

COMMON CAUSE/NY ◦ EFFECTIVE NY ◦ NEW YORK PUBLIC INTEREST RESEARCH GROUP  
NATIONAL RESOURCES DEFENSE COUNCIL ◦ CENTER FOR LAW AND SOCIAL JUSTICE ◦ MINKWON  
CENTER FOR COMMUNITY ACTION ◦ MAKE THE ROAD NY  
PARTNERSHIP FOR THE PUBLIC GOOD ◦ CATSKILL CITIZENS FOR SAFE ENERGY  
ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND ◦ LA FUENTE ◦ RIVERKEEPER

July 25, 2014

Co-Chair James A. Walsh  
Co-Chair Douglas A. Kellner  
Commissioner Andrew J. Spano  
Commissioner Gregory P. Peterson  
New York State Board of Elections  
40 North Pearl Street, Suite 5  
Albany, NY 12207-2729

Hon. Eric T. Schneiderman  
New York State Attorney General  
120 Broadway  
New York, NY 10271

Honorable Sirs:

We write to urge the Board of Elections to adopt neutral and impartial ballot referenda language for the measures which will be on the General Election ballot this November. Election Law Sections 4-108 (2) and (3) authorize the Board of Elections, with advice from the Attorney General, to determine the form in which a referendum question shall be submitted to the voters.

Section 4-108(2) provides:

The form in which the proposed amendment, proposition or question is to be submitted shall consist of only an abbreviated title indicating generally and briefly, and in a clear and coherent manner using words with common and every-day meanings, the subject matter of the amendment, proposition or question.

We believe that inherent in this provision is the requirement that a clear and coherent submission is neutral and does not contain language which appears to advocate for the passage or rejection of the measure. Basic fairness, as well as equal protection under the law, also supports such a requirement.

On occasion in the past, the language which was placed on the ballot was widely regarded as biased and the Board was criticized by the press and good government groups. We wish to avoid such a situation this year.

Accordingly, our groups have agreed that the following neutral language satisfies the statutory standard and is a fair and impartial statement of the subject matter of the proposed amendment:

Amendment re Redistricting Commission.

“The proposed amendment to Article 3 of the Constitution would allow New York State’s legislative leaders to appoint a bipartisan commission to establish new state legislative and congressional district lines every ten years pursuant to stated criteria with final approval by the Legislature. Shall the amendment be approved?”

We urge you to submit the redistricting amendment to the voters in the form we recommend.

Sincerely,

Susan Lerner, Executive Director  
Common Cause/NY

Jesse Laymon, Executive Director  
Effective NY

Blair Horner, Legislative Director  
New York Public Interest Research Group

Richard Schrader, NY Political Director  
National Resources Defense Council

Esmeralda Simmons, Executive Director  
Center for Law and Social Justice

James Hong, Director of Civic Engagement  
MinKwon Center for Community Action

Phillip Musegas, Hudson Director  
Riverkeeper

Javier H Valdes, Co-Executive Director  
Make the Road NY

Sam Magavern, Co-Director  
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Bruce Ferguson  
Catskill Citizens for Safe Energy

Margaret Fung, Executive Director  
Asian American Legal Defense and Education  
Fund

Lucia Gomez, Executive Director  
La Fuente

Cc: Barbara Underwood, Esq., New York State Solicitor General