditional public schools as a precondition for charter renewal. To more accurately measure student outcomes in charters and to compare them to those in traditional public schools, the League supports public funding to measure educational growth in individual students as they progress from grade to grade in charter schools (a value added approach).

***Past League activity from 1985-2006 can be found in Impact Archives***

## **FINANCING PUBLIC HIGHER EDUCATION**

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The League of Women Voters of New York State undertook a study of the financing of public higher education in response to member interest and delegate support at the June 1997 Convention. League members were interested because of the dramatic policy changes that had occurred in the SUNY system. Tuition rates had increased sharply from 1995 to 1996; remedial education was under fire; the Tuition Assistance Program had been severely cut; and a mission review was introduced for the entire

SUNY system. Some League members were aware that many policy shifts were underway; yet, there was little public awareness or discussion of these shifts. A League study on the issue of Financing Public Higher Education could potentially raise the level of public awareness of higher education issues, and it followed the just completed study on Financing Public Education K-12. After eighteen months of study, local Leagues, led by the State Committee on Financing Public Higher Education concluded their study and consensus.

**FINANCING PUBLIC HIGHER EDUCATION**  
**Statement of Position**  
**As announced by the State Board, June 1999**

The League of Women Voters of New York State believes higher education contributes to individual gains in the quality of life, but more important, it improves the collective good of the state. The State University of New York (SUNY) system provides the majority of the state's teacher education and offers programs ranging from the liberal arts to engineering and medicine. The community college system offers worker retraining programs, occupational studies and transfer degrees. Because of these extensive services, the League believes it is clearly in the public interest to fund public higher education.

The League recommends both increasing financial aid for students and increasing state operating aid to all campuses. Lack of finances has made it more difficult for New York state students to attain access to public higher education. Tuition increases and cuts in the Tuition Assistance Program (TAP) have raised the level of student indebtedness. Increasing financial aid for students and state aid will help individual students as well as strengthen programs and improve facilities on the SUNY four-year and two-year campuses.

The League believes that all state colleges should charge the same tuition for similar programs. Charges should not vary depending on an individual campus' operating costs or geographic location. Tuition should be the same for all students and not based on student or family income.

The League supports sharing of resources among campuses: classes (distance learning), libraries, services, facilities, and accounting systems. The League supports closer alignment of undergraduate and transfer requirements, articulation agreements<sup>1</sup>, and joint teaching and degree-producing arrangements among the campuses. Cost containment in operations is important. Any reforms, however, must not negatively impact academic standards or the quality of services on the state campuses. The League supports retaining and finding mechanisms to enforce the existing funding formula for financing the community system, 1/3 tuition, 1/3 state aid, and 1/3 county support. Both the state and county sponsors should be obligated to pay their chartered proportion.

<sup>1</sup>agreements made among different educational institutions, in this case two and four year colleges, to ensure a seamless transition with regard to requirements and courses.

## **PROPERTY TAX AND STAR**

### **PROPERTY TAX**

#### **Statement of Position**

**As announced by the State Board, January 1980**

**And revised to reflect State Convention action, 1983**

**And further revised to reflect Financing Education state study 2005-2006**

The League of Women Voters of New York State believes that the assessment of real property must be:

1. Equitable in its distribution of the tax burden;
2. Based on uniform standards;
3. State assisted, monitored, and enforced;
4. Easily understandable and accessible to taxpayers.

The League has determined that the assessment system that best meets these criteria is one that is based upon an initial determination of full value and then applies to those full value assessments differential assessment ratios or tax rates according to class of property. The state legislature should define a limited number of such classes of property and establish a permissible range of assessment ratios for each class. Within that range local legislative bodies would then be able to adopt local assessment ratios, which best meet their land use, economic development and social policies.

Property tax bills should contain all relevant information including: the classification, the assessment ratio, the tax rate, the full value assessment and the classified assessment, as well as the procedure for appealing. Taxpayers should have access to all existing appeals procedures as well as an intermediate non-judicial appeal body in order to protest both their assessments and their classification at low cost.

Administration of the property tax should be improved. The state should provide financial and technical assistance to localities, establish qualifications for assessors, provide training and otherwise monitor and enforce local implementation of more uniform assessment practices. Adequate state funding should be provided to carry out these services.

Tax exemptions extended to charitable, religious and educational institutions should be re-examined to insure continuing eligibility. Annually, each taxing jurisdiction should make public a list of all exempt properties, their true value and the amount of tax revenue lost to the locality because of each exemption. Owners of tax-exempt properties should pay appropriate fees for services rendered to the exempt property by local government.

Statutes governing exemptions should be reviewed with the intention of severely limiting new classes of exemption and preventing abuse of existing exemptions. Provisions of law must be clarified and made more stringent so that properties held by nongovernmental tax exempt bodies which are used for profit or for any purpose not directly related to the tax exempt purpose of the organization do not escape taxation.



**PROPERTY TAX**  
**Statement of Position**  
**As announced by the State Board, January 1980**  
**And revised to reflect State Convention action, 1983**  
**And further revised to reflect Financing Education state study 2005-2006**  
**(continued)**

The State should replace local residential property tax relief programs that grant taxpayers relief regardless of ability to pay with programs in which tax relief is limited to those individuals with a limited ability to pay and made available on a sliding scale according to need. The "circuit breaker" type of relief, in which state funded reimbursement is given to homeowners and renters whose property taxes exceed a certain percentage of income, should be expanded and should be automatically adjusted on an annual basis to reflect cost of living adjustments to the maximum income limit and maximum property value for eligibility.

The option of tax deferral should be made available to senior citizens with the taxes owed constituting a lien against the sale of the property or the liquidation of the owner's estate.

The League of Women Voters would like to see voluntary adoption of tax base sharing by counties or regions of the state.

## ***Past League Activity***

### **1972-1981**

The 1972 LWVNYS fiscal policy position called for more uniform assessment procedures. A 1975 Court of Appeals decision calling for implementation of full value assessments prompted a study of property tax in 1977 to amplify and clarify what the League meant by "uniform assessment." In 1980, a new position emerged calling for an initial determination of full value, with assessment, or tax rates, set by local governments within classes defined by the state.

The League has supported a variety of bills improving the assessment procedures. A bill, which preserves fractional assessments and all existing local assessment methods, was enacted into law over strenuous League opposition in 1981.

Despite League members' recognition of the generally high level of taxation in New York State, they believe that all of the above recommendations, if implemented, would provide adequate relief. They are firmly opposed to any further legislative or constitutional tax or expenditure limitations, but urge that efficiency, productivity and prudence in government at all levels be encouraged.

### **2003**

Because of the June 26, 2003 Campaign for Fiscal Equity decision (see "State Finances" above), the League commenced testifying on property tax assessment and collection reform, in accordance with our position statement.

### **2005-2006**

In 2005 and 2006 the League, in conjunction with the update of its Financing Public Education K-12 position, studied the STAR Program and reached consensus calling for the replacement of tax relief programs that are not related to need with those that are targeted to individuals most in need. In July 2006, the board amended its Property Tax position to reflect this consensus.

In 2006, the League testified unsuccessfully against expansion of the STAR Program to include a further reduction of school taxes, irrespective of need, in the form of a tax rebate check mailed to each taxpayer eligible for STAR immediately before the November election. On September 21, 2006, the League was invited to participate in an invitation only roundtable discussion of the role of property tax in education finance, hosted by Assemblywoman Galef. It supported statewide funding of CFE, adoption of a foundation approach to education, in which a reasonable rate of local taxation would be established and the remainder of funds would be supplied by the State, and replacement of property tax relief programs made available regardless of need with relief based on need. Written testimony is available online under legislative advocacy.

## **2007-2012**

In 2007-2012, pursuant to the recommendations in our 2005-06 state study, the League continued to advocate for revisions to the STAR property tax relief program by replacing the STAR program, which is imperfectly targeted to need, with a property tax circuit breaker program, which would provide greater relief once real property taxes reached a percentage of income. Testimony was provided at the joint legislative education and finance hearings in February of each of those years. In 2007, during Governor Spitzer's tenure and prior to the financial markets' dramatic decline, a Middle Class STAR program was instituted. Although the League had lobbied for income limitations, this expensive program was layered on top of BASIC and ENHANCED STAR, sending rebate checks directly to taxpayers with an income phase-out at \$250,000. In 2009, this program was repealed (§1306 of Real Property Tax Law was deleted), but the Basic and Enhanced STAR programs continued.

*Property Tax Circuit Breaker.* Proposals for a property tax circuit breaker were supported by the League and other organizations in 2008-12. However, the Legislature did not seriously consider substituting a property tax circuit breaker for STAR, but rather discussed it as an additional program. In early 2009, the League co-sponsored a seminar for policymakers on the property tax circuit breaker. Governor Patterson proposed a property tax circuit breaker to be phased in upon the receipt of budget surpluses in the fall of 2009. In late 2009, as the legislature passed mid-year budget cuts, the possibility of further curtailments to the STAR program was under consideration, largely due to the continuing economic recession. In 2010, the legislature enacted a limitation on income for eligible recipients of Basic STAR at \$500,000. The League had advocated means testing of Basic STAR as a second option (if STAR was not to be replaced with a more targeted property tax relief circuit breaker).

### *Middle Class STAR Elimination:*

The Middle Class STAR program was eliminated in the April 2009 budget (§ 1306(b) of the Real Property Law).

### *Property Tax Cap Opposition:*

Governor Cuomo proposed a property tax cap, which the legislature passed in June 2011 (S5856/A8518 signed June 24, 2011 pursuant to a Message of Necessity by Governor Cuomo including rent control law extensions, and now §2023-a of NYS Education Law) The League strongly opposes the property tax cap. Enacted in June 2011 but effective for the school years beginning 2012-13, this measure has already begun to show its deleterious effects on school districts, disproportionately harming poorer districts. The League's website provides evidence of strenuous opposition advocacy prior to the passage of the legislation.

The League continues to advocate for 1) full implementation of the foundation aid formula, developed in response to the CFE litigation, 2) in opposition to tax caps unless and until foundation aid is fully implemented (with regular updates based on student need and income and property wealth) and 3)

replacement of the STAR programs with a property tax circuit breaker, which would provide relief based on taxpayer's ability to pay.

## **PUBLIC AUTHORITIES**

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Public authorities are legal entities established by the New York State Legislature to undertake large-scale works many of which are fiscally self-sustaining (e.g., mass transit, public housing). Although government creates them, authorities are publicly owned, raise their own capital by issuing bonds, and are vested with certain administrative and financial powers.

At the outset public authorities were single purpose and financially independent. In recent years, however, their projects have included many which have produced little or no revenue (e.g., mental health facilities) and have required government loans, grants, and subsidies.

In recent years, the legislature has sold, traded, and assigned state facilities (e.g., prisons) to public authorities in order to obscure budget deficits.

By early 1986, public authorities had amassed a \$26 billion debt, which was guaranteed by the full faith and credit of the state. Critics of the public authorities system have long cited their failure in long-range planning and their lack of accountability to the public.

In 1986 the League undertook a study, "Public Authorities: Their Organization, Function, Financing and Accountability."

**PUBLIC AUTHORITIES**  
**Statement of Position**  
**As announced by the State Board, May 1987**

The League of Women Voters of New York State believes that the legislature should create public authorities only when it has determined that there is a need for the services/projects that government agencies and private organizations are unable or unwilling to undertake.

Greater accountability and oversight should be built into the system. The governor, comptroller, and legislature should monitor actively those areas for which they are legally responsible and should report their findings to the public.

The jurisdiction of the Public Authorities Control Board should be extended to large authorities, which are not dependent on state budget subsidies and thus are exempt from much legislative scrutiny. This increased oversight should include the power to deny new financing. Authority debt should be limited by such means as sunset provisions and debt ceilings. Authorities should adhere to sound financial practices including competitive bidding where appropriate, timely standardized reporting and management, and performance audits.

Authorities should coordinate with their counterparts in government on matters of planning and purchasing.

Members of authority boards should be broadly representative of the community and qualified by appropriate expertise. Political affiliation should not be a consideration when selecting members of authority boards. Boards of directors should be subject to the same state laws that apply to personnel in government line agencies in matters of ethics, disclosure, open meetings, and liability. They should be responsible for the actions of senior management.

## ***Recent League Activity***

2023

In May of 2023, we signed on to a letter in the interest of public transparency and the spirit of New York's Freedom of Information Law, we asked that the Public Authorities Control Board publish and maintain a searchable online list or database of meeting agendas, materials, and meeting minutes. The PACB website currently provides meeting agendas and materials for one meeting at a time. This sharply reduces PACB's public accountability, and makes it very hard for the public, scholars, and members of the media to keep track of PACB's deliberation and decision making. The submitted letter can be found [here](#).

## ***Past League Activity***

### **2000-2003**

During 2000-2003, the League has become increasingly aware of the need to monitor the Public Authorities Control Board (PACB). The League's Legislative Director now monitors the meetings held monthly. We have encouraged the press to also attend these meetings to assure the public is aware of the importance of the activities carried out by this Board. Because of the budget deficits following the World Trade disaster, there is the potential for State borrowing to increase to a greater degree than is currently done. Also, because of the publicity surrounding alleged irregularities in the MTA (Metropolitan Transportation Authority), the Canal Corporation there is increased potential for legislative action involving public authorities. During the 2004 legislative session, this issue may take center stage in League legislative activities.

## 2004

Early in 2004 the New York State Comptroller issued a report entitled “Public Authority Reform: Reining in New York’s Secret Government.” In that report, the Comptroller documented scores of incidences of scandals and corruptions at New York State Authorities. As a result, of this scrutiny and work done from the Assembly Corporations Committee there appears to be a broad based agreement that the states’ authority be subject of greater public scrutiny and oversight. Governor Pataki agreed and by executive order created the Public Authority Governance Advisory Committee to review and make recommendations regarding each authority’s corporate governance plan. The panel, known as the Millstein Panel was charged with examining authorities’ practices.

Because of this scrutiny, both the legislature and the executive branch came forward with legislation to advance Public Authority reform. Attorney General Eliot Spitzer and Comptroller Allen Hevasi called for the creation of a Commission modeled on the commissions used by Washington to shut down unnecessary military facilities to examine each of the state’s authorities to determine whether they should be re-organized or shut down altogether. The Governor’s plan was advanced by legislation, which would:

- Requires those lobbying for authority contracts to register with the State’s Temporary Commission on Lobbying.
- Increased public disclosure to the Public Authority Control Board, Senate Finance Committee and Assembly Ways and Means Committee; for those authorities already required to report to said bodies.
- Same authorities must also give their approved budget and independent audit to the yet to be created Independent Budget Office.
- Annual independent audits.
- State Comptroller must audit each authority every three years, rather than every five as currently required by law.

In addition, Assemblyman Brodsky proposed advanced legislation which would:

- Require those lobbying for authority contacts to register with the State’s Temporary Commission on Lobbying.
- Create the office of the Public Authorities Inspector General, the attorney general would appoint the Inspector General.
- Enable the IG to investigate and report his or her findings and to work on policies to avoid corruption and other abuse, including improper lobbying, in public authorities.
- Create the Public Authorities Independent Budget Office.
- The Comptroller would appoint the head of the Public Authority Independent Budget Office. Requires the IBO to collect, distribute and assess information about the yearly budget for each authority.

Unfortunately, the 2004 legislative session ended without these initiatives being passed.

## 2005

The 2005 legislative session saw the exact above measures reintroduced. Ultimately, the Senate and the Assembly took the first step toward improving oversight and governance of New York’s Public Authorities by passing the Public Authorities Accountability Act. The legislation essentially codified recommendations made by the Millstein commission and created an Authorities Budget Office and Inspector General, appointed by the Governor.

The League supported the Public Authorities reform legislation, however, we regretted that it did not address the issue of closing down inactive and/or redundant Authorities. At that time, we called for a

one-time review of each Public Authority and Subsidiary Corporation with a report-recommending disillusion of those that no longer served a useful function.

The League and its good government coalition partners continued to lobby that session for more oversight over the amount of public debt that Authorities can issue. Most of this debt issued by Public Authorities is without legislative or voter approval. The League feels there also needs to be a requirement that decisions to issue debt of a large amount should be subject to public approval.

## **2006**

In 2006, no legislative action was taken on further Public Authorities legislation however attention turned that session to the Public Authorities Control Board (PACB). The League has monitored this control board for several sessions and was present at the highly controversial Westside Stadium Control Board meeting to decide if this stadium would be created on the Westside of Manhattan. Most PACB control board meetings are held in a small conference room on the first floor of the Capitol and attended by the Assembly Ways and Means and Senate Finance staff. Decisions are made by the leadership in the two houses and the Governor's budget division behind closed doors and then rubberstamped at the PACB meeting.

Because of the controversy surrounding the Westside stadium the meeting was moved to the large meeting room off the concourse adjacent to the convention center. For this PACB meeting, the room was filled to overflow with approximately 500 people in attendance. Most of them construction workers who stood to gain or loose jobs. After four hours of waiting the Assembly Ways and Means and Senate Finance staff entered the room surrounded by State Troopers. The meeting was ruckus and following the decision not to fund the Westside stadium the staff and a few lobbyist were escorted out the back of the meeting room by State Troopers.

## **2007**

In the 2007, the Public Authorities Reform Act of 2007 was introduced which would create an independent public authority office, provide for a fiscal year start date of July 1, and clarify aspects of the Public Authorities Accountability Act of 2005. This legislation was unanimously passed by the Assembly, but was not addressed in the state Senate. This legislation did address concerns that the government reform coalition sited in 2005.

## **2009**

In December 2009, Governor Patterson signed the Public Authorities Reform Act of 2009 into law. The League and other good government groups saw this legislation as a truly significant attempt to address ways to make the authorities more accountable and transparent. The bill reflected fundamental positions the groups had long held:

- An Independent State Public Authorities Office to oversee the authorities, much as the NYC Independent Budget Office does not for the City
- A requirement that members of public authority board's have a fiduciary duty of loyalty to their authority
- Some meaningful State Comptroller review of billions of dollars annually in authority contracts
- Limits on giving away assets and protections for whistleblowers.

## STATE BUDGET PROCESS

Spurred by a continuing budget crisis in New York State, delegates to the 1991 state League convention adopted a study of the New York State budget process. The inability to determine the true state fiscal status compromised the effectiveness of the League in lobbying for League positions such as financing education, affordable housing, child care and Medicaid funding for abortion. Delegates felt that the League should be able to comment on such fiscal and budget practices as “member items,” or the use of questionable revenue enhancers like the selling of highways and prisons in order to make the state’s accumulating deficit seem smaller. During the two-year study, League members examined the process, by which the state adopted its budget, including budget timetable, format, public involvement, accountability, revenue forecasting, bond ratings, budget caps, and the like. In January 1993, the state League approved a position, which emphasized timely passage, responsiveness, and open process.

### STATE BUDGET PROCESS

#### Statement of Position

As announced by the State Board, January 1993

The formulation and passage of the state budget is one of the most important functions of state government. The League of Women Voters of New York State believes that the state budget process requires reform so that it will be both timely in passage and responsive to the state’s various constituencies. In order to affect these goals, changes in the budget process should cover reforms in how the state allocates spending and plans for revenues.

The League supports measures to provide:

- A clear concise budget document;
- A balanced budget according to Generally Accepted Accounting Principle (GAAP);
- More accountability for member items;
- Public disclosure of off-budget items;
- Consensus revenue forecasting;
- Joint conferencing;
- Adequate funding and sunset provisions;
- Periodic adjustments to the budget;
- A three-year financial plan;
- Use of the prior year’s budget on an interim basis if the new budget is not passed by the start of the fiscal year; and
- For Agency budgeting process to be open to the public.

The League opposes measures, which would:

- Place a cap on budget growth;
- Require a super-majority for tax increase;
- Replace an annual budget with a biennial budget; and
- Adopt the governor’s budget in lieu of timely passage.

The League supports a budget process that requires consensus revenue forecasting and compromise through joint conferencing by a committee from both houses. Such changes would reduce some of the political maneuvering and expedite the budget process. We support adequate funding and sunset provisions, in addition to the required fiscal impact statement, for all fiscal bills in order to guarantee the funding source and provide regular review. An established review process would determine a bill’s effectiveness and need for continuation and would prevent yearly “spending creep.”

**STATE BUDGET PROCESS**  
**Statement of Position**  
**As announced by the State Board, January 1993 (continued)**

We oppose placing a cap on budget growth, requiring a super-majority vote to increase taxes, or changing from an annual to biennial budget. The above reforms, coupled with a requirement for a three-year financial plan would help reduce state spending in reaction to yearly political pressures and provide a mechanism for analyzing the long-term impact of spending. To reduce emergency situations at mid- year or year's end, periodic scheduled adjustments to the budget should take place during the fiscal year. In order to gain a truer picture of the state's financial condition and to limit budget "gimmicks," the constitution should be amended to require a balanced budget according to GAAP, as submitted by the governor and passed by the legislature.

"Member Items," or legislative initiatives, are recognized as a part of the state budget; however, the process of awarding them must be reformed. All member items must include:

1. Presentations of need and costs in order to obtain legislative approval;
2. Public disclosure and accountability; and
3. Formal review before re-awarding.

In the event that appropriations bills are not passed before the beginning of a new fiscal year, the governor's budget should not be automatically adopted as the final year's budget, nor should the legislature be prohibited from conducting business. Instead, an interim budget should be required, based on the figures from the prior year adjusted for inflation and certified by the comptroller.

The budget process should strive for openness and citizen involvement, requiring:

1. Agency budget requests and agency budget hearings held by the Division of Budget to be open to the public;
2. A budget document which is more lucid, concise, understandable, and which clearly identifies non-recurring revenues; and
3. The same degree of public disclosure and scrutiny for "off budget" items (i.e., public authorities and special revenue accounts) as for the Executive budget.



Note: This budget process position covers only the executive budget. (See **Legislative Procedures** under **Government**.)

## **Recent League Activity**

### **2023**

The League testified at the Public Protection hearing on February 7, 2023. We asked for:

- \$20M in funding for county boards of elections
  - \$5M to support the John R. Lewis Voting Rights Act Database bill
  - An additional \$75M to fully fund the matching portion of the new Public Campaign Finance Board
- Read our full testimony [here](#).

In addition to orally testifying at the Public Protection hearing we also submitted written testimony to the Elementary and Secondary Education hearing, the Environmental Conservation hearing, and the Health and Mental Hygiene hearing. Ultimately, the budget was delayed.

#### *One House Budgets*

The League reviewed and assessed the Senate and Assembly one-house budgets. We were pleased to see support for many of the issue areas on which we work. See the statement summarizing the decisions we support and those we oppose at

- Senate: <https://lwvny.org/wp-content/uploads/2023/03/2-One-House-BudgetStatement-2023-Senate.pdf> .
- Assembly: <https://lwvny.org/wp-content/uploads/2023/03/2-One-HouseBudget-Statement-2023-Assembly.pdf>

In January of 2023, we signed onto a coalition letter with the Citizens Budget Commission, Common Cause New York, the Fiscal Policy Institute, New York Public Interest Research Group, and Reinvent Albany requesting several reforms to the state’s budget and fiscal management processes. In the letter we included the following recommendations:

1. **Include basic financial plan tables with one-house budgets and the enacted budget.** At present, legislative one-house budget proposals are not accompanied by a set of basic financial plan tables, showing a complete list of reasonably disaggregated receipts and disbursements. This prevents the public from fully understanding the implications of the proposals and 2 comparing them to each other and the Executive Budget. Furthermore, the same basic financial plan tables are not included with the bills when the budget is enacted and announced. This year and going forward, both sets of bills should be accompanied by basic financial plan tables.
2. **Include complete fiscal impact statements with all relevant bills.** Individual ‘non-budget’ bills also should be accompanied by fiscal impact statements when they affect spending or receipts. For example, the Green CHIPS legislation passed at the end of last year’s session—a bill which established annual and aggregate caps on the program’s costs—did not have a fiscal impact estimate. The accompanying memo stated that costs were “TBD.” Fiscally relevant bills should always be accompanied by an estimate of their costs.
3. **Avoid using messages of necessity for budget bills.** Messages of necessity have been used to bypass the three-day aging process for at least one budget bill in each of the past nine budgets. These messages of necessity rush bills through voting before the public—and indeed some legislators—are able to review their contents, subverting transparency and eliminating the time stakeholders should appropriately have to review budget bills before a vote.
4. **Further increase funding to the Authorities Budget Office (ABO).** The ABO provides oversight for nearly 600 public authorities holding \$273 billion in public debt and annual spending of nearly \$80 billion. The Public Authorities Reform Act of 2009, which established the ABO’s current responsibilities, estimated that the ABO would require more than \$5 million annually in

current dollar terms. Last year's budget increased the ABO's funding from \$2.1 million to \$2.9 million. Thus, additional funding is necessary to provide a level of oversight commensurate with the ABO's responsibilities.

5. **Exclude excessive budget powers and appropriations.** There has been a trend to increasingly include extraordinary budget powers and dry and/or lump sum appropriations in the budget, especially since the onset of the pandemic. Authority for the Governor to make transfers of appropriations and lump sum can create ethical and fiscal risks to the State as significant sums can be spent quickly and unilaterally after the budget is passed. Furthermore, billions of dollars in other dry appropriation authority allow the State to spend during the year on purposes which were not funded in the enacted budget and decrease the budget's transparency. We recommend that this year's proposals omit such extraordinary powers and appropriation authorities.
6. **Hold a joint legislative hearing on the budget process.** We recommend that legislative committees hold a public hearing on long-term problems and strategies to improve the State budget process. Many of our groups have made other individual recommendations or comprehensive plans to improve the State budget process over the years. For example, the Citizens Budget Commission recently released their own plan for comprehensive budget and fiscal management reform.<sup>4</sup> A public hearing would facilitate examination of various proposals from our groups and other experts who have varied perspectives on budgeting and fiscal policy.

Unfortunately, we did not see any significant changes in the process.

The 2023 budget was significantly delayed and was not finalized until early May. The delay in the budget led to frustration in the legislature and from advocacy groups. There was some pressure to introduce more stringent regulations that would ensure a delay like this wouldn't happen in future years. No significant changes to the process were made in this session.

***Past League activity from 1993-2012 can be found in Impact Archives.***

## HEALTHCARE

Health Care advocacy in New York State is based both on LWVNYS positions and the positions of LWVUS. (LWVUS *Impact on Issues*, 2024-2026, p.157)

The LWVNYS Healthcare Update Committee was charged at the 2019 NYS Convention with updating our current positions on Healthcare and Financing Healthcare. These positions were last updated in 1991. A committee of seven, co-chaired by Barbara Thomas, LWV Saratoga, Valerie King, LWV Hamptons and consisting of five other members from around the state. They worked diligently for more than a year via Zoom and completed a 50 page document, mainly consisting of study materials and appendices. After approval by members, the new positions were adopted by the state Board.

**HEALTHCARE Position**  
**Adopted by LWVNYS Board of Directors**  
**March 20, 2021**

**GOALS**

The League of Women Voters of New York State (LWVNYS) believes that everyone should have access to essential physical and behavioral healthcare. New York State has a proper role in the regulation of healthcare and must assure high quality care that is affordable and accessible to all. Resources should be devoted to health promotion and disease prevention so that people can take active responsibility for their own health. People should have opportunities to participate effectively in decisions regarding their personal health and in healthcare policy decisions.

The League believes that New York State's primary role in healthcare is to assure that quality care is available to all New Yorkers. We believe that the state should provide planning and regulations to assure everyone, including the medically indigent, access to an essential level of quality physical and behavioral healthcare. Cost containment should be an important criterion in developing regulations. Such regulation, however, should not compromise the quality of care or its accessibility.

The League supports regulatory incentives to encourage the development of cost-effective alternative ways of delivering and paying for healthcare, appropriate to all areas of NYS, with coordination across regulatory bodies to avoid undue delays and contradictory, duplicative regulations. Delivery programs may take place in a variety of settings, including the home and online, and must provide quality care, meaning consistent with "standard of care" guidelines, by trained and licensed personnel, staffed adequately to ensure their own and patient safety.

Coordination of services is essential to assure that community needs are met. As public health crises increasingly reveal, NYS should protect the health of its most vulnerable populations, urban and rural, in order to protect the health of everyone. In addition, all programs should be evaluated regularly. Provider reimbursement should include incentives for efficiency and for disease prevention and health promotion activities. Public health, environmental health and research activities should be continued. Decisions on medical procedures that would prolong life should be made jointly by patient, family, and physician. Patient decisions, including those made prior to need, should be respected.

**HEALTHCARE Position**  
**Adopted by LWVNYS Board of Directors, March 20, 2021**  
**continued**

**ESSENTIAL LEVEL OF QUALITY CARE**

The League supports uniform eligibility and coverage of essential healthcare services, both physical and behavioral, ideally including coverage of services such as vision, dental, hearing, and long-term care, through public financing. Access to optional insurance coverage for care not covered by public financing should be available. The League has a strong commitment to an emphasis on preventive care, health education, and appropriate use of primary care services.

**FINANCING OF HEALTHCARE POSITION**  
**Adopted by LWVNYS Board of Directors, March 20, 2021**

As a continuation of the 1985 statement of position on healthcare, a two-year study and consensus on the financing of healthcare was conducted from 1989 to 1991. Following study in 2019-20, this position was updated again in 2021. The League of Women Voters of New York State believes that any proposed healthcare financing system should provide access to essential healthcare at an affordable cost for all New Yorkers, both patients and taxpayers. The League supports the single-payer concept as a viable and desirable approach to implementing League positions on equitable access, affordability, and financial feasibility. In any proposed healthcare financing system, the League favors funding supported in part by broad-based and progressive state income taxes with health insurance access independent of employment status.

**FEDERAL v STATE ROLES**

Although the League prefers a healthcare financing system that includes all residents of the United States, in the absence of a federal program that achieves the goals of universal, affordable access to essential health services for New Yorkers, the League supports a healthcare program financed by NYS which includes continuation of federal funding.

**FEASIBILITY**

The League believes the financial feasibility of any single-payer NYS program requires:

- Levels of federal support appropriate for the cost of the program
- Sufficient cost-savings to be identified so that estimated overall program cost will approximate the cost of current overall health services (as funded from all sources) or less • New state funding from individual taxpayers, employees and businesses, that is equitable and progressive to ensure affordability for all
- A healthcare trust fund managed by the state, that operates in a similarly efficient fashion as Social Security or Medicare trust funds.

## **COST-CONTROL METHODS**

To reduce the impact of any tax increases, healthcare reform should contain costs. The League believes that efficient and economical delivery of care can be enhanced by such cost-control methods as:

- Reduction of administrative costs — both for this plan and for providers
- Negotiated volume discounts for pharmaceuticals and durable medical equipment to bring prices closer to international levels — or importing of same to reduce costs
- Regionalization of specialized tertiary services to ensure timely access and quality
- Evidence-based treatment protocols and drug formularies that include cost/benefit assessments of medical value
- Malpractice reforms designed both to compensate patients for medical errors and to avoid future errors by encouraging robust quality improvement processes (at individual and systemic levels) and open communications with patients
- Investment in well-care — such as prevention, family planning, patient education, primary care — to increase health and reduce preventable adverse health events/expenditures
- Investment in maternal/infant and child care, chronic disease care, and behavioral healthcare
- Provision for short-term and long-term home-care services to reduce institutionalization
- Innovative payment and record-keeping.

Specific cost-control methods should reflect the most credible, evidence-based research available on how healthcare financing policy affects equitable access to healthcare, overall quality of care for individuals and populations, and total system costs of healthcare and its administration. Methods used should not exacerbate disparities in health outcomes among marginalized New Yorkers.

## **PUBLIC PARTICIPATION**

The League supports public input as integral to the process for determining health care coverage and funding. To participate in public discussion of health policy and to share effectively in making policy decisions, NYS residents must be provided with information on the health care system and on the implications of health policy decisions.

## ACCESS TO HEALTH CARE

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### **Recent League Activity**

#### **2024**

By June 2023, some important healthcare reforms had been passed, including the Shield Law, protection against arrest and legal proceedings for providers of reproductive health across state lines (critically important after the Dobbs decision); protections for those with medical debt; a revision to the 2021 Health Equity Impact Assessment (HEIA) requiring "Community Impact" reports prior to hospital closings; and the Medicaid waiver for School-Based Health Clinics, which was then vetoed in December. Disappointingly, several prioritized bills were never brought to the floor for a vote, including Medical Aid in Dying; Elder Parole; Fair Pay for Homecare; Coverage For All; and Reproductive Equity Grants — all described in earlier reports.

In July 2023, the NYS Healthcare Committee (HCC) applauded the introduction of the New York Health Act, which would bring affordable, comprehensive, accessible healthcare to all residents, at lower cost to NYS, both taxpayers and patients, and increased pay to most providers. During the fall and winter of 2023, the (HCC) met together, with Department of Health (DOH) administrators, and with legislative policy staff to gain greater understanding of executive and legislative concerns and priorities, with all seeing labor shortages in the healthcare sector as a crisis for all job categories.

HCC continued to watch with dismay as maternity wards continued to close across NYS, more than two dozen since 2008 (and seven since 2020). Meanwhile 29 rural hospitals closed in that period (and almost 50 since 2000). Across NYS, 80% of hospitals operate with negative or unsustainable margins. As of this writing, several major hospitals serving marginalized NYC residents have been closed, had services severely restricted, or have been threatened with imminent closing. These have been testing the new HEIA law (effective as of June 2023) which requires a "Community Impact" report to be filed with the "Certificate of Need" that seeks service reduction or closure. Relatedly, NY maternal mortality rates (MMR) show pregnancy unnecessarily dangerous with 73% of deaths being preventable. NYS MMR rates are about median in the US, which has doubled since 2016.

During January and February 2024, the HCC was delighted to see the proposed Executive Budget focus on maternal health (noting the CDC report of a spike in infant mortality) to include paid prenatal leave, expanded doula care, elimination of prenatal care copays for those on Essential Care, a hotline for maternal mental health issues, and data-driven interventions for facilities, providers, and patients. Also proposed: elimination of co-pays for insulin, protection against medical debt affecting credit scores, expanded behavioral healthcare services, expand funding for safety net hospitals.

The HCC, responding to the proposed budget, provided written testimony to the February Legislative hearing on Health/Medicaid — comments as of July 2024 follow:

- 1) Equitable access for NYS children — to prevent/reduce disparities in outcomes
  - Continuous Medicaid Coverage from Birth to Age Six — achieved
  - Medicaid Coverage for Doulas NYS-wide — achieved
- 2) Equitable access for financially vulnerable New Yorkers —  
Care shouldn't cause poverty; poverty shouldn't prevent access to care
  - Re-Entry Enrollment into Medicaid 60 days prior to Release — CMS has approved the waiver for 9 states, NYS is one of 11 with waivers pending
  - Protect New Yorkers from Medical Debt — required hospital financial assistance and protections around collection of medical debt passed.

- Coverage for All — died in Assembly
- 3) Protecting providers in rural and high-need areas — to protect patient access
- EMS (died in Assembly), Non-Emergency Medical Transport (allowed as fee-for-service) EMT providing advanced life support (died in assembly)
  - Workforce Shortages (funding for limited training, scholarships, support, pay for home care workers reduced by budget)
  - Access to Telehealth: coverage (maintained; expanded to prescribe controlled substances), Infrastructure (some funding to extend).

The NYS Pre-Budget Legislative Packet included only one health reform bill: Fair Pay for Homecare. Sadly, the FY25 budget reduced the minimum pay of homecare aides.

The NYS Post-Budget Legislative Packet included no health reform legislation, although advocacy for the following bills was supported: Hospital Policy Transparency, to inform patients prior to admission about hospital policies constraining reproductive and end-of-life care (passed both chambers); Reproductive Equity Grants (died in Assembly); and NY Affordable Drug Manufacturing, allowing DOH to partner with manufactures to provide generic drugs at cost (died in Assembly).

In March, the HCC supported the LWV of Buffalo-Niagara health committee in organizing a full-day conference in Buffalo: "Health Justice Is Racial Justice." It provided education and advocacy training for the New York Health Act. Four area Leagues and the LWV NY were co-sponsors, along with fifteen nonprofits. Participants are the core of a new NYHA hub.

In June, the LWV NY and ten NYS local Leagues, joined 71 Leagues across the country to support the 2024 Convention concurring with the Vermont Position on Privatization (to update the US Position on Privatization). The Vermont study and state consensus process were in response to dramatically increased privatization of healthcare in VT and across the US. Disappointingly, the Convention failed to concur but, during floor debate, US Staff clarified the current LWVUS position on two key provisions that drove support of the VT Update: 1) LWVUS recognizes healthcare as a "public good" that "protect[s] and provide[s] basic human needs" and 2) private entities that own or manage such public goods can be held accountable, when League(s) judge necessary, by reprivatizing those that fail the criteria outlined in the US position, harming the common good. These LWVUS policy clarifications may allow advocacy for NYS bills expected to be introduced in 2025-26: prohibiting new for-profit hospices and nursing homes (associated with worse outcomes, higher costs) and DOH changing reimbursement for Medicaid Managed Long-Term Care to fee-for-services because private insurers provide no added coordination value.

## **2022-2023**

The LWV of NYS Healthcare Committee (HCC) has met most months since March 2022, building relationships among advocates around the state, sharing ideas and resources, discussing legislation and allies, and prioritizing advocacy. In January 2023, it reached out to other issue specialists to cross-fertilize on common concerns; and in February, during the highly successful LWV of NYS "Hot Topics," which showcased the priorities of all nine issue areas, Healthcare noted overlap with six of them.

In June 2022, the LWVUS Convention concurred with the Health Care Position Update From NYS by a nearly unanimous vote; and the Digital Equity Position, spearheaded by the NYS Rural Caucus and supported by healthcare advocates (e.g., because of telehealth), also earned enough votes to become a US position. During the Convention, Dobbs vs Jackson Women's Health was handed down, prompting delegates to join thousands at a spontaneous rally on the grounds of the Denver Statehouse.

National and state politics kept healthcare in the headlines, specifically fall-out from Dobbs, but also Covid's continuing death toll and rising concern about disparate access. Following Dobbs, NYS quickly passed several laws to protect reproductive rights, and it passed the NY Equal Rights Amendment (the first step to changing the NY Constitution). By December 2022, 14 state legislatures had enacted total bans on abortion (affecting 25+ million women) although ballot measures allowed voters to keep it legal in a few states. NYS became a safe haven for ever more women needing care, so we supported additional bills seeking to protect NY providers (including those who offer telehealth for abortion across state lines) and to ensure digital privacy around such services, bills outlined by the Equality of Opportunity report above, which also describes League support for Medical Aid in Dying legislation.

Our Healthcare Committee on advocacy for health reforms and funding targeted New York's most vulnerable and under-served. Happily, some 2022 bills we supported are now law:

- Beyond the 4th Trimester increases NYS Medicaid coverage from 60 days post-partum to one year — because maternal/infant mortality can be reduced by consistent regular healthcare for mothers and infants.
- End Medical Debt #1: Ban on Medical Liens and Wage Garnishments prohibits hospitals from imposing liens on patients' homes or garnishing wages for medical debt, since no one should lose their home because they needed healthcare.
- End Medical Debt #2: Ban on Facility Fees for Preventive Care & Required Disclosure hospitals must notify patients about facility fees in advance, and it prohibits facility fees for preventive care. Reducing "surprise billing," for otherwise fully covered health services benefits even higher income patients.
- Protecting Confidentiality of Vaccine information, removing individual names from public databases avoids vaccination hesitancy for sexually transmitted diseases. Healthcare should not "out" people.
- Synchronization of Multiple Medicaid Prescriptions so those most likely to have issues getting to pharmacies and refilling prescriptions can have prescription refills synchronized for fewer pickups.

The NYS Budget was delayed so that many bills the LWV could support have not been introduced as of this writing. The LWV supported these in pre-budget testimony:

1. Equitable access for New York's children — to reduce disparities in health outcome:
  - Community Schools, Wrap-Around Services, School-Based Health Clinics to protect fiscal viability and quality of health clinics located in high-need schools, it extends Medicaid managed care waiver.
  - Coverage for All to allow those of NY's half-a-million undocumented residents who are aged 19 to 65 (who are income-eligible) to buy into NY Essential Plan, of which about 154,000 are eligible. (NY Medicaid covers over-65's; children are covered by Child Health Plus.)
  - Expanded Medicaid Coverage for Doulas, a cost-effective way to reduce maternal/infant mortality.
  - First 1000 Days: Extending Medicaid Eligibility for Infants to 3 Years — "churning" children on/off Medicaid, based on parent eligibility, wastes NY administrative time/dollars and harms children's health. Eliminating the "churn," even with added care for perhaps 40% of NY children, saves money.
2. Equitable access for financially vulnerable New Yorkers — Care shouldn't cause poverty:
  - Enroll Incarcerated Persons into Medicaid Prior to Release 60 days in advance to ensure no gap in prescriptions or care — important since 80+% of those released



have chronic or major health issues. Those who need insulin, asthma inhalers, psychotropic medications should not be released without them.

- Ounce of Prevention requires providers to adopt a standard patient financial aid application, with clear and consistent eligibility rules and patient protections so that eligible patients can actually access aid.
- Cap Cost-Share of Insulin lowers the cost-sharing cap for insulin from \$100 to \$30 for all NYers.
- Other Reforms to ensure that funds allocated for indigent care are used for indigent healthcare which will also mean safety-net hospitals get reimbursed for services (protecting their financial viability).

3. Protecting providers in rural and high-need areas — to protect patient access:

- Revitalized Emergency Medical Services and Medical Transportation — ambulance services are at risk in both rural areas and in cities, and trained EMS workers are retiring faster than they can be replaced. The NYS Budget speaks to this concern but negotiating how to implement a new vision will be difficult.
- Fair Pay for Homecare sets wages for home care aides as at least 150% of minimum wage requires insurers (for-profit managed care insurers) to reimburse agencies and their workers. NYS is facing the worst shortfall of home care workers in the nation: 25% of patients who need it cannot find anyone.
- Funding for Broadband and Digital Infrastructure, federal dollars are available, but how they get dispersed will affect whether rural/underserved areas get what they need.
- Maintain Recently Expanded Coverage For Telehealth, including parity of telehealth coverage for behavioral health and disability services, and prescriptions based on those visits.

Emerging issues include safe consumption facilities to reduce deaths from substance abuse, protecting safety-net hospitals (both urban and rural) from closing (by requiring assessment of community impact and by targeting NYS charity care funds toward facilities that target their care to the uninsured and underinsured), and increasing transparency around hospital policies designed to limit healthcare services for reasons other than medical standard of care (for example, facilities that limit what reproductive services they provide or refuse to follow certain kinds of advance directives with no transparency).

Post-budget the committee focused on several bills and successfully passed the School Based Healthcare Bill, which provides that services provided by school-based health centers shall not be provided to medical assistance recipients through managed care programs. This bill was passed on June 1, 2023, and has yet to be signed by the Governor.

## **2021**

After many years of advocacy, in 2021 the legislature passed two safe staffing bills for nursing homes and hospitals to ensure both patients and healthcare workers are protected requiring them to meet minimum staffing levels of nurses and other health care staff.

Under the new laws, the state health commissioner will establish minimum staffing levels for nursing homes and will impose civil penalties if the homes fail to meet the minimum standards. Each resident would receive an average of 3.5 hours of care a day, with at least one hour from registered or licensed practical nurses and two hours from certified nursing assistants.

The new legislation also sets up clinical staffing committees in hospitals to determine staffing guidelines and decide the proper ratio between patients and staff. The panels would include hospital administrators as well as registered nurses, licensed practical nurses, and other staff members who provide direct patient care.

The League has been supportive of this legislation since 2016 and we are pleased it has finally passed.

## **2016-2017**

In 2016, the League took action on a bill that would allow for safer staffing ratios for nurses and patients by setting a minimum staffing requirement in nursing homes and acute care facilities. This new legislation provides for better patient outcomes because of increased patient safety. The legislation would provide for lower costs for hospital and nursing home facilities by reducing rates of incidents. The League issued a memo of support for the bill but unfortunately it did not pass.

In 2017, the League had a major win with the passage of a bill to include e-cigarettes in the Clean Indoor Air Act. This is legislation the League had been working on for several years. The legislation would ensure that e-cigarettes cannot be used inside any public or private schools. Studies show that e-cigarette usage is extremely high among teens. We hope that this legislation will help deter teens from using the harmful substance.

***Past League activity from 1985-2012 can be found in Impact Archives***

## **MANAGED CARE LEGISLATION**

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In 1998 the push for additional managed care consumer protection legislation continued. Two League supported measures were combined into one piece of legislation and signed into law. This legislation created an External Review Board, giving HMO enrollees, the right to appeal an insurer's decision to deny medical care, including the carrier's refusal to permit use of experimental or investigational (Clinical trials) treatments. Patients could request action from the independent External Review Board when they had exhausted their insurer's internal appeals process.

No further legislative action was taken in 1998 or 1999 on other League supported managed care reforms, including HMO liability (now titled the Health Care Accountability Act) or on establishing the Managed Care Consumer Assistance program.

## **WOMEN'S HEALTHCARE**

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### ***Recent League Activity***

#### **2024**

In January of 2024 LWNYS issued a Memo of Support for the Reproductive Freedom and Equity Program (A.361-B González-Rojas/S.348-C Cleare) which would ensure access to abortion care in the state by providing funding to abortion providers, government entities and nonprofit organizations whose primary function is to facilitate access to abortion care. It is a response to the heavy demand for abortion care by out of state patients whose rights have been restricted in their home state. This legislation was not passed in the 2024 session.

In 2023, we also supported the Reproductive Telehealth Act (S1066A Mayer/A1709 Reyes) which was signed into law in one of the final few days of the session. It provides certain legal protections for reproductive health service providers who provide legally protected health activities including protection from extradition, arrest and legal proceedings in other states relating to such services; restricts the use of evidence relating to the involvement of a party in providing legally protected health activity to persons located out-of-state.

#### **2013**

In 2013 during his State of the State address, Governor Cuomo introduced the Women's Equality Agenda. This ten-point agenda includes a proposal that will protect a women's freedom of choice and will align NY's abortion laws with federal statute. It will also move NY's abortion provisions from the penal law to the public health law. The League is an active participant and member of the Steering Committee of the Women's Equality Agenda Coalition. The Coalition has more than five hundred organizations signed-on. For more on this see the Reproductive Rights section of this publication under Government.

***Past League activity from 1998-2007 can be found in Impact Archives***

## **THE UNINSURED**

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### ***Recent League Activity***

#### **2020**

The LWNYS Healthcare Update Committee was charged at the 1991 NYS Convention with updating our current positions on Healthcare and Financing Healthcare. These positions were last updated in 1991. A committee of seven, co-chaired by Barbara Thompson, LWV Saratoga, Valerie King, LWV Hamptons and consisting of five other members from around the state. They worked diligently for more than a year via Zoom and completed a 50 page document, mainly consisting of study materials and appendices. The LWNYS are asking all the Leagues around the State to hold concurrence meetings to determine whether to accept or reject the two new positions. The results will be presented at the 2021 State Convention.

#### **2019**

In 2019 the State League has issued memorandums of support for the New York Health Act. The League also continued to engage with the Campaign for New York Health, a coalition of more than 180 organizations working to gain passage of this legislation. The League's Westchester County healthcare committee was also active in providing grassroots support, holding forums, speaking to groups, lobbying legislators in Albany and locally, and writing op ed articles and letters-to-the-editors.

## **2016-2018**

In 2016, 2017, and 2018 the League continued its advocacy efforts on the Single Payer New York Health Program. The League sent action alerts to all members asking them to contact their legislator and ask them to vote in favor of the bill. The League issued a memo of support and held lobby visits in legislator's district offices on the bill. Many League members participated in rallies and phone banking events. The legislation once again passed in the Assembly but was not considered in the Senate, although it did gain 31 co-sponsors, just one vote away from a majority, a significant step forward.

The 2015 legislative session was the first session where legislation on the Single Payer New York Health Program passed the Assembly. The League of Women Voters of New York State has long supported policies that promote access to a basic level of quality care at an affordable cost for all, while ensuring the efficient and cost effective delivery of care.

## **2013**

The League continues to advocate for a single payer health plan and supports Assemblyman Gottfried and Senator Perkins 2013 New York Health legislation (A. 5389 / S. 2078). Until a single payer system is enacted, the League supports efforts to expand access to health coverage through the implementation of the Affordable Care Act.

***Past League activity from 1996-2009 can be found in Impact Archives.***

## **MENTAL HEALTH PARITY**

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Mental health parity has been a League priority since the 1999 amendment of its 1985 health care position. This issue came to the forefront in 2006, when a constituent (9 year old boy) of a powerful Assembly member, killed himself. After intense lobbying by the boy's family and awareness statewide the legislature was compelled to pass legislation creating mental health parity in private health insurance. The League supported this legislation. Programs such as Child Health Plus (CHP) and Family Health Plus still remain without mental health parity and must rely on the Medicaid system.

With the implementation of the Health Benefit Exchanges with enrollment starting in October of 2013 and coverage beginning in January 2014, New York must provide the Essential Health Benefits, which include mental health and substance abuse services. Essential benefit requirements apply to individual and small group plans sold within and outside the new exchanges. The requirements also apply to benefits provided to the population that will be newly eligible for Medicaid coverage.

## **DISEASE PREVENTION AND HEALTH PROMOTION**

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In 1992, the League actively lobbied for legislation, which would mandate that insurance companies cover annual cervical cytology screening for women aged 18 and older. Legislation to authorize approved organizations within the breast cancer detection and education program to provide early cervical cancer detection and diagnostic services was successfully supported by the League in 1995. This legislation passed the legislature and was signed into law.

The League successfully worked on legislation in the 1994 session that expanded immunizations for vaccine-preventable diseases, Hib, and hepatitis B. This bill passed the legislature and was signed into law.

## **Anti-Tobacco Legislation**

During the 1993 legislative session, the League lobbied successfully for an increase in the excise tax on cigarettes, raising that tax 17 cents per pack. Legislation, known as the PRO-KIDS bill would prohibit smoking on school grounds and other places such as fast food restaurants and day care facilities, which children frequent. It would also ban fixed advertising of tobacco products. A watered-down version of the original bill finally passed the Assembly the day before the legislature recessed; the Senate did not address it. In the 1994 session, the Coalition for a Healthy New York, of which the League is a lead organization, lobbied vigorously for this measure, which passed the Assembly early in the session and was propelled through the Senate by the artful lobbying effort of the Coalition. Signed into law, it took effect September 1, 1994.

In addition to PRO-KIDS, the League has worked for a range of anti-smoking legislation designed to promote better public health. The League supported:

- Legislation, which would prohibit the erection or maintenance of billboards advertising tobacco products within 1000 feet of schools. League support has been ongoing since 1994, as these bills have consistently passed the Assembly, but have not been addressed by the Senate.
- Legislation, which would require cigarette manufacturers to disclose the chemical substances used in the manufacture of cigarettes. Passed in Assembly in 1995; no Senate sponsor.
- Legislation allowing the state to recover the cost of Medicaid benefits NYS currently pays for illnesses caused by tobacco products. Introduced late in 1995 session; no action taken; no Senate sponsor.
- Legislation amending Public Health Law and Tax Law allowing local health departments to license tobacco retailers and increase enforcement of current restrictions on access a minor has to tobacco products. It would also create a public health programs fund to provide pro-health messages concerning the health risks of tobacco use. In the 1995 session, League lobbied aggressively and did considerable public relations work around this legislation, known as the "Healthy Children Act," to educate legislators in anticipation of action in future sessions. No Senate sponsor.

In 1996, the League opposed Senate legislation, introduced late in the 1995 session, by the Senate Rules Committee. This legislation referred to as the "Tobacco Industry Relief Act," this legislation would weaken New York State's Clean Indoor Air laws, repeal strong local smoke-free laws in NYC, Suffolk County and other areas; and would preempt other localities from passing stronger restrictions in the future. This was one-house legislation and the Assembly took no action.

Also in the 1996 and 1997 legislative sessions the League lobbied extensively for passage of legislation which would not only protect children from the dangers of second-hand smoke, but also from the impact of the tobacco industry's advertising efforts to entice teenagers to begin smoking.

The League and the Coalition for A Healthy New York were successful in preventing "preemption" legislation from passing either house of the NYS legislature. Local Leagues, particularly in Erie, Westchester, and Nassau Counties had been successful in passing through their county legislature or through their Health Department stricter anti-smoking measures than the state standard. Suffolk County's law was challenged successfully in court.

Early in 1997, Governor Pataki announced his tobacco control initiative. This multifaceted approach would:

- (1) Improve enforcement of the Adolescent Tobacco Use Prevention Act (ATUPA).
- (2) Ban self-service of tobacco products in groceries and convenient stores.
- (3) Provide for media and education programs.

The Coalition for a Healthy New York encouraged the governor to work with the Coalition to pass legislation with this initiative in it. Unfortunately, no legislation materialized. Legislation called the Healthy Children Act, which incorporated much of the governor's initiatives, was also not addressed.

However, after negotiations with the governor's office by Coalition members, \$2.5 million was added to the 1997-98 state budget for enforcement of ATUPA. Provisions include:

- Spot checks to heighten compliance of vendors selling tobacco products to minors.
- Public education efforts to inform minors of the health hazards of tobacco use.
- An evaluation of the state's efforts to reduce the use of tobacco by minors.

Legislation sponsored in the Assembly to allow the state to recover the costs of Medicaid benefits caused by the use of tobacco products was not reintroduced in 1997 due to class action lawsuits brought by several attorneys general, including NYS Attorney General Dennis Vacco.

During the 1998 legislative session the Assembly passed several pieces of legislation which would; increase penalties for selling to minors, decrease the availability of self-service displays in convenience stores and supermarkets, and restrict billboards within 1000 feet of schools and day care facilities. However, the Senate took no action on any of these bills.

The 1999 legislative session brought new hope for tobacco legislation as the Attorney General's law suit against big tobacco was settled and the prospect of \$25 billion over twenty-five years coming into the state of New York became a reality. As in 1998, anti-tobacco legislation, referred to above, again passed the Assembly, and was not addressed in the Senate.

Following on the heels of the Attorney General's historic federal tobacco settlement in 1999, the League and fellow anti-tobacco advocates had our most successful session ever! Six anti-tobacco bills passed both houses of the legislature and were signed by Governor Pataki. The bills included:

1. The Cigarette Fire Safety Act. NY is the first state to require (by 2003) manufactures to sell self-extinguishing cigarettes. This is widely expected to spur Congress to pass national legislation.
2. Increased penalties for ATUPA violations. This would increase the penalties for retailers who sell cigarettes to minors.
3. License flipping in the event of revocation of cigarette dealers license. This legislation would prevent dealers from "flipping" their licenses to their spouses or other relatives in order to escape revocation of a license when they are guilty of selling tobacco to minors.
4. Limits sale of "Bidis" to tobacco shops. Bidis are specially wrapped cigarettes that taste better than regular cigarettes therefore, they are particularly sellable to teens.
5. Restricts sale of herbal cigarettes by including them among tobacco products in ATUPA.
6. The bootlegging legislation. Although not technically an anti-tobacco bill, this legislation would ban Internet sales of cigarettes. The Indian Nations in N.Y. are expected to fight this new law in court.

The League has continued to work with the Tobacco Coalition in support of measures to restrict the reach and desirability of smoking. In 2006, it supported Governor Pataki's Tobacco Prevention proposals, including a state cigarette tax of \$1 per pack and funding of the state's Tobacco Prevention Program at the \$95 million minimum level recommended by the U.S. Centers for Disease Control and Prevention (CDC). These prevention proposals became part of the 2006/2007 state budget. In 2007, the League again, working with the Tobacco Coalition, supported two bills to further regulate tobacco products. The first, supported by the Assembly would have amended the Public Health Law to prohibit the sale of flavored cigarettes, which appeal primarily to children. This legislation was not addressed by the state Senate. Disclosure of cigarette ingredient legislation has been a focus of Assembly legislation for the last five years beginning in 2000. This legislation consistently passes the Assembly Health Committee, but has

not passed the Assembly and has no companion sponsorship in the state Senate. The tobacco industry is still powerful enough to keep this legislation from passing through the entire Assembly or being introduced in the Senate.

In 2009, the League continued to work with the Tobacco Coalition to amend the Public Health Law to prohibit the sale of flavored cigarettes, which appeal primarily to children. The measure passed the Assembly and was referred to the Senate where it died in committee.

In 2015, the League partnered with the American Heart Association, American Cancer Society Cancer Action Network, and American Lung Association of New York to push the Senate and Assembly to include electronic cigarettes in the Clean Indoor Air Law. The Assembly passed the bill in June but the Senate referred the legislation to the Rules Committee, effectively killing the bill for the 2015 session.

The Tobacco Control Program in the Department of Health has endured significant and ongoing budget cuts in recent years. Governor Cuomo's 2013-2014 Budget Proposal consolidates all of the Department of Health's public health programs in six pools and includes an across-the-board reduction. The League is deeply concerned that the Executive Budget Proposal eliminates the vast majority of the funding dedicated to the Tobacco Control Program and consolidates numerous prevention programs into competitive pools that will have funding awarded based on an RFP process with awards determined by the Department of Health. While not as high as those proposed by the governor, the final budget did include cuts to anti-tobacco programs.

### **The Clean Indoor Air Act 2003**

The Clean Indoor Air Act, which bans smoking in ALL restaurants and bars statewide was passed early in the 2003 session and immediately signed into law by the Governor. This law has few exceptions and although patterned after the New York City law it is more stringent. The law took effect on July 24, 2003. The League has lobbied vigorously for this legislation for several years, and sees this new law as the most significant advance in public health in many years. In early December 2003, taking advantage of a loophole in the new law, the NYS Health Department (DOH) issued guidelines for "hardship exemptions" for the forty-three counties where no County Board of Health exists. Local Boards of Health are responsible for issuing these exemptions. In 2004, the League was successfully in opposing legislation that would have partially rolled back the benefits of the *Clean Indoor Air Act of 2003*. This legislation would allow smoking in certain places of public accommodation if they had in operation a state-certified air purification device.

## **PERSONAL HEALTH DECISION-MAKING**

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### **DEATH WITH DIGNITY**

#### **Statement of Position**

**As announced by the State Board, March 2018**

1. The League of Women Voters of New York State believes state laws should grant the option for a terminally ill person to request medical assistance from a relevant, licensed physician to end one's life.
2. The League of Women Voters believes such legislation should include safeguards against abuse of the dying and protections for medical personnel who act in good faith compliance with the law.

## **Recent League Activity**

### **2024**

The Medical Aid in Dying (MAID) bill (A.995a (Paulin) / S.2445a (Hoylman-Sigel)) being considered by the legislature meets all the requirements of our position. Last fall, League advocates addressed the NYS Bar Association in a successful effort to get the Bar to endorse the bill.

League members have been visible at the Capital, mainly in the wind tunnel or outside the Assembly and Senate Chambers, in support of MAID every Tuesday since the Legislative session started in January.

LWVNYS also sent an action alert to all members asking them to call targeted members or the leadership. LWVNYS and Compassion & Choices are both held Lobby Days on May 7, 2024 and reenforcing each other's efforts. Deputy Director, Erica Smitka, spoke at a rally that was held on this day.

### **2022-2023**

In the Fall of 2022 LWVNY participated in Compassion & Choices' Winter Tour (a week of public, media worthy events in each of five sections of the state: North Country, Central NY, Western NY, Capital District and the Hudson Valley, NYC, Long Island area. League members planned and participated in these events designed to educate the public and exert pressure on their legislators. The 2022 election brought a new crop of legislators and it wasn't till January of 2023 that we learned that Amy Paulin would continue as the Assembly Sponsor, and that Brad Hoylman-Sigal would assume the Senate Sponsorship. There is only one Medical Aid in Dying bill (A.995/S.2445) being considered by the legislature, and it meets all the requirements of our position. League members have joined in zoom and in-person lobbying sessions and visibility events arranged by C&C's lobby firms and League members turned out in numbers for C&C's lobby day on April 24th. League members continued to lobby on behalf of the bill through the 2023 session, but it unfortunately did not move forward in the Senate or the Assembly.

### **2021-2022**

The League continued its advocacy for passage of a law that builds on the principles and the law pioneered by the State of Oregon, however the law did not come to the floor in either house of the legislature in the 2021-22 session. There will be a new Senate Sponsor due to the retirement of Senator Savino, and new bill numbers in both houses, in the upcoming legislative session.

### **2019-2020**

Medical Aid in Dying Despite the fact that the Governor came out in support of Medical Aid in Dying during the summer of 2019 he failed to include it in his budget message. Early in the 2020 session some LWV members joined with Compassion and Choices to visit legislators in support of this issue. These efforts were dropped as the pandemic struck and are not expected to be picked up again this year.

***Past League activity from 1989-2010 can be found in Impact Archives.  
Information on HIV/AIDS 1994-1998 and the financing of healthcare 1987-2009  
can also be found in Impact Archives.***



# JUDICIAL

The State League's positions on justice cover many aspects of the judicial system, running the gamut from the organization of the courts, to the way judges are selected, touching on many aspects of the criminal justice system from profiling of suspects, through the criminal justice process and ending with alternatives to incarceration and the death penalty. The League also has positions on the manner in which the civil justice system is administered.

## COURT STRUCTURE

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### THE NEW YORK STATE JUDICIAL SYSTEM

#### Statement of Position

As announced by the State Board, 1957

The League of Women Voters of New York State supports measures to obtain a unified, statewide court system.

**Framework:** The framework of our judicial system shall be incorporated in the state constitution in broad outlines with the details spelled out in implementing legislation.

**Structure:** There shall be an integrated, statewide court system consisting of a minimum number of trial courts of broad jurisdiction. Cases and judicial personnel shall be transferable from one court to another to the greatest extent possible.

**Administration:** Authority and responsibility for the effective administration of the integrated, statewide court system shall be centralized in a single person or body.

**Fiscal Control:** The integrated, statewide court system shall be financed by means of a judicial budget, which shall be prepared, by the central administrator or administrative body.

**Judicial Personnel:** To the fullest extent practicable, all judicial personnel shall be fully qualified members of the bar, prohibited from practicing law, required to devote full time to their judicial duties and restricted from holding any other public or political office.

## Recent League Activity

### 2022

The League advocated for two separate bills on court simplification. Neither of which were passed in the Assembly or Senate. The first bill, [S8424](#), relates to consolidation of the unified court system.

Consolidate New York's trial court system, allow for the creation of additional justices of the supreme court, require considerations of diversity in all judicial appointments and designations, allow for the creation of new judicial departments and appellate divisions, and repeal the mandatory retirement age for judges.

The second bill, [A09401](#), represents the culmination of a decades-long effort to consolidate New York's major trial courts. Over a three-year period beginning January 1, 2025, it would abolish the State Court of Claims, the County Court, the Family Court, and the Surrogate's Court and merge their jurisdiction and personnel (both judges and nonjudicial staff) with the Supreme Court. Also, the present

constitutional cap on the number of Justices of the Supreme Court that the Legislature may create would be eliminated. Finally, on January 1, 2030, this measure would abolish the NYC Civil and Criminal Courts, the District Courts on Long Island, and the upstate City Courts in favor a Municipal Court system.

## **2021**

In 2021, the League supported the Less Is More Community Supervision and Revocation Act to modify the standard of evidence and certain other procedures when determining whether to revoke the community supervision of a person. The proposal provides speedy hearings and allows people subject to community supervision to receive "earned time credits," to help encourage positive behavior by accelerating discharge from supervision. The proposal limits the circumstances under which people subject to community supervision may be re-incarcerated for violations of the terms of community supervision and capping the length of such re-incarceration for technical violations and shortens the timeframe for adjudicatory hearings. The bill was passed and signed into law.

## **2020**

The League joined the Simplify the Courts coalition to urge the legislature to reverse the adverse impact that a poorly designed, confusing state court structure and consolidate New York's 11 different trial courts into a simple three-level structure consisting of a Supreme Court, a Municipal Court, and Justice Courts serving New York's towns and villages.

## **2014**

During the 2014 session we concentrated our advocacy efforts on lobbying for more Family Court judges state-wide. The state LWV and many local Leagues joined a coalition of over 100 organizations to lobby for the creation of more Family Court judges. The legislation successfully passed the legislature and was signed into law by the governor. Overburdened Family Courts throughout the state now will find relief through the addition of new judges.

The LWVNY's long-standing goals of court simplification, though not addressed in the form of a constitutional amendment, find wide-spread de facto implementation, with judges routinely reassigned to courts in need of extra help. The League should continue to monitor this process and evaluate whether it should be formalized via a constitutional amendment.

Merit Selection of judges has been another long-term goal of the League. Some steps have been taken in this direction by the Office of Court Administration (OCA) administratively through appointing Independent Judicial Election Qualification Commissions (IJEQC) which evaluate and rate judicial candidates who submit to the process voluntarily. (Each Judicial District has such a commission, and I was recently appointed to the IJEQC for the 4th Judicial District). Ratings of candidates by the commissions are available on line for voters who wish to be more informed of a candidate's rating. While the process is voluntary, it is a positive step in the direction of selecting well qualified judges.

In the area of juvenile justice, the League should await the reports from the governor's commission which evaluates current practices and makes recommendations for the future. Currently, NYS is only one of two states which treats juveniles over 16 as adults! Similarly, local LWV's should also keep an open eye out for how all justice issues are handled at the county levels in criminal and civil legal defense, especially for the indigent, in alternatives to incarceration as well as in efforts to re-integrate ex-offenders into society, reducing recidivism.

***Past League activity on court structure from 1955-2012 can be found in Impact Archives.***

***Past League activity on court reform from 1988-2001 can be found in Impact Archives.***

## **ADEQUATE FUNDING OF THE JUDICIARY**

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### ***Recent League Activity***

The League continues to press for adequate funding for the judiciary, a separate, independent and co-equal branch of government.

***Past League activity from 1991-2010 can be found in Impact Archives.***

## **JUDICIAL SELECTION**

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### **JUDICIAL SELECTION AND DISCIPLINE**

#### **Statement of Position**

**As announced by the State Board, December 1966**

Judges should be chosen on the basis of merit. Ultimate control over a major governmental institution should rest with the people, however. Therefore, the League supports:

1. The establishment of broadly based, nonpartisan nominating commissions, composed of lawyers and lay people, to propose a list of candidates for appointment to judicial vacancies or newly established judgeships.
2. Mandatory appointment by the appropriate chief executive from among the names so proposed.
3. Ratification or disapproval of the appointment by the voters after a suitable period of time. A Tenure Commission should make available to voters an evaluation of the judge's record in office prior to a retention vote.

#### Judicial Discipline

The League of Women Voters of New York State believes inadequate the present (1966) constitutional provisions for selecting judges and for administering reprimands to, forcing the retirement of, or removing judges of the state court. They are not sufficient to protect either the interest of the public or of the judges. Therefore, the League supports:

1. The establishment of broadly based, nonpartisan Judicial Tenure (Conduct) Commissions, composed of lawyers and lay people, to (a) evaluate the record of a Judge scheduled to run for retention and prepare a report for public information; and to (b) receive and investigate in strict confidence complaints from any source about judicial conduct or disability.
2. The submission of recommendation of the Tenure Commissions to an established court so that no judge would be publicly reprimanded, forcibly retired or removed without appropriate legal proceedings.

## **Recent League Activity**

League continues to support a constitutional amendment to establish a merit process for selection of all state judges.

### **2023**

Citizens Union, the League of Women Voters of New York State, and the Committee for Modern Courts, opposed Governor Hochul's "program bill" to change the selection process for appointing judges to the New York State Court of Appeals. This bill unfortunately passed in both the Senate and the Assembly. If an Associate Judge of the Court of Appeals is appointed to be the Chief Judge, the Governor will be permitted to nominate someone to the vacant Associate Judge position from the list of recommended names that the Commission on Judicial Nomination provided to fill the Chief Judge position. This will heavily politicize a sensitive nomination process that centers appropriate qualifications for each Court position, and conflicts with the plain language of the State Constitution. Here are the top reasons we oppose this measure:

- We believe this proposal would be unconstitutional.
- Associate Judge and Chief Judge of the Court of Appeals are two positions requiring different qualifications.
- This proposal would reintroduce politicization into a sensitive nomination process that should be left detached from political-horse trading.

***Past League activity from 1974-2008 can be found in Impact Archives***

## **JUDICIAL DISCIPLINE**

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### **Recent League Activity**

The League will continue to work to retain confidentiality of the complaint and investigation of charges of misconduct but to open the hearing to the public after the Commission on Judicial Conduct has found basis for bringing formal charges and will continue to oppose separation of the Commission on Judicial Conduct's investigative and adjudicative functions.

***Past League activity from 1966-1993 can be found in Impact Archives.***

## **PRE-ARREST PROFILING**

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In 1973, reflecting a growing concern with both the protection of defendants' rights and the ability of the courts to handle increasing caseloads, the League adopted a study of pretrial procedures in the criminal courts, focusing on four areas: counsel for the indigent, bail and alternatives to bail, plea bargaining, and the grand jury. Consensus was reached in 1975. A 1986 consensus updated the section dealing with the indicting function of the grand jury. (See Grand Jury Position Statement.)

The Fourth Amendment to the United States Constitution, as interpreted by the Supreme Court, requires police have reason to believe a person is involved in criminal activity before stopping or detaining that individual. The perception of racial and economic profiling, stopping individuals based on race or apparent economic status raises doubts about the fairness of the criminal justice process. While some law enforcement officials across the state have begun to address this issue, countless citizens continue to feel that they have been targeted because of their race or economic status.

Recognizing the importance of this issue, the League adopted a study at state convention in 2001 to consider whether racial and/or economic factors impact on the treatment of individuals during arrest and actions leading up to arrest. Upon completion of Alternatives to Incarceration (ATI) study in 1993,

the portion of Pretrial Procedures relating to Alternatives to Bail was moved under the ATI position. (See ATI Position Statement.)

**PRE-ARREST PROFILING**  
**Statement of Position**  
**As announced by the State Board, May 2003**

The League of Women Voters of New York State believes that racial and economic factors do influence the treatment of citizens during arrest and actions leading up to arrest. The multi-jurisdictional law enforcement system and lack of uniform law enforcement procedures makes assessing the degree of racial and economic profiling and its prevention difficult. To monitor and prevent this practice the League supports the establishment of statewide guidelines for law enforcement at all levels to prevent racial and economic profiling, including:

- Policy statements,
- Hiring practices,
- Training, including pre-service training and in-service training,
- Interactions with civilians,
- Record keeping, including collecting data on all stops (pedestrian or vehicle),
- Reporting and publicizing results,
- The handling of complaints,
- Disciplinary actions for law enforcement personnel who exhibit inappropriate behavior.

In addition, the League supports the issuance of separate guidelines for interacting with youths to assure non-discriminatory pre-arrest treatment.

The League recognizes the legitimate use of race as an identifying factor by law enforcement in certain instances, for example when issuing a wanted description, and supports that continued use.

**PRETRIAL PROCEDURES**  
**Statement of Position**  
**As announced by the State Board, December 1975**

The ultimate recourse for justice, both for society and the offender, is the court system. The judicial system in New York State still needs reforms in the method of selecting judges, and court structure. Due to the inefficiency and congestion of the judicial system, most criminal proceedings never actually reach the courts.

Given these present realities, the League of Women Voters, while continuing to press for court reform, recommends that the following improvements be made in pretrial procedures:

The rights of defendants should be protected at every stage of a criminal proceeding, including the pre-arraignment period. They should be entitled to competent legal counsel at every stage.

At present, indigent defendants must be provided counsel at full public expense. The quality of defense provided for the indigent should be improved by better training and screening of attorneys.

**PRETRIAL PROCEDURES**  
**Statement of Position, Continued**  
**As announced by the State Board, December 1975**

The League believes those not deemed indigent, but unable to afford full legal fees, should be required to pay for counsel only according to their financial ability. To assure uniform administration of justice, procedural guidelines should be developed for defining indigency for purposes of retaining counsel. Local determination of eligibility should be flexible, however, and each county should continue to determine what system can best provide counsel for its indigent defendants (i.e., public defender, assigned counsel, etc.). Funding for indigent defense should come from all levels of government.

The League concedes the continued necessity for the practice of plea-bargaining to handle the criminal caseload.

Full written records in the pretrial process are essential to gain public trust and to protect both society and the defendant. They should be kept for all negotiated pleas and all grand jury proceedings, subject to deletions by the court to protect witnesses and defendants. Plea bargaining records should contain, for example, evidence that the defendant understood the implications of his plea and was fully informed of all negotiations, and reasons for the judge's accepting the plea and any promises made to the defendant.

Information about the defendant's background and previous criminal record should be reviewed by all parties before an agreement is reached or sentence imposed. Procedural guidelines should be developed to assure equal treatment in the plea bargaining process.

There is an inherent and unresolved conflict between society's need to be protected from dangerous defendants and its need to protect the defendant's constitutional rights. To address this dilemma, as well as many other problems of the pretrial period, guarantee of a speedy trial is an imperative.

## **GRAND JURY**

In 1985, delegates to State Convention voted for a re-evaluation of the League's position in support of the grand jury indicting and investigative functions. The following year, in March 1986, delegates to State Council agreed to limit the re-evaluation to the indicting function only.

The April 1986 consensus showed clearly that the League was divided on the question of support for the indicting function of the grand jury. Many members favored abolishing this function while others felt it should be retained. Thus, we neither support nor oppose the indicting function of the grand jury. All did agree, however, that procedural reforms to protect citizen rights should be instituted in all grand jury proceedings.

**GRAND JURY**  
**Statement of Position**  
**As announced by the State Board, May 1986**

The League of Women Voters of New York State supports the grand jury as an investigative body. Whether the grand jury is sitting as an investigative or as an indicting body, grand jurors should be selected at random from a broad cross section of the community and should have clear understanding of the full scope of their powers and responsibilities. Grand jury witnesses, as well as potential defendants, should be entitled to counsel while testifying. Such counsel would serve in an advisory capacity.

Procedural reforms of the indicting function are needed to protect citizen rights.

The League supports reforms such as: disclosure of exculpatory evidence (favorable to the defendant); increased access to transcript for the defendant and access for witnesses to their own testimony; and statewide standardized instruction for grand jurors, written as well as oral.

Random selection of both grand and petit juries was made mandatory in 1977, and legislation was enacted in 1978 permitting counsel for witnesses before the grand jury who had waived immunity. The League will continue its efforts to extend this provision to all grand jury witnesses.

Since 1993, the League has unsuccessfully supported Assembly legislation to increase a defendant's access to the transcript. In 1996, League unsuccessfully supported legislation to require judges to provide grand jurors with written instructions concerning the scope of their authority and responsibility.

## **LEGAL SERVICES FOR THE INDIGENT**

The League believes that indigent criminal defendants and indigent civil litigants are entitled to legal services at no cost to them in order to provide them with access to the third arm of government – the judiciary. The League has worked to improve the quality of and funding for such services. Since 1998, the League has been working with the New York State Defenders to improve legal representation for the income eligible defendants in the courts of New York State. The League Judicial Specialist, Lenore Banks, was League Liaison to the NYS Defenders Association and a member of the Client Advisory Board. We have worked with New York State Defenders Association (NYSDA) and others to co-sponsor public hearings on the adequacy of public defense programs across the state and as members of the Gideon

**LEGAL SERVICES FOR THE INDIGENT**  
**Statement of position**  
**Adopted by the League in 1975:**

The rights of the defendant should be protected at every stage of a criminal proceeding. At present, indigent defendants must be provided counsel at full public expense. The quality of defense provided for the indigent should be improved by better training and screening of attorneys. Funding for indigent defense should come from all levels of government.

Coalition. We participate annually in "Gideon Day," to lobby state legislators on the necessity of reform.



**ALTERNATIVES TO BAIL**  
**Statement of Position**  
**As announced by the State Board, December 1975**

Assurance that a defendant will return for trial should be obtained through means other than bail, since bail is inherently discriminatory. Alternatives include expanded use of the appearance ticket, release on own recognizance, conditional or supervised release, and detention by written determination of the judge that there is no other alternative.

***Past League activity from 2001-2010 can be found in Impact Archives.***

## **ALTERNATIVES TO INCARCERATION**

The 1991 LWVNYS Convention adopted a study of Alternatives to Incarceration (ATI) to expand the judicial position, which had previously addressed only certain aspects of pretrial situations. The 1993 League Legislative Advocacy conference allowed the League to present the new ATI position, announced in February, to the legislators.

Delegates to the LWVNYS Convention in June 1993 voted for "an extension of the ATI study to examine the need for alternatives for those incarcerated under laws and/or significant circumstances that have since changed." Delegates to Council in 1994 voted to discontinue the study based on the state board recommendation that we could take action on these concerns under the current position.

Our position supports the use of ATI at all levels of the criminal justice process, including re-entry, for nonviolent felony offenders. The American Bar Association eligibility criteria adopted as part of our position state that community-based sanctions should be available to an offender who, although convicted of a violent crime, had no pattern of violent behavior and would not pose a threat to the community.

**ATI POSITION**  
**Statement of Position**  
**As announced by the State Board, February 1993**

Recognizing the enormous costs of state prisons and local jails, and the distressingly high rates of recidivism, the League of Women Voters of New York State, at its convention in 1991, adopted a study of Alternatives to Incarceration.

In the criminal justice system there is a need for a broad range of punishments less restrictive than incarceration. Prisons and jails must be viewed as a scarce and expensive resource to be utilized only when necessary. The current system wastes time, money, and human resources. The LWVNYS strongly supports the use of ATI for nonviolent offenders. There is a need for earlier, more effective intervention and, if applicable, treatment. Sanctions should be more innovative, constructive and less restrictive.

**ATI POSITION**  
**Statement of Position, Continued**  
**As announced by the State Board, February 1993**

Eligibility

The League concurs with the American Bar Association Model Adult Community Corrections Act of February 1992. The following offender groups shall be eligible for sentencing to community-based sanctions:

1. Those convicted of misdemeanors;
2. Nonviolent felony offenders, including drug abusers and other offenders with special treatment needs;
3. Violators of parole, probation, and community corrections conditions whose violation conduct is either non-criminal or would meet either criterion (a) or (b) above had it been charged as a criminal violation;
4. Offenders who, although not eligible under criteria (a) through (c) above, are found by the court to be the type of individuals for whom such a sentence would be appropriate. In making such a determination, the judge shall consider factors that bear on the danger posed and the likelihood of recidivism by the offender, including but not limited to the following:
  - a. That the offender has a sponsor in the community;
  - b. That the offender is employed or has enrolled in an educational or rehabilitative program;
  - c. That the offender has not demonstrated a pattern of violent behavior and does not have a criminal record that indicates a pattern of violent offenses.

Evaluation of individual offenders

From the time of arrest, individual offenders should be carefully screened and matched with appropriate programs. In the screening process, the highest priorities are:

1. Public Safety
2. Rehabilitation of the offender, including treatment for substance abuse, education beginning with basic literacy skills, vocational responsibility training, and family intervention
3. Severity of the crime
4. Violence of the crime

State legislation

The League strongly favors state legislation supporting ATI programs. This legislation should include a Master Plan that provides:

1. Funding incentives for the use of ATI programs.
2. Evaluation of individual programs
3. Minimum standards in local program operations
4. Methods for encouraging community support.

In conclusion, the LWVNYS believes it is essential that there be long-term evaluation and sufficient funding of alternative programs.

***Past League activity from 1994-2009 can be found in Impact Archives***

## **TRIAL JURY**

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The 1985 LWVNYS Convention adopted a study of jury management focusing on selection and exemptions in response to delegate concern over the growing number of occupational exemptions from jury duty, proposals to ban the use of voter registration lists as a source for potential jurors, the great disparities in fees paid to jurors statewide, perceived inequities in the sharing of this civic duty, as well as concerns over efficient utilization of juror time.

**TRIAL JURY**  
**Statement of Position**  
**As announced by the State Board, May 14, 1987**

The League of Women Voters of New York State supports measures to promote a fair and efficient jury system which:

1. Ensures that county jury pools are large enough to meet the needs of the courts;
2. Represents a cross section of the community;
3. Makes jury service pleasant and productive;
4. Ensures that this civic duty is equitably shared by the eligible population.

We strongly support continued use of voter registration lists in conjunction with lists of state income tax filers and drivers licensees to generate the automated master list compiled by the Office of Court Administration for each county. We advocate a program of public education regarding this composite list to dispel misconceptions concerning links between voter registration and summons to jury duty.

To ensure a sufficient and representative supply of potential jurors, we recognize that other lists may be used in conjunction with the master lists.

We support abolition of all occupational exemptions and disqualifications in favor of a case-by-case review for excusal or postponement.

The criteria for excusal - undue hardship or extreme inconvenience, public safety, and physical and/or mental impairment with report from a doctor - should be applied statewide with some flexibility in local implementation. Postponement policy should remain the responsibility of each Commissioner of Jurors, within guidelines set by the state.

The League supports continued ineligibility of non-English speaking citizens for jury service because of the responsibility a juror bears to understand the nuances of oral argument in a trial.

The primary responsibility for overseeing jury management and coordinating practices lies with the state. We support uniform statewide standards and measures.

Fairness requires the Legislature to address the inequities in jury service fees by instituting a uniform statewide fee.

Efficiency dictates that the "call-in" (where jurors check to see when needed) and "call-out" (where jurors are summoned when required) system should be implemented.

We support measures to reduce the frequency of jury duty in order to distribute this service more equitably among the eligible population. Some possible solutions could include mandating use of the same lists until that list is exhausted or allowing a longer interval between periods of jury service.

## **1987-1995**

Shortly after the 1987 consensus was announced, the Legislature passed a comprehensive trial jury bill that: dropped the requirement that jurors be able to speak the English language (substituting "understand and communicate"); provided a uniform \$15 per day juror fee, with a bonus of \$6 per day for trials lasting

more than 30 days; provided a maximum five-day term of service unless engaged in a trial; extended the interval between jury service to four years and provided for strict enforcement measures.

Reluctantly, the League opposed the bill because of the extremely strong consensus on continuing the ineligibility of non-English-speaking jurors. The governor vetoed the bill on other grounds: the expense of the uniform juror fee. A trial jury bill including the \$15 uniform juror fee as well as the other League supported reforms contained in the 1987 proposal passed the Legislature in July 1988 and was signed by the governor.

The League continued to successfully oppose yearly proposals to ban the use of voter registration lists as a source for potential jurors. League efforts were unsuccessful, however, in efforts to abolish statutory exemptions to jury duty until 1995.

#### *Trial Jury Reform: The Jury Project, 1993-95*

Chief Judge Judith Kaye made trial jury reform a priority with the appointment in 1993 of The Jury Project, a panel of 30 judges, attorneys, jury commissioners, educators, journalists and business people, charged with thoroughly reviewing jury service in New York State. The Jury Project brought new life to the reform movement.

League testified before the Project in October 1993, stressing the need to expand the jury pool and achieve greater diversity through elimination of automatic occupational exemptions and increased effort at minority outreach. We also urged retention of voter registration lists as one of the three sources used in compiling the jury master lists as well as better utilization of jury volunteers.

The Jury Project Report was issued March 21, 1994. A multitude of reforms (80) were proposed to attain the objectives of: jury pools that are truly representative of the community; a jury system that operates efficiently and effectively; and jury service that is a positive experience for the citizens who are summoned to serve. The League forwarded positive and enthusiastic comments to the Chief judge regarding the many proposals that fall within League position.

The League successfully supported passage of one of the Project recommendations: to widen and diversify the jury pool by adding Department of Social Services and unemployment recipient lists to supplement the master list of driver licensees, state income tax filers, and voter registrants. The governor signed the legislation in July 1994.

A notable success for League came at the end of the 1995 session with passage of legislation to abolish all statutory exemptions and most disqualifications from jury duty. In May 1995 Senate Judiciary Chairman, James Lack, held public hearings on an Office of Court Administration bill to accomplish this. League testified in support of the proposal and encouraged the Assembly Judiciary Chair to also act on this legislation.

Another victory came with passage of legislation to raise the juror fee from \$15 to \$27.50 effective February 15, 1996, and \$40 effective February 15, 1997.

Many of the project recommendations have already been implemented administratively by the Office of Court Administration, such as shorter terms of service and elimination of the "permanent qualified list," use of which, in effect, circumvented the four-year disqualification upon completion of a jury service.

Unfinished business in the area of jury reform is opposing efforts to ban the use of voter registration lists as a source for potential jurors and educating the public on the role of multiple lists.

### *Federal District Courts*

There are four U. S. District Courts within New York State and three of the four rely solely on voter registration lists as a source of jurors. The use of voter registration lists is mandated by federal and by New York State law. However, neither federal nor state law precludes use of supplementary lists. The decision to rely solely on voter registration lists is a local decision by the boards of judges of the respective federal courts. The LWVUS gave LWNYS permission to lobby the federal District Courts within New York State and has expressed interest in the results. In March 1992 as a direct result of local League response to our Action Alert, the U. S. Northern District Court approved the use of multiple source lists and merged New York driver's license and voter registration information to fill the jury-qualified wheels for the District.

## **CAMERAS IN THE COURT**

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Action is taken under the LWVUS position on Individual Liberties (Impact on Issues 2022-2024, pg 55).

### **1989-1997**

In 1989, the League successfully supported passage of legislation to extend the experiment allowing cameras in the court for a two-year period. The U.S. Constitution guarantees the right to a public trial, and we took action under the National League commitment to individual liberties. Action on this item is also consistent with our continued efforts to enhance public understanding of, and confidence in, the judiciary. In May 1991 the legislation authorizing the experiment expired. The Senate and Assembly could not agree on the issue of non-party witness veto power over audio-visual coverage of themselves while on the stand. The Senate version, supported by the League, mandated that witnesses who are not parties in a case should have this protection. A year later, 1992, the League successfully supported passage of legislation restoring audio visual coverage of court proceedings on an experimental basis through January 1995, with restrictions on the coverage of witnesses in criminal trials. In 1995, the Legislature extended camera access for another 30 months.

In June 1997, the Legislature failed to act on legislation to authorize cameras in the courts on either a permanent or a trial basis. With expiration of the experiment, League has no position on cameras in the courts.

## DEATH PENALTY

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### CAPITAL PUNISHMENT IN NEW YORK STATE Statement of Position Announced by the State Board, January 2005

The League of Women Voters of New York State opposes the death penalty. We believe that New York State, as part of a civilized society in the 21<sup>st</sup> century, should not be executing people. Almost all developed countries have abolished the death penalty. The League joins in the call for abolition of the death penalty, with the use of life without parole as the primary alternative.

Should the legislature consider reestablishment of the death penalty, the League urges the creation of a state commission to study factors including, but not limited to, the following before a decision is made:

- Adequate mechanisms for introducing new evidence,
- Powers given to the county District Attorney in seeking the death penalty,
- Racial, ethnic and economic issues of defendants and victims (including data from other states),
- Geographic inequities in the New York law,
- Costs of the death penalty versus life in prison,
- Equitable justice for all defendants,
- Reliability of evidence in New York criminal convictions, and
- Human rights aspects of state killing.

If the New York State Legislature and Governor reestablish the death penalty statute, the League supports the exclusion of the following categories of people:

- Mentally ill,
- Developmentally disabled, and
- Under 18 years of age at the time of the crime.

The League further believes that any death penalty law should require proof of guilt “beyond any doubt,” rather than “beyond a reasonable doubt.”

### 1995-2007

In 1995, the state legislature passed a capital punishment statute after twenty years of not having the death penalty as a sentencing option. Since 1995, seven men have been given the death penalty. In the summer of 2004, the Court of Appeals, New York’s highest court, ruled that one aspect of the New York law was unconstitutional, thereby nullifying the law. The Legislature was urged to pass a ‘quick fix’ to the law, which the Senate did in February of 2005. During this time the Assembly Codes, Judiciary, and Corrections committees held five joint hearings where 170 witnesses testified. Of that number, 148 opposed the death penalty, 9 favored it, and 5 others favored it with specific changes. The people who testified included families who had been directly affected by a murder, judges, professors, people who had been wrongly incarcerated, citizen groups, religious groups, attorneys, and former legislators who had become convinced of the futility of the death penalty. The League testified that New York should abandon this law, replacing it with life without parole as the primary alternative. Our testimony was based

on a two-year study and publication of a booklet, "Death Penalty Study," completed in the fall of 2004. Members came to consensus that fall after discussion meetings and talks by experts in the field.

Committee staff summarized testimony of the hearings in an 85-page report, "The Death Penalty in New York."

Following the hearings, in April of 2005, the Assembly Codes Committee voted NOT to discharge to the floor a Republican Assembly version of the Senate death penalty bill.

Since the State League announced our position against capital punishment in January of 2005, we have been monitoring the state legislature and following the appeals of the cases remaining of the seven men who had been sentenced to death in New York.

Though the Senate passed a 'quick fix' to the law that the Court of Appeals had ruled unconstitutional, the Assembly Codes Committee voted not to discharge a Republican-sponsored bill. At that time, Chairman Lentol said, this issue will not go away, so we need to remain alert for future attempts to bring it back. He was so right. In the spring of 2007, the Senate again passed two bills to bring back the death penalty. We again urged Senate members not to pass them, and Assembly members not to take up the issue.

In the fall of 2007, the NYS Court of Appeals affirmed its 2004 decision to halt capital punishment in the state, by a 4-3 vote, in the case of the last defendant on death row. Thus, the law that is now deemed unconstitutional would have to be revised, or a new law passed to bring back the state's death penalty. This eventuality is not anticipated with the current makeup of the state legislature.

#### *Action on Death Penalty Abolition at National Convention*

With New York League help, and that of other state Leagues, delegates at the national 2006 League convention adopted the concurrence position, "The League of Women Voters of the United States supports the abolition of the death penalty." Now every state League can speak out on this issue, using materials from the Leagues that have studied it.

## **CIVIL LEGAL SERVICES**

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### **LEGAL SERVICES FOR THE INDIGENT** **Statement of position** **Adopted by the League in 1975**

The rights of the defendant should be protected at every stage of a criminal proceeding. At present, indigent defendants must be provided counsel at full public expense. The quality of defense provided for the indigent should be improved by better training and screening of attorneys. Funding for indigent defense should come from all levels of government.

In 1983, this portion of the position was broadened to include civil as well as criminal proceedings.

#### *Interest on Lawyer Account Fund (IOLA)*

An innovative method of providing funding for civil legal services to the poor, the Interest on Lawyer Account Fund (IOLA), was supported by the League and enacted in the 1983 legislative session. The fund became operational in October 1984. This program allows attorneys to invest nominal or short-term client deposits so that these otherwise idle funds can be pooled in an interest-bearing bank account. The



interest income is channeled to the IOLA Fund of the State of New York, which administers the program and makes grants to law-related public interest programs such as legal service agencies.

In the 1988 legislative session, the League successfully supported legislation to make attorney participation in the IOLA program mandatory. Attorney recruitment efforts were not as successful as originally anticipated. Only 15% of the estimated 60,000 eligible attorneys chose to participate in the voluntary program. Under the mandatory program, IOLA is expected to generate at least \$6 million annually, compared to the \$1.3 million raised in 1987 under the voluntary program.

The League lobbied extensively to get Senate support for this legislation, and the bill was passed and signed into law by the governor. However, since 1997 the constitutionality of this program is being questioned and the future of IOLA appears uncertain.

#### *Disabled Advocacy Program*

The League successfully supported creation (1983), continued funding (1985), and increased funding (1987) for the Disabled Advocacy Program (DAP) which provides civil legal services for disabled New Yorkers who have been denied federal disability benefits under standards found to be illegal by the federal courts. By providing legal representation, the Disabled Advocacy Program has allowed disabled citizens of the state to successfully contest wrongful termination or denial of their federal Social Security Disability (SSD) or Supplemental Security Income (SSI) benefits in 85 percent of the cases undertaken.

#### *Funding for Civil Legal Services*

In February 1999, League presented testimony at the Public Hearing of the Senate Finance and the Assembly Ways and Means Committees on the Proposed Executive Budget. Our message was: Include \$13.6 million in funding for Legal Services in the 1999-2000 budget and craft a permanent solution to funding for Legal Services as outlined in Chief Judge Kaye's Legal Services Project Report.

The proposed executive budget provided no funding for civil legal services. This despite the fact the civil legal services programs across the state continue to suffer from last year's loss of state funding. In an effort to rein in spending, last year the governor vetoed more than \$1.5 billion in funding added to the budget by the legislature. Caught in this sweep was almost \$7 million in funding for Civil Legal Services. In response, local programs have scaled back on services, imposed hiring and salary freezes, left vacant positions unfilled, and in some instances undertaken lay-offs. Programs have worked tirelessly to raise additional funding but the real need is for a permanent statewide funding stream for these vital services.

At the end of the 1999 legislative session League was notified in August that the state budget included over \$7 million for civil legal services program. However, the bill to create a permanent funding source passed the Assembly in June 1999 but the Senate failed to act on any proposal for any permanent funding source. The Assembly and the League will continue efforts to secure this permanent funding source for civil legal services.

When provided, Legal Services is a stabilizing effective force. By working with local social services offices, legal services can ensure that rent payments flow appropriately to landlords, avoiding evictions and costly shelter stays. By representing those who have been inappropriately denied or terminated from federal disability benefits, legal services is able to provide financial stability to low income families while at the same time helping to avoid unnecessary state welfare costs. By helping a young mother secure the child support to which her child is entitled, legal services is able to provide some measure of economic security and again help the family avoid the need for public assistance.

### *Alternative Dispute Resolution*

A portion of the League's pretrial procedures position, diverting certain cases from overcrowded courts to be solved by other means, was broadened to include civil cases. (See pretrial procedures position statement.)

### *Community Dispute Resolution Centers Program*

In 1981, the League supported legislation to create the Community Dispute Resolution Centers Program to facilitate the just and speedy resolution of small disputes by furnishing partial (50%) state support for the creation and operation of such centers for conciliation, mediation, and arbitration as alternatives to pursuing action in civil or criminal court. Since 1981 a series of amendments have enhanced the authority and scope of the centers: in 1984 the program became a permanent part of the Unified Court System, the nation's only permanent state-funded program of its kind; in 1985 the jurisdictional ceiling on monetary awards was increased; and in 1986 referral of selected felonies to these centers for mediation was authorized.

Funding for local programs is based on the 50% principle; the state supplies half of the operating costs and local public and private sources supplies the other half. In 1987, the League successfully supported legislation to provide basic annual grants of up to \$20,000 to each county served to benefit a sizable number of smaller counties having trouble in securing sufficient local funding. Operating costs beyond the minimum grant continue to be funded on the 50% principle. Centers have been established in all of the New York State's 62 counties.

As part of our continuing interest in alternatives to court action, the LWVNYS participated in the planning of the 6th New York State Conference on Alternative Dispute Resolution in September 1989.

### *Small Claims Court*

In 1987, the League successfully supported a bill raising the jurisdictional limit in small claims court from \$1500 to \$2000. This measure provides residents of New York State with continued access to simple, inexpensive, dispute resolution procedures and diverts cases from overcrowded calendars in the higher civil courts.

## **RAISE THE AGE**

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In June 2015, LWVNYS convention delegates approved a state board recommended program item to conduct a post-convention concurrence with portions of LWV of Ohio's Juvenile Justice position raising the age of adult criminal responsibility to 18 years—"Raise the Age". At the time, New York State and North Carolina were the only states that prosecuted all youth 16 years of age and older as adults. This practice does not reflect brain development research that has proved the human brain is not fully formed until the age of 26. These developing adolescents are often impulsive and lack the ability to focus on the consequences of their behavior. Adolescents respond well to interventions and are likely to grow out of negative or delinquent behavior.

In January of 2016 the Board approved the position.

**JUVENILE JUSTICE**  
**Statement of Position**  
**As announced by the State Board, 2016**

The League of Women Voters of New York State supports legislation to raise the age of adult criminal responsibility to 18 years old. Our position is based on the following beliefs:

1. Children under the age of 18 are not adults and their treatment within the juvenile justice and criminal court system should relate to their stage of development.
2. Children should not be held in adult jails.
3. Rehabilitation is the purpose of the juvenile justice system.
4. The legal rights of children should be protected.

After its approval, the League used the new position to advocate for Raise the Age during the 2016 session. During our annual lobby day, members from LWV Schenectady attended a press conference with the Raise the Age coalition in support of the bill. The League also created a memo of support.

In 2017 the state legislature included Raise the Age in their final budget. The new legislation and regulations would allow the vast majority of cases of 16-17 year olds will ultimately be heard in the Family Court, either originating there or being transferred there from the new Youth Part of the adult criminal court. All felony cases will start in the Youth Part of the adult criminal court. All non-violent felonies will be transferred from the Youth Part to the Family Court unless the District Attorney (DA) files a motion within 30 days showing “extraordinary circumstances” as to why the case should remain in the Youth Part. If a DA files a motion, there can be a hearing and the Judge must decide within 5 days of the hearing or motions whether to prevent the transfer of the case to Family Court. Violent felonies can also be transferred from the Youth Part to the Family Court. If the charges do not include the accused displaying a deadly weapon in furtherance of the offense, causing significant physical injury, or engaging in unlawful sexual conduct, the case will transfer to Family Court unless the DA files a motion within 30 days showing “extraordinary circumstances” as to why the case should remain in the Youth Part.

Additionally, no 16 or 17 year old will be sentenced to or detained in a facility with adults. Raise the age for 16 year olds will begin in October of 2018. Raise the age for 17 year olds will begin in October of 2019.

## **CRIMINAL JUSTICE**

At the 2021 Virtual LWNYS Convention, a concurrence with the California LWV criminal justice position was proposed. The Saratoga League submitted a proposal for concurrence at Convention with the LWV California position on criminal justice. After consideration of the material submitted by Saratoga and the support of this concurrence by thirteen additional Leagues, the Board recommended that delegates approve the adoption of the LWV California position on criminal justice. As a part of board recommended program, the concurrence only required a majority vote of delegates to be adopted. A majority of the delegates voted in support of this concurrence and it was adopted by LWNYS.

**CRIMINAL JUSTICE**  
**Statement of Position**  
**As adopted at LWVNYS State Convention, June 2021**

In June of 2021 at the League's biennial convention, members voted to concur with the League of Women Voters of California's position on Criminal Justice. The League of Women Voters of New York State supports:

- a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices, pre-trial procedures, sentencing, incarceration, and re-entry;
- the elimination of systemic bias, including the disproportionate policing and incarceration of marginalized communities;
- policing practices that promote safety for both law enforcement officers and the communities they serve;
- collaboration between government and community throughout every stage of the criminal justice system;
- a focus on humane treatment and rehabilitation with the goal of promoting the successful reentry into communities of those who have been incarcerated; and
- reliance on evidence-based research in decision-making about law-enforcement programs and policies (including scheduled, periodic audits of program and policy effectiveness)

**Policing Practices** - constitutional policies and procedures established by law enforcement with input from the communities they serve

- Ensure that crime prevention and promotion of public safety are the primary roles of state and local law enforcement agencies.
- Build public trust and positive community relationships through police engagement with community members.
- Encourage community participation in the development of policing policy.
- Provide police accountability via independent citizen oversight of law enforcement and publicly available data on officer conduct.
- Disseminate information to the public about policing policies, recruitment, procedures for complaint/commendation, and the rights and responsibilities of citizens and officers in interactions with each other.
- Provide sufficient psychological services and counseling to meet stress-related needs of police personnel.
- Staff police departments to reflect the diversity of the communities they serve, and establish recruitment efforts that reflect this principle.
- Train police to identify individuals with mental health conditions, disabilities, or substance abuse/addiction, so that officers will request support from appropriate medical and mental health professionals, with the goal of diverting those individuals into treatment instead of jail.
- Require all officers to render first aid to people who have been injured as a result of police action.

**CRIMINAL JUSTICE**  
**Statement of Position**  
**Continued**

- Conduct comprehensive background checks, to include such history as PTSD, domestic violence, sex offenses and affiliations with domestic terrorist groups, for all applicants to law enforcement positions.
- Establish de-escalation (the use of time, distance, communications and available resources whenever it is safe to do so) and anti-bias training, and ensure that all staff are provided with this training.
- Authorize minimal use of force during police encounters with the public, and consider deadly force only when necessary to prevent imminent death or serious bodily injury.

**Pre-trial Procedures** - actions taken after an individual has been arrested, which embody the constitutional presumption of innocence

- Ensure no person suffers discrimination before the law due to their economic status nor should they be subject to risk assessment tools which can produce biased outcomes.
- Provide adequate numbers of public defenders to defend indigent accused.
- Provide prosecutors, defense attorneys, court counselors and judges with regular training on alternatives to incarceration, including pre-trial diversion and restorative justice practices.
- Recognize that mental health conditions and substance abuse/addictions are public health issues, not crimes.
- Implement the use of specialty courts, e.g. drug treatment courts and restorative justice programs.
- Consider community-based treatment programs and other alternatives to incarceration when appropriate.

**Incarceration** - policies and procedures that apply to employees of and incarcerated individuals in local jails and state prisons

- Ensure that all correctional systems provide humane, dignified, non-discriminatory treatment of incarcerated people and personnel, including appropriate healthcare and access to community-based rehabilitation programs.
- Eliminate the practice of solitary confinement.
- Ensure that incarcerated people and corrections officers have clear, safe and accessible ways to report abuse.
- Address recidivism by instituting programs that focus on rehabilitation, education, mental health treatment, substance abuse recovery, and transitional programs.
- Adapt case management services to match education, behavior, job training, work, and mental health programs with the needs of incarcerated individuals.
- Provide sufficient psychological services, including training and evaluation, to meet the needs of corrections officers.
- Encourage family and community visitations and ways to maintain contact.
- Eliminate private prisons. Until space in public prisons is available, ensure that private prisons comply with all of the standards for state-run jails and prisons.

**CRIMINAL JUSTICE**  
**Statement of Position**  
**Continued**

**Re-entry** - programs in place during and after incarceration to help individuals become successful members of their communities

- Collaborate with community-based organizations to facilitate reintegration of people released from prison.
- Provide pre- and post-release programs, inclusive of probation services, to prepare as well as assess and address the needs of people re-entering the community.
- Remove technical violations of parole as a reason to return an individual to prison.

**General** - statements which apply to some or all of the above categories

- Standardize data and setting up systems so that information can be easily shared among criminal justice agencies.
- Rely on evidence-based research in decision making about criminal justice programs and policies.

## ***Recent League Activity***

### **2024**

In January 2024 we presented our voting in jails study to the New York State Sheriffs Association Conference. The presentation largely focused on the results of the study and how Leagues across the state can support Sheriffs in ensuring that detainees don't lose their right to vote.

#### *Voting While in Jail*

Legislation called the Democracy During Detention Act was introduced in the Senate and the Assembly this year and was supported by the League. We worked in coalition with Brooklyn Voters Alliance, Citizen Action, and Vote Early NY on this bill. In December of 2024 we received a grant to support this work in the next legislative session.

It was a very slow year legislatively for Criminal Justice initiatives, as is typical in an election year.

### **2023**

The primary effort of the Criminal Justice Committee continues to be initiating proposals and pursuing the advocacy efforts of the State League in this area. In addition, the committee has taken the initiative in creating a statewide data collection project to inform the State League on the subject of voting by those who are incarcerated.

#### *Statewide Data Collection Project*

Created and led by a committee member, law students are collecting and analyzing data on the current state of voting while in jail throughout the state. The resulting information will inform the State League with regard to its advocacy on this topic. You can read the full report here: [https://lwvny.org/wp-content/uploads/2023/07/Voting-in-Jails-Report\\_71723.pdf](https://lwvny.org/wp-content/uploads/2023/07/Voting-in-Jails-Report_71723.pdf) . Below is a brief overview of the study methodology and results.

A precise quantitative analysis of the survey answers is not feasible for several reasons. Some sheriffs' offices stated outright that they have no program in place. Other sheriffs' offices reported that they had a voting program in place. However, follow up questions revealed that the program in place was either

solely initiated by detained individuals, limited to signage, voter registration materials were on site but without a systematic way for detained individuals to access them, and/or there was no specific staff person in charge. In other responses, often by email, sheriffs' offices stated that they had programs but failed to answer all of the questions that would have identified more details about how the programs operate. In one instance, a sheriff's office claimed to be working with the local LWV, but the local LWV said there was no current activity with that jail.

What we learned from the survey is that the availability of voting depends on the authority of the sheriff, not on the current law.

Many counties place the burden on detained individuals to take the initiative to request registration materials and an application for an absentee ballot. Sixteen (16) counties admitted that they have no existing programs to facilitate voter registration or voting in jail. Five (5) counties said they had a program but gave few details as to how it works or whether these "programs" were limited to signage and availability of materials without more. Four (4) counties limit their activity to placing posters about voting in housing units, the law library, or common areas. Six (6) counties put some effort into soliciting voter registration and voting around election times, although it is not clear that primary elections and local elections are included in these efforts. Three (3) counties include information in a handbook, on an electronic tablet, or on electronic kiosks around the jail but do not have any organized activity around voting. Eleven (11) counties and New York City Department of Corrections have affirmative programs that include offering voter registration materials upon arrival, designating an officer or staff person to be responsible for distributing timely information, and sometimes work with outside organizations like the LWV or local community-based or faith-based organizations to offer voter registration services. However, the extent of these efforts varies greatly. Most jails do not record the number of registrations or requests for absentee ballots. One jail relied on the LWV to maintain those records. Two (2) other counties said they maintained records, but that registration and voting were rare. Although these jails provide information on registration and voting in handbooks, electronic tablets, or on electronic kiosks, we do not know whether this information is highlighted or whether and how registration and voting are actively solicited. In smaller county jails, the registration and voting process can be as simple as a quick canvas around the jail to see if anyone is interested in voting. Many counties expressed that voting has never been requested in its facilities, implying a lack of awareness of detained individuals. In the wake of Covid-19 and the isolation of county jails during the pandemic, programs are only now being reopened. Some sheriffs' offices expressed an openness to inviting the LWV to provide voter registration and education services inside. Access to help to determine eligibility and complete the registration and absentee ballot application forms is mostly limited to sheriffs' deputies, social workers, administrative staffing, or law library staff, if one is available. Because these designated or informally assigned staffers have authority over the jail population, detained people might not feel comfortable seeking their help. Access to privacy, too, remains an issue unless the jails have single cells or rooms designated for private use to complete these confidential forms.

With few exceptions, sheriffs' offices maintain relationships with the local Boards of Elections.

In 2021 the New York State legislature returned the right to vote to convicted felons upon their release from prison even while serving parole. In passing this legislation, which was signed by the governor, the legislature understood that successful reentry of formerly incarcerated individuals involves seizing the responsibility of citizenship: participating in civic life and voting. This right to being a full citizen is considered so important that jails and prisons are required to present voter registration materials to people as they are released from their felony sentences. In the 2023 legislative session, this mandate was extended to people released from local correctional facilities.

### *Voting While in Jail*

Several committee members met with individuals from LetNYVote to discuss possible legislation dealing with voting while in jail. Individual members of the committee have joined with local organizations in the ongoing effort to register detainees in local jails.

### *Clean Slate*

The state Board voted to join the Clean Slate NY Coalition at its meeting in March of 2023. The Clean Slate NY campaign is fighting for a law that will automatically clear a New Yorker's conviction record once they become eligible. The Clean Slate bill would prevent discrimination in housing and offer better job opportunities to previously incarcerated individuals. It was included in the Senate's one house budget, after which individual League chapters issued a "call to action" urging that Assembly members be contacted and urged to support this bill. The Criminal Justice Committee wrote a memo of support for Clean Slate that was submitted by LWVNYS to NYS Senate and Assemblymembers on May 8, 2023. In addition, individual committee members joined local Clean Slate organizations for advocacy and rallies. The Clean Slate bill was passed by the Senate and Assembly late in the session. The bill was signed by the Governor and LWVNYS was invited to the signing and historic moment.

### *Intersection With Healthcare Committee*

The Chair of the Healthcare Committee joined our committee and presented a proposal to require Medicaid enrollment of those incarcerated 30 days prior to their release. This was included in the State League's budget testimony. Our committee approved the proposal and will advocate for this initiative. This is the first collaboration between our committee and the healthcare committee.

*Elder Parole and Fair and Timely Parole:* These bills have been included in the League's 2023 post-budget lobbying efforts.

## **2022**

In 2022, the League actively supported a bill that was enacted making the state's tuition assistance program available to incarcerated individuals.

The League actively advocated in 2022 for two bills dealing with parole. One would have given those incarcerated individuals 55 years or older the opportunity to apply for parole; the other would have set new standards on which the Parole Board would be required to render its decisions. Neither was enacted.

In 2021, the League fought to remove technical violations of parole as a reason to return an individual to prison. A bill making this change was supported by the League and enacted in 2021.