



MEMORANDUM OF OPPOSITION

S10639 (Gianaris) / A11557 (Walker)

An act to amend the election law, in relation to the form of submission and abstract for proposed amendments to the constitution.

Summary of the Bill

This bill would authorize the Legislature to determine the ballot question text and abstract for proposed constitutional amendments - either as part of the original amendment resolution or in a separate concurrent resolution adopted at least 120 days before the election. The bill requires the Legislature to use “best efforts” to comply with existing plain-language requirements and removes all other drafting standards. The Legislature’s form of submission must be transmitted by the State Board of Elections without amendment or alteration. The bill would apply to all proposed constitutional amendments beginning with those that achieve first passage in the 2025-2026 session.

Statement of Opposition

The bill abandons New York’s longstanding practice of neutral ballot-question wording.

For decades, the bipartisan State Board of Elections—supported by the Attorney General—[has been responsible](#) for drafting how constitutional amendments are described to voters, with judicial review. This structure is designed to insulate ballot-question wording from partisan manipulation and to ensure voters receive a neutral, accurate description of what they are being asked to ratify.

This bill would hand that authority to legislators who approved the amendment and have a direct stake in the outcome. Legislators will have little incentive to draft anything but a ballot question that tilts voters to vote yes, and New Yorkers likely will be left with no impartial description of ballot proposals.

The bill eliminates ballot language standards, including recent “plain language” reforms.

Current law imposes drafting criteria to ensure questions are not misleading or ambiguous. Reforms [enacted in 2023](#) added plain-language requirements that ensure, as Governor Hochul [said](#) when signing the bill, “New Yorkers are informed and protected when they cast their vote on proposed constitutional amendments.” They also added a public comment period before the State Board of Elections finalizes the ballot question.

This bill gives the Legislature a waiver from complying with all such criteria. It begins with “notwithstanding any other provision of this chapter or other law to the contrary,” nullifying everything that preceded it, potentially even removing judicial review over ballot questions.

The Legislature is directed only to “use best efforts” to comply with existing readability standards, with no enforceable floor. The mandatory public comment period, designed to catch the kind of self-interested or misleading framing that partisan actors might insert into a high-stakes ballot question, is removed.

The bill enshrines bad policy to improve the chances of one specific referendum.

This proposal is purpose-built to benefit one specific referendum - the expected 2027 redistricting constitutional amendment. It would enable the majority to frame a controversial ballot question in favorable terms before it goes to the voters.

But the bill’s rollback is permanent - it applies to all constitutional amendments that achieve first passage during the 2025-2026 session “and any concurrent resolutions proposing amendments to the constitution agreed to by the legislature thereafter.”

This short-sighted power grab trades a temporary political advantage for a permanent erosion of voters' right to an objective, unmanipulated description of what they are being asked to decide.

Our organizations strongly urge your opposition to this bill.