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Transcript of the Meeting of the  
CHARTER REVISION COMMISSION  
PUBLIC HEARING  
held on Thursday, July 24, 2003  
Columbia Presbyterian Hospital,  
168th Street and Ft. Washington Avenue  
Borough of Manhattan

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(212)349-9692	(516)741-5235

1 Meeting convened at 6:45 p.m.

2 P R E S E N T

3 FRANK MACCHIAROLA, Chairman

4 COMMISSIONERS:

5 KATHERYN PATTERSON

6 PATRICIA GATLING

7 STEVEN NEWMAN

8 FATHER JOSEPH O'HARE

9 BILL LYNCH

10 FRED SIEGAL

11 MOHAMMED KHALID

12 CECILIA NORAT

13 VERONICA TSANG

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1                   COMM. NORAT: As we're getting started, I  
2 would like to introduce the Commissioners as you all  
3 have arrived. Starting on my right Commissioner Siegal,  
4 Father O'Hare, Dr. Khalid, Commissioner Lynch, I'm  
5 Cecilia Norat, Commissioner Tsang, Commissioner  
6 Patterson, Commissioner Macchiarola and our Director  
7 Alan Gartner and our counsel, Anthony Crowell.

8                   The other thing is I would like to remind  
9 you is that testimony is limited to three minutes and we  
10 will give you the one-minute warning so that you can  
11 prepare your summation. Thank you.

12                  DR. GARTNER: Our first witness is Council  
13 Member Scott Stringer.

14                  COUNCIL MEMBER STRINGER: Good evening. I'm  
15 pleased to be here before such a distinguished panel.  
16 I'm going to submit testimony in a more formal way and  
17 give you some suggestions that I jotted down, if that's  
18 okay.

19                  My name is Scott Stringer. I represent the  
20 Upper West Side in the State Assembly and I am pleased  
21 to have this opportunity to testify before the Charter  
22 Revision Commission on this important issue. I've  
23 always thought the Charter revision role is to address  
24 specific needs of our great City sometimes. Charter  
25 revision I think is gathering to discuss a measure

1 contrary to what your lofty mission ought to be.

2 I'm here to tell you that simply put,  
3 non-partisan elections do not belong in New York. But I  
4 will agree with many that New York City faces an  
5 electoral participation crisis. As a state we rank 41  
6 among all states in voter turnout. We cannot and must  
7 not allow this appalling lack of participation to  
8 continue. So while some may make the argument that  
9 non-partisan elections will increase voter turnout, what  
10 we found in other cities, that is in fact not the case.

11 When we look at Chicago known for bruising  
12 political campaigns, they faced the lowest turnout ever  
13 for municipal elections, 34 percent in the year 2003.  
14 Electoral participation in Los Angeles is even more  
15 daunting, with city elections bringing out 31 percent of  
16 the vote in the 1997 preliminary election and an  
17 embarrassing 10.73 percent in a general election. These  
18 figures are troubling indication of things to come if  
19 New York City were allowed to have non-partisan  
20 elections.

21 But I think that we do need to shake things  
22 up electorally in the city and I've come here today to  
23 ask you to focus your political will and your  
24 suggestions to the Mayor and to the powers that be in  
25 Albany on a couple of issues in which we can in fact

1 open up the political process. First and foremost, I  
2 think Commissioner Lynch is right when he was quoted in  
3 the paper talking about implementing election day  
4 registration. I happen to think that under the current  
5 rule voters must be registered thirty days before an  
6 election before the election actually commences, and we  
7 eliminate people who could actually participate. Many  
8 candidates tend to focus on voters that are prime  
9 voters, the most likely voters but if we implemented a  
10 same-day voter registration in this state and in this  
11 city, every single individual would be up for grabs  
12 during the election and would force candidates to  
13 campaign in all neighborhoods, among all different  
14 groups and it would, quite frankly, change the entire  
15 dynamic about how we conduct elections.

16 Imagine a process where on a given day you  
17 would actually add 2.4 million people to our election  
18 rolls? It's something that we should consider, it's  
19 something that would go a long way to increasing  
20 participation. Same-day voter registration is now used  
21 in six other states and the average turnout there is 68  
22 percent. I ask you to think about that during your  
23 deliberations.

24 The other thing I want to talk about is  
25 whatever happened to the Voter Assistance Commission?

1 Many people don't even know what the Voter Assistance  
2 Commission is, but that's the group under the Charter  
3 that's actually supposed to increase voter registration  
4 in the city. And every year we either cut the funding,  
5 we don't fund it properly, so we've never had an actual  
6 Commission that deals with voter participation in the  
7 City, and it's something that we should do.

8           When we looked at campaign finance reform  
9 some years ago, we put together the Campaign Finance  
10 Board, we increased the number of citizens that give  
11 money in campaigns, low donors, candidates are rewarded  
12 for low donors contribution and we have the finest  
13 campaign finance system in the entire country, but when  
14 it comes to a Voter Assistance Commission I don't think  
15 there's more than a staff of two or three people and  
16 it's ridiculous that they've been ignored. I think if  
17 you're going to have a Charter Revision Commission  
18 ballot, let's reform and strengthen that, because that's  
19 something that can go a long way to voter registration.

20           Finally, when I think we're looking at ways  
21 to reform the process, let's not stop with VAC or same-  
22 day voter registration, let's go out and really  
23 establish working with people like Keith Wright and  
24 other chairs of the Elections Committee and let's  
25 professionalize and modernize the Board of Elections.

1 Let's focus on voting machines. Right now we  
2 cannibalize the parts, they break down and it goes a  
3 long way to hurting voter turnout. We should create a  
4 system at the Board of Elections where we talk about  
5 bringing out the vote, modernizing how elections are  
6 conducted and making sure that New York City doesn't  
7 have a Florida disaster. That's what everyone thinks  
8 about every time we have an election in New York.

9 I think what we've talked about today are  
10 the kinds of proposals that should be under  
11 consideration. Non-partisan elections I don't think  
12 would increase turnout, I think it would lower turnout.  
13 We are a city with a tradition of parties, whether it's  
14 the Democrats, Republicans, Independents, Greens,  
15 Working Families Party, all these folks do endorse and  
16 participate and choose sides in elections, but every  
17 political party spends times mobilizing volunteers to do  
18 something that we have failed to do as a Government  
19 entity, which is bring out the vote, because the more  
20 people that participate the more representative  
21 Government we have.

22 I just want to quote somebody some of you  
23 may be familiar with a guy by the name of William Tweed,  
24 who said once -- people do remember -- but William Tweed  
25 once said, "As long as I count the votes, what are you

1 going to do about it?"

2 In the years since we've made strides to  
3 create a system that would make Tammany shudder. But now  
4 it's time to take the next step. We must spearhead a  
5 reform initiative that would make real change and  
6 provide the opportunity to increase voter turnout in the  
7 city. Non-partisan elections is not the answer.  
8 Perhaps in the days of Tweed a debate over proposals  
9 marginally connected to voter participation would be  
10 acceptable, but that's not today. We know better and  
11 the time has come to prove it.

12 Thank you for listening.

13 (Applause.)

14 COMM. SIEGAL: Scott, who was the opponent  
15 of Mayor Daley in the 2001 Chicago election? You cited  
16 a figure as an example of low turnout.

17 COUNCIL MEMBER STRINGER: You know, Fred, if  
18 I knew that was coming -- I meant to look it up.

19 COMM. SIEGAL: It's a good thing, because he  
20 essentially ran unopposed. So if you look at those  
21 turnout numbers, put them in context. In 1997 in Los  
22 Angeles, Scott, who was running in that election?

23 COUNCIL MEMBER STRINGER: We didn't get  
24 those statistics. But don't you agree, by the way --

25 COMM. SIEGAL: Answer my question, Scott.

1 Who was running in 1993 in Los Angeles?

2 COUNCIL MEMBER STRINGER: I don't know. I  
3 represent the West Side.

4 COMM. SIEGAL: Scott, you're admirably  
5 parochial tonight. My point is, those elections were  
6 essentially uncontested. If you're going to use  
7 statistics, Scott, you have to put them in some kind of  
8 context.

9 (Applause.)

10 COUNCIL MEMBER STRINGER: I think, and I  
11 will provide this to you, I think if you look, Fred, at  
12 elections throughout this country and if you look at the  
13 dynamics of New York City, I still maintain that we  
14 would diminish electoral participation here. I've  
15 offered you today, we can disagree on this --

16 COMM. SIEGAL: I actually --

17 COUNCIL MEMBER STRINGER: I've given you,  
18 taken the time to come here to give you two suggestions  
19 and I ask you to consider them.

20 COMM. SIEGAL: Scott, you certainly know  
21 these are matters of State law, not City law. This is a  
22 Charter Commission for New York City, so let me ask you  
23 a question.

24 COUNCIL MEMBER STRINGER: I think that  
25 rather than deal with non-partisan elections, which in

1 my opinion reduces participation, maybe this Commission  
2 and the leaders and our Mayor can sit down with our  
3 legislative leaders in Albany and the Governor and start  
4 publicizing fundamental reform. Same-day voter  
5 registration, dealing with the Voter Assistance  
6 Commission which you can do, Fred, right here at this  
7 table. You can put something on the ballot that would  
8 make this Commission actually go out, register voters.

9 (Applause.)

10 COMM. SIEGAL: Why do you assume that  
11 allowing 800,000 additional people, just independents to  
12 vote, would reduce voter turnout? It defies logic.

13 COUNCIL MEMBER STRINGER: They can vote.  
14 They'll have a primary, they'll vote on the ballot in  
15 November. They can vote in two years.

16 COMM. SIEGAL: What percentage, Scott?

17 COUNCIL MEMBER STRINGER: I'm not a member  
18 of the Independence Party.

19 COMM. SIEGAL: Let's live in the real world,  
20 Scott. The only primary that counts is the Democratic  
21 primary.

22 COUNCIL MEMBER STRINGER: I think people  
23 have an opportunity, the way to increase turnout, Fred,  
24 is to relax the rules and get people registered and get  
25 them out to vote. I understand your partisan view of

1 the situation --

2 COMM. SIEGAL: Non-partisan view.

3 COUNCIL MEMBER STRINGER: I'm here to have a  
4 non-partisan conversation about bringing people out to  
5 vote.

6 COMM. SIEGAL: We can agree on that.

7 COUNCIL MEMBER STRINGER: Oh, my God.

8 COMM. NORAT: Anyone else?

9 COMM. NEWMAN: I want to comment. You  
10 should know that the other day we did meet with the  
11 Voter Assistance Commission, with the Campaign Finance  
12 Board, the Board of Elections. The issue with the  
13 machines, at the moment it's a State issue. We still  
14 have parameters for the Board of Elections, so as much  
15 as I a hundred percent agree with you that the Board of  
16 Elections should be changed, it, too, is controlled by  
17 State legislation, and the first reform at the Board of  
18 Elections should be the change in how the Board members  
19 are selected and that would be part of State  
20 legislation.

21 COUNCIL MEMBER STRINGER: I come here as a  
22 State legislator to suggest to you that Albany's role in  
23 increasing voter turnout has been laughable, but we  
24 should not in New York City play the same game and  
25 rather than tackle issues that I believe will not

1       increase voter turnout, there's a number of things we  
2       can do as a State, there's a number of things the Mayor  
3       can do as a leader of this City, if he really wants to  
4       increase voter turnout, which is talk to his friend,  
5       Governor Pataki, meet upstate legislators, make this  
6       process work, and you do have a Voter Assistance  
7       Commission which is under your purview and I ask you,  
8       Steve, to look at that.

9                   COMM. NEWMAN:   That's why we met with them.  
10       We may have some recommendations here.

11                   COUNCIL MEMBER STRINGER:   I think I'd like  
12       to hear that.   If we could model that after the Campaign  
13       Finance Board, I think we would be on our way to  
14       bringing out the kind of participation that's necessary.

15                   COMM. NEWMAN:   As a partisan of your  
16       persuasion, not on non-partisan elections, obviously,  
17       I'm still troubled to understand why you don't think  
18       it's appropriate in the 85 percent of the City, which is  
19       basically a one-party City, that we don't allow  
20       everybody to participate in choosing their own leaders?

21                   COUNCIL MEMBER STRINGER:   Because the reason  
22       it's an 85 percent City, because people don't vote just  
23       for candidates, but a certain set of ideals and  
24       principles.   Right now in New York City the Democratic  
25       Party has represented that for people for generations.

1                   COMM. NEWMAN: What are the similia  
2 principles between you and Tony Seminari?

3                   COUNCIL MEMBER STRINGER: We certainly, we  
4 have, believe it or not, we do agree on some things.  
5 But more importantly, the parties turn out the vote and  
6 by the way, Democrats don't always vote for Democrats.  
7 The person who appointed you to this Commission, Steve,  
8 is a Republican who is now going to be Mayor for four  
9 years. Mayor Giuliani was a Republican that garnered  
10 Democratic votes, so the notion that people don't end up  
11 voting for the candidate and sometimes shun the party is  
12 something that's been a tradition in New York City going  
13 back even before Lindsay, is my guess.

14                  COMM. NEWMAN: Citywide. I'm not sure it  
15 just happens in a local election.

16                  COMM. LYNCH: Scott, I've heard over and  
17 over again as it relates to same-day voter registration,  
18 that you can't get it passed in the State Legislature,  
19 it will take two votes of the State Legislature. Do you  
20 have any thoughts about how, I hear you say about the  
21 Mayor taking an initiative. What about a Home Rule  
22 message from City Council?

23                  COUNCIL MEMBER STRINGER: We don't believe  
24 that would be enough, although clearly a resolution with  
25 support by the Mayor would get things out in the public

1 eye. The nice thing about having a discussion about  
2 voter registration, while it would take a couple of  
3 years to implement, because it would be a Constitution  
4 change so the Legislature would have to pass it in both  
5 houses twice, as we do with other Constitutional  
6 questions, it would then go on the ballot, Statewide.  
7 People would be able to debate it and talk about it.

8 I think that if we came up in a bipartisan  
9 way about how to create some electoral reform and some  
10 participation, that ought to be the centerpiece of that,  
11 because we could then make eligible in one day 2.4  
12 million people who could then participate in the  
13 elections and it would force Democrats, Republicans,  
14 Working Families on every given election, Bill, they  
15 then would have to go to people all over their  
16 neighborhoods, not just the prime voters who always vote  
17 or the traditional Democrats and I think that's  
18 something we ought to explore.

19 I recognize that your role is limited here,  
20 but you as one of the Commissioners put it out there for  
21 something to discuss and when you put it out there, I  
22 wanted to come here today about a bill that I've  
23 introduced, one that would allow for a Constitutional  
24 ballot question and then another piece of legislation  
25 that would talk about implementing election day

1 registration.

2 If you look at other states and you want to  
3 really increase participation, the percentages go up 10,  
4 15 percent and, Fred, I even know the states that  
5 occurs.

6 COMM. SIEGAL: Yes, let's talk about that  
7 for a second.

8 COMM. LYNCH: Fred, hold it. One other  
9 thing, Scott. I've recommended extended voting like  
10 they do in Texas, for a week. What's your thoughts  
11 about that, to increase participation?

12 COUNCIL MEMBER STRINGER: I think that  
13 anything we look at, because we're so backwards in New  
14 York, so anything we look at in other states, we should  
15 evaluate it. I know a lot of election people probably  
16 go with crazy with the notion of doing it ten days,  
17 that's some of us, but I think that's something to  
18 consider as well.

19 We have a lot of people who simply do not  
20 pay attention to elections thirty days out and people  
21 have all come up to -- any candidate who has ever run  
22 for office has heard somebody say with a week to go for  
23 the election, "Can I register to vote? I want to vote  
24 for you, for who the President is going to be," and we  
25 have to say, "No, the registration deadline has long

1 passed."

2 That disenfranchises people. We have the  
3 technology and means to make sure that could work,  
4 there's no voter fraud. That's why to do that we have  
5 to improve things like the Board of Elections to make  
6 sure elections have the integrity, there's no danger of  
7 voter fraud. I think this is something we want to  
8 explore, as opposed to getting caught up in the  
9 non-partisan mumbo-jumbo because some people don't like  
10 the results of elections. That's not the problem.

11 COMM. NORAT: Any other questions from the  
12 Commissioners? Thank you very much.

13 (Applause.)

14 DR. GARTNER: Anita Romm?

15 MS. ROMM: Good evening. My name is Anita  
16 Romm. I was an elementary school teacher for over 30  
17 years, including the teaching of consumer economics at  
18 the high school level. I tried to impress upon my  
19 students the importance of truth in labelling and truth  
20 in packaging laws. What do you think you ought to do  
21 with the idea of non-partisan elections? Do you know  
22 this is an invitation to stealth candidates who might  
23 try to sneak in some kind of hidden agenda like they've  
24 done some places in middle America and the south?  
25 Candidates should be required to identify themselves as

1 Republican, Democrat, Independent, Green, pink,  
2 whatever.

3 It is possible for many parties to  
4 participate in our elections. Voters should not have to  
5 guess what each candidate stands for. Thank you.

6 (Applause.) Any questions?

7 CHAIRMAN MACCHIAROLA: Assemblyman Denny  
8 Farrell?

9 ASSEMBLYMAN FARRELL: Good evening and  
10 welcome to my District.

11 (Applause.)

12 ASSEMBLYMAN FARRELL: I wish we were all  
13 meeting under different circumstances. I want to thank  
14 you, the Council Members, who have come here tonight,  
15 because as you know, yesterday was a terrible and tragic  
16 day. We will all mourn the loss of James Davis. James  
17 was a passionate public servant who was committed to  
18 making a difference. We will miss him and his  
19 leadership, and to Commissioner Siegal my deepest  
20 sympathy for your recent loss.

21 COMM. SIEGAL: Thank you.

22 ASSEMBLYMAN FARRELL: Now, the reason we are  
23 all here tonight is to talk about the elimination of  
24 political party primaries. When we talk about truth in  
25 labelling, that's what we're talking about, elimination

1 of political party primaries. The chorus of critics,  
2 whether you hear them here in public hearings, is  
3 getting louder when it comes to eliminating the party  
4 primaries. I understand that the Brennan Center for  
5 Justice has issued a statement in opposition to the  
6 elimination of party primaries. I am sure that the  
7 Commission will take very seriously both the substantive  
8 and process concerns of the Brennan Center. As you  
9 know, the Brennan Center raised concerns that  
10 eliminating party primaries would reduce voter  
11 participation, hurt poor voters in communities of color  
12 and undermine the campaign finance system. On that  
13 note, you also heard expert testimony this week from  
14 Nicole Gordon. She testified that the elimination of  
15 party primaries could open up the door for unlimited  
16 party spending and give parties more power over  
17 elections. Well, thanks but no thanks. You keep the  
18 power where it belongs, not in the party, giving it to  
19 the party.

20 I think that the campaign finance program  
21 has made it possible for so many candidates, especially  
22 those of color, to run for office.

23 (Applause.)

24 ASSEMBLYMAN FARRELL: It has attracted more  
25 voters by expanding the pool of candidates running for

1 office. Despite all of this, the New York Sun reported  
2 this week that Chairman Macchiarola confirmed that a  
3 question concerning the elimination of party primaries  
4 will be on the ballot by November, as Mayor Bloomberg  
5 suggested it should be last week. Well, I'm here to  
6 call for some truth in labelling when it comes to that  
7 ballot question. Please be honest, tell the voters  
8 exactly what you're proposing. It is the elimination of  
9 party primaries.

10 Now, I don't know what you want to plan to  
11 call the Mayor's new proposal. Is it a non-partisan  
12 partisan election or is it a partisan non-partisan  
13 election? It's not really an open primary, because  
14 party primaries still exist in open primaries. It may  
15 be a unitary election system, but I think the  
16 words "free-for-all" or "mud wrestling" is the most  
17 appropriate name. Whatever name you decide to give it,  
18 the result is the same. It's the elimination of party  
19 primaries.

20 You need to make that clear in the ballot  
21 question, so voters will know the consequences of what  
22 you're proposing. I trust that you will draft a fair  
23 and accurate ballot question that includes those words,  
24 "the elimination of party primaries." Again, you all  
25 know my position on this issue. I hope that you move

1 forward, as you move forward you will take into  
2 consideration what I have said tonight. And to  
3 Mr. Siegal, Fred, I'd like you to make a call to Mark  
4 Green, Dave Dinkins and tell them if they got the  
5 Democratic nomination they would end up being the Mayor  
6 of New York City, I think they would really appreciate  
7 knowing that. You also said it so positively, 85  
8 percent of the voters will put the person in. Is that a  
9 law that says the Democrat gets it automatically? Is  
10 there some law that's written somewhere in the book that  
11 says the Democratic candidate will be given the election  
12 once they are nominated? Or is it the people going to  
13 the polls and making the decision as to who they want,  
14 as they did when they elected Mr. Bloomberg, Mayor  
15 Bloomberg, as they did when they elected Giuliani, Mayor  
16 Giuliani, give him respect, and as they did when they  
17 elected Dave Dinkins? They make the decision. I don't  
18 know why you think that because Democrats keep winning,  
19 that we must be doing something like adding drops in  
20 their water or doing something to cloud their mind.  
21 They do it because we offer the best issues, we give  
22 them the positions, we give them the positions they want  
23 us to get, they understand that.

24 (Applause.)

25 ASSEMBLYMAN FARRELL: It's about issues,

1 it's not about parties, but parties carry the issues, so  
2 again, I thank you very much.

3 COMM. NORAT: Any questions?

4 COMM. SIEGAL: Denny, a question. Which  
5 state leads the country -- which city leads the country  
6 in party access legislation?

7 ASSEMBLYMAN FARRELL: I don't know, I've  
8 never seen the polls.

9 COMM. SIEGAL: Which City in the country has  
10 more lawsuits regarding ballot access?

11 ASSEMBLYMAN FARRELL: That's an interesting  
12 question. Because what you're implying is because an  
13 action is brought that there's something wrong or  
14 criminal. Maybe it's because people think if they sit  
15 around a kitchen table and they write petitions and they  
16 put 500 names on a green sheet of paper, and hand it in  
17 to the Board of Elections they will be allowed on the  
18 ballot.

19 Now, we don't have any intelligence tests or  
20 mental tests for candidates, but we do have rules that  
21 require them to follow those rules, and what happens is,  
22 for some reason or other, which is good, these people  
23 want to be part of the system, they want to play, they  
24 come and they make applications, but at the same time,  
25 they are not putting in the correct papers, and we have

1 made -- you know, you could have talked to me ten years  
2 ago and I would have been embarrassed, because I would  
3 tell you, not dotting the I or not crossing the T would  
4 have knocked you off the ballot. If you read English,  
5 which is not a requirement to be an elected official,  
6 but if you read English, or Latin or Spanish, if you  
7 read any major language, Chinese, the rules are  
8 available. If you follow the rules, it requires to be  
9 an Assembly person, which I am, 500 signatures of people  
10 who are registered Democrats in your District.

11 Now, if you go out on the street and you get  
12 all those people from Jersey who walk along 181st  
13 Street, because they come off the bridge to sign your  
14 petition and you decide to give them addresses in the  
15 neighborhood because it's easier, you're going to get  
16 knocked off. So the question of how many people are  
17 knocked off the ballot is not a valid question unless  
18 you look and say they were knocked off when they were  
19 perfectly good petitions, and by the way, we made it so  
20 you can cure, so if you didn't cross the T, didn't dot  
21 the I, we tell you, you didn't do that, we then write  
22 you a letter from the Board of Elections, and they tell  
23 you you have three days to come in and dot the I, cross  
24 the T. We didn't take off for things like the color of  
25 the paper. The color of the paper was not a stupid

1 rule, it was a rule done when people didn't read so you  
2 would know the parties by the color even if you couldn't  
3 read whether it said Democrat, Conservative, Republican  
4 or otherwise. So those rules have all been changed.

5 So what you're saying, if you're intimating  
6 that ballot access is restricted because of those  
7 lawsuits, the answer is no, it is not.

8 COMM. SIEGAL: So what you're saying in  
9 effect that people in New York are either dumber or more  
10 corrupt than the rest of the people?

11 ASSEMBLYMAN FARRELL: No, you said that.  
12 Fred, that was a very nice cheap shot, but you know  
13 better than that. What that's about --

14 VOICE: He didn't say that.

15 ASSEMBLYMAN FARRELL: I did not say that.  
16 But just so we understand, I didn't make a cheap shot.  
17 Let's not get into that game. I'm not a guy you want to  
18 go against. The issue is very simple. Because people  
19 bring lawsuits, does that mean that something is wrong  
20 here in New York because we have more cases here than  
21 anyplace else? That's not a really good argument.  
22 You're a professor, you should know better.

23 COMM. NORAT: Anybody else?

24 ASSEMBLYMAN FARRELL: Yes, Doctor.

25 CHAIRMAN MACCHIAROLA: Assemblyman Farrell,

1 first of all, I want to thank you for your testimony.  
2 And I want to thank you for your telephone call the  
3 other day, which reinforces the quality of yours that  
4 those of us who have known you for so long really  
5 respect, which is class. And I thank you.

6 ASSEMBLYMAN FARRELL: I apologized. I said  
7 some words in the press I shouldn't have said. I called  
8 him up and called to apologize, because I don't normally  
9 do that, and I called to apologize. I do when people  
10 like you come up. Yes. Thank you all.

11 COMM. NORAT: Thank you very much.

12 (Applause.)

13 DR. GARTNER: Ralph Suarez?  
14 Marilyn Charles?

15 MR. SUAREZ: Good evening. I am Ralph  
16 Suarez, I'm not a politician, number one. Number two, I  
17 have a letter which was written and I want to read it to  
18 you people, and if there's any questions, I can answer  
19 to you, but I will try to be as accurate as I can, all  
20 right?

21 As I said my name is Ralph Suarez. I'm  
22 speaking on behalf of Working Family Parties. For those  
23 of you who don't know, the Working Family --

24 COMM. NORAT: Excuse me, a little closer to  
25 the microphone.

1                   MR. SUAREZ: Okay, sorry. That's better.  
2                   This is my first time. The Working Families Party is a  
3                   state-wide political party. Our aim is to advance the  
4                   issues most important to working and poor people;  
5                   affordable housing, higher wages, immigration, health  
6                   care and good government. When this Commission was  
7                   announced, the paper reported that the Chairman had  
8                   already made up his mind before the hearing on the  
9                   number one issue before us, namely, non-partisan  
10                  elections. We were saddened and disheartened by this.  
11                  The whole point of appearing is to air different views  
12                  and then use your judgment afterwards.

13                  Still, even if the Commission intends to  
14                  rubber stamp the Mayor's proposal, I want to say for the  
15                  record why I think non-partisan elections are bad idea.  
16                  No matter how you dress it up, non-partisan elections  
17                  mislead voters, give wealthy candidates an even bigger  
18                  advantage than they already have.

19                  (Applause.)

20                  MR. SUAREZ: And decreases voter turnout.  
21                  Any one of these reasons should automatically compel  
22                  this Commission to reconsider its view. Taken together  
23                  it's hard to understand why the issue of non-partisan  
24                  elections is even up for debate.

25                  Without party labels, voters are going to

1       rely heavily on name recognition to guide their votes.  
2       That may be good for incumbents and wealthy candidates,  
3       but it's not for challengers who come from more modest  
4       means. Incumbents are in the news all the time and  
5       candidates with deep pockets can buy name recognition  
6       over the airwaves and get their messages out in the  
7       public in a way that others cannot. So, the nonwealthy  
8       will rely on parties and party labels to help reduce the  
9       costs of campaigning.

10                COMM. NORAT: One minute.

11                MR. SUAREZ: Okay, I will finish.

12                It is hard enough already for good  
13       candidates with less money to get their names and  
14       message out to the public and win elections. Get rid of  
15       party affiliations, and their chances decline further.  
16       Non-partisan elections means that money talks even  
17       louder than it is already does.

18                If the wealthy are the winners on the  
19       non-partisan elections, who are the losers? The voters  
20       of New York City who rely on party labels as a way to  
21       figure out what candidates stand for and show their  
22       support for certain values. When people vote for  
23       candidates on the Conservative line, for example, they  
24       are sending a message against rent control, for school  
25       vouchers and against equality for women and people of

1 color.

2 COMM. NORAT: Time.

3 MR. SUAREZ: Finished? Okay.

4 COMM. NORAT: Thank you very much.

5 MR. SUAREZ: I tried to wrap up. If anybody  
6 has any questions, I'd be willing to answer.

7 COMM. NORAT: If you would like to leave  
8 the testimony, we would be happy to have you.

9 DR. GARTNER: Assemblymember Keith Wright.

10 ASSEMBLYMAN WRIGHT: Good evening. I am  
11 Assemblyman Keith Wright. I have the privilege to  
12 represent central and west Harlem in the New York State  
13 Assembly, and I am also the Chair of the New York State  
14 Assembly standing committee on Election Law. I'll be  
15 very brief, because I know you have a number of people  
16 that wish to speak.

17 Thank you for the opportunity for allowing  
18 me to speak this evening. I have actually spoken  
19 before, I guess in years past, last year, I believe I  
20 sent a representative to testify this year.

21 The fundamental problem with non-partisan or  
22 elimination of party primaries is that it does not  
23 improve any problems with the current system. But  
24 rather, in fact, it makes it much worse, makes them much  
25 worse. An elimination of primary system will allow

1 special interests to buy influence in ways unimaginable  
2 under the current system. Stability in the electoral  
3 system will erode. Worse, a new kind of candidate, free  
4 from the moderating effects of partisan politics, will  
5 seek to gain notoriety by conjuring fear and resorting  
6 to politics that appeal to the lesser aspects of human  
7 nature.

8           The partisan affiliation of a candidate  
9 tells something about the candidate's core political  
10 values. While no two partisans hold the exact same  
11 views, political party identification is an important  
12 aid to voters making decisions about candidates. Simply  
13 put, most voters find it helpful to know what party a  
14 candidate belongs to. Bottom line, voters need more  
15 information about candidates, not less.

16           (Applause.)

17           ASSEMBLYMAN WRIGHT: While the partisan  
18 ballot informs voters about a candidate's affiliation,  
19 the new non-partisan ballot will yield absolutely no  
20 clues to voters as to a candidate's core beliefs,  
21 allowing candidates to keep secret their core ideology  
22 until after election day.

23           Over the last few weeks, Mayor Bloomberg has  
24 made a number of concessions on this issue, such as  
25 limiting the money he would spend on this issue, or

1 changing the enactment date of the proposal until 2009.  
2 I think he'll do anything to make this bad proposal more  
3 palatable. Let's stop wasting the people's time on an  
4 issue that is only, only important to the Mayor.

5 (Applause.)

6 ASSEMBLYMAN WRIGHT: I will close by saying  
7 that though partisan democracy in New York City has not  
8 always been perfect, it has provided a stable framework  
9 for governing the most diverse city on earth for more  
10 than a century. I have no doubt that we can make  
11 democracy in New York City better. However, political  
12 parties perform a vital function in insuring the  
13 integrity of the Democratic process and eliminating them  
14 makes absolutely, absolutely no sense at all.

15 Thank you very much.

16 (Applause.)

17 COMM. NEWMAN: One of the things we're  
18 considering at present, one of the constructs is  
19 allowing each of the candidates running in a  
20 non-partisan election to list their party affiliation if  
21 they so desire, in which case the public would have the  
22 information you would be looking for.

23 ASSEMBLYMAN WRIGHT: That wouldn't be a  
24 non-partisan election, then, if you put on party labels.

25 COMM. NEWMAN: What would be non-partisan

1 about it would be that all voters would be eligible to  
2 vote in that elections, all voters would be eligible to  
3 sign petitions for candidates, all petition carriers  
4 come from any registered voter. In essence, the  
5 suggestion would be basically opening up the process to  
6 all registered voters. So what's the problem?

7 ASSEMBLYMAN WRIGHT: Well, Mr. Newman, it  
8 seems to me as if you don't have all the information of  
9 what you're thinking and what this panel is thinking in  
10 terms of what you're planning to do. Meanwhile, all of  
11 our cards are on the table because we're testifying to  
12 you, so we don't have your vision. We don't have what  
13 you're thinking, so maybe we should switch places right  
14 now and maybe you should tell us what you're thinking,  
15 so you can give us more information. That's a thought,  
16 don't you think?

17 COMM. NEWMAN: So what's your response to  
18 the concept?

19 ASSEMBLYMAN WRIGHT: I don't have all the  
20 details. All I have is what you're telling me. I need  
21 to examine something like that, especially as the Chair  
22 of the Election Law Committee, it might need some  
23 legislation.

24 COMM. NEWMAN: You would potentially be open  
25 to such a construct.

1 ASSEMBLYMAN WRIGHT: I'm open to anything.  
2 I live in New York, I want to look at everything. I've  
3 been in politics ten years and I know better than to  
4 make a commitment on the record right now, in front of  
5 all these people.

6 COMM. NORAT: Anybody else? Thank you.

7 ASSEMBLYMAN WRIGHT: Thank you.

8 (Applause.)

9 DR. GARTNER: Marilyn Charles.

10 MS. CHARLES: Good evening. My name is  
11 Marilyn Charles and I'd like to talk on the role of  
12 parties. I want to speak against non-partisan elections  
13 and in support of political parties. There is a  
14 tendency to think of parties as bad things, as corrupt,  
15 undemocratic. Some people can't say the word "party"  
16 without the word "machine" or "boss" coming after it.  
17 But I truly believe that parties are an important part  
18 of our democracy.

19 (Applause.)

20 MS. CHARLES: The theory behind non-partisan  
21 elections is that politics is all about individuals. A  
22 bunch of candidates run as individuals. They are not  
23 the candidates of parties or anyone else. They're  
24 supposed to be completely independent, which I guess  
25 they can be, if they can fund their own campaigns. And

1       then we as voters go into that booth as individuals. We  
2       have all done our homework, looked into the candidates  
3       backgrounds and credentials and positions and promises  
4       and that's how we vote. No bosses picking candidates,  
5       no machines telling us how to vote.

6                       That sounds nice, I guess, but it's not the  
7       way the real world works. In the real world, the only  
8       time working people get anywhere is when we organize.

9                       (Applause.)

10                      MS. CHARLES: If I decided to run for office  
11       some day, I couldn't fund my own campaign, and as a  
12       voter, I don't have the time or skills to figure out  
13       everything I need to know about every candidate, and  
14       they are certainly not going to let me interview each of  
15       them, even if I had the time. And even if I could do  
16       that, I am still just one person. There is no reason  
17       politicians should listen to me unless I am part of a  
18       larger group. That's what parties are for. They allow  
19       working people, everyone, ready to vote together.

20                      Take the Working Families Party, which I'm a  
21       member of. A lot of us might vote for a Democrat  
22       without the WFP line, but they have no way of knowing.  
23       They wouldn't know why we were voting for them, so they  
24       have no way of listening to us. Time, okay.

25                      COMM. NORAT: Finish your thought.

1 MS. CHARLES: Finish my thought, thank you.  
2 With the WFP line, the voters send a message in the way  
3 no individual can.

4 COMM. NORAT: Thank you very much.

5 MS. CHARLES: Thank you.

6 (Applause.)

7 DR. GARTNER: Dorothy Siegel.

8 MS. SIEGEL: Hi, my name is Dorothy Siegel,  
9 I want to first thank you for this opportunity. I've  
10 been active in my Brooklyn community as an education  
11 reformer and a political activist for several decades, I  
12 won't tell you how many. I'm here to state my  
13 opposition to non-partisan elections.

14 Here's how I see it: Party labels are like  
15 uniforms on a team. They make the clear who's on which  
16 side. Without party labels, voters have less  
17 information about which candidate will best represent  
18 their interests. Partisan elections are kind of truth  
19 in election system, we shouldn't replace them with a  
20 non-partisan approach. Parties are a source of  
21 information for voters. Progressives in the early part  
22 of this century thought that without political parties  
23 voters would go out and do all the research you've been  
24 hearing about, prepare positions and so forth. As you  
25 know, it doesn't really work that way, people don't have

1 time, people don't have resources, especially working  
2 people. Except for a few high profile races, there is  
3 just not going to be much media coverage, period.

4 Non-partisan elections would be worse for  
5 Council races than for Mayoral races, because there's  
6 less information out there about candidates for City  
7 Council. So voters depend on the party label, their  
8 uniform, so to speak -- the analogy gets worse, I'm  
9 warning you -- to figure out who to vote for, who's on  
10 their team. Party labels tell me something about a  
11 candidate. If she's endorsed by the Working Family  
12 Party, she'll probably stand for higher wages,  
13 affordable housing, good health care, et cetera. If  
14 he's a Democrat, he's more likely to be pro union, pro  
15 tenant.

16 If she's a Republican, she's more likely to  
17 think public employees are overpaid and maybe want to  
18 get rid of rent control. Probably she'll think we spend  
19 too much money on taxpayer education and social  
20 services.

21 STAFF: One minute remaining.

22 COMM. SIEGAL: Even if you don't know  
23 anything about a candidate, at least I can tell by the  
24 party label, the uniform, who is more likely to be on my  
25 team. Even baseball fans don't just root for baseball,

1 they root for the Mets or the Yankees. Same goes for  
2 political party and this kind of team spirit is  
3 important. It makes people feel involved, it makes them  
4 more likely to volunteer, to participate, to stay  
5 informed. If we're serious about running the process  
6 and getting ordinary people involved in the process, we  
7 shouldn't take away team spirit.

8 Having non-partisan elections is like  
9 playing baseball without teams and without uniforms.  
10 Without party labels you can't tell if candidates are  
11 Mets or Yankees, progressives or Right to Lifers or  
12 maybe just a billionaire with more money to get his  
13 message across than anyone else.

14 And maybe that's the point. Thank you.

15 (Applause.)

16 COMM. NORAT: Thank you.

17 DR. GARTNER: State Senator Schneiderman.

18 SENATOR SCHNEIDERMAN: Thank you very much.

19 I'd also join with Assemblyman Farrell in welcoming you  
20 to my District. I'm very glad that you have chosen to  
21 hold a hearing here. I have submitted written  
22 testimony, I'm going to make a few comments and I'm  
23 going to be extremely brief. I want to pick up on a  
24 really critical point that was made before.

25 I'm here today to speak in favor of parties

1 and partisanship, and I think that we have to separate  
2 legitimate issues related to the problems with our  
3 electoral system from the question of whether parties  
4 and partisanship are a good thing. I think there are  
5 still problems with our ballot access laws, our public  
6 campaign financing system, there are barriers to  
7 registration in voting that could be eliminated. That's  
8 a separate question from the question of partisanship.

9 I just had the pleasure of spending a week  
10 in Santo Domingo with a group of my colleagues and some  
11 of them are here today, and I assure you that partisan  
12 politics in the Dominican Republic is so vibrant and  
13 participation is so high that it makes an American  
14 politician want to hang their head in shame. People  
15 there wear the colors of their party, symbols of their  
16 party. Politics is overtly, vigorously and  
17 enthusiastically partisan and in a Presidential election  
18 there you get over 90 percent of the people voting. So  
19 let's not stick with a blinkered, narrowed view of  
20 politics that equates ballot access reform with an end  
21 of partisanship.

22 I think it's true that in every functional  
23 democracy throughout Latin America and Europe, parties  
24 are a critical part of stimulating voter involvement.  
25 The more diverse the parties, the more diverse the views

1 represented, the more it stimulates involvement. That  
2 has been demonstrated over and over again. Parties  
3 provide principles that transcend individual candidates  
4 and I don't think we should be working to eliminate that  
5 critical element from our Democratic system. I think we  
6 should be working to energize the parties. I think we  
7 should be working to see that parties stand for  
8 something and they do battle in the realm of public  
9 ideas for the support of the public. That's worked in  
10 many, many places and I think we're headed here in the  
11 wrong direction when we seek to de-emphasize the  
12 differences.

13 Look, let's be honest about this proposed  
14 amendment. This is not about really about non-partisan  
15 elections. I think that the suggestion that a candidate  
16 could choose whether or not to identify their party  
17 affiliations really makes it clear what this is about.  
18 This really should be called the Concealed Republican  
19 Amendment of 2002.

20 (Applause.)

21 SENATOR SCHNEIDERMAN: If you implement  
22 this, this is a way for somebody to hide a party  
23 affiliation and it is an overwhelmingly Democratic city,  
24 so maybe people have a reason for doing that. I believe  
25 if you take a step back and take a broader view of what

1       our politics is about and should be about, I like being  
2       affiliated with a party, I'm proud of being affiliated  
3       with a party. I run on the Democratic and Working  
4       Family Party lines. I fight with other Democrats who  
5       disagree with me about what the party should stand for,  
6       I fight with the Working Families Party, but I'm proud  
7       to be associated with the leadership of those parties.  
8       If you want to be a Republican -- and it's not a matter  
9       of a Democrat tack, it's a matter of an ideologically  
10      liberal tack. If you want to be a Republican, be in the  
11      party of George Bush and John Ashcroft and Rick  
12      Santorum, then tell the public that's the party you're  
13      in.

14                   In my lifetime, the ideological gap between  
15      the Democrat and Republican parties has never been  
16      greater. This is the worst possible time to enable  
17      people to conceal their affiliation with the Republican  
18      Party and I would suggest that Mayor Bloomberg is an  
19      excellent example of the problem which this sort of  
20      proposal would engender. Because this is not a  
21      non-partisan country. You may be elected in a  
22      non-partisan election, so-called, and hide your party  
23      affiliation, but as soon as you're elected, you're still  
24      a Republican or a Democrat.

25                   Now the Mayor became a Republican as a

1 matter of electoral strategy and I certainly would urge  
2 him as he watches the administration in Washington take  
3 us further and further off course, that he's welcome  
4 back at any time to the Democratic Party. But he pays  
5 his debts and when he got elected, even though he had  
6 been a Republican for about a minute and a half, he  
7 undertook the support of the Republicans. He has given  
8 \$250,000 to the Republican National Committee, held a  
9 \$15,000 per head dinner for Governor Pataki, and the  
10 Republican Committee contributed to the National  
11 Republican Senate Campaign Committee, and if the party  
12 of John Ashcroft, Trent Lott, and Rick Santorum could  
13 benefit from your work once you're elected, don't  
14 pretend you're not a Republican.

15 I think the evil of this amendment is, I  
16 don't think we should be arguing about the issues that,  
17 as Fred pointed out, are really matters of State law,  
18 but I like parties and I think based on my experience in  
19 other parts of the world, partisanship stimulates  
20 participation. I think having a party that says we're a  
21 conservative party we stand for conservative principles,  
22 fighting with a party that stands for progressive  
23 principals, is democracy. Take a look at other parts in  
24 the world where things function far, far more  
25 effectively and where participation is much higher

1 because of, not in spite of partisanship. Thank you.

2 (Applause.)

3 COMMISSIONER KHALID: Senator, I'm puzzled  
4 by the fact that elected officials are elected by all  
5 the people, they vote for them. Why are we afraid of  
6 putting it up for referendum? It's again the people  
7 that are going to decide yes or no. Why is the  
8 Democratic Party afraid of putting this thing -- I don't  
9 understand that.

10 SENATOR SCHNEIDERMAN: No, I think the  
11 question is very simple. It has to do with the  
12 structure of the New York City Charter. We have a very  
13 limited ability to put issues before the voters and get  
14 the attention of the voters. In my view there are far  
15 more important issues that should be taken up, this  
16 year, if we are to address an amendment to the Charter.

17 VOICE: Democracy is important.

18 SENATOR SCHNEIDERMAN: I respectfully  
19 suggest that this is not an issue that would make a  
20 positive change so that we should continue amending the  
21 Charter. I support amending the changes to make other  
22 changes in our law, expanding the campaign finance  
23 system. It's not a matter of fear, because I think this  
24 is going to be voted down if you put it on the ballot.  
25 It's a matter of focussing on what is important and

1           whether you have a charge from the Mayor here, you're  
2           fulfilling your responsibilities I'm sure dutifully and  
3           with integrity, but there are very important issues that  
4           could be addressed this year if we so choose and this is  
5           not in my view one of them.

6                         COMMISSIONER KHALID: I think that before it  
7           was said the Mayor was taking advantage, but if it's set  
8           for 2009, the Mayor is not taking any benefit out of it,  
9           is that right?

10                        SENATOR SCHNEIDERMAN: We haven't gotten  
11           anything finalized out.

12                        COMMISSIONER KHALID: He's already stated  
13           he's not getting any benefit of it. This non-partisan  
14           already exists in fifty cities. Why can't we change the  
15           status quo?

16                        SENATOR SCHNEIDERMAN: You can, I'm here to  
17           say I think this would be a very bad change to the  
18           status quo and in fact the invigoration of democracy  
19           depends on a revival of ideologically-based parties and  
20           not attempting to cover up party affiliation.

21                        Our government is structured on explicitly  
22           partisan terms. I mean, many of you know, I've had a  
23           short, turbulent career in public life, I've run against  
24           party organizations in both the Republican and  
25           Democratic organizations in Congress in Washington and

1 in the State Legislature. It's organized, the law  
2 provides for partisan roles. I am the deputy minority  
3 leader, the second ranking Democrat in the State Senate.  
4 That's my title, minority leader, that means because  
5 they are the party that's in the minority.

6 This is a partisan country, this is a  
7 partisan structure, so you can't pretend that people  
8 aren't members of parties for the purposes of municipal  
9 elections, when as soon as they're elected they are  
10 participants in the activities of their party at the  
11 State and national level, so if we could undo everything  
12 that was done in the rest of the country and in State  
13 law, I would still think this was a bad idea, but let's  
14 not pretend we're electing people who are not  
15 Republicans or Democrats or members of the Independence  
16 or Working Families Parties.

17 All I'm saying is let's have an honest  
18 vigorous debate over what we stand for as parties and  
19 let's not hide from the public something that is an  
20 unassailable truth, that if you vote for a Republican  
21 who says "I'm running in a non-partisan way, I'm not  
22 listing my party affiliation," the day after that person  
23 takes office, they are still a Republican and they're  
24 participating in Republican politics in this state and  
25 in this country.

1                   CHAIRMAN MACCHIAROLA: Ladies and gentlemen,  
2 we've got many people who wish to speak and a number of  
3 public officials. I really think we have to move this  
4 hearing along and I appreciate your remarks.

5                   SENATOR SCHNEIDERMAN: I appreciate it.

6                   CHAIRMAN MACCHIAROLA: Thank you very much.

7                   (Applause.)

8                   CHAIRMAN MACCHIAROLA: I'm going to ask my  
9 colleagues to refrain from asking questions that might  
10 engage us in longer answers that we can possibly absorb.  
11 I'm also going too remind the speakers that we have a  
12 three-minute rule, which we've not really been enforcing  
13 it in a very strict way, but I think we're going to have  
14 to insist on that for the remainder of these  
15 presentations. So, Commissioner Norat, the  
16 responsibility rests with you to enforce those rules.  
17 I'm hiding.

18                  COMM. NORAT: If I could make another  
19 suggestion, I know you're enthusiastic about the  
20 speakers you support, but when you applaud it takes up  
21 time and they can't speak.

22                  DR. GARTNER: Alexander Frazier.

23                  MS. FRAZIER: Actually, Alexander was my  
24 father.

25                  CHAIRMAN MACCHIAROLA: I'm sorry, sir --

1 MS. FRAZIER: My name is Alvaader Frazier,  
2 and I'm a woman. Before you make any mistakes,  
3 Mr. Chair --

4 CHAIRMAN MACCHIAROLA: I just want to say,  
5 we have a person who does sign. She's going to be with  
6 us until 8:00, so if there's anybody that's going to  
7 testify using sign or needs the availability of someone,  
8 please let us know, we'll adjust it to include that.

9 Go ahead, sir.

10 VOICE: Ma'am.

11 MS. FRAZIER: I was going to say Alexander  
12 Frazier is my father. My name is Alvaader Frazier, I'm  
13 a woman representing Manhattan independent voters as  
14 Vice Chair of the Manhattan County Independence Party.

15 I testified before the Charter Revision  
16 Committee '02 in favor of non-partisan municipal  
17 elections in New York City. I stand before you in '03  
18 and I'm more determined than ever to appeal to a broader  
19 sensibility, to your civic and Constitutional mandate to  
20 the people. This issue is for and about voters and our  
21 voting process. Let's be clear. The fundamental  
22 fairness, the essence of non-partisan voting is to be  
23 free from political parties within and in control of the  
24 elections and their results. This does not mean an  
25 elimination of political parties. Party labels on the

1 ballot would just be another way of having a partisan  
2 election.

3 Party labels guarantee that the Democratic  
4 and Republican parties would never lose the legal power  
5 to control the voting process and the voters' choice.  
6 Some would say it's like a fox starving the hen house.  
7 Party labels and all the other deals like it make a  
8 mockery of the very concept of non-partisan voting and  
9 its process for fair elections, democracy and critical  
10 reform for a system overburdened with the stench of  
11 corruption. The rights of duly registered voters are  
12 trampled upon in wholesale fashion as one by one we're  
13 told, "Something is wrong with the machine." "Your name  
14 is not in the book."

15 COMM. NORAT: One minute.

16 MS. FRAZIER: "Fill out this piece of paper,  
17 tell me who you want to vote for, I'll take care of it,  
18 it's going to get counted."

19 And you know when we walk away they're up to  
20 the same old dirty tricks.

21 We, the people, have to bear witness to the  
22 same, old, unfriendly deal-making negotiation between  
23 the Democratic Party bosses and even our beloved Mayor  
24 Bloomberg. The Democratic Party leadership is behaving  
25 badly, seeking to demonize Dr. Lenora Fulani and her

1 coalition, further seeking to flat out lie, intimidate,  
2 frighten and deceive New York voters.

3 This Commission must not be bullied and this  
4 mission must not be pre-empted. Please let the people  
5 decide this one. Non-partisan municipal elections  
6 should be placed on the ballot in November 2003 without  
7 party labels. Thank you.

8 (Applause.)

9 DR. GARTNER: David Warren.

10 MR. WARREN: Good evening, Chairman  
11 Macchiarola and Commissioners. I'd like to first of all  
12 like to thank your staff for doing a very capable,  
13 wonderful job. I've come to several hearings and  
14 they've been great. I am a captain of NED, New Era  
15 Democrats, Manhattan chapter, which is a non-partisan  
16 group which endorses and backs candidates based on their  
17 integrity and ideology, not on their party. For  
18 example, we backed Mayor Bloomberg for Mayor, who was an  
19 enrolled Republican and Betsy Gottbaum for Public  
20 Advocate, who is a registered Democrat, based on their  
21 integrity and their philosophy for serving the city.

22 It is our feeling that parties is a monopoly  
23 which breeds corruption and apathy. We also believe  
24 that the citizens will study the candidates and not look  
25 at blind loyalty. Public servants are vulnerable to

1 putting the party first rather than their individual  
2 constituents as a result of getting the endorsement of  
3 their parties. As I testified in previous hearings in  
4 Queens, there's no Republican or Democrat way to pick up  
5 the garbage or put out a fire. Also, as I stated, the  
6 late Senator Arthur Vandenburg from Michigan stated that  
7 partisanship should stop at our shoreline. I say  
8 partisanship should stop at the local area where the  
9 person individually can pick the candidate.

10 The honorable Senator Schneiderman stated or  
11 brought up some issues of politics. That's on a  
12 national level, you mix that into a local level. We  
13 need to worry about our citizenry in terms of street  
14 cleaning and other issues that pertain to local.  
15 There's no party representation there. Also, Councilman  
16 Esposito has written that last year's special elections  
17 in the county of Bronx County, that voter turnout was  
18 twice as large for a non-partisan election as a partisan  
19 election and in Brooklyn, eight times as large for a  
20 non-partisan election than in a partisan election.

21 COMM. NORAT: One minute.

22 MR. WARREN: So, as I say, let's support the  
23 non-partisan elections and let's help this noble cause  
24 with the Mayor and have the people say in this. As I  
25 say in NED, New Era Democrats, let the people vote for

1 the individual candidate based on integrity and on the  
2 issues, not just on a candidate's party label and thank  
3 you again if there's any question.

4 COMM. NORAT: Thank you.

5 DR. GARTNER: Gerald Brooks.

6 MR. BROOKS: Thank you very much. My name  
7 is Gregg Brooks, I'm Deputy Comptroller for the City of  
8 New York and I'm here representing Comptroller William  
9 C. Thompson and I'm pleased to present his testimony  
10 this evening.

11 Good evening, Honorable Chair, Commissioner  
12 Norat, Chair Macchiarola and members of the Charter  
13 Revision Commission. For months this Commission has  
14 been deliberating over major revisions to New York  
15 City's Charter, namely, the elimination of electoral  
16 primaries through the adoption of the non-partisan  
17 election system and reform of the City's procurement  
18 system. In May, the Comptroller testified before this  
19 Commission regarding both issues. Since then the  
20 Commission staff has put forward a series of  
21 recommendations covering both topics. The Comptroller  
22 has deep reservations regarding these recommendations.

23 I would first like to discuss procurement  
24 reform. The system by which the City does business with  
25 vendors is a critical cog in the process by which it

1 serves its citizens. Sound, efficient procurement  
2 practices are important tools in the delivery of vital  
3 services to people, communities and businesses and we  
4 must be vigilant in finding and correcting flaws in the  
5 system. It is not, however, a perfect system. Indeed,  
6 as the Comptroller testified in May, it contains certain  
7 flaws. To that end the Comptroller's Office has been  
8 working with the Mayor's Office of Contracts to develop  
9 administrative improvements to the contract system. We  
10 also joined with the City Council leadership in forming  
11 the Joint Advisory Committee on Procurement Reform to  
12 address the need for better procurement procedures. The  
13 group, which included leaders in the not-for-profit and  
14 for-profit communities, identified a series of ways that  
15 the City could easily improve access to information and  
16 how contracts are processed. Our recommendations  
17 include specific technology improvements and measures  
18 such as the inclusion of milestone tracking statistics  
19 in the Mayor's management report, to help identify  
20 contract delays.

21 I look forward to continuing this type of  
22 effort and I remain committed to improving the  
23 procurement process through administrative measures and  
24 legislative recommendations. However, I'm deeply  
25 troubled by several of the recommendations for revisions

1 to the Charter that the staff included in the report  
2 released June 26th. In particular, I take issue with  
3 the staff's recommendation regarding the registration of  
4 contracts. Specifically, the staff is recommending,  
5 quote, "adding to the Comptroller's registration powers  
6 the ability to make a one-time request for additional  
7 information from a procuring agency. The staff also  
8 proposes amending the Charter's registration section so  
9 that if the Comptroller fails to act within the  
10 specified time frames, the Mayor may take the necessary  
11 payment steps," end quote.

12           Despite this innocuous-sounding language,  
13 what the staff is proposing would actually devastate the  
14 intricate and carefully calibrated system of checks and  
15 balances between the Mayor's Office and the  
16 Comptroller's Office in the review and approval of the  
17 City's contracts.

18           The system is meant to safeguard the  
19 integrity of the bidding process and the awarding of  
20 contracts. As proposed, these changes would gut that  
21 system.

22           Allow me to explain. The Charter specifies  
23 that a contract may not be implemented until it is  
24 registered by the Comptroller. The Charter requires the  
25 Comptroller to register, refuse to register or object to

1 the registration of a contract within 30 days of its  
2 being filed. The Commission staff stated that the  
3 Comptroller's Office occasionally returns contracts for  
4 reasons not covered under the refusal to register a  
5 section of the contract. However, the Commission staff  
6 is confusing the issues. Contracts are returned to  
7 agencies when they are incomplete or lack documentation  
8 required by various contracting statutes and rules.  
9 Therefore, the decision to register or not does not have  
10 to be made.

11 For example, contracts are often submitted  
12 to the Comptroller's Office without a current Vendex  
13 file or with serious integrity problems concerning the  
14 contractor that have not been addressed by the agency.  
15 At other times, contractually required insurance is not  
16 in place or the Mayor's Office of Management and Budget  
17 has not given approval to the agency to expend funds.

18 There are other examples as well, but the  
19 point I am making is that in these scenarios, the  
20 Comptroller's Office's only recourse is to return the  
21 contract to the agency. The return of the contract  
22 prevents an incomplete contract from becoming legal by  
23 being deemed registered after thirty days.

24 The Commission staff is proposing reform  
25 that would empower City Hall to do an end run around

1 this important checkpoint. According to its report, the  
2 staff recommends that should the Comptroller's Office  
3 return the contract to the Mayor's Office without  
4 registering it, the Mayor's Office would have the power  
5 to essentially bypass the Comptroller's Office and  
6 register the contract. This would simply be a terrible  
7 idea with potentially disastrous consequences for the  
8 City.

9 A recent example makes the case. I'll be  
10 done in a moment, thank you.

11 A recent example makes the case. In 1999,  
12 the Comptroller's Office requested that the  
13 Administration for Children's Services provide  
14 performance evaluation of foster care contractors whose  
15 contract extensions or renewals had been submitted for  
16 registration. The request was made following a number  
17 of serious instances of abuse and mismanagement in the  
18 foster care system. The Comptroller's Office was  
19 seeking to insure that contracts with poor performing  
20 foster care providers would not be renewed without  
21 appropriate safeguards in place as required by the PPB  
22 rules.

23 I'm going to skip to the non-partisan --

24 COMM. NORAT: Could you just make your  
25 written testimony, because I think it would be fair to

1 the rest of people, and since we have it, we would  
2 appreciate it very much.

3 MR. BROOKS: I would appreciate that.

4 DR. GARTNER: Perhaps Mr. Brooks could  
5 summarize the part that he's skipping now.

6 CHAIRMAN MACCHIAROLA: I just want to  
7 explain that the testimony that's being given is being  
8 given on behalf of the Comptroller.

9 VOICES: So?

10 MR. BROOKS: Dr. Macchiarola, I really  
11 appreciate the courtesy extended by the Commission and  
12 by members of the audience. Let me just briefly turn to  
13 non-partisan elections, okay? Thank you again, Chair.

14 The Commission staff has also recommended  
15 that the City end the role of political parties in  
16 citywide elections, a recommendation that was as  
17 preordained as it is poor public policy. As the  
18 Comptroller testified in May, he is opposed to the  
19 elimination of primaries and the imposition of the  
20 non-partisan election system. That's all I'll say on  
21 that subject.

22 Mr. Newman, if you do have a question, I'll  
23 be glad to answer.

24 COMM. NEWMAN: I do. On procurement issues,  
25 you talk about being troubled by the staff report.

1       Would you be helped any in that process if the Charter  
2       spelled out what information you were entitled to up  
3       front and if so, could you provide us or the staff a  
4       list of what information you think would be helpful to  
5       allow you to value a contract?

6                   MR. BROOKS: That's not a problem. I'll get  
7       that to you early next week.

8                   COMM. NEWMAN: Secondly, a number of people  
9       testified, one from the Police Department and one from  
10      Department for the Homeless about certain kinds of  
11      purchasing of goods not having to go through DCAS but  
12      being done by the agency, if it was unique and special  
13      to that agency. Does the Comptroller's Office have a  
14      view on that issue?

15                  MR. BROOKS: Frankly, I think that it's  
16      easier to track goods that are being purchased through  
17      DCAS in that we do get certain economies of scale. In  
18      certain instances with the Police Department we have  
19      worked over the years regarding, in particular, security  
20      equipment. You know, and that there's a good reason and  
21      perhaps the Charter can address that.

22                  In most instances, though, you know,  
23      particularly with regard to goods being procured by the  
24      Department of Homeless Services, I would have to review  
25      the actual specifics, but I find it hard to come up with

1 one certain good that's so specific to the Department of  
2 Homeless Services and no other agency, that we aren't  
3 better served by DCAS doing the procurement. Okay?  
4 Thank you very much.

5 CHAIRMAN MACCHIAROLA: Thank you, sir. Our  
6 regards to Comptroller Thompson.

7 DR. GARTNER: Doug Levine, then Don Orlando.

8 MR. LEVINE: Thank you for the opportunity  
9 to speak. My name is Doug Levine, I'm a director of New  
10 Era Democrats. We're an independent organization that  
11 abides by the proposition that the most qualified  
12 candidate merits an individual's vote and the  
13 organization's support.

14 In investigating the background and context  
15 of this issue, I found out that non-partisan elections  
16 had been deliberated far longer than most of us have  
17 been around. They were introduced by the progressive  
18 party of Theodore Roosevelt, one of New York City's  
19 illustrative native sons at the beginning of the 20th  
20 century in response to party machines.

21 Having considered this matter from several  
22 perspectives, I believe that non-partisan elections will  
23 bring about the following prominent results: First, it  
24 will provide more opportunity for new slates of private  
25 sector and Government-based candidates, social workers,

1 physicians, projects managers, financial analysts, as  
2 well as Government managers; experienced implementers  
3 who can offer creative, innovative approaches to policy  
4 governance and cost-effective service delivery systems  
5 that work.

6 Our national Founding Fathers, many New York  
7 residents themselves, did not germinate from familiar  
8 political career tracks. Their bountiful talents,  
9 cultivated in private applications, offered to the  
10 political arena, contributed to political discourse up  
11 to and including this day.

12 Secondly, the number of ideologies and  
13 persuasions that is speculated to fill the public forum  
14 is of less a concern to me than the number of  
15 innovative, pragmatic ideas, services supports and  
16 process changes that can be proposed, planned and  
17 implemented. Intelligently managed and executed, they  
18 could collectively facilitate immeasurably greater  
19 productivity of City employees and at the same time  
20 increase the quality and satisfaction of their own work.  
21 Furthermore, higher standards of accountability --

22 COMMISSIONER NORAT: One minute.

23 MR. LEVINE: Increased diversity of the  
24 candidate pool offers a greater choice to an informed  
25 and concerned electorate.

1                   It has been said that chance favors the  
2 prepared mind. So I believe that non-partisan would  
3 favor the candidates who have the best to offer to New  
4 York.

5                   In the beginning of our nation there were no  
6 political parties, and much to the satisfaction of  
7 George Washington who in his farewell address in 1790  
8 and '96 warned the country, and I quote, "In the most  
9 solemn manner against the baneful effects of the spirit  
10 of the party."

11                   I believe we should now eliminate the  
12 barriers of political infrastructure as 41 of the 50  
13 largest cities in the U.S. has done. As pertains to  
14 non-partisan elections there is nothing for the voters  
15 to fear. Rather, we should move forward and embrace it  
16 as a democratic and effective idea whose time has  
17 finally arrived for the people of New York.

18                   COMM. NORAT: Thank you.

19                   MR. ORLANDO: This is the official NED  
20 statement. My name is John Orlando.

21                   CHAIRMAN MACCHIAROLA: I'm going to do  
22 something I usually don't do, but I know there are 45  
23 people who are scheduled to testify, so I'm going to ask  
24 you, you just heard testimony concerning this issue. Is  
25 there anything you are going to tell us in the next

1 three minutes or plan to tell us in the next three  
2 minutes that we haven't already heard on this issue  
3 recently?

4 MR. ORLANDO: This is the official  
5 organizational statement in support of non-partisan  
6 elections. I thought that's what this forum is about.

7 CHAIRMAN MACCHIAROLA: Is there anything  
8 more to it? Otherwise, you can present it, I promise  
9 you we'll all read it. I don't want to take anything  
10 away. I just want to give people who may have a  
11 different perspective or a different point of view on  
12 the topic an opportunity to present it.

13 MR. ORLANDO: It is three minutes. If I'm  
14 not done -- thank you.

15 Good evening. My name is John Orlando. I  
16 speak to you on behalf of the New Era Democrats in  
17 support of, one, amending the Charter to support  
18 non-partisan elections and, two, this amendment standing  
19 alone as its own initiative on the ballot.

20 NED is an independent political organization  
21 whose core principles are so closely aligned with those  
22 of non-partisan elections that had it not existed for  
23 twenty years, might have been created solely to speak on  
24 tonight's issue. Indeed, NED is so committed to the  
25 idea that the voters vote for a candidate and not for a

1 party that we have endorsed and continue to endorse  
2 office seekers of all political stripes. It campaigns  
3 for Republicans, Conservatives, Independents and the  
4 like, often on the very same ticket. While it may seem  
5 like a misnomer, we are called democrats because we  
6 believe that in a democratic republic such as ours,  
7 those most fit for the task of governing should be those  
8 elected to do so. Who is the best person for doing the  
9 job is something you hear so often from our members,  
10 that we're often deluded into thinking that everyone  
11 uses this criterion.

12                   Unfortunately, they do not, but it's hard to  
13 fully express how liberating this simple credo can be.  
14 No virtue of birth or wealth or social standing being  
15 necessary, except that virtue mattering most, individual  
16 worth, that this in a nutshell is what NED is all about.

17                   Our opponents will say that non-partisan  
18 elections do not necessarily guarantee a more democratic  
19 process. In fact, they'll attest the end result will be  
20 the exact opposite of the of the intent, in that it  
21 would serve to dilute party affiliation and splinter  
22 minority voting power, subsequently diminishing voter  
23 turnout as a whole. In response, the logical argument  
24 can be made. This will be to say there are people who  
25 will always vote and people who will never. In between

1       there are many New Yorkers on the bubble and there's no  
2       logical argument to be made that if the choice were put  
3       to them, those considering whether to vote would choose  
4       a system that predetermines their choice to one that  
5       leaves the choice to them.

6                       Then there's the practical argument.

7                       COMMISSIONER NORAT:    One minute.

8                       MR. ORLANDO:   -- that this is a progressive  
9       amendment and there will most always be opposition to  
10      progress for fear that it is of a capricious nature, but  
11      fully 41 of the country's 50 largest cities moved to  
12      non-partisan elections.  One would think that New York  
13      would want itself to be among the very best, should be  
14      at the vanguard of such a movement.

15                      But instead, we opt to take the sensible  
16      approach, an approach that cuts to the heart of what our  
17      very Republic stands for.  So often now we speak of  
18      voter apathy.  Theories abound as to why this apathy  
19      exists, but its effects are clear and its implications  
20      are prevalent.  It seems quite evident to NED that any  
21      endeavor for which one seeks to invoke people's  
22      opinions, these people must believe their voice is both  
23      encourage and valued.

24                      Pandering will not convince the people that  
25      what they say matters, and demagogues won't either.

1 Real, prudent, substantive and well-intentioned change  
2 will foment this perception when the people are smart  
3 enough to know the difference. Anyone who doesn't think  
4 so remains part of the problem. But of late, and in  
5 varying degrees, we have seen government merely being  
6 for the sake of being and political parties, those  
7 vehicles traditionally serving to mobilize vast  
8 interests into a coherent platform, becomes ends to  
9 themselves.

10 DR. GARTNER: Rachel Leon.

11 MS. LEON: Good evening, I'm Rachel Leon,  
12 I'm the Executive Director of Common Cause New York.  
13 Common Cause New York is a citizen's lobby. We have  
14 over 15,000 members in New York State and about 200,000  
15 members nationwide. We've been following and involved  
16 in this process for the last couple of years.

17 I have a couple of main points and questions  
18 and I'll try to be really brief, so I'll probably depart  
19 from the testimony a bit. We have a couple of main  
20 concerns. Last summer when we stood before the  
21 Commission that was considering this last summer we  
22 asked a lot of questions about what would happen to  
23 voter participation, what would happen to communities of  
24 color, what would happen to the campaign finance  
25 program, because that is one of the achievements that

1 we're most proud of in our history in New York City and  
2 we didn't even know last summer what the impact of those  
3 elections had been until the campaign finance report  
4 came out later in September and so now we have that data  
5 and I know you've heard from Nicole Gordon. My main  
6 point tonight is to raise more questions. Nicole  
7 Gordon's testimony from the Campaign Finance Board just  
8 deepened our concern that you may harm a program that is  
9 a national model for how to change our elections and  
10 that has really changed both the makeup of City Council  
11 and has brought incredible competitiveness to New York  
12 City elections.

13 So I would ask you, Nicole's the expert and  
14 I trust inherently the testimony that she gave you two  
15 days ago. We're still reading it and looking through  
16 it, but she raised serious questions about what would  
17 happen with non-partisan elections regarding soft money  
18 and as the main group that fought to end soft money at  
19 the national level and is hoping to end it at the State  
20 level, we don't want to see it increasingly become a  
21 problem at the City level. I would ask as you consider  
22 what to do next. You take great responsibility in  
23 protecting the campaign finance program that we are so  
24 proud of in New York City.

25 My two other points are semi positive.

1 COMMISSIONER NORAT: One minute.

2 MS. LEON: We were pleased that Mayor  
3 Bloomberg came out and said he would support not having  
4 what goes on the ballot affect the next election. We  
5 support that as well, so we think he's taken a good  
6 step. We also like that he's brought up the notion of  
7 not spending truckloads of money trying to influence the  
8 public on this issue this fall. So we're hoping that  
9 both sides can come to a reasonable spending limit. We  
10 think some money does need to be spent because you're  
11 going to have to educate voters, but we ask that you try  
12 to broker a serious deal on the two sides of this.

13 But last, but not least we ask that you  
14 wait. I know we always say that, but we mean it and say  
15 it with real integrity and what we ask is you spend this  
16 fall holding these forums right around the elections  
17 when there is interest in this issue and if we can get  
18 to the bottom of some of these difficult questions look  
19 at it for next year when there will be higher turnout.  
20 That's my statement.

21 COMMISSIONER NORAT: Thank you.

22 DR. GARTNER: Council Member Martinez?

23 CHAIRMAN MACCHIAROLA: Can I just say one  
24 more thing? The Commission didn't state its intention  
25 to place the issue on the ballot. I took the Mayor's

1 request to put it on the ballot and indicated that we  
2 would go forward with a ballot proposal.

3 MS. LEON: That sounds like the same thing.

4 CHAIRMAN MACCHIAROLA: Because what you're  
5 suggesting is that it was packaged and crafted. The  
6 issue of non-partisan elections has been before five  
7 commissions and all you're saying is -- all I said was  
8 if I can't figure out a way to get an issue this  
9 important before the voters, then I don't believe I'm  
10 doing my job as Chair of the Commission. You are  
11 congratulating us for a series of things that have  
12 occurred over the deliberations of this Commission. At  
13 the same time you're charging that the Commission had a  
14 prepackaged plan. I can't for the life of me figure out  
15 whether the only consistency in your position is to an  
16 issue, consistency in terms of good government or  
17 consistency in terms of doing nothing. Because you  
18 propose doing nothing on this important issue.

19 We have gone forward and we're going to.

20 MS. LEON: If I could respond?

21 CHAIRMAN MACCHIAROLA: It was a comment, not  
22 a question.

23 MS. LEON: Oh, I think I can respond to that  
24 comment with a comment, if it's a brief one. I would  
25 say the first thing we saw at this Commission after your

1 comment that you were Chair was your comment this would  
2 be on the ballot in November. So I think that's a very  
3 good stated intention.

4 CHAIRMAN MACCHIAROLA: I said it would be on  
5 the ballot. I didn't say it would be on the ballot in  
6 the fall. I didn't put any terms in it, the Mayor  
7 didn't.

8 MS. LEON: I know you've got people --

9 CHAIRMAN MACCHIAROLA: Every deliberation of  
10 this Commission has been in public and fully available  
11 for public scrutiny, and yet you insist that there's  
12 something there that isn't there. It is the most  
13 incredible lack of faith in the political process. We  
14 have not discussed, except in the public discussions  
15 what it would be that we would put forward, but I do  
16 believe we will be able to craft something for the  
17 voters. That's what I submitted and if I can't do that,  
18 then I shouldn't be in charge of the Commission. That's  
19 all.

20 MS. LEON: Our concern is every one of these  
21 Commissions -- I'll go -- has been a summertime  
22 Commission. Even though there's a new one each year you  
23 take eight quick weeks, then you want to throw a  
24 question on the ballot. Why not take a full year and  
25 really do this, then you'll have the legitimacy that you

1 seek.

2 DR. GARTNER: Council Member Martinez and  
3 then Lenora Fulani.

4 COUNCIL MEMBER MARTINEZ: Good evening. My  
5 name is Miguel Martinez, Council Member representing the  
6 10th Councilmanic District, I also want to join in with  
7 Assemblyman Herman Farrell and Senator Schneiderman in  
8 welcoming you to the Washington Heights community. I am  
9 a proud Democrat and a Democrat by choice.

10 When I became a naturalized citizen, one of  
11 my pride and joy and honor was to become a citizen to  
12 register to vote, but to register to vote under a party  
13 label and party label under the Democratic Party. That  
14 is the greatness of this country, the greatness of this  
15 City. Immigrants who come to this country, immigrants  
16 who come here become naturalized citizens and immigrants  
17 who had choices, choices whether you want to vote as a  
18 Democrat or Republican. That's the greatness of New  
19 York City and that is why we're here today, to ask you  
20 not to support the Mayor's proposal to get rid of  
21 primaries or party primaries. It is important to have  
22 choices.

23 I hear that you may have candidates their  
24 names and with their names you will have the party  
25 affiliation that they have, but that takes away from the

1 spirit of democracy, democracy in which we have choices,  
2 democracy in which many generations migrated to the  
3 United States because they didn't have those choices.  
4 Don't take that choice away from us, let us have the  
5 choice to register Democrat or Republican and let the  
6 people choose.

7 COMM. SIEGAL: Councilman, come back for a  
8 second, I want to ask you a question, please.

9 COUNCIL MEMBER MARTINEZ: I'm sorry.

10 COMM. SIEGAL: If my memory is correct, you  
11 won the primary with 28 percent of the vote. Tell me if  
12 I'm wrong.

13 Council MEMBER MARTINEZ: I did.

14 COMM. SIEGAL: You then went on to run in  
15 the general election virtually unopposed?

16 Council MEMBER MARTINEZ: I had an opponent  
17 in the Republican and Working Family Party.

18 COMM. SIEGAL: You ran virtually unopposed,  
19 28 percent of the vote.

20 Council MEMBER MARTINEZ: The people chose  
21 to elect me. I won with the majority of the support of  
22 the people in the 10th Councilmanic District and they  
23 had the choice to vote for the Republican or Democratic.

24 COMM. SIEGAL: Did you win with more than 80  
25 percent of the vote?

1 COUNCIL MEMBER MARTINEZ: People had choice.

2 COMM. SIEGAL: Your metaphor is choice.

3 It's a good metaphor. Do you think the people in your  
4 District felt they had a choice when they elected a  
5 Councilman with only 20 percent of support of the people  
6 in the primary?

7 COUNCIL MEMBER MARTINEZ: Yes they did.

8 COMM. SIEGAL: Fair enough, if you think  
9 they did that's your answer.

10 DR. GARTNER: Lenora Fulani.

11 DR. FULANI: Good evening, Commissioners.

12 My name is Dr. Lenora Fulani. The murder of Councilman  
13 James Davis by a deranged opponent is another tragic  
14 moment for the black community. Political insurgents  
15 and non-machine Democrats in the black community do not  
16 commonly face being gunned down as James was, but most  
17 New Yorkers had no idea what it is that you have to face  
18 as a black insurgent, including the levels of  
19 humiliation, of disappointment, of frustration that  
20 permeate political life within the African American  
21 community.

22 This terrible tragedy makes a demand on us  
23 that we take a closer look at the seemingly innocuous  
24 structure and design of New York City elections and the  
25 general culture of politics in which your name, your

1 reputation, your private and public relationships are on  
2 the line. I have been a victim of these kinds of  
3 attacks for twenty years. This tragedy of yesterday  
4 exposes that these standard forms of humiliation, when  
5 taken to the extreme, are dangerous and destructive for  
6 our City.

7                   The reason that non-partisan elections and  
8 political reform more generally are so critical and so  
9 important to the black community is that they address  
10 the pervasively degrading manner in which people are  
11 related to as part of a political process. Good  
12 government is not simply what NYPIRG or The New York  
13 Times tells us it should be. Good government has to  
14 mean changing the way the black community is related to.  
15 Take another look at the centrality of the Democratic  
16 machine's arguments for party labels in which the  
17 Democrats contend that black people are too stupid to  
18 make a political decision without one and you get a  
19 sense of how vulgar and self-serving politics can be.

20                   COMMISSIONER NORAT: One minute.

21                   DR. FULANI: Our posture in discussing and  
22 debating non-partisan elections must be one of openness  
23 and inclusion. Let the people run for office. Let the  
24 people of our City vote on this issue. We have to make  
25 the process of democracy so inviting, so user friendly

1 as to give everyone a chance to participate. Thank you.

2 (Applause.)

3 DR. GARTNER: Ogden Lewis, then Council  
4 Member Jackson.

5 MR. LEWIS: Good evening. I'm Ogden Lewis.  
6 I'm the Chairman of Citizen's Union. With me is Jillian  
7 Matundan of our staff. Citizens Union, I think, as many  
8 of you know, is over a hundred-year-old non-partisan  
9 civic organization for the open, efficient, honest  
10 government of New York. I'm a little troubled by the  
11 comments earlier between the Chair and Common Cause to  
12 the effect that this matter will be on the ballot, and  
13 so those of us who oppose it perhaps would appear bold  
14 tonight. Nevertheless, I want to express the views of  
15 Citizens Union to the Commission.

16 We have submitted a prepared text which will  
17 state our views in full. I will summarize rather  
18 quickly why our municipal affairs committee of directors  
19 voted to oppose the non-partisan election proposal  
20 appearing on the ballot for revision of Charter. We do  
21 think the matter has been argued publicly sufficiently  
22 long so that matter indeed can be put to the voters for  
23 a vote. We think it's an unwise proposal for the City  
24 of New York, because the City of New York is unique in  
25 size, ethnicity, its world leadership its media

1           centrality.

2                       Very briefly, as to the reasons we oppose  
3           the proposal.  First, we think, as many others have said  
4           tonight, that parties play a very important and positive  
5           role in the democracy of the country and that that  
6           should not be undermined.

7                       Secondly, we think that the proposal does  
8           weaken other critical reforms that have brought parties  
9           and the political process far more in the open.  These  
10          include term limits, campaign finance reform, ballot  
11          access reform, the reform of the Board of Elections, the  
12          Voter Assistance Commission, extended voting beyond just  
13          one day and same-day registration.  We think this  
14          proposal will undermine all of those issues.

15                      COMMISSIONER NORAT:  One minute.

16                      MR. LEWIS:  Also the role of the parties we  
17          believe we become subterranean.  We believe people who  
18          run for office become administrative officials and  
19          regain their party affiliation.  Lastly, the basic  
20          underlying problem here is, again, the Democratic Party  
21          in the State.  I suggest to the Commission the reasons  
22          for that are in the words on the Statue of Liberty why  
23          people come to the City and why they stay there and the  
24          proposal is fundamentally an elitist one.  Thank you.

25                      COMM. NORAT:  One of the Commissioners has

1 a question.

2                   COMM. SIEGAL: Mr. Lewis, I'm puzzled.  
3 Citizens Union played a major role in the election of  
4 Fiorello LaGuardia, and was a much more influential  
5 organization. I think I understand where you're going  
6 with your testimony. It took the position in the  
7 LaGuardia years that partisanship is a canker, that the  
8 City suffered from excessive party operations,  
9 corruption, et cetera, et cetera. Why has Citizens  
10 Union gone downhill so far?

11                   MR. LEWIS: I think the answer is quite the  
12 opposite.

13                   COMM. SIEGAL: You do understand you're  
14 breaking with your own position?

15                   MR. LEWIS: No, I don't think so, Citizens  
16 Union was started as a political party. It did so to  
17 elect the Mayor of New York in 1901 as a party. It  
18 ceased to be a party and it has believed over the years  
19 that rampant partisanship in the public domain is not a  
20 good thing. We happen to believe that the reforms have  
21 progressed far enough in this City, thanks to the  
22 leadership of such as Father O'Hare, that now is the  
23 opportunity to have parties work the way they should.  
24 The problem with non-partisan elections, from our view,  
25 is that it feeds into a trend in this country that is in

1 fact sinister and dangerous, which is the single issue  
2 politics, balkanization of politics, the wealthy being  
3 able to run without labels.

4 COMM. SIEGAL: Do you think they're absent  
5 in New York?

6 MR. LEWIS: They're very present in New York.

7 COMM. SIEGAL: They're present in New York,  
8 you're saying, without non-partisan elections?

9 MR. LEWIS: They're present. Yes, they are  
10 present, yes, I agree. And it's a trend we don't think  
11 is good. I quite agree with you, this is a change, but  
12 political life will see changes.

13 DR. GARTNER: Council Member Jackson, then  
14 Flora Huang.

15 COUNCIL MEMBER JACKSON: Good evening,  
16 members, Commission members, good evening, and I'm here  
17 in front of you trying to adjust the mike, but it  
18 doesn't seem to want to adjust.

19 I'm here to speak about the issue of  
20 elimination of party primaries. I just want to state  
21 for the record that I am a lifelong Democrat and proud  
22 of it.

23 (Applause.)

24 COUNCIL MEMBER JACKSON: I truly am and I  
25 want to tell you a story about a race that I ran two

1 years ago, approximately two years ago in the 7th  
2 Councilmanic District of Manhattan County, a District  
3 that is 50 percent Hispanic, 30 percent black, 14  
4 percent white and 3 percent Asian. There were 10  
5 candidates in the Democratic Party. Those candidates  
6 were five blacks, three Hispanics and two whites. And  
7 believe me, the registered Democrats in the 7th  
8 Councilmanic District had a choice of ten different  
9 individuals, and we had forums all over the District,  
10 and so people had a choice as to who they wanted to  
11 represent them in a Democratic primary.

12 And do you know what? I won that Democratic  
13 primary with about 32 percent of the vote. And went on  
14 to win the general election in which there was a  
15 Democrat, myself; a Republican and I believe a  
16 Conservative and an Independence Party candidate, Alan  
17 Cox, and I won that, not more than 80 percent, sir, but  
18 about 80 percent of the vote. So the people of the  
19 District had a wide choice, and believe me, people look  
20 at what a party you're affiliated with as to some of  
21 your ideals and what you stand for.

22 And I say to you that that is an example of  
23 true Democratic process where people have a right to  
24 choose their elected representative, and I stand here  
25 proudly representing 163,000 members in my District,

1 meaning members of my District that are Republican,  
2 Democratic, Independents, some don't have any party  
3 affiliation, and some that are not affiliated with any  
4 party, because they cannot legally.

5 I say to you tonight, please, don't say to  
6 me that it's going to be on the ballot, because what  
7 you're saying to me as a representative of the people,  
8 that no matter what you say, it's going to happen. And  
9 let me say that to you, that I do not believe that  
10 that's your charge, to put it on the ballot. I do  
11 believe that your charge as Commissioners is to listen,  
12 to do research and make a determination that's best  
13 overall, a recommendation. And for those individuals to  
14 say to me that many, many states have it, why not New  
15 York? New York is New York. New York is an individual  
16 state, with individual personality and different  
17 individuals. I say to you that it's not broken, so  
18 don't try to fix it. It's not broken.

19 My example is loud and clear that it works,  
20 and I dare anyone to challenge the integrity, the  
21 integrity of the process in which I ran as a Council  
22 Member elect and the other members, because all of them  
23 in my opinion, all of us, ran a beautiful election, we  
24 respected one another, and in fact, when I was elected,  
25 I invited all of them to my inauguration, Alan Cox and

1 all the other people that ran. Because after it was all  
2 over, all of us who ran, are part of the seventh  
3 Councilmanic District and I hope that all of us are  
4 looking to better our community by holding elected  
5 office, by running for other positions such as Planning  
6 Board, such as Police Precinct Council and other boards  
7 and bodies on which they could serve.

8           And I can say to you that if I was not a  
9 member of the Democratic Party and come up through the  
10 party ranks as a judicial delegate, as a county  
11 committee person and if I did not have people such as  
12 the District leaders that will assist the party, then I  
13 do not believe that I will be standing representing the  
14 7th Councilmanic District and I stand proud and when I'm  
15 at subways talking to people and registering people to  
16 vote, and when I'm registering people to vote, I'm not  
17 telling them to register Democrat. I'm saying, "Here's  
18 a voter registration form, please fill it out and  
19 whatever you do, no matter what party you register with,  
20 exercise your right to vote."

21           And you know one thing, if they do not want  
22 to register with a party, they do not have to. Because  
23 on the form itself, it tells you, Republican, Democrats,  
24 Independents, whatever, so forth and it says "I do not  
25 wish to enroll in any party." So that's the choice that

1 they have.

2 So I say to the Commissioners which are  
3 present tonight, which the majority all of you are, that  
4 the system works, so please don't try to fix it, and as  
5 a proud member of the Democratic Party, please do not  
6 attempt to eliminate the party primaries, and I'll stand  
7 here and answer any questions or debate of subject with  
8 any of you.

9 (Applause.)

10 COMM. NEWMAN: What percentage of Democrats  
11 voted in the primary?

12 COUNCIL MEMBER JACKSON: I think about, as  
13 far as people, maybe about 12,000, 12,000. Well, I  
14 don't have the percentage, I don't have my calculator  
15 with me, but about 12,000, and I got about 5,000 of  
16 those votes.

17 COMM. NEWMAN: Somewhere between 25 and 30  
18 percent.

19 COUNCIL MEMBER JACKSON: Mr. Newman, let me  
20 respond to you.

21 COMM. NEWMAN: I didn't say anything.

22 COUNCIL MEMBER JACKSON: You made your  
23 point. One thing, you made your point as far as you  
24 believe you made your point, but I say to you that I  
25 wish, I wish the Independence Party had a primary. I

1 wish the Republican Party had a primary. I wish the  
2 Conservative Party had a primary. Because if they did,  
3 then the members of that party and people elected to  
4 become members of a party, the members will have a  
5 choice as to who will represent them, just like the  
6 Democratic Party gives the people in our District  
7 choice.

8 COMMISSIONER NEWMAN: Just to quickly finish  
9 the arithmetic, then, would be that about 6 or 7 percent  
10 of the registered voters in your District chose you in  
11 the election that mattered.

12 COUNCIL MEMBER JACKSON: You know,  
13 Mr. Newman, I will give you the specific numbers  
14 tomorrow, can I submit it to the Commission? I'll give  
15 you the details of the primary and I will also show you  
16 that the Republicans didn't have a primary, that the  
17 Independence Party didn't have a primary and no other  
18 party had a primary except the Democratic Party and of  
19 the ten people that ran, Mr. Newman, of the ten people  
20 that ran, okay, ran, as candidates, no individual was  
21 knocked off the ballot at all.

22 COMM. NEWMAN: I was just going to suggest I  
23 believe you would have won anyway and you would have  
24 been proud to have been elected by everyone.

25 COUNCIL MEMBER JACKSON: I was elected by

1 everyone. Everyone that was eligible to vote, sir, in  
2 the November election, which were people that had no  
3 party affiliation and otherwise. People said to me when  
4 I was campaigning, I said, "Come on vote for me in the  
5 Democratic primary." You know what they said to me?  
6 "I'm a Republican."

7 I said, "Okay, take it anyhow, read my  
8 material. See you in November."

9 I believe in communicating with all, no  
10 matter what party affiliation. I know if they are a  
11 registered voter, regardless of the party affiliation,  
12 they would have a right to vote for either myself, the  
13 Independence Party candidate, the Republican candidate  
14 or to vote for none of us if they so choose and you know  
15 what, all of those individuals that wanted to exercise  
16 their right to vote in November, they did. From 6 a.m.  
17 to 9 p.m. on election day.

18 DR. GARTNER: Flora Huang and then Claire  
19 Boroughs.

20 COUNCIL MEMBER JACKSON: Thank you very  
21 much.

22 MS. HUANG: Good evening. My name is Flora  
23 Huang, and I'm representing the Washington Heights Club  
24 of the Working Families Party. As you've heard from  
25 some of my other, some of the other members of our party

1 about why non-partisan elections won't work, why we  
2 still need parties, I'm basically here to also talk  
3 about the fact that opposing non-partisan elections is  
4 really nothing more than putting a band-aid on a huge  
5 wound, that's all it is. If anything, it actually may  
6 cause more problems.

7           The argument for non-partisan elections is  
8 that the voter turnout is low and we need to increase  
9 voter turnout. Well, in many ways non-partisan  
10 elections may decrease voter turnout. What we really  
11 need is real reform. We all admit that the system is  
12 not perfect, that's why we need to look at real reform  
13 and not just non-partisan elections. So I'm proposing  
14 four solutions which has been brought up by Senator  
15 Schneiderman, which was brought up by Assemblyman  
16 Stringer and some of these, these include four  
17 solutions.

18           The first one is change in ballot access.  
19 The second one is judicial reform, something our party  
20 has been actively involved in. The third one,  
21 strengthening campaign finance reform and the fourth one  
22 is proportional representation, something the New York  
23 City Council had in the 1950's, is actually done in  
24 other local elections throughout the country and it  
25 shows it has increased voter turnout in cities that used

1       it.

2                   To begin with, ballot access. The Mayor  
3 argued that non-partisan elections will make it easier  
4 to get on the ballot. Yes, we think there's a problem.

5                   COMMISSIONER NORAT: One minute.

6                   MS. HUANG: New York's ballot access laws  
7 need to be fixed. We have as many ballot challenges as  
8 the rest of the country put together, but it has nothing  
9 to do with non-partisan elections. We can reduce the  
10 number of signatures needed to get on the ballot. We  
11 can reduce the rules for collecting signatures. We can  
12 make it harder to throw out petitions for trivial  
13 reasons. And we can do all that without going to  
14 non-partisan elections.

15                   Judicial reform. Everyone knows the system  
16 for picking judges is broken, but again, the problem  
17 isn't that judges run as Democrats or Republicans. The  
18 problem is they're picked by rubber-stamp conventions.  
19 That's what we need to change. We should have real  
20 elections for judges like some states or appointed  
21 judges like others, not this half and half system.  
22 Either way non-partisan elections don't help. In fact  
23 if we're going to elect judges directly, party  
24 affiliation will be the only affiliation those voters  
25 have about those candidates.

1                   What we really need to do is focus on  
2                   campaign finance reform, for New York City, as mentioned  
3                   before, has one of the best systems and the four to one  
4                   match has brought more people who have never gotten  
5                   elected because of the fact that they couldn't raise  
6                   enough money that other candidates could. It's this  
7                   four-to-one matching program that has brought on a  
8                   diverse representation. Thank you.

9                   COMM. NORAT: Thank you.

10                  DR. GARTNER: Richard Gottfried, then Tim  
11                  Gay.

12                  MR. GOTTFRIED: Issues matter in city  
13                  elections and voters can learn a lot from the  
14                  candidate's party's nomination about where the party  
15                  stands on those issues. While it's easier to run as an  
16                  independent or non-partisan candidate, that does not  
17                  mean we should bar political parties from nominating  
18                  candidates. Some supporters of civil non-partisan  
19                  municipal elections like to quote the line which we  
20                  heard earlier that, quote, "There is no Republican or  
21                  Democratic way to pick up the garbage."

22                  We don't just elect the Mayor and the City  
23                  Council to deliver city services. We elect them to  
24                  decide how much to spend and what to spend it on, who to  
25                  tax and how much and what laws to write. The line about

1 picking up the garbage is meant to imply that there are  
2 no important policy or ideological issues in municipal  
3 government. Now, efficient management is certainly very  
4 important and no political party has a monopoly on it,  
5 but the notion that municipal elections are only about  
6 efficient services and not about whose interests are  
7 being advanced and who is being shortchanged paints a  
8 pretty picture but a phony one. When a voter has  
9 limited knowledge about a candidate, which is pretty  
10 common, the voter has a much better sense of where that  
11 candidate stands on issues by knowing that the voters of  
12 a particular party have nominated that candidate.

13 Taking party nominations off the voting  
14 machine will not make voters do more research about the  
15 candidate, it will just give them less information in  
16 the voting booth.

17 Mayor Bloomberg has proposed letting  
18 candidates in several non-partisan elections label  
19 themselves as Democrat or Republican, but anyone can say  
20 he or she is a Democrat or Republican. It means a lot  
21 more if your fellow Democrats or Republicans have said  
22 you are their candidate. The whole point, with the move  
23 to several non-partisan elections, is to make it easier  
24 for Republicans to get elected by shedding the political  
25 burden of their party identity. New Yorkers by and

1 large don't like what the Republican Party stands for,  
2 but people belong to a party by choice.

3 STAFF: One minute remaining.

4 MR. GOTTFRIED: In recent decades, counting  
5 Mayor Bloomberg as four years, we've had three  
6 Democratic mayors for twenty years and three Republican  
7 mayors for twenty years. This does not show a need for  
8 rewriting the city Charter to bar putting a political  
9 party candidate on the ballot. We do need to lower the  
10 number of signatures it takes to get on the ballot as an  
11 independent candidate, but, again, that does not mean we  
12 should bar political parties from nominating a  
13 candidate.

14 Today the voters who make up a political  
15 party have the ability through a party primary to select  
16 and coalesce around the candidate to represent their  
17 winning a parity primary is a significant event, and  
18 generally brings a candidate the broad support of his or  
19 her party in the November election. It helps win the  
20 support of voters who over the years have found that  
21 they have liked what that party stands for. By  
22 depriving candidates of the support they get from being  
23 their party's nominee, we would leave the field more  
24 open to being dominated by candidates with big money.

25 Big money is already too important in

1 elections. We should not make it worse. Depriving  
2 voters of the ability to rely on party labels --

3 COMMISSIONER NORAT: Could you finish up,  
4 please?

5 MR. GOTTFRIED: --basing their decisions on  
6 ethnicity or race or gender or sound bites and again we  
7 have too much of that in politics, we don't need more.

8 Changes would help independent candidates  
9 get on the ballot combined with campaign finance reform  
10 is meaningful reform. The proposition before this  
11 Commission would be a major step in the wrong direction.  
12 Thank you and I'd be happy to take any questions you  
13 might have.

14 DR. GARTNER: Tim Gay and then Katherine  
15 Roberts.

16 MR. GAY: My name is Tim Gay. I'm the  
17 Democratic District leader, unpaid position, in the  
18 Chelsea area of the 75th Assembly District.

19 First of all, I just want to state that this  
20 facility was not wheelchair accessible. We had to wait  
21 and get access through a back elevator brought up  
22 through a service entrance for the person I was with and  
23 no one seemed to even know how to get in here and that  
24 to me is something that as a Democrat I would be looking  
25 out for when I'm choosing a place to hold meetings.

1                   But let me just talk about something here.  
2           You talk about inclusion of all people. There have been  
3           times in my life I was excluded. My great grandfather  
4           founded the Republican Party in Missouri in 1850. I'm a  
5           Democrat because I'm a homosexual. I had no rights.  
6           That's the reason I moved to New York. It's also one of  
7           the reasons I am a Democrat. It's also one of the  
8           reasons why I am an elected party member in the  
9           Democratic Party as a District leader. It wasn't easy  
10          getting inclusion, but we worked hard with our  
11          Democratic officials and we worked with other people and  
12          we created a coalition that involved rent control and  
13          rent stabilization, health care for all, women's rights,  
14          access for people who are disabled. And that's what it  
15          means to be a Democrat.

16                   When you talk about there's no Republican  
17          way or Democratic way of removing garbage, yes, there  
18          is. The Republicans put the transfer stations for the  
19          garbage barge in Red Hook, not Sutton place. Why put in  
20          it a disadvantaged neighborhood? Republicans also would  
21          probably have a different way of managing the garbage  
22          workers than the Democrats. Think about that, too.  
23          Yes, indeed, there are differences, nuances, subtle  
24          changes and vast differences in the management style  
25          between Republicans and Democrats.

1                   As a Democrat representing my Chelsea area,  
2                   I am not like some feared leader, I am a servant for a  
3                   party of people who expect that we choose candidates who  
4                   live up to our ideals and not only that, that when we  
5                   get those candidates, that we hold them responsible and  
6                   accountable to our community. We wish they had someone  
7                   coming in, a carpetbagger saying, "I want to be your  
8                   Mayor," promising us to do XY and Z and then not hear  
9                   from them again, when we have schools, houses, Chelsea  
10                  Rec Center and a whole bunch of things in our community.

11                  COMMISSIONER NORAT: One minute.

12                  MR. GAY: I hate to think what it would be  
13                  like if New York had non-partisan elections for me as a  
14                  gay man over the past twenty years, but I do want to  
15                  bring this up, too. We view the politicians that we  
16                  choose in my neighborhood, we view it as a long-term  
17                  marriage. Party affiliation is very important to us.  
18                  Let Democrats choose Democrats, Republicans choose  
19                  Republicans, Working Family choose Working Family and  
20                  then let everyone run in a general election. I will ask  
21                  this, though. I as a District leader have never had  
22                  people coming running up to me at the grocery store or  
23                  leaving messages on my phone machine saying, "Tim, we've  
24                  got to get rid of primaries."

25                  Where does this come from? It doesn't come

1 from the people.

2 COMMISSIONER NORAT: Thank you.

3 MR. GAY: One final thing. I want to tell  
4 you all, remind you there was a time five years ago  
5 where the people in my community wanted to put something  
6 on the ballot. They wanted a referendum against a  
7 Yankee Stadium or Jets Stadium in my neighborhood and at  
8 that time Mayor Giuliani superseded about 85,000  
9 signatures with the first one of these Charter reforms.  
10 So anyway, my people say listen to us, we're not going  
11 to listen to higher ups telling us what we wants.

12 DR. GARTNER: Katherine Roberts.

13 MS. ROBERTS: My name is Katherine Roberts.  
14 I'm here as a senior advocate. I've been an activist  
15 all my life. Now I'm 77, I'm disabled and while I came  
16 here, I do not thank you for letting me speak tonight,  
17 because if you had your choice I wouldn't have. When I  
18 came here I found it was not accessible to a person who  
19 could not climb stairs, I was aggressively persistent  
20 and got in here.

21 However, I just want to say, to begin with,  
22 I am unalterably opposed to non-partisan elections. But  
23 let me also say this; that I stand for the disabled  
24 community tonight, for seniors, for other people who are  
25 eliminated from the system. The last one of these

1 meetings I attended was held in a room so small that 200  
2 people were denied attendance, including elected  
3 officials. You usually advertise these things in  
4 obscure publications that none of us see. Took me five  
5 weeks to find out when this hearing would be held and  
6 that was aggressive persistence that made it possible  
7 for me.

8 This is not a democratic thing. I don't  
9 think it's a legal meeting, because according to the ADA  
10 you must be accessible. And if not for the tragedy at  
11 City Hall last night, I would have been at a reception  
12 happily celebrating the ADA.

13 DR. GARTNER: I want to explain the  
14 location, I want to apologize to Ms. Roberts. Columbia  
15 University changed the location, some of you know that,  
16 earlier today. The place that we had arranged with them  
17 was accessible and I am sorry that the change occurred.

18 Let me just add one other item. In terms of  
19 advertisement, I was going to enter into the record at  
20 the end of the hearing, because someone at last week's  
21 hearing suggested that we did not make the information  
22 known in the foreign language press. We advertised in a  
23 small local newspaper called The New York Times, the New  
24 York Post.

25 MS. ROBERTS: Neither of which I read, by

1 the way.

2 DR. GARTNER: Staten Island Advance,  
3 Amsterdam News, El Diario, the China World Journal, Sing  
4 Kao, the Korea Times and Vashe Zdoroviye. **That's not**  
5 **all the newspapers in New York City, but I think that's**  
6 **a fair representation of advertisement.**

7 MS. ROBERTS: Let me respond to your  
8 response. As far as the accessibility of this site, I  
9 recognize that you had a site change. However, it is  
10 incumbent upon this Commission to have done what I did  
11 and find out how I could get in here.

12 DR. GARTNER: Yes, you're correct.

13 (Applause.)

14 DR. GARTNER: Gloria Waldron.

15 MS. WALDRON: I'm the president of New York  
16 ACORN, a member of the steering committee of the Working  
17 Families Party. I want to speak against non-partisan  
18 elections.

19 Working people, black people, immigrants  
20 have worked hard to be represented within the Democratic  
21 Party and within the Democratic primaries, politicians  
22 have received the votes of black people, immigrants and  
23 working people. We have worked hard and played by the  
24 rules to get this voice in the political system. Now  
25 you're proposing to take that away from us?

1           I want to continue voting in primaries. I  
2 also want to see parties -- underlined, bold -- on the  
3 ballot. I worked hard to be informed about elections,  
4 but in real life you can't go out and research every  
5 candidate. That's why we have parties, so we can be  
6 represented, even if we can't vote all the time, to do  
7 research on politicians.

8           When I see a WFP label on the ballot, I know  
9 that candidate stands for things I care about; better  
10 schools, higher wages, affordable health care and  
11 housing. If you take that party label away, you're  
12 taking away the information I need to make an informed  
13 choice.

14           I'm also unhappy at the way the Mayor has  
15 pushed the proposal through. Reforming the Charter is a  
16 big step. We shouldn't rush it. We should make sure  
17 all New Yorkers get a chance to respond to the proposal.  
18 If the Mayor doesn't want non-partisan elections until  
19 2007, why put it to a vote this year? Do you want to  
20 know why there's this anxiety to change the Charter?  
21 It's because there is now a paradigm shift. When you go  
22 to the City Council today -- immigrants, gays, blacks  
23 Latinos and Asians now have representation in the  
24 political arena. Non-partisan may work in other states,  
25 but here where you can win an election with no political

1 or community track record --

2 COMMISSIONER NORAT: One minute.

3 MS. WALDRON: Fine. Now where you can win  
4 an election with no political or community track record  
5 with \$65 million, the result of non-partisan elections  
6 will be millionaires who can blitz the television and  
7 radio stations with weight, but little guy with little  
8 money will have the chance of a snowball in hell to win.  
9 The wealthy people are responsible to no one, they do as  
10 they please. Therefore, ACORN and the Working Families  
11 Party say "no way, Jose" to non-partisan elections.

12 Thank you.

13 (Applause.)

14 COMM. NEWMAN: If I could provide a fact to  
15 the woman who testified. In 2001 there, were two major  
16 municipal elections in the United States; one in New  
17 York City and one in Los Angeles. In New York City, it  
18 was a partisan election. The wealthy candidate won. In  
19 Los Angeles, the wealthy candidate who outspent all his  
20 opponents came in third. Two Democrats ran in  
21 non-partisan elections.

22 DR. GARTNER: Ari Goodman? Then Irving -- I  
23 can't read the last name.

24 MR. GOODMAN: My name is Ari Goodman. I'm a  
25 Democratic activist on the west side. I invite the

1 Commission to look at this from a slightly different  
2 angle from what I heard being spoken of before. I'd  
3 like the Commission to ask themselves what would have  
4 happened in the last election if we had non-partisan  
5 elections.

6 What I believe would have happened for the  
7 Mayoral race is Mayor Bloomberg would have run against  
8 Freddy Ferrer, Freddy Ferrer would have been our Mayor.  
9 I think we would have to look at what could have  
10 happened in the past to see what the result would be in  
11 the future.

12 I also invite you to look at what would  
13 happen in City Council races. We've heard a lot of what  
14 was said before, and I think what would have happened in  
15 the City Council races is two Democrats would get the  
16 highest votes in most districts, and there would be a  
17 runoff with the two Democrats. So in a way this would  
18 be good for Democrats to have non-partisan. As a  
19 Democrat, I'm in favor of having a Democratic Mayor and  
20 in favor of getting Democrats elected to all citywide  
21 offices. So I think we really have to look at this and  
22 part of me says it is a good thing for Democrats.  
23 Non-partisan elections will help the Democrats, will  
24 give us a Democratic Mayor, we won't be, a Republican  
25 won't get a free ride.

1                   Right now Democrats destroy each other in  
2                   the primary for Mayor and the Republican can waltz in.  
3                   I would like to eliminate that and make sure we get a  
4                   Democratic Mayor and make sure a Democratic Councilman  
5                   get elected with choosing among the two highest vote  
6                   getters. Thank you.

7                   DR. GARTNER: The next speaker Irving --  
8                   help me again?

9                   MR. SHARETRUSKI: Sharetruski.

10                  I'm a CPA and an attorney, and I worked for  
11                  the City, I retired from them, I was an auditor in the  
12                  Department of Finance. I just want to respond to the  
13                  remark he made that in California the guy that had the  
14                  money came in third. That doesn't prove anything.  
15                  Money you know is important. I may make a better Mayor  
16                  than the guy we have now, but I didn't have the 70  
17                  million to spend. So to take one example, that for  
18                  somebody with money lost doesn't prove a thing. We know  
19                  that. Let's be a little logical here.

20                  Now, look, there are arguments on both sides  
21                  and I'll agree that some of the arguments on the other  
22                  side could be correct, but it depends upon the  
23                  situation. We're talking about New York City.

24                  I would like to first make a suggestion.  
25                  You recommended to somebody before that you may have, a

1 candidate will have a choice to put his party in. Well,  
2 how about perhaps, I don't know if I'm for it, but how  
3 about having primaries, which I don't want to eliminate,  
4 but letting everybody vote in a primary, in a Democratic  
5 primary, anybody can vote, just like they have in some  
6 jurisdictions, where any voter can vote no matter what  
7 the primary is, maybe that's a good idea. But to  
8 eliminate primaries will only help, it would go against  
9 democratic principles, in my point of view.

10 Now, you know, I unfortunately didn't write  
11 a speech like other people, but you know, the important  
12 thing, somebody brought out the point that we may get  
13 more people to vote this way. I think the important  
14 thing is to get informed voters, not necessarily people  
15 who vote just because he looks handsome, beautiful,  
16 whatever.

17 COMMISSIONER NORAT: One minute.

18 MR. SHARETRUSKI: One of the information  
19 that somebody needs is what party he's affiliated with.  
20 If a guy is affiliated, to make an extreme example, with  
21 the Nazi party and he loves Hitler, I certainly won't  
22 vote for him, even if he promises me the trains are  
23 going to run on time. So certainly a party is  
24 important. To eliminate primaries would lessen the  
25 democratic point of view, because at least you have two

1 choices. You can vote in the primary, then you have  
2 another choice, and maybe in between you change your  
3 mind, you see what the person says in the primary.

4 I like to look at the individual, yes, but  
5 also the important thing is, what party affiliation he  
6 has. If he loves George Bush, I don't think I can vote  
7 for him, honestly, because George Bush is in my opinion,  
8 a dictator. He didn't get elected, he stole the  
9 election.

10 (Applause.)

11 MR. SHARETRUSKI: Okay, I know everybody  
12 else talked beyond the bell, but I'll be a good guy and  
13 I'll leave. Thank you.

14 COMMISSIONER NORAT: Thank you very much.

15 DR. GARTNER: Christopher Spuches.

16 MR. SPUCHES: My name is Christopher  
17 Spuches. Thank you for allowing me to appear before you  
18 again. As you recall, I testified before you in Staten  
19 Island last month. At that hearing I outlined my  
20 experience as a candidate for New York State Assembly  
21 last year and chose to spend most of my time and  
22 campaign funds defending myself against a politically  
23 motivated and unprecedented expulsion proceeding brought  
24 by the Democratic Party. This process assured that my  
25 opponent had smooth sailing on his way to his 13th

1 consecutive term in office. After all, why should an  
2 entrenched incumbent have to suffer the indignation of  
3 having to sweat out a primary all summer?

4 In brief, I lost all three appeals in court,  
5 I was expelled from the Democratic party. As a result,  
6 I was prevented from running or even voting in the  
7 Democratic Party. At my last appearance before the  
8 Commission, the Chairman asked me if I was defeated. I  
9 was not. This year, I decided to run for City Council.  
10 I reenrolled as a Democrat and received a new voter  
11 registration card, indicating I was a Democrat again. I  
12 filed the requisite papers with the Campaign Finance  
13 Board, opened a bank account and started my campaign.

14 Then I received word from the Board of  
15 Elections that my enrollment in the Democratic Party was  
16 revoked. I again without my knowledge, without any  
17 notice, reverted to my status as a blank enrollee. I  
18 asked how the Board could interpret the Court's ruling  
19 so broadly as to indicate a lifetime ban, as opposed to  
20 an election cycle. The Court order was silent on the  
21 matter. I was told that the Board was unilaterally  
22 interpreting it as a lifetime ban, effectively ending my  
23 candidacy for the Democratic nomination and my run for  
24 City Council.

25 Why, would you ask, wouldn't I just run on

1 another party line? As a realist, I would answer by  
2 saying that because as everyone in city politics knows,  
3 in most local races the Democratic primary is the  
4 election. This is one reason why I'm in favor of  
5 non-partisan municipal elections.

6 Philosophically, I believe in a level  
7 playing field, greater access for candidates.

8 COMMISSIONER NORAT: One minute.

9 MR. SPUCHES: Greater participation by  
10 voters, and the opportunity to catch up with the  
11 overwhelming majority of municipalities in this country  
12 that hold non-partisan elections.

13 But on a much more personal level, I am in  
14 favor of it because I was a voice. I was a political  
15 science major in NYU, I got my law degree from Fordham.  
16 I lived, worked and volunteered in the City my whole  
17 life. I have ideas on how to make this great City  
18 greater. But my voice has been silenced as a result of  
19 the chilling effect the powerful Democratic Party  
20 machine wields over the election process.

21 I recently read a so-called compromise has  
22 been suggested. First, a candidate be allowed to place  
23 their party enrollment on the ballot adjacent to their  
24 names. The voter would then be able to walk into the  
25 voting booth and see the candidate's name with their

1 affiliation next to it. I consider myself fairly  
2 informed on the election process. But I don't see how  
3 placing a party name next to the candidate's name would  
4 be considered a non-partisan election or how in the  
5 voter's eyes the ballot would look different than it  
6 does now.

7                   Could I sum up in one sentence? I'm sorry  
8 -- it just begs the question what is the fear,  
9 hesitation in allowing voters to judge candidates on  
10 their merits? It would be a lofty goal to actually see  
11 a system that will be more involved in the process, and  
12 possibly will look, as Assemblyman Farrell said, like a  
13 free-for-all or mud wrestling, but that's democracy. It  
14 ain't always pretty.

15                   COMM. NORAT: Thank you very much.

16                   DR. GARTNER: Trinidad Apolinar and Harriet  
17 Scott. Following Ms. Scott, Joseph Garber.

18                   MR. TRINIDAD: Chairman Macchiarola,  
19 distinguished members of the Charter Revision  
20 Commission. My name is Apolinar, and I'm submitting  
21 this testimony in support of an organization, the  
22 Latinos United for Political Action, LOPA, in support of  
23 implementation of non-partisan elections for citywide  
24 positions. Non-partisan elections would result in the  
25 fuller and more meaningful participation for Latinos in

1 the electoral process in New York City by doing away  
2 with the stranglehold of the two political parties. It  
3 will also give a voice to independent voters locked out  
4 of the two party structure.

5 Any claims that minority candidates who fail  
6 badly in a non-partisan system don't know of the  
7 victories of black and Latino candidates in Mayoral  
8 elections in San Francisco, Miami, Los Angeles, Texas,  
9 all cities with non-partisan municipal elections. In  
10 this state, cynicism in the Latino community the  
11 citizens has reach epidemic proportions. Many Latino  
12 refuse to vote, because they say, "We don't have to  
13 vote. Those baptized by the party bosses are the ones  
14 who win. Nothing's going to change, anyway," end of  
15 quote.

16 Most New Yorkers have electoral choices and  
17 would therefore be more inclined to support the  
18 non-partisan elections proposal for choice voting. In  
19 conclusion, Mr. Chairman, and distinguished members of  
20 the Charter Revision Commission, LOPA argues that it's  
21 the large base of independent minded and out of  
22 communication voters who are along with enlightened  
23 business leaders who support the non-partisan election  
24 proposal which does not feel comfortable into today's  
25 Democratic Republican polity.

1                   Political reinvention is not a threat to the  
2 American tradition, it is the American tradition. New  
3 Yorkers are well ahead of the political leaders. New  
4 York City politics is dominated by two-party system  
5 because we have yet to abandon an outdated electoral  
6 system which is inherited from the 18th century. We are  
7 in the 21st century.

8                   COMMISSIONER NORAT: One minute.

9                   MR. TRINIDAD: That's a crisis which was  
10 revealed in the year 2000. A meager less than 38  
11 percent came out to vote. And that's not democracy.  
12 Democracy is when you have full participation either by  
13 either or no party, but voting choice which the citizens  
14 of New York need very much. Thank you for listening to  
15 me.

16                   (Applause.)

17                   DR. GARTNER: Harriet Scott.

18                   MS. SCOTT: Good evening, ladies and  
19 gentlemen of the Commission. My name is Harriet Scott.  
20 I am from the Queens chapter of the Working Families  
21 Party and I'm here to also add my voice against  
22 non-partisan elections. I just want to touch it on a  
23 different angle. You've heard a lot of other discussion  
24 and different points, but I'd like to talk about  
25 something that hasn't been brought up and that is fusion

1 voting.

2 In New York, you have the right to run for  
3 office as the candidate of more than one party. I think  
4 this is a great system. It means there's more  
5 information on the ballot for the voter instead of being  
6 just Republican or Democrat. I can see who else is  
7 endorsing the party by the Conservative, Independent or  
8 Working Families Party, which helps a lot in figuring  
9 out what the candidate stands for. Fusion allows third  
10 parties to be successful in New York and it's ironic  
11 that supporters of non-partisan elections talk about New  
12 York as a one-party system. It's not a one-party city.  
13 We have a current and former Mayor who came out of a  
14 totally different party. I mean, Republican Party does  
15 exist.

16 Fusion also has helped thriving of the  
17 parties, for example, conservative and WPF. It would be  
18 tragic if in the name of opening this process that we  
19 move right back to this political diversity. Fusion has  
20 a history in New York. John Kennedy would not become  
21 President without it. Liberal Party made his margin of  
22 victory in New York and New York was his margin of  
23 victory in the country. More recently, Mayor Giuliani  
24 and Governor Pataki. Both owe their election to third  
25 parties.

1           The system has worked well for decades in  
2           the state and we shouldn't rush to change it carelessly.  
3           Fusion is a very new idea, but it's also a new one. The  
4           State Constitution guarantees candidates the right to  
5           run on more than one ballot line. We need to be sure  
6           that whatever comes out of this Commission it is based  
7           on the law.

8           COMMISSIONER NORAT: One minute.

9           MS. SCOTT: I'm not sure how it will work, I  
10          don't have all the answers either, but there needs to be  
11          a process for someone to be listed as both Democrat or  
12          WFP or any other combination. In my opinion, the best  
13          option is to keep partisan elections. If it ain't  
14          broke, don't fix it. But if we are going to change our  
15          system, we have to keep fusion voting alive. Fusion  
16          voting, fusion voting and thank you for your time.

17          DR. GARTNER: Madam Chairman, I'm going to  
18          give to the stenographer the testimony that's been  
19          submitted by Assembly Member Glick and ask it to become  
20          part of the record, with your permission.

21                   (The following is the written testimony of  
22                   Assembly Member Glick:)

23           "I want to thank the Commission for this  
24           opportunity to testify. I care deeply about the issues  
25           we have before us tonight and I hope to be able to work

1 with my colleagues in the State Assembly and our allies  
2 in municipal Government to improve the quality of our  
3 democracy in New York City.

4 There are several reasons why I find the  
5 Mayor's proposal for non-partisan elections to be  
6 problematic and incompatible with the goal of ensuring  
7 an inclusive and informal electorate.

8 I think that we can all agree on a goal to  
9 increase political participation in New York City,  
10 although non-partisan elections are not the way to  
11 achieve that goal. Studies published by political  
12 scientists have shown that Illinois and other state  
13 which have adopted non-partisan elections experienced  
14 sharp declines in voter turnout as a result of  
15 non-partisan elections. Neither the Commission nor the  
16 advocacy organizations supporting non-partisan elections  
17 have offered any evidence by reputable political  
18 scientists challenging the findings of these studies. A  
19 decrease in voter turnout will hurt New York City in  
20 numerous ways. We will have a smaller and smaller  
21 number of people involved in choosing our elected  
22 representatives, which will increase the gap between  
23 citizens and Government. A decrease in voter turnout  
24 will also weaken the voting power of New York City in  
25 state and national elections, thereby decreasing the

1 attention given to our needs and concerns in Albany and  
2 Washington, D.C.

3           Additionally, we do not need elected  
4 officials who are afraid to share their party  
5 affiliations with the public whom they are elected to  
6 serve. A voter stands to learn a lot from knowing which  
7 party line a candidate chooses and which candidate a  
8 party chooses to endorse. I see no value in altering  
9 the Charter of our City in order to enhance the  
10 reputation of candidates who are afraid to admit to a  
11 set of ideas about Government and whether they support  
12 them or whose support they seek in running for office.  
13 It is necessary to require candidates to disclose their  
14 party affiliations and not merely leave the option open  
15 to those who wish to do so.

16           Non-partisan elections are used to expand  
17 the influence of individuals with private wealth. This  
18 would be a major change in our electoral process and the  
19 suggestion that this type of change could be addressed  
20 by a handful of public meetings held within one month is  
21 evidence of the disregard the Commission has for the  
22 full public debate which the issue warrants.  
23 Fortunately, the public has indicated in early polls its  
24 rejections of this type of subterfuge. The public  
25 understands the value of individuals disclosing their

1 political party connections. This expenditure of public  
2 funds to ask a question primarily intended to limit  
3 public involvement to general elections, and to do away  
4 with party primaries under the guise of greater  
5 participation and democracy is a shockingly cynical act.

6 That a single general election offers more  
7 monied interests an advantage is yet another reason to  
8 reject this scheme.

9 In closing, we all agree that the ideal  
10 situation in a democracy is one where there is an  
11 informed and interested electorate. Eliminating party  
12 labels has been shown to decrease citizen's  
13 participation in the political process and takes away a  
14 significant source of information critical for each and  
15 every voter.

16 I urge the Commission to reject the proposal  
17 for non-partisan elections.

18 DR. GARTNER: Joseph Garber and then Elaine  
19 Grable.

20 MR. GARBER: Good evening, Chairman  
21 Macchiarola and members of the Commission. My name is  
22 Joseph Garber. I'm a civic leader and I'll continue  
23 discussing the broad issues.

24 I'm going to reiterate a point I said in  
25 Brooklyn on July 22 regarding people who move out of

1 their neighborhoods and say that they live in the same  
2 building and when you challenge them you don't get  
3 support many times. This is an issue write I wrote  
4 Mr. Richard Heard. If I think this august Commission  
5 could try to impress on the Board of Elections that we  
6 have to do everything would can to prevent voting fraud.

7 Dr. Gartner, do you advertise in any Yiddish  
8 speaking papers regarding these whole issues?

9 Now, let me continue to discuss on the  
10 non-partisan election report. On page 44, I agree with  
11 the core principles enumerated. On page 44 in the  
12 second paragraph, in the review of the literature, I  
13 hope that you read the conclusive and critical expo  
14 "Governing New York City" by Wallace Sayre and Herbert  
15 Kaufman from Columbia University that had an excellent  
16 analysis of political parties and partisan versus  
17 non-partisan elections.

18 On page 45 under the non-core variables  
19 under election rounds, which you list as number 3, I  
20 believe that you should include the role of the election  
21 staff poll inspectors and other election functionaries  
22 in the concept.

23 On page 29, I have my reservations  
24 concerning an open signatory system.

25 On page 59, I was going to suggest that the

1 Commission pay close attention to the November 2003  
2 election in San Francisco to evaluate the concept of an  
3 instant runoff proposal which you discuss.

4 On page 65, I am against the concept of  
5 election day registration. I don't believe that this  
6 can be an equitable process. It would cause possible  
7 fraud on the identification of the person.

8 On page 57, I'm against the bill proposed by  
9 Assemblyman Scott Stringer.

10 COMMISSIONER NORAT: One minute.

11 MR. GARBER: This would be that registration  
12 calls for at least ten days.

13 On page 53, I would be against the green  
14 card holders to vote.

15 Now, many people tonight are a little upset  
16 the way this process has been going. I would honestly  
17 urge you to call Mayor Bloomberg's answering machine  
18 (212) 788-2000. If you want, you could leave a message  
19 for the Mayor. I've done this on other issues and it's  
20 effective, so, anyway, I wanted to say this on appendix  
21 B on the proposal, I'm against the changing of the  
22 number of signatories from 2700 to 900 and the  
23 elimination of petitions.

24 I agree with the concept of a candidate  
25 sign-on.

1 I'll continue next time. Thank you.

2 MS. GRABLE: My name is Elaine Grable. I  
3 have a business background in politics, publishing,  
4 mental health and philanthropy. My experience as part  
5 of Senator Javitz' staff makes me believe that political  
6 parties are the heart and soul of New York City.  
7 Ideology, whether Democrat, Republican, Liberal or  
8 Conservative, reflects the individual's convictions and  
9 point of view. Without political affiliation, we have a  
10 private sector mentality, conveniently get the job done  
11 at all costs and watch the bottom line.

12 The criticism of party apparatus is bogus.  
13 The party is a positive factor in municipal life.  
14 During my time with Senator Javitz, we were contacted by  
15 both Republican and Democrat District leaders to help  
16 resolve the problems of the respective constituents.  
17 Political organizations not only reinforce the  
18 principles of people, but essentially are a place for  
19 them to go when in distress. Past experience indicates  
20 that these political parties perform a public service.  
21 They understand the concerns of ordinary citizens,  
22 something we insist the Charter Revision Commission  
23 recognize.

24 DR. GARTNER: Alan Cox and then Guillermo  
25 Lenairres.

1                   MR. COX: Good evening, Mr. Chairman and  
2 members of the Commission. I am the infamous Alan Cox.  
3 I'm a candidate for City Council in the 7th Councilmanic  
4 District and I also want to invite you to my  
5 neighborhood.

6                   I'm a lifelong community activist and a  
7 founder of the Independence Party. I speak here tonight  
8 in support of non-partisan municipal elections. My  
9 community, Harlem, is among the City's underserved  
10 communities. Infant mortality rate is higher, our  
11 adults have more heart disease and diabetes than the  
12 national norm. Most of our children suffer from asthma,  
13 made worse by our bad housing and the bus depots and  
14 trans-stations that are placed in our neighborhood. In  
15 short, my community has many needs.

16                   As a candidate I get asked, "What are you  
17 going to do about it?" And as a candidate, I've tried  
18 to be honest with my community. I have told them that  
19 we can't change these conditions until we truly have a  
20 voice in what happens to us here.

21                   And we won't have a voice until we break the  
22 control of the party machine. The party machine in my  
23 community, we're talking about the Democratic Party,  
24 takes us all for grand by offering no new ideas in  
25 solving the problems we face. Non-partisan elections is

1 a crucial reform that opens up the system to new voters,  
2 new candidates and a much broader non-partisan dialogue  
3 on possible solutions to these problems.

4 COMMISSIONER NORAT: One minute.

5 MR. COX: In this time of fiscal and social  
6 crisis, how can our community afford an electoral system  
7 that shuts its ears to new leaders, new voters and new  
8 ideas? The Democratic clubhouse system produces leaders  
9 who would rather take cheap pot shots at politicians in  
10 other parties than work constructively with them to do  
11 what's best for the City and even as they play this  
12 destructive game, they say they are the ones who can  
13 look out for our interests. Time and again during these  
14 hearings, we've heard Democratic elected officials tell  
15 us that we in the black communities need to have them  
16 pointed out for us on the Democratic label, so we will  
17 know how to vote. We don't need party labels. Neither  
18 do we need gatekeepers to screen out insurgent  
19 candidates, nor exclusionary primaries in which close to  
20 1 million New Yorkers cannot vote. What we need is good  
21 Government and a political reform and non-partisan is  
22 the key to attaining both.

23 Thank you for the opportunity to speak.

24 DR. GARTNER: Guillermo Lenairres.

25 MR. Lenairres: My name is Guillermo

1 Lenairres. I'm a former New York City Council Member,  
2 also representing Washington Heights, so as a former  
3 Council Member I want to welcome you along with the  
4 other elected officials.

5 I want to speak from the perspective of  
6 being an immigrant and being naturalized, as I did in  
7 1972 when I was a teacher and the Chairman was my  
8 Chancellor at the time, Dr. Macchiarola, and from the  
9 perspective of how I as an immigrant and as a new  
10 American, as we have, this country built by new  
11 Americans since its inception, had the opportunity to  
12 become the first a Dominican American elected to  
13 Government in the United States. And I raise this  
14 because I believe that fundamentally what is at the core  
15 of this country is an example to the rest of the world,  
16 with its Democratic principles and the opportunity that  
17 it offers people of diverse background.

18 At the core of that is the fact that there  
19 are choices for people and those choices are parties and  
20 those parties have primaries.

21 When I won in '91, I didn't have the support  
22 as a Democrat of the established Democratic structure  
23 and leadership, except one elected Democrat that  
24 supported me then, thank God, but in spite of that, I  
25 had the opportunity to make history and become the first

1 a Dominican, as we have every other nationality step up  
2 to the plate.

3 We did it struggling within the Democratic  
4 Party. I think we do it struggling with the Republican  
5 Party or any other party. But I think I want to  
6 highlight that, because I think we need to be very  
7 careful in terms of what is fundamental for the new  
8 citizens that we want to give strength to them in this  
9 country and this is what this debate should be about.

10 I want to leave by giving you one example  
11 that I have been privileged to have been part of. That  
12 is when I was a School Board member in this area, and I  
13 introduced as a School Board memoranda resolution that  
14 the State law allow for parents or children, regardless  
15 of whether they were citizen, legal residents or  
16 undocumented, to participate in School Board elections.  
17 Because of that resolution that had the support of  
18 parents in this community, in this neighborhood, we were  
19 able in a period of three months to register half of the  
20 parents that were registered in 1995 to 1996 school  
21 years -- you were no longer the Chancellor then -- to  
22 participate in the School Board election. Half of the  
23 parents of the entire City of New York were registered  
24 in one single district, District 6. That was over  
25 10,000 parents that were registered in three months, and

1 those were parents registering other parents. Why?  
2 Because they felt that by participating in the School  
3 Board election, electing their District and also by  
4 being active to reduce overcrowding and to address  
5 issues of education in this community, even though they  
6 were undocumented, even though they were newly arrived  
7 here, even though they didn't understand much of the  
8 system, they wanted what every American wants, the  
9 opportunity to be recognized, to be addressed on the  
10 issues that they have, in this case education.

11 And I raise this because I challenge you to  
12 strengthen democracy by allowing people who want to be  
13 American, pay taxes, are law abiding. They want to  
14 participate in the Democratic process and yet they  
15 cannot do that, and it's not because they don't want to,  
16 it's demonstrated that given the opportunity and the  
17 incentives, they will do so and they did, in 1985 in  
18 this particular community. And so I say to you that in  
19 order for you to live up to the mission as the  
20 Commission that you have, you need to look for ways --  
21 and I believe having primaries is a way of strengthening  
22 participation, but also going beyond and looking at  
23 people who are in the process of becoming citizens of  
24 the United States, are not yet citizens, let's give  
25 people opportunity like those parents did back then, to

1 participate in democracy. And in fact, let's make an  
2 incentive for them to be able to elect their local  
3 representatives, to elect their office, to decide on  
4 their behalf, as those parents did, but being an  
5 incentive to become a citizen and accelerate that  
6 process.

7 I think that that's really strengthening  
8 democracy. So I'm for opening the process, not just to  
9 have people register the same day, not just to have  
10 access to the ballot, but let's have people who want to  
11 be good citizens and law abiding citizens to participate  
12 in electing their representatives, regardless of whether  
13 they're citizens yet or they're legal residents or  
14 whether they're -- if they're here and they pay taxes  
15 and they are in the process of becoming citizens,  
16 naturalized, then we should give them the opportunity to  
17 participate in this process.

18 Thank you very much.

19 COMM. LYNCH: One of the things, when I try  
20 to raise this issue, I get, the push back is that this  
21 will not give people the incentive to become citizens.  
22 What's your response to that?

23 MR. Lenairres: To the contrary. I believe  
24 that those undocumented families, and there was a high  
25 number back then in this community, had the opportunity

1 because they participated and they voted, because the  
2 law allowed, the decentralization law allowed, if you  
3 have a child, you can then register and elect your own  
4 representative.

5           When you have the opportunity to elect those  
6 who are going to make decisions on your behalf, that's  
7 an incentive, and because of that participation, not  
8 only did you see improvement that it helped the entire  
9 upper Manhattan community, because those undocumented  
10 parents and those legal residents who participated in  
11 the '80s were responsible for pressuring for the schools  
12 that you see built here, for the improvement that we  
13 have in this community, for the reduction of crime and,  
14 yes, for participating in helping elect the first  
15 Dominican in the country, because they became  
16 naturalized citizen, they strived to be active in the  
17 political process, and it was not just Democrat or  
18 whatever party it was, the importance was that they felt  
19 that by participating, they will be changing their own  
20 condition and improving themselves, and I think that  
21 that law has been demonstrated that when you look at the  
22 percentage that has increased in this community,  
23 particularly immigrants that have come here, Dominicans  
24 and of Russian background as well, they have increased  
25 in their participation and I think there's nothing but

1 incentive for them to partake in the process.

2 And I can tell you the highest percentage of  
3 people voting when you examine it, you will find in  
4 those who have become naturalized citizens, they do have  
5 a strong sense of appreciation for the opportunity to  
6 exercise often what is not a privilege for them or a  
7 right for them in the places where they come from.

8 CHAIRMAN MACCHIAROLA: Councilman Lenairres,  
9 I want to first thank you for coming. Most of the  
10 Council Members when they leave, they leave, but you  
11 stayed in the community and participate. It's great to  
12 see. Also Alan Gartner and I both worked on the  
13 districting that created your district. A great deal of  
14 care was taken to be sure that a Dominican had an  
15 opportunity and you were one of the successes of that  
16 process.

17 MR. Lenairres: And I appreciate your  
18 mentioning that and I'd like to acknowledge that  
19 publicly in terms of your leadership.

20 CHAIRMAN MACCHIAROLA: The thing that I  
21 wanted to just indicate to you is that the idea has been  
22 put forward, as a matter of fact, Commissioner Lynch  
23 raised it with you, we have had our lawyers look at the  
24 question of whether it's possible for us in the present  
25 situation to extend the franchise to non-citizens and we

1 were told the answer to that question is no. But if  
2 there is any effort to organize on that particular  
3 score, count on many members of this Commission to be on  
4 that. Just as there's no Republican way or Democratic  
5 way to collect garbage, there's probably no a Dominican  
6 way to do that either.

7 MR. Lenairres: I appreciate that. I think  
8 it should be seen as a basic fundamental right to serve  
9 as an encouragement, as a way of motivating and as an  
10 incentive for you to be welcome to the Democratic  
11 process. And I think that to have that built in to the  
12 process, I think will be very powerful and it would say  
13 so loudly how this country is really a true example of  
14 democracy, that everyone looks to, and I think that that  
15 would ring not just within this country, but to other  
16 parts of the world. Thank you.

17 DR. GARTNER: A. Hodge, then Migdalia  
18 Acevedo.

19 MR. HODGE: I'd like to say hello to the  
20 Commission and thank you for allowing me to offer my  
21 testimony. Just purely to augment what others have  
22 said, I know you guys have the numbers that go along  
23 with these hearings and I'm hoping my testimony will  
24 offer a little personal note on this. My understanding  
25 of non-partisan municipal elections, the voting, and the

1 responsibility on the vote, to make an intelligent  
2 choice, so with that, my name is Aldis Hodge, and I'm a  
3 veteran. I served my country honorably. I'm here today  
4 to give them as to why I support non-partisan municipal  
5 elections. I've been very cynical for some time about  
6 whether the political system would ever work in this  
7 country. I have in the past been involved in the  
8 political process, as most concerned citizens. I often  
9 become, I then became uninterested.

10 As time went on and I observed that my vote  
11 was outmoded. I recently switched parties because of  
12 the prospect of my vote. I was involved in a  
13 heterogeneous campaign in my District here, and just got  
14 excited being involved in a District again. I heard  
15 many arguments against the proposal put before the  
16 Commission. However, I'm not convinced by any of them.  
17 I referred to a recent article written by Councilman  
18 Pedros Espada Jr. in the Amsterdam News back in May that  
19 kind of stuck with me and the name of the article is  
20 "People Versus Politicians," which to me kind of stuck  
21 out as ironic.

22 You vote for folks to represent you in  
23 Washington, there shouldn't be any type of  
24 controversies. Anyway, the statement that he made was--

25 COMMISSIONER NORAT: One minute.

1                   MR. HODGE: The partisan elections maintain  
2 the power of the professional politician. The clubhouse  
3 and the machine, non-partisan empower the voter,  
4 insurgent and the citizen activist and for me that kind  
5 of stuck with me. Simply put, my vote has a legitimate  
6 chance of affecting change, policy, and actually  
7 affecting the person that is going to govern me. Based  
8 on the two recent special elections we've had here, one  
9 in the Bronx that I was part of, voter turnout would be  
10 high. I've heard, like I said, I've heard about some of  
11 the other states and municipalities that have this type  
12 of election, and other than the voter having to now be  
13 responsible or be a little bit more responsible, I'm all  
14 for non-partisan municipal elections. Thank you.

15                   DR. GARTNER: Migdalia Acevedo, then  
16 Kathleen, I can't read the last, then Mario Ajanic.

17                   MS. ACEVEDO: My name is Migdalia Acevedo.  
18 I'm a Bronx resident and activist. Thank you for  
19 letting me speak tonight. I'd like to sincerely thank  
20 you, this Commission, for having the courage to examine  
21 an issue that for once benefits the masses and not the  
22 self appointed few. During the past several weeks I  
23 have attended several hearings on non-partisan  
24 elections. Since then I have walked the streets of New  
25 York City talking to people about non-partisan elections

1 and listening to their views on the subject,  
2 particularly in my community, the 15th Councilmanic  
3 District. I can honestly say that I did not meet one  
4 individual who did not agree with the notion that all  
5 registered voters should be able to vote for the  
6 candidate of their choice, regardless of party  
7 affiliation. They believe such a right is fair,  
8 sensible and consistent with our Constitutional rights.

9 I'd also like to point out that every person  
10 I spoke to expressed their discontent with our current  
11 system. I felt it disturbing that we present here today  
12 find ourselves in this day and age lobbying our  
13 Government for the right to express our opinion on an  
14 issue that I believe should never have been an issue to  
15 begin with.

16 What I'd like to do tonight is briefly  
17 respond to some of the commentaries I have encountered  
18 over the past few weeks. On the subject of poor voter  
19 turnout, I'm frankly baffled what legislators are  
20 talking about. In my District our last Councilmanic  
21 election was won with a little less than 2500 votes. We  
22 have 68,000 registered in my District. I'm no  
23 mathematician, but I would guess that's less than 5  
24 percent of the population in my District. When they  
25 talk about low voter turnout, our turnout is worse than

1 poor, it's pathetic. I don't see how non-partisan  
2 elections would make it worse.

3 Many have gone to great pains to make  
4 non-partisan elections a Bloomberg issue, but the truth  
5 is this is not about Mayor Bloomberg. It's about we the  
6 people. It has been said that 800,000 Americans  
7 currently registered as independents are  
8 disenfranchised. I'd like you to know as a registered  
9 Democrat I, too, am disenfranchised each time I have to  
10 choose a lesser candidate or choose not to votes.

11 John F. Kennedy, in his 1961 Inaugural  
12 Address said, "Ask not what your country can do for you,  
13 but what you can do for your country." We the people  
14 have certain expectations of our country. We expect our  
15 country to preserve those rights afforded to us by our  
16 Constitution, above all freedom; freedom to choose,  
17 freedom to worship and freedom to pursue happiness and  
18 enterprise. It was the freedom our forefathers fought  
19 for and died for this country as we know it.

20 Non-partisan elections would insure  
21 diversity in our candidate pool. This is as crucial to  
22 democracy as diversity in the genetic pool is crucial  
23 for human health. I believe it should be put before the  
24 voters in November and instituted no later than 2005. I  
25 believe non-artisan elections should follow the same

1 schedule we currently follow for our primaries and  
2 general elections.

3 John F. Kennedy also said, "Ask not what  
4 American will do for you, but what together we can do  
5 for the freedom of man." A non-partisan system is  
6 something we can all do now for the freedom of man. Let  
7 the people decide, it's the American way. Thank you.

8 DR. GARTNER: Mariel Gelanik.

9 MS. GELANIK: Members of the Charter  
10 Commission, good evening. I am Mariel Gelanik, a  
11 student of Northwestern University. This is Kathleen  
12 Coleman, a student from the University of Virginia. We  
13 represent eight interns working this summer at the  
14 Committee for a Unified Independence Party. And we are  
15 here to testify in support of non-partisan municipal  
16 elections.

17 Working with this group, we've had an  
18 opportunity to do what most people in this room have  
19 not. We've been all over the streets of Manhattan  
20 talking to your everyday New Yorker about this issue.  
21 We have gone out twice a week for eight weeks at a rate  
22 of 40 to 50 petition signers per hour, which  
23 demonstrates the overwhelming support of New Yorkers for  
24 non-partisan elections. In total, we have signed up  
25 over 1,000 voters, from uptown to downtown, Harlem, to

1 Wall Street, New Yorkers have taken the time to express  
2 their views.

3 While we've heard many conflicting opinions,  
4 those quick to put down the idea often conclude their  
5 sayings with, "Besides, I can't support this issue, I'm  
6 a Democrat." Exemplifying this idea was Democratic  
7 Council Member Bill Perkins, who stopped to debate the  
8 issue while we were in Harlem. Jokingly calling us "the  
9 enemy," Councilman Perkins inadvertently spoke to the  
10 heart of the problem. "It should not be a war between  
11 the politicians and people." The current partisan  
12 system exacerbates the relationship between the two.

13 Instead, if elected officials and people  
14 collaborate, we believe non-partisan elections would be  
15 the first step in this relationship by opening the  
16 Democratic process and removing the parties as the  
17 gatekeepers of political reform.

18 MS. COLEMAN: Why should New York be left  
19 out? Major cities such as San Francisco, Miami,  
20 Atlanta, Los Angeles and Chicago all conduct local  
21 elections in this fashion. It is a shame that New York  
22 will be one of the last cities to enact this reform, not  
23 the first. Critics may claim that New York voters are  
24 unqualified to make their own decisions, that they need  
25 party cues to know who to vote for. There are several

1 problems with this issue.

2 First, even if it were true that voters were  
3 too dumb to make their own choices, party leaders don't  
4 provide accurate cues. Candidates run as Conservative  
5 Democrats and Liberal Republicans on several party  
6 lines. Without consistency in party platforms, voting  
7 for a party no longer means voting for an idea.

8 Secondly, New Yorkers constantly prove  
9 themselves knowledgeable to make their own choices with  
10 non-party cues. Every year, millions vote in Democratic  
11 primaries and choose from a Democratic bill of  
12 candidates, for party labels provide no distinction. In  
13 almost all races throughout the city, these candidates  
14 then go on to win in the general election, making a  
15 primary, in essence, the real election. This sort of  
16 blind voting is exactly what Democratic Party leaders  
17 have been hypocritically vilifying. The only difference  
18 is in a non-partisan election almost 1 million New  
19 Yorkers who cannot vote in any primary would be  
20 incorporated.

21 It's time to empower New York voters and  
22 give democracy back to the people. Thank you.

23 DR. GARTNER: Pedro Espada? Maria Luan?

24 VOICE: Pedro Espada had to leave. He'll  
25 submit written testimony.

1 MS. LUNA: Good evening. My name is Maria  
2 Luna, I'm a Democratic District leader. I'm a proud  
3 Democratic District leader. I represent the District  
4 where you are sitting right now. I am a Democrat and  
5 it's an affiliation that I am very proud to be part of  
6 and I also deeply respect. But it's apparent that Mayor  
7 Bloomberg does not have the same respect for my party or  
8 his own party.

9 The Mayor is trying to eliminate party  
10 primaries. This would tend to lump all candidates into  
11 a single primary that would result in massive confusion  
12 and may influence my friends and neighbors to stay home.  
13 Many Latinos like myself came to the city for its  
14 endless possibilities; the culture, the history, the  
15 people. The freedom to express ourselves with a party  
16 that we feel will serve and represent us.

17 Every day our community grows, because more  
18 and more people want to take part in these rewarding  
19 experiences. I personally have registered thousands of  
20 Latinos in my community to vote and to get involved. I  
21 also, Mr. Macchiarola, I ran as a Dominican woman in  
22 1991 for City Council in this particular District.

23 Without the Democratic Party, which has put  
24 forth affordable accessible health care for my  
25 community, many in my community were not getting crucial

1 health care services. I can personally attest that  
2 without Democrats fighting for health care --

3 COMMISSIONER NORAT: One minute.

4 MS. LUNA: It's going to take more than one  
5 minute. Many people take more than one minute and it's  
6 late.

7 Without Democrats fighting for health care  
8 workers and hospitals, my mother, who is 91 years old  
9 right now, would never have gotten the critical care she  
10 is currently receiving. The Democratic Party opened its  
11 door to me and encouraged me to become politically  
12 involved in my community. Being a Democrat matters,  
13 being a Democrat matters. The party stands for issues  
14 that are critical to those in my community, so it is  
15 important that we have elections that offer the best  
16 candidates to come forward and having primary assistance  
17 gives voters the chance to review the candidates, their  
18 positions and vote for those that we think are going to  
19 best represent us.

20 By eliminating the primary system, you rob  
21 us of that right. It is crucial that Latinos and other  
22 minorities have a voice in Government. The Democratic  
23 Party allows them to support them from start to finish.  
24 Mr. Bloomberg's proposal to eliminate party primaries  
25 will suppress minority communities and cultural and

1 diverse voices and close the doors on many growing and  
2 working parts of New York City party politics.

3 Muchas gracias and have a good evening.

4 DR. GARTNER: Jeffrey Brown.

5 MR. BROWN: My name is Jeffrey Brown, I am a  
6 Democrat. I stand firmly behind the ideals of my party  
7 and I am proud to support them. But these proposed  
8 changes to the way I vote, to whom I vote for will in  
9 large part strip me of my political identity. Aside  
10 from all the reasons that make the Mayor's proposal  
11 eliminating party primaries a poor one, there's  
12 absolutely no need to change a system that successfully  
13 operates with no problems. Party affiliation and party  
14 identity lets me know the ideals and beliefs of  
15 candidates I am voting for.

16 Political parties maintain accountability  
17 and stability. They keep candidates focused, give them  
18 credibility and most importantly, give them the support  
19 they need to run successful campaigns and successful  
20 terms in office once elected. The elimination of  
21 primary elections will help strip many political  
22 candidates of opportunity to run for public office.  
23 Without the supports of local political clubs and the  
24 party, many candidates will not have the financial or  
25 political support to run a successful campaign.

1                   The current municipal electoral systems  
2 opens doors for New Yorkers of all backgrounds, given  
3 the City's campaign finance laws and term limits already  
4 in place. Political parties allow for productive group  
5 decision making. While political parties are often  
6 comprised of groups of people, they all have a common  
7 cause. Many allow the average person who is not seeking  
8 political office to have a stake in a political process.

9                   COMMISSIONER NORAT: One minute.

10                  MR. BROWN: Mayor Bloomberg is proposing to  
11 make changes to a system that has yet to fail either  
12 party on the City, State or national level. Voters  
13 overwhelmingly choose to register with a major party.  
14 Also in recent public polls, they state overwhelmingly  
15 that they want the primary system this place and to have  
16 party labels identified with the candidates. I agree  
17 and I strongly urge the Mayor not to tempt fate by  
18 trying to strip the City of the ideals that made and  
19 help this to be a great democracy. Thank you.

20                  DR. GARTNER: Leslie Jones.

21                  MR. JONES: Good evening, Commissioners. My  
22 name is Leslie Jones and I appear to express my support  
23 for non-partisan elections in New York City.  
24 Furthermore, I urge the Charter Revision Commission to  
25 place the issue of non-partisan elections in New York

1 City on the November 2003 election ballot to let this  
2 issue be decided by the public. Lastly, I would urge  
3 that non-partisan elections be implemented sooner rather  
4 than later.

5 I would like to see non-partisan elections  
6 implemented in New York City starting in 2004, if  
7 possible, but certainly no later than 2005. One thing  
8 that I would not like to see, however, is for candidates  
9 to be able to list their party affiliations on the  
10 election ballot, as was recently proposed by Mayor  
11 Bloomberg. To allow candidates to list their party  
12 affiliations would negate the purpose for shifting to  
13 non-partisan elections. Indeed, using party labels is  
14 the equivalent of voting blindfolded in that it  
15 encourages people to vote for a party rather than vote  
16 for a candidate based on the issues.

17 Having said that, let me add that I'm a  
18 registered Democrat. I stay in a party so that I may  
19 participate in and hopefully influence the primary  
20 election. There are, however, times when I see  
21 interesting things happening in the Republican Party  
22 primary. I may see a Republican candidate who is a  
23 better candidate than the Democratic choice I have  
24 before me. Under the present system of voting I cannot  
25 vote in the Republican primary election. I have to hope

1 that the Republican candidate emerges victorious from  
2 the primary so I may then vote for him or her in the  
3 general election.

4 Under a non-partisan system I would then be  
5 able to vote for that candidate who best reflects my  
6 views at a much earlier stage in the process. I can do  
7 it in the first round of elections rather than having to  
8 wait until the January election.

9 I will close by encouraging the Commission  
10 to not be swayed by the prophets of doom who predict  
11 disaster if New York converts to non-partisan elections.  
12 These same prophets of doom predicted that New York City  
13 would sink into chaos if term limits were enacted. This  
14 history has shown we are much better off for term  
15 limits. We did not sink, the city will not crumble  
16 under non-partisan elections. In fact, the city would  
17 be better off under non-partisan election.

18 Thank you for your time.

19 DR. GARTNER: I'm sure I'm mispronouncing  
20 your name. Mosel Ducton, listed as an activist.

21 Ernestine Temple, then Alan Bortnick, then  
22 Stephen Evans.

23 MS. TEMPLE: Good evening. This City is  
24 extremely diverse and I as a Democrat am proud to say my  
25 party has helped to make such political leadership sure

1 political leadership to represent the entire population,  
2 but now Mayor Bloomberg's proposal to eliminate party  
3 primaries is threatening to erase the significant  
4 strides minorities has made in city politics. By  
5 eliminating party lines and the need for our party to  
6 hold primaries, the Mayor is proposing that dollar signs  
7 instead of political views guide elections.

8 Without the support of the defining  
9 political parties, many candidates will not be able to  
10 get their name or political views out to the general  
11 public. They will not have the same opportunity as  
12 someone who, for example, can afford to buy with their  
13 own personal resources, air time and ads to get their  
14 face and messages across to voters. Party lines and the  
15 primary process gives voters something concrete to  
16 identify with. This is particularly true in our City  
17 minority communities.

18 Many voters rely on political clubs and  
19 party organizations, along with candidates, to help put  
20 issues into perspective and provide information that may  
21 not otherwise be available -- may not otherwise be able  
22 to obtain. Without this information and support, voters  
23 will rely on who they see on television or billboards  
24 and who floods their mailboxes with literature as the  
25 more popular candidate.

1 COMMISSIONER NORAT: One minute.

2 MS. TEMPLE: Our elections will cost more  
3 because candidates know that the person with the most  
4 money to get their names out usually win and we will  
5 know that minority candidates come to the campaign with  
6 less resources and will depend on the support of a party  
7 and its grass roots organizations to run a winnable  
8 campaign.

9 What the Mayor is proposing will throw the  
10 existing Campaign Finance Law out the window, a law that  
11 has helped elect some of the finest minorities and women  
12 to serve our city. If the proposal eliminates our party  
13 primary, voters may be even less inclined to vote on  
14 election day.

15 Political parties have helped hundreds of  
16 thousands of New Yorkers get involved in the political  
17 process and succeed. That is why I believe party  
18 affiliation and a party primary system are and should  
19 continue to be the way elections operate in New York  
20 City. Thank you.

21 DR. GARTNER: Alan Bortnick. Stephen Evans  
22 and Jack Adler.

23 MR. BORTNICK: I apologize to the  
24 Commissioners for being here without a clock this  
25 evening and I would like to remind you that this

1 audience constitutes less people than our esteemed  
2 Assemblyman needed signatures to get on the ballot. In  
3 addition, if you weigh the percentages of politicians  
4 who have appeared and spoken to you as against the  
5 number of people who were not politicians, you'd be  
6 amazed at how high the percentage for the politicians  
7 is, and it definitely runs to a fraction of 1 percent  
8 for the public.

9 Candidate is a unique political word, but  
10 let's break it apart. We seldom get anything candid  
11 from those who run for office and if they were elected  
12 they generally ate us up alive. This is a fact that is  
13 all too common. To add insult to injury, once in office  
14 their first and foremost mission to build a shield and  
15 wall of laws to not only protect themselves from the  
16 public, but to create a situation where incumbency  
17 became fully protected. This happens on a fairly  
18 consistent basis, because by and large we are an honest  
19 and trusting but somewhat dumb group of voters.

20 As a part of the process they created party  
21 designations, which has allowed them to build powerful  
22 organizations designed to get them elected and reelected  
23 and control the seats they run for. The founders of our  
24 country foresaw this and advocated strongly against  
25 formation of political parties, because they saw it

1 would lead to long term incumbency. That was not what  
2 "a more perfect union" originally meant to them.

3           Sadly, a few founders discovered that  
4 Government and politics was a pretty good day job. This  
5 in turn led to the creation of the highest echelon of  
6 welfare known to man. Why work in the private sector  
7 when you can sit on your butt, pontificate and collect a  
8 fat Government paycheck in the process.

9           Mr. Miller, who appeared before you on  
10 Tuesday, stuttered and stumbled his way through 40  
11 minutes of fantasy and misstatements in his deluded  
12 attempt to convince you otherwise. During your hearings  
13 you listened to one politician after another talk about  
14 the party primaries as if our City owes this to them.  
15 If the political parties want a primary, let them pay  
16 for it themselves, but since the City taxpayer pays the  
17 cost of both primaries and elections, then let the  
18 opportunity to run be a more open process which allows  
19 ordinary citizens with a desire to truly serve their  
20 community an opportunity to be on the ballot.

21           The non-partisan primary affords that to the  
22 voters. Smoke and mirrors does not have to be a fate  
23 you suffer at the polls. You have the power in your  
24 hands to undercut the vampires who wait until the stroke  
25 of midnight to push through bills and legislation which

1 do not serve the public. Other, better candidates must  
2 be able and should run. If given the opportunity to see  
3 the light at the end of the tunnel, I am certain that  
4 the voters will return to the polling sites in greater  
5 numbers and begin to have a serious effect on how it is  
6 served by our elected officials.

7           Hopefully, your report when published, will  
8 also contain an admonition to both the Mayor and Randy  
9 Weingarten to do something about our educational system,  
10 to teach students about the importance of Government and  
11 how they vote.

12           You've been entrusted with a sacred mission  
13 and an opportunity to do tremendous good for the people.  
14 I am reminded of a comedy routine I heard in college.  
15 Saturday night, everyone is hanging out in the back of  
16 the candy store, zoot suit, porkpie hat, gold chain  
17 hanging, bragging about what they are going to do that  
18 evening, but there was always one killjoy in the crowd.  
19 "Fellas, tonight for a change, let's do something."

20           I ask you to be that nudnik and do something  
21 with and for non-partisan elections to help give us a  
22 better shot at that more perfect union.

23           Thank you.

24           MR. EVANS: My name is Stevens Evans III.  
25 I'm the Republican and Conservative candidate for City

1 Council in District 3. Before I grew up in the City of  
2 New York, I grew up in the City of Dallas. Dallas is  
3 one of the large metropolitan cities that has  
4 non-partisan municipal elections and has had it for  
5 years, so I want to offer testimony, personal testimony,  
6 that that is a system of voting that works. It's a  
7 system where in Dallas they do not have the party names  
8 on the ballot at all and I would highly recommend that  
9 the Commission adopt that policy, because that's a  
10 proven strategy for non-partisan municipal elections,  
11 and most of the other cities are considering following  
12 what has worked for years in Dallas.

13           Within Dallas they currently have a female  
14 Mayor, an opportunity that has not yet been afforded to  
15 a woman in New York City. Dallas also has a working  
16 Mayor. The City Council in that city, very racially  
17 diverse and ethnically diverse and also split between  
18 men and women and political ideologies. I've been here  
19 tonight listening to the testimony of a very large  
20 number of Democratic elected officials and they seem to  
21 be shrill, almost panic-sounding at times about the  
22 prospect of letting voters have a choice as to how it is  
23 they want to go and vote and I personally think, I hope  
24 their constituents have been listening tonight and  
25 hearing these representatives want to deny them that

1 opportunity to choose and decide how they want to go and  
2 vote. I hope the Commission doesn't do that. You have  
3 the power to deny the voters choice and make up a  
4 decision for the voters or you have the choice tonight  
5 to let the voters decide how it is they want to go and  
6 conduct elections and I hope the Commission will decide  
7 to give voters a choice.

8 DR. GARTNER: John Baxter.

9 MR. BAXTER: My name is John Baxter from  
10 Rockaway Beach, Queens. This is the fourth borough I  
11 testified in. I came here basically to take notes the  
12 last couple of times. I've noticed that it's the same  
13 story over and over and over. The politicians make the  
14 little speeches, they leave and the ones in favor of  
15 non-partisan elections are not politicians, that's for  
16 sure, or Community Boards or anything that's affiliated  
17 with politicians.

18 Now, Mr. Stringer was the first one to talk  
19 here tonight. And he complained there wasn't enough  
20 money spent to register people. Let me ask the  
21 Commissioners, what's wrong with his office and his  
22 window? Can't he put a little sign up there encouraging  
23 people to come in and register to vote? What's wrong  
24 with that? He won't do that, you know why? Because a  
25 certain amount of the population decided they want him

1 in office and he's not going to take a chance that maybe  
2 people will come in and register against him, he's not  
3 going to do that. You won't see a sign in any  
4 politician's window asking people to come in and vote.  
5 Why don't they have a sign in the window encouraging  
6 people to vote? I'm down in Rockaway Beach, I have a  
7 sign in my window. People walk in all the time. They  
8 said, "I didn't know I could vote here."

9 I said, "Why don't you go to your  
10 politicians?"

11 "They don't have signs in their windows."  
12 Now, Mr. Farrell, you know what he said? He said that  
13 people, it would actually be beneficial to the Democrats  
14 if they had non-partisan elections. Well, then, why  
15 doesn't he have non-partisan elections and make his  
16 party stronger than it is now?

17 Now we have Mr. Schneiderman, he said, you  
18 know what, we should hang our heads in shame at the  
19 turnout. Well whose fault is it? It's the Democrats  
20 fault for not getting the people to register and come  
21 out to vote.

22 COMMISSIONER NORAT: One minute.

23 MR. BAXTER: That's too bad. Wait, I have  
24 something else to say. Actually, this is the speech I  
25 wrote coming in on the subway. There are things,

1 there's one thing sure now and that is that people have  
2 spoken loud and clear. There's no question about how  
3 people feel about non-partisan elections. I attended  
4 four hearings and it was the same over and over. The  
5 majority of speakers opposing non-partisan elections are  
6 politicians or those connected to political clubs and  
7 organizations supported by politicians. Now it's up to  
8 you good folks to do the right things. The hopes and  
9 aspirations of the people is now in your hands.  
10 Anything short of a unanimous decision in favor of  
11 non-partisan elections will be a dismal failure on your  
12 part and will further deteriorate the people's faith in  
13 Government.

14           You all have the record in your hand, in  
15 your possessions. There should be no doubt about how  
16 you should decide. In the name of justice and  
17 democracy, you are all are our last hope of breaking the  
18 stranglehold of political clubs held over the people.  
19 Free the people now, let freedom ring. Go down in  
20 history as the ones who had the courage to make change.  
21 The people are crying out for change, folks, you have to  
22 hear them.

23           Thank you very much and God bless everybody.

24           DR. GARTNER: J. T. Holland and George  
25 Spitz. J. T. Holland? George Spitz.

1                   MR. SPITZ:       Honorable Commissioners, I'm  
2       not using my prepared testimony tonight, because I  
3       decided to show you how some of the suggestions I've  
4       made politically might help politically. I made them at  
5       the various meetings on their merits, but you will find  
6       a divided -- this meeting showed there's sharp divisions  
7       and I'm showing how you can adopt, some of my ideas can  
8       be used to make this more palatable among the opponents  
9       of non-partisan elections.

10                   One, the Feerick Commission report. Now,  
11       Mark Green, the technically titular head of the  
12       Democratic Party, said in his recent book that these  
13       recommendations were good, but nobody's done anything  
14       about them. He'll have a hard time mobilizing support  
15       against the non-partisan elections if you put the  
16       Feerick Commission recommendations on the ballot. And  
17       also Ogden Lewis of Citizens Union, who is opposed to  
18       the non-partisan elections. Dean Feerick was Chairman  
19       of Citizens Union Foundation, he's going to be, should  
20       be for the Feerick Commission recommendations, since  
21       Citizens Union was for them when Dean Feerick was  
22       Chairman of the Foundation.

23                   Now, restricting contracting out, Betsy  
24       Gottbaum on November 16th, 1972, I remember the date  
25       because it was my 70th birthday, '92, my '70th birthday,

1 she showed how to save the City 70 percent on pruning of  
2 trees by taking it away from the private firms the Koch  
3 administration had hired and putting it in the hands of  
4 Civil Servants.

5 COMMISSIONER NORAT: One minute.

6 MR. SPITZ: Candidates on cable TV,  
7 that's another suggestion I made. Well, The New York  
8 Times was opposed to the non-partisan elections last  
9 year and they're very skeptical about it now, but they  
10 can't reject it because their sister newspaper, the  
11 Boston Globe praised putting candidates on cable TV.

12 Stop and frisk and entrapment. I think  
13 that's one of the best suggestions I made, to end stop  
14 and frisk and entrapment. That will get you the support  
15 of Jimmy Breslin, I know, because when I ran for Mayor I  
16 proposed an end to stop and frisk and entrapment and he  
17 wrote a full column praising me for it.

18 Finally, human rights. I made a proposal to  
19 have the Human Rights Commission handle civil liberty  
20 cases as well as civil rights cases. Norman Siegel, the  
21 guru of civil liberties in the City, has always opposed  
22 Constitutional conventions, Charter revisions, anything  
23 of that sort and he probably will oppose this, but if  
24 you adopt my suggestion, he will probably back at least  
25 that, allowing the Human Rights Commission to handle

1 civil liberties in places.

2 Finally, proportional representation.

3 That's the last one. Now the honorable Denny Farrell is  
4 Chairman of the Democratic State Party. The  
5 proportional representation plan I have proposed is like  
6 virtually identical with the one used in Finland, which  
7 is also virtually identical with the one used by the  
8 Democratic Party to select its delegates to the  
9 Democratic National Convention on the machines we're  
10 using now.

11 I've shown you a way to unite the people.  
12 Oh, sure, some will be against non-partisan elections,  
13 some will be for it, but you have some propositions on  
14 the ballot that will appeal to everyone, at least some,  
15 so consider what I've said.

16 Thank you.

17 COMMISSIONER NORAT: Thank you.

18 DR. GARTNER: Jeffrey Eaton, then Sheila  
19 Mason. Jay Golub and then Seth Elliott.

20 MR. ELLIOTT: My name is Seth Elliott and I  
21 am a resident of lower Manhattan, and I am a first time  
22 City Council candidate on the Republican independence  
23 lines and I would like to just urge you, as many have  
24 tonight. To make sure that non-partisan elections are  
25 on the ballot in November. In my City Council District

1       there are more than 15,000 registered independents.  
2       That's about double the number of registered  
3       Republicans. These people represent a significant block  
4       of voters that are shut out of the candidate selection  
5       process. That was made abundantly clear to my and my  
6       campaign staff while we were engaged in petitioning over  
7       the past five weeks. I can't tell how registrants were  
8       shocked when they requested to sign our petition but  
9       they were unable to, because they weren't registered  
10      Republicans and in fact, more so, time and again we  
11      heard the refrain, "Well I'd like to support the idea of  
12      getting a candidate on the ballot," or "I'd just like to  
13      sign because we need more choices."

14                   There were a whole block of voters dismayed  
15      by the fact that not only could they not sign my  
16      petition but they really had no access to the candidate  
17      selection process at all. Non-partisan elections would  
18      eliminate this barrier. Under a non-partisan electoral  
19      process, these voters would be eligible to sign  
20      petitions for any candidate, drawing them into elections  
21      much earlier in the process. In addition, this would  
22      level the petition playing field. It would mean that  
23      all candidates would be required to spend the same  
24      amount of resources to get on the ballot. That's a  
25      great plus for someone like me who encountered an

1 arduous task which consumed five weeks in order to  
2 achieve 380 signatures, knocking on doors, while the  
3 Democratic candidates simply stood on street corners  
4 collecting petitions without any problems.

5 COMMISSIONER NORAT: One minute.

6 MR. ELLIOTT: I'm not sure I understand, as  
7 I hear from the candidates who have been elected  
8 officials, how this is a Democrat town because it's a  
9 Democrat ideal. Why it is there's such opposition to  
10 allowing this overwhelming cast of voters to make known  
11 their desire on the issue of non-partisan elections? If  
12 it is a Democratic town and they're so opposed to this,  
13 putting it on the ballot would result in a defeat of the  
14 initiative and I'm puzzled by the strong opposition on  
15 the part of the party.

16 Thank you very much.

17 DR. GARTNER: Giselle Gair?

18 MS. GAIR: My name is Giselle Gair. I come  
19 accidentally tonight because I telephoned the Commission  
20 this afternoon and I did not want to miss it, because  
21 last time I am the one who presented the idea of having  
22 a big fight with the Mayor's Office when one had a  
23 negative answer from the Commission on Human Rights in  
24 the City of New York, so I'm glad I succeeded last time  
25 and I was hoping that tonight I could also succeed.

1                   I want to say first of all, I vote for the  
2 individual, not the party, and I agree with the  
3 elimination of the primaries. I prefer a general  
4 election and a second round. I work for the Board of  
5 Election and I can tell you it is very depressing to see  
6 that people don't show up during the primaries. That is  
7 why I am endorsing the end of the primaries.

8                   Secondly, I want to request all the members  
9 to consider the issue of the district term limits. We  
10 know that the Mayor is term limits, the City Councilman  
11 term limits, the President of the United States term  
12 limits and we are not doing it in the City for the  
13 District Attorney. I say this is very serious,  
14 especially now that we have the same District Attorney  
15 for more than 40 years and that unfortunately we are  
16 going to have the city records of criminals. I love the  
17 idea and I cannot say more. So I am most interested  
18 that this issue be presented to the voters.

19                   Second issue is the judiciary. I presented  
20 my idea to the Attorney General Spitzer and also to the  
21 Assemblyman, who is also a member of the judiciary. I  
22 disagree because it is a total farce the way the judges  
23 are selected in New York City. I suggested therefore  
24 and it was agreed in a writ by the Attorney General that  
25 the judges should follow the French system, the election

1 of judges should follow the French system. In France  
2 they have a national school for judges. In the State of  
3 New York they should have a New York State school for  
4 judges. Then the judges would be appointed, they would  
5 not be any Bar Association, any continuation of other  
6 associations or committees. It would be independently  
7 appointed and in addition they would be prepared.  
8 Because right now, you may not be aware of the fact that  
9 if you have a case in negligence and you don't have any  
10 broken bone, 98 percent of attorneys cannot take your  
11 case. They don't know what to do.

12 So this is very important for the people of  
13 the City and the State of New York. Thank you.

14 DR. GARTNER: Pete Tilly and Reverend,  
15 begins with a K. Skip Roseboro? Doug Kellner. Harry  
16 Kresky and Steve Simon.

17 MR. Kellner: I serve as the Chair of the  
18 Rules Committee of the Democratic Party of Manhattan.  
19 I'm also Democratic Commissioner of the Board of  
20 Elections in Manhattan.

21 DR. GARTNER: Excuse me Doug, could you  
22 identify for the stenographer your name?

23 MR. KELLNER: Douglas Kellner and I'm coming  
24 here today as the self-appointed historian of Manhattan  
25 Democrats and speaking only for myself.

1                   History warns us not to repeat the mistakes  
2 of the past. Roscoe Conkling, who was one of the  
3 founders of the Republican Party, commented after the  
4 Charter Revision of 1870, said, "There's no greater  
5 scoundrel than the wolf who hides under the cloak of  
6 reform." He was talking about reflecting that his  
7 support for the Charter revision in 1870 unwittingly led  
8 to the consolidation of power by the Tweed ring,  
9 exploiting the very reforms that the good government  
10 people thought they were putting in place.

11                   The lesson is beware of the unintended  
12 consequences of so-called reform. Indeed, looking back  
13 on the Tweed ring, they were elected in non-partisan  
14 elections. Partisan labels did not appear on the ballot  
15 until the Government got in the business of printing  
16 ballots beginning in 1880, and there are a number of  
17 reasons which I've laid out in my text, but to move  
18 things along, one of them was that people would  
19 counterfeit party labels and the tickets that were given  
20 out by persons who solicited voters on their way into  
21 the poll sites and party labels were put in as a reform  
22 in order to identify to the voters who really were the  
23 party candidates.

24                   Of course, once the Government got in the  
25 business of putting party labels on the ballot and this

1 was the first time in the New York law that political  
2 parties were ever recognized, then they had to get into  
3 the process of how nominations would be made.

4 COMMISSIONER NORAT: One minute.

5 MR. KELLNER: I go into my written text on  
6 the origin of primary elections. It was not until 1911  
7 there was a major reform, that direct primary elections  
8 occurred in which the voters who were the members of the  
9 political party got to choose the nominees of the  
10 political party instead of the party leadership.

11 There are three things that I warn the  
12 Commission to give very careful consideration. If you  
13 eliminate party primaries, you still cannot eliminate  
14 party endorsements. And what you are doing is handing  
15 back to the party leaders the means for making those  
16 endorsements instead of the party primary, so instead of  
17 having the members of the political primary at the rank  
18 and file level voting to select their party's nominees  
19 you're going to have party committees do it.

20 I have talked in my text about some of the  
21 methods by which that can be done and what I have urged  
22 as the reform within the Democratic Party that if this  
23 Charter revision comes in place. At least to put in  
24 place an alternative, broad based method of insuring  
25 party endorsements, but if that doesn't happen, under

1 the current party rules the five county leaders will  
2 make the party endorsements. In addition, I commented  
3 on some of the testimony Nicole Gordon gave.

4 COMM. NORAT: We called time.

5 MR. KELLNER: -- which is very important,  
6 because, again, there will be considerations and impacts  
7 by eliminating party raids on the campaign finance,  
8 which Ms. Gordon went into in detail.

9 Finally, you should think through the impact  
10 of having just two candidates in the general election,  
11 because the likelihood is in the majority of districts  
12 you're going to get two Democrats on the ballot in the  
13 general election and what may happen is just the  
14 reverse, that you've reduced the incentive for voter  
15 turnout because of limiting access from the other  
16 parties to the general election through that method.

17 So I have my written testimony and I do urge  
18 you to think through all of the consequences that may  
19 happen by eliminating the party primary.

20 COMM. NEWMAN: Assemblyman Farrell talked  
21 about cheap shots and since you brought up Boss Tweed,  
22 which I think is going pretty far, are you suggesting  
23 that the 41 of 50 largest cities that have non-partisan  
24 elections are more corrupt than New York City?

25 MR. KELLNER: Some of them definitely are

1 more corrupt than New York City and as you know there  
2 are major problems with non-partisan elections in a  
3 number of cities. It's exactly what I'm talking about,  
4 the unintended consequences of what happens when you  
5 eliminate the party system, because you've taken away  
6 from the rank and file voters of the party the means by  
7 which the party leaders select or endorse candidates.

8 DR. GARTNER: Next witness is Harry Kresky  
9 then Steve Simon.

10 MR. KRESKY: It's been a rich and powerful  
11 debate. Let the people decide.

12 MR. SIMON: Steve Simon. I am the president  
13 of the Audubon Reform Democratic Club, which covers the  
14 area where this hearing is being held. Many speakers  
15 tonight have disparaged political clubhouses and I can  
16 honestly say we have no clubhouse. The concept of  
17 non-partisan may sound nice on paper, but I foresee a  
18 number of practical problems with this proposal.

19 The first problem involves the physical  
20 limitations of the ballot itself. There seems to be an  
21 underlying assumption that we will have new machines  
22 that can accommodate partisan and non-partisan elections  
23 simultaneous and the machines will be changed to allow  
24 for both types of elections on the same ballot, which is  
25 far from certain.

1                   While it is envisioned to hold non-partisan  
2 elections solely on the City level, elections in the  
3 citywide offices the Borough President and for City  
4 Council will be held the same time as elections as  
5 Supreme Court and Civil Court and special elections for  
6 the City offices may very well be held during the same  
7 years as those for State and Federal offices.

8                   The second problem I foresee is primary  
9 elections will still be necessary for party offices for  
10 the State Committee District Leader and even County  
11 Committee decisions. Party members must be able to  
12 elect their own officers so we cannot dispense with the  
13 need for primary elections based on party membership. We  
14 will only be complicating the electoral process,  
15 creating additional elections and incurring unnecessary  
16 expenses, and setting the stage for a series of  
17 elections, at least four in Presidential years, which  
18 will undoubtedly lower, not increase turnout. And you  
19 will make the situation worse if you choose to require  
20 runoffs, even where a candidate wins more than 50  
21 percent of the vote in the first round.

22                   Let me remind you that we have had  
23 experience with non-partisan elections here in New York  
24 City for more than 30 years. They were called School  
25 Board elections and decreasing numbers of voters chose

1 to participate to the point where there was a clamor for  
2 the State Legislature to abolish them. Candidates will  
3 be encouraged to run for office, especially in this era  
4 of terms limits, and in 2001 at least 200 people, many  
5 of them first-time candidates --

6 COMM. NORAT: One minute.

7 MR. SIMON: -- ran for City Council in the  
8 Democratic primary. As you referred, in this area alone  
9 we had 18 candidates in two local Council Districts and  
10 these Democrats represented a wide range of viewpoints  
11 and backgrounds, even though they were all members of  
12 the same party. That should be viewed as a positive,  
13 not a negative.

14 I foresee possibly that this proposal will  
15 have unintended consequences, along the lines  
16 articulated the other day by Nicole Gordon and just now  
17 by Doug Kellner. Let's take the case of the 2001  
18 Council elections. I believe that many of those  
19 candidates would not have been able to compete in that  
20 primary if they believed that they might enable a  
21 Republican or a third party candidate to win those  
22 seats. Party leaders are bound to make that point  
23 crystal clear to insurgents.

24 Finally, the kind of Charter amendment we  
25 need, I believe, is an amendment that prohibits the

1 creation of Charter Revision Commissions year after  
2 year. I remember a time when these Commissions were  
3 appointed only once maybe every fifteen or twenty years  
4 and dealt with overriding issues about the structure of  
5 New York City Government, not a single particular issue.  
6 It is a travesty to have a Commission appointed every  
7 time a single elected official wants to push a  
8 particular idea. In that regard I will recommend that  
9 Charter Revision Commissions be appointed by the Mayor  
10 jointly with the City Council, as has been done in the  
11 past, to make sure their recommendations have broad  
12 based support.

13 Thank you.

14 COMM. NORAT: Having no more speakers, is  
15 there a motion to adjourn?

16 COMM. LYNCH: I'd like to know what the  
17 agenda is for the 30th meeting.

18 CHAIRMAN MACCHIAROLA: What I hope to do is  
19 have a meeting in which we will discuss the various  
20 issues related to those topics which will be presented  
21 on non-partisan elections and on procurement so that we  
22 can get to some agreement on what the substance of those  
23 proposals show. It is my hope at the conclusion of that  
24 meeting we have a draft or a rough draft that we can  
25 begin to refine and that should take place at the next

1 meeting, probably will be more than that, so what I'll  
2 do is ask Alan to check with people on their calendars  
3 so we can get some adjourn dates. We'll move the  
4 process as quickly as we can.

5 COMM. LYNCH: So the 30th meeting will be a  
6 discussion on what's going to be proposed?

7 CHAIRMAN MACCHIAROLA: What I'm going to try  
8 to do is get answers to each of those questions so that  
9 the staff can come back with hopefully a ballot proposal  
10 that we will be able to look at. But during that  
11 evening we will look at all the issues to try to get  
12 some consensus as to what people think we should be  
13 putting on the ballot.

14 Are there any further questions? Well, I  
15 want to commend my colleagues for their endurance. We  
16 started this at 4:00 and I want to thank the audience  
17 for their participation in this process. This meeting  
18 is adjourned.

19 (Time noted: 10:25 p.m.)

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