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Transcript of the Meeting of the
CHARTER REVISION COMMISSION
PUBLIC HEARING

Held on Tuesday, July 22, 2003

Brooklyn Public Library, Grand Army Plaza
Borough of Brooklyn

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1 Meeting convened at 6:20 p.m.

2 P R E S E N T

3 FRANK MACCHIAROLA, Chairman

4 COMMISSIONERS:

5 PATRICIA GATLING

6 KATHERYN PATTERSON

7 VERONICA TSANG

8 BILL LYNCH

9 JERRY GARCIA

10 STEVEN NEWMAN

11 FATHER JOSEPH O'HARE

12

Also Present:

13

DR. ALAN GARTNER, Director

14

ANTHONY CROWELL, General Counsel

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1 DR. GARTNER: We'd like to start, please.

2 The first witness is Glen Nagpanday.

3 MR. NAGPANDAY: Good evening. My name is
4 Glen Nagpanday. I am a staff attorney at the Asian
5 American Legal Defense Education Fund. It's a 29-year-
6 old, New York-based organization that defends and
7 protects and promotes the rights of Asian Americans in
8 litigation, legal advocacy and education. We submit
9 this testimony in opposition to the New York City
10 Charter Revision Commission's proposal for all city
11 offices.

12 We believe non-partisan elections will
13 infringe on the ability of Asian Americans to elect
14 candidates of their choice in accordance with the Voting
15 Rights Act of 1965 and the U.S. Constitution. Just a
16 word about all this prior work around voting rights. We
17 have presented testimony to the Charter Revision
18 Commission before opposing non-partisan elections
19 largely because enough study had not been done and it
20 should not be a rushed process. We also represent the
21 voting rights of Asian New Yorkers. We challenged city
22 and state legislative redistricting plans under Section
23 5. We are currently representing five Asian Americans
24 in Rodrigues versus Pataki, a Constitutional challenge
25 to the Senate reapportionment and redistricting plan.

1 We monitor elections for enforcement of
2 Section 203, the language assistance provisions of the
3 Voting Rights Act and make sure Asian Americans do not
4 encounter discriminatory treatment when they are
5 exercising their right to vote. We monitor for Chinese
6 and Korean language assistance in Brooklyn, Manhattan
7 and Queens. I should also say that the Asian American
8 Legal Defense Fund has studied Asian American voting
9 patterns by conducting non-partisan multilingual exit
10 polls of Asian American voters. In November 2001 we
11 surveyed more than 2200 Asian American voters in at
12 least 15 Asian languages and dialects. We surveyed
13 voters in 13 polling sites in Queens, Flushing, Floral
14 Park, Elmhurst, Woodside, Sunnyside and in Brooklyn
15 Sunset Park.

16 What we have done is looked at exit poll
17 findings and looked at database of registered voters and
18 compared it to Asian surname files. What we have found
19 is that the Commission's assertion in its report that
20 immigrants are effectively disenfranchised because they
21 do not enroll in political parties is unsubstantiated.
22 What our exit polls have found that, for instance, in
23 November 2001, 77 percent of Asian American voters were
24 enrolled in a political party, either the Democrat,
25 Republican or some other political party. The Board of

1 Elections voter registration file in 2001 found that 63
2 percent of Asian American voters did enroll in a
3 political party and in January 2003, 65 percent enrolled
4 in a party. What we found interesting is that party
5 enrollment actually increased between 2001 and 2003 in
6 New York City. And, so we do not find a lessening of
7 party enrollment, but an increasing party enrollment.

8 We also believe that party labels can help
9 Asian Americans cast informed votes. Party labels give
10 Asian American voters references from which it can
11 distinguish candidates on substantive issues.
12 Traditional themes of the Republican or Democratic
13 parties are well known amongst Asian Americans,
14 particularly limited English-speaking Asian Americans.
15 For other parties, even the party name such as
16 Conservative, Right to Life, or Marijuana Reform, speak
17 of something on candidate's positions on issues.

18 We believe that voters must be informed and
19 party identification on the ballot help Asian American
20 voters identify candidates who represent their
21 interests.

22 I should state that non-partisan labels
23 obviously go other way. The Commission has talked
24 extensively about the special election for City Council
25 District 43. That District includes Bay Ridge, which

1 has a growing Asian American community. And so what we
2 found that the labels "Most Qualified," "Neighborhood
3 First," "Community First," "United District," really
4 don't give voters a lot of guidance on where the
5 candidates are.

6 The other issue that we are concerned with
7 is the unknown impact of non-partisan elections on Asian
8 Americans. First, we are, we found that there has been
9 insufficient expert testimony. Professor Doug Musseo
10 from Baruch and Phil Thompson from NYU testified on
11 non-partisan elections. I was at that hearing. We
12 found their testimony speculative and inconclusive. It
13 would have been nice if the testifiers, the experts had
14 done a study in New York and looked at non-partisan
15 elections on communities of color. Neither expert
16 analyzed the impact of non-partisan elections on the
17 political representation of racial minorities, neither
18 made comments about Asian Americans, nor language
19 minorities. That was completely absent from the record.

20 We also think that there is inadequate
21 Section 5 review. Under Section 5 of the Voting Rights
22 Act -- and I practice before the justice Department
23 around Section 5 -- the City has the burden of proving
24 that non-partisan elections will not place Asian
25 Americans in a worse position in their ability to elect

1 candidates of their choice. It is not plaintiffs'
2 obligation and burden, but it is the City's, your
3 obligation to demonstrate that. Dr. Alan Lichtman's
4 testimony from the prior Revision Commission only
5 surveyed citywide offices and he said it would pass
6 Section 5 muster, but we were concerned about the data
7 that he used. For instance, he analyzed minority voting
8 turnout and preferences in the 2001 New York City
9 elections and said that these serve as exit poll data.
10 One of the things he found was that 29 percent of Asian
11 Americans were registered Republicans. Our exit poll in
12 2001 found that only 17 percent were registered
13 Republicans. The voter file shows that even a lower
14 number, about 15 percent of Asian Americans enrolled in
15 the Republican Party.

16 Dr. Lichtman's testimony provided little or
17 no evidence that Asian American voter turnout would
18 increase, more Asians would be elected or that Asian
19 Americans would be afforded enhanced political
20 representation under non-partisan elections. And,
21 again, his testimony was only for citywide offices and
22 we do not know of any analysis that has been done for
23 legislative elections, namely, City Council. Therefore,
24 the Commission cannot assume that a change to
25 non-partisan election will not have a retrogressive

1 effect on Asian American voting.

2 Lastly, defensive public input. We are very
3 concerned that limited English proficient New Yorkers
4 have had little access to the process. We have asked
5 for copies of the report in languages other than
6 English. We have not been able to see that. We haven't
7 found many opportunities nor people who don't speak
8 English to get information. There is a concern that
9 what materials do exist have to be so requested for in
10 English, but the conundrum is if you don't speak
11 English, how do you ask for materials that are in not
12 English if you don't speak English?

13 So, in conclusion, most Asian Americans
14 enrolled in their party of choice, the party ballot
15 gives Asian Americans more information to cast informed
16 vote and the Commission does not explain the impact
17 non-partisan elections on the opportunity of Asian
18 American voters to choose candidates of their choice.
19 Therefore, the Commission should not have a Charter
20 amendment to have non-partisan elections for all
21 citywide offices.

22 I'm available for questions.

23 COMM. TSANG: Commissioner Newman has a
24 question.

25 COMM. NEWMAN: Two. First, you said by your

1 own numbers rather than the professor's that a third,
2 more than a third of Asian Americans are not interested
3 in a party and something resembling from 17 to 25
4 percent of Asian Americans are registered Republicans.

5 MR. NAGPANDAY: Yes, page 2.

6 COMM. NEWMAN: New York City for the most
7 part, probably for four out of the five Borough
8 Presidents and for 80, 85 percent of Council members it
9 is a certainty that the winner of the Democratic primary
10 is going to get elected to office. Doesn't it trouble
11 you that by your own numbers a significant majority of
12 Asian Americans are in essence not participating in
13 choosing their public officials?

14 MR. NAGPANDAY: It does trouble us that many
15 people are not engaged in the political process always.
16 We think a real discussion over how to invigorate the
17 vote and how to invigorate people and voters and
18 citizens participating in elections is desperately
19 needed. I'm not sure we are convinced based on the
20 enrollment figures that non-partisan elections is the
21 method in which to achieve that.

22 COMM. NEWMAN: But this at least provides an
23 opportunity for everybody who is registered to vote and
24 to participate in that selection.

25 MR. NAGPANDAY: Can I clarify? Is the

1 report, is the Commission's recommendation to open up
2 the primary election so all people can vote or is it --

3 COMM. NEWMAN: That is under State law.

4 DR. GARTNER: Could we hear -- I didn't
5 understand the second --

6 MR. NAGPANDAY: If you open up the primary
7 so all people -- an open primary or is it to eliminate
8 the party label?

9 DR. GARTNER: The Commission has made no
10 recommendation. The staff has made a recommendation
11 that all registered voters can participate in the
12 primary. There have been various recommendations, the
13 most recent of which is the Mayor's recommendation that
14 -- staff recommended that candidates could self identify
15 themselves as a member of a party; second, that parties
16 could identify their preference for this or that
17 candidate. On Thursday, the Mayor recommended to the
18 Commission to consider that candidates, should they
19 wish, have listed on the ballot the party in which they
20 are registered, so there are, the Commission has not
21 made a decision on any of those items, but would
22 welcome, I'm sure, your thoughts about that.

23 COMM. NEWMAN: If I could add to that the
24 Commission has also discussed that in the special
25 elections for City Council that take place, at least

1 some Commissioners agree with you that the made up names
2 are not a good system and that we should move to some
3 other system, either no identification or identification
4 by party, so the reality is, we are coming close to what
5 you're suggesting, which is an open primary, where
6 everybody can vote and can run, and does that change
7 your views or your organization's views?

8 MR. NAGPANDAY: I think -- as attorneys who
9 litigate, what we need actually is a final proposal that
10 this Commission will be coming out with and then we will
11 review the data and do the analysis and make comments to
12 this Commission, either now or after the Commission puts
13 out a ballot issue and after the ballot, if it was voted
14 up, then we would participate at the preclearance stage
15 and participate I guess in any subsequent litigation
16 that would involve the voting rights.

17 MR. CROWELL: I would like to point out a
18 point of misinformation or clarify for you. We
19 published notices -- perhaps you're only reading the
20 English language papers, I'm not sure, but we published
21 notices of the Commission's work and have executive
22 summaries of our work available in Spanish, Chinese,
23 Korean and Russian. So I'm happy to show, if you need
24 to get that out, and then, of course --

25 MR. NAGPANDAY: I assure you, we read, I may

1 not speak Chinese, but all our staff reads the Chinese
2 newspapers.

3 MR. CROWELL: Then you should have seen
4 that. I'll be glad to provide it and we have the
5 executive summaries.

6 MR. NAGPANDAY: I actually made a request,
7 we haven't gotten it.

8 MR. CROWELL: We have a very multilingual
9 staff, actually. I don't know if there's been any
10 problem, but you should also note you can always call
11 311 which provides language assistance in 140 or 170
12 languages, I'm not sure, and they can contact the
13 Commission on behalf of a constituent who needs
14 information. So please be sure that information is
15 readily available.

16 COMM. LYNCH: Am I clear that you believe
17 the direction we're going now has the potential to
18 violate the voting rights of Asian Americans?

19 MR. NAGPANDAY: We believe that non-partisan
20 elections will interfere with the ability of Asian
21 Americans to elect candidates of their choice, as
22 provided for under the Voting Rights Act, yes. Yes.
23 And we would oppose, under the Voting Rights Act and the
24 Constitution, a move to non-partisan elections.

25 COMM. NEWMAN: Even though you just said

1 that when we come up with a final proposal --

2 MR. NAGPANDAY: Oh, oh. Okay. I mean, let
3 me -- that's right. In this current, what's on the
4 table right now from the recommendations, assuming
5 that's a final, I'm working off the plate. If you
6 dramatically change it, we'll look.

7 DR. GARTNER: Let me on behalf of the staff
8 suggest that I would be surprised if the Commission
9 adopted in its totality the recommendations of the
10 staff.

11 COMM. TSANG: Any other questions?

12 MR. CROWELL: I, just for the record, based
13 on your comments about reviewing at the end, are you
14 withdrawing your statement in opposition to non-partisan
15 elections at this time?

16 MR. NAGPANDAY: No. We are making our
17 statement in opposition to non-partisan elections to
18 this Commission. We will also make our statement,
19 depending on what the proposal is, to the Justice
20 Department under a Section 5 analysis, and if there is
21 subsequent Section 2 or other litigation, we will look
22 at that litigation and see if we will participate.

23 MR. CROWELL: Fine.

24 DR. GARTNER: Next witness is Richard
25 walker.

1 MR. NAGPANDAY: Thank you.

2 DR. GARTNER: Richard walker? Wagner, I'm
3 sorry.

4 MR. WAGNER: I appeared before the
5 Commission and told you that I didn't think it was a
6 good idea for non-partisan elections. I'll revise that.
7 I really think it's a bad idea. Okay. But I would like
8 to talk about something that I think Charter should
9 address and I have to give you a little history about
10 the Board of Elections, but it has nothing to do with
11 the Board of Elections.

12 The 1900 election, the year 1900, was so
13 corrupt and bad that the public decided to get rid of
14 the Police Department running it and they took it away
15 from the Bureau of Elections in the Police Department
16 and changed to a civilian system in 1901. One of the
17 Police Commissioners, I understand there were a number
18 of them, his name was John Vorhees, came with the new
19 civilian operation and he was the one who ran the board
20 for quite some time until, I think, 1930 or '31.

21 In 1931 there was a problem with the Mayor
22 not appointing Commissioners of Election. So the
23 Commissioners went up to Albany and explained to the
24 legislators the problem. At the time there were members
25 of the Board of Election of the City of New York, they

1 came back to the City, the Commissioners of the Board of
2 Elections in the City of New York and they reported to
3 the Board of Albany, which is now the City Council.
4 What I'm trying to say is, that the Board of Elections
5 was taken away from the Mayor's office. Okay.

6 In the previous administration to this
7 Mayor, the New York City Employees Retirement System was
8 also taken away from the Mayor's office by the State
9 Legislature and its funding was taken care of by the
10 investment income that it makes from its pool of
11 investments. Because what he did was, he kept cutting
12 the staff and it got to the point where retirees were
13 waiting for eight months before they got their first
14 check. That's kind of bad. Okay.

15 The thing that I'd like to address is the
16 office of collective bargaining, which is the impartial
17 agent in the labor relations, and I am the president of
18 the Communication Workers of America Local 1183 which
19 operates the Board of Elections and I've been the local
20 president for thirty years, so I have some knowledge of
21 labor relations. It doesn't make any sense to have the
22 impartial under the Mayor's office for budget reasons.
23 And I think that the Charter revision should take the
24 office of collective bargaining and make it report to
25 the City Council. It doesn't change how they would be

1 appointed, the Mayor has his representative, the labor
2 would have its representative, and then they elect a
3 chair.

4 I don't want to change the way it's done, I
5 just want to change the way it reports or rather how it
6 gets its financing. I think it would help in the
7 impartiality.

8 Something was said in the hearing before, I
9 just have to address it, about registrations. I'm a
10 retired employee now. I had a call from a woman who
11 said she was serving jury duty, she wanted to know why
12 she was refused permission to vote in an election. And
13 I said, "Well what makes you think that you are a
14 registered voter?"

15 She said, "Well, I got a jury notice."

16 And I said, "Ma'am, if you have a credit
17 card --"

18 COMM. TSANG: One minute, please.

19 MR. WAGNER: Fair enough.

20 " -- a utility or any notice like that,
21 that's where they get the jury list from."

22 Yes, they do get it from voter registration.
23 Another thing is a gentleman who served as an inspector
24 said he challenged a voter who he knew had moved.
25 Inspectors are required to give a challenge and then

1 make the voter sign an oath in order for them to vote
2 and I'm sorry the coordinator didn't back him up, but
3 they should have. Thank you very much.

4 COMM. TSANG: Thank you. Any questions,
5 Commissioners?

6 COMM. NEWMAN: Not a question. I just want
7 to correct something you said, having been involved with
8 the pension board. NYCERS, New York City Employees
9 Retirement System, never belonged to the City in that
10 regard.

11 MR. WAGNER: That's right, correct.

12 COMM. NEWMAN: And the budget power was not
13 taken away from the Mayor, the Mayor in my mind, in some
14 misguided effort to save money in one year, ended up
15 shifting how the budget would be paid out, out of the
16 corpus of the fund which have resulted in higher
17 expenditures in the future. But even doing that, it was
18 structured in a way where the Mayor, if the Mayor had
19 the support of the Comptroller, outvotes the other five
20 members.

21 MR. WAGNER: That's right, but the funding
22 doesn't come out of --

23 COMM. NEWMAN: This was a budget
24 manipulation to save money in one year, not a power
25 transfer.

1 MR. WAGNER: Okay.

2 COMM. TSANG: Thank you.

3 DR. GARTNER: Betsy Gottbaum.

4 PUBLIC ADVOCATE GOTTBAUM: Good evening.

5 COMM. TSANG: Good evening.

6 PUBLIC ADVOCATE GOTTBAUM: Thank you for
7 letting me come tonight. I appreciate the attention the
8 members of the Commission will pay to the testimony that
9 you will hear this evening, as well as other hearings
10 that you are hearing across the City. Mayor Bloomberg
11 insists on repeating his vitriol about party bosses
12 controlling politics in New York City and I have a
13 little trouble with that.

14 I had no party support when I ran in the
15 primary, none. Somehow overcoming this unsurmountable
16 force, the bosses, I won. In part, I was successful
17 because of the New York City campaign finance system. I
18 played by the rules, in turn received needed assistance
19 from the Campaign Finance Board, as did dozens of other
20 candidates. New York City's campaign finance system has
21 long been praised as one of the best in the nation. It
22 works to insure that candidates do not have to spend
23 hour after hour after hour doing nothing but raising
24 money, instead, giving us the opportunity to focus on
25 presenting proposals and ideas and also to get to as

1 many people to give us money so that that can be
2 matched. This well-regarded system also rewards voters
3 with thoughtful debates, knowledge about the
4 participating candidates, knowledge that the
5 participating candidates must abide by limits on the
6 amount of money they are allowed to spend.

7 Sadly, this radical proposal to eliminate
8 party primaries threatens the foundation of our campaign
9 finance system. Testimony provided by Nicole Gordon,
10 executive director of the New York City Campaign Finance
11 Board, highlighted the perilous changes this proposal to
12 eliminate party primaries could bring. Despite the
13 Mayor's desire to lessen the influence of parties,
14 Director Gordon states that eliminating party primaries
15 could open the door to unlimited party spending during
16 the primary. She noted that if this is successful,
17 parties could wield more, rather than less influence,
18 over elections, at least through spending.

19 Sadly, while New York's campaign finance
20 system is admired across the country, the campaign
21 finance system of Los Angeles where they have eliminated
22 primaries has been severely compromised, according to
23 Director Gordon. Her findings bring me great concern
24 and I believe if the attempt to eliminate party
25 primaries is successful, this flourishing campaign

1 finance system will be threatened.

2 I urge you to think long and hard before
3 making this important decision. You have the power to
4 dismantle our campaign finance system or to take a pass
5 and leave in place a system that allows all candidates
6 an opportunity to represent New Yorkers. And speaking
7 of taking a pass, I would really like to recommend to
8 you all, that because this will not be, the Mayor has
9 suggested that this not happen until 2009, and since we
10 did this last summer, and we're doing it again, and it
11 costs a lot of money and it takes a lot of you good
12 people's time and my time and everybody else in this
13 room, why don't we just forget about it for the summer
14 and go and have a wonderful August.

15 Thank you very much.

16 COMM. TSANG: Any questions? Thank you.

17 DR. GARTNER: Assemblyman Brennan?

18 COMM. TSANG: Good evening.

19 ASSEMBLYMAN BRENNAN: Good evening. I have
20 an extremely large umbrella.

21 DR. GARTNER: Are you suggesting the roof
22 may fall down?

23 ASSEMBLYMAN BRENNAN: Hopefully, the library
24 is secure.

25 I'm Assembly Member James F. Brennan from

1 the 44th Assembly District in Brooklyn, which we're
2 nearby, Park Slope, Kensington, Flatbush, Windsor
3 Terrace. I'm here to oppose the proposal to institute
4 non-partisan elections in the City of New York.

5 I wanted to address one particular concern I
6 have about ballot access in the absence of party
7 primaries. Under current New York State election law,
8 the Democratic primary, a City Council candidate
9 requires 900 valid Democratic signatures in order to
10 qualify to get on the ballot, but since the proposal, I
11 don't think the City of New York has the authority to
12 change or reduce the signature requirements for
13 independent nominating petitions. The State law
14 regarding the number of signatures for a candidate to
15 qualify in the non-partisan primary system that would be
16 substituted would actually require a higher number of
17 signatures than a party primary.

18 Under current State law, the independent
19 nominating petition for City Council requires 2,700
20 signatures for a person qualified to run for office, or
21 5 percent of the total number of votes in the
22 gubernatorial election past conducted. It's my analysis
23 that on average, you would need 1300, 1400 or 1500
24 signatures for a candidate to qualify to get on the
25 ballot in a City Council election, substantially more

1 than the current party primary designating petition
2 process, meaning that it would be more burdensome for a
3 person to run for office, because they would have to
4 collect significantly more signatures than at present
5 under the existing party primary system.

6 This would also have a detrimental impact on
7 minor parties. Under current law, a minor party only
8 requires 5 percent of its registered voters to get its
9 candidate on the ballot, and the remaining minor parties
10 would be eliminated from ballot access under the
11 proposal, they would not have their lines appear, same
12 as the Democrat or Republican, so that you would have,
13 you would effectively eliminate the rights of minor
14 party candidates as well as take out the major party
15 candidates.

16 Far from being a reform, this would, the
17 changes in State law over the years have made ballot
18 access significantly easier, cover sheet problems no
19 longer exist, candidates no longer have to state the
20 number of signatures that are in the body of their
21 petition. Candidates no longer have to put in the
22 Election District or the Assembly District and as a
23 result, even though it has been said that this, that
24 there is a lot of litigation about ballot access in New
25 York State, that has dropped and diminished considerably

1 in the past five to ten years as a result of changes in
2 law that have made it significantly easier to get on the
3 ballot.

4 Concerns about party boss control, I think
5 have diminished over the years because reforms like term
6 limits and public financing of elections have
7 dramatically opened up the political process in ways
8 that we did not see many, many years ago when party
9 organizations had a much greater lock on who got
10 nominated for office. I think the 2001 City Council
11 elections are a perfect example of the extent to which
12 there was a much greater open process. In fact, all the
13 voters that I know complained about getting an excess of
14 mail from the candidates that were running all
15 throughout the primaries and that those reforms
16 genuinely opened up the process.

17 I'm also concerned that the ultimate result
18 of placing this proposal on the ballot would be thrown
19 out by the courts as a violation of the Voting Rights
20 Act, for I think on its face in the City of New York,
21 where nearly two-thirds of the registered voters are
22 Democrats, but I believe that a higher proportion of
23 minorities, blacks and Hispanics protected by the Voting
24 Rights Act are registered as Democrats that, on its very
25 face, there would be a dilution of minority voting power

1 and that the City of New York would be sued, perhaps,
2 and would ultimately lose a case involving this.

3 I would also like you to refer to my
4 testimony from last year, I don't see any -- I don't see
5 any old faces from last year, except maybe Mr. Gartner,
6 I don't know if you were on last year's Charter
7 Commission --

8 COMM. TSANG: None of us is old. They're
9 not old faces.

10 ASSEMBLYMAN BRENNAN: I want to refer to
11 last year's testimony. I did an analysis of fourteen
12 minority City Council districts and the vote in the City
13 Council and it showed that in those, in at least
14 fourteen districts, the number of votes in the
15 Democratic primary either exceeded the number of votes
16 in the general election or was within 85 to 90 percent
17 of the same number of votes for that City Council
18 position in the general election, indicating that
19 minority voters viewed the Democratic primary as their
20 vehicle of choice to express their preference for
21 candidates for those offices in a way that made the
22 Democratic primary a significant, meaningful element in
23 the expression of their preference.

24 CHAIRMAN MACCHIAROLA: Are you telling us
25 that with a straight face?

1 ASSEMBLYMAN BRENNAN: Yes.

2 CHAIRMAN MACCHIAROLA: Are you really saying
3 because the election was decided in primary and that the
4 voters didn't come out because they didn't have a choice
5 in the election, that that is an instrument of democracy
6 for minority voters?

7 ASSEMBLYMAN BRENNAN: Well, Frank, let's
8 look at the facts. If 20,000 people vote in the primary
9 and then 15,000 people vote in the general election,
10 what I'm saying to you is that people view, where there
11 are multiple candidates, people view the Democratic
12 party primary as a meaningful expression of their
13 opportunity to exercise their choice, which is what the
14 Voting Rights Act is about.

15 CHAIRMAN MACCHIAROLA: In other words, the
16 people in the district don't regard the election as
17 meaningful, that it is only the party primary is
18 meaningful? That's what you're suggesting?

19 ASSEMBLYMAN BRENNAN: I'm not suggesting
20 that, I'm saying --

21 CHAIRMAN MACCHIAROLA: That's the problem.

22 ASSEMBLYMAN BRENNAN: I'm not suggesting
23 that. I'm saying since there were multiple candidates
24 in the primary, four or five or six people in the
25 primary, and they were encouraging participation in a --

1 because they were vigorously campaigning, that they,
2 that many people became interested in the party primary
3 and the party primary was their most meaningful -- was a
4 more meaningful opportunity to express their preference
5 than the general election.

6 CHAIRMAN MACCHIAROLA: Well, let me ask you
7 the question that I think leads from that. If what
8 you're saying is that minority voters in minority
9 districts don't come out and vote in the general
10 election, what does that tell us --

11 ASSEMBLYMAN BRENNAN: I'm not saying that,
12 Frank.

13 CHAIRMAN MACCHIAROLA: That's what you're
14 saying, because the vote in the general election is less
15 than the vote in the primary.

16 ASSEMBLYMAN BRENNAN: In some Council
17 districts the primary was so competitive and created an
18 opportunity for people to participate by having
19 candidates involved, that more people expressed their
20 desire to vote in the party primary than in the general
21 election.

22 CHAIRMAN MACCHIAROLA: So they didn't come
23 out for Mayor, for Public Advocate, for judges --

24 ASSEMBLYMAN BRENNAN: Frank, you're putting
25 words in my mouth and those words are not what I'm

1 saying.

2 CHAIRMAN MACCHIAROLA: Jim, you're a good
3 friend of mine, I think --

4 ASSEMBLYMAN BRENNAN: That's why I'm
5 expressing my disagreement with you vehemently.

6 CHAIRMAN MACCHIAROLA: I think you can give
7 me another analysis that I can buy, but I can't buy that
8 one.

9 ASSEMBLYMAN BRENNAN: You can disagree with
10 me, that's fine. You're the Chair of the Commission.

11 But anyway, I'm suggesting that the ultimate
12 result will be that the proposal will be thrown out.

13 Thank you.

14 COMM. TSANG: Any questions?

15 COMM. NEWMAN: There are 41 cities of the 50
16 largest that have non-partisan elections. For some
17 reason, the Justice Department hasn't thrown those out.
18 What makes New York City different from Houston, Dallas,
19 San Francisco, Los Angeles, Boston, Chicago.

20 ASSEMBLYMAN BRENNAN: I am sure that many of
21 these non-partisan municipal election systems predate
22 the Voting Rights Act.

23 COMM. NEWMAN: Not all of them.

24 ASSEMBLYMAN BRENNAN: Maybe not all, but
25 many do, and therefore when the Voting Rights Act was

1 enacted, it did not necessarily abolish a non-partisan
2 municipal system that predated, that preexisted the
3 Voting Rights Act. Not only that, someone would have to
4 litigate the matter, someone would have to come on into
5 court, into Federal Court and challenge the non-partisan
6 system as violating the Voting Rights Act and I'm not
7 sure that that has been done, so I think that in many
8 instances, it has never been challenged, but that in our
9 instance, the dilution of minority voting power is so on
10 its face substantial, that the proposal like this would
11 be seriously challenged.

12 COMM. NEWMAN: The Democratic party is I
13 think five out of every six registered voters is a
14 Democrat, if I've heard the numbers correctly.

15 ASSEMBLYMAN BRENNAN: I think it's two out
16 of three, actually.

17 VOICE: Five out of six.

18 ASSEMBLYMAN BRENNAN: I think it's 67
19 percent.

20 COMM. NEWMAN: Whatever it is, it's a
21 significant percentage, so the dilution can't be very
22 great and I can't imagine it's any greater than it is in
23 a place like Chicago, which recently went to
24 non-partisan elections and there's enough attorneys in
25 Chicago, that I can't imagine that they're different

1 from here, so -- anyway --

2 ASSEMBLYMAN BRENNAN: No, I understand. I'm
3 just saying it may not be challenged and in many cases
4 those systems predate the Voting Rights Act.

5 COMM. TSANG: Anybody else? Thank you very
6 much.

7 DR. GARTNER: Gary Popkin?

8 MR. POPKIN: Hello. My name is Gary Popkin,
9 and I'm speaking as a, just speaking as a citizen,
10 although I may be a member of Community School Board 15
11 or a former member of Community School Board 15, I don't
12 know whether the school boards--

13 DR. GARTNER: Or a member of former
14 Community School Board --

15 MR. POPKIN: I would like to see
16 non-partisan elections and no primaries. I would like
17 to see the candidates file petitions to run in the
18 November election. That would be a boon to the
19 taxpayer. No primary. There should be no reason why
20 the taxpayer should foot the bill to help parties select
21 their candidates. It is not right to ask enrolled
22 Democrats to have their taxpayer money used to help
23 Republicans pick their candidates and not right to ask
24 enrolled Republicans to have their taxpayer money used
25 to help the Democrat party pick its candidates.

1 The big parties can choose candidates the
2 way the non-recognized, the way the Constitution Party
3 does, the Natural Law Party, Libertarian, Marijuana
4 Party and now even the Green Party is going to have to
5 select candidates according to its party rules, now that
6 the Green Party has had the taxpayer subsidy removed
7 from it, the taxpayer subsidy of party primaries.

8 The parties like to fancy themselves as
9 private organization, and they strenuously object to
10 outside interference, and they even object to government
11 interference when it suits them, but they're happy to
12 take the taxpayer subsidy to help them select
13 candidates. The small parties, the non-recognized
14 parties, select candidates at their own expense, the
15 expense of the members and out of the party treasury,
16 and the big parties should do that, too.

17 COMM. TSANG: Any questions? Thank you.

18 DR. GARTNER: Joseph Garber.

19 MR. GARBER: Good evening, members of the
20 Commission. My name is Joseph Garber and I'll continue
21 to discuss various aspects of the Charter and some
22 recommendations of some reports.

23 Let me go back to page 13 of the report on
24 agency reorganization and government accountability.
25 Under, in caption options on that page, I suggest that

1 you remember with reverence and amend your statement
2 with the following vernacular as stated by the late
3 First Deputy Mayor James Cavanaugh at the height of the
4 budget crisis in 1975. He stated, "Nothing is sacred.
5 All city agencies should review their operations to
6 determine if it can, if it is necessary, can it be
7 consolidated, eliminated, civilianized or engaged in a
8 reduced level of effort."

9 Under agency reorganization, I would also
10 suggest that you look and revisit the issue of the
11 merger into the New York City Police Department of the
12 following: The Housing Authority police, Transit
13 police, School Safety Division and the Parking
14 Enforcement District. These new subunits of the Police
15 Department should be looked at to see if the concept of
16 a merger took really effect. Have they been fully
17 integrated into the NYPD, is there still duplication
18 that these agencies perform, et cetera.

19 I would suggest that every function of an
20 agency is enumerated in the Green Book and the city
21 Charter be reviewed to determine if any functions that
22 exist are duplicative, if the Green Book functions
23 conflict with the city Charter functions.

24 On page 1, the term "City agencies," in
25 broad strokes, should be reviewed to determine if

1 more specificity has to be rewritten in any specific
2 section of a Charter.

3 On page 21, under "report of non-partisan
4 elections," I'm curious on how non-partisan elections
5 would reduce government waste.

6 On page 25, I question the validity --

7 COMM. TSANG: One minute.

8 MR. GARTNER: I question the validity of the
9 last sentence that one-third of City voters who aren't
10 registered as Democrats are left to rubber stamp a
11 party's nominee.

12 On page 29, I agree that the best solution
13 to the non-partisan election process is to be left to
14 the voters to decide.

15 I'll continue next time. Thank you.

16 COMM. TSANG: Thank you. I'd like to remind
17 everybody that we appreciate if you could limit your
18 remarks to three minutes. Thank you.

19 DR. GARTNER: Stanley Levy.

20 VOICE: Except the politicians, you mean.

21 DR. GARTNER: Susan Goodstein.

22 MS. GOODSTEIN: Good evening. Thank you for
23 having me here. Before I go to the meat of my comments,
24 I'd like to share this story with you.

25 An old Senator passes away and goes to

1 heaven's gate and asks to be admitted. The gatekeeper
2 says there were new rules, and tells the Senator that he
3 would have to check out both heaven and hell for a day
4 and then choose where he wanted to spend eternity. The
5 Senator agrees and promptly goes to hell and has a giant
6 golf course and he spends the day there with some of his
7 Senatorial colleagues and the devil is there and grants
8 the Senator's every wish.

9 The next day, the Senator goes to heaven and
10 he sees puffy clouds and angels flitting about, and the
11 devil -- and he's told to behave and do good deeds.
12 Then he goes back to the gate keeper and says, "Well,
13 I'd rather go to hell."

14 "Fine," says the gatekeeper.

15 The Senator trudges down to hell, and lo and
16 behold, it's fire and brimstone and agony. He turns to
17 the devil and asks, "What happened?"

18 The devil answers: "Yesterday we were
19 campaigning. Today you voted."

20 Which brings me to the overriding subject
21 tonight, the strength and integrity of the election
22 process and the sanctity of the vote.

23 While I recently attended an Independence
24 Party fundraiser, I was approached by a local
25 Assemblyman, a Democrat. He asked if it were true that

1 I intended to run for City Council. When I answered
2 yes, he offhandedly but pointedly inquired why. It was
3 not until a few hours later that the insult embedded in
4 that "why" hit me, an insult not merely aimed at me, but
5 at the fundamental democratic process which we all hold
6 dear.

7 I sit here before you today, arguably a
8 product of partisanship as a Republican and Independence
9 Party candidate.

10 COMM. TSANG: One minute.

11 MS. GOODSTEIN: But that doesn't bar me from
12 obvious conclusions, namely, that New York City doesn't
13 belong only to the present electorate, but the future
14 electorate and that electorate must be strengthened and
15 franchised. Non-partisan elections will season the
16 voting pot with competition, but proverbial flies must
17 be prevented from spoiling the non-partisan soup and
18 here are my considered recommendations.

19 Unaffiliated candidate hopefuls must be
20 prepared in a uniform manner to run for office. As the
21 committee pointed out in its report, New York City is a
22 quirky mix of uncoalesced coalitions. A major party's
23 leadership power stems from its credibility and ability
24 to decisively champion a candidate.

25 Any unaffiliated candidate's attempt to win

1 an election without an assistive guiding voice or party
2 label may be doomed to failure if the candidate is self
3 groomed and unfocused.

4 I also recommend that primaries for all City
5 elections, if they are to continue, including judicial
6 and District Attorney elections, should be held in June
7 and not September.

8 COMM. TSANG: Thank you.

9 MS. GOODSTEIN: Thank you.

10 COMM. TSANG: Any questions from the
11 Commissioners? Thank you.

12 DR. GARTNER: Gene Russianoff.

13 MR. RUSSIANOFF: Good evening, Mr. Chairman
14 and members of the Committee and staff.

15 COMM. TSANG: Good evening.

16 MR. RUSSIANOFF: It's a pleasure to be here
17 at the Brooklyn Public Library, where I spent many an
18 hour learning about the City and the world.

19 I have a couple of points I'd like to make.
20 First, my organization the New York Public Interest
21 Research Group, supports Mayor Bloomberg's call that
22 this Commission not make any possible proposal on
23 non-partisan elections effective before the 2009
24 elections. Non-partisan elections would be a major
25 change in City politics and the debate should be not

1 whether they're good for a candidate in particular, but
2 whether they're good for the City. My view is shared by
3 The Times editorial board. They wrote on June 6, "If
4 the Commission is intent on proposing a Charter change,
5 it absolutely must make it effective after the 2005
6 Mayoral elections when Mr. Bloomberg is expected to run
7 for a second term. The Mayor has been the main champion
8 of non-partisan elections. He cannot possibly also
9 appear in the role of the main potential beneficiary."

10 Second point, NYPIRG also agrees with the
11 Mayor's recent suggestion that both opponents and
12 supporters of non-partisan elections not engage in a
13 spending war to promote or defeat such a proposal.
14 NYPIRG urges both sides to agree to reasonable voluntary
15 limits on charter spending.

16 Then, finally, NYPIRG renews its call that
17 this Commission take a breath, hold off on proposals
18 until at least next year and find ways to make the
19 Commission more independent. The issues are too complex
20 and important to race ahead during the remaining weeks
21 of the summer. These issues include consideration of
22 Mayor Bloomberg's recent suggestion that candidates be
23 allowed to show their party affiliation on a
24 non-partisan ballot, which is a substantial change from
25 what the staff recommended earlier this month, as well

1 as the potential crippling impact non-partisan elections
2 will have on the City's landmark campaign finance
3 program.

4 As you know, the City has had five
5 unprecedented Charter Commissions in the last six years.
6 All in my opinion lacked independence and all have not
7 had sufficient time to do their work and meaningfully
8 engage the public. Criticisms of the process have been
9 strongly spread by many civic leaders, my colleagues at
10 Common Cause, City Club, Citizens Union, the Women's
11 City Club, the League of Women Voters, the Brennan
12 Center for Social Justice.

13 In our view, it's high time to change the
14 Charter process. This past June, the Assembly took a
15 first step in this direction and passed legislation to
16 reform how Charter Commissions are appointed by a vote
17 of 119 to 29.

18 COMM. TSANG: One minute.

19 MR. RUSSIANOFF: The bill, which a copy is
20 on the back of my testimony, the bill would require a
21 Mayor to appoint a majority of Charter Commissioners
22 from nominations of other local elected officials. It
23 would also prohibit quickie commissions, as well as the
24 use of Mayoral staffers to run the Commission, both
25 attributes of this Commission. I am hopeful that this

1 legislation represents the beginning of the end of
2 Charter reviews. I appreciate the opportunity to speak
3 here this evening.

4 CHAIRMAN MACCHIAROLA: I'm at a loss to
5 understand your sense that this Commission is a quickie
6 commission, at least in the sense of non-partisan
7 elections, since it's been a matter of public issue
8 since 1998, at least. And at the same time, to be so
9 enthusiastic about a proposal enacted in the Legislature
10 in the dark of night on the last day of the session
11 without any public hearing, I guess similar to the way
12 budgets are enacted.

13 (Applause.)

14 CHAIRMAN MACCHIAROLA: And if there's so
15 much about what we're doing that you like, why are you
16 afraid of the voters having the opportunity to express
17 themselves?

18 (Applause.)

19 MR. RUSSIANOFF: I definitely appreciate and
20 respect the toughness of this Commission and its staff.
21 I've been through all those Charter Revision Commissions
22 and spent many an hour in '98, '99, 2001, 2002, each and
23 every time the work that was done was minimal,
24 inadequate, rushed and not worthy of the seriousness of
25 the nature. I don't think you're building on a past

1 track record, I don't think it exists and I know the
2 Mayor says this issue has been studied ad nauseam. It's
3 just not true. And as for the legislative process, the
4 process which I frequently criticized, I would point out
5 that this Commission gets to put something on the
6 ballot.

7 Nothing the Assembly does happens without
8 the Senate and the Governor and so it is just the start
9 of a process, and I'm hopeful the Senate will take up
10 the issue and it will get debated over the course of the
11 next months or years.

12 CHAIRMAN MACCHIAROLA: Doesn't have to be
13 debated to be enacted. Doesn't have to go through any
14 public scrutiny, doesn't have to be on the public
15 screen. It's like the MTA doing a raise without having
16 hearings, right?

17 (Applause.)

18 MR. RUSSIANOFF: My point, Mr. Chairman is
19 that there's more process to come in the State
20 Legislature if anything is to happen on that bill, and I
21 believe it's a response to five years worth of abuse of
22 the Charter process.

23 COMM. O'HARE: Gene, you presumably would
24 endorse the process of the 1988 Charter Revision
25 Commission and the 1989 Charter Revision Commission,

1 that's the standard against which you're measuring this
2 group?

3 MR. RUSSIANOFF: Certainly, since both you
4 and Dr. Macchiarola were on it, yes.

5 COMM. O'HARE: But the process of picking
6 the commission was exactly the same then.

7 MR. RUSSIANOFF: With all due respect,
8 that's not true, Father O'Hare. In 1987 and in the 1989
9 Charter Revision Commission, Mayor Koch took specific
10 recommendations from the City Council leadership and
11 from the Borough Presidents and they basically named
12 their members, and--the Mayor had the sole power of
13 appointment, but Ed Koch chose because he wanted to
14 develop a consensus, knowing how controversial the
15 proposals would be to reform government he wanted to
16 bring people in and wanted there to be a vigorous
17 debate. Because you could only have vigorous debate
18 when there are people at the table who represent more
19 than just the Mayor's interest.

20 COMM. O'HARE: That wasn't by any statutory
21 requirement.

22 MR. RUSSIANOFF: That's true.

23 COMM. O'HARE: How do you know the process
24 by which Mayor Bloomberg selected this Commission?

25 MR. RUSSIANOFF: I don't know it for a fact,

1 I know it as an observer and I do not, if the Mayor can
2 point to a different process, I'd be happy to hear about
3 it.

4 COMM. O'HARE: You're talking about a
5 process that Ed Koch consulted other people privately.

6 MR. RUSSIANOFF: It was well known at the
7 time. It just was.

8 COMM. O'HARE: Well, I was -- that's not my
9 recollection. I was appointed to this Commission by Ed
10 Koch in 1988 and it was from the Mayor's office that
11 came the invitation. Did he talk to other people? I'm
12 sure he did. Did Mayor Bloomberg talk to other people
13 before he appointed this Commission? I'm sure he did,
14 and frankly, I consider it insulting for you to describe
15 this board as lacking independence.

16 (Applause.)

17 MR. RUSSIANOFF: As you know, I have a great
18 deal of respect for you, Father O'Hare and I feel badly
19 that you feel that way. I don't intend it personally.
20 It's never been easy for me to come into the last four
21 Charter Commissions and say this and the members
22 themselves protested this was an unfair
23 characterization, but I have to tell you, this is the
24 perception of the editorial boards, not all of them, but
25 many of them and the City as a whole and I think it's

1 correct.

2 COMM. TSANG: I have a question. Why are
3 you attacking this Commission, especially when you don't
4 know what the process is for the Mayor to select the
5 Commissioners? I agree with Father O'Hare, it's very
6 insulting, time and time again the last round of
7 hearings, I found that people are attacking the
8 Commissioners. I think it's very unfair.

9 MR. RUSSIANOFF: I think there would be less
10 attack if you took the time and pursued a series of
11 strategies to bring people into the process --

12 VOICE: We're here.

13 VOICE: Look behind you.

14 VOICE: We're here.

15 CHAIRMAN MACCHIAROLA: Please give him the
16 courtesy of letting him respond.

17 MR. RUSSIANOFF: Thank you very much. I was
18 drowned out a little bit there, but I made my point and
19 I'm hoping that eventually there will be a statutory
20 change in which it will be explicit that mayors have to
21 consult with other elected officials and take their
22 suggestions. I think it will be a better process than
23 what we saw in 1998.

24 COMM. LYNCH: Gene, I have a different
25 question. I'm not going to question you about whether

1 I'm independent or not. One of the things that the
2 Commission is supposed to look at is voter turnout. Do
3 you have any opinions on why voter turnout is continuing
4 to go lower and lower?

5 MR. RUSSIANOFF: No, and I would welcome a
6 serious evaluation by the Commission in bringing people
7 in to have a real discussion about it. I think it is a
8 major problem for the city and that's the kind of thing
9 I hope would happen that has not happened. In 1988, we
10 supported the creation of the Voter Assistance
11 Commission in the hopes that that would be a vehicle for
12 increasing voter turnout and obviously many of the
13 strategies that we recommended have either not worked or
14 not been adequately funded, and it's a serious problem
15 for the city. I know that in particular, we're hurt in
16 statewide elections because enrollment in the city has
17 gone down while it's relatively gone up upstate and
18 that's a direct result of Motor Voter and the fact that
19 more people in New York City don't have drivers licenses
20 or car registrations and we had hoped through that to
21 create an institution that would find unique ways to
22 register New York City voters that would match what
23 Motor Voter has done for counties outside of New York
24 City. So I know there's a problem and I welcome
25 discussion of ways to address it.

1 COMM. LYNCH: One other question, Madam
2 Chair.

3 On an issue -- I sound like Johnny One-Note
4 here -- what's your opinion on same-day voter
5 registration and do you think we can get it passed
6 through the State Legislature?

7 MR. RUSSIANOFF: We support it and no.
8 That's the short answer. I think as technologies move
9 ahead, maybe it will get to be easier to do, but my
10 group has lobbied on that issue in Albany and it's
11 perceived in a partisan way and we've had very little
12 luck in that it requires a constitutional change in that
13 it requires two years in the house and the Governor's
14 support, and every single change in the election process
15 is viewed through this very partisan prism in Albany, so
16 I think, I wish I could be more upbeat and say I think
17 it's going to happen any time soon, but I don't, but I
18 think it's exactly what needs to be done, particularly
19 in a town when attention only turns towards elections in
20 the very last few days before they happen, then it's too
21 late.

22 We run an election day help line. On
23 election day we get calls from scores of people saying,
24 "I didn't register. Can I vote today?"

25 And we say, "No, call this number, get an

1 election form and you can vote in the next election." I
2 support your view that this could be a very important
3 step towards increased voter participation and
4 enrollment.

5 COMM. TSANG: Commissioner Newman.

6 COMM. NEWMAN: Another topic also on voter
7 registration. You were here before, so I know you heard
8 the testimony of the Voter Assistance Unit. Do you
9 agree with the Commission that it would be, one, better
10 to reduce the number of Commissioners and, two, do you
11 think the system would work better if the voter
12 assistance unit was merged into the Campaign Finance
13 Board?

14 MR. RUSSIANOFF: We actually played a
15 significant role in the Voter Assistance Commission. We
16 were one of a number of civic groups, and one of my
17 regrets was ever creating a 60-member Commission. I
18 support Professor Krauss's view of eliminating the ex
19 officio members. That was smart. The hope was that if
20 the Chancellor or Council members or others were on
21 there we would get those institutions involved. That
22 didn't happen.

23 I don't know, I've not thought enough about
24 the second issue, about whether there's still hope for
25 it to work as a free-standing institution or whether it

1 would work better merged with the Campaign Finance
2 Board. I'd want to hear more discussion to hear what
3 other people thought the options were on that. Other
4 than restructuring its board, I would keep it as it is
5 now and see how it works out with a more streamlined
6 board.

7 COMM. TSANG: Thank you.

8 DR. GARTNER: Assemblywoman Millman.

9 ASSEMBLYWOMAN MILLMAN: Thank you. I want
10 to thank Dr. Macchiarola and the other members of this
11 distinguished panel for bringing this venue here to
12 Brooklyn so you can hear from Brooklynites.

13 For the second year in this Mayor's term and
14 for the fifth year in a row, a Charter Revision
15 Commission has been appointed to consider changes to the
16 New York City Charter and specifically to our changes in
17 the municipal electoral process. I have a lot of other
18 things that are in here, but I really wanted to pick up
19 on something that a constituent of mine just mentioned.

20 It seems to me that the problem with voter
21 turnout is not so much party label, but other problems
22 that we could really address. In the six and a half
23 years that I've served as the State Assemblywoman, I
24 have never had a constituent tell me that they wanted
25 party labels to be done away with. That has never

1 seemed to me to have been an impediment to their voting,
2 but there are impediments to voting.

3 We have poorly trained inspectors who work a
4 fifteen hour day. They often are ill equipped to handle
5 the many voters who come in. In the last
6 reapportionment, we in the 52nd Assembly District, which
7 has a very high voter turnout, had voters running around
8 the District looking for the right polling place because
9 the notices that were sent by the Board of Elections
10 were the typical standard yellow notices that didn't
11 make any indication that one's polling place had
12 changed, so people out of habit went to the site they
13 had always gone to, only to be turned away when finally
14 somebody at that site realized that they were in the
15 wrong place and many of them waited on line in order to
16 vote. Then they found out at 8:30 in the evening that
17 they were waiting in the wrong place and they were
18 directed to another location in which they scampered
19 away and hopefully they did vote.

20 We have outdated, outmoded, terrible
21 election machines. In Albany I was treated to a
22 demonstration of machines that the City might possibly
23 purchase and those were machines that were user
24 friendly, that didn't have a million and two mechanical
25 parts that break down with every primary and general

1 election. It has gotten so bad that the few trained
2 mechanics that we have traveled around, often in cabs,
3 and vandalized existing machines to take the parts that
4 they need and I think that's what turns voters off.
5 They wait in line, they wait in line patiently and then
6 the machine breaks down, they're told they can vote on
7 paper and I know from experience, nobody wants to vote
8 on paper, they want to vote on the machine, because they
9 believe the machine is the honest way to count their
10 vote. Time and time again I have heard people say, "I
11 won't vote on paper because nobody counts it" and I'm
12 hard pressed to tell them otherwise, because I have some
13 misgivings in that field as well.

14 I think nationally we have seen a dropoff in
15 voter turnout, so it isn't just particularly a problem
16 in New York City. I think we can do more as a
17 Commission, you can make recommendations to see that
18 election day and primary day are more voter friendly.

19 As far as identification of party, we all
20 know that there are people who strongly identify with a
21 particular party, but we also know that New Yorkers are
22 smart enough when they want, they jump party lines. The
23 election of our last Mayor proved that to us. We've
24 seen that time and time again. People will look at
25 identification, but they will also in this city look at

1 qualification and see what that person has to say. I'm
2 strongly opposed to doing away with party label, but I
3 think there are many other ways that we could do and
4 that. We could suggest bigger turnouts at the polls.

5 Across this city there are many people who
6 register -- I have been involved in that myself, in
7 registration drives and people will register and they
8 are encouraged to pick a party, but not necessarily so.
9 The idea is after they register, how do we then get them
10 to the polls on election day and whether they register
11 Democrat, Republican, Independent or some other party,
12 we still need to find a way to get those individuals to
13 the polls on election day so they can participate in the
14 democratic process, no matter which label they choose.

15 Thank you very much.

16 COMM. TSANG: Any questions? Thank you.

17 DR. GARTNER: Celia Iervasi? I'm not sure
18 I'm pro nouncing it correctly.

19 MS. C. IERVASI: My name is Celia Iervasi.
20 I am on the board of New Era Democrats. I am the
21 recording captain and I am coordinating secretary for
22 the borough of Staten Island.

23 Let me tell you about our organization. NED
24 is an independent political organization that strives to
25 promote integrity, efficiency, effectiveness in

1 government to foster respect and cooperation between all
2 ethnic racial and religious groups in our society. The
3 New Era Democrats believes that government derives their
4 power and operates best through the open act of
5 participation of the informed citizenry.

6 NED believes that the government of for and
7 by the people is not a mere slogan, but rather the
8 foundation of the democracy in which we live. Our
9 primary goal is to develop and to promote candidates who
10 are honest, capable leaders who espouse positions on
11 issues that are consistent with philosophy and the
12 objectives of our organization, irrespective of our
13 candidate's political party affiliation.

14 NED has the people power to provide the
15 commitment and sophisticated campaign skills to elect
16 worthy candidates. Once elected, our organization
17 continues working these representatives to further Ned's
18 goals and objectives. That is why NED is in full
19 support of non-partisan elections. It would create the
20 opportunity for people from outside political machines
21 to compete on a more equal footing with party insiders.
22 Newcomers and career people outside the government often
23 find it difficult to run for elective office because of
24 their lack of access to party organization. Party
25 bosses perform a far larger role in selecting city

1 leaders than voters themselves.

2 The ultimate goal is to create more
3 responsive and effective local government coupled with
4 the city's voluntary campaign finance program providing
5 public matching dollars to participating candidates.
6 Non-partisan elections, when combined with campaign
7 finance program, allow people with more limited means to
8 compete, whereas the current system hinges upon party
9 donations and fund raisings. That is why we believe
10 that we have always backed a person, not a party. We
11 are for the individual and not a party.

12 We are in full support of non-partisan
13 elections. I thank you for allowing me to speak.

14 (Applause.)

15 COMM. TSANG: Thank you.

16 DR. GARTNER: Laura Iervasi.

17 MS. L. IERVASI: My name is Laura Iervasi.

18 I am a captain of the New Era Democrats. NED believes
19 that government exists for the people, that at its best
20 insures justice, equality and opportunity for the whole
21 human family. We believe that the proposal of
22 non-partisan elections will help foster that bond
23 between the government and the governed, between that
24 one entity which provides the civic framework and those
25 many who may permit to be.

1 NED was founded on the belief that in a
2 democratic republic such as ours, the most fit for the
3 task of governing should be elected to do so. The
4 entitlement of non-partisan elections speaks to one of
5 our most valued ideals, that is working towards
6 cultivating a well-informed and educated citizenry.
7 Candidates would be freer to offer voters competing
8 ideologies and visions. Non-partisan elections would
9 offer candidates the freedom to articulate a vision that
10 would appeal to a broad spectrum of voters no longer
11 forced to tailor those positions to appeal mainly to the
12 insiders within their own parties.

13 By allowing candidates to appeal to the
14 electorate as a whole, candidates would be forced to
15 offer ideas on actual issues rather than focussing on
16 the vocal few who tend to vote in partisan primaries.

17 Non-partisan elections, when combined with
18 the campaign finance program, would allow people with
19 more limited means to compete, whereas the current
20 system hinges upon party donations and fund raisings. A
21 non-partisan system would allow for more people to
22 compete and to win.

23 I would just like to thank the panel for
24 letting me speak tonight.

25 COMM. TSANG: Thank you. Any questions?

1 (Applause.)

2 COMM. TSANG: Thank you.

3 DR. GARTNER: I'm having trouble reading
4 handwriting. They must have gone to the same school
5 that I did where I got a D in penmanship. Basil --

6 VOICE: He had to leave.

7 DR. GARTNER: Barry Edison?

8 MR. EDISON: I was taking pictures of the
9 people talking. Just very briefly, New Era Democrats,
10 as the other folks explained, has been around for a
11 while. It was founded by Ralph Sansone twenty-five
12 years ago or so and it has supported both Democrats,
13 Republicans for office, citywide and local, sometimes
14 winning, sometimes losing, but basically it believes in
15 the best person, regardless of party. What's good for
16 the City and for the people that the elected officials
17 represent.

18 There are two ways of looking at
19 independence, I think, in the party. You can join an
20 independent party, as some of the very nice people here
21 belong to. But NED doesn't do that. We support
22 Democrats or Republicans. We support the best candidate
23 that we feel is available, and a lot of times Republican
24 candidate may have some great ideas and people say, "I
25 would never vote for them because they're a Republican."

1 A lot of times even a Democrat might have a good idea or
2 an idea and they'll say the same thing, "I won't vote
3 for that person because they're a Democrat," and that's
4 wrong.

5 So we look at it, and what we really are
6 based on, again, and I'm being redundant, is who's best,
7 who's best to serve and deliver services for the City,
8 for the State and that's why New Era Democrats are just
9 absolutely -- we call it New Era Democrats, but it's
10 not, it's with a small d, even though -- it's
11 non-affiliated. We strongly believe that there should
12 be non-partisan elections where the people that emerge
13 from it are the people that are elected because they're
14 the best people, not because they're a Democrat, not
15 because they're a Republican or Liberal or Conservative
16 and I confirm what our other folks said and I hope we do
17 move forward and get this passed.

18 Thank you.

19 (Applause.)

20 COMM. TSANG: Thank you.

21 DR. GARTNER: Harbachan Singh.

22 MR. SINGH: I only signed the attendance.

23 DR. GARTNER: George Spitz.

24 MR. SPITZ: I want to praise the

25 Commissioners for scheduling on Thursday the hearing on

1 procurement, because that will offer an excellent
2 opportunity to bring forth what I think is the most
3 important thing that the Commission can do, is the
4 Feerick Commission recommendations, and I hope this will
5 give an opportunity to specialize in procurement, which
6 deals with the Feerick Commission recommendations.

7 This is my testimony and it's sort of
8 obligatory to the Daily News which endorsed me in 1997,
9 full page endorsement for running on a platform of
10 abolishing the Borough Presidents. In 2001, it was very
11 difficult for me, they barred me from their, the Daily
12 News barred me from their debate. They didn't like my
13 stand on workfare, and Social Security and other things
14 that they learned about in the years after I ran for
15 Borough President, but the editors always say, editor
16 Michael Aronson always says to me, "Are you going to
17 testify for doing away with the Borough Presidents?" So
18 I have put a one-page statement, abolish Borough
19 Presidents and Public Advocate, which I still believe
20 in, but I don't think you're going to deal with, this
21 Commission is going to deal with it this year.

22 But I might just say one thing, that since
23 their inception, a wide diversity of luminaries question
24 the need for Borough Presidents. Former Governor Al
25 Smith --

1 COMM. TSANG: One minute.

2 MR. SPITZ: I'd just as soon finish now,
3 and I'll see you Thursday.

4 COMM. TSANG: Thank you.

5 DR. GARTNER: Speaker Miller.

6 SPEAKER MILLER: Thank you. Well, thank
7 you. I've had the opportunity to follow George Spitz
8 many times in my career and I always enjoy it. George
9 actually ran against me in my first non-partisan
10 election.

11 Mr. Chairman, members of the Commission,
12 it's a pleasure to be here and have the opportunity to
13 testify before you. I'm submitting some rather lengthy
14 written remarks that I will now read to you, and I will
15 read to you from some of sort of a summary that has been
16 composed, but I'd like also to have a chance to answer
17 any questions that you have. I want to obviously focus
18 my comments on three areas of particular concern before
19 the Commission today, areas where I think that the staff
20 recommendations to the Commission are either harmful or
21 potentially harmful or unwarranted, or possibly
22 destructive of the balance that's a really fragile
23 balance of power between the Council and the Mayor and
24 the areas are non-partisan elections, procurement reform
25 and unfunded mandates.

1 To start with, non-partisan elections, I've
2 said on a number of occasions, I think this is a
3 solution in search of a problem. I know that there has
4 been testimony and discussion about the fact that many
5 other cities hold non-partisan elections. I don't see
6 why -- I don't think that is a reason, I think that's
7 just a fact, and of course there are problems in
8 extrapolating the results of non-partisan elections in
9 other cities to a city like ours in New York, which is
10 so different from so many other cities that it's hard to
11 form a real I think useful basis of comparison. New
12 York City is more diverse, heavily populated and more
13 democratically organized than most other cities in the
14 United States and it seems to me at least there hasn't
15 really been compelling evidence that's been advanced
16 that suggests that the three goals which are admirable,
17 which I think we all share of the Commission in
18 considering the question of non-partisan election,
19 increasing access for voters and prospective candidates,
20 enhance participation in the electoral process for
21 racial groups whose history has been precluded from
22 forging greater accountability, I haven't seen or felt
23 compelling evidence that this would actually advance
24 that. In fact, I'm concerned that it would take us in
25 the wrong direction.

1 First off, I think it's important, I believe
2 that parties are important. I think that they're
3 important to our democratic process, they're important
4 to the fabric of our civil society, and they're vital in
5 identifying a set of beliefs that one can attach to a
6 candidate that is not well known or who can't afford an
7 expensive publicity campaign and without the primary
8 process, without candidates being required to provide
9 political identification, the entire process I think is
10 open to confusion, manipulation and undue influence both
11 by wealthy candidates and I think importantly from the
12 testimony of Nicole Gordon potentially by political
13 parties themselves. I think that the proposal that the
14 Mayor made to allow people to list their party
15 affiliation is an interesting proposal and I guess it's
16 a step in the right direction, but I think it leaves me
17 sort of confused as to what it is we're considering
18 here. It's important, party identification in the
19 process of party primaries encourage and support the
20 political consensus that is so necessary, though, at
21 other times, sometimes it can be fleeting, but it's so
22 necessary to a city as diverse and expansive as ours,
23 identifying with a common set of beliefs, beliefs which
24 the Democratic Party, Republican Party, Green Party,
25 Independence Party, whoever puts forth in the city

1 builds a foundation for building a consensus that is
2 absolutely necessary, I think, in balancing the beliefs
3 and interests of our body politic.

4 We don't know how a new system of
5 non-partisan elections will change this city and I'm not
6 sure what it advances us. I think, though, that some of
7 the, there are other ways if we want to encourage
8 access. Same-day voter registration, which is a
9 tremendous step forward, which would be great, but
10 unfortunately it goes beyond the reach of this
11 Commission. The pro-voter bill, we could actually get
12 agencies to implement the pro-voter bill to get more
13 registrations, that would encourage participation. As a
14 -- I guess I'd just kind of get to the point, I'm not
15 clear exactly what I'm testifying on, but with regard to
16 the Mayor's proposal, a non-partisan, partisan,
17 non-primary runoff election to begin in six years, I
18 think is an awful lot for the voters to try to get their
19 minds around. I'm not clear on what the advance is, and
20 I think it's a mistake to, frankly, waste the taxpayers
21 dollars on.

22 VOICE: You were first elected in a
23 non-partisan.

24 SPEAKER MILLER: I was elected in a
25 non-partisan election, let me address that.

1 Unanticipated election. I thought the non-partisan
2 election I was engaged in was dishonest. It required
3 myself to make up a party that I was supposedly a member
4 of --

5 VOICE: Give up your seat.

6 CHAIRMAN MACCHIAROLA: Excuse me just for a
7 second. We've held hearings all through the city, and
8 there's been no disrespect shown, nor should there be,
9 should there be. So the Speaker, who is, after all, a
10 very distinguished member of our City Government, ought
11 to be afforded the courtesy of making his remarks
12 without editorial comment, so I would please request
13 people to give him his due, to also not wave signs that
14 are distracting to those of us who are here trying to
15 listen to his testimony. Thank you very much.

16 (Applause.)

17 CHAIRMAN MACCHIAROLA: Mr. Speaker.

18 SPEAKER MILLER: Thank you, Mr. Chairman, I
19 would note I encourage editorial comment. Maybe it
20 should be saved until after my remarks, but editorial
21 comments is what makes New York City great.

22 I was elected in a special election. I
23 thought it was dishonest, I had to say that I was a
24 member of the East Side Party. I was the only Democrat
25 in the race, my opponent the only Republican in the

1 race. We had to caucus in the City Council, which only
2 caucuses Republicans or Democrats. I don't think this
3 would change that, so it's an important piece of
4 information, perhaps the most basic and important piece
5 of information that people can know about how somebody
6 in the City Council is going to conduct themselves in
7 the City Council on behalf of their community, because
8 there's a huge difference as to what sort of a
9 Councilmember, what kind of approach you take to the
10 legislative process.

11 So my opponent and I, we were required by
12 law to make up these names. I think the Mayor's
13 proposal in that sense would potentially help address
14 that, but since people aren't required to put their
15 partisan affiliation, then it's going to be the
16 confusion and some people putting it, other people not
17 putting it and again, I'm just, I'm a bit confused by
18 the whole proposal at the end and I'm afraid that voters
19 will be as well, and, you know, again, to get people to
20 vote on a partisan, non-partisan, no primary runoff
21 election that begins in six years is, it doesn't make
22 sense to me.

23 I would like to get on the subject of
24 procurement reform, which is also important. I know
25 you've had a bunch of staff discussions on the subject

1 and hearings and other testimony. I would divide the
2 proposals that are before you into two categories.
3 First is a series of proposals that may or may not have
4 merit. I'm not going to go to their merit because I
5 think that they are all proposals that could be
6 addressed legislatively within the current legislative
7 process and, in fact, under this administration, this
8 Council, we have advanced significant procurement reform
9 legislation, has changed our procurement process and
10 that's what we're supposed to do.

11 People elect their Legislature to represent
12 them, they elect their Mayor to be their representative,
13 mayors send over bills we consider them, changed the
14 procurement process, changed the small purchase
15 requirements, changed the paperwork and all kinds of
16 other things and we're capable of changing.

17 Most of the things that are before the
18 Commission right now, I'm not clear on why it should be
19 that on issues like this one, which are, I would say to
20 the average voter relatively arcane, why it would be
21 that a Mayoral Charter Revision Commission should
22 substitute its views for what the right thing to do for
23 the elected Legislature where the elective Legislature
24 is conducting itself and considering these matters and
25 if the Mayor or his staff has these kinds of proposals

1 in mind he should send them over to us and we'll take
2 them seriously as we do all his other proposals.

3 Which gets to the other two types of issues
4 which do require referendum and I would oppose them
5 because it would strip the Council of powers it needs to
6 act as an effective check on the Mayor's already strong
7 powers on procurement, particularly the issue of
8 eliminating the power of the Council to amend Vendex.
9 To me is a dangerous idea, to allow the Mayor who is
10 administering the procurement process to create the
11 policies that affect how he governs himself. Vendex
12 was, even with its problems, a significant step forward
13 and a necessary step forward for there to be an
14 independent legislative body to address the issue of
15 corruption within a Mayoral administration and if we're
16 now going to strip the City Council and the Legislature
17 of that ability, I think we're setting a very dangerous
18 precedent and putting them, I'm sure that no
19 administration would intentionally seek a situation like
20 this, but I think it would undermine public confidence,
21 and also more generally with the policy, with the
22 ability of the City Council to set policy on procurement
23 again it doesn't make sense.

24 We have a balance here, we have a Mayor who
25 has tremendously strong procurement policies,

1 procurement powers. He administers them as he should or
2 as any Mayor should, but the City Council is the
3 legislature that is there to set policy on behalf of the
4 city and I think that it would be a mistake for us to
5 upset that balance in order to try to make things just a
6 little bit easier for an administration to deal with
7 issues that, you know, there should be some discussion,
8 public discussion and public debate about.

9 Finally, on the subject of budgetary
10 accountability, I want to comment on one section of the
11 Charter Revision Commission document entitled "agency
12 reorganization and government accountability," staff
13 options briefing paper. Under the heading "budget
14 unfunded mandates," the Commission staff states,
15 "Elected officials have in the past enacted programs
16 without asking the hard question of which taxes to raise
17 or which other programs to cut in order to obtain the
18 funds to pay for the new programs."

19 I have three general comments to this absurd
20 and insulting characterization of the Council's role as
21 the City's legislative body. First, as required by the
22 Charter, the Council has passed balanced budget after
23 balanced budget for over a decade. The first question
24 is where is the evidence of these budget wrecking
25 unfunded mandates. Second, it is the Mayor, not the

1 Council, that proposes the budget in the first instance.
2 It is the Mayor, not the, Council, that is empowered to
3 initiate budget modifications during the course of the
4 fiscal year, so if necessary appropriations are omitted
5 from the budget, the Mayor has obviously erred.

6 Third, I'm unaware of the myriad legal cases
7 referenced by the section in the paper, on cases where
8 funding decisions have been relegated to the courts to
9 evaluate budgetary priorities. Again, if this was a
10 necessary consequence of unfunded mandates, where is the
11 evidence of this problem? I just don't see it.

12 So in summary, I would urge the Commission
13 to reject the staff's recommendations surrounding
14 unfunded mandates, which, like procurement proposals,
15 seems to be further product of a staff that would like
16 to shift the balance from the Council towards the Mayor,
17 and I think that's not what the purpose of a Charter
18 Revision Commission is or should be.

19 We have things that are working here. We
20 don't have real evidence of significant problems and we
21 shouldn't substitute one Commission's views on the
22 subject for what is the regular legislative process.

23 I would be happy to answer questions on any
24 of those points if anyone has any, and I appreciate the
25 opportunity to testify before this Commission.

1 COMM. O'HARE: I'd like to go back to your
2 comments on what exactly will be the proposal on
3 non-partisan elections. And as you point out, there's
4 some confusion about the original idea, and the idea
5 that seems to have been modified, or at least the
6 proposals that were made by the Mayor that there would
7 be party identification possible for those candidates
8 who would choose to so identify themselves on the
9 ballot. At this point, nobody could be clear on just
10 what form if any this proposal might take. But, if I
11 understand it, if we were to adopt the Mayor's
12 suggestion that candidates would be at their own choice
13 identified with a party on the ballot, the really
14 critical difference between the non-partisan primary and
15 the party primary is that everybody could vote in the
16 non-partisan primary so that you could have Republicans,
17 for example, in effect voting in a Democratic Party,
18 independents voting in a Democratic primary.

19 Do you think that would be a desirable thing
20 to have all of the voters of the City of New York
21 participating in the vote that frequently proves to be
22 the decisive vote on who gets elected?

23 SPEAKER MILLER: First of all, I would
24 reject the notion that it proves to be the decisive vote
25 on who gets to be elected. I think what it would

1 actually do, this is ironic, but I'm not sure it would
2 serve as, I'm not sure that under this proposal that we
3 would have had possibly either Republican Mayor,
4 certainly the current Republican Mayor under this
5 proposal, because he would have probably finished third
6 at least in the runoff election and then you would have
7 had two Democrats running against each other for the
8 general election. So I'm not sure that necessarily
9 always gives people a clear -- what I think we're trying
10 to accomplish by having party primaries is giving people
11 clear choices. I don't think it's the job of this
12 Commission or the job of any government to try to
13 substitute and figure out a way to have sort of, because
14 so many New Yorkers are Democrats, to figure out a way
15 to sort of get around the fact that Democrats tend to
16 win elections once they win a Democratic primary.

17 Voters are given serious choices. The
18 primary process gives voters an opportunity to enroll in
19 a party, if they should so choose or not enroll in a
20 party if they should so choose; vote in the primaries
21 should they be members of those parties and then be
22 given a choice of candidates. Again, how it would
23 actually work, the Mayor's proposal, I'm a little
24 confused. I don't know how you would -- I would at
25 least hope that you wouldn't be able to list your party

1 unless you were actually a member of that party.

2 Then, I guess, I don't know how voters are
3 supposed to evaluate sort of blanks underneath, does
4 this mean that the candidate is an independent or does
5 it mean that they just choose not to list their party?
6 I'm a little confused by how it would work, but I guess
7 the answer to your direct question is, I think that the
8 party primary system is giving New Yorkers good choices,
9 that people have used those choices, we've had
10 competitive elections and the real answer to trying to
11 get people more involved and to reducing the
12 manipulation of outside forces is the campaign finance
13 system, which you served so incredibly well over so many
14 years, which created enormously competitive elections
15 for now fifteen years between people of different
16 parties and within parties.

17 COMM. O'HARE: Well, given -- I'd just like
18 to -- it seems to me that there's some appeal to the
19 idea of allowing everybody to vote in the primary, and
20 which if I understand this proposal, that would be one
21 feature of it, that you would have candidates
22 identifying themselves by party if they so wish, but
23 everybody could vote if they wanted, that would allow
24 everybody in the city who is a registered voter to
25 manifest their choice. It could well be in any

1 election Republicans, Independents, Working Family
2 parties could have a very strong preference in the
3 Democratic candidates.

4 SPEAKER MILLER: That's a very strong point.
5 I think California does it, Democrats are allowed to
6 vote in the Republican primary and vice versa. I think
7 that's patently absurd. If we're going to allow party
8 affiliation, we're going to say it's important, then
9 we're going to allow Republicans help choose the
10 Democrat that's put forward by the Democratic Party and
11 then Democrats are going to get an opportunity to choose
12 who the Republican that is going to be put forward by
13 the Republican Party, I think that defeats the purpose.
14 If we're going to acknowledge this is important
15 information for the voter to have, I don't see what is
16 gained and frankly, I think the process works right now.
17 As I said, I just don't see the problem that is being
18 solved. So I'm as I said, I'm not a fan.

19 CHAIRMAN MACCHIAROLA: The other feature of
20 this would be, and I'm picking up on your concept that
21 you don't want to be put in a party that doesn't exist,
22 East Side Party or something like that, that under these
23 rules, then, a person would only run on the party with
24 which that, or at least identify with the party with
25 which that person is affiliated. We would end the

1 process of having multiple party designations, which are
2 as confusing to the voter, probably more confusing to
3 the voter than non-partisan choices. We have
4 Republican-Conservatives, Republican-Liberals,
5 Republican-Democrat-Liberals. What identification is
6 provided to the voter in a system like that, which
7 doesn't put the person with the party only to the party
8 to which that person is affiliated.

9 SPEAKER MILLER: Well, I guess it's to say
10 that the voters within, who have affiliated themselves
11 with a certain set of beliefs, certain set of policy
12 approaches, certain set of approaches to government that
13 is characterized by that particular party have related
14 those to the rest of the electorate and everybody gets
15 to choose then. You know, I don't think that that's
16 that confusing to people. I think people have gotten
17 pretty used to that. I think this position which some
18 people would identify themselves, other people wouldn't,
19 you know, again, I mean, it just doesn't make sense.

20 Then I think there is a legitimate question
21 that is raised about how, what this will mean in terms
22 of the influence of soft money on these elections, which
23 I think we all need to be very concerned about. This is
24 not the direction I'm sure that the Commission would
25 want to see us go in and it's the testimony of the

1 executive director of the Campaign Finance Board and
2 it's actually just a fact that if you eliminate the
3 party primary system, this actually gives parties
4 themselves the opportunity to spend money directly on
5 behalf of individual candidates, so we've actually
6 created an opportunity in which the party organizations
7 can now get directly involved in these primaries and
8 spend on behalf of the candidate.

9 CHAIRMAN MACCHIAROLA: I heard the testimony
10 you're referring to, and I think what Nicole Gordon said
11 was that the presumption that presently exists that
12 allows the Campaign Finance Board to assign expenditures
13 from parties to the candidates, that that presumption is
14 somehow not as strong or perhaps doesn't exist, she
15 wasn't, couldn't exactly get a definite answer, probably
16 no definite answer yet exists, when the party wasn't
17 assigned responsibility for spending in that election,
18 so I think what we've done on that, just to give you a
19 sense, is to request from the Corporation Counsel's
20 office some clarification of how that would operate,
21 because I think, to the extent that that potentially is
22 a problem, that definitely has a very significant
23 influence on our deliberations, I would believe. I
24 haven't spoken to my colleagues about it, but I think we
25 have to review that with a view towards examining the

1 questions that you raised.

2 COMM. NEWMAN: If I could add to that, when
3 Ms. Gordon was here yesterday, we asked her about soft
4 money under the present system from unions, businesses,
5 environmental groups, political clubs and all kinds of
6 other associations, and she indicated that was a
7 significant problem at present.

8 SPEAKER MILLER: Sure.

9 COMM. NEWMAN: At least for me, I wasn't so
10 sure that what she was expressing was any different from
11 what exists now, the Corporation Counsel part of it.

12 I come from Queens. I just want to go back
13 to what you said about competitive elections. In
14 Queens, I think there are fourteen Council members. You
15 would know better.

16 SPEAKER MILLER: Fourteen.

17 COMM. NEWMAN: Is it fourteen? I happen to
18 uniquely live in one of the areas that has competitive
19 Democratic Republican elections, of which there are two.
20 Out of the other twelve, there were two contested,
21 seriously contested elections. The other ten were won
22 by the party candidate and never had a chance for
23 anything other than that happening.

24 SPEAKER MILLER: Well, that's not accurate.
25 I mean, I don't know how to tell you, it's just not

1 accurate. Eric Gioia won, was not a party candidate; Jim
2 Gennaro was not a party candidate, James Sanders won,
3 was not a party candidate. There were -- Tony Avella
4 was. I'm not sure, I can't remember if he was a
5 candidate in the primary.

6 CHAIRMAN MACCHIAROLA: He was a party
7 candidate.

8 SPEAKER MILLER: He was not a party
9 candidate in the primary -- he was a party candidate in
10 the primary.

11 COMM. NEWMAN: He was the local club's
12 candidate.

13 SPEAKER MILLER: There were a lot of local
14 clubs and they supported a lot of candidates. Tony
15 Seminario's club supported his son; Joe had the support
16 of some local political clubs, Lou Simon's Democratic
17 District leader, was running from the Rockaways. It's
18 just not accurate. What happened, it was that, what
19 happened all over the Queens and all over the rest of
20 the City was the candidate that was the hardest working
21 candidate won. The candidates who were not the hardest
22 working candidates did not win. That's why James
23 Sanders won, that's why Eric Gioia won, Jim Gennaro won,
24 why Leroy Comrie won. The hardest working candidates
25 won and the ones who weren't didn't.

1 If you want to get statistical, let's at
2 least be accurate. There were twelve endorsements in
3 primaries, twelve candidates, thirteen candidates.
4 There was a Republican who won, 13 candidates otherwise
5 and nine of the party candidates won out of thirteen.
6 That's because they endorsed the candidates who worked
7 the hardest and did the best job.

8 COMM. NEWMAN: As a resident, I'm not so
9 sure that's true.

10 SPEAKER MILLER: Put it this way, with due
11 respect to the chairman of the Queens party, who did a
12 tremendous job and was a great Congressman for many
13 years, his District he represented is Eric Goia's
14 District. Eric Gioia won with 56 percent of the vote
15 and the party candidate finished fourth.

16 COMM. NEWMAN: That's one of the two.

17 SPEAKER MILLER: That's one of the four.
18 Make it four --

19 COMM. NEWMAN: We don't agree.

20 SPEAKER MILLER: The party didn't endorse Joe
21 Addabo, they didn't endorse James Sanders, Jim Gennaro
22 and Eric Gioia, so it's four.

23 COMM. NEWMAN: You're correct on Gioia
24 because of an ethnic split.

25 SPEAKER MILLER: What does that mean,

1 because of an ethnic split? I'm unclear. What's your
2 point?

3 COMM. NEWMAN: I guess the point I'm trying
4 to make is I believe in a broader electorate where you
5 moved away from the narrow base of the small number of
6 people who vote in political primaries, that if you have
7 candidates on the ballot, identified by party, and you
8 have the ability for everybody to vote, that we might
9 end up with more independently elected officials.

10 SPEAKER MILLER: Well, I mean, yeah, there's
11 a lot of theology on this subject. That's a matter,
12 you're entitled to sort of your belief on that subject,
13 but I think the what the reality is is that the
14 statistics and studies on this subject are inconclusive
15 with regard to whether it really does improve voter
16 participation. We have a situation in which there are
17 very competitive elections. Helen Sears, who is a
18 county candidate, won by 100 and some votes. Leroy
19 Comrie won by a couple of hundred votes and it varies
20 from county to county and if you think that, and I think
21 the point is just because you make an election
22 non-partisan means that the county organizations are
23 going to just disappear, not make endorsements or not
24 try to support candidates that they feel they can't
25 support, you're just kidding yourselves.

1 I'm not clear, maybe someone can fill me in.
2 You can't change the number of signatures that are
3 required, right, you're required under State law on how
4 many signatures are required, right?

5 CHAIRMAN MACCHIAROLA: That's an open
6 question. We're having lawyers look at that.

7 SPEAKER MILLER: That's a big question, that
8 you guys are going to answer without a lot of comment,
9 but if you can't change it, and you're ready to get,
10 whatever, 2200 signatures that are necessary in order to
11 be independent, you're actually going to increase the
12 power of the parties, because the way it works -- Bill,
13 you can fill everybody in here the way it works -- one
14 thing that the parties do well is they knock people off
15 the ballot. So you add the number of signatures, there
16 are going to be fewer people running, so, you know,
17 again, I just think, we have an effective City Council,
18 51 members elected in elections all over this city. The
19 people who won everywhere all over the place, because of
20 the effectiveness of campaign finance who worked
21 extremely hard. There are some places where county
22 organizations are stronger than others, but the
23 evilness -- I'm not clear on what is wrong with being
24 part of the Democratic Party, or for that matter the
25 Independence Party. You want to be a member of the

1 Independence Party, you're entitled to be a member of
2 the Independence Party, God bless you. That's what we
3 have in this country, we have parties. Some other
4 cities have non-partisan elections, good for them. So
5 what?

6 VOICE: Mr. Chairman, will you accept a
7 comment from the audience?

8 CHAIRMAN MACCHIAROLA: No. We could engage
9 you for quite a while.

10 SPEAKER MILLER: And I would enjoy it.

11 CHAIRMAN MACCHIAROLA: There are a number of
12 people --

13 VOICE: Enough.

14 COMM. LYNCH: Mr. Speaker, I want to raise a
15 question I've been raising. My issue is voter
16 participation. I'd like to have your opinion, although
17 I've been shot down that the State Legislature won't do
18 anything about same day voter registration because it's
19 too cumbersome, it will take too long and be too
20 partisan.

21 SPEAKER MILLER: That's nonsense. I agree
22 with you, it's not too cumbersome. It's easy to do. We
23 can accomplish enormous things in this country. If we
24 can't make it possible for people to vote when they want
25 to vote, that's ridiculous. Of course, I don't see how

1 it changes anything, if somebody wants to register 27
2 times on the same day they can register one month after
3 on the 27th time, in fact, some candidates for public
4 office seem to have done.

5 The question is absolutely that there is a
6 lot of work that we can do to increase voter
7 participation. If this administration and past
8 administrations would fully implement the pro voter bill
9 and really give people voting opportunities whenever
10 they come into contact with city agencies, we would make
11 more progress on voter registration. Same-day voter
12 registration is a great thing. It should happen. I
13 would love to see Albany do it, I don't know whether
14 they will or not, but I'd love for them to do it and we
15 would be happy to pass a Home Rule asking for them to do
16 it, but we can't address that for this commission.

17 COMM. LYNCH: Let me ask your opinion on
18 extended voting like they do in Texas. Can you vote a
19 week out before the actual voting day?

20 SPEAKER MILLER: That would be great.
21 Anything we can do to get more people to vote is worth
22 doing it. The reality is that non-partisan elections,
23 there's no real conclusive evidence that non-partisan
24 elections actually increase voter participation, and so
25 I just don't, I think anything we can do to get more

1 people to vote is great, but there's nothing, we don't
2 have the evidence to suggest that this is actually it.
3 We just have the belief, and then we're, we could do
4 lots of things.

5 COMM. TSANG: Thank you.

6 COMM. NEWMAN: I want to correct one thing.
7 The staff report does not give the Mayor exclusive power
8 over Vendex, it shares it between the Mayor and the
9 Council.

10 SPEAKER MILLER: That's better than the
11 alternative, but since Vendex is passed by the local
12 legislature, it's the job of the legislature to set
13 policy, I don't see how this is a positive step forward
14 and I don't think it should be shared with anybody.

15 Thank you all. Thank you for your service
16 to the city.

17 CHAIRMAN MACCHIAROLA: We have State Senator
18 Golden.

19 VOICE: He had to leave.

20 MR. CROWELL: He's coming back.

21 CHAIRMAN MACCHIAROLA: Can we take him for a
22 minute, Marty, to get his point of view on the record?

23 BOROUGH PRESIDENT MARKOWITZ: He left.

24 CHAIRMAN MACCHIAROLA: Then let's have
25 Mr. Borough President.

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BOROUGH PRESIDENT MARKOWITZ: Thank you, Dr. Macchiarola, thank you very much. Let me say to the members of the Commission, nobody expected me to become Borough President. First off, though I'm a proud Democrat, and I am, I didn't have a penny to my name and I was not supported by my party. Having said that, because of campaign financing, that allowed people like me, with no money, and involved in Government and caring, to be given a chance to succeed, and because of the work that I did over all the years, even though the party may not have selected me as their nominee, nonetheless, my campaign proved that you can win, regardless of partisan politics or non-partisan politics, that the current system in my opinion works for those that want to work. I really believe that.

It was a vigorous campaign, the primary I was in, vigorous and the general election as well. Democracy is all about that, no matter how you dress it up, I believe that this transparent proposal for non-partisan elections is, frankly, an attempt by, in my opinion, the Republicans to attack the last Democratic stronghold in New York State.

Our founding fathers wisely created a system of checks and balances, but I believe this is an effort

1 by the political minority in New York State to rewrite
2 the rules of the game at the expense of the majority of
3 New Yorkers. Non-partisan elections would be a disaster
4 for New York City, which has been treated like the
5 State's unwanted stepchild for too long and it's true.
6 New York is a highly partisan state and when
7 municipalities across the state take the monumental step
8 of eliminating party primaries and party labels, maybe
9 then it will be worth revisiting the issue.

10 Dr. Macchiarola, I must tell you that I
11 believe this issue of eliminating primaries should not
12 be decided on the City level but on the State level,
13 purely on the state level.

14 Sure, there are some problems with our
15 current system, but don't weaken democracy. You
16 strengthen it and strong political parties, in my
17 opinion, equal a strong democracy. By continuing to
18 hold party primaries, we enhance and not diminish the
19 interest and participation in the political process.

20 The Commission has laid out some very
21 excellent goals. Would Brooklyn like to see increased
22 voter turnout? You bet. Would Brooklyn like to see
23 more people who live in economically deprived areas that
24 have historically have low voter participation levels
25 become more active in the process of voting? You bet

1 and there's no doubt that everybody would benefit if our
2 government was held more accountable.

3 But there are far more equitable and
4 innovative ways to get people to the polls. How about
5 holding elections on multiple days, like weekends, and
6 by doing an aggressive voter registration and outreach
7 targeted at both young folks and other groups throughout
8 the city who have not made their voices heard by pulling
9 the lever?

10 Same day registration would be a move
11 forward, which would be made possible if following the
12 lessons of the 2000 Presidential election and by taking
13 advantage of federal funding we move towards
14 computerized voting systems. For too many people, as
15 you heard the Assemblywoman, the voting experience is
16 worse than a trip for a root canal at a dentist. We
17 need to do a much better job of educating our children
18 about why voting, just like brushing one's teeth, should
19 become a regular and integral part of a person's life.

20 When I went to high school there were civics
21 lessons taught in high school. It's not happening
22 today. We were taught that voting was a responsibility
23 of being a citizen of New York City and New York State.

24 Partisan politics isn't divisive. Having
25 strong political parties fighting for what they believe

1 in is the bedrock of American society. But non-partisan
2 elections will take the power from the people and put
3 it, in my opinion, in the hands of the wealthy and the
4 few who have the funds to mount independent campaigns
5 and who frown on the inclusiveness of grass roots party
6 politics.

7 Disenfranchisement certainly isn't
8 democratic. Why is this only being discussed in a city
9 dominated by Democrats? Are Republicans rallying for
10 this across the state? Is Governor Pataki proposing
11 non-partisan elections for Peekskill? I have not heard
12 it. Is Senator Bruno backing them for Troy or Saratoga?
13 I haven't heard it. Is Senator Skelos selling it in
14 Rockville Centre? Not a word.

15 Mayor Bloomberg and I share at least one
16 thing in common. We both have the same birthday,
17 Valentine's day, but it's not too early for the
18 Chairman, you, Dr. Macchiarola, and the entire
19 Commission to give Mayor Bloomberg and the entire city
20 and early birthday present by closing the curtain on
21 non-partisan elections.

22 Thank you very, very much.

23 (Applause.)

24 CHAIRMAN MACCHIAROLA: Thank you very much.
25 Even though I'm not a resident of Brooklyn, I'm proud of

1 you, Marty, and very happy to be in your borough. Thank
2 you.

3 John Mooney?

4 MR. MOONEY: Good evening. My name is John
5 Mooney. I'm the Vice Chairman for station agents,
6 transport workers union Local 100. I live in Brooklyn.
7 I work in Brooklyn. I am in favor of non-partisan
8 elections.

9 (Applause.)

10 MR. MOONEY: Political parties for too long
11 have been trying to make the claim that they represent
12 the best interests of the workers. One party in
13 particular even uses Working Families in its name. But
14 these same political parties, they endorse candidates
15 that support Taylor Law, they support workfare, they
16 even support contracts with zero wages.

17 I say we eliminate party labels, slogans,
18 party names from the ballot box. Politicking belongs
19 outside the ballot booth, law says 100 feet outside the
20 polling place. A person goes into that box, they should
21 be voting on an individual's record. As a worker I want
22 to know, I want the politicians to stand on their record
23 and not behind party label.

24 Again, I'm in favor of non-partisan
25 elections. Thank you.

1 (Applause.)

2 COMM. TSANG: Thank you.

3 DR. GARTNER: Councilmember DiBlasio.

4 COUNCIL MEMBER DiBLASIO: Good evening.

5 Thank you for this opportunity to be with you. Just a
6 few comments and I think, I won't over echo, although I
7 agree with Speaker Miller, Borough President Markowitz,
8 Assembly Member Millman, I won't repeat the remarks.

9 One factual note, I think Speaker Miller
10 agrees, in the case of Brooklyn, just to continue the
11 debate for a moment on what happened in the '01 Council
12 elections, I think there was one race where the county
13 leadership took a position and actually ended up winning
14 the race that was in Kendall Stewart's district. I
15 think in most other races the county leadership either
16 did not get involved or actually did not win the race.

17 So I'll just say very briefly from my
18 experience, which is the most genuine thing each of us
19 could bring to the table is their own experience. From
20 my experience I ran for Council in 2001 in the extremely
21 competitive six-way election. Because of term limits
22 and campaign finance reform, we had six community
23 leaders, all of whom at the starting gate had a
24 legitimate chance of winning, all of whom had
25 significant resources because of the power of the

1 campaign finance law and the four to one match. I think
2 it was a wonderful example of community being, the
3 community being engaged because of the reality that
4 these reforms had created.

5 As everyone knows, people will get involved
6 in the political process just as they will be more
7 likely to show up to a sporting event, when they think
8 either team could win, so in this case I think it was
9 true with six candidates all having a chance, people
10 engaged and everyone felt there was a possibility there,
11 and it led to a better debate and a competitive
12 atmosphere in the best sense throughout. I say all that
13 simply to say I think not that we've reached Nirvana
14 here in New York City, but I think we've reached
15 something important and I fundamentally believe that it
16 would be wrong to undermine that with the elimination of
17 party primaries. I'm again speaking from direct
18 experience.

19 We have a long way to go in terms of
20 engaging the populous of this city properly in a
21 democratic process. I am fundamentally dissatisfied at
22 the reality of the citizen participation in New York
23 City, not just in terms of voting, in terms of every
24 other possible aspect of civic life. I go to way too
25 many PTA meetings and Community Board meetings and

1 Precinct Council meetings where few people show up even
2 though issues affecting their own families are
3 discussed. I think we have a lot to do in our political
4 and civic culture to change that.

5 I fundamentally believe there are many more
6 basic solutions and I've heard the question that
7 Mr. Lynch raised earlier, I agree entirely, for example,
8 on things like same day voter registration, I think
9 there's a lot to be said for voting by mail and extended
10 voting. I absolutely agree with Marty Markowitz' point
11 that weekend voting may be profoundly important and
12 certainly has been effective in other countries.

13 I, by the way, something I've experienced at
14 different levels of government something I don't think
15 we've ever done right is plain old voter registration.
16 I don't think any local government or state government
17 in New York City or New York State has ever put the real
18 resources it could into voter registration that could
19 have created a dynamic of much more profound citizen
20 involvement. So I think there is a lot we need to do to
21 fix our system.

22 I think there are also issues of public
23 access to the air waves for election for all sides or
24 all candidates. I think that could be a fundamental
25 change, but I don't think the elimination of party

1 primaries helps this effort towards reform. I think
2 it's a step in the wrong direction.

3 I am particularly troubled by the points or
4 concerned about the points raised by Ms. Gordon
5 yesterday and I'm saying that, I believe, entirely blunt
6 from the perspective of not someone who is an elected
7 official now, but for someone who previously happened to
8 work on campaigns. The logic she laid out yesterday I
9 think is immutable. If you look at how campaign
10 professionals and candidates are going to respond in an
11 atmosphere of very important elections without party
12 primaries, the natural instinct of larger party
13 apparatus; city, state, federal will be to pour
14 resources in, not only to insure the ultimate victory of
15 their candidate, but, of course, in any context in a
16 runoff to insure their candidate just gets to the
17 runoff. I think you're talking about huge resources. I
18 they we have a very good example from Los Angeles of how
19 things progressed, the best example being the election
20 of Mayor Riordan, for example.

21 I think when Nicole Gordon says that could
22 undermine everything we've achieved up to now in terms
23 of campaign finance reform, both in terms of the legal
24 issues it raises and in terms of the procedural reality,
25 that there will be an incentive in effect to turn to

1 soft money, I think that's a very, very important
2 warning and we should heed it.

3 At the national level, heaven and earth has
4 been moved to get the McCain Feingold bill past to
5 severely limit the role of soft money. I think we agree
6 soft money is the most pernicious of any of the money in
7 politics. I think it would be tragic to reopen the door
8 to soft money in New York City. I think we have to
9 really recognize that as one of the impacts that have
10 occurred here.

11 Lastly, I want to say I think we are very
12 quick to recognize problems and find the wrong
13 solutions. I think it's just a reality of all political
14 culture. I was a School Board member, I happened to be
15 involved in the School Board District 15 in Brooklyn. I
16 think that was pretty effective for many years. I, like
17 everyone else, was very, very upset at low turnout that
18 occurred in the School Board races and I, like everyone
19 else who was involved in that race, understood exactly
20 why. They took place on days when no other races were
21 happening, it was not relevant to people, so School
22 Boards, School Board elections were thrown away in the
23 larger reform process.

24 My point here, that was a very grass roots
25 democratic circumstance, happened to involve even

1 non-citizen parents, that was very important, these were
2 people whose children were affected by the outcome,
3 rather than to experiment and find a way to actively
4 engage everyone and find a way to make that work for
5 people, we've now gone to a non-electoral approach.

6 I think that's a cautionary example. I ask
7 all of you to as you move forward, because I think we
8 have achieved a lot in the way of reform, and I would
9 encourage to you take a look back and not waste all the
10 reform we've achieved.

11 COMM. TSANG: Thank you. Any questions?
12 Thank you very much.

13 DR. GARTNER: Dorothy Williams?

14 MS. PEREIRA: My name is Dorothy Williams
15 Pereira and I represent the Disabled in Action of
16 Metropolitan New York at this time. I oppose
17 non-partisan elections, because it seems to me that
18 non-partisan elections are trying to cloud up and
19 confuse the public more by not having the issues that
20 people represent, but the personalities that are able to
21 get monetary support, and unofficial party support. You
22 say that a Republican wins in a Democratic election?
23 Well, you're talking about multiple endorsements. You
24 have Republicans that are Conservatives, and Republicans
25 that are Liberal. When someone crosses a party line,

1 they have a label from two parties or more parties that
2 are meaningful, then it tells you what they represent.

3 I think that the public is more concerned
4 with what the candidate is going to vote for as an issue
5 than having a fair fight Republican-Democratic election.
6 I think fair fight is the most absurd kind of a thing
7 that was supported by the Commission on Redistricting.
8 Republicans and Democrats are not ethnic or religious
9 groups. They're not immigrants, they're not native
10 Americans. It's bizarre to think that we should make a
11 fair fight between a Democrat or Republican. We should
12 make a fair fight for all candidates for what they stand
13 for, for the character and integrity that they
14 represent.

15 One of the things I think would bring out
16 more people to the election is if we had a third
17 candidate in your little scenario. The third candidate
18 should be named Mr. Not-One-Of-The-Above. I think a lot
19 of the reasons people don't come out to vote is that
20 they don't want anybody that's running. Very often they
21 wanted someone that was eliminated for technicalities,
22 eliminated because he got thrown off the ballot for QN
23 numbers or whatever county.

24 We're talking about a city that is so big
25 that its counties are within it. We are not a city like

1 other cities. We are a city that is so large that our
2 counties are cities. Maybe we should have five mayors,
3 not eliminate the Borough Presidents, that represent the
4 possibility of having mayors within the Central
5 Mayorship. We need to have more participation of our
6 people. We need to have more grass roots democracy.

7 We have to trust the public. We have to
8 give them more control within the parties and within the
9 election. And we have to make it accessible to
10 everybody. We have to make it so that people can get to
11 vote, that their vote counts, that they can register and
12 that they get the kind of candidate that they want.

13 Thank you.

14 COMM. TSANG: Thank you.

15 DR. GARTNER: David Rosenberg. We have
16 testimony that State Senator Golden left, which I'd like
17 to have read into the record now.

18 STAFF: "Statement on non-partisan municipal
19 election. The issue of non-partisan municipal elections
20 is critical to the development of fair and truly open
21 elections in the City of New York. I am therefore proud
22 to be in support of this important measure.

23 "It is clear that a non-partisan system
24 attracts candidates from more diverse backgrounds who,
25 in many cases, have records of accomplishment in

1 business, community and professional life. Today, three
2 quarters of municipalities across the United States have
3 a non-partisan ballot, including major cities such as
4 Los Angeles, Chicago, Atlanta, Seattle and Boston.
5 Among the numerous advantages to a non-partisan
6 municipal election system, increased voter turnout and
7 voter participation are clearly the most important.
8 Under a non-partisan system, all voters regardless of
9 party affiliation would be eligible to participate in
10 every step of the process, not just prime Democrats in
11 the Democratic primary. This would clearly have a
12 positive impact on voter turnout across the city as more
13 voters could vote as more stages of the electoral
14 process.

15 "A non-partisan process in which non-aligned
16 voters and other political parties may vote establishes
17 a more level playing field for all. Non-partisan
18 elections demand a higher level of citizen awareness, as
19 a greater burden would be placed on the candidates to
20 communicate what they stand for and how they are
21 different from their opponents. This, of course, is a
22 good thing. It also means voters would have a real
23 choice on election day, not just the relatively small
24 group that are able and willing to vote in the current
25 closed primary system.

1 The sum of these findings make it clear the
2 future leadership of New York City will be better served
3 by the institution of a non-partisan municipal election
4 system. Only through the fair and open electoral
5 process described by this reform will our city's
6 political landscape be restored to an equitable state
7 and will greater voter participation take hold."

8 COMM. TSANG: Thank you.

9 DR. GARTNER: Lenora Fulani?

10 DR. FULANI: Good evening, Commissioners.

11 COMM. TSANG: Good evening.

12 DR. FULANI: The great 18th century British
13 philosopher David Hume once remarked, "Facts alone will
14 never sway me." I thought his observation might be a
15 comfort to you, since you are now regularly bombarded
16 with different, often contradictory sets of facts about
17 non-partisan elections and their consequences. I know
18 you are sifting through them and trying to discover the
19 truth. But as Hume suggests, facts alone don't
20 necessarily lead to the answer.

21 Frequently, the proof lies more in the
22 behavior and posture of the actors in a political drama
23 than in any set of facts. The Democratic Party bosses
24 have squawked since the beginning about the issue of
25 party labels. They insist that voters must have these

1 cues to be able to perform appropriately. Last night I
2 argued against labelling on the grounds of fairness, but
3 I have other concerns about labels which have to do with
4 the voter.

5 The Democratic Party argues that labels make
6 choosing a candidate easier, but it's not that
7 transparently obvious that easier is better for our
8 city. Yes, it makes it easier for the democratic
9 machine to garner votes if there are labels, just as the
10 New York State law requiring a full face ballot makes it
11 easier for people to vote party line rather than to
12 choose candidates selectively from among multiple lines.
13 But from the vantage point of the civic development of
14 New Yorkers, it's not at all clear that we should favor
15 methods that foster passivity rather than active
16 decision making on the part of the people who vote.

17 As an educator and developmental
18 psychologist who works with young people, I know that
19 successful learning and activity always go together. I
20 don't support an election system for adults that goes in
21 the opposite direction, one that is designed to dumb
22 down the electorate. It's pretty clear why the
23 Democratic Party favors a passive. They are frightened
24 that if people think and choose for themselves, they
25 will be less controllable, and they are absolutely

1 right. Non-partisan elections are a basic good-
2 government structure for municipal elections used by 80
3 percent of American cities. The Democratic Party could
4 have responded gracefully to the proposal for
5 non-partisans, if you could imagine that, by saying,
6 "Okay, guys, let's do this, it's more inclusive and
7 we're still going to win all the elections anyway." But
8 they didn't respond that way and there is a reason why
9 they didn't. It's because the Democratic Party doesn't
10 want to win, they want to be assured that they will win,
11 no matter what, and that is why they are demanding a
12 partisan system. And no one needs facts to know that
13 that demand is simply unfair.

14 The political scientists may have difficulty
15 understanding this, but I assure you the people of New
16 York City will not. Thank you.

17 (Applause.)

18 COMM. TSANG: Thank you.

19 DR. GARTNER: Lewis Maloney.

20 MR. MALONEY: I want to say it's a privilege
21 and an honor to appear before this distinguished
22 committee and I'd like to add certainly a delight.
23 There was a previous speaker that spoke about the
24 formation of NED 25 years ago, New Era Democrats,
25 political organization, and Ralph Sansone was the

1 founder and I was with Ralph when we formed that
2 organization, dare I say it, 25 years ago, and we had
3 these arguments and we had these discussions about
4 non-partisanship. And our mission statement
5 incorporates non-partisanship and we had two young
6 ladies speak previously who laid out the benefits and
7 the arguments for non-partisanship and I believe they're
8 part of the record, so I'm not going to duplicate what
9 they had said already.

10 It's certainly a delight. Every argument
11 that I heard for non-partisanship is a valid argument.
12 Why? Because we have tested it over the last 25 years.
13 Yes, we have tested them over the last 25 years. It's
14 part of our mission statement, we have believed in it,
15 we have acted upon it, we have moved in it, we have
16 grown in it, we have developed in it, and here I am 25
17 years later, when that mission statement was from its
18 inception, and we found out that it's the way to go.
19 Every argument that I heard against non-partisanship is
20 not a valid argument, and that's based on experience and
21 that's based on 25 years of moving in non-partisanship
22 through the New Era Democrats.

23 So I want to just say and I want to go on
24 record as an officer of the New Era Democrats and a
25 charter member of the New Era Democrats and I believe

1 that each of the Commissioners have heard extensively
2 from members of the New Era Democrats throughout the
3 five boroughs, our position is unequivocal and our
4 position is clear and our position is emphatic that we
5 should definitely have non-partisan elections.

6 Thank you and have a nice night.

7 COMM. TSANG: Thank you.

8 (Applause.)

9 MR. GELANIC: God bless you.

10 DR. GARTNER: Mike Roth.

11 MR. ROTH: Good evening. A few days ago, I
12 observed our fire engine company as responding to a
13 distress call and I was wondering; are these guys in the
14 firetruck Democrats or Republicans or just firefighters?
15 Then I realized that the at the moment their party
16 affiliation is not important as long as someone was
17 getting help from these guys.

18 The question is, what is important for us?
19 Is party affiliation play such a major role when we put
20 our brave men and women to fighting fire or a crime or
21 when we nominated the same people for elected positions
22 in our city? Moreover, by abolishing partisan in
23 elections, we gain a number of benefits for the people
24 of New York, such as candidates for elected positions
25 will be judged by their capabilities, not loyalties to

1 party bosses or skills for litigation process.

2 Secondly, we will uphold the United States
3 constitution that guarantees equal rights for all
4 people.

5 Third, a great deal of corruption in the
6 city government will be eliminated in the non-partisan
7 elections. Recently, during the month of June, I was
8 involved in collecting signatures for several candidates
9 in the election. It was not a surprise to me that
10 almost 100 percent of the people whom I approached to
11 get the signatures did not know the candidates on the
12 petition. I didn't know the candidates myself. This
13 candidate did not have a hard time to get on the
14 petition, it was granted to them by existing system.
15 However, wait, what about other candidates who want to
16 participate in election? Forget about it. If you don't
17 have party support, you will need to spend thousands of
18 dollars to collect signature, then the same amount of
19 money for lawyers to prove that the collected signatures
20 are valid and in the end these candidates will be thrown
21 out from the ballot.

22 COMM. TSANG: One minute.

23 MR. ROTH: On the other hand, if you will
24 get rid of partisan elections, we can have ten times
25 more people fighting to get on the ballot. Only the

1 best organized and people with proven track record will
2 be chosen to participate in primary and anyone who
3 wishes to put a signature will be able to pick up any
4 signature to have a fight. The rest will be able to run
5 for office trouble free.

6 Are there some people here who were not born
7 on the United States? Not too much. No wonder in a
8 city where more than 50 percent of the population was
9 born outside of this country has a hard time to
10 participate in governing our own affairs. I myself was
11 born in the former Soviet Union and came here fourteen
12 years ago as a refugee. One can ask any immigrant
13 active in the community how is it to be elected in New
14 York City. Unfortunately, we don't have too many
15 chances to succeed. One guy had guts to ask the party
16 bosses and was told, "Get in line and wait for your
17 turn."

18 "What is the waiting time," a guy asked.

19 "A little bit longer than the emergency room
20 for public hospital," replied the boss.

21 I agree with the party leader on this issue.
22 The party machine in New York is filled with people who
23 are footsoldiers and prove themselves to the party.
24 They're loyal to execute any order for them, at any
25 time. Immigrants don't have many years of service in

1 the party and when we speak it is so hard to understand
2 us, as you are hearing now. Therefore, it is much
3 easier to become someone from inner circle.

4 Last point. I will not spend too much time
5 here in discussion of corruption of city government due
6 to influence of Democratic machine. It is well
7 documented in the media. I want to emphasize that
8 non-partisan will forever diminish corruption on almost
9 every level of city government.

10 In conclusion, referring to politics and to
11 this wonderful country, I will try my best to contribute
12 to the efforts of the people of New York to bring
13 fairness and justice for election process in our city
14 thank you very much.

15 DR. GARTNER: Sarah Wellman?

16 Sherry Boone?

17 MS. BOONE: Good evening. My name is Sherry
18 Boone, and I am an opera singer and a resident of
19 Clinton Hill, here in Brooklyn. Although I am very busy
20 and active in my career, I am also very committed to
21 being an informed voter. It is not my belief that black
22 people or any other people, for that matter, need
23 labels, road maps or cues on the ballot to determine how
24 to vote or who to vote for. I believe in listening to
25 candidates and researching their track record on issues

1 and policy. This alone determines who gets my vote.

2 When I went to vote in New York City on a
3 primary election day, I was surprised to discover upon
4 arriving at my polling site that I was not allowed to
5 participate in the primary because I was not a
6 registered Democrat. Something is very wrong when a
7 significant number of New Yorkers, 800,000, I have now
8 learned, are discriminated against because they are
9 neither Democrat nor Republican.

10 I liken the reality of bipartisan bias to
11 the unfairness, in my opinion, of having an electoral
12 college when the people have already cast their vote.
13 This answer is very simple for me. One person, one
14 vote, for the candidate of your voice across the board.
15 No party labels are necessary. They simply feed into
16 the trap of partisan politics.

17 Put non-partisan elections on the ballot and
18 let the people decide. Thank you.

19 COMM. TSANG: Thank you.

20 (Applause.)

21 COMM. TSANG: Any questions?

22 Thank you very much.

23 CHAIRMAN MACCHIAROLA: I just told Father
24 O'Hare that you're the first opera singer I ever heard
25 testify.

1 DR. GARTNER: Alan Bortnick?

2 MR. BORTNICK: I'm going to ask for a small
3 modicum of consideration in light of what you did with
4 Mr. Miller and take a moment that you add into your
5 report, sir, that you take a few minutes to add into it
6 from this point on that whenever any committee holds
7 meetings like this, that the politicians can hold
8 meetings with you in camera and the citizens can be
9 allowed to come and testify rather than just special
10 interest groups and politicians. It might be the most
11 beneficial thing you can do with regard to what's
12 happening here today.

13 (Applause.)

14 CHAIRMAN MACCHIAROLA: I just would like you
15 to understand that the Open Meetings Law, which is the
16 law in this State, and that governs the work of this
17 Commission, does not permit us to engage in the type of
18 discussions in camera that you are suggesting. Every
19 discussion, every meeting that this Commission has, has
20 been in the public, and while I do appreciate that some
21 people will have to wait, I should just want you to know
22 that the members of this Commission have been at work in
23 this situation, in this week Monday, Tuesday, both from
24 4 or 3 until usually this hour, and beyond.

25 We will be involved again in hearings on

1 Thursday. We've done this on many occasions. We have
2 yet to send anyone home who has not had the opportunity
3 to speak. So I can't figure out how more I can, what
4 more we can do to accommodate everyone, and sometimes we
5 get engrossed in questions or in dialogue, and it just
6 happens to be that that's what the democratic process
7 is, and I apologize for the fact that all of you don't
8 get the opportunity to have as much time as you would
9 like, but that we are constrained by that, we will take
10 public testimony, written testimony, we read it, and our
11 staff reports it to us.

12 So my apologies and I --

13 MR. BORTNICK: Not necessary, believe me, I
14 understand your position also. I just think that
15 perhaps somebody should do something about changing the
16 rules.

17 CHAIRMAN MACCHIAROLA: You should have been
18 in the Bronx, there was no air conditioning.

19 MR. BORTNICK: I've lived in worse than
20 that. Three minutes and fifteen seconds.

21 COMM. TSANG: Yes, sir.

22 MR. BORTNICK: We face a two-fold problem.
23 It's a combination of government and education. On the
24 one hand, we face a situation dominated by parties and
25 clubhouses. Seldom are they capable or willing to

1 produce worthwhile candidates. It's hacks and the power
2 hungry who step forward to run for office and who
3 generally win. 93 percent incumbency. They have
4 developed a language all their own and consistently
5 pander to voters. As a result, voters have developed
6 both a disgust and distrust for government. It's why we
7 now have a President elected by barely a quarter of the
8 voters with a questionable result resolved in Florida by
9 a Bush family member.

10 The same situation translates easily to
11 state and local elections. The persons backed by an
12 organization, which especially here in New York has
13 developed a system to destroy opposition from
14 individuals and the outsiders, many of whom are truly
15 worthwhile candidates, has to be changed. Non-partisan
16 elections, while not the ultimate solution, are a major
17 step in the right direction. After all, we elect
18 people, not parties. If you have to stand on your own
19 two feet and not hide behind the dictum of a party, then
20 the will and the needs of the people will prevail more
21 often than it does now. Candidate failure will finally
22 be exposed for what it is and not be hidden behind
23 closed doors. No results, no reelection.

24 Blame and failure can clearly be assessed to
25 those responsible and not buried in a shameful,

1 clandestine shuffle when your term is up which raises an
2 aside the issue of term limits. I find it impossible to
3 believe that in this City of nearly 12 million residents
4 any elected official can say openly as one has, "I am
5 the only person who can serve the people of my district
6 properly." We have a word for that. Chutzpah. Just
7 out and out gall.

8 The other issue is education. Our schools
9 with the elected officials as their partner do not
10 provide a proper education at the intermediate or high
11 school level to students so that they clearly understand
12 the responsibility and the inner workings of federal,
13 state and local government. Though I've been involved
14 in politics since the age of ten, I did not achieve a
15 true understanding until my first year in college where
16 the civics course I took involved more than just reading
17 a book. There was a question and answer session and an
18 open frank discussion by a professor who took the time
19 and insisted that we learn the subject because it would
20 be an important part of our adult lives.

21 We want voters to be more active and
22 involved. Give them a chance for better candidates to
23 emerge, not just the same, trite political party hacks
24 who consider politics their day job and their only
25 responsibility to be their own reelection. Make

1 non-partisan elections a part of this city.

2 Term limits is helping us by weeding out the
3 deadbeats and despots, even though the City Council
4 voted illegally to perpetuate itself after first change
5 to go a two-year term and then trying to reverse itself
6 to obtain a total of eight years in office.

7 Enough is enough. Politics be damned, let's
8 level the playing field to allow better candidates to
9 run. Thank you.

10 (Applause.)

11 COMM. TSANG: Thank you, sir.

12 MR. BORTNICK: By the way, we're living with
13 a stacked deck here. I got married in a room slightly
14 larger than that with more people than appeared here and
15 it was a small wedding, so please understand that.
16 Numbers can lie, people don't want to come out and it's
17 a sad, sad day.

18 DR. GARTNER: Pat Russo.

19 COMM. TSANG: Thank you, sir.

20 MR. RUSSO: Good evening. I want to thank
21 the members of the Commission for this opportunity to
22 speak in my home borough. Even though I am running for
23 City Council this year in this borough with two parties
24 already having endorsed me and running in a primary for
25 a third, I come before you to testify in support of

1 non-partisan municipal elections. I'd like to briefly
2 state my reasons in support of such a position and then
3 spend a moment or two to dispel some myths about it.

4 First, I believe the non-partisan municipal
5 elections are the best step to have an issues-oriented
6 campaign. Absent the labels by which we place our
7 candidates, or I should say accurately, parties place on
8 candidates and then drive voters to the booths much like
9 lemmings to the edge of the cliff to heard them into the
10 voting booth in support of one party position, the
11 absence of those labels and the support of individual
12 candidates will do the best job, I believe, to create an
13 issue-oriented campaign for any municipal office.

14 One of the byproducts that hasn't been
15 talked about is the effect, the net effect on the
16 electorate. As a result of forcing candidates to come
17 forward and present their individual positions on
18 individual subjects, without just the blanket approval
19 or disapproval of a party, the electorate then has the
20 choice to make for the candidate who on balance
21 represents his or her position. There could be no
22 better goal than to have a well-informed electorate and
23 I just frankly haven't heard enough of that during the
24 course of tonight's hearings. I believe that's not only
25 a byproduct but probably the best result from putting

1 forward non-partisan municipal elections.

2 I want to spend a moment or two to dispel
3 some myths. Eliminating majority parties or a party
4 label does not necessarily I think create a causal
5 relationship to say that Democrats, for instance, in New
6 York City won't be elected. Instead, what I think it
7 will mean is that certain Democrats won't be elected,
8 namely those that have the political party and political
9 machine endorsement, not necessarily a bad thing, in my
10 view.

11 The other point is the reducing of the voter
12 turnout. I'm sort of amazed that I heard tonight people
13 trying to link a relationship between lower voter
14 turnout and non-partisan municipal elections coming into
15 being. Quite simply there are other efforts, other
16 reasons for that, and in fact in my home District, the
17 43rd Councilmanic District that had an election in
18 February when there would be 8 to 9,000 people voting in
19 a special election, there were five candidates who
20 created a turnout in excess of 40 percent higher than
21 the initial expectation. In fact, going to that
22 personal observation of that race, the top three
23 candidates finished within 2 percentage points of each
24 other and had to go to paper ballots to make the final
25 determination and when you have that kind of competition

1 and that kind of higher than expected turnout, that's a
2 great result. That's one small example I want to bring
3 to the Commission's attention.

4 Finally, to my great disappointment, I heard
5 several people say that the Commission which is charged
6 with the very important and special obligation in its
7 duties go and take a nap, basically, for the rest of the
8 summer. Take the summer off. I am proud to have been
9 raised as the children of the immigrants in a city that
10 never sleeps and I hope that the Commission doesn't fall
11 asleep at the switch and basically leave its obligations
12 at the door tonight.

13 Thank you.

14 COMM. TSANG: Thank you.

15 (Applause.)

16 DR. GARTNER: Douglas Levine.

17 MR. LEVINE: Thank you, Mr. Chairman and
18 Commission members for this opportunity. My name is
19 Douglas Levine and I'm director of the New Era
20 Democrats. We are a political organization that abides
21 by the proposition that the most qualified candidate
22 merits an individual's vote and the organization's
23 support. In investigating this issue, I recently found
24 out that non-partisan elections were introduced by the
25 progressive party of Theodore Roosevelt, one of our most

1 illustrative native sons, at the beginning of the 20th
2 century in response to party machines.

3 Having considered the issue, I believe that
4 non-partisan elections will bring about the following
5 prominent results: First, I believe that there will
6 arise enhanced opportunities for fresh government and
7 private sector-based candidates; social workers,
8 physicians, project managers, financial analysts, as
9 well as government managers, experienced implementers
10 who can offer creative, innovative approaches to
11 governance and cost effective delivery systems that
12 work.

13 Our national Founding Fathers, many New York
14 residents themselves, did not germinate from familiar
15 political career tracks. Their bountiful talents
16 cultivated in private avocations and offered up to the
17 political arena contributed mightily to governance and
18 political discourse up to and including this day.

19 Secondly, the number of ideologies and
20 persuasions that is speculated to fill the public forum
21 as a result is of lesser concern to me than a likely
22 increase in the number of innovative, pragmatic ideas
23 and service delivery process changes. Intelligently
24 implemented, such changes can facilitate measurably
25 greater productive of City employees and at the same

1 time increase the quality and satisfaction of their own
2 work.

3 Thirdly, increased diversity and depth of
4 the talent pool offers greater choice for informed and
5 concerned electorate. A proper concern has been raised
6 regarding the opportunity for candidate participation
7 from all groups. In response, I would ask what more
8 effective means could there be to lower the barriers to
9 entry, eliminating gatekeeping intermediaries, than to
10 allow the electorate as political consumers to decide
11 what has currency in a free marketplace of political
12 thought, ideas and programs. As it is said that chance
13 favors the prepared mind, so I believe that non-partisan
14 elections will favor those candidates who have the best
15 to offer the voters of New York.

16 In the beginning of our nation with no
17 political parties existing at all, actually much to the
18 satisfaction of George Washington, I might add, and with
19 New York City as its first capital, most government
20 representatives believe that the people were generally
21 misinformed and easily misled and thus did not think
22 that the American democracy had matured enough to offer
23 a direct vote to the people. Slowly, various voting
24 barriers to segments of the resident New York population
25 were removed. Barriers of property ownership, then race

1 and then gender.

2 I believe that we should now eliminate the
3 barriers of political infrastructure as 41 of the 50
4 largest cities of the United States have already done,
5 including, most prominently, Los Angeles, Houston,
6 Seattle and Chicago. Non-partisan elections should not
7 be feared. Rather, we should move forward and embrace
8 it as a more democratic and more effective idea whose
9 time has finally arrived for the people of New York.

10 Thank you.

11 COMM. TSANG: Thank you.

12 DR. GARTNER: These are people who signed
13 in. I'm not sure whether they meant to testify. Jim
14 Sutcliffe? Imogene Taylor? David Brown? Leslie Jones?
15 Peter Colanto? Leslie Jones? Sandra -- last name
16 beginning with an S, I can't read. L. Farrell? Ian
17 Gelanic? LaJoy Williams? Aaron Askew?

18 Those are all the names I have, Madam
19 Chairman.

20 CHAIRMAN MACCHIAROLA: You have some
21 testimony that others have given.

22 COMM. TSANG: There's a gentleman who
23 testified.

24 CHAIRMAN MACCHIAROLA: Why don't you add to
25 the record people that left testimony.

1 DR. GARTNER: We also have testimony that
2 was left to us from Danny Rosenthal, representing UJA,
3 and the not-for-profit group.

4 CHAIRMAN MACCHIAROLA: We can type it into
5 the record. This testimony essentially, I've just read
6 it, supports the proposition on procurement that the
7 not-for-profits be not penalized basically for delays
8 that the City has in its processing of funding projects
9 and we'll present that into the record.

10 (The following statement was typed into the
11 record:)

12 MR. ROSENTHAL: Good evening, Chair
13 Macchiarola and members of the Charter Revision
14 Commission. I am Danny Rosenthal, director of public
15 policy and planning for the United Jewish Appeal
16 Federation of New York or UJA Federation, as it is
17 commonly known. My testimony this evening will relate
18 to the report of the Commission staff associated with
19 the City's procurement systems. First I will briefly
20 describe aspect of the work of UJA Federation, our
21 interest in matters of City procurement. Our o serves
22 as a funding source and central coordinating body for
23 upwards of a hundred nonprofit organizations many based
24 within New York City and dedicated to the provision of
25 full range of human services to New Yorkers of a broad

1 variety of ethnic and religious backgrounds in areas
2 including child welfare, child care, vocational training
3 and employment, housing, health, mental health and
4 services to seniors, immigrants, youth and the disabled.

5 Many organizations within the UJA Federation
6 network contract extensively with the City in the
7 provision of such services and in many cases our
8 organization enjoy productive and cooperative
9 partnerships with City agencies. In far too many
10 instances however difficulty associated with City
11 contracting processes have proven a source of immense
12 frustration, disruption and financial cost to our
13 organizations.

14 Most troubling in our view has been the
15 chronic prevalence of retroactive contracting
16 essentially when the City fails to timely decide whether
17 contracts are to be renewed and organizations are
18 compelled to elect between discontinuing essential
19 services for themselves or outlying funding to continue
20 the services. In these instances, organizations nearly
21 always are obliged to continue services for ethical and
22 practical reasons, and to do so, they often access loans
23 from financial institutions and incur considerable
24 interest fees that the City does not reimburse. I can
25 attest to the multiple items UJA Federation agencies

1 have faced this dilemma and the Mayor's management
2 reports confirm that the phenomenon of retroactive
3 contracting is indeed extensive and pervasive.

4 We are gratified that the Commission staff
5 recognizes the problem and recommended that the
6 Commission and City Government support solutions to it.
7 However, our primary purpose at this hearing this
8 evening is to urge the Commission to itself advance
9 concrete solutions. We believe that what is necessary
10 is a comprehensive law and a mandate time frames during
11 which each phase of procurement must occur and extend
12 financial protections to organizations in the form of
13 interest payments and no interest loans, in cases of
14 delays of the City's making.

15 It is important to note that such a New York
16 State law governing contracting at State agencies
17 already exists and has proven a valuable means of
18 improving the State's procurement systems.

19 We also want to note with gratitude the
20 acknowledgement by Commission staff of other issues very
21 pertinent to human service contractors. Primarily these
22 include the need for better communication and deeper
23 partnerships between the City and the human services
24 sector, the cumbersomeness and irrelevant relevance of
25 aspects of the Vendex system, and the need for

1 streamlining our financial auditing. Here again,
2 though, we urge the Commission to directly address these
3 chronic problems rather than suggesting solutions to
4 other Governmental bodies.

5 To close, I want to commend Commission staff
6 for thoughtful and thorough study and analysis regarding
7 the very critical subject of City procurement and to
8 once again entreat the Commission to endeavor itself to
9 resolve problems that have long impeded the delivery of
10 human services to many thousands of New Yorkers in need.
11 Please know that the UJA Federation will remain
12 available to inform the Commission's deliberations going
13 forward and to assist in whatever ways possible.

14 CHAIRMAN MACCHIAROLA: There was also
15 testimony by State Senator, former Councilman Marty
16 Golden.

17 DR. GARTNER: We read that already while you
18 were out.

19 CHAIRMAN MACCHIAROLA: Okay, now, sir.

20 MR. BAXTER: Good evening, everyone. My
21 name is John Baxter, and this is my third appearance at
22 this present round of discussions on, before the City
23 Charter Commission, and I made some notes.

24 As you know, I've testified in Queens, I
25 testified in the Bronx and now in Brooklyn. And when I

1 first started out in Queens, I thought it was me, but I
2 knew there was something wrong and it was just my
3 thoughts, my -- everything was verified so far at these
4 three meetings. And that is the fact that people do not
5 show up to meetings. Something is wrong, folks. They
6 don't go to any kind of a meeting. As a matter of fact,
7 take here tonight. You have, you are going to change
8 the whole entire way that we do business in the City of
9 New York. There's probably close to 3 million people in
10 Brooklyn. How many people showed up here tonight?
11 Probably, I tried to count them. I counted 125 and even
12 if I double that, out of 3 million people? More people
13 walked past this building in a half an hour, not knowing
14 that their fate might be decided of how they're going to
15 be governed for years to come.

16 Mr. Miller himself admitted that people
17 don't show up to meetings.

18 I've noticed another thing. Most of the
19 people who testified against non-partisan elections were
20 political people. And if they weren't political people,
21 they were either from the Borough President's Office or
22 they were from some branch of government connected to
23 politicians.

24 One woman testified here tonight that, I
25 believe she was an Assembly person. She said she never

1 heard anybody, any one her constituents saying that they
2 wanted non-partisan elections. How the heck could she?
3 She left the building before they had a chance to speak.

4 (Applause.)

5 MR. BAXTER: They all leave the building
6 before they listen to the people. That was one of my
7 gripes from the day one. I mean, this is a case of like
8 the tail wagging the dog. We elect these politicians.
9 We are their bosses. They have it all wrong. But
10 they're so used to this system.

11 My real point, folks, here, is that we're
12 getting ourselves into a situation in New York City
13 where we're not really letting the people decide. The
14 people's spirits have been broken by a failed and
15 corrupt system and we really have to change that. You
16 folks have the power to change this.

17 Now, I know you're going to be beholden a
18 little bit to Mayor Bloomberg and whatever he says. But
19 you know what, you should really say to yourselves, you
20 know what, Mayor, we've had a lot of testimony here. We
21 really have to decide what the people want. And so far,
22 folks, you cannot deny that most of the people that were
23 for non-partisan elections were not the political
24 people, they were the average, run-of-the-mill people
25 who sit down, who go to work, who take the subways every

1 day and take the buses that don't run too well, that
2 come home at night and throw themselves on the couch and
3 they get up the next morning and start the whole process
4 all over. While the Chamber of Commerce and the
5 Community Boards and everybody else is deciding for them
6 what to do.

7 It's about time to give them a chance,
8 folks, please give them a chance.

9 (Applause.)

10 COMM. TSANG: Thank you.

11 MR. BAXTER: Did anybody ever think that the
12 candidates that we vote for today, they're already hand
13 picked by the party. We go into vote and we didn't
14 choose those candidates to vote for us. Non-partisan
15 elections would allow us to choose those candidates that
16 we want to vote for. Please let them -- do the right
17 thing, folks, thank you very much.

18 COMM. TSANG: Thank you, sir. Is there
19 anybody else who would like to testify? Yes, sir?

20 MR. BORTNICK: May I ask for one more
21 minute?

22 COMM. TSANG: Sure.

23 VOICE: He already testified.

24 MR. BORTNICK: All of the politicians have
25 spoken of the party primary. Somehow or other I seem to

1 recall that it's a City primary paid for with City money
2 and if the Democrats want to have a primary, they've got
3 enough money of their own to hold their own primary with
4 their candidate up there. All we're asking the
5 Committee to do here is make it non-partisan, so that
6 people rather than parties make the choice.

7 COMM. TSANG: Thank you, sir.

8 I just want to remind everyone there will be
9 a forum on this Thursday, July 24th from 4 to 6 and on
10 the municipal procurement and then followed by a general
11 session at 6 p.m. at Columbia Presbyterian Medical
12 Center. Thank you. And thank you, fellow
13 Commissioners.

14 (Time noted: 8:44 p.m.)

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