



Political Broadcast Agreement Form for Non-Candidate/Issue Advertisements (PB-19)



Political Broadcast Agreement Form for Non-Candidate/Issue Advertisements (PB-19)

This form may serve as a model agreement for the sale of political broadcast advertising time and to facilitate compliance with the Federal Communications Commission's (FCC) record retention requirements. Broadcasters seeking information on how the FCC's political broadcast rules and record retention requirements apply to their specific circumstances should seek the advice of their own attorney.

Please note:

You will be prompted to save this form after each entry of your electronic signature. Make sure to re-save the form if you enter any information after entering your electronic signature.

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A companion to this form is NAB's Political Broadcast Catechism. To assist with your understanding of the political advertising rules, an all-new Political Advertising Primer course will become available via Broadcast Education in March 2020.

Broadcast Education is NAB's home for online educational offerings, including live and on-demand webcasts, podcasts and certificate courses. For more information, visit [education.nab.org](https://www.nab.org/education).

NAB members have access to an array of member tools and benefits. To access additional member tools, please visit [nab.org/MemberTools](https://www.nab.org/MemberTools).

ISSUE (Non-candidate) ADVERTISEMENT AGREEMENT FORM

I, McLaughlin Media, hereby request station time as follows: See **Order** for proposed schedule and charges. See **Invoice** for actual schedule and charges.

Check one:

- Ad "communicates a message relating to any political matter of national importance" by referring to (1) a legally qualified candidate for federal office; (2) an election to federal office; (3) a national legislative issue of public importance (e.g., health care legislation, IRS tax code, etc.); or (4) a political issue that is the subject of controversy or discussion at the national level.
- Ad does NOT communicate a message relating to any political matter of national importance (e.g., relates only to a state or local issue).

ALL QUESTIONS/BLOCKS MUST BE COMPLETED

Station time requested by: *NYSCP*

Agency name: *McLaughlin Media*

Address: *566 South Route 303 Blauvelt, NY 10913*

Contact: *Marianne Campbell*

Phone number: *203-966-9757*

Email: *mcampbell@mclaughlinonline.com*

Name of advertiser/sponsor (list entity's full legal name as disclosed to the Federal Election Commission [for federal committees] with no acronyms; name must match the sponsorship ID in ad):

Name: *New York State Conservative Party*

Address: *486 78 th Street Brooklyn, N.Y. 11209*

Contact: *Marianne Campbell*

Phone number: *203-966-9757*

Email: *mcampbell@mclaughlinonline.com*

Station is authorized to announce the time as paid for by such person or entity.

List ALL of the chief executive officers or members of the executive committee or board of directors or other governing group(s) of the advertiser/sponsor (Use separate page if necessary.):

Chairman: *Gerard Kassar*

Treasurer: *Frances Vella-Marrone*

By signing below, advertiser/sponsor represents that those listed above are the only executive officers, members of the executive committee and board of directors or other governing group(s).

If ad refers to a federal candidate(s) or federal election, list ALL of the following:

N/A

Name(s) of every candidate referred to:

Office(s) sought by such candidate(s) (no acronyms or abbreviations):

Date of election:

Clearly identify EVERY political matter of national importance referred to in the ad (no acronyms); use separate page if necessary:

N/A

THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.

The advertiser/sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, which may arise from the broadcast of the above-requested advertisement(s). For the above-requested ad(s), the advertiser/sponsor also agrees to prepare a script, transcript or tape, which will be delivered to the station by the log deadlines outlined in the station's disclosure statement.

Advertiser/Sponsor	Station Representative
Signature: <i>MARIANNE CAMPBELL</i> <small>Digitally signed by MARIANNE CAMPBELL DN: cn=MARIANNE CAMPBELL, o=44444444 Media, ou ca=Program Sales, postalCode=10000, c=US Date: 2021.10.28 16:08:02 -0400</small>	Signature: <i>Kathleen G. Baney</i> <small>Digitally signed by Kathleen G. Baney Date: 2021.10.28 16:08:02 -0400</small>
Name: <i>Marianne Campbell</i>	Name: <i>Kathleen G Baney</i>
Date of Request to Purchase Ad Time: <i>10.20.2021</i>	Date of Station Agreement to Sell Time: <i>10/28//2021</i>

TO BE COMPLETED BY STATION ONLY

Ad submitted to station? Yes No Date ad received: 10/28/2021

Note: Must have separate PB-19 forms for each version of the ad (i.e., for every ad with differing copy).

If only one officer, executive committee member or director is listed above, station should ask the advertiser/sponsor in writing if there are any other officers, executive committee members or directors, maintain records of inquiry and update this form if additional officers, members or directors are provided.

Disposition:

- Accepted
- Accepted IN PART (e.g., ad not received to determine content)*
- Rejected – provide reason:

*Upload partially accepted form, then promptly upload updated final form when complete.

Date and nature of follow-ups, if any:

Contract #: <i>6900</i>	Station Call Letters: <i>WCBF-FM</i>	Date Received/Requested: <i>10/28/2021</i>
Est. #: <i>na/na/co</i>	Station Location: <i>Elmira, NY</i>	Run Start and End Dates: <i>10/29/2021 - 11/2/2021</i>

For national issue ads only (not required for state/local issue ads):

Upload order, this disclosure form and invoice (or traffic system print-out) or other material reflecting this transaction to the OPIF or use this space to document schedule of time purchased, when spots actually aired, the rates charged and the classes of time purchased (including date, time, class of time and reasons for any make-goods or rebates) or attach separately. If station will not upload the actual times spots aired until an invoice is generated, the name of a contact person who can provide that information immediately should be placed in the "Terms and Disclosures" folder in the OPIF.

Oct 28, 21
 CONT# 35451598 Mod# Ver# 1 (Last =)
 REP EASTMAN
 TO WCBF-FM (Elmira-Corning NY)
 FM PATRICK MCGEE
 OFF PHILADELPHIA
 AGY Katz Media Group
 ADDR 125 West 55th Street 3rd Floor
 New York, NY 10019

DDS CONT# 0
 C/P/E: na / na / co
 SALESPERSON FAX#
 PH #

BYR Helen Hanratty1
 ADV NEW YORK STATE CONSERVATIVE PARTY
 CAMPAIGN COMMITTEE
 PDT Issue Country
 FLT Oct 29, 21 - Nov 02, 21

*** REP ORDER COMMENT ***

** 10/28/2021 12:59:00 PM: THIS IS A KATZ MEDIA GROUP ORDER. ALL BILLING SHOULD BE SENT TO KATZ MEDIA GROUP 125 W 55TH ST./NY,NY 10019. KATZ MEDIA GROUP IS NOT LIABLE FOR PAYMENT.
 ** 10/28/2021 12:59:00 PM: THIS IS A NEW ISSUE/POLITICAL ORDER. PLEASE NOTE THERE IS A 24 HOUR CANCELLATION POLICY ON ALL ISSUE/POLITICAL ORDERS. PLEASE CONFIRM WITH MICHAEL.MERGET@KATZRADIOGROUP.COM OR CALL 215-557-4208. THANK YOU!

*** STATION ORDER COMMENT ***

** 10/28/2021 1:10:00 PM: CONFIRM RECEIPT

MC	LN	DAYS	TIME	LEN	EFFECTIVE DATES	# OF WKS	NPW	RATE	TOT SPTS
		FLIGHT 1							
	1.1	....F..	6A - 10A	60	10/29/2021 - 10/29/2021	1W	4	\$45.00	4
	1.2	....F..	10A - 3P	60	10/29/2021 - 10/29/2021	1W	5	\$45.00	5
	1.3	....F..	3P - 7P	60	10/29/2021 - 10/29/2021	1W	4	\$45.00	4
	1.4	.....S.	6A - 7P	60	10/30/2021 - 10/30/2021	1W	13	\$45.00	13
	1.5	.....S	6A - 7P	60	10/31/2021 - 10/31/2021	1W	13	\$45.00	13
					** WEEKLY FLIGHT TOTALS **		39	\$1,755.00	
		FLIGHT 2							
	2.1	MT.....	6A - 10A	60	11/1/2021 - 11/2/2021	1W	8	\$45.00	8
	2.2	MT.....	10A - 3P	60	11/1/2021 - 11/2/2021	1W	10	\$45.00	10
	2.3	MT.....	3P - 7P	60	11/1/2021 - 11/2/2021	1W	8	\$45.00	8
					** WEEKLY FLIGHT TOTALS **		26	\$1,170.00	

	Oct 21	Nov 21				
SPOTS	39	26				
CASH	1755.00	1170.00				
TRADE	0.00	0.00				
NSL	0.00	0.00				
TOTAL	1755.00	1170.00				

Oct 28, 21
 CONT# 35451598 Mod# Ver# 1 (Last =)
 REP EASTMAN

DDS CONT# 0
 C/P/E: na / na / co

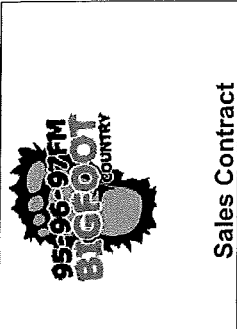
							TOTAL
SPOTS							65
CASH							2,925.00
TRADE							0.00
NSL							0.00
TOTAL							2,925.00

**** Competitive Comments ****

SVC:

Demo Adults 35+

Nondiscrimination -Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity, and must contain nondiscrimination clauses. Consistent with this order, Katz Communications, Inc. (including any subsidiary or division of Katz) does not discriminate in any broadcast advertising contract on the basis of race or ethnicity and evaluates, negotiates and completes its broadcast advertising contracts without regard to race or ethnicity.



Sales Contract

OFFICE
Elmira

AGENCY PRODUCT CODE

AGENCY C#

AGENCY CUSTOMER CODE

AGENCY C#

CONTRACT #
6900

REF # 0
REV # 0
PRINT DATE
10/28/21
1:46:55 PM

SALE TYPE
Standard

BILLING TYPE
Broadcast

CONTRACT TYPE
Regular

Seven Mountains Media
2205 College Avenue
Elmira, NY 14903

START 10/29/21
END DATE 11/02/21
REVISION DATE 10/28/21

PRODUCT
WCBF/NA/NA/CO OCT 29 TO NOV 2

ACCOUNT EXECUTIVE
. NATIONAL-ELMIRA

EST #

STA	Line	Type	Day	Schedule	Time	Start	Finish	Start	Finish	P	Alt	Len	SPW	Mo	Tu	We	Th	Fr	Sa	Su	Rate	Occ.	L Rate
	1	COM	F	MORNING DRIVE	M-F	06:00A	10:00A	10/29/21	10/29/21	2		60	4								45.00	4	180.00
	2	COM	F	MIDDAY	M-F	10:00A	03:00P	10/29/21	10/29/21	2		60	5								45.00	5	225.00
	3	COM	F	PM DRIVE	M-F	03:00P	07:00P	10/29/21	10/29/21	2		60	4								45.00	4	180.00
	4	COM	S	ROS 6A-7P		06:00A	07:00P	10/30/21	10/30/21	2		60	13								45.00	13	585.00
	5	COM	Su	ROS 6A-7P		06:00A	07:00P	10/31/21	10/31/21	2		60	13								45.00	13	585.00
	6	COM	MT	MORNING DRIVE	M-F	06:00A	10:00A	11/01/21	11/02/21	2		60	8								45.00	8	360.00
	7	COM	MT	MIDDAY	M-F	10:00A	03:00P	11/01/21	11/02/21	2		60	10								45.00	10	450.00
	8	COM	MT	PM DRIVE	M-F	03:00P	07:00P	11/01/21	11/02/21	2		60	8								45.00	8	360.00

Total Occasions	65
Gross	\$2,925.00
Agency Commission	\$438.75
Net	\$2,486.25

Accepted For Agency/Sponsor: _____

In accordance with Paragraphs 49 and 50 of United States Federal Communications Commission Report and Order No. FCC 07-217, Seven Mountains Media will not discriminate in any contract for advertising on the basis of race or ethnicity, and all such contracts will be evaluated, accepted, negotiated and completed without regard to race or ethnicity

CONFIRMATION OF ORDER-NOT A BILL

Contract Total \$2,486.25



Sales Contract

STATION WCBF-FM	REVENUE TYPE NATIONAL AGENCY	CONTRACT TYPE Regular	BILLING TYPE Broadcast	SALE TYPE Standard	CONTRACT # 6900
MAILING ADDRESS KATZ GROUP SALES 125 W 55TH ST 3RD FLOOR NEW YORK, NY 10019			REF # 0		
BUYER NYS CONSERVATIVE PARTY			REV # 0		
ADVERTISER NYS CONSERVATIVE PARTY			PRINT DATE 10/28/21		
START 10/29/21			1:46:55 PM		
END DATE 11/02/21			PRODUCT WCBF/NA/NA/CO OCT 29 TO NOV 2		
REVISION DATE 10/28/21			AGENCY C#		
ACCOUNT EXECUTIVE . NATIONAL-ELMIRA			AGENCY CUSTOMER CODE		
EST #			AGENCY PRODUCT CODE		

MONTH	GROSS	NET
Oct-21	1,755.00	1,491.75
Nov-21	1,170.00	994.50

BILLING SUMMARY

Accepted For Agency/Sponsor: _____	Total Occasions	65
In accordance with Paragraphs 49 and 50 of United States Federal Communications Commission Report and Order No. FCC 07-217, Seven Mountains Media will not discriminate in any contract for advertising on the basis of race or ethnicity, and all such contracts will be evaluated, accepted, negotiated and completed without regard to race or ethnicity	Gross	\$2,925.00
	Agency Commission	\$438.75
	Net	\$2,486.25
Contract Total		\$2,486.25

*CONFIRMATION OF ORDER-NOT A BILL *

McLAUGHLIN MEDIA INC.
566 ROUTE 303
BLAUVELT, NY 10913-1916

10/28/2021

PAY TO THE ORDER OF Katz Media Group

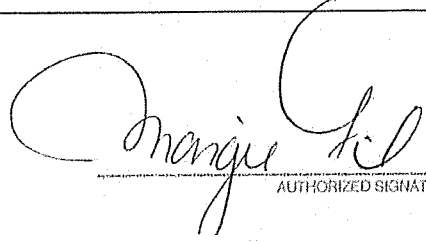
\$ **80,858.09

Eighty Thousand Eight Hundred Fifty-Eight and 09/100***** DOLLARS

Katz Media Group

MEMO

New York State Conservative Party



AUTHORIZED SIGNATURE



Printed on Demand

McLAUGHLIN MEDIA INC.

1362

Katz Media Group

New York State Conservative Party

10/28/2021

80,858.09

Cash Key bank

New York State Conservative Party

80,858.09

McLAUGHLIN MEDIA INC.

1362

Katz Media Group

New York State Conservative Party

10/28/2021

80,858.09

Cash Key bank

New York State Conservative Party

80,858.09

New York State Conservative Party
"Wrong Number"
:60 radio
FINAL

[Phone ring SFX]

F: Hello . . .

M1: Hello! I'm calling about your car's extended warranty and . . .

F: Scam. Bye bye.

M1: Wait, wait, wait, I, ah, I got a different one. I'm calling about Proposals 1, 3 and 4 on the November ballot.

F: Another scam . . .

M1: But they're proposed by the politicians in the State Legislature!

F: The ones not currently in jail??

M1: Oh my . . .

F: Look, I read about Proposal 1. It gives special protection to illegal immigrants.

M1: Well . . .

F: Newsday said, quote: constitutional protection to count immigrants in the country illegally as residents when drawing new election districts.

M1: Right. Um, 3 and 4?

F: Same day voter registration and looser absentee voting? Already getting blasted as an invitation to fraud and a scam to rig the system.

M1: So, you're "no" on 1, 3 and 4?

F: Right. Proposals 1, 3 and 4 aren't for the people. They're for the corrupt politicians.

[Disconnect SFX]

M2: Don't take it anymore. Vote NO on 1, 3 and 4. Paid for by the New York State Conservative Party.

Documentation for
New York State Conservative Party
"Wrong Number"
:60 radio

F: Look, I read about Proposal 1. It gives special protection to illegal immigrants.

M1: Well . . .

F: Newsday said, quote: constitutional protection to count immigrants in the country illegally as residents when drawing new election districts.

Protection for immigrants, inmates

This fall's proposition also would give constitutional protection to count immigrants in the country illegally as residents when drawing new election districts and to make sure that prisoners are counted as residents of their latest neighborhood, not their prison. Currently, the Census already counts immigrants in the country illegally, but former President Donald Trump tried unsuccessfully to change that. This proposition would prevent the federal government from excluding them from the New York count in the future.

Newsday, 10/9/21

<https://www.newsday.com/news/region-state/redistricting-statewide-propositions-1.50385063>

F: Same day voter registration and looser absentee voting?

PROPOSAL NUMBER THREE
Eliminating Ten-Day-Advance Voter Registration Requirement

Description of Proposal: Section 5 of Article 2 of the New York Constitution now requires that a citizen be registered to vote at least ten days before an election. The proposed amendment would delete that requirement. If this amendment is adopted, the Legislature will be authorized to enact laws permitting a citizen to register to vote less than ten days before the election.

Question as it Will Appear on Ballot:

The proposed amendment would delete the current requirement in Article 2, § 5 that a citizen be registered to vote at least ten days before an election and would allow the

Legislature to enact laws permitting a citizen to register to vote less than ten days before the election. Shall the proposed amendment be approved?

PROS:

- More voters will be enfranchised by shortening or eliminating the deadline to register to vote.
- This proposal would allow the Legislature to implement same-day voter registration. Twenty states currently allow for same-day voter registration.
- Same-day registration can increase voter turnout and participation by ensuring all eligible voters can cast their ballot.
- On election day voter rolls can be updated and corrected allowing eligible voters who have moved, or been removed in error from the official rolls, to update their registration records.

PROPOSAL NUMBER FOUR

Authorizing No-Excuse Absentee Ballot Voting

Description of Proposal: The purpose of this proposal is to eliminate the requirement that a voter provide a reason for voting by absentee ballot. The proposed amendment would do so by deleting the requirement currently in the Constitution that restricts absentee voting to people under one of two specific circumstances: (1) those who expect to be absent from the county of their residence, or from New York City for residents of that city, on Election Day, and (2) those who are unable to appear at their polling place because of illness or physical disability.

Question as it Will Appear on Ballot:

The proposed amendment would delete from the current provision on absentee ballots the requirement that an absentee voter must be unable to appear at the polls by reason of absence from the county or illness or physical disability. Shall the proposed amendment be approved?

PROS:

- Any voter would have the ability to request an absentee ballot for a primary and/or general election thereby increasing voter access to elections.
- Absentee voting was heavily utilized during the COVID-19 pandemic. Removing the cause for requesting an absentee ballot would ensure voters can request to vote by absentee ballot should another pandemic occur.
- Thirty-four states and Washington, D.C., do not require an excuse from those who wish to vote absentee or by mail.
- Has the potential to take pressure off poll sites by reducing the number of in-person voters.

League of Women Voters, Voters Guide 2021

<http://lwwbn.org/voterinformation/votersguide.html>

F: Already getting blasted as an invitation to fraud and a scam to rig the system.

Dems trying to rig NY voting system

With all the attention given to voting and election law fights in Georgia, Texas, and other states, few have paid attention to three proposals here in New York. While Democrats proclaim these measures as "reform," they're actually attempting to rig the political game in their favor and hope no one is paying attention.

Albany legislative leaders have cynically placed three constitutional amendments on the November ballot seeking to permanently enshrine their political advantage. Regardless of party, voters need to become aware of this terrible trifecta and decisively reject these hyperpartisan plans.

The first amendment would authorize no-excuse absentee voting.

. . .

A second amendment permits Election Day voter registration. Plain and simple, this is an invitation to fraud. Harried poll workers won't have time to verify eligibility of someone showing up at the polls.

. . .

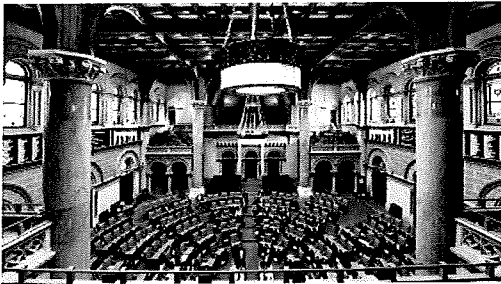
The message that must be sent to Albany insiders is that voters and not political bosses should decide who represents them in Albany and Washington. Regardless of party, this November New Yorkers should vote a resounding "no" on these amendments.

The real scam is not occurring in Texas. Instead, it is happening right here in the Empire State courtesy of cynical legislators, exhibiting a profound disrespect for honest and fair elections.

Newsday
Opinion/Commentary
John J. Faso
8/16/21

<https://www.newsday.com/opinion/commentary/voting-reforms-election-laws-1.50334033>

Redistricting referendum could extend Democratic enrollment advantage



By Michael Gormley Updated October 9, 2021 2:32 PM

ALBANY — Sixty-eight words in a ballot question to voters this fall could help seal the Democrats' enrollment advantage for the next decade in state legislative and congressional elections through a constitutional amendment that would change how election districts are drawn, according to analysts.

The proposal by Democrats who now control the Senate and Assembly also rescinds some protections forced into the redistricting process by Republicans six years ago when they controlled the Senate.

Proposal 1 to voters is the second ballot proposition since 2014 to deal with redistricting. That's the process of redrawing election district lines every 10 years based on U.S. Census data.

Researchers have long said redistricting is the basis of political power in state government and in the state's congressional delegation because the party in power in the Senate and Assembly have traditionally drawn their own lines, changing district boundaries to include stacking more of their party members to enhance the prospects of winning an election. That limits competitive elections and helps extend incumbents' time in office. The shape of some districts have been so contorted that they have been derisively described as the "Long Island Lobster Claw" or the "Long Island Crocodile."

Assembly District 13 was dubbed the Lobster Claw by good government groups in 2014. The shape of the district in the northeast corner of Nassau County was approved by the Assembly's Democratic majority. It includes Democratic areas of Glen Cove, Woodbury and Jericho surrounding — claw-like — and excluding an open area of Republican neighborhoods in East Norwich and Upper Brookville.

Senate District 3 in Suffolk County, drawn by the Republican majority in the Senate, was called the Crocodile. The body is formed by connecting mostly Republican communities from Shirley to Brentwood. But excluded from the district and in the open jaws of the "crocodile" is half of the community of Brentwood, which was split into two districts, thus reducing its clout at the polls.

Voters who read Proposition 1 this fall will see only a broad description of the proposal: "This proposed constitutional amendment would freeze the number of state senators at 63, amend the process for the counting of the state's population, delete certain provisions that violate the United States Constitution, repeal and amend certain requirements for the appointment of the co-executive directors of the redistricting commission and amend the manner of drawing district lines for congressional and state legislative offices. Shall the proposed amendment be approved?"

But the legislation behind that question indicates what the specific impacts are:

Changing the vote threshold

Currently, when the Senate and Assembly are controlled by the same party, the constitution requires a two-thirds vote for the Legislature to adopt a redistricting plan if the Legislature rejects proposals by

its appointed redistricting commission. That was established in a 2014 constitutional amendment when Republicans controlled the Senate and Democrats controlled the Assembly. But the proposition to voters this fall would reduce that threshold to a 60% vote even if one party controls the Senate and

Assembly, as Democrats do now. Democrats have since reached a two-third majority in the full Legislature, but barely. Just a few races in coming elections could change that.

Protection for immigrants, inmates

This fall's proposition also would give constitutional protection to count immigrants in the country illegally as residents when drawing new election districts and to make sure that prisoners are counted as residents of their latest neighborhood, not their prison. Currently, the Census already counts immigrants in the country illegally, but former President Donald Trump tried unsuccessfully to change that. This proposition would prevent the federal government from excluding them from the New York count in the future. On the prisoner issue, a recent New York law, approved by Democrats, already counts them for redistricting purposes from their last home, not their prison address. The proposition would give this measure the substantial strength of the state constitution and make it difficult to change in Washington or in Albany.

Freeze the number of Senate seats

The number of seats in the Senate would be frozen at 63. That would eliminate a tool the Republican majority at the time wielded in 2012 when they added a 63rd seat to the Senate and located it in a GOP-stronghold in Western New York to bolster their slim majority.

"Republicans are effectively cut out of the process either way, whether the amendment passes or not," said Shawn J. Donahue, a political-science professor who studies redistricting at the University at Buffalo. "The proposed amendment makes it much easier for Democrats to adopt maps that benefit themselves. With the large legislative majorities, there is little incentive for the Democrats on the commission to cooperate with Republicans, since not agreeing on maps gives Democrats sole power over redistricting."

This year, redistricting will be done under a state government that is controlled by a single party for the first time since the 1970s and during a deepening partisan divide in Albany. New district lines are scheduled to be adopted next year before the statewide, legislative and congressional elections.

"Like everything else under Democrat control in New York, this process is a political sham built on a foundation of lies and hypocrisy," said state Republican Chairman Nick Langworthy. "They are going to stonewall and drag this process out hoping New Yorkers aren't paying attention so partisan legislators can draw their own maps. We intend to employ every legal and political tool in our arsenal to stop them."

Democrats say they are trying to remove a partisan bias Republicans enacted in the constitutional amendment passed in 2014.

"It is pretty comical that the party that made gerrymandering and voting suppression part of their platform are giving advice about redistricting," said Mike Murphy, communications director for the Senate's Democratic majority. "This amendment will improve the redistricting process, increase transparency, and help ensure New York leads the nation on having fair, impartial lines drawn for state and Federal candidates over the next decade. We believe voters should be empowered to pick their representatives; unfortunately Republicans have always felt that they should be allowed to pick their voters."

Democrats have a more than 2:1 enrollment advantage over Republicans statewide and last year, for the first time, the number of voters who chose not to enroll in any party surpassed the enrollment of the Republican Party in New York.

Attempts to make redistricting independent of political control so that New Yorkers benefit from more competitive elections have been thwarted by "the hyperpartisan nature of the process," said Gerald Benjamin, retired political science professor at the State University of New York at New Paltz who has long studied state government.

"False reform in the guise of reform is the worst possible outcome, as it allows credit-taking for change without results," Benjamin said. "It was not meant to work and it isn't working ... there is no compromise on a bipartisan or nonpartisan basis."

The proposition doesn't address the basic changes to redistricting that are needed, said Blair Horner of the New York Public Interest Research Group.

"The whole system of redistricting should be run by professional, nonpartisan administrators whose only claim to fame is they know how to do it right," Horner said. The State Legislature has tweaked the redistricting system many times and created what legislators call an independent redistricting commission. But legislative leaders appoint the members of the commission and if the Legislature rejects the commission's recommendations, the majority conferences of the Legislature can still redraw its own lines.

"It isn't truly independent," Horner said.

Still, NYPIRG and the good-government groups Common Cause-NY and Reinvent Albany support Proposition 1. Horner argues that the Legislature so far has shown no interest in creating a truly nonpartisan process, so the smaller improvements such as assuring prisoners are counted at their last home address are worth passing.

"While the resolution overall improves the redistricting process established in 2014," the good-government advocates said in a statement, "it could be significantly strengthened with reforms needed to ensure fair and independent redistricting."

Horner said advocates don't dispute the Republicans' concerns, "but at the end of the day, whether there are Democratic or Republican supermajorities is up to the voters."

Not all advocates agree.

"While we do support the clauses about undocumented immigrants and the counting of prisoners at their home addresses, we believe that diminishing the influence of the minority party in the redistricting process is reason enough to reject this proposal," said Laura Ladd Bierman, executive director of the League of Women Voters.

2021 VOTERS GUIDE

Part II: Ballot Proposals

General Election – Tuesday November 2, 2021

This Voter Guide will help you evaluate the proposals that will be on the November 2021 ballot.

- Proposal 1: Amending the Apportionment and Redistricting Process
- Proposal 2: Right to Clean Air, Clean Water, and a Healthful Environment
- Proposal 3: Eliminating Ten-Day-Advance Voter Registration Requirement
- Proposal 4: Authorizing No-Excuse Absentee Ballot Voting
- Proposal 5: Increasing the Jurisdiction of the New York City Civil Court

PROPOSAL NUMBER ONE

Amending the Apportionment and Redistricting Process

Description of Proposal: The purpose of this proposal is to amend the portions of Article 3 of the New York Constitution that relate to the way district lines for congressional and state legislative offices are determined.

The proposal would do the following:

- Amend and repeal portions of the state constitutional amendment adopted by voters in 2014 that created a redistricting commission.
- Allow the redistricting commission to appoint two co-executive directors by simple majority vote, without consideration as to the party affiliation of the individual being appointed. Furthermore, this amendment would eliminate the alternative process currently in place that allows for the appointment of co-executive directors and co-deputy executive directors by the legislature should the redistricting commission fail to appoint co-executive directors, and remove the requirement that the two co-executive directors of the redistricting commission be members of different political parties.
- Freeze the number of state senators at the current number of 63. Currently, under the state constitution, the number of senators was originally set at 50 and thereafter increased over time to 63.
- Require that state assembly and senate district lines be based on the total population of the state, and require the state to count all residents, including non-citizens and Native Americans if the federal census fails to include them.
- Provide for incarcerated people to be counted at their place of last residence, instead of at their place of incarceration, for the purpose of redistricting. This

practice is already established by state statute for Senate and Assembly districts.

- Revise the procedure for drawing and approving Congressional and state legislative districts scheduled to be first applied in 2022. The proposed amendment would alter the redistricting procedure in the following ways:
 - Change the redistricting map approval procedures for the redistricting commission and legislature by making changes to the voting thresholds needed to approve/adopt a plan. Under this proposal:
 - Approval of a plan by the redistricting commission would require at least seven votes, out of the ten commissioners, in favor thereof. There would no longer be a requirement that at least one commissioner appointed by each of the legislative leaders vote in favor of a plan in order to approve it. A plan approved by at least seven commissioners must be approved by a majority of each house of the legislature to be approved.
 - However, in the event that the redistricting commission votes on but does not have the seven votes needed to approve a plan, the commission is required to send the legislature the redistricting plan or plans that garnered the most votes. The legislature would be able to adopt such plan with a 60% majority. This amendment would repeal the requirement that in the event the speaker of the assembly and the temporary president of the senate are members of the same political party, approval shall require the vote in support of its passage by at least two thirds of the members elected in each house. If the commission fails to vote on any plan or plans by the deadline, all plans, including draft plans in the commission's possession are sent to the legislature, and each house of the legislature can introduce and adopt such a plan with or without amendments.
 - The redistricting commission voting requirements and legislative vote thresholds for approving the commission's plan would no longer vary depending on the political affiliation of the Temporary President of the Senate and the Speaker of the Assembly.
 - Require the redistricting commission that draws the lines to submit its redistricting plan and implementing legislation to the Legislature two months earlier than called for under the current procedure the timeline set forth in the 2014 state constitutional amendment. (For the redistricting cycle due to proceed in 2022, the time frame would be condensed to meet election-related deadlines).
- Remove certain restrictions on how Senate district lines are drawn, including the "block on border" rule that require placing of blocks on the border of districts in certain districts.

- Delete certain provisions that the United States Supreme Court has deemed unconstitutional.

Question as it Will Appear on Ballot:

This proposed constitutional amendment would freeze the number of state senators at 63, amend the process for the counting of the state's population, delete certain provisions that violate the United States Constitution, repeal and amend certain requirements for the appointment of the co-executive directors of the redistricting commission and amend the manner of drawing district lines for congressional and state legislative offices. Shall the proposed amendment be approved?

PROS:

- The current New York State law requiring incarcerated individuals to be counted as living in their last place of residence, and not prison, for purposes of redistricting would be constitutionalized.
- In case the Federal Census fails to include non-citizen and Native American residents in its count, New York State would be required to count them for
- The proposed amendment simplifies commission voting rules and legislative voting procedures that are currently based on which political party controls the Senate and Assembly.
- The proposed amendment removes a partisan basis for voting procedures.
- The amendment moves the timeline for the commission to submit their draft mapping plans to the legislature. The current timeline will potentially prevent candidates from collecting petition signatures for election because district maps may not be signed into law in time.

CONS:

- The proposed amendment would unfairly empower the majority party by preventing the minority party from having input into the final proposed maps.
- The amendment repeals the special legislative voting rules in place in case one party controls both legislative houses, which require plans to be approved by at least two-thirds of the members of each house. Instead, a simple majority will be needed to approve the commission's plans, or a 60% majority if the commission is unable to obtain seven votes to approve a redistricting plan on time.
- The amendment takes away the voting rights of minority party-appointed commission members in appointing the two co-executive directors of the commission.
- The proposed amendment significantly reduces the role of the commission in the entire process. Proposed subdivision (g-1) of section five-b provides that if the commission does not reach a decision by November 1, 2021, its draft plans will be submitted to the Legislature that can then (according to proposed changes to section four-b) introduce its own redistricting plans.

PROPOSAL NUMBER TWO

Right to Clean Air, Clean Water, and a Healthful Environment

Description of Proposal: The purpose of this proposal is to protect public health and the environment by adding the right of each person to clean air and water and a healthful environment to the Bill of Rights in Article 1 of the New York Constitution.

Question as it Will Appear on Ballot:

The proposed amendment to Article 1 of the New York Constitution would establish the right of each person to clean air and water and a healthful environment. Shall the proposed amendment be approved?

PROS:

- This amendment will require state and local governments and businesses to consider the environment and its citizens' relationship to it in all decision making.
- Advocates in favor of the amendment believe it will create a mechanism for combating environmental racism and rebalancing the inequities communities of color and low-income communities face from disproportionate exposure to pollution and other environment-harming practices.
- Forty-three states have some form of expression of environmental values in their Constitutions; but only Montana and Pennsylvania have recognized protecting environmental rights as an unchallengeable right, putting environmental rights on par with other political and civil liberties. New York would be the third state to adopt this measure.

CONS:

- The amendment's broad language could lead to complications, including frivolous lawsuits against companies with facilities sited under existing environmental rules.
- The amendment's general wording gives great flexibility to the New York courts to interpret and apply the provisions. More details regarding enforcement and definitions, duties and obligations related to environmental rights are required.
- Courts could require NY cities and counties to make expensive changes to brick & mortar facilities, or to move, or renovate them. It could be called another "Unfunded Mandate."

PROPOSAL NUMBER THREE

Eliminating Ten-Day-Advance Voter Registration Requirement

Description of Proposal: Section 5 of Article 2 of the New York Constitution now requires that a citizen be registered to vote at least ten days before an election. The proposed amendment would delete that requirement. If this amendment is adopted, the Legislature will be authorized to enact laws permitting a citizen to register to vote less than ten days before the election.

Question as it Will Appear on Ballot:

The proposed amendment would delete the current requirement in Article 2, § 5 that a citizen be registered to vote at least ten days before an election and would allow the Legislature to enact laws permitting a citizen to register to vote less than ten days before the election. Shall the proposed amendment be approved?

PROS:

- More voters will be enfranchised by shortening or eliminating the deadline to register to vote.
- This proposal would allow the Legislature to implement same-day voter registration. Twenty states currently allow for same-day voter registration.

- Same-day registration can increase voter turnout and participation by ensuring all eligible voters can cast their ballot.
- On election day voter rolls can be updated and corrected allowing eligible voters who have moved, or been removed in error from the official rolls, to update their registration records.

CONS:

- Should same-day voter registration be implemented after passage of this amendment, election officials may have difficulty determining how many ballots are needed at each poll site.
- Implementing same-day voter registration has the potential to allow for in-person election fraud if a voter illegally registers at multiple sites and votes.

PROPOSAL NUMBER FOUR

Authorizing No-Excuse Absentee Ballot Voting

Description of Proposal: The purpose of this proposal is to eliminate the requirement that a voter provide a reason for voting by absentee ballot. The proposed amendment would do so by deleting the requirement currently in the Constitution that restricts absentee voting to people under one of two specific circumstances: (1) those who expect to be absent from the county of their residence, or from New York City for residents of that city, on Election Day, and (2) those who are unable to appear at their polling place because of illness or physical disability.

Question as it Will Appear on Ballot:

The proposed amendment would delete from the current provision on absentee ballots the requirement that an absentee voter must be unable to appear at the polls by reason of absence from the county or illness or physical disability. Shall the proposed amendment be approved?

PROS:

- Any voter would have the ability to request an absentee ballot for a primary and/or general election thereby increasing voter access to elections.
- Absentee voting was heavily utilized during the COVID-19 pandemic. Removing the cause for requesting an absentee ballot would ensure voters can request to vote by absentee ballot should another pandemic occur.
- Thirty-four states and Washington, D.C., do not require an excuse from those who wish to vote absentee or by mail.
- Has the potential to take pressure off poll sites by reducing the number of in-person voters.

CONS:

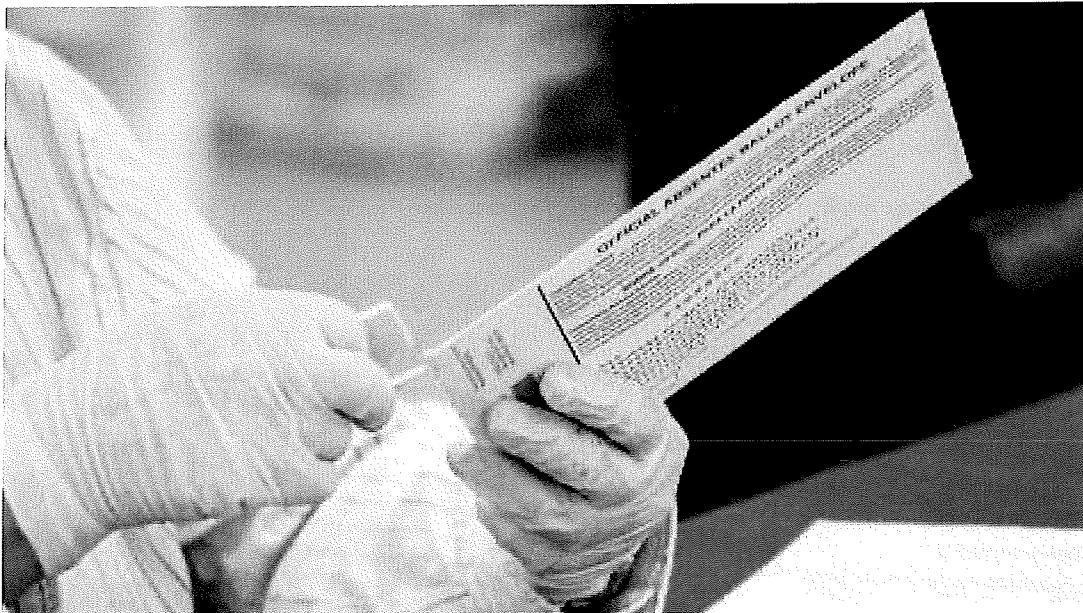
- The proposed amendment would provide less protection against potential absentee ballot voter fraud. The number of absentee ballots would increase, but the proposed amendment offers no suggestions for increasing protection against potential fraud.
- There is potential for loss of anonymity with more absentee voting.
- Additional reliance on absentee voting can slow election results and reporting.
- An increase in absentee voting can cost municipalities additional money for printing of ballots, envelopes, and for postage.

- The civic experience of voting with neighbors at a local school, church, or other polling place no longer exists.

OPINION COMMENTARY

By John J. Faso

Dems trying to rig NY voting system



An NYC Board of Election staffer removes an absentee ballot from the envelope to help count ballots in a recent primary. Credit: AP/Mary Altaffer

Updated August 16, 2021 6:00 AM

With all the attention given to voting and election law fights in Georgia, Texas, and other states, few have paid attention to three proposals here in New York. While Democrats proclaim these measures as "reform," they're actually attempting to rig the political game in their favor and hope no one is paying attention.

Albany legislative leaders have cynically placed three constitutional amendments on the November ballot seeking to permanently enshrine their political advantage. Regardless of party, voters need to become aware of this terrible trifecta and decisively reject these hyperpartisan plans.

The first amendment would authorize no-excuse absentee voting. Current state law allows absentee ballots to be cast if the voter is away from home for any reason or is sick or disabled. Waiving this requirement in 2020 because of the pandemic meant local boards of elections had to deal with unprecedented numbers of paper absentee ballots.

That resulted in extraordinary delays in deciding election outcomes. One upstate congressional race had nearly 60,000 absentee ballots and took three months and much legal wrangling to decide. A New York City Democratic congressional primary tallied more than 60,000 absentees and took over six weeks to determine the winner.

Election boards now administer Election Day voting and early voting. Adding massive numbers of paper absentee ballots will unreasonably delay election outcomes in close races and add to public suspicions about the validity of elections.

A second amendment permits Election Day voter registration. Plain and simple, this is an invitation to fraud. Harried poll workers won't have time to verify eligibility of someone showing up at the polls. Even worse, the newly registered voter could be allowed to vote on machine and not be required to cast a provisional paper ballot so that their eligibility could be verified later. Election Day registration is also not needed. A citizen can now register to vote up to 10 days before an election, plenty of time by the normal, verifiable process.

Lastly, the Democrats seek to enshrine one-party rule in New York by sabotaging the constitutional amendment adopted by voters in 2014 to establish an Independent Redistricting Commission. Inspired by former Mayor Ed Koch, a Democrat, the reforms established a bipartisan commission to undertake the once-in-a-decade task of redrawing congressional and legislative district lines.

New York State is losing a congressional seat and all legislative and congressional districts must be adjusted to reflect population shifts. The 2014 reform was carefully balanced so as not to favor one political party over the other and, for the first time, created standards to guide mapmaking. Respect for communities, protection of racial and religious minorities, and other reforms are now enshrined in New York's constitution.

Democrats don't want to allow these reforms to control the upcoming redistricting and are instead proposing a new amendment to make it easier to bypass the minority party in drawing new district lines.

The message that must be sent to Albany insiders is that voters and not political bosses should decide who represents them in Albany and Washington. Regardless of party, this November New Yorkers should vote a resounding "no" on these amendments. The real scam is not occurring in Texas. Instead, it is happening right here in the Empire State courtesy of cynical legislators, exhibiting a profound disrespect for honest and fair elections.

This guest essay reflects the views of John J. Faso, who served as a member of Congress and as minority leader of the state Assembly.