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## The Week That Was

01-25-19

### 1. Loophole

#### *Our Spin:*

The origin of the word loophole is “arrow slit”, a window through which archers could shoot and still maintain protective cover. In the 15th century these were valuable additions to a castle or fort. In the nuclear age of the 21st century they provide considerably less protection, so it is no surprise that the Legislature closed them. In the meantime, the stealth fighters of independent expenditure committees and their ilk continue under the protection of Citizens United and everyone and their mother wonders where the money will go next!

#### *The Story:*

On Thursday, Governor Andrew Cuomo signed legislation that implements major changes to the state’s voting and election laws. In total, five new laws were signed which enact early voting in New York, synchronize state and federal elections, preserve enrollment status for those who move to a new county, allow sixteen and seventeen year-olds to pre-register to vote and limit campaign contributions from LLCs to \$5,000. “At a time when the federal government is doing everything it can to disenfranchise voters, we are breaking down the barriers that have discouraged too many generations of New Yorkers from exercising their right to vote,” Cuomo said. Two constitutional amendments that will be up for voter approval later this year would allow same-day voter

registration across New York and eliminate the requirement for voters to provide a “qualifying reason” for using an absentee ballot.

The bill which closes the LLC Loophole, A776/S1101, is sure to significantly alter the workings of campaign finance in New York. The bill will limit political spending by an LLC to a total of \$5,000 annually, which is the same limit as corporations. The bill will also require the disclosure of direct and indirect membership interests in the LLC making a contribution, and for the contribution to be attributed to that individual.

“Until today, our state has had some of the worst election laws in the country, making it unnecessarily difficult to vote and allowing special interests to drown out the voices of millions of New Yorkers,” said Sen. Brian Kavanagh, a member of the Senate Elections Committee. “Closing the LLC Loophole — the most egregious defect in our campaign finance system — will cut off an enormous flow of unlimited, often virtually anonymous campaign contributions that have allowed certain individuals and narrow business interests to buy influence wholesale.”

[The Legislative Gazette](#)

## 2. The Law is now The Law

### *Our Spin:*

After numerous years of effort, the sponsors of the Reproductive Health Act rejoiced as their victory was solidified by the resolute movement of the Governor's pen. It was an emotional moment for many as Senate Democrats announced that they were ready to pass the legislation which codified Roe v. Wade in state law. The attorney who argued the famed case before the United States Supreme Court, Sarah Ragle Weddington, was present as state lawmakers voted on Tuesday afternoon, seeing her legacy protected in New York regardless of what's to come by way of another U.S. Supreme Court decision on the matter. Weddington remains the youngest person to argue a successful Supreme Court case. She was 26.

### *The Story:*

On Tuesday, the New York State Senate passed three bills — the Reproductive Health Act, the Comprehensive Contraception Coverage Act and the Boss Bill — which aim to change the future of women's reproductive rights.

Immediately signed into law by Governor. Cuomo, the Reproductive Health Act will expand abortion access to more New York State residents. The changes altered the language of a 50-year-old law and more closely reflected the decision upheld in Roe v. Wade.

The Senate also passed the Comprehensive Contraception Coverage Act, which will hold insurance companies accountable for covering all FDA-approved forms of contraception, and the Boss Bill, which will bar employers from imposing religious beliefs on female employees' healthcare decisions.

This wave of pro-choice legislation aligned with the 46th anniversary of Roe v. Wade, the landmark Supreme Court decision that upheld women's individual reproductive rights.

State senator Alessandra Biaggi connected the bill's success to increased participation of women in government office. "For the last two years, we have been facing major threats to women's rights, and we have not taken them lying down," she said. "We are organizing. We are running for office. And we are making sure that the law reflects our values."

Although in the minority, conservative leaders in the state showed strong opposition to the legislation.

Senator Thomas O'Mara, representing Ithaca and Tompkins County, voted against RHA, saying that it was a "disturbing, extreme, radical action that I strongly oppose along with many of my constituents."

[The Cornell Daily Sun](#)

## 3. Death and Taxes?

### *Our Spin:*

The Senate Democratic Majority took a play from the GOP playbook this week and passed legislation that will cap property tax increases across the State. It is an important action that will likely earn some political capital from the residents of Long Island and Westchester County where the bulk of the seats they picked up originated. To no surprise, the bill was sponsored by Democratic Long Island Senator Jim Gaughran. It was formerly carried by Republican Senator John Flanagan.

Meanwhile, rumors have been swirling in the halls of the Capitol as to whether this will be the first big divide between Senate and Assembly leadership this session; the Assembly has not yet passed the measure. Historically, there has been some reluctance in the Legislature to make the tax cap permanent amid criticism by the powerful teachers' union that it is too restrictive and limits schools' ability to raise tax revenue for programs and staff. What is likely is that there may be some linkage with this and other important political issues as the session moves forward. Make no mistake about it, this issue is one that all the Insiders will be paying close attention to in the coming months.

### *The Story:*

The New York State Senate passed a bill Wednesday making permanent a 2 percent cap on property tax levies for local governments, though it's unclear if the state Assembly will support the measure despite support from the governor. The bill making the 2 percent cap permanent was passed by the state Senate Wednesday, 58-2. New York currently caps the property taxes that local governments and school districts can levy to no more than 2 percent or the rate of inflation, whichever is lower, with some exclusions. Governments can override the limit with a 60 percent legislative vote.

Senate Republicans, who are now in the minority, have supported making the policy permanent. The 2 percent tax levy cap was a signature accomplishment of Governor Andrew Cuomo in 2011, and he's pushed to make it permanent ever since. He's put the measure in his 2019-2020 proposed executive budget and praised the Senate Wednesday for passing its bill. "The property tax cap should be made permanent once and for all by the end of the budget process," Cuomo said.

The current tax levy cap is set to expire by June 2020 unless reauthorized. That would set up what some activists thought could be an opportunity to amend the law, such as allowing adjustments for costs related to increased enrollment in schools, allowing localities to raise revenue to address the effects of natural disasters and emergencies, or to allow for a simple majority override.

According to the bill's justification, the property tax cap has been effective, saved state property tax payers \$2.6 billion in its first three years on the books and is projected to save more than \$11.4 billion in its first 10 years of implementation. When Democrats took over the Senate this year, many of their new members hailed from suburban

areas such as Long Island and the Hudson Valley, where property taxes are a major concern. But making the policy permanent has seen only tepid support from the Democratic-controlled state Assembly. Many of those Assembly Democrats hail from New York City and urban areas such as Buffalo, Syracuse, Rochester and Yonkers —

where the cities and school districts are exempt from the cap.

[Law360](#)

