



**May 27, 2020**

Hon. Andrew M. Cuomo  
Governor of New York State  
NY State Capitol Building  
Albany, NY 12224

Hon. Andrea Stewart-Cousins  
Temporary President and Majority Leader  
NY State Senate  
28 Wells Ave. Building, #3  
Yonkers, NY 10701

Hon. Carl E. Heastie  
Speaker, NY State Assembly  
1446 East Gun Hill Road  
Bronx, NY 10469

Dear Governor Cuomo, Majority Leader Stewart-Cousins and Speaker Heastie:

Enclosed please find a resolution approved by Downtown Independent Democrats on May 27, 2020 in support of the *Presidential Primary and Vote-by-Mail*.

Sincerely,

Richard Corman  
President

Enclosure

cc: Hon. Chuck Schumer, U.S. Senator  
Hon. Kirsten Gillibrand, U.S. Senator  
Hon. Jerrold L. Nadler, Congressman  
Hon. Carolyn Maloney, Congressman  
Hon. Nydia Velázquez, Congressman  
Hon. Brad Hoylman, NY State Senator  
Hon. Brian Kavanagh, NY State Senator  
Hon. Harvey Epstein, NY State Senator  
Hon. Deborah J. Glick Assemblymember  
Hon. Yuh-Line Niou, Assemblymember  
Hon. Scott M. Stringer, NYC Comptroller  
Hon. Jumaane Williams, Public Advocate  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Corey Johnson, Speaker, New York City Council  
Hon. Margaret Chin, Council Member  
Hon. Carlina Rivera, Council Member



## Resolution by Downtown Independent Democrats in Support of the Presidential Primary and Vote-by-Mail

### Whereas:

1. On April 24, 2020, Governor Cuomo signed Executive Order No. 202.23, *Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency*, cancelling the Democratic presidential primary, as well as the state and federal races to fill vacancies, on June 23, 2020. This is happening in light of the COVID pandemic, and will impact a substantial number of voters to be able to vote in person.
2. In April 2020, the New York State Legislature passed the Executive budget empowering the New York Board of Elections to cancel primary elections when Presidential candidates have suspended their campaigns.
3. On May 5, 2020, a federal judge at the US District Court ruled in favor of Andrew Yang, former Democratic presidential candidate, who had sued the New York State Board of Elections to reinstate the presidential primary, so as to not see Bernie Sanders removed from the ballot.
4. On May 19, 2020, the US Court of Appeals for the Second District, affirmed the ruling at the US District Court, after New York Attorney General Letitia James appealed the decision on behalf of the New York State Board of Elections. It was so ordered that the presidential primary proceed on June 23.
5. Vote-by-mail has been successfully implemented by many states, and is the primary means by which Americans abroad, including servicemembers, exercise their political franchise.
6. Individuals' right to vote must not be violated.
7. Holding the presidential primary on June 23 will enable New Yorkers to vote their interests and permit candidates on the ballot to meet a 25% delegate minimum threshold for the Democratic National Convention.
8. Exercising executive authority to accelerate efforts to a no-fault absentee ballot system may be possible in light of the coronavirus pandemic.
9. New York State legislature can convene to pass legislation, giving greater authority to the Board of Elections vis-à-vis executive fiat, in order to help facilitate what is necessary to properly implement a no-fault absentee ballot system for future election cycles.
10. The NY State Constitution states:
  - a. Article 2: [Absentee voting] §2. The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who, on the occurrence of any election, may be absent from the county of their residence or, if residents of the city of New York, from the city, and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place because of illness or physical disability, may vote and for the return and canvass of their votes. (Formerly §1-a. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 4, 1947; November 8, 1955; November 5, 1963.)



- b. Article 3: [Emergency governmental operations; legislature to provide for] §25. Notwithstanding any other provision of this constitution, the legislature, in order to insure continuity of state and local governmental operations in periods of emergency caused by enemy attack or by disasters (natural or otherwise), shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations. Nothing in this article shall be construed to limit in any way the power of the state to deal with emergencies arising from any cause. (New. Added by vote of the people November 5, 1963.)

**Therefore be it resolved that Downtown Independent Democrats supports:**

1. Vote-by-mail option for all New York State elections (including party primaries, special elections, and general elections). Specifically, the June presidential primary (not requiring a written excuse for absentee ballots), and the November general election.
2. That in-person voting remains an option for all elections.
3. That the NY State Legislature immediately adopt provisions to allow for a change in the absentee-ballot structure so that all elections in 2020 are henceforth covered, and that there remains optionality to extend such provisions to elections in 2021.
4. That the NY State Legislature can create the pathway for the governor to implement these items effectively and immediately.
5. That the NY Governor advocates in support of these efforts and promptly implements said measures to ensure that no one loses their political franchise due to unnecessary concern over public health or individual safety.
6. That New York State legislators of the 203<sup>rd</sup> State Legislature (2019-2020) who retain their seat in the 204<sup>th</sup> State Legislature (2021-2022) expeditiously pass the *No-Excuse Absentee Voting Amendment (A777/S1049)* and the *Same-Day Voter Registration Amendment (A778/S1048)* so it may be put to referendum on ballots in November 2021.
7. That the New York State legislature remove the power of the Board of Elections to cancel primary elections when Presidential candidates have suspended their campaigns, as had been provided in the 2020 New York State budget.

**Approved by DID Member Vote:**

May 27, 2020