

## **The Defeat of Three Pro-Democracy Ballot Proposals Is a Warning to Progressives: Don't Take Anything for Granted**

**By Miriam Rabban**

In the November election, five progressive proposals were presented to New York State voters. Three Parks backed all five and sought to build support for them through its newsletter and e-mail blasts. Other progressive organizations backed them as well. But in the end, only two of the five passed. Voters rejected three proposals that would have made access to the polls easier and addressed issues with redistricting. The defeat of these measures is a wake-up call for progressive activists. It reminds us that we cannot take support for voting rights in New York State for granted. If we want to expand those rights and strengthen our democracy, the hard work of vigorous campaigning and informing the public is essential.

Two of the five measures passed. Proposal #2 added the right to clean air, clean water and a healthful environment to the NY State Constitution's Bill of Rights. The clear language in proposal #2, in contrast to the complex wording in other proposals, may well have contributed toward its passage. Proposal #5, which also passed, increased the jurisdiction of NYC Civil Courts by raising the monetary limit for claims filed in those courts from \$25,000 to \$50,000. This will help address the enormous backlog in higher courts by reducing their dockets.

Of the three measures that were defeated, two would have expanded access to the polls.

Proposal #3 would have eliminated the requirement that voters register at least 10 days before an election. Its passage would have allowed the NY State legislature to provide for a shorter period, including same-day registration. Proposal #4 would have eliminated the requirement that people who request absentee ballots provide reasons for the request.

Proposal #1, which was also defeated, would have amended the redistricting process and changed who is counted where. Among the measures in the proposal were requirements that all NYS residents be counted in the census regardless of citizenship status, and that incarcerated people be counted for reapportionment purposes at their last place of residence rather than where they are incarcerated.

Common Cause NY supported the proposals with a “Yes on 1, 3, and 4” informational campaign, much of it via social media. Other groups, including Make the Road NY and the NY Public Interest Research Group, also participated. Susan Lerner, Executive Director of Common Cause NY, has analyzed the defeat and its implications for future action. One major finding was that Democrats were simply outspent. Republicans mounted a well-funded effort to defeat the proposals. They spent \$3 million on radio and TV advertising. Information about expenditures from so-called party “housekeeping accounts” has not yet been disclosed, and tightening reporting requirements for such accounts would be an important reform. The “No” campaign also used media messaging that, in Lerner’s view, stoked fears of nonexistent “voter fraud” rather than offering any substantive objections to the proposals. The “Yes” campaign did not have

nearly as much funding or ability to reach voters. Lerner noted that fundraising for the “Yes” campaign was difficult because donors assumed that the pro-democracy proposals would simply “sail through” in a blue state like New York.

In addition to the extensive, well-funded “No” campaign and mistaken complacency about passage of the proposals, the defeat may also have been due to complex “legalese” that made the proposals difficult to understand; low voter turnout; the position of the proposals on the back of the ballot; and the fact that a substantial number of people simply did not vote on the proposals at all.

So where do we go from here? In NY State, any proposed change to the state constitution must be passed by the state legislature in two consecutive sessions (with each session lasting two years) before the measure can go before voters. If another attempt is made to pass these proposals, the earliest they could go to voters is 2023. That time period would allow supporters to push for language in ballot measures that is understandable to the general public. It would also allow time to mount a forceful, well-funded campaign. Three Parks, Common Cause, and other organizations need to work actively to support expanding voting rights. Volunteer to support voting rights. The election of 2016 should have taught us not to be complacent! Next time, we can win!