



## WHAT THEY'RE SAYING ABOUT PROP 1

### “This proposal is a farce.”

“The Issue: A judge finds a proposed ‘independent’ redistricting commission is anything but....Independence was supposed to be the whole reason voters would take the rare step of changing the state constitution. Now that it’s clear the commission created by this proposal would not be independent, there’s only one way to vote this fall: No.

*September 20, 2014, Albany Times-Union*

### “Another Way to Maintain the Status Quo”

“In a recent report, Common Cause/NY, New York Public Interest Research Group and Effective NY warned that the amendment would only make it easier for New York legislators to continue to draw district maps that would only make it easier for New York legislators to continue to draw district maps that help no one but the incumbents. ...This amendment is not a reform. It is another way to maintain the status quo, and does not deserve voters’ support.”

*July 7, 2014, New York Times*

### “Just More Political Flim-Flammery”

“The ballot proposition is wonky and complicated and therefore open to manipulation, And manipulated it was. The Commission of 10 is almost guaranteed to deadlock. In the event it does, the proposed constitutional amendment puts redistricting in the hands of—guess who—the Legislature. And then we’re right back where we started, with legislators drawing lines to stack the deck in favor of incumbents. So much for independence.

*August 5, 2014, Syracuse Post-Standard*

### “Not An Independent Body”

“Representatives of Common Cause/New York ... believed the referendum language to be misleading. They helped facilitate a lawsuit against the Board of Elections challenging a portion of the referendum describing the proposed body as an ‘independent redistricting commission.’ ... The truth is that this redistricting commission will not be an independent body in any sense of the word.”

*September 21, 2014, Watertown Daily Times*

**On November 4<sup>th</sup> flip over your ballot and VOTE NO on PROP 1!**

No to Fake Redistricting Reform Committee, 80 Broad Street, Suite 2703, New York, NY 10004,  
212-691-6421 <http://noprop1ny.com>

PRESENT: HON. PATRICK J. McGRATH  
JUSTICE

STATE OF NEW YORK  
SUPREME COURT COUNTY OF ALBANY

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**HOWARD LIEB, SUSAN LERNER,  
ERIC WALKER and ELEANOR MORETTA,**

Petitioner,

DECISION AND ORDER  
INDEX NO. 4275-14  
September 12, 2014

-against-

**JAMES A. WALSH, DOUGLAS A. KELLNER,  
ANDREW J. SPANO and GREGORY P. PETERSON,  
in their official capacities as COMMISSIONERS OF THE  
NEW YORK STATE BOARD OF ELECTIONS, and  
THE NEW YORK STATE BOARD OF ELECTIONS,**

Respondents.

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The Commission cannot be described as "independent" when eight of ten members are the handpicked appointees of the legislative leaders and the two additional members are essentially political appointees by proxy.

The Court is not aware of any other law in New York State that has ever required a Commission or any other legislative body's vote approval to be dependent on the political make-up of the Legislature.

...not only can the Legislature disapprove the Commission's decision, but it can do so without giving any reason or instruction for future consideration of these new principles. The plan can be rejected for the purely partisan reasons that this Commission was designed to avoid.


Even the means by which a plan obtains legislative approval changes with the political tides. Therefore, this Court finds that the term "independent" is misleading, because the creation of the Commission, its procedures and its ultimate outcome are all "subject to control by others."

Accordingly, it is

**ORDERED AND ADJUDGED** that the instant petition is granted, without costs, to the extent that the Board is enjoined from disseminating the Abstract and the Prop 1 language with the term "independent commission" or including the term "independent commission" on the November 2014 ballot.

**ENTER,**

Dated: September 17, 2014  
Albany, New York

  
PATRICK J. McGRATH  
Supreme Court Justice