

convicted of such a felony would lose part or all of his or her pension. In reaching this determination, the court must consider the seriousness of the public officer's crime, the proportionality of a reduction or revocation to the crime, whether forfeiture would result in undue hardship or other inequity to dependent children, spouse, or other dependents, and any other factors required by the Legislature. The Legislature must enact law that puts this proposal into effect, taking into account principles of fairness.

The proposed amendment would define "public officer" to mean the following:

- A person filling an elected office within New York;
- A person holding an office that is filled by appointment by the New York Governor, whether or not that appointment has to be confirmed by the Senate;
- A county, city, town, or village manager or administrator, or equivalent position;
- The head of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority in New York who is vested with authority, direction, and control over that entity;
- The chief fiscal officer or treasurer of a municipal corporation or political subdivision in New York;
- A judge or justice of the Unified Court System; and
- A legislative, executive, or judicial employee who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated by law as a policy-maker.

If approved, the amendment will apply only to crimes committed on or after January 1, 2018.

#### WHAT IS THE BACKGROUND ON THIS PROPOSAL?

After a long string of corruption charges at the local and state level, the legislature passed this amendment to deter public officials from committing crimes while in office. Crimes eligible for pension forfeiture would only include crimes related to the public officer's official duties.

Supporters of this proposal believe that it is necessary to further discourage elected officials from engaging in unethical behaviors. Opponents feel that pension forfeiture can unfairly hurt the families of those who have committed crimes while in office. The families of these public officials may rely on their spouse's/parent's pension.

#### PROPOSAL NUMBER THREE: AN AMENDMENT

**FORM OF SUBMISSION** (how the proposal will be presented to you on the ballot): **Authorizing the Use of Forest Preserve Land for Specified Purposes**

*The proposed amendment will create a land account with up to 250 acres of forest preserve land eligible for use by towns, villages, and counties that have no viable alternative to using forest preserve land to address specific public health and safety concerns; as a substitute for the land removed from the forest preserve, another 250 acres of land, will be added to the forest preserve, subject to legislative approval. The proposed amendment also will allow bicycle trails and certain public utility lines to be located within the width of specified highways that cross the forest preserve while minimizing removal of trees and vegetation. Shall the proposed amendment be approved?*

#### WHAT WILL THIS AMENDMENT DO IF APPROVED?

New York State's Constitution protects the State's forest preserve as wild forest land and generally prohibits the lease, sale, exchange, or taking of any forest preserve land. The proposed amendment will create two exceptions to this broad protection of the forest preserve to make it easier for municipalities to undertake certain health and safety projects.

First, if passed, the proposed amendment will create a land account of up to 250 acres of forest preserve land. A town, village, or county can apply to the land account if it has no viable alternative to using forest preserve land for certain limited health and safety purposes. Those purposes are (1) to address bridge hazards or safety on county highways and certain town highways; (2) to eliminate the hazards of dangerous curves and grades on county highways and certain town highways; (3) to relocate, reconstruct, and maintain county highways and certain town highways; and (4) for water wells and necessary related accessories located within 530 feet of a state highway, county highway, or certain town highway, where needed to meet drinking water quality standards. The State will acquire 250 acres, subject to approval by the Legislature, to incorporate into the forest preserve to replace the land placed in the health and safety land account.

Second, if passed, the proposed amendment will allow bicycle paths and specified types of public utility lines to be located within the widths of state, county, and certain town highways that traverse forest preserve land. The work on the bicycle paths and utility lines must minimize the removal of trees and vegetation. And, if passed, the proposed amendment will allow a stabilization device (such as a guy wire) for an existing utility pole to be located near the width of a highway when necessary to ensure public health and safety and when no other viable option exists. The proposed amendment expressly will not permit the construction of a new intrastate gas or oil pipeline that did not receive necessary state and local permits and approvals by June 1, 2016.

#### WHAT IS THE BACKGROUND ON THIS PROPOSAL?

The Adirondack forest preserve is protected under the "Forever Wild" clause of the New York State Constitution. Article 14, Conservation, protects the state forest preserve as wild forest land, prohibiting the lease, sale, exchange, or taking of any forest preserve land. Article 14, also limits the amount of construction that can take place within the preserve. The proposed article would allow counties and townships of certain regions to conduct repairs on roads and bridges. The amendment would also allow for the installation of new bike paths, broadband internet, and water well infrastructure.

Local governments, elected officials, and the Department of Environmental Conservation all support this amendment. Supporters feel it is necessary in order for these regions to maintain the safety of residents and ensure that quality of life is maintained. Environmental advocacy groups typically resist amendments to the "forever wild" clause but this proposal has received support from New York State environmental groups. This proposal is similar to previous amendments for state highways and land restoration projects. The League did not find any groups opposing this amendment.

**For more information on your ballot including candidates and ballot proposals go to [www.vote411.org](http://www.vote411.org)**

## Please Join Us

Membership is open to women and men. There are over 50 local Leagues across NY state. Joining at any level automatically confers membership at every level: local, state and national. Membership enables you to support the League and receive publications from all three levels, and provides the opportunity to be involved in local, state and national issues.

Visit [www.lwvny.org](http://www.lwvny.org) and click on **JOIN LWVNY**. To find a local League in your area, click on **FIND A LOCAL LEAGUE**. Or support the League's efforts with a donation at [www.lwvny.org](http://www.lwvny.org).



#### Did you know you are able to register as an organ and tissue donor when you register to vote?

In 2009, New York became the first state to include an organ and tissue donor enrollment section on voter registration forms. Since inception, over 160,000 individuals have joined the New York State Donate Life Organ and Tissue Donor Registry this way.

Transplantation is a remarkable success story. One organ and tissue donor can save up to eight lives through organ donation, and improve fifty or more lives through tissue donation by restoring eyesight, helping fight infections in burn patients and preventing the loss of mobility and disability. However, the need for donated organs and tissues continues to grow. There are currently more than 123,000 people in the U.S. waiting for organ transplants, and about 10,000 of those people are waiting right here in New York State. Sadly, each year, approximately 6,000 people in the U.S. die waiting for an organ transplant that would have given them a second chance at life with their families.

In 2017, a new law took effect allowing New Yorkers aged 16 and older to make the lifesaving decision to enroll in the New York State Donate Life Registry. By enrolling in the New York State Donate Life Registry, you are giving legal consent to the donation of your organs and tissues in the event of your death. In the event a sixteen or seventeen year old who has joined the New York State Donate Life Registry may be considered for donation, the parents or legal guardians of that individual makes the determination on whether donation takes place. You are authorizing the State Department of Health to share this information at or near the time of your death with federally regulated organ procurement organizations, New York State licensed eye and tissue banks and entities formally approved by the Commissioner

To learn more about organ, eye and tissue donation, visit [www.donatelifenewyork.com](http://www.donatelifenewyork.com)

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*The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.*

# 2017 VOTERS GUIDE

Part II ~ Ballot Proposals



**League of Women Voters® of New York State**  
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# Election Day 2017

**Tuesday, November 7th, 2017**  
**Polls are open 6 a.m.-9 p.m.**

## TO VOTE ON ELECTION DAY, YOU MUST:

To vote, you must:

- be a United States citizen
- be 18 years old by the date of the election in which you want to vote
- live at your present address at least 30 days before the election
- not be in prison or on parole for a felony conviction, and
- not claim the right to vote elsewhere.

In New York State, before you can vote you need to register.

## COUNTDOWN TO ELECTION DAY: DEADLINES

**OCT. 13** Last day to postmark voter registration form or register in person at your county board of elections

**OCT. 13** Last day to change party enrollment for 2018 primaries

**OCT. 31** Last day to postmark application for absentee ballot

**NOV. 6** Last day to apply in person for absentee ballot

**NOV. 6** Last day to postmark ballot for general election

**NOV. 7** Last day to deliver absentee ballot in person to your county board of elections

## WHAT IS ON THE 2017 GENERAL ELECTION BALLOT?

There will be candidates for local elective offices, including:

- judges of various courts depending on your location
- local officials, such as town council members or county district attorney
- three ballot proposals (language appears later in brochure)

## WHERE CAN I GET INFORMATION ON REGISTERING AND VOTING?

New York State Board of Elections  
[www.elections.ny.gov](http://www.elections.ny.gov)  
1-800-367-8683

League of Women Voters of New York State  
[www.lwvny.org](http://www.lwvny.org)

Voters Guide Part I: Facts for Voters  
[http://www.lwvny.org/advocacy/vote/2017/Voters-Guide\\_1\\_2017.pdf](http://www.lwvny.org/advocacy/vote/2017/Voters-Guide_1_2017.pdf)

## WHAT IF YOU MOVE?

If you move to a new county, send the form to your new county board of elections. If you are already registered, your change of address must be received by your board of elections by October 18th to vote in the General Election. If you move within your county and cannot notify your board of elections, you can go to the polling place for your new address and vote by affidavit (paper) ballot. The ballot will be sent to the board

of elections to verify the new address. If verified, your vote will be counted and your change of address will be made a part of their records. If you have a driver's license or motor vehicle registration and need to file a form with the Department of Motor Vehicles to change your address, you can notify the Board of Elections of your address change at the same time by checking "yes" for that option on DMV's Form MV-232. You can also change your address, party affiliation or name online at [dmv.ny.gov/mydmv/mydmv](http://dmv.ny.gov/mydmv/mydmv).

## DON'T KNOW WHERE TO VOTE?

Most boards of elections in New York State send a postcard noting that you are registered and telling you the location of your polling place. If you do not receive this postcard, call your county board of elections to verify your registration and the location of your polling place. You can also use the "Look up your voter registration" facility on the NYS Board of Elections web site ([www.elections.ny.gov](http://www.elections.ny.gov)) under "Voter Information".

## NOT GOING TO BE HOME ON ELECTION DAY? CAN'T GET TO THE POLLS?

If you are a registered voter but will be away on Election Day or will be unable to go to the polls because of illness or physical disability, you can request an application for an absentee ballot from any county board of elections, or download an application from the League website at [www.lwvny.org](http://www.lwvny.org). October 31 is the postmark deadline for sending in your application by mail. November 6 is the last day you can apply in person for an absentee ballot to your county board of elections. Once it has received your application, your county board of elections will give or mail your ballot to you.

## ABSENTEE VOTING

Your ballot must be postmarked by November 6 or hand delivered to your board of elections by November 7. **REMEMBER:** You must first apply for an absentee ballot from the board of elections. Forms must be mailed to your county board of elections office.

## MILITARY AND OVERSEAS VOTERS

Information on voter registration, including absentee balloting, for military and overseas voters is available from the state Board of Elections at <https://newyork.overseasvotefoundation.org/vote/home.htm>.

## AT THE POLLING PLACE

Polling places are required to post a sample ballot. If you do not know how to use the voting machine, ask one of the election inspectors for assistance. If your name does not appear in the polling book and you believe you are eligible to vote in the district, you are legally entitled to vote using an "affidavit" (paper) ballot. Ask for one, and ask the poll worker for advisement about how to find out if your ballot counted. After validation by your county board of elections, your paper ballot will be counted.

## CAN I GET TIME OFF FROM WORK TO VOTE?

NYS Law states that if you do not have sufficient time outside your working hours to vote, you may take off up to 2 hours at the beginning or the end of your shift, with pay, in order to voter. You must notify your employer no more than 10 and not less than 2 days before the day of the election that you will take that time.

## WHAT ID DO I NEED?

A federal law requires persons who register by mail for the first time to provide identification. Identification means a current NYS driver's license or the last four digits of your Social Security number. If you do not have either of these, you may provide a copy of a valid photo ID, or a current utility bill, bank statement, government check or some other government documentation that shows your name and address. If you do not provide identification with the registration form, you will be asked for it the first time you vote.

## THE VOTING MACHINE

To view the voting machines and procedures in advance, consult the NYS Board of Elections equipment information website at <http://www.vote-ny.com/english/index.php>. There will also be at least one Ballot Marking Device (BMD) for disabled individuals who cannot mark a ballot without assistance. Ask your poll workers for help with this equipment; they are trained to provide this assistance.

**More candidate info can be found on [www.vote411.org](http://www.vote411.org) or the state League website at [www.lwvny.org](http://www.lwvny.org)**

# BALLOT PROPOSALS

This Voter Guide will help you evaluate the proposals that will be on the November 2017 ballot.

## PROPOSAL NUMBER ONE: AN AMENDMENT

*FORM OF SUBMISSION (how the proposal will be presented to you on the ballot): **Shall there be a convention to revise the Constitution and amend the same?***

### WHAT WILL THIS AMENDMENT DO IF APPROVED?

The New York State Constitution requires that every 20 years the people decide if a Constitutional Convention should be held to consider amendments to the State Constitution. The purpose of this Ballot Question is to allow the voters of New York State to determine whether a Constitutional Convention will be held according to the procedure provided by the State Constitution.

If a majority voting on this Question votes NO, there will be no Constitutional Convention.

If a majority vote YES, there will be a convention to consider amendments to the New York State Constitution. Three delegates from each state senatorial district will be elected in November 2018, along with 15 at-large delegates who will be elected statewide. The delegates will convene at the Capitol in April 2019. Amendments adopted by a majority of the delegates will be submitted to the voters for approval or rejection in a statewide referendum, at an election held at least six weeks after the Convention adjourns. Any amendments that the voters approve will go into effect on the January 1 following their approval.

If a majority votes in favor of a Constitutional Convention, then the delegates will receive for their services the same compensation as that payable to Members of the Assembly. The delegates also will be reimbursed for actual traveling expenses while the Convention is in session, to the extent that

Members of the Assembly would be entitled reimbursement during a session of the Legislature.

The delegates will have the power to appoint the officers, employees, and assistants that they deem necessary and to fix the compensation of those officers, employees, and assistants. The delegates also will have the power to provide for the expenses of the Convention, including the printing of its documents, journal, and proceedings. The delegates will determine the rules of their proceedings, choose their officers, and be the judge of the election, returns, and qualifications of their members. A vacancy in an office of district delegate will be filled by a vote of the remaining delegates representing the district in which the vacancy occurs; a vacancy in the office of a delegate-at-large will be filled by a vote of the remaining delegates-at-large.

### WHAT IS THE BACKGROUND ON THIS PROPOSAL?

This question is mandated by Article XIX section 2 of the State Constitution to be presented to New York State voters every 20 years. If the convention is convened, amendments to any part of the Constitution could be proposed and articles and/or sections could be added, deleted or revised. Proponents and opponents of the convention see this scope as a benefit or detriment, depending on the issue. All proposed changes would ultimately be voted on by the people before they are enacted.

Proponents of the proposal argue that a Constitutional Convention will enable us to streamline our State Constitution. Our current Constitution is one of the verbose in the country and includes many outdated amendments that are no longer applicable to our state. With the ability to make additions to the current Constitution, many proponents see this convention as an opportunity to effect election, ethics and voting reform, which has long been avoided by the legislature. Other areas for expansion or improvement include, but are not limited to, judicial reforms, environmental issues, healthcare and women's issues, and protections for vulnerable populations.

Opponents of the proposal argue that a convention will allow for a complete overhaul of the Constitution. Opponents especially fear delegates may propose removal or revision of certain clauses including, but not limited to, protections of state pensions, the Adirondack forest preserve, and school funding. Opponents argue that funding from outside interest groups could play a major role in delegate selection and resulting in a convention influenced by special interests.

## PROPOSAL NUMBER TWO: AN AMENDMENT

*FORM OF SUBMISSION (how the proposal will be presented to you on the ballot): **Allowing the Complete or Partial Forfeiture of a Public Officer's Pension if He or She is Convicted of a Certain Type of Felony***

*The proposed amendment to section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's duties. Shall the proposed amendment be approved?*

### WHAT WILL THIS AMENDMENT DO IF APPROVED?

New York's Constitution now provides that the benefits of a public pension or retirement system cannot be reduced or impaired. The purpose of the proposed amendment is to allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer's duties. A court would determine, after notice to the public officer and a hearing, if a public officer