

NEW YORK STATE COUNCIL OF CHURCHES

2022 LEGISLATIVE ASK

VOTING RIGHTS

The Theological and Anti-Racist Rationale for our Work:

As people of faith, we believe all people are made in the image of God. We believe in the fundamental value of each individual. We are called to unite all communities in bonds of mutual care, and to avoid tribalism and “us vs them” divisions.

We believe all persons regardless of race, creed or color, have a right to express their opinions, all have a right to be heard and their wishes respected, and all have a right to have their needs acknowledged. We cannot rest until all Americans have full access to “life, liberty, and the pursuit of happiness.” The New York State Council of Churches considers access to voting, to freely choose who will represent us in our democratic republic, to be a bedrock value.

Principles

- We oppose all attempts to hinder voter registration and voting, especially when those restrictions “happen” to fall most heavily on the poor, the elderly, the young and people of color.
- We oppose any further restrictions on registration and voting, as there is no indication of any election fraud now or in the past, and plenty of evidence that would-be voters have been discouraged, disqualified, or turned away due to prejudice and partisanship.
- We support measures to make it easier to register to vote, easier to find a polling place nearby, easier to cast an absentee ballot or to vote early.
- To ensure that all are heard, not just the wealthiest among us, and we support efforts to limit the influence of large campaign donors, by limiting the size of contributions allowed and implementing public financing of campaigns which would reward candidates for seeking small donations from a large number of people.

Legislative Asks

1. Support withdrawing old amendments in New York which could trigger the convocations of a National Constitutional Convention

As detailed in [this letter](#), The Council joins advocates to embrace an effort to stop politicians and billionaires from counting NY as a state that approves a call for an Article VII Constitutional Convention.

Proponents of Article V conventions and wealthy right wing special interest groups are dangerously close to forcing the call of a federal constitutional convention. By counting old “general calls” for Article V conventions still on the books in states like New York with previous calls from several states to enact a federal balanced budget amendment, they believe they can reach the threshold 34 states. ⁱ

2. Reform redistricting and reapportionment process to ensure independent, nonpartisan maps.

The New York State Council of Churches supports the creation of an independent, nonpartisan board to oversee the decennial redistricting and reapportionment. The people should choose their representatives. Politicians should not be allowed to choose their voters. We propose the creation of a truly independent citizen's commission, similar to the one created in California, where there is an independent commission with partisan balance. 14 members: 5 Democrats, 5 Republicans, 4 unaffiliated with either major party. Majority and minority legislative leaders can only strike applicants from a pool chosen by nonpartisan state auditor's office. First 8 chosen randomly, final 6 chosen by first 8.ⁱⁱ

<https://www.commoncause.org/independent-redistricting-commissions/>

<https://www.uniteamerica.org/strategy/independent-redistricting>

<https://www.cityandstatenyc.com/politics/2022/02/takeaways-new-redistricting-proposals-new-york-state-senate-and-assembly/361442/>

<https://news.yahoo.com/york-redistricting-panel-surrenders-over-110356857.html>

3. Same Day Registration and Absentee Voting including Restarting Constitutional ballot measures.

- We support the current proposals to allow voter registration up to ten days prior to an election (now 25 days).
- Move New York's voter registration deadline from 25 days to the current constitutional limit of 10 days. **(S.2951)**. *Passed Senate 1/10/2022*.
- Extend the expansion of no-excuse absentee voting implemented in response to the COVID-19 pandemic. **(S.7565 & A.8432)**. *Passed Senate 1/10/2022;; Passed Assembly 1/19/2022*.
- [**New System of electronic application for and submission of absentee ballots**](#)
- [**Other states using electronic absentee ballot applications and submissions:**](#)
- Restart the multi-year constitutional amendment process for no excuse absentee voting and same day voter registration (propositions 3 and 4)ⁱⁱⁱ

4. The New York Voting Rights Act (S.1046A/A.6678A).

5. Restoration of voting rights to currently incarcerated citizens (S.3073/A.6646).

This is a multi-year legislative priority that requires a constitutional amendment.

6. **Allow poll sites on New York college campuses (S.4658/A.454A).** *Passed Senate 1/10/2022.*
7. **Ban hybrid voting machines that pose significant security risks.** (S.309A/A.1115A).
8. **Direct election officials to count eligible votes on affidavit ballots cast in the correct county (reforms the “wrong church” ballot disqualification rule)** (S.284/A.642B) *Passed Senate 1/10/2022.*
9. **Prohibit use of Campaign Funds by former elected officials who are convicted, impeached or subject of an impeachment inquiry.**

We support [S7874 Biaggi](#) and [A8371A Steck](#) which “relates to the disposition of campaign funds raised by an elected official who has been convicted of a crime committed while in public office or has been impeached or the subject of an impeachment inquiry.”

The bill would close a gap in our state’s laws relating to the disposition of campaign funds. This bill addresses the issue of what should be done with campaign funds raised by an elected official who has been convicted of a crime while in public office or has been impeached or resigned while the subject of criminal investigation or of an impeachment inquiry. Unfortunately, this issue has been raised to frequently by the resignation of a series of executive and legislative elected officials in recent years. This bill provides a reasonable and balanced approach to a problematic situation. It prohibits spending money from an existing campaign account controlled by the resigned official for any political purpose. The account must be closed and the funds distributed either pro-rata to contributors or donated to charity within 2 years of resignation or conviction.

For the context of what gave rise to this bill, read: [Campaign Finance Complaint Filed with NYSBOE - Common Cause New York](#)

10. Implementation of Public Financing of Elections Rules

New York State adopted public financing for state elections in 2020. Candidates and campaigns will be able to start using the system in 2024 if they so choose. Main highlights of the new program include:

- Significantly decreased contribution limits for all candidates
- Candidates for statewide office will see a 74% decrease in contribution limits.
- Candidates for State Senate will see a 48% decrease in contribution limits.
- Candidates for State Assembly will see a 36% decrease in contribution limit

Access to an opt-in small donor public matching funds program

- Candidates for statewide office will be eligible for a \$6 – \$1 match on eligible donations.
- Candidates for State Legislature will be eligible for a tiered match ranging from \$12-\$1 to \$8-\$1.

Common Cause on Public Financing:

<https://www.commoncause.org/new-york/our-work/money-influence/expanding-public-financing-of-campaigns/>

Brennan Center on Public Financing:

<https://www.brennancenter.org/issues/reform-money-politics/public-campaign-financing/campaign-finance-new-york-state>

Brennan Center on Small Donor Public Financing:

<https://www.brennancenter.org/our-work/research-reports/analysis-new-yorks-big-donor-problem-why-small-donor-public-financing>

Opponents often express concern over “fraud” and “waste” and say we shouldn’t spend public funds on politicians. These same opponents are often among the biggest current campaign donors. They are aware of how an emphasis on small donors and lower contribution limits could limit the influence they have long enjoyed through private, \$50,000 a table fundraisers.

<https://news.littlesis.org/2014/01/16/business-group-opposing-public-campaign-finance-unshackle-upstate-is-a-big-political-spender/>

11. Enforcing LLC Laws Concerning Campaign Contributions

Under NYS law, Limited Liability Corporations which make campaign contributions are required to report who owns the LLC and what percentage of the ownership they hold. In the vast majority of cases, the Board of Elections is not enforcing this law and millions of dollars of “dark money” are pouring into campaigns with no way to ascertain exactly who contributed it. Some LLCs seem to have been created just to make large, anonymous campaign contributions.

<https://www.thecity.nyc/2022/2/9/22924530/hochul-llc-law-campaign-cash>

ⁱ An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There are no rules, guidelines, or even language in the U.S. Constitution on how a convention can be limited to any single issue, let alone how an Article V convention would even work. Once the convention is called, there then becomes an opportunity for a runaway convention that could potentially rewrite any constitutional right or protection currently available to American citizens. What we do know however, is that it is likely state legislatures would be granted wide powers in an Article V convention and of the fifty states, thirty are controlled by Republicans, only seventeen are controlled by Democrats.

Everything from federal environmental protections, education, voting rights, labor protections, entitlement programs, reproductive rights, racial justice and immigration protections is on the line. The effort to call the

convention is being led by Kochs, Heritage Foundation, ALEC, Scott Walker. “Article V Convention:” 2/3 of the states (34) can call a constitutional convention to propose amendments without going through Congress. Up to 30 states have recently voted to call an Article V convention with goals such as imposing a balanced budget amendment on the federal government, imposing term limits on Congress, and limiting powers of federal regulation and oversight (vaguely referred to as “federal overreach,” or “states’ rights”)

[U.S. Constitution Threatened as Article V Convention Movement Nears Success \(commoncause.org\)](https://www.commoncause.org/2022/05/12/u-s-constitution-threatened-as-article-v-convention-movement-nears-success/)

An Article V Convention has never been done before and it is unclear if such a convention could be limited to a particular topic or open to all topics. It is unclear whether each state would have one vote (which would be favored by small states), or if voting would take population into account (favored by big states). The Constitution does not describe how to conduct an Article V Convention, provides no rules or procedures as to how delegates would be selected. Such a convention would likely to be controlled by wealthy special interests who can afford travel, time away from regular jobs, lobbying “gifts,” etc.

ii The debacle of the 2022 redistricting commission was predictable. The current system in NY tends to heavily favor the party in power of equal numbers of Democrats and Republicans, the stalemate that threw the drawing of maps to the majority party in the legislature shouldn’t surprise any voters.

iii Opponents say same day voting is too complicated for local Boards of Elections, that they will be “overwhelmed,” and that the door will be open to fraudulent voting.

No evidence has ever been found that fraudulent absentee voting changed the result of a modern election. Secretaries of State of both parties have all noted the security of our voting system and over 60 lawsuits claiming “fraud” have all been dismissed by judges appointed by both parties. The claim that absentee voting allows more fraud is baseless, as attested to in numerous states.

<https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

<https://www.elections.ny.gov/VotingAbsentee.html>

[Absentee Voting](#)

<https://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx>