

ELECTION LAW

ELECTION LAW POSITIONS IN BRIEF

Support of measures to protect, extend and encourage the use of the franchise; open the political system by enacting a public campaign financing law for statewide offices; establish legal, ethical campaign guidelines; monitor campaign practices; restore integrity to the election process and simplify rules for ballot access and restore integrity to the election process – specifically support of uniformity in election laws and procedures and their implementation and enforcement; promote measures that ensure the integrity of all ballots; and support adequate funding for these procedures and for training of all involved election personnel.

ACTION TAKEN UNDER LWVUS POSITIONS

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, (*Impact on Issues*, 2002-2004, p. 8, LWVUS)

The right of every citizen to vote has been a basic League principle since its origin. Early on, many state Leagues adopted positions on election laws. But at the national level, despite a long history of protecting voting rights, the League found itself in the midst of the civil rights struggle of the 1960s without authority to take national legislative action on behalf of the Voting Rights Act of 1965. ...

The 1976 convention's adoption of Voting Rights as an integral part of the national program and the 1978 confirmation of that decision underlined the already existing authority under the Principles for the League to act on this basic right. In May 1982, the LWVUS board made explicit the League's position on Voting Rights, and the 1982 convention added Voting Rights to the national program. The 1986 convention affirmed that a key element of protecting the right to vote is encouraging participation in the political process. The 1990 convention affirmed that the LWVUS should continue emphasis on protecting the right to vote by working to increase voter participation. (*Impact On Issues*, 2002-2004, p. 4-5, LWVUS)

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.

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

have 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.

REGISTRATION PROCEDURES

Permanent Personal Registration (PPR) became mandatory in 1967, primarily due to the unflagging pressure of the League of Women Voters. In 1926 the League began a long campaign to attain a system of permanent personal registration for New York State. Although the 1938 Constitutional Convention authorized such a system, it was not until 1954 that the legislature provided for optional PPR. By 1965 as a result of the work of local Leagues, eighty percent of New York's counties had provided for PPR, with the remainder falling into line when PPR became mandatory in 1967. The system was further improved in 1969 when the mandatory house-to-house check of registrants was eliminated and replaced with verification by postcard. In 1970 another successful League effort led to a statewide, uniform final day of local registration.

In 1973 the League reached consensus for a simple and accessible voter registration system, including registration by mail. A system of mail verification passed the legislature in 1975 and survived a 1976 challenge to its constitutionality in the state Court of Appeals. After 11 years of League prodding, in 1985 the legislature approved and the governor signed a bill providing for the printing, purchase and distribution of a standard voter registration form by the state Board of Elections.

It is a continuing goal of the League of Women Voters to simplify and clarify the Application for Registration Form by eliminating irrelevant questions that serve to intimidate or turn away prospective voters. The passage of legislation to remove the questions relating to employment on the application form was a long-sought victory for the League and other good-government groups who have continuously lobbied for its demise.

In the process of lobbying for a simplified registration system, the League has clearly supported safeguards against fraud, such as the signature check, the mail verification and periodic purging of the rolls. In 1967 the League accepted the two-year Purge that was written into the New York State Election Law; it was formally adopted by LWVNY consensus in 1973. A review of that consensus in 1975 reversed League position and returned to the pre-1967 position advocating a four-year purge. In 1979 the legislature added primaries and special elections to general elections as voting opportunities where participation would maintain a voter's active status. In 1989 the LWVUS in its Advocacy for the Voter Campaign, came out in favor of repealing the purge of voter registration rolls; the LWVNY removed its 1975 position by consensus in 1991, affirming the LWVUS position against purging.

The League has always supported the widespread availability of registration forms; therefore, it responded positively to a Governor's Executive Order in 1984 to place the forms in some state agency offices. This order withstood a court challenge, with League support as an amicus curiae, and was declared legal in 1985. The League joined good government groups backing the Governor's Program Bill of 1991 that mandated state agencies to make voting registration forms and assistance available, as of April 1, 1992. League has been lobbying for the extension of agencies distributing the registration forms, for monitoring the visibility of and publicity for

agency-based registration forms, and for the goal of trained assistance for those wishing information about registration. The LWWNYS was represented on the ad hoc Advisory Task Force on Implementation of the National Voter Registration Act of 1993, a committee appointed by the New York State Board of Elections, to ensure New York State compliance with federal law.

The National Voter Registration Act (NVRA) became effective January 1, 1995. This federal legislation requires the state to have “motor-voter” registration, “agency based” registration and “mail in” registration. It also forbids the state to purge voters from the registration list because they have not voted.

The League has actively supported the implementation of NVRA in New York State. The law mandates that the agencies use a combined form for voter registration and that the agency staff assist in helping register voters. The League opposed any cuts in the funds necessary to provide the proper training, monitoring and oversight of agency employees. The League actively monitored the various agencies across the state for compliance

Since its adoption in 1976, registration by mail has become widely accepted throughout New York State. For the 1990 general election, the New York State Board of Election figures show 89% of statewide registrations were made by mail and only 7% were made at local registration days. The League worked for the abolishment of local registration days because of the costs involved for few registrants. With the 1991 passage of legislation making local registration days optional to the locality, the position on abolishment of local registration days was dropped (as accomplished) at LWWNYS convention in June 1995.

The League promotes election-day registration at polling places, within strict guidelines to prevent fraud. The 1991 passage of legislation permitting in-person registration at a board of election on any day except a day of election and reducing mail registration deadlines was a welcome step.

VOTING QUALIFICATIONS

In 1963 a LWWNYS consensus resulted in support for reduction of the New York State residence requirement to three months, retention of the requirement for literacy in English and the voting age of 21, and elimination of the 90-day waiting period for newly naturalized citizens. Two years later, however, in 1965, with passage of the Federal Voting Rights Act, literacy in Spanish was permitted, and in 1967, the legislature reduced the residency requirement to three months, only to have the 1970 Federal Voting Rights Act further reduce the residency requirement to 30 days in the election district. In 1969, a court ruling eliminated the 90-day waiting period for naturalized citizens.

In 1988 LWWNYS successfully supported passage of legislation giving newly naturalized citizens the right to register in person at the Board of Elections up to ten days before an election. This law permits those who were naturalized after the 30-day registration deadline to participate in the next election.

In 1969 a LWVUS re-evaluation resulted in a change in position on the voting age to support the franchise for 18 year olds. League members then worked for ratification of the 26th Amendment to the United States Constitution. The League supported the right of 17 year olds who would be 18 by Election Day to register and urges they be allowed to participate in a primary election to choose candidates for that election.

In 1972 LWVNYS members concurred in a position supporting the right of students to establish residence in their college communities for voting purposes. A class action suit on this issue was brought in 1980 and is still awaiting a decision. At present the right to vote in college communities is determined by local boards of elections; the League monitors those boards who attempt to exclude voting at college residences by using any standard, practice or procedure not used by all applicants. The League continues to lobby for a law to make the students' voting right mandatory statewide.

In 1977 the LWVNYS supported legislation establishing a procedure permitting voters whose poll cards are missing from the ledger on Election Day to vote by affidavit ballot pending confirmation of their registration. Similar provisions were added to the law in 1981 to enable voters who claim their enrollment records are incorrect to vote in primary elections. The 1985 session saw the strengthening of the affidavit system; League-supported legislation now requires election officials to inform voters of their right to an affidavit ballot. In addition, provisional ballots are required by the HAVA federal legislation in 2002.

ABSENTEE VOTING

The 1963 LWVNYS position stipulated that all those otherwise eligible to vote in New York State should be able to vote by absentee ballot. That same year the voters, with active LWV campaigning, approved an amendment to the state constitution authorizing the legislature to extend absentee voting to all eligible voters who would be absent from their counties on election day; therefore, in 1964, "vacations" was added to the list of acceptable reasons for an absentee ballot.

In 1972 a League consensus called for absentee voting in primary elections. This passed in 1974, followed in 1975 by a provision for absentee voting in special elections.

A three-fold plan was developed by the League in 1977 to simplify the absentee voting process:

- 1) wide distribution of absentee ballot applications;
- 2) ability to apply in person for absentee ballots through the day before the election and fill out the ballot immediately; and
- 3) simplification of the absentee application form.

The second of these became law in 1978. Continued prodding resulted in further easing of the law in 1981 to allow local boards of elections to provide "an appropriate number" of applications

To distribution sources that request the forms and are approved by either the state Board of Elections or any of the local boards.

In 1988 after several years of League effort, the election law was amended to permit a letter to serve as an application for an absentee ballot. Prior to that time a voter was required to write a letter to request an application, a system that required double effort on the part of the voter as well as of the Board of Elections.

Also in 1988 the League initiated legislation, now law, to amend the election law in regard to obtaining an absentee ballot after the deadline for application by mail had passed. The law now allows a person other than the absentee voter to obtain the ballot from the local board of elections by presenting the voter's completed and signed application.

In 1993, the League testified at statewide hearings called by the State Board of Elections on the absentee ballot application, arguing for simplification of the process and the form. No modifications to the form have been made although legislative and agency proposals have been introduced.

Absentee voting by residents of nursing homes and residential care facilities is governed by section 8-407 of the New York State Election Law. Implementation by local boards of election of this provision has been permissive, not mandatory. Leagues, which monitor elections throughout the state, found evidence of irregularities in the conduct of this type of absentee balloting that violates the integrity of the electoral process. Residents of nursing homes and adult homes, many of whom are elderly, may be subject to undue pressure to vote for a particular candidate or to cast a ballot. League-supported legislation to mandate implementation of the existing law requiring bipartisan election officials to supervise absentee balloting in institutions where there are five or more residents was introduced in the legislature in January 2001. It was passed with intensive League advocacy and signed into law by the Governor in August 2001.

DIVISION FOR SERVICEMEN'S VOTING

In 1943 a Division for Servicemen's Voting (DSV) was established to assure adequate servicing of military absentee ballots at a time when our country was at war and there was no separate state body whose sole charge was to inform and assist military personnel in voting information and procedures. The creation of a statewide Board of Elections in 1974 and the assignment of responsibility to the Department of Defense for encouraging military personnel to vote made the DSV obsolete. The League lobbied repeatedly for the repeal of legislation continuing the DSV. In the final hours of the legislative session in July 1991, the DSV was abolished.

THE PRIMARIES **(See also Ballot Access)**

One of the founding principles of the League was support for the direct primary as the nominating procedure for all offices, including those elected statewide. New York was among those states that had adopted the direct primary in the wave of reform that swept the country in the early part of the century; however, its extension to statewide offices came only in 1968. While the League has worked since the 1920s on a number of major provisions regarding primary elections; its present action position is limited to the date of the primary election.

The LWNYS extended its position on the primary in 1957 to include support for a permanent, single, June primary date. The legislature passed a “permanent” June date in 1965, but the League found vigilance was needed annually when the political calendar was determined. Then, in 1974, over vehement League opposition, the legislature established a “permanent” September primary, with a second primary to be held in April during presidential election years. A League reevaluation of its position in 1978 reaffirmed the permanent, single June primary as being best for voters, candidates and boards of elections. On the strength of this reaffirmation, the League continues to work for a constitutional amendment to guarantee this reform.

In 1977 LWNYS lobbying achieved an extension of the right to vote in a primary to those voters who were newly registered up to 30 days before the primary and to those who moved to another county after the previous general election and re-enrolled in the same party.

In 1991 legislation, the registration deadline for which a mail registration may be received before a primary, general or special election, was reduced from 30 to 20 days; it also allowed qualified voters who moved within the county to re-register in person up to ten days before the primary in order to vote in the primary.

Public dissatisfaction with a presidential primary ballot, which did not list the names of the presidential contenders, led the LWNYS to call for a change in the law in 1976, 1980, and 1984. Legislation was passed in 1983 allowing presidential candidate names to appear on the ballot with their pledged convention delegate candidates. However, each party may or may not choose to use this option. League efforts, therefore, continue to stress the need for a primary system for both parties in which voters can cast a meaningful ballot and express a clear choice in selecting delegates to national nominating conventions.

In a related ballot access case, *Molinari v. Powers*, which challenged the witness residence requirement for designating petitions (section 6-132, NYS Election Law) in the 2000 NYS Republican Presidential Primary, the Eastern District New York Court ruled that this requirement “placed an undue burden on the right to vote under the First Amendment.” Plaintiffs in this suit were Sen. John McCain and Steve Forbes, Republican presidential candidates. The New York State League was amicus to the brief filed by the Brennan Center for Justice that was successful.

A similar case, *Lerman v. Board of Elections* (2nd Circuit, 2000), dealt with the same provision of the NYS Election Law as it applied to a petition to gain party nomination for a New York City Council seat in the primary election of September 1999. The League was again amicus to the brief filed by the Brennan Center. The case was appealed from a judgment of the U.S. District Court for the Eastern District of New York, which upheld the requirement. The U.S. Court of Appeals for the Second Circuit reversed that decision holding that the witness residence requirement “significantly burdens interactive political speech and political association, without advancing any legitimate state interest and, therefore, violates the First Amendment.” As a result, a candidate can send a team of campaign workers into any district to collect signatures as long as the workers are registered members of the party in New York State.

UNIFORM ADMINISTRATION OF THE ELECTION LAW

The omnibus 1973 LWVNYS position on election procedures recognized the state responsibility for uniform and efficient administration of elections, the need for a single state elections office and improved elections officials training. In 1974 a four-member bipartisan state Board of Elections was established to assume this responsibility. Mindful of its leadership role in the creation of the state Board of Elections, the League encourages and supports the board's attempts to provide strong administrative leadership to local boards of elections.

Recognizing the importance of adequately trained elections officials to the uniform administration of election law around the state, the League developed a legislative program in 1977 for improved training for commissioners, inspectors, poll clerks and other election workers. League-supported legislation, effective after 1986, required all boards of elections to reproduce a booklet of instruction prepared by the state Board of Elections and required each election inspector be given a copy. Also, as of 1986, election inspectors must attend a course of instruction every three years; in many areas, more frequent instruction is offered and/or required.

To avoid problems at the polls, which often result from inadequately trained, minimally paid personnel, the League continues to work for legislation in these areas and supports the role of the state Board of Elections in improving election procedure.

The presidential election of 2000 revealed flaws in our national and state election laws and processes. In New York State and, specifically, New York City, there were many cases where violations of the election law and poor election practices led to the disenfranchisement of eligible voters. The New York State League documented these cases as did other organizations and called for bipartisan hearings by the Legislature and the Governor to identify the problems and recommend solutions. Both houses in the Legislature responded by creating their own task forces and holding separate hearings. Governor Pataki did likewise. Attorney General Spitzer also issued a report after conducting an investigation. League members around the state testified at all hearings by providing their experiences at the local level. Problem areas of the election process which were identified are: insufficient numbers of election inspectors, inadequately trained election inspectors, out-of-date and unreliable voting machines, inaccessible polling places and machines, unnecessarily complicated absentee ballot application and process, inaccurate voter registration lists. Agreement on some immediate solutions proposed by the Legislature and Governor was reached with an appropriation of \$25-30 million tentatively approved. However, this appropriation was eliminated in the baseline budget passed by the Legislature in August 2001.

Concerns over a projected budget shortfall in 2002 as well as the economic impact of the September World Trade Center disaster on the state budget impacted this appropriation and there became little hope for election reform at the state level. The final report of the Governor's Task Force on Election Modernization (www.state.ny.us/governor/electionmodernization) was released in June 2002 and contained many recommendations for improving elections in the state as identified above. It also recommended amending the election statute requiring the full-face ballot to allow other technologies, paving the way for electronic type voting machines (ATMs).

New voting machines for many states (including at least one machine per polling place accessible to the disabled) were mandated under the Help America Vote Act (HAVA), passed by Congress and signed by President Bush in October 2002. States are required to replace lever machines and establish a statewide voter registration database by 2006. Under HAVA each state was required to assemble a committee composed of election officials and stakeholders to develop a plan to implement HAVA. A representative of the LWVNYS served on the New York Task Force; however, the Task Force was handicapped by partisanship and limited in its ability to discuss and make recommendations for the implementation of HAVA. The League was at the forefront of advocacy organizations objecting to the Task Force procedures and conclusions. League members testified at hearings on the Draft Plan prepared by the NYS Board of Elections, and the League participated in a Minority Report issued by an Assembly member who also served on the Task Force. In June 2003, the Assembly introduced a comprehensive legislative package that would implement HAVA. The Senate also introduced several bills. The League supported most of the Assembly package but the Legislature adjourned before reconciling the differences. For the first time, the League supported one voting machine for use statewide. In order to comply with HAVA mandates the Legislature will need to pass appropriate legislation during the 2004-2005 sessions and the League will be actively engaged in reviewing that legislation.

SIMPLIFICATION OF ELECTION LAW

A major recommendation of the LWVNYS's 1963 election position was the need for a complete recodification of the Election Law. During the following decade, a Select Committee on Election Law worked on recodification, with advice and encouragement from the League. When the results were introduced in bill form, the League lobbied through three legislative sessions, finally achieving a recodified law, which became effective December 1, 1978.

SCHOOL ELECTIONS

In 1979 the League succeeded in getting a prohibition against electioneering within 100 feet of the polls in school elections.

ELECTRONIC VOTING EQUIPMENT

Since the appointment of a New York State Temporary Commission on Voting Machine Equipment in 1984, the League has favored legislation that would allow local governments the option of using electronic voting equipment. After a year of study and equipment testing, the Commission recommended changes in the state law allowing the use of electronic voting machines. The New York State Board of Elections developed a comprehensive set of regulations and guidelines for the machines' certification, testing and management; the machines would be purchased and maintained by individual counties, cities or towns. In 1986 legislation was passed enabling localities to replace their antiquated, failing equipment with electronic machines. They are being used, selectively, in many areas across the state. Since 1984 the LWVNYS has favored government action to advance the evaluation of electronic voting systems and has favored legislation that would allow local governments the option of using electronic voting equipment.

In 2001, the League supported bipartisan legislation which would allow the State Board of Elections to authorize a county board of elections to use a voting system (i.e., machine) not

previously approved by the State Board. By giving this discretionary power to the State Board, county boards would be able to test newer machines before purchasing. With the passage of the Help America Vote Act in October 2002, which will require the replacement of all lever voting machines in the state by 2006, this recommendation became moot.

PETITIONING PROCESS: BALLOT ACCESS

League concern about the petitioning process is long standing. Since the 1950s the League has been a strong advocate for simplifying the format and procedures for obtaining petition signatures for potential candidates. Complexities in the process and minutiae in the petition format create opportunities for inadvertent errors. Such errors have increasingly been the cause for court challenges to the validity of the petition signatures. The League believes that simplifying the petitioning system and at the same time, including fraud-prevention measures, will benefit would-be candidates and provide voters with a broader choice on election day.

The League is an active member of the Coalition for Effective Government, a lobbying group that formed in 1990 as an outgrowth of the Governor's New York State Commission on Government Integrity, Feerick Commission. The election law goals of the coalition are the simplification and improvement of ballot access, agency-based registration, elimination of the non-voting purge, 17-year-old registration, college student voting, the 15-day registration deadline and intra-county re-registration.

In October 1994 a federal Court judge in Albany rendered a decision in a case involving the nominating petitions of a minor party candidate for governor which will probably impact on the future interpretation of the NYS election law with respect to the requirement that petitions include the election or Assembly district of each person who signs a petition. This requirement has often meant that petitions have been totally rejected for the lack of perhaps only a few legally valid signatures. The decision directing the courts to "liberally interpret" the intent of the election law governing petitions will be precedent setting. In fact, in the Assembly legislation passed in January 1995, this provision to "liberally interpret" which had appeared in previous Assembly ballot access bills was deemed unnecessary following this decision. However, there has not been any movement on the reduction of signatures requirement that directly impact less well financed campaigns.

The Take Back Democracy Coalition, consisting of the League, Common Cause/NY, the New York Public Interest Research Group, and United We Stand America/NYS, has taken an active role in pursuing ballot access reform in New York State Election Law. In 1996, the Governor introduced a Program Bill simplifying the ballot access process; thus making it simpler and fairer for candidates in political party primary elections and for independent candidates in general elections. Legislation passed both houses and was signed by the governor (Chapter 709 of the Laws of 1996).

Monitoring and close scrutiny of the process continued in 1997 as regulations implementing this new law were promulgated by the State Board of Elections. Following much delay and one statutory extender, proposed regulations were finally issued in March 1997, but only after League

criticism in the media of the apparent procrastination by both political parties. Draft regulations were forthcoming and during the public comment period, the Take Back Democracy Coalition submitted joint comments, which were eventually incorporated into the final regulations. Following Justice Department review, the regulations were in place for the June 1 primary process. Following submission of primary petitions in the New York City Council races, challenges to those petitions continued at a rate equal to or greater than the 1993 New York City-wide elections. The League will continue to bring to the governor's and legislative leadership's attention the need for further simplification of ballot access.

Historically, ballot access laws in New York State have been used as a tool by candidates to have challengers thrown off the ballot. Once a bill becomes law, the need to monitor the process does not end. The League continues to observe, comment and lobby on all steps of our governmental process, including in this instance, the regulatory 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. (Impact on Issues, 2002-2004, p. 13, LWVUS), 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 LWVNY 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. (Impact on Issues, 1994-96, LWVUS).

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.

CONSENSUS STATEMENT: ELECTION LAW/CAMPAIGN FINANCING
Statement of Position

As announced by the State Board, April 1991 (continued)

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.

While functioning under the national position, the LWVNYS supported campaign-financing rules limiting contributions and expenditures. The League consistently lobbied for partial public financing of campaigns for statewide offices and strongly endorsed a funding system incorporating a state income tax check-off.

In 1982 the League interpreted its campaign financing position to include ballot issues as well as candidates. During the 1983 legislative session, the League actively supported a bill, subsequently signed into law, that would require political action committees to report all contributions and expenditures made for the purpose of supporting or opposing ballot issues.

Closing a serious gap in the state election law, a bill that prohibits candidates and political committees from diverting excess campaign funds to personal use passed with League support in 1985. Until this restriction became law, candidates and committees were free to use excess funds in any manner they desired.

Another loophole in the law was closed in 1988 when the legislature passed a law requiring the disclosure of “housekeeping” funds. These funds are for the purpose of maintaining political party offices and are to be used only for normal office expenses. They are not meant for use in political campaigns. However, since the law formerly required no reporting of these funds, there was no way to determine that they were expended properly. (See Government section for discussion of Fair Campaign Practices Committees)

LWVNY continues to support campaign-financing legislation that meets the criteria of our position. In the 2000 session, the Assembly leadership introduced the same partial public financing bill that had been introduced for the past fifteen years. In the 2001 session, the League, Common Cause and NYPIRG lobbied members of the Democratic majority conference to amend their campaign financing legislation to include a 4-1 public match component patterned after New York City’s successful public financing law. Assembly Democrats amended their legislation to reflect the system in New York City, and it passed the house. The League then turned its attention to the Senate where we were able to secure a majority sponsor (Sen. Goodman) for similar-to legislation. This bill will have to pass the Senate in a future session in order to go to joint conference committee to resolve differences.

During the 1998 legislative session, bill language for full public financing, “Clean Money, Clean Elections,” was introduced. Only Democratic sponsorship in the Senate could be secured and the legislation was not addressed in committee. In the Assembly the bill had majority sponsorship, but, as in the Senate, was not taken up in committee. No action on this legislation took place during the 1999 or 2001 sessions. In 2001, the legislation continues to have majority sponsorship in the Assembly, but only minority sponsorship in the Senate. No action occurred. The Governor has repeatedly said that he is not in favor of full public financing of elections.

On the last day of the regular 1999 session in June, Governor Pataki announced a campaign finance program bill. Although disappointed the legislation came so late, League supported this comprehensive approach and requested that the Governor become an actual advocate for his legislation. Clearly this legislation came too late to be debated fully by the Legislature and did not get sponsorship or was not introduced during that regular session. The League will continue to urge the governor to push for Senate sponsorship during the 2000 session.

The Governor’s program bill on campaign finance reform did not obtain a Senate sponsor until late in the 2001 session (introduced by Rules Committee). The bill did not see any action in the 2001 session. The bill would:

- Ban soft money
- Dramatically lower contribution limits
- Crack down on sham issue ads
- Restrict fundraising during the legislative session
- Enhance disclosure
- Toughen enforcement

Campaign Finance 2002-2003

The League has lobbied extensively for reform of the Campaign Finance laws for several years. Passage of the McCain/Feingold law at the national level brought hope for reform of New York’s lax campaign finance laws. Although the Assembly Speaker sponsored comprehensive

legislation in 2002 that passed overwhelmingly in the house, the Senate has never introduced or passed similar to legislation. The legislation passed by the Assembly would:

COMPARISON OF CAMPAIGN FINANCE REFORM PROPOSALS

	Current Election Law Article 14	Assembly Bill	Senate Bill
Contribution limits (General election)	Statewide \$30,700 Senate \$ 7,700 Assembly \$ 3,100	Statewide \$ 4,000 Senate \$ 1,500 Assembly \$ 1,500	Statewide \$ 5,000 Senate \$ 2,500 Assembly \$ 1,000
Party committee Limits	\$76,500 annually	\$7,500	\$50,000 annually
Soft money	Unlimited	Banned	Banned
Public financing	No option	Optional public financing. \$2 Public for every \$1 private raised up to \$500 per contribution.	None allowed
Expenditure limits For general election	No limits	Governor \$7 million Other statewide \$2.5 million Senate \$150,000 Assembly \$75,000	No limits
Other changes to contributions	Includes a CPI adjustment for campaign contribution limits.	Doubles the public match when candidates oppose wealthy non-participating opponents and eliminates expenditure cap.	In such circumstances, candidates' contribution limits increase by a factor of five. Eliminates CPI adjustments.
Fundraising during the legislative session	No restrictions	Banned within 40 miles and during session (either January to June or whenever budget is completed).	Banned within 25 miles and during session (either January to June or whenever budget is completed).
Bundling/disclosure	Only amount of donation and name and address of contributor is disclosed.	Expands disclosure to include employer or occupation and the name of any intermediary.	Expands disclosure to include employer or occupation and the name of any intermediary.
Corporate donations	Limits to \$5,000 annually (subsidiaries not included).	Closes loophole. All subsidiaries count toward \$5,000 limit.	Closes loophole. All subsidiaries count toward \$5,000 limit. Includes unions in limit.
Independent Expenditures	No restrictions.	Requires disclosure of contributions and spending of entities utilizing independent expenditure campaigns.	Requires disclosure of contributions and spending of entities utilizing independent expenditure campaigns. In addition, candidates facing such campaigns would have their contribution limits raised by a factor of four.
Other proposals		Allow localities to create optional public financing system. Expands disclosure and contribution limits to New York City elections.	Requires candidates for local office to disclosure contributions in electronic format. In addition, a new campaign finance agency enforces the law.

The Speaker has publicly stated his support of going to a public, joint conference committee on campaign finance reform if the Senate acts on the Governor's proposal. The League has called on the Governor and the Senate to support a plan based on the successful New York City system of public financing, in which candidates receive public funds to match small private contributions raised. At a minimum, the League has urges the Senate to support the Governor's legislation and to take up the Speaker's offer of a joint conference committee negotiation on campaign finance reform. Although the League has continued to lobby for campaign finance reform, no action was taken on this legislation in 2003.

With an incumbency rate of over 99%, this legislature is likely to continue the status quo that works for them.

The League will continue to advocate for comprehensive campaign finance reform.

Computerization of Campaign Finance Records

Following vigorous lobbying during 1996 and 1997, including much media work, the Take Back Democracy Coalition was finally successful in securing an appropriation through the 1997-98 state budget to computerize campaign finance reports filed with the State Board of Elections. Computerization would begin in July of 1999. The implementing legislation would require candidates planning to spend more than \$1,000 on their state campaigns file their required financial reports on computer disk with the State Board of Elections.

During the 2002-2003 sessions the League has worked to pass local computerization of campaign finance records. This legislation now has majority Senate and Assembly sponsorship. Although League lobbied vigorously to pass local computerization of campaign finance records and the Assembly did pass this bill, the 2003 session closed without the Senate taking any action.

On July 1, 1999, the State Board of Elections began computerizing and putting out on the internet all campaign finance records of candidates who spend more than \$1,000 on their campaigns. This now enables anyone with access to the Internet the ability to follow campaign contributions to candidates for statewide and legislative offices. The League will continue to lobby to extend computerization to local boards of election.

TERM LIMITS

The LWVUS position opposes term limits for Congress and supports the current two-term limit for president of the United States. The League's opposition to term limits for Congress was arrived at by the National Board in July 1991 by applying LWVUS positions on Congress, the Presidency, Citizens Rights and Voting Rights. (Impact on Issues, 2002-2004, LWVUS, p. 17)

The 1992 LWVUS Convention authorized state and local Leagues to use national positions and principles to take action against term limits for state or local office holders. The language adopted by the convention is permissive only; that is, it allows state and local Leagues to apply the national position in opposition to term limits at other levels, but it does not require opposition to term limits at other levels. It does not supersede positions arrived at by study and consensus at the state or local League level that may support term limits for state or local office.

“State and local boards may, at their own discretion, apply the national position to their own jurisdictions and thus oppose term limits for state or local elective offices. However, state or local Leagues with positions in support of term limits for their jurisdictions may keep those positions and may act on them. State and local Leagues may also study and reach consensus to determine support or opposition to term limits for their jurisdictions. State and local Leagues may not, however, take a position in support of term limits for federal legislative office (the U.S. Senate and House of Representatives).” (Post Board Summary Following the October 1992 Meeting of the LWVUS Board of Directors and the LWVEF Board of Trustees)

In 1996 the LWVNYS Board decided it was time for the state to take a position as several local Leagues had already done so. Although the state board had the authority to adopt such a position without referring this matter to the membership, delegates to Council 1996 voted to concur with the following statements.

**TERM LIMITS--Statement of Position
As Approved by the 1996 State Council**

The League of Women Voters of New York State opposes term limits for members of the New York State Legislature.

The League of Women Voters of New York State opposes term limits for New York State statewide elected officials.

For Further Reference:

The Road to the Voting Booth: A Handbook for Voters Service Directors (First in a Series) LWVNYS, 1994.

The Road to the Voting Booth: A Handbook on Candidates Meetings (Second in a Series) LWVNYS, 2002.

The Road to the Voting Booth: How to Conduct a Successful Voter Registration Drive (Third in a Series) LWVNYS, 1996.

Facts for Voters (Published annually by LWVNYS).

New York State Election Law - may be obtained from the State Board of Elections, 40 Steuben Street Albany, NY 12207-2109 or found on the web at www.elections.state.ny.us

