

New York Prohibitionist



Think NY Vote Dry

May and June 2023

Volume 6 #4

A Vision for the Future

In these trying times, the Prohibition Party of New York continues its work to advocate for positive policies and advance social reform. We offer a vision for a better future for New York. A vision for a new approach to governance focused on moral principle, public service, and advancing the public wellbeing. A vision of a state filled with healthy, prospering communities, and greater opportunity for all New Yorkers. If you are interested in helping to make a positive impact on your state and your community, consider joining the Prohibition Party of New York.

"To love this country and to love humanity is to push humanity constructively, to be a better form of itself" Ibram Kendi

State and National Party News

The Prohibition Party continues its work on the state and national level. On the national level, the Prohibition Party held its 2023 National Convention in Buffalo. At the convention, Michael Wood was selected as the party's 2024 presidential candidate and John Pietrowski was selected as the vice-presidential candidate. Zack Kusnir was selected to become the party's new national chairman.

On the state level, the Prohibition Party of New York worked to continue its legislative activism during the final weeks of the State Senate and Assembly's regular legislative sessions. Following the end of the regular legislative position, we are in a position where we can work to organize and prepare for future legislative and electoral campaigns.

"I learned this, at least, by my experiment; that if one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours." Henry David Thoreau

2023 National Convention in Buffalo

The 2023 Prohibition National Convention was held on May 7-9th, at the conference room of the Holiday Inn Express and Suites: Buffalo Airport, 131 Buell Ave, Cheektowaga, New York. At this convention, party delegates gathered to select the party's 2024 presidential ticket, ratify the 2024 platform, select the party's executive leadership for the coming years, confirm the members of the party's national committee, strategize preparations for the 2024 campaign, and take care of other items of party business.

Here is a summary of the key things that happened at the convention:

The convention selected the party's executive leadership for the coming years. Zach Kusnir was selected as the party's new national chairman, as well as party treasurer. Incumbent vice-chairman James Hedges and incumbent national secretary Jonathan Makeley were selected to continue their positions for another term. Executive committee members Russell Hallock, Ray Perkins, and Michael Wood were selected to continue for another term.

The convention confirmed the list of members for the Prohibition National Committee. The national committee currently has 19 members representing 13 states.

There were three convention committees. The credentials committee confirmed the delegates participating in the convention in person or by proxy. The audit committee looked over the treasurer's report on party finances. The platform committee worked to develop a draft version of the 2024 platform to be voted on at the convention.

There was a discussion of social media operations. The social media report for



the party was presented. The report noted that the party's social media following has grown significantly over the past 5 years; especially in the several months since the party's social media committee was formed. It was decided that the members of the social media committee would continue their work managing the party's social media accounts; with each member focusing on the aspects that they were more specialized in. Additionally, it was discussed that the party's general social media strategy should center on projecting general positivity and a focus on the issues.

In order to better streamline the management of party messaging, it was decided that the positions of social media manager, young prohibitionists' manager, and press secretary would be merged into a single position. Jonathan Makeley was selected to hold this role.

The young prohibitionists' report gave an overview of the party's efforts to recruit and engage young members. Over the last several years, some progress has been made in attracting younger members and working to find ways that they could be involved in party activities.

There was a discussion of working to develop Prohibition Party merchandise for the coming election and working to reestablish the party's merchandise shop. John Pietrowski was selected to act as the store manager. He will work on designing merchandise and working to connect with

a company that can work to produce merchandise on-demand.

James Hedges delivered his report as editor of the *National Prohibitionist* Newspaper. The *National Prohibitionist* produces around 4 issues a year, which are distributed to people in print or by emailing a digital copy. Hedges will continue as editor for the National Prohibitionist.

State reports were given for state-level party activities in New York, Georgia, and Pennsylvania. In New York, the New York Prohibition Party has worked on organizing efforts, social media messaging, running a monthly online newspaper called the *New York Prohibitionist*, engaging in legislative activism on the state level, and running candidates for local offices when possible. In Georgia, efforts have been made to be involved in local referendums, encouraging local communities to vote to maintain local dry laws. In Pennsylvania, the Pennsylvania Prohibition Party has worked to update its website, has been working to organize a state meeting, and has been looking for possible local candidates.

The convention included a short meeting of the Partisan Prohibition Historical Society. John Pietrowski was selected to fill one of the society's director's positions and Jonathan Makeley was selected to succeed Jeff Rome for the position of vice president. James Hedges was given the 2022 Citation of Merit and was also given a gift of a signature of 1884 Prohibition Party presidential candidate John St. John.

Secretary Makeley delivered the Secretary's report. Key highlights of the report include that the party had 44 dues-paying members at the time of the report and a combined membership list of 316 people. The party website had seen over 20,800 unique visitors over the previous two and half years. Both membership and website visitors tended to be more strongly concentrated in the Great Lakes states, the more highly populated parts of the South, and the West Coast.

The treasurer's report was delivered by Zach Kusnir, with the inclusion of information that had been written by outgoing treasurer James Coleman. There

was a discussion of the ongoing efforts to get the party's new bank account set up. Kusnir and Coleman would continue working, along with other party officers to navigate the bureaucratic process for getting the new bank account set up and have the financial functions transferred over. Additionally, Kusnir and other party officials will work on making sure that required financial paperwork is filed. There were discussions about the possibility of creating a party credit card to help with handling certain financial transactions. It was decided that the party would look into getting a credit card, with a \$1,000 limit, that could be used by the treasurer, for approved expenses requiring its use. There was also discussion on setting up a new structure for the party's annual dues payment system, to create a more uniform period for paying annual dues. The secretary and treasurer will work on developing and implementing this system.

There was a discussion of ballot access efforts for the 2024 presidential election. It decided that the members of the executive committee would work on finding people who could potentially be hired to do ballot access work and what the estimated costs for getting on ballot in certain states would be. There were discussions about various possible states that we could try to get on the ballot. For which, there's a focus on looking into states that either have relatively easy ballot access standards and some states with moderate ballot access standards that we have a reasonable chance of getting on ballot and performing well in. Overall, we would aim at getting on ballot in as many states and for as many voters as we can. Following the convention, party leadership will work on research and preparations for our 2024 ballot access efforts.

During the convention, votes were held on two proposed rule changes. One was a rule change that would formally require national committee members to be dues-paying members and stating that the secretary would be involved in keeping track and reminding members when their dues needed to be renewed. The other was a rule change stating that delegates to the national convention would need to be dues-paying members and that the list of delegates should be

certified 21 days prior to the convention. The convention voted to pass both rule changes.

The keynote speech for the convention was delivered by Professor Mark Lawrence Schrad of Villanova University. His speech focused on his research into the history of prohibition movements around the world. Through his research, he found that many of the more sensational narratives about national prohibition did not provide sufficient explanations of how prohibition movements and policies arose in numerous countries throughout the world in the 19th and early 20th centuries. That by looking beyond narratives that demonize the prohibition movement and looking into the details of actual prohibitionists and their motivations, a deeper understanding of the prohibition movement can be gained. Through his research, he found that prohibition movements focused on combatting the liquor traffic, which subordinated and exploited people for power and profit. That prohibition movements attracted support from a wide variety of people and were often a tool for marginalized groups to stand up against exploitation and seek to change the conditions of the societies they lived in.

After the platform committee had finished developing a draft version of the 2024 platform, a vote was held on whether to adopt the draft platform as a whole. The vote had passed and the 2024 platform was ratified. The 2024 platform can be read on the Prohibition Party website:

<https://www.prohibitionparty.org/platform>

The convention moved towards the section for considering nominees for the 2024 presidential ticket. Speeches were delivered by Michael Wood and Zack Kusnir, who were seeking consideration for the presidential nomination, as well as by John Pietrowski, who was seeking the vice-presidential nomination. Each spent a few minutes talking about themselves, their reasons for running, and issues that they cared about. James Hedges made mention of Scott Baier, who was seeking consideration for the presidential nomination, but was not able to attend the convention in person. He also made

mention that James Clifton (who he was representing by proxy) had proposed Senator Rockefeller as a presidential nominee.

The convention then held a vote for selecting the presidential and vice-presidential nominees. There was a total of 13 ballots cast (5 from in-person delegates and 8 from delegates represented by proxy).

Vote Totals:

For President:

Wood: 8

Kusnir: 4

Rockefeller: 1

Vice: President:

Pietrowski: 13

Michael Wood and John Pietrowski were selected as the nominees for the 2024 presidential ticket.

More information about the 2024 Presidential ticket can be found on the Prohibition Party website (<https://www.prohibitionparty.org/presidential-candidate>) and on Mr. Wood's campaign website: www.Prohibition2024.com



Left to Right: John Pietrowski, Zack Kusnir, Michael Wood.

Legislative Activism

The Prohibition Party of New York continues to work on legislative activism. During the final several weeks of the state legislature's regular legislative session (which ended on June 10th), we worked to promote the passage of a number of bills, while opposing bills that would have a detrimental effect on the public wellbeing. We were able to make some progress with certain bills in this year's legislative session and a number of bad bills were prevented from passing. Though, there are important bills that weren't passed before the end of the regular session and efforts will need to be taken to try to pass them in next year's legislative session.

We managed to make some progress with advancing the Addiction Prevention and Recovery Act (Bill S1546/A06145). As we had reported in the April Issue, we were finally able to find a State Assembly member that was willing to reintroduce the bill in that chamber. As a result, the bill was able to advance further in the legislature than it had in years. Though, unfortunately, the bill ended up getting stuck in the Assembly's Committee on Alcohol and Drug Abuse and the Senate's Committee on Budget and Revenue. While we weren't able to get the bill passed in this year's regular legislative session, it will hopefully be reintroduced in next year's session. In the meantime, we can still work to promote the bill and try to convince members of the state legislature to support it in the next session.

Looking at anti-drunk driving legislation, Bill A01627/S776 had ended up getting stalled in the state legislature. The bill, if passed would the minimal blood alcohol concentration for a DUI offense from 0.8% BAC to 0.5% BAC and would lower the BAC required for aggravated DWI from 0.18% BAC to 0.12%. The bill had ended up getting stuck in the Assembly's Committee on Transportation and the Senate's Committee on Transportation. The bill will likely get reintroduced in next year's session. In the meantime, work can be done to promote the bill and encourage state legislators to join in supporting it. It would be particularly important to try to convince members that are on the transportation committees in order to

improve the bill's chance of making it out of committee.

On a bright note, there was significant progress in advancing another anti-drunk driving bill; Bill S775/A4171. This bill would strengthen drunk driving laws, by removing existing loopholes and requiring that anyone convicted of a drunk driving offense would be required to have an ignition interlock device for any vehicle they use for at least 12 months. The bill had managed to get passed in the State Senate in May. But, the bill got stuck in the Assembly's Committee on Transportation and wasn't voted on before the end of the regular session. But given how far the bill managed to advance, it appears that there is a good chance for trying to get the bill passed in next year's session.

Looking at anti-tobacco legislation there have been some limited accomplishments. This year's state budget was passed with an increase of the state's cigarette tax, but a proposal to ban menthol cigarettes in the state was left out of the final budget deal. Bill S50/A01025, which would ban the sale of tobacco products at vending stands or in vending machines on state property, had passed votes in the State Assembly and Senate. But the bill has not been sent to the governor yet. There were several bills in the state legislature which would have increased restrictions against the sale of flavored tobacco, e-cigarettes, and other types of tobacco products. But none of these bills, with the exception of S50/A01025, was able to get passed in either house of the legislature. While accomplishments on this front have been limited, there will be opportunities to push for stronger anti-tobacco policies in next year's legislative session, and in the meantime, efforts can be taken to organize and build support for stronger anti-tobacco policies.

Then there comes that matter of ballot access and election bills. In this year's legislative session, there were a few bills that were aimed at undoing the anti-democratic changes to state ballot access laws and establishing fairer election laws. Bill A03312, would undo many of the 2020 ballot access law changes. It would restore the old 15,000 petition signature requirement to get an independent or

minor party candidate on ballot for statewide office, lower the number of votes needed for a minor party to acquire/retain statewide party status back down to 50,000 votes (though would keep a two-year vote test), and extend the period for collecting petition signatures from 6 weeks to 12 weeks. In the final weeks of the legislative session, the bill managed to gain some additional support, with Assemblyman Michael Novakhov (District 45) joining as a cosponsor of it. But the bill ended up getting stuck in the Assembly's Committee on Election law. Then there is Bill S1031, which would repeal part of the 2020 ballot access law changes, by restoring the old standard for gaining statewide party status. If passed, parties would go back to only needing to have their candidate for governor receive at least 50,000 votes for their party to gain/retain state party status for the next 4 years. The bill got stuck in the State Senate's Committee on Elections. There is a fair chance that these bills may be reintroduced in next year's legislative session. In the meantime, efforts can be undertaken to work to organize and promote ballot access reform both among legislators and the public.

In further election law news, there is Bill A01218. Bill A01218, would establish a system of ranked-choice voting for presidential elections in New York State. The bill ended up getting stuck in the Assembly Committee on Election Law. It remains to be seen whether Assemblymember Paulin will introduce the bill in next year's session.

On the economic front, there were bills S1754/A03352 and S1756/A02536. Bill S1754/A03352, known as the New York Public Banking Act, would allow local governments to form their own local public banks for providing financial services to community members and fostering local economic development. The bill ended up getting stuck in the Assembly's Committee on Banks and the Senate's Committee on Banks, despite being sponsored by many legislators in both the Assembly and Senate. Bill A02536/S1756, which would establish a New York State Public Bank ended up getting stuck in the Assembly's Committee on Banks and the Senate's Committee on Finance.

Throughout this year's legislative session, pro-alcohol elements have attempted to push forward various laws to weaken state restrictions on alcohol sales, give special tax breaks to the alcohol industry, and use state resources to promote the alcohol industry; while we have encouraged legislators to reject those bills for the sake of the health and wellbeing of New Yorkers. From looking at records for this session, a total of 31 pro-alcohol bills were found to have been introduced. Fortunately, none of these bills ended up passing by the end of this year's regular legislative session. Of these bills, 21 of these bills never moved past the committee level, 3 of the bills had readings in one of the chambers, but were never voted on, 4 of the bills passed the Senate, but did not advance in the assembly, and 3 of them came close to potentially getting passed by both houses, but didn't complete the voting process before the end of the session. It is good that none of these misguided bills were passed, but the broader legislative contentions will continue on this issue. Pro-alcohol legislators will likely attempt to push more pro-alcohol legislation in next year's legislative session. As such, we must continue our work of advocating against these misguided policies and in favor of policies to address alcohol as a social and public health problem. The more that we can organize and encourage sensible New Yorkers to state a stand, the better chance we have at convincing members of the legislature to do the right thing.

Overall, we have seen some positive outcomes in this year's regular legislative session, but there is still much to be done in future sessions. Going forward, we can seize on opportunities to further develop our legislative activism and work to build support for advancing positive policies in the coming legislative session.

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"Your destiny is to fulfill those things upon which you focus most intently. So choose to keep your focus on that which is truly magnificent, beautiful, uplifting, and joyful. Your life is always moving toward something." Ralph Marston



Identifying Pro-Alcohol Legislators

This year's regular session of the state legislature saw 31 pro-alcohol bills introduced in the state legislature. Each of these bills would have helped the alcohol industry (to the detriment of public wellbeing) by either weakening state restrictions on alcohol sales, giving special tax breaks to the alcohol industry, or using state government resources to aid the alcohol industry. For the sake of advancing public understanding and accountability for elected officials, we have looked at the public records for these bills, to identify which members of the state legislature have played a significant role in introducing and advancing them.

The main promoters of pro-alcohol legislation in this year's legislative session have been State Assemblyman Harry Bronson (District 138) and Senator James Skoufis (District 42). Bronson was the main sponsor of 10 out of 28 pro-alcohol bills in the State Assembly and co-sponsor of an 11th bill. This included one of the most harmful bills, Bill A02446/S3484 (which if passed would take away the ability of local communities to enact laws restricting or banning local alcohol sales, and would eliminate all of the dry and partially dry communities in the state), as well as each of the three bills that came close to passing in the legislature (A069401/S5731, A07293/S7085, and A06050/S3567). Skoufis was the main sponsor of 9 out of 19 pro-alcohol bills in the State Senate, including bills A02446/S3484, A069401/S5731, and A06050/S3567.

Other significant promoters of pro-alcohol legislation in this year's legislative session included Assemblywoman Donna Lupardo (District 123), Assemblyman Karl Brabenec (District 98), and Senator Lea Webb (District 52). Lupardo was a cosponsor of 9 pro-alcohol bills in the Assembly, including Bills A069401/S5731 and A07293/S7085. Brabenec was a cosponsor of 5 bills. Webb was the main sponsor of two pro-alcohol bills in the State Senate, including Bill A07293/S7085.

In addition to these five, there were various state legislators who were involved with one or a couple of pro-alcohol bills. In the State Senate, there were 8 Senators who each were a main sponsor of one of the pro-alcohol bills. These were Senators Jessica Scarcella-Spanton (District 23), Jessica Ramos (District 13), Timothy Kennedy (District 63), Liz Kreuger (District 28), Andrew Lanza (District 24), Mark Walcyk (District 49), and Jacob Ashby (District 43). Senators Kreuger and Ramos had also each cosponsored one additional bill. Senators Rob Rolison (District 39) and Patrick Gallivan (District 60) had each cosponsored two bills. There were 10 other Senators who each cosponsored one bill. Those were Senators Daniel Stec (District 45), Roxanne Persaud (District 19), Zellnor Myrie (District 20), Rachel May (District 48), John Liu (District 16), Brad Hoylman-Sigal (District 47), Michelle Hinchey (District 41), Andrew Gounardes (District 26), Simcha Felder (District 22), and Leroy Comrie (District 14).

In the State Assembly, there were three Assembly members who had each been the main sponsors of two pro-alcohol bills. Those were Aileen Gunther (District 100), Billy Jones (District 115), and Patricia Fahy (District 109). Gunther and Jones had also each cosponsored one additional bill. There were 12 members of the state assembly who had each been the main sponsor of one of the pro-alcohol bills in the Assembly. Those were Assembly members Brian Cunningham (District 43), Angelo Santabarbara (District 111), Brian Maher (District 101), Daniel O'Donnell (District 69), Carrie Woerner (District 113), Pamela Hunter (District 128), J. Gary Pretlow (District 89), David Weprin (District 24), Charles Fall (District 61), Sarah Clark (District 136), Kenneth Zebrowski (District 96), and Jarett

Gandolfo (District 7). Of these, Cunningham, Santabarbara, and Mahar had each cosponsored two other bills, and O'Donnell, Woerner, and Hunter had each cosponsored one.

There were five Assembly Members who had each cosponsored three bills. These were Gina Sillitti (District 16), Ed Flood (District 4), Marianne Buttenschon (District 119), Scott Bendett (District 107), and Inez Dickins (District 70). There were 14 Assembly members who had each cosponsored 2 bills. These were Assembly members Stepheni Zinerman (District 56), Fred Thiele (District 1), Al Stirpe (District 127), Steve Stern (District 10), Phil Ramos (District 6), Amy Paulin (District 88), David McDonough (District 14), Jen Lunsford (District 135), John Lemondes (District 126), Anna Kelles (District 125), Stephan Hawley (District 139), Jeff Gallahan (District 131), Emily Gallagher (District 50), and Didi Barrett (District 106). Finally, there were 32 Assembly members who had each been cosponsors of one pro-alcohol bill. These were

Assemblymembers Jaime Williams (District 59), Yudelka Tapia (District 86), Chris Tague (District 102), Phil Steck (District 110), Robert Smullen (District 118), Doug Smith (District 5), Matthew Simpson (District 114), Amanda Septimo (District 84), Nader Sayegh (District 90), Karines Reyes (District 87), Phillip Palmesano (District 132), Stevan Otis (District 91), Michael Novakhov (District 45), Brian Miller (District 122), John Mikulin (District 17), John McGowan (District 97), John McDonald (District 108), Dana Levenberg (District 95), Josh Jensen (District 134), Kimberly Jean-Pierre (District 11), Jonathan Jacobson (District 104), Chantel Jackson (District 79), Alicia Hyndman (District 29), Harvey Epstein (District 74), Erik Dilan (District 54), Joe Destefano (District 3), Maritza Davila (District 53), Brian Curran (District 21), Marjorie Byrnes (District 133), Chris Burdick (District 93), Eric Ari Brown (District 20), Joe Angelino (District 121).

With this information laid out, we can look at how it could potentially be used to try to prevent the passage of pro-alcohol bills in the future. This information could be useful for engaging in some focused legislative outreach. In general, it will be important to try to reach out to state legislators to help inform them about how

alcohol use is a social and public health problem and that by passing laws that weaken restrictions on alcohol sales or otherwise aid the growth of the alcohol industry, it will detrimentally affect the wellbeing of the people of this state. With those legislators that have sponsored pro-alcohol bills in the past legislative session, it might be useful to reach out to them to help them understand why the bills they had supported were problematic and encourage them to avoid supporting those types of bills in the future. If they are open-minded enough to listen, they might be convinced to change their stances on the issue. If a legislator ends up being unwilling to reconsider their stances on the merits, then reaching out will at least demonstrate that there are people in the state contesting the issue.

This data could also be useful for efforts to inform the public. The more people in the state are informed about these issues, the more people may potentially decide to get involved with advocating against pro-alcohol policies and for policies that address alcohol as a public problem. The more New Yorkers who reach out to state legislators and express their opposition to pro-alcohol policies, the greater chance that these legislators may be convinced to vote against them. Especially, if those reaching out are from a legislator's district. By working to inform voters in the districts that the legislators that supported pro-alcohol bills came from, we can work to promote opposition to those policies on a local level, and potentially have some impact on the political calculus for these legislators. Additionally, by informing voters about what their representatives have been doing in office, they can make a more informed choice when they decide who they will vote for in the 2024 Assembly and Senate elections. By working to inform the public and reach out to legislators, we can work to potentially prevent the passage of pro-alcohol bills in the next legislative session and promote a shift towards policies that work to reduce the harms caused by alcohol to the people of New York.

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"There will always be hurdles in life, but if you want to achieve a goal, you must continue." Malala Yousafzai

Further Information on State Budget

In our last issue, we provided an overview of what was expected to be included in this year's state budget, following a deal between the governor and state legislative leaders. The state budget would end up getting passed in early May.

The *New York Focus* has an article which provides a fairly detailed overview of this year's state budget; including summaries of key details for several parts of the state budget, and tables showing how the final budget compared to the different budget plans that were proposed by Governor Hochul, State Assembly leadership, and State Senate leadership. The article can be viewed via this link: <https://nysfocus.com/2023/05/03/new-york-state-budget-2023-finished-hochul>

State Comptroller Thomas DiNapoli has put out a document which provides an overview and analysis of the state budget. The document can be accessed via this link: <https://www.osc.state.ny.us/files/reports/budget/pdf/enacted-budget-report-2023-24.pdf>

In his analysis, DiNapoli expressed concern over some fiscal issues relating to the state budget. State tax revenues for the month of April were lower than expected and there are concerns that the overall revenue for the year will end up being lower than what it was projected to be when the budget was designed. The state's annual spending has increased over the past four years, which much of these increases involving recurring spending. The state may end up having difficulties maintaining these levels of recurring funding as increased federal aid created during the pandemic eventually ends in coming years or if an economic downturn were to occur. In the budget, the state government continued to make use of certain loopholes to take on debt beyond the limitations that are ordinarily set under the debt reform act. The budget includes \$5 billion in spending that doesn't include protections such as competitive bidding for contracts or

review by the comptroller's office before a contract takes effect, and another \$2.5 billion in spending that disregards ordinary competitive bidding requirements. The state reserve funds are reported to still be underfunded, but the 2023-2024 budget makes some progress towards increasing reserve funds to protect against potential future economic downturns.

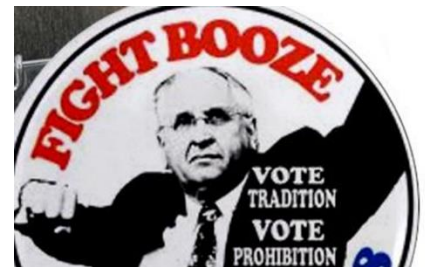
Looking over qualitative aspects of the state budget, it appears to be of mixed quality. There are some positive things that ended up in the final version of the state budget. These include improved funding for schools, increased support for mental healthcare, increased taxes on tobacco sales, expanding the ability of state authorities to fine and shut down businesses illegally selling recreational marijuana without a license, adding 21 fentanyl analogs and three types of synthetic opioids to the state's list of controlled substances. Though, on the more negative side of things, a proposed ban on the sale of menthol cigarettes was left out of the final version of the budget. There were also some ill-conceived things included in the state budget; such as giving over \$450 million in state funds to the gambling industry to renovate the Belmont horse-racing facility. Additionally, it has been reported that much of the state's planned funding increase for the MTA is based on problematic and unreliable revenue sources, which could create problems for both the financial security of New York City's transportation system and the economic health of the city. While the state budget had made improvements in areas such as education and mental health, it had continued to have problems in other areas, where unsound economic approaches were used to favor certain industries at the public expense.

There are other notable details about what was and was not included in this year's state budget. This year's budget includes some increased funding for the MTA, increased funding to New York City to deal with costs associated with the migrant crisis in the city, developing increased renewable energy production for the state's electric power system, increasing the state's minimum wage, increased funding for gun violence prevention programs, implementing new

programs to provide access to childcare for New Yorkers, and programs to support groceries, farmer's markets, and food cooperatives in underserved communities. The state budget includes changes to the state's 2019 bail reform law to give judges more discretion in setting bail for those charged with serious offenses. Though proposals to change discovery laws were not included. Governor Hochul had been promoting a plan to push forward the construction of 800,000 new homes in the state. Though her plan faced significant opposition among members of the state legislature and was left out of the final budget. Proposals from members of the state legislature to increase taxes on wealthy New Yorkers, establish universal free meals for public school students, and establish a just cause eviction law for tenants, were excluded from the final budget. Some infrastructure projects that appeared like they were going to be included in the final budget ended up being left out. A proposal to raise tuition fees at SUNY and CUNY colleges had previously appeared like it would be left out of the budget, but ended up being included in the final version.

From these details, we can get a general sense of many of the main features of this year's budget. This budget will shape the state's spending and finances for the coming year and potentially later years, depending on what aspects the government ends up maintaining or changing in next year's budget.

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Richard Winger Retires from Ballot Access News

Ballot Access News has seen an editorial change, as ballot access and elections expert Richard Winger has retired from his position as editor. Richard Winger is an expert in ballot access and election law, who had spent decades both informing people about issues of ballot access law and advocating for reforms to establish more equitable standards for minor party and independent candidates to get on the ballot. He was a co-founder of the Council for Free and Open Elections: an organization which brings together people from various minor parties and election reform activists, to advocate for changes to ballot access laws in state legislatures and through court cases challenging onerous ballot access requirements. He testified in ballot access cases across the country, has had his work published in journals, such as the Journal of Election Law, and has appeared as a commentator on various news outlets. He has worked to help minor parties in their efforts to gain ballot access; including the Prohibition Party. In 1985, Winger created Ballot Access News: which provides news regarding ballot access and election laws, efforts to change them, and the activities of various minor parties in the country. Over the decades, Winger's efforts have managed to have some impact helping to change ballot access laws in the country and make the electoral process more accessible for minor parties and independent candidates.

In the Ballot Access News article announcing his retirement, Winger is quoted as stating:

"I'm happy to say that since 1985, when Ballot Access News began, most states have improved their ballot access laws. The number of signatures to get on the ballot for president, for example (for candidates running outside the major parties) has dropped. In 1988 it was 609,048 signatures, but in 2020 it was 568,689. Also the percentage of the vote needed for a party to remain on the ballot has declined. In 1984 the median vote requirement was 5%, but today it is 2%."

Ballot Access News will continue operating and providing news on minor parties and ballot access. Richard Winger selected his friend Bill Redpath to succeed him as editor. Those who would submit news tips to Ballot Access News can now do so by emailing Bill Redpath at wredpath2@yahoo.com.

Sources: <https://ballot-access.org/2023/06/01/personnel-change-for-ballot-access-news/>
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New York Ballot Access Case Moves Forward in Supreme Court

The legal battle over ballot access laws continues to move forward in the U.S. Supreme Court. Back on March 16, titled Libertarian Party of New York, et al., Petitioners v. New York State Board of Elections, et al., was placed on the Supreme Court's docket. In this case, the New York Libertarian Party and New York Green Party are challenging a set of anti-democratic changes made to state ballot access laws back in 2020. These changes made it vastly harder for independent and minor party candidates to petition to get on ballot for statewide offices, by tripling the required number of signatures from 15,000 to 45,000, and made it vastly harder for minor parties to gain or retain statewide party recognition status, by changing the requirement from getting at least 50,000 votes for governor every four years, to getting at least 130,000 votes or 2% of the vote (whichever is more) for governor or president every two years. A number of minor parties, including the New York Green Party, and New York Libertarian Party filed lawsuits challenging the ballot access law changes as unconstitutionally infringing on the ability of New Yorkers to participate in the electoral process. State and lower-level federal courts declined to take action to strike down these ballot access law changes, so eventually, the New York Green and Libertarian Parties appealed the case up to the Supreme Court.

After the case was docketed with the Supreme Court, the State Government was given a period to file a response. The state initially had until April 17th, to issue a response. But the state had asked for and was granted multiple extensions to the deadline. On June 30th, the New York State Board of Elections finally filed its response. The response can be read via

this link:

https://www.supremecourt.gov/DocketPDF/22/22-893/270208/20230630145650834_Brief%20in%20Opinion.pdf

The writers at Ballot Access News have pointed out that the brief filed by the New York State Board of Elections is filled with errors and misrepresentations. The brief attempts to portray the old 15,000 signature requirement as some out-of-date relic from over a century ago; when in reality the 15,000 signature requirement was established back in 1992. The brief tries to claim that the old petition requirements provided "no meaningful burden" to petitioners. When in reality, the old requirement had prevented the presidential candidate who placed third from getting on ballot in the state in 936, 1956, 1972, 1976, and 2004. The brief claims that the increase in ballot access requirements was to prevent "ballot clutter" and "confusion", but does not provide a single case of the state ballot being highly crowded in any election. Instead, it tried to obfuscate the issue, by stating that there were 14 different unqualified parties that used the independent statewide petition between 1996 and 2020. But those 14 parties' petitions were spread out over 13 different elections; not all at once. The brief attempts to portray the state's new ballot access requirements as middle of the pack. But when you look at the details, the state actually has some of the hardest ballot access requirements in the country. While many states may have a 2% vote requirement for gaining statewide party status, most of those states don't require a 2% vote test specifically for president (which is harder to achieve than 2% for governor or some other statewide office) and most other states have some alternative procedure to gain statewide party status before an election. Additionally, the state only gives 6 weeks for independent or minor party candidates to gather signatures for petitioning to get on ballot for statewide office. These and other factors combine to make New York's ballot access standards far more difficult than most states. Additionally, the brief makes the false claim that the state to raise ballot access requirements and kick minor parties off the ballot in order to save money on the state's public funding program for candidates. In reality, the Second Circuit

Court of Appeals has already made a previous ruling which says that state-run public funding programs for candidates do not have to provide the same amount of public funding to minor party candidates as they do for major party candidates. So, the premise that they needed to kick minor party candidates off the ballot to save money is false. Overall, the brief filed by the state attempts to paint a misleading picture of the situation in order to try to justify their attempts to engage in electoral suppression and infringe on the ability of New Yorkers to vote for the parties and candidates of their choice.

Now that the State Board of Elections has submitted its response, the Libertarian and Green Parties will be able to submit their own response to the state's brief. Given the dynamics of the schedule, the earliest that the Supreme Court could decide on whether to hear the case would be in late September of this year. It remains to be seen how this court case will turn out. Though, hopefully, it will be successful and the Supreme Court will decide to strike down the 2020 ballot access law changes.

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Supreme Court Rejects Independent Legislator Theory

The U.S. Supreme Court has ruled against a dangerous legal theory, which sought to give state legislatures a nearly unchecked ability to gerrymander congressional districts and set election laws that violated state constitutions and the rights of voters. The Supreme Court had made its ruling on the case of *Moore V. Harper*; 6-3 against an attempt by North Carolina legislators to use the independent state legislature theory to justify its attempt to gerrymander the state's congressional districts.

Moore V. Harper focused on a dispute over North Carolina redistricting. The North Carolina State Supreme Court struck a congressional redistricting plan passed by the state legislature: ruling that the State Constitution prohibits partisan

gerrymandering and ordered that new congressional districts to be redrawn. Some legislators challenged the ability of the North Carolina State Supreme Court to evaluate election laws that affect federal elections, by using a faulty legal theory, called the independent state legislature theory, to claim that Article 1 Section 4 of the Constitution forbids state courts from intervening in the matter.

Article 1, Section 4 of the U.S. Constitution states that, "The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations." The proponents of the Independent Legislator Theory claim that this section should be interpreted to mean that the legislative houses of a state government have the sole power to set laws for federal elections, that they don't have to follow the provisions of their state constitutions, and that state courts don't have the authority to exercise judicial oversight of these laws.

That theory is an absurdly narrow interpretation of Article 1 Section 4, that goes against both historical and modern understandings of it what means. There is historical evidence to show that the writers of the Constitution meant the term legislature to refer to the entire lawmaking apparatus of the state government, and not merely the state legislative houses. The U.S. Supreme Court had already ruled in previous cases that the term "legislature" in that section refers to all parts of a state government that are involved in exercising legislative power: including legislative houses, executive officials, independent redistricting commissions, state courts, or any other institutions granted a role by a state's constitution and laws. That the power of state legislatures to create congressional districts and set laws for federal elections is constrained by the rules established in state constitutions. Throughout U.S. history and in recent years, state courts have exercised judicial review of state election laws. The power of state legislatures is not limitless. Their power to make laws is in large part defined by state constitutions, which outline the roles that state legislators and other parts of state government play in

the process of establishing election districts and election laws, and generally grant state courts the ability to exercise judicial review over the laws passed by state legislatures.

Acceptance of the independent state legislator theory would undermine state constitutional order and balance of power within state governments, and would impair the ability of state courts to protect the constitutional rights of voters. If this theory had been accepted by the court, state legislatures would have been given a far greater ability to engage in partisan gerrymandering in Congressional elections and engage in electoral suppression in Congressional, Senate, and Presidential elections. State courts would have no longer been able to intervene against congressional gerrymandering, election laws for federal elections that violated the state constitution, and election laws that infringed on citizens voting rights in those elections. Citizens would have to rely on federal courts to intervene. It would make it harder for people to sue against unfair ballot access laws. And it could end the ability of states to use independent redistricting commissions to design congressional districts. Overall, the ascension of this theory would have damaged the health of our democracy and undermined our system of checks and balances for state governments.

The Supreme Court thankfully ended up rejecting the extreme positions of the independent state legislature theory. It upheld that Article 1, Section 4 of the constitution does not grant state legislative houses sole power to decide congressional districts and laws for federal elections in elections, independent of the requirements set by a state's constitution. When state legislatures exercise powers granted by the elections clause, they are bound both by the requirements set by the federal constitution and the requirements set by their state constitution. It was maintained that state courts have the power to review election laws and determine whether they follow the provisions of state constitutions. Though the ruling also stated that federal courts should not neglect their own duty to engage in judicial review. It also stated that state courts should exceed the bounds of ordinary judicial review when making rulings on cases regarding

congressional districting and state laws regulating federal elections. Though the ruling did not specify where the boards of ordinary judicial review lay. The Supreme Court ruling has rejected a dangerous legal theory that could have done a lot of damage, but it has left some ambiguities that could lead to further legal contentions down the road.

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Hidden Costs

In the public discourse regarding the alcohol industry, tobacco industry, and other industries that profit off selling products that are harmful to the public, an important part of the debate revolves around the economic impact of these industries. These industries and their proponents tend to make claims about how these industries would help grow the economy, create jobs, or bring in additional tax revenue in order to try to convince government officials to weaken or remove legal restrictions on their operation or even convince those officials to use government funding and resources to support the growth of their industries. Their arguments tend to be based on sided and inaccurate narratives, which often ignore or obfuscate the cost of the negative effects of their products, and often overlook the negative effects that the growth of their industry can have on other businesses. Looking at the negative economic effects of an industry's operation or growth is essential for gaining an accurate sense of its net economic impact.

The economic gains claimed by these harmful industries tend to be countered by the massive costs involved with dealing with the social, medical, and economic damages caused as a result of their products and business operations. For instance, in 2020, it was reported that the U.S. alcohol industry boasted around 240 billion dollars in annual sales. But it was calculated that the nation lost over 250 billion dollars a year due to the social, medical, and economic damages caused by alcohol, and was estimated to shrink

the economy by 70 billion dollars a year. In addition, federal, state, and local governments ended up spending far more money dealing with problems caused as a result of alcohol than they ever received in tax revenue from the alcohol industry. This issue is also been seen with the tobacco industry. In 2018, the CDC calculated that cigarette smoking cost the United States over 600 billion dollars a year: including over 240 billion in healthcare spending, nearly 185 billion from lost productivity caused by smoking-related illnesses and health conditions, nearly 180 billion from premature deaths from smoking, and 7 billion in lost productivity from deaths caused by second-hand smoke. The harmful effects of products, such as alcohol and tobacco, produce major economic costs, which can often dwarf the economic gains these industries claim to provide.

In addition to this, there are even broader hidden costs that are involved with these industries; including various ways in which their operations can harm other businesses and detract from other parts of the economy. Economist Earl Grinols highlights some aspects of these hidden economic costs for the casino industry in his article, *The Hidden Social Costs of Gambling*. These broader hidden economic costs are highlighted in the following passages:

"After testifying to a state legislative finance committee on the East Coast about the social costs of gambling, I was challenged by its chairman regarding the costs I had just enumerated. 'I have been to Las Vegas and other gambling areas,' he said, 'and I did not see anything.' My response was, 'What did you expect to see?' Even the social costs of crime are usually hidden, as with silent embezzlement by an employee that goes on for years until it is discovered. But there are other reasons that the social costs of gambling— all quite real—might seem hidden."

"For example, gambling industry representatives are fond of advertising the amount of taxes that their proposed casino or gambling project will pay. They treat this as a social benefit, and typically calculate their numbers from projected revenues. Never, or almost never, do they project the lost taxes that public offers

will experience when demand dollars are shifted away from other businesses. However, (as the calculation in the appendix shows) the taxes of all business matter to social costs and benefits. The lost taxes from other businesses become a de facto hidden cost."

"A similar story applies to the other eight components of social costs. For example, the category of direct payments to problem gamblers appears second in the list of social costs and benefits. An addicted gambler who is subsequently fired and collects unemployment benefits or other social service payments imposes a cost on society that would not be present except for gambling. Since the budget that makes the outlay is relatively far removed from the cause, the social cost becomes another de facto hidden cost."

"The gambling industry often suggests that a benefit of gambling is the number of jobs that it creates. There are serious problems with this erroneous view. First, reporting the number of employees that a casino hires does not take into account the lost jobs at competing businesses to which gambling revenues would have gone."

"No gambling industry document of which I am aware has estimated the effect of its proposal on prices and the profits of all businesses. Since the effect of casinos is often harmful to competing businesses— this has been especially true of restaurants in the vicinity of casinos, for example— these overlooked costs are effectively hidden costs."

"Contrary to assertions often made by proponents of the gambling industry that the social costs of gambling cannot be identified and measured, it is possible to do both. The social costs of gambling are 'hidden' only to the extent that they are misunderstood or overlooked."

These passages highlight several important considerations when measuring the economic costs of these types of industries. The growth of industries such as the alcohol, tobacco, and gambling industries tends to siphon away money that could have been spent on products and services from other businesses. Other businesses whose products and services may benefit economic activity, without carrying the kind of negative costs that

come from the damaging effects caused by industries centered on selling harmful products. This redirecting money within a community or broader area, can displace other businesses and cause to see decreased sales. These decreased sales can lead to decreased employment, decreased tax revenue, and in some cases lead to businesses shutting down. When these broader effects are taken into account, the supposed economic gains from liquor stores, tobacco shops, casinos, and similar businesses are cut down significantly. With the economic activity, jobs, and tax revenue generated being far smaller than claimed by proponents, or even producing a net loss. When these factors are combined with the costs of the social, medical, and economic damages caused by harmful products, it can be seen that the alcohol, tobacco, and similar industries are harmful to the economy as a whole. That the economic activity they may generate is generally outweighed by the damages that they inflict on the rest of society. These industries seek to promote themselves by spinning a narrative about their economic benefits, while ignoring and concealing their negative economic effects. But when these hidden costs are revealed, their narratives can be challenged in public discourse and government policy discussions.

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Researchers Expose Old Studies Claiming Health Benefits of Moderate Drinking as Fundamentally Flawed

Additional research has emerged which further exposes and debunks old flawed studies that claimed that moderate drinking had benefits for life expectancy. Researchers from the Canadian Institute for Substance Use Research and the University of Portsmouth conducted a systematic review and meta-analysis of 107 studies regarding the association between levels of daily alcohol use and all-cause mortality. The researchers mention that various old studies claimed that so-called moderate alcohol use was associated with longer life expectancy and

lower rates of heart disease, compared to non-drinkers. The researchers pointed out that these studies contained significant flaws and had their results skewed by biases. Most of these studies lumped in former drinkers and even some occasional drinkers into the category of non-drinkers in their studies. These former drinkers could often include people who quit drinking after developing significant health problems as a result of their drinking or had separate health issues that lead them to quit drinking. As a result, they had significantly higher mortality risks compared to lifelong abstainers. By lumping them into the category of non-drinkers along with lifetime abstainers and long-term abstainers, these studies artificially reduced the average life expectancy numbers reported for non-drinkers and created a false impression of longevity for moderate drinkers. It was also found that many of these studies failed to account for the role that other factors played into shaping life expectancies and mortality rates. As a result, various studies falsely attributed health advantages in some subjects to moderate alcohol use, when they were likely caused by other factors. Many studies had issues with non-representative samples, which overrepresented older white men and underrepresented other demographic groups compared to the general population. Additionally, it was found that many of these studies only looked at subjects during one point in time, rather than looking at the development of subjects' health over a long period of time.

The researchers then sought to look at what the combined data from these studies would show, when measures to try to correct for the previous biases were included. When adjustment measures were included, the claimed health benefits largely evaporated. They found that there were no statistically significant protective associations for occasional or moderate drinkers when it came to all-cause mortality. They found that all-cause mortality increased among those that consumed 25g-44g of alcohol per day and that all-cause mortality risks significantly increased for those that consumed 45g or more of alcohol per day. It was found that the mortality risks for women consuming

25g or more of alcohol per day tended to be higher than for men. Additionally, it was found that when looking at the subset of studies that followed patients younger than 50 over a period of at least ten years, that those who were occasional or moderate drinkers tended to see their mortality risks significantly increase over time. Overall, they found that working to correct for biases and flawed categorizations in studies served to undermine the claimed health benefits for moderate drinkers.

The researchers acknowledged that their study had its limitations, due to its reliance on data from old studies, and that further research would be needed. They contended that future studies should seek to avoid past issues, by developing more thorough methods of measuring alcohol consumption rates and categorizing former drinkers as their own subcategory of drinkers, rather than lumping them in with lifelong abstainers. They contend that more research should look at younger subjects, over an extended period of time, to get a better sense of how the mortality of risks for different groups develops over time, and that researchers should aim to get samples of participants that are more representative of the general population. Overall, the researcher's analysis of this matter helps to further debunk old flawed claims of health benefits associated with moderate drinking and highlights some ways that future studies could seek to more accurately measure the health impacts of different levels of drinking and non-drinking.

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New York Prohibition Party History



Lynn R. Lewis: Prohibitionist Mayor

Lynn R. Lewis was a businessman, manufacturer, and Prohibitionist Mayor of Cortland, New York. He was one of the various local officials in the state that were elected as a Prohibition Party candidate, and was an example of what a prohibitionist could do as the mayor of a city.

Lynn R. Lewis was born on January

28th, 1858, possibly in Chenango Forks, New York. He was the son of Salmon Lewis and Sarah Lewis. In 1882, Lewis moved to Cortland, New York. In the same year, he married his wife Emily L. Phelps Lewis. They would have 3 children:

Paul (1886 to 1950), (Ralph 1892 to 1978), Florence (1893-1894). Around 1886, Lewis began a career as a local businessman and manufacturer. Census records indicate that his manufacturing included things such as tin smithing, producing plumbing materials, and manufacturing plow trucks.

In 1910, Lewis was nominated as the

Prohibition Party candidate for Mayor of Cortland. He campaigned on a platform of doing everything in his power to enforce state laws restricting alcohol sales and to shut down saloons where possible, of working to remove graft and corruption from city government, and of strengthening law enforcement. He won the election by a plurality of 100 votes against the Democratic and Republican candidates. The elected city council consisted of 3 Democrats and 3

Republicans. The *Syracuse Post Standard* claimed that Lewis was the first Prohibition Party Mayor of a city in New York State.

The election of Mayor Lewis was met with hope from those who sought to achieve reform in the city. Mayor Lewis made known his intentions to combat liquor, gambling, crime, and corruption in the city. He promised a square deal for every man, with no special treatment for private or corporate interests. He stated that he would receive suggestions from any constituent and give them honest consideration. Lewis also realized that the process of reforming the city would be hard fought and that he likely wouldn't be able to achieve everything he hoped to. But he was committed to achieving what he could.

Mayor Lewis was opposed the city's pro-alcohol politicians, including 4 of the city's six alderman. At the head of this opposition was Alderman Vern Skeel. Skeel was a Democratic Alderman, hotel owner, and liquor dealer, who sought to oppose everything that Lewis sought to achieve.

Mayor Lewis worked to strengthen the city's enforcement of state laws regulating alcohol sales. He was successfully able to appoint a new city commissioner, who was a staunch prohibitionist and shared his goals for strengthening law enforcement. They encouraged city police officers to strictly enforce state laws on alcohol sales. Lewis' administration worked to shut down saloons that didn't have a state liquor license and to shut down licensed saloons that weren't in compliance with state liquor laws.

Lewis' efforts to combat the crime and corruption would eventually lead to the defeat of his opponent Alderman Vern Skeel. In spring of 1912, police officers raided Skeel's hotel on suspicion of it operating as a site of prostitution. Skeel grabbed a revolver and tried to shoot the officers. His wife also tried to assault the officers. Skeel and his wife were arrested and charged for a variety of crimes, including keeping a disorderly premises and assault on police officers. Not long after his arrest, Skeel resigned from his position as alderman. After a ten-day trial, he was convicted of conducting a

disorderly house, sentenced to 10 months in prison, and required to pay a \$200 fine. He was charged with a felony for attempting to shoot the officers. It is uncertain whether he was convicted for this, and if so, what sentence he was given for this. Through this, Lewis succeeded in driving out one of the corrupt officials in the city's government.

Lewis did other work as mayor. He sought to remove graft and corruption from the city government, though due to the interference of the opposing alderman, his ability to do this was largely limited to the parts of city government that he could make decisions about on his own. He worked to discourage gambling in the city. He took on the Cortland Gas Light Company for overcharging the city and made them agree to lower their charges. Overall, Mayor Lewis was able to make some changes in the city of Cortland, despite facing opposition.

State Chairman C.E. Pitts described him as an example of what a Prohibitionist mayor could be and used his mayoralty as a template for a general platform of what a prohibitionist mayoral candidate could run on and work to accomplish as a mayor.

Mayor Lewis ran for reelection in 1912. His opponents in the Democratic and Republican parties united against him. The local Republican and Democratic Parties both nominated a Republican named Mr.

Angell. Angell won the election with 1,486 votes to 1,103 votes for Lewis.

After losing reelection, Lewis returned to his regular life as a citizen. His wife Emily died in 1922. After that he ended up living with his son Ralph and his family in Cortland. By 1930, he was a foreman at one of the city's wire mills. Lynn R. Lewis died on March 24, 1940 and was buried in Cortland Rural Cemetery.

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"The true meaning of life is to plant trees under whose shade you do not expect to sit."
Nelson Henderson