



September 8, 2025

New York City Board of Elections  
32-42 Broadway, 7th Floor  
New York, NY 10004

VIA EMAIL

**Re: Under state law, the NYC Board of Elections must put questions certified by the City Clerk on the ballot**

Dear Commissioners,

We write to strongly urge the New York City Board of Elections to follow through on its legal obligations and approve the proposed ballot questions certified by the City Clerk at its upcoming meeting on Tuesday, September 9.

We believe the law and case law are clear that the Board of Elections does not have the legal discretion to reject ballot questions already certified by the City Clerk on the basis of the substance of the questions. Section 16-104 of the New York State Election Law explicitly outlines the procedures and timelines for contesting the wording of ballot proposals --- and under the law you do not have the authority to evaluate the substance of certified ballot questions and reject their placement on the ballot. Consistent with state law, when local ballot questions have been challenged, state courts have weighed legal arguments and sometimes modified the questions. The law also gives the Office of the Attorney General authority to review statewide ballot proposals.

The Board fully understands that rejecting the certified ballot questions days before they must be finalized is highly likely to delay the preparation, printing, and mailing of ballots, disrupt voter education, and fuel public confusion. If you choose to ignore the law, you will directly harm voters and violate your core responsibility to ensure the timely and orderly administration of elections.

If you do decide to act illegally, the courts will rule against you and the questions may or may not make it on the ballot. Unfortunately, your actions are sure to destroy the Board's reputation and broadly fuel public cynicism and mistrust in New York's government, including the City Council, at a time when democratic norms and the law itself are under assault.

We ask you to respect your oath of office, obey the law, and perform your ministerial duty by voting to place these certified questions on the ballot.

Sincerely,

Grace Rauh,  
Executive Director  
Citizens Union

John Kaehny,  
Executive Director  
Reinvent Albany

Emma Pfohman,  
Chief Executive Officer  
Association for a Better  
New York (ABNY)